

**MINUTES  
NEW YORK STATE RACING AND WAGERING BOARD  
MEETING OF JUNE 19, 2007**

**A meeting of the New York State Racing and Wagering Board was held on Tuesday, June 19, 2007 at 11:00 a.m. at the Racing & Wagering Board's Schenectady Office located at 1 Broadway Center, Suite 600, Schenectady, New York.**

The meeting was called to order at 11:01 a.m.

**In Attendance Were:**

Daniel D. Hogan, Chairman  
Michael J. Hoblock, Jr., Member  
John B. Simoni, Member  
John G. Cansdale, Executive Director  
Robert Feuerstein, General Counsel  
Joseph Lynch, Director of Racing Operations  
Thomas Casaregola, Director of Audits & Investigations  
Gail Pronti, Secretary to the Board

**Also in Attendance Were:**

Daniel Toomey, NYSR&WB	Mike Connors, Albany Co. Comptroller
Norma Soodsma, NYSR&WB	Kristin Devoe, Albany Co. Comptroller
Kristen Buckley, NYSR&WB	Billy Curran, Albany Co. Comptroller
Vivian Davis, NYSR&WB	Carol DeMare, Times Union
James Kellogg, Audits & Investigations	Kareena Pinckney, Times Union
Patrick Wade, Audits & Investigations	
Bill Sekellick, Assistant Counsel	
Jason Settlemoir, American Racing & Entertainment	
Pat Bailey, WKTV	
Keith Hunt, WKTV	
Nancy Madrian, Capital OTB	
Robert Hemsworth, Capital OTB	
Charlie Cappola, CRMR	
Rene Marsh, WRGB	
Jim Gallagher, THA	
James Crane, Crane Vacco	

**OPEN COMMENT PERIOD:** None.

A. The Board approved the minutes of the Board meeting held on May 24, 2007.

**B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIR**

**1. BUFFALO RACEWAY - REQUEST TO CHANGE FRIDAY POST-TIMES**

For entry into the minutes, on May 11, 2007, the NYS Racing and Wagering Board approved the Buffalo Raceway request amending its plan of operation for a first post-time at 5:00 p.m. on Fridays beginning June 6, 2007. Post-times for Wednesday and Saturdays during the 2007 meet will be at 6:30 p.m., with a 1:05 p.m. post-time for Sunday racing in July.

**2. BUFFALO RACEWAY - REQUEST TO OFFER NEW YORK SIRE STAKES T-SHIRT COUPON GIVEAWAY**

For entry into the minutes, on June 4, 2007, the New York State Racing and Wagering Board approved the conduct by Buffalo Raceway of a promotion involving free participation in drawings to win betting vouchers of \$50 and \$100 on Saturday, June 16, 2007. Approval is conditioned upon the conduct of the promotion in accordance with the application submitted.

**3. CAPITAL DISTRICT REGIONAL OTB - REQUEST TO OFFER JUNE PROMOTIONS**

For entry into the minutes, on May 17, 2007, the NYS Racing and Wagering Board approved an application by the Capital District Regional Off-Track Betting corporation to conduct various promotions during the month of June 2007, including fan appreciation days and promotional days at the Teletheater/Telebranch as well as some branches, harness night at the Teletheater and the Turnpike Branch, a road to the race EZ Bet promotion, and an “on-line giant jackpot” contest. These promotions are specified in the May 7 and May 14, 2007 letters of Capital OTB and must be conducted pursuant to the rules submitted. The conduct of the promotions is subject to audit by the Board.

The Board’s May 1, 2007 letter of approval for the handicapping contest to be conducted on June 2 and 3, 2007 at the Albany Teletheater is deemed amended to authorize the contest on June 2 and 3, 2007, rather than June 3 and 4, 2007, as stated in the original letter.

**4. FINGER LAKES RACETRACK – REQUEST TO CANCEL RACE DATE OF MONDAY, MAY 14, 2007**

For entry into the minutes, on May 11, 2007, the NYS Racing and Wagering Board approved Finger Lakes Racetrack’s request to cancel the racing program on Monday, May 14, 2007. This reduces the 160 live racing programs during 2007 by one to 159 programs.



5. **FINGER LAKES RACETRACK – REQUEST TO OFFER MEMORIAL DAY GIVEAWAY – FIVE DOLLAR VOUCHER**

For entry into the minutes, on May 18, 2007, the New York State Racing and Wagering Board approved the Finger Lakes Racetrack request to offer a five-dollar voucher for racing on Monday, May 28, 2007. This voucher will be awarded to all new members of the Players Extra Club of Finger Lakes. Additionally, a current member of this club who refers a new member will also receive the five-dollar free play for racing.

Finger Lakes Racetrack must provide written notice to the Board no later than June 7, 2007 of the exact number of betting vouchers issued. The Board reserves the right to audit the conduct of this promotion.

6. **FINGER LAKES RACETRACK – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2007**

For entry into the minutes, on May 29, 2007, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes during 2007 to:

1. Rockingham Park (with two [2] satellite sites), New Hampshire
2. The Lodge at Belmont, New Hampshire.

Approval is limited to the guest and secondary sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of the Finger Lakes Racing Association, Inc. simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two (2) years from the date of each simulcast. Books and records must be maintained for a period of two (2) years from the date of each simulcast. The guest and all secondary sites shall permit inspection of the totalizator facilities at the site where guest's wagers are subject to commingling and all related totalizator books and records by a representative of the host or of the host's Board. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of Finger Lakes Racing Association Inc.'s simulcast transactions, if not included within individual contracts, must be supplied to the Board.

- d. No receiving or secondary sites may rebate on Finger Lakes Racing Association, Inc. races unless disclosed within the terms of the agreement as submitted to the Board for approval.

- e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
- f. “Manual Merge” is prohibited without the express approval of the Board.

**7. MONTICELLO RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**

For entry into the minutes, on May 11, 2007, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Mgmt, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Rockingham Venture, Inc., New Hampshire through September 3, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the Monticello Raceway Mgmt, Inc. simulcast license. Further, Monticello Raceway Mgmt, Inc. is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Monticello Raceway Mgmt, Inc. may or will provide rebates on wagers for races at that site.

8. For entry into the minutes, on May 16, 2007, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Mgmt, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Canterbury Park Holding Corporation, Minnesota through September 3, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the Monticello Raceway Mgmt, Inc. simulcast license. Further, Monticello Raceway Mgmt, Inc. is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Monticello Raceway Mgmt, Inc. may or will provide rebates on wagers for races at that site.

9. For entry into the minutes, on May 29, 2007, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Mgmt, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Ocean Downs L.L.C., Maryland through October 1, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the Monticello Raceway Mgmt, Inc. simulcast license. Further, Monticello Raceway Mgmt, Inc. is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Monticello Raceway Mgmt, Inc. may or will provide rebates on wagers for races at that site.

10. For entry into the minutes, on June 1, 2007, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Mgmt, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from The Delaware County Fair, Ohio from September 16, 2007 through September 20, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the Monticello Raceway Mgmt, Inc. simulcast license. Further, Monticello Raceway Mgmt, Inc. is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Monticello Raceway Mgmt, Inc. may or will provide rebates on wagers for races at that site.

**11. NASSAU REGIONAL OTB – REQUEST TO OFFER PROMOTIONS IN RELATION TO THE CLOSING OF THE GARDEN CITY BRANCH**

For entry into the minutes, on June 7, 2007, the New York State Racing and Wagering Board approved an amendment to the Nassau Regional Off-Track Betting Corporation plan of operation authorizing the closure of the Garden City branch effective June 10, 2007. The Board approved the conduct of promotions related to the closure of the Garden City branch. These are set forth in the June 6, 2007 application letter and include the issuance of up to 150 five-dollar vouchers on June 14 and 15, 2007.

**12. NEW YORK CITY OTB – REQUEST TO OFFER “TREMENDOUS TEN SWEEPSTAKE” PROMOTION**

For entry into the minutes, on May 22, 2007, the New York State Racing and Wagering Board approved the New York City Off-Track Betting Corporation request dated May 18, 2007 to amend its plan of operation authorizing the "NYCOTB Race Day Sweepstakes" in conjunction with WABC-TV in relation to the Belmont Stakes on June 9, 2007. This sweepstakes enables the winner and ten guests to receive two hours of light food and beverages for each person while they view the races shown on television on Belmont Stakes Day in a private room in a New York City sports entertainment complex.

This approval is conditioned upon compliance with all applicable provisions of law.

**13. NEW YORK CITY OTB – REQUEST TO ESTABLISH A TEMPORARY SIMULCAST BRANCH AND RELATED PROMOTIONAL VOUCHERS FOR THE BELMONT STAKES**

For entry into the minutes, on May 31, 2007, the New York State Racing and Wagering Board approved an amendment to the New York City Off-Track Betting Corporation's plan of operation authorizing the establishment and operation of a temporary simulcast branch on June 8 and 9, 2007, on Military Island in Times Square, Manhattan, New York in accordance with the application submitted to the Board and all applicable laws and rules. This approval is conditioned upon the issuance of the Special Event permit referenced in the application and the submission of the permit to the Board when received.

The Board also approved the issuance and distribution of 5,000 five-dollar vouchers for promotional purposes in connection with the temporary simulcast facility subject to compliance with the terms of the application submitted to the Board and the



submission of a report by NYCOTB no later than July 6, 2007, with the following information:

1. number of promotional vouchers produced
2. number of promotional vouchers distributed
3. number of promotional vouchers actually cashed
4. number of promotional vouchers purged by AmTote from the system at the end of the day on Saturday, June 9, 2007.

14. **NEW YORK CITY OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**

For entry into the minutes, on May 18, 2007, the New York State Racing and Wagering Board approved:

1. amendments to the New York City Off-Track Betting Corporation's and Catskill, Capital and Western Regional Off-Track Betting corporations' simulcast plans of operation authorizing the simulcast for wagering purposes through October 20, 2007 of races from Harrah's Louisiana;
2. amendments to the New York City Off-Track Betting Corporation's and Catskill, Capital and Western Regional Off-Track Betting corporations' simulcast plans of operation authorizing the simulcast for wagering purposes through July 4, 2007 of races from Prairie Meadows, Iowa; and
3. amendments to the New York City Off-Track Betting Corporation's and Catskill, Capital and Western Regional Off-Track Betting corporations' simulcast plans of operation authorizing the simulcast for wagering purposes during 2007 of races from Sterling Suffolk Racecourse, Massachusetts.

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the simulcast licenses of the respective off-track betting corporations.

Rebating as a guest on simulcasts is prohibited unless the host site acknowledges in writing that the respective off-track betting corporations may or will provide rebates on wagers for races at that site.

15. For entry into the minutes, on May 18, 2007, the New York State Racing and Wagering Board approved an amendment to the New York City Off-Track Betting Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races from:

1. Hollywood Park, California through July 16, 2007
2. Laurel Park, Maryland through June 30, 2007
3. Lone Star Park, Texas through July 29, 2007.

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the New York City Off-Track Betting Corporation simulcast license. Further, New York City Off-Track Betting

Corporation is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that New York City may or will provide rebates on wagers for races at that site.

16. For entry into the minutes, on May 18, 2007, the New York State Racing and Wagering Board approved an amendment to the New York City Off-Track Betting Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races from:

1. Calder Race Course, Florida through October 16, 2007
2. Churchill Downs, Kentucky during 2007
3. Great Lakes Downs, Michigan during 2007
4. Golden Gate Fields, California through June 10, 2007.

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the New York City Off-Track Betting Corporation simulcast license. Further, New York City Off-Track Betting Corporation is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that New York City Off-Track Betting Corporation may or will provide rebates on wagers for races at that site.

17. For entry into the minutes, on June 1, 2007, the New York State Racing and Wagering Board approved an amendment to the New York City Off-Track Betting Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races from Thistledown Racecourse, Ohio through September 15, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the New York City Off-Track Betting Corporation simulcast license. Further, New York City Off-Track Betting Corporation is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that New York City Off-Track Betting Corporation may or will provide rebates on wagers for races at that site.

18. **NYRA – REQUEST FOR APPROVAL TO OFFER SUPERFECTA WAGERING**

For entry into the minutes, on June 4, 2007, the New York State Racing and Wagering Board approved the NYRA request to offer Superfecta wagering on the Belmont Stakes at Belmont Park and the Travers Stakes at Saratoga Race Course, provided there are a minimum of seven (7) betting interests.

19. **NYRA – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**

For entry into the minutes, on May 17, 2007, the New York State Racing and Wagering Board approved an amendment to the New York Racing Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from Thistledown, Ohio through September 15, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of NYRA's simulcast license. Further, NYRA is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that NYRA may or will provide rebates on wagers for races at that site.

Video streaming is prohibited without the prior written approval of the Board.

20. For entry into the minutes, on June 1, 2007, the New York State Racing and Wagering Board approved an amendment to the New York Racing Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from Colonial Downs L.P., Virginia through August 7, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of NYRA's simulcast license. Further, NYRA is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that NYRA may or will provide rebates on wagers for races at that site.

Video streaming is prohibited without the prior written approval of the Board.

21. For entry into the minutes, on June 7, 2007, the New York State Racing and Wagering Board approved an amendment to the New York Racing Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from the California Authority of Racing Fairs, California from June 14 through October 14, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of NYRA's simulcast license. Further, NYRA is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that NYRA may or will provide rebates on wagers for races at that site.

Video streaming is prohibited without the prior written approval of the Board.

22. **NYRA – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2007**

For entry into the minutes, on May 15, 2007, the New York State Racing and Wagering Board approved The New York Racing Association's request amending its plan of operation to reflect certain additional terms of the Content License Agreement between NYRA and TrackNet Media Group, LLC. The Agreement authorizes NYRA to accept wagers on sixteen listed tracks within the State of New York only via the NYRA telephone and internet wagering systems and to televise TrackNet Content within Nassau and Suffolk counties via cable television distribution.

This approval supplements the approval issued on May 9, 2007 concerning the Agreement and authorizes NYRA to televise TrackNet Content within Nassau and Suffolk counties only via cable television distribution during 2007. Approval is conditioned upon the following:

General Conditions:

- Compliance with the terms of the Agreement.
- Compliance with relevant statutes and rules of the host and guest jurisdictions, including, but not limited to, the terms and conditions of approval of NYRA's simulcast license or rights related thereto.
- NYRA is prohibited from rebating as a guest unless the host site acknowledges in writing that NYRA may or will provide rebates on wagers for that site.
- Video streaming is prohibited without the specific prior written approval of the Board.
- The Agreement is not effective as to any of the sixteen specific host tracks unless and until the Board has issued written approval of NYRA's application to simulcast races for wagering purposes from those sites.

Specific conditions for cable television distribution:

- that such content be displayed on the cable only on the NYRA dark days and in the event a NYRA race day cancellation and during that time period commonly referred to as the "bridge tracks" (the period of time from the completion of the NYRA card until approximately 6 or 8 p.m.);
- that such content will not be displayed on the cable or on any on those days the NYRA is conducting a race meet until the conclusion of that day's NYRA race card;
- the display is limited to the above days and times over the Cablevision Hicksville and Cablevision Hauppauge networks.

23. For entry into the minutes, on May 16, 2007, the New York State Racing and Wagering Board approved The New York Racing Association request to simulcast its thoroughbred racing programs for wagering purposes to Hollywood Park Racing Association (with thirty-three [33] satellite sites), California through December 17, 2007.

Approval is limited to the guest and secondary sites specified within the simulcast agreement, and is conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of The New York Racing Association simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
  - b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
  - c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two (2) years from the date of each simulcast. Books and records must be maintained for a period of two [2] years from the date of each simulcast. The guest and all secondary sites shall permit inspection of the totalizator facilities at the site where guest's wagers are subject to commingling and all related totalizator books and records by a representative of the host or of the host's Board. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of The New York Racing Association simulcast transactions, if not included within individual contracts, must be supplied to the Board.
  - d. No receiving or secondary sites may rebate on The New York Racing Association races unless disclosed within the terms of the agreement as submitted to the Board for approval.
  - e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
  - f. "Manual Merge" is prohibited without the express approval of the Board.
24. For entry into the minutes, on June 5, 2007, the New York State Racing and Wagering Board approved The New York Racing Association request to simulcast its thoroughbred racing programs for wagering purposes to Del Mar Thoroughbred Club with thirty nine [39] satellite sites), California from July 18, 2007 through September 5, 2007.

Approval is limited to the guest and secondary sites specified within the simulcast agreement, and is conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of The New York Racing Association simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two (2) years from the date of each simulcast. Books and records must be maintained for a period of two [2] years from the date of each simulcast. The guest and all secondary sites shall

permit inspection of the totalizator facilities at the site where guest's wagers are subject to commingling and all related totalizator books and records by a representative



of the host or of the host's Board. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of The New York Racing Association simulcast transactions, if not included within individual contracts, must be supplied to the Board.

- d. No receiving or secondary sites may rebate on The New York Racing Association races unless disclosed within the terms of the agreement as submitted to the Board for approval.
  - e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
  - f. "Manual Merge" is prohibited without the express approval of the Board.
25. For entry into the minutes, on June 5, 2007, the New York State Racing and Wagering Board approved The New York Racing Association request to simulcast its thoroughbred racing programs for wagering purposes to California Authority of Racing Fairs (with thirty two [32] satellite sites), California from July 13 through August 19, 2007.

Approval is limited to the guest and secondary sites specified within the simulcast agreement, and is conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of The New York Racing Association simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two (2) years from the date of each simulcast. Books and records must be maintained for a period of two [2] years from the date of each simulcast. The guest and all secondary sites shall permit inspection of the totalizator facilities at the site where guest's wagers are subject to commingling and all related totalizator books and records by a representative of the host or of the host's Board. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of The New York Racing Association simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. No receiving or secondary sites may rebate on The New York Racing Association races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
- f. "Manual Merge" is prohibited without the express approval of the Board.

26. **SARATOGA GAMING AND RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**

For entry into the minutes, on May 29, 2007, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming & Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from:

1. The Delaware County Fair, Ohio from September 16-20, 2007 only
2. Northlands Park, Alberta, Canada through December 31, 2007
3. Ocean Downs LLC, Maryland through October 1, 2007.

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Saratoga Gaming & Raceway's simulcast license. Further, Saratoga Gaming & Raceway is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Saratoga Gaming & Raceway may or will provide rebates on wagers for races at that site.

Video streaming is prohibited without the express approval of the Board.

27. For entry into the minutes, on June 7, 2007, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming & Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Colonial Downs L.P., Virginia from June 15 through August 7, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Saratoga Gaming & Raceway's simulcast license. Further, Saratoga Gaming & Raceway is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Saratoga Gaming & Raceway may or will provide rebates on wagers for races at that site.

Video streaming and account wagering are prohibited without the prior written approval of the Board.

28. **SUFFOLK REGIONAL OTB – REQUEST TO OFFER HANDICAPPING CONTEST AT THE RACING FORUM**

For entry into the minutes, on May 16, 2007, the New York State Racing and Wagering Board approved the Suffolk Regional Off-Track Betting Corporation's request to conduct two promotions at the Airport Branch on Thursday, June 14, 2007. During promotion one, up to 98 customers will receive a free two-dollar wager on the Belmont Park races that day. During promotion two, a name will be drawn after each of the nine races from Belmont Park from a box containing losing Belmont Park tickets from that day.

The promotions must be conducted in accordance with the procedures/rules submitted and are subject to audit by the Board.

29. **NEVADA GOLD – TIOGA DOWNS, INC. – REQUEST TO OFFER “NAME A FOAL CONTEST” ON SUNDAY, MAY 27, 2007**

For entry into the minutes, on May 25, 2007, The New York State Racing and Wagering Board approved the Nevada Gold–Tioga Downs, Inc. request to conduct a promotion on Sunday, May 27, 2007, called the “Name a Foal Contest.” This promotion must be conducted in accordance with the rules submitted and is conditioned upon there being no charge to participants.

30. **NEVADA GOLD – TIOGA DOWNS, INC. – REQUEST TO OFFER SECOND “NAME A FOAL CONTEST” ON SUNDAY, JUNE 9, 2007**

For entry into the minutes, on June 1, 2007, the New York State Racing and Wagering Board approved the Nevada Gold-Tioga Downs, Inc. request to conduct a promotion on Sunday, June 10, 2007, called the “Name a Foal Contest.” This promotion must be conducted in accordance with the rules submitted and is conditioned upon there being no charge to participants.

31. **NEVADA GOLD – TIOGA DOWNS, INC. – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**

For entry into the minutes, on June 1, 2007, the New York State Racing and Wagering Board approved an amendment to the Tioga Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from:

1. Colonial Downs L.P., Virginia through August 7, 2007
2. Wyoming Downs, Wyoming through August 19, 2007.

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the Tioga Downs simulcast license. Further, Tioga Downs is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Tioga Downs may or will provide rebates on wagers for races at that site.

Video streaming is prohibited without the prior written approval of the Board.

32. For entry into the minutes, on June 1, 2007, the New York State Racing and Wagering Board approved an amendment to the Tioga Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from The Delaware County Fair, Ohio from September 16, 2007 through September 20, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the Tioga Downs simulcast license. Further, Tioga Downs is prohibited from rebating as a guest on simulcasts

unless the host site acknowledges in writing that Tioga Downs may or will provide rebates on wagers for races at that site.

**33. NEVADA GOLD – TIOGA DOWNS, INC. – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2007**

For entry into the minutes, on May 11, 2007, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its standardbred racing programs for wagering purposes during 2007 to Rockingham Park (with two [2] satellite sites), New Hampshire.

Approval is limited to the guest and secondary sites specified within the simulcast agreement, and is conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of the Tioga Downs simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two (2) years from the date of each simulcast. Books and records must be maintained for a period of two [2] years from the date of each simulcast. The guest and all secondary sites shall permit inspection of the totalizator facilities at the site where guest's wagers are subject to commingling and all related totalizator books and records by a representative of the host or of the host's Board. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of the Tioga Downs simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. No receiving or secondary sites may rebate on Tioga Downs races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
- f. "Manual Merge" is prohibited without the express approval of the Board.

**34. For entry into the minutes, on May 15, 2007, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its standardbred racing programs for wagering purposes during 2007 to Catskill Regional Off-Track Betting Corporation, New York.**

Approval is limited to the guest sites specified within the simulcast agreement, and is conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of the Tioga Downs simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. No receiving or secondary sites may rebate on Tioga Downs races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- c. Guests (and secondary sites) must maintain books and records relative to wagers on Tioga Downs simulcasts for a period of two (2) years from the date of each simulcast. The books and records must be made available to the Board on request.
- d. "Manual Merge" is prohibited without the express approval of the Board.

The following specific limitations are applicable to the Catskill Off-Track Betting Corporation in relation to this simulcasting:

- Approval for in-home simulcasting pursuant to the Agreement is subject to strict compliance with the provisions of Racing, Pari-Mutuel Wagering and Breeding Law Section 1003(1).
- Video streaming is prohibited and may not be implemented or conducted without the further written approval of the Board.
- The conduct of account wagering other than by the previously approved system of telephone wagering, including but not limited to wagering via the internet, is prohibited without the further written approval of the Board.

**35. NEVADA GOLD – VERNON DOWNS, INC. – REQUEST TO CANCEL RACING ON TUESDAY, MAY 15, 2007**

For entry into the minutes, on May 11, 2007, the NYS Racing and Wagering Board approved the request of Vernon Downs to cancel a sixth program of racing originally scheduled for Tuesday, May 15, 2007. The Board had previously cancelled the opening night of Friday, April 6, 2007, along with the following Thursdays of April 12, 19 & 26, and Tuesday, May 8, 2007.

Vernon Downs was reminded that it is obligated to conduct all of the racing programs which have been assigned by the Board unless the Board grants approval of a request to cancel. Any future requests to cancel racing programs will be considered by the Board only after the track puts out a meaningful condition sheet, evaluates the entries, consults with the horsemen, and provides such information to the Board.

**36. NEVADA GOLD – VERNON DOWNS, INC. – REQUEST TO CANCEL RACING ON SATURDAY, JUNE 2, 2007**

For entry into the minutes, on May 29, 2007, the NYS Racing and Wagering Board approved the request of Vernon Downs to cancel the racing program of Saturday, June 2, 2007, due to a Professional Bull Riding event scheduled for the same day at Vernon Downs.



This approval is conditioned on the requirement that Vernon Downs replace the cancelled program with another on a date to be submitted to the Board for approval.

37. **NEVADA GOLD – VERNON DOWNS, INC. – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**

For entry into the minutes, on June 1, 2007, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from:

1. Colonial Downs L.P., Virginia through August 7, 2007
2. Wyoming Downs, Wyoming through August 19, 2007.

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the Vernon Downs simulcast license. Further, Vernon Downs is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Vernon Downs may or will provide rebates on wagers for races at that site.

Video streaming is prohibited without the prior written approval of the Board.

38. For entry into the minutes, on June 1, 2007, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from The Delaware County Fair from September 16, 2007 through September 20, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the Vernon Downs simulcast license. Further, Vernon Downs is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Vernon Downs may or will provide rebates on wagers for races at that site.

39. **NEVADA GOLD – VERNON DOWNS, INC. – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2007**

For entry into the minutes, on May 11, 2007, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its standardbred racing programs for wagering purposes during 2007 to Rockingham Park (with two [2] satellite sites), New Hampshire.

Approval is limited to the guest and secondary sites specified within the simulcast agreement, and is conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of the Vernon Downs simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
  - b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
  - c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two (2) years from the date of each simulcast. Books and records must be maintained for a period of two [2] years from the date of each simulcast. The guest and all secondary sites shall permit inspection of the totalizator facilities at the site where guest's wagers are subject to commingling and all related totalizator books and records by a representative of the host or of the host's Board. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of the Vernon Downs simulcast transactions, if not included within individual contracts, must be supplied to the Board.
  - d. No receiving or secondary sites may rebate on the Vernon Downs races unless disclosed within the terms of the agreement as submitted to the Board for approval.
  - e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
  - f. "Manual Merge" is prohibited without the express approval of the Board.
40. For entry into the minutes, on May 15, 2007, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its standardbred racing programs for wagering purposes during 2007 to Catskill Regional Off-Track Betting Corporation, New York.

Approval is limited to the guest sites specified within the simulcast agreement, and is conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of the Vernon Downs simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. No receiving or secondary sites may rebate on the Vernon Downs races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- c. Guests (and secondary sites) must maintain books and records relative to wagers on Vernon Downs simulcasts for a period of two (2) years from the date of each simulcast. The books and records must be made available to the Board on request.

- d. “Manual Merge” is prohibited without the express approval of the Board.

The following specific limitations are applicable to the Catskill Off-Track Betting Corporation in relation to this simulcasting:

- Approval for in-home simulcasting pursuant to the Agreement is subject to strict compliance with the provisions of Racing, Pari-Mutuel Wagering and Breeding Law Section 1003(1).
- Video streaming is prohibited and may not be implemented or conducted without the further written approval of the Board.
- The conduct of account wagering other than by the previously approved system of telephone wagering, including but not limited to wagering via the internet, is prohibited without the further written approval of the Board.

**41. YONKERS RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**

For entry into the minutes, on May 11, 2007, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Rockingham Venture, Inc., New Hampshire through September 3, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Yonkers Raceway’s simulcast license. Further, Yonkers Raceway is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Yonkers Raceway may or will provide rebates on wagers for races at that site.

42. For entry into the minutes, on June 1, 2007, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Georgian Downs, Ontario, Canada through December 31, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Yonkers Raceway’s simulcast license. Further, Yonkers Raceway is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Yonkers Raceway may or will provide rebates on wagers for races at that site.

**43. YONKERS RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2007**

For entry into the minutes, on May 29, 2007, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its standardbred racing programs for wagering purposes during 2007 to Northlands Park, Alberta, Canada.

Approval is limited to the guest sites specified within the simulcast agreement, and is conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of the Yonkers Raceway simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
  - b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
  - c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two (2) years from the date of each simulcast. Books and records must be maintained for two (2) years from the date of each simulcast. The guest and all secondary sites shall permit inspection of the totalizator facilities at the site where guest's wagers are subject to commingling and all related totalizator books and records by a representative of the host or of the host's Board. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of Yonkers Raceway simulcast transactions, if not included within individual contracts, must be supplied to the Board.
  - d. No receiving or secondary sites may rebate on Yonkers Raceway races unless disclosed within the terms of the agreement as submitted to the Board for approval.
  - e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
  - f. "Manual merge" is prohibited unless specifically required pursuant to Canadian law or regulation, and only to the extent so authorized.
44. For entry into the minutes, on June 1, 2007, The New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its standardbred racing programs for wagering purposes during 2007 to:
1. Fort Erie Race Track (with four [4] satellite sites), Ontario, Canada
  2. Harness Racing PEI Inc., Prince Edward Island, Canada
  3. Georgian Downs (with two [2] satellite sites), Ontario, Canada.

Approval is limited to the guest and secondary sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of the Yonkers Raceway simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts

to additional secondary sites are prohibited without further application and approval by the Board.

- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two (2) years from the date of each simulcast. Books and records must be maintained for two (2) years from the date of each simulcast. The guest and all secondary sites shall permit inspection of the totalizator facilities at the site where guest's wagers are subject to commingling and all related totalizator books and records by a representative of the host or of the host's Board. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of Yonkers Raceway simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. No receiving or secondary sites may rebate on Yonkers Raceway races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
- f. "Manual merge" is prohibited unless specifically required pursuant to Canadian law or regulation, and only to the extent so authorized.

These simulcasts are subject to previously established conditions for net pool pricing with Canadian simulcast sites.

45. For entry into the minutes, on June 6, 2007, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its standardbred racing programs for wagering purposes during 2007 to:

1. Flamboro Downs
2. Kawartha Downs Raceway (with two [2] satellite sites), Ontario, Canada
3. Picov Downs Inc., Ontario, Canada
4. Western Fair Raceway, Ontario, Canada.

Approval is limited to the guest and secondary sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of the Yonkers Raceway simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.

- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two (2) years from the date of each simulcast. Books and records must be maintained for two (2) years from the date of each simulcast. The guest and all secondary sites shall permit inspection of the totalizator facilities at the site where guest's wagers are subject to commingling and all related totalizator books and records by a representative of the host or of the host's Board. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of Yonkers Raceway simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. No receiving or secondary sites may rebate on Yonkers Raceway races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
- f. "Manual merge" is prohibited unless specifically required pursuant to Canadian law or regulation, and only to the extent so authorized.

These simulcasts are subject to previously established conditions for net pool pricing with Canadian simulcast sites.

#### C. ITEMS PREVIOUSLY APPROVED, DENIED OR DEFERRED BY THE BOARD

##### 1. **EMERGENCY RULEMAKING - TCO2 TESTING AND PENALTIES**

For entry into the minutes, the Board approved the adoption of rules by emergency rulemaking for TCO2 Testing and Penalties. These rules provide for the testing of excess TCO2 in thoroughbred and harness racehorses, penalties for excess TCO2, and procedures for guarded quarantine and voidable claims.

#### D. ITEMS TO BE APPROVED, DENIED OR DEFERRED BY THE BOARD

##### 1. **CAPITAL DISTRICT REGIONAL OTB – SIMULCAST LICENSE APPLICATION FOR 2007**

The New York State Racing and Wagering Board deferred action on the Capital District Regional Off-Track Betting Corporation's simulcast license application for 2007 pending further determination of matters in relation to Board staff's investigation report to the Board concerning check cashing and other items.

The Board will consider further action at a future Board meeting.

Capital OTB will remain operational on the continuing rights of the 2006 simulcast license. Such rights are conditioned upon compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders, and directives of the New York State Racing and Wagering Board including:



An SAS-70 Type II audit is to be performed for the current licensing period on the totalizator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2007.

2. **CAPITAL DISTRICT REGIONAL OTB - INVESTIGATION OF CHECK CASHING PRACTICES**

The New York State Racing and Wagering Board took the actions cited below in relation to Board staff's report entitled Investigation into Check Cashing Practices of the Capital District Regional Off-Track Betting Corporation.

1. No later than August 31, 2007, the Capital District Regional Off-Track Betting Corporation must submit a comprehensive corrective action plan that the Board finds acceptable to address the findings and underlying issues outlined in the Report.
2. Within 180 days of June 19, 2007, Capital OTB must demonstrate it has fully implemented the corrective action plan.

The Board took no specific action to impose fines as recommended by staff. However, the Board will review this recommendation further at a later date.

3. **CAPITAL DISTRICT REGIONAL OTB – REQUEST AMENDING PLAN OF OPERATION – CONTRACT WITH MONEY MOVERS OF AMERICA**

The New York State Racing and Wagering Board approved the request by the Capital District Regional Off-Track Betting Corporation amending its plan of operation to include the contract with Money Movers of America Inc. conditioned upon the following:

- Approval of the contract by Capital OTB Board of Directors prior to implementation.
- Submission by Capital OTB of policies and procedures relating to the use of the system as part of the required corrective action plan in response to Staff's investigative report.

4. **NEW YORK CITY OTB – SIMULCAST LICENSE APPLICATION FOR 2007**

The New York State Racing and Wagering Board deferred action on New York City Off-Track Betting Corporation's 2007 simulcast license application pending further review of matters concerning NYC OTB's financial position.

NYC OTB will remain operational on the continuing rights of the 2005 simulcast license. Such rights are conditioned upon compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders and directives of the New York State Racing and Wagering Board, including:

- a. Submission to the Board of fire inspection reports on an ongoing basis.



- b. An SAS-70 Type II audit is to be performed for the current licensing period on the totalizator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2007.
- c. New York City Off-Track Betting Corporation shall not rebate on wagers placed without the written consent of the host site.

5. **NEVADA GOLD-VERNON DOWNS, INC. – TRACK & SIMULCAST LICENSE APPLICATIONS FOR 2007**

The New York State Racing and Wagering Board granted temporary track and simulcast licenses for 2007 to Nevada Gold – Vernon Downs, Inc. and assigned the race dates requested for July 2007 only, with the exception of the July 28th cancellation. This approval is conditioned upon the following:

1. The following individuals must submit the required outstanding and overdue disclosures<sup>1</sup>.
  - i. Paul Marsiglio (Track Power)
  - ii. Dana Gilman (Track Power).
2. Complete copies of all executed agreements with Nevada Gold & Casinos, Inc. regarding the announced sale of their ownership within 48 hours of the signing them.
3. Completed copies of modifications to or new management agreements entered into as a result of the reorganization of ownership within 48 hours of them being signed.
4. There shall be no material (1% or more) change to management or any beneficial interest, direct or indirect, in debt or equity related to the ownership, debt, or operation of the track, nor to the persons who are officers or directors of the applicant including affiliates, lenders and owner unless and until Board staff has made a preliminary finding of suitability.
5. Copies of all documents relating to the announced sale of Nevada Gold and Casino Inc.'s interest in the track must be submitted and all information regarding this transaction must be disclosed to the Board.
6. An SAS 70 Type II audit of the track's tote system covering activity of the current year be submitted to the Board no later than October 31, 2007.
7. Vernon Downs must consult with both the representative horsemen's association and the Board's Presiding Judge prior to the submission of any requests to cancel assigned race dates. Their positions must be set forth in any written request to cancel dates.

If circumstances change any time subsequent to this approval, and the application no longer presents the correct facts, the applicant must submit to the Board an amended answer to the question affected. When doing so, the applicant is to mark the submission as "Amendment to License Application" - question number – and submit the change in detail, properly attested.

6. **NEVADA GOLD-TIOGA DOWNS, INC. & NEVADA GOLD-VERNON DOWNS, INC. - DIVESTMENT ORDER AND HEARING - PAUL MARSIGLIO, DANA GILMAN, AND TRACK POWER, INC.**

---

<sup>1</sup> The Board approved the implementation of the divestment process in relation to the ownership interests of these two individuals and TrackPower, Inc.

The New York State Racing and Wagering Board approved the commencement of the stock ownership divestiture process, pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 303, for the following individuals and entity based upon the failure/refusal of Paul Marsiglio and Dana Gilman to cooperate with a suitability

review in relation to ownership interests in TrackPower, Inc., and the determination that continued ownership, directly or indirectly, in American Racing and Entertainment, LLC and the premises at which pari-mutuel racing is conducted in New York State, Tioga Downs and Vernon Downs, is inconsistent with the public interest, convenience, or necessity and the best interests of racing generally:

1. Paul Marsiglio
2. Dana Gilman
3. TrackPower, Inc.

7. **IN THE MATTER OF RAY L. WATSON**

The New York State Racing and Wagering Board upheld Hearing Officer Russell H. Baller, Jr.'s recommendation that the license of Ray L. Watson be revoked based upon the positive test results for cocaine in a sample collected from him at Monticello Raceway on March 29, 2007, and failing to comply with the terms of the Consent to Conditions for Reinstatement after a 2002 positive test result for the same drug.

8. **FINGER LAKES RACETRACK – REQUEST TO WITHDRAW \$38,085.27 FROM CIF**

The New York State Racing and Wagering Board approved the Finger Lakes Racetrack request to withdraw a total of \$38,085.27 from its Capital Improvement Fund for reimbursement of the following advertising and promotional expenditures:

<u>Advertising and Promotional Expenditures</u>	<u>Amount</u>
Print Media	\$ 3,707.00
<b>Radio Show</b>	<b>2,950.00</b>
<b>Winner's Circle TV Show</b>	<b>1,250.00</b>
<b>Promotions &amp; Giveaways</b>	<b><u>30,178.27</u></b>
<b>Amount Requested</b>	<b><u>\$ 38,085.27</u></b>

9. **NASSAU REGIONAL OTB – REQUEST FOR APPROVAL OF NEW FAST TRACK - FREEPORT**

The New York State Racing and Wagering Board approved an amendment to the Nassau Regional Off-Track Betting Corporation plan of operation authorizing the operation of a "Fast Track" simulcast facility at the Freeport Eats Corporation d/b/a "42" Woodcleft Restaurant, located at 42 Woodcleft Avenue in Freeport, New York.

It is a condition of this approval that the wagering and simulcasting at this facility will be conducted in accordance with the terms of the operating agreement presented to the Board as well as all applicable statutes and Board rules, and that all wagering will be conducted through self-service terminals only.

The Board's approval to operate a Fast Track facility at this location shall expire and be of no force and effect in the event of any change in ownership or operation without the prior written approval of the Board.

It is expected that Nassau Downs OTB will arrange for the occasional inspection of this facility to assure compliance with the plan of operation and relevant laws and Board rules, and certify to the Board on a periodic ongoing basis that the conduct of wagering at this facility is in compliance with the foregoing.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. **GAMES OF CHANCE/BINGO REGISTRATION NUMBERS**  
List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit between May 11, 2007 – June 1, 2007.
2. **GAMES OF CHANCE/BELL JAR TICKETS**  
List of bell jar tickets authorized/denied by the Charitable Gaming Unit between  
May 1, 2007 – May 31, 2007.
3. **LICENSING/CURRENT LICENSE COUNT**  
The current racing licensing counts as of May 31, 2007 since January 1, 2007, are as follows: total receipts 7,098 and total licenses 3,092 for the year 2006.
4. **2007 LICENSED SUPPLIERS**  
List of licensed suppliers and manufacturers for the time period of May 1, 2007 through May 31, 2007.
5. **INDIAN GAMING/LICENSING STATISTICS**  
Licensing statistics for May 1, 2007 through May 31, 2007. Also included are the certifications for Mohawk, Seneca Allegany, Seneca Niagara and Oneida.
6. **NEW YORK THOROUGHBRED HORSEMEN'S ASSOCIATION, INC. - FINANCIAL REPORT FOR 2007 AQUEDUCT WINTER MEET**  
Staff reviewed NYTHA's financial statement for the 2007 Aqueduct Winter meet in accordance with Rule 4003.51.

F. FOLLOW-UP ON ITEMS PREVIOUSLY APPROVED

None.

The meeting adjourned at 11:38 a.m.

---

