

**MINUTES
NEW YORK STATE RACING AND WAGERING BOARD
MEETING OF OCTOBER 25, 2007**

A meeting of the New York State Racing and Wagering Board was held on Thursday, October 25, 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 11:03 a.m.

In Attendance Were:

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

Also in Attendance Were:

Daniel Toomey, NYSR&WB
Kristen Buckley, NYSR&WB
Vivian Davis, NYSR&WB
Robert Hemsworth, Capital OTB
Carin M. Cardinale, Towne, Bartkowski & Defio Kean, PC

OPEN COMMENT PERIOD: None.

A. The Board approved the minutes of the Board meeting held on September 27, 2007.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIR

1. **BUFFALO RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**

For entry into the minutes, on September 19, 2007, the New York State Racing and Wagering Board approved an amendment to the Buffalo Trotting Association, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Presque Isle Downs & Casino, Pennsylvania through September 29, 2007.

2. For entry into the minutes, on September 26, 2007, the New York State Racing and Wagering Board approved an amendment to the Buffalo Trotting Association, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races for the remainder of 2007, unless otherwise limited, from:

1. Bay Meadows, California through November 4, 2007
2. Monticello Raceway Management. Inc., New York.

3. **CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR APPROVAL OF SEPTEMBER & OCTOBER 2007 MARKETING PROMOTIONS**

For entry into the minutes, on September 19, 2007, the New York State Racing and Wagering Board approved an application by the Capital District Regional Off-Track Betting Corporation to conduct the following promotions as set forth in the application dated September 10, 2007.

- Fan Appreciation Days on September 28 and 30 and October 6, 13, 20, and 27, 2007
- Online Giant Jackpot Knockout Challenge Contests on October 5 and 19, 2007 for Phone-A-Bet patrons.

These promotions must be conducted in accordance with the terms of the applications and rules submitted. Employees of Capital OTB are ineligible to participate.

These promotions are subject to audit by the Board.

4. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO OFFER PROMOTION TO NEW CAPITAL BETS ACCOUNT HOLDERS**

For entry into the minutes, on September 27, 2007, the NYS Racing and Wagering Board approved an application by the Capital District Regional Off-Track Betting Corporation to offer Capital Bets account holders the sum of fifty dollars (\$50.00)

upon that new account holder wagering a total of fifty dollars (\$50.00) or more during the period October 15 through November 12, 2006. Only those new customers who establish accounts during the one-month period are eligible to participate.

This promotion is subject to audit by the Board.

5. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**

For entry into the minutes, on October 5, 2007, the New York State Racing and Wagering Board approved an amendment to the Capital District Off-Track Betting Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races from Longchamp Race Course, Paris, France on October 7, 2007 only.

6. **CATSKILL REGIONAL OTB – REQUEST FOR CLOSURE OF WAVERLY BRANCH – TIOGA COUNTY**

For entry into the minutes, on October 2, 2007, the NYS Racing and Wagering Board approved the Catskill OTB request to amend its plan of operation to reflect the closure of its Waverly branch located in Waverly, New York. This approval is effective immediately.

7. **CATSKILL REGIONAL OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**

For entry into the minutes, on October 4, 2007, the New York State Racing and Wagering Board approved an amendment to the Catskill Regional Off-Track Betting Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races for the remainder of 2007 from Turf Paradise in Arizona.

8. For entry into the minutes, on October 4, 2007, the New York State Racing and Wagering Board approved an amendment to the Catskill Regional Off-Track Betting Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races for the remainder of 2007 from Beulah Park in Ohio.

9. **FINGER LAKES RACETRACK – REQUEST TO OFFER OCTOBER 2007 HANDICAPPING PROMOTIONS**

For entry into the minutes, on September 20, 2007, the New York State Racing and Wagering Board approved the Finger Lakes Racetrack request to hold the Handicapping Challenge Finals on October 13, 2007.

The Handicapping Challenge must be conducted in accordance with the rules submitted. The Board reserves the right to audit the conduct of this event.

10. **FINGER LAKES RACETRACK – REQUEST TO CHANGE FIRST POST-TIME TO 12:15 PM ON SATURDAY, OCTOBER 27, 2007**

For entry into the minutes, on September 26, 2007, the NYS Racing and Wagering Board approved the Finger Lakes Racetrack request to change the post time for the initial race on Saturday, October 27, 2007 to 12:15 p.m.

11. **FINGER LAKES RACETRACK – REQUEST TO ADD PART-TIME EXAMINING VETERINARIAN – DR. BROWN**

For entry into the minutes, on September 26, 2007, pursuant to Board Rule 4005.1, the New York State Racing and Wagering Board approved the employment of Dr. Peter L. Brown as an examining veterinarian by the Finger Lakes Racing Association, Inc. for the remainder of the 2007 racing season.

This approval is conditioned on the receipt of a satisfactory federal fingerprint based criminal history return.

12. **FINGER LAKES RACETRACK – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**

For entry into the minutes, on September 19, 2007, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes Racing Association, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Oak Tree Racing Association, California from September 26, 2007 through November 4, 2007.

13. For entry into the minutes, on September 20, 2007, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes Racing Association, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Keeneland Association Inc., Kentucky from October 5, 2007 through October 27, 2007.

14. For entry into the minutes, on October 4, 2007, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes Racing Association, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from TP Racing L.L.L.P. d.b.a. Turf Paradise, in Arizona, for the remainder of 2007.

15. For entry into the minutes, on October 5, 2007, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes Racing Association, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from NJSEA, and in particular, the Breeder's Cup World Championships to be conducted at Monmouth Park on October 26, 2007 and October 27, 2007.

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

For entry into the minutes, on October 2, 2007, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its racing programs for wagering purposes during 2007 to Track Net Media Group with twenty two [22] guest entities and two hundred twenty [220] satellite sites.

17. For entry into the minutes, on October 4, 2007, the New York State Racing and Wagering Board approved Finger Lakes Racing Association request to simulcast its

thoroughbred racing programs for wagering purposes for the remainder of 2007 to Catskill Regional Off-Track Betting Corporation, New York.

18. For entry into the minutes, on October 5, 2007, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association request to simulcast its thoroughbred racing programs during the remainder of 2007 to Keeneland (with one [1] secondary site), Kentucky.
19. For entry into the minutes, on October 5, 2007, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association request to simulcast its thoroughbred racing programs during the remainder of 2007 to Horsemen's Park (with one [1] secondary site), Nebraska.
20. **MONTICELLO RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**
For entry into the minutes, on September 18, 2007, the New York State Racing and Wagering Board approved the Monticello Raceway Management, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Finger Lakes Racing Association, Inc. for the remainder of 2007.
21. For entry into the minutes, on September 18, 2007, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Management, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from PPI, Inc. (Pompano Park), Florida for the remainder of 2007.
22. For entry into the minutes, on September 18, 2007, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Management, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Hawthorne Race Course, Illinois from September 21, 2007 through December 31, 2007.
23. For entry into the minutes, on September 27, 2007, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Management, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Windsor Raceway, Ontario, Canada for the remainder of 2007.
24. For entry into the minutes, on September 27, 2007, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Management, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of the Breeders' Cup World Championships to be conducted at Monmouth Park on October 26, 2007 and October 27, 2007.
25. For entry into the minutes, on September 27, 2007, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Management, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Thistledown, Ohio through November 19, 2007.
26. For entry into the minutes, on October 2, 2007, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Management,

Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Northville Racing Corporation, Michigan for the remainder of 2007.

27. For entry into the minutes, on October 4, 2007, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Management, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Keeneland Association Inc., Kentucky from October 5, 2007 through October 27, 2007.
28. **MONTICELLO RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2007**
For entry into the minutes, on September 18, 2007, the New York State Racing and Wagering Board approved the Monticello Raceway Management, Inc. request to simulcast its standardbred racing programs for wagering purposes for the remainder of 2007 to Beulah Park, Ohio.
29. For entry into the minutes, on October 2, 2007, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its racing programs for wagering purposes during 2007 to Track Net Media Group with fourteen (14) guest entities and seventy-four (74) secondary sites.
30. For entry into the minutes, on October 4, 2007, the New York State Racing and Wagering Board approved the Monticello Raceway Management, Inc. request to simulcast its standardbred racing programs for wagering purposes for the remainder of 2007 to AmWest Entertainment LLC (with four [4] secondary sites), Kentucky.
31. **NASSAU REGIONAL OTB – REQUEST TO OFFER PROMOTION AT POTTER’S PUB ON OCTOBER 7, 2007**
For entry into the minutes, on September 27, 2007, the New York State Racing and Wagering Board approved the requested change in the Nassau OTB simulcast plan of operation providing for a coupon in the October 4, 2007 edition of the Long Island Press newspaper. That coupon may be turned in to the Potter’s Pub Restaurant on October 7, 2007 only for a free two-dollar (\$2.00) wager. There is a limit of one coupon per person and the name and address of the person must be filled out on the coupon before it can be redeemed for a two-dollar pari-mutuel ticket.
- This approval is conditioned on compliance with the terms of the application submitted and the requirement that Nassau OTB submit a report on the number of vouchers presented and used for wagering. The report must be filed no later than twenty (20) days after the date on which the coupons may be redeemed.
32. **NASSAU REGIONAL OTB – REQUEST TO OFFER “THE STARTING GATE” HANDICAPPING CONTEST**
For entry into the minutes, on October 2, 2007, the NYS Racing and Wagering board approved the request of Nassau Regional OTB Corporation to conduct a promotional drawing where the Nassau OTB newsletter, *The Starting Gate*, would be used to elicit entries into a contest. The contest consists of asking for the correct answers to three questions with the answers to be given on or before October 24, 2007. All those patrons with the three correct answers would have their names and addresses

put into a drawing for one first prize winner, one second prize winner and three third prize winners.

This contest must be conducted in accordance with the terms of the application submitted. Employees of Nassau Regional OTB Corporation are not eligible to participate. This promotion is subject to audit by the Board.

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

For entry into the minutes, on September 18, 2007, the New York State Racing and Wagering Board approved the request of the New York City Off-Track Betting Corporation, for itself and as agent for the other New York State Regional Off-Track Betting Corporations, except Western Regional Off-Track Betting Corporation, to amend their respective simulcast plans of operation authorizing the simulcast for wagering purposes of races from Zia Park, New Mexico.

The Board will reconsider the application on behalf of Western Regional OTB upon receipt of the necessary New Mexico regulatory and horsemen's approvals.

See #39 also.

34. For entry into the minutes, on September 20, 2007, the New York State Racing and Wagering Board approved an amendment to the simulcast plan of operation of the New York City Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from Retama Park in Texas from September 7, 2007 through November 17, 2007.
35. For entry into the minutes, on September 25, 2007, the New York State Racing and Wagering Board approved amendments to the plans of operation of each New York State off-track betting corporation authorizing the simulcast of races for wagering purposes from the Oak Tree Racing Association, California from September 26 through November 4, 2007.
36. For entry into the minutes, on September 26, 2007, the New York State Racing and Wagering Board approved amendments to the plans of operation of each New York State off-track betting corporation authorizing the simulcast of races for wagering purposes from Woodlands Racetrack, Kansas through October 27, 2007.
37. For entry into the minutes, on September 27, 2007, the New York State Racing and Wagering Board approved amendments to the plans of operation of each New York State off-track betting corporation authorizing the simulcast for wagering purposes of races from Keeneland Association (Fall meet), Kentucky from October 5, 2007 through October 27, 2007.
38. For entry into the minutes, on October 5, 2007, the New York State Racing and Wagering Board approved amendments to the plans of operation of each New York State off-track betting corporation authorizing the simulcast for wagering purposes of races from Thistledown, Ohio for the remainder of 2007.

39. For entry into the minutes, on October 5, 2007, the New York State Racing and Wagering Board approved amendments to the plans of operation of all New York State off-track betting corporations authorizing the simulcast for wagering purposes of races from Zia Park, New Mexico for the remainder of 2007.

40. **NYRA – REQUEST TO OFFER \$0.10 MINIMUM SUPERFECTA WAGERING ON IMPORTS**

For entry into the minutes, on September 25, 2007, the NYS Racing and Wagering Board approved the request of the New York Racing Association, Inc. (NYRA) to offer \$0.10 minimum Superfecta wagering on races conducted at NYRA-operated tracks. The conduct of this wagering is subject to all applicable laws, rules and regulations.

Specific Board approval is not required to offer this wager on races for which NYRA is the guest simulcast facility. However, the consent of the host track is required for such wagering. Any necessary amendments to agreements underlying prior Board simulcast approvals must be submitted to the Board for approval.

41. **NYRA – REQUEST TO OFFER “GIVE IT 110%” PROMOTION AT BELMONT PARK DURING OCTOBER 2007**

For entry into the minutes, on September 27, 2007, the NYS Racing and Wagering Board approved the request of the New York Racing Association, Inc. to conduct the “Give It 110% - October Promotion”. To be eligible for this promotion, the account holder must have accumulated a minimum of 1,000 NYRA Reward points during the month of September 2007. To qualify for the promotional consideration, the NYRA Rewards accountholder must exceed their September 2007 accumulated NYRA Reward point value by 10% in October of 2007.

This promotion must be conducted in accordance with the terms of the application and is subject to audit by the Board.

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

For entry into the minutes, on September 20, 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 Oak Tree Racing Association, California from September 26, 2007 through November 4, 2007.

43. For entry into the minutes, on September 26, 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 Keeneland Association Inc., Kentucky from October 5, 2007 through October 27, 2007.

44. For entry into the minutes, on September 26, 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 TP Racing L.L.L.P. d.b.a. Turf Paradise, Arizona from October 5, 2007 through December 31, 2007.

45. For entry into the minutes, on September 26, 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 5 through 8 from Longchamp Race Course, Paris, France on October 7, 2007.
46. For entry into the minutes, on October 4, 2007, the New York State Racing and Wagering Board approved an amendment to the New York Racing Association, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from NJSEA, and in particular, the Breeder's Cup World Championships to be conducted at Monmouth Park on October 26, 2007 and October 27, 2007.
47. **NYRA – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2007**
For entry into the minutes, on September 20, 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 Oak Tree Racing Association (with thirty-five [35] secondary sites), California from September 26, 2007 through November 4, 2007.
48. For entry into the minutes, on September 20, 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 Keeneland Association Inc. (with thirteen [13] secondary sites), Kentucky from October 5, 2007 through October 27, 2007.
49. For entry into the minutes, on October 1, 2007, the New York State Racing and Wagering Board approved The New York Racing Association request to simulcast its thoroughbred racing programs during the remainder of 2007 to Won \$800 Casino & Sports Pub, which is an additional secondary site associated with the previously approved simulcasts to The Texas Hub, Texas.
50. For entry into the minutes, on October 2, 2007, the New York State Racing and Wagering Board approved The New York Racing Association request to simulcast its thoroughbred racing programs during the remainder of 2007 to the following additional secondary sites associated with the previously approved simulcasts to Hawthorne Race Course, Illinois:
 1. Lucky "D" OTB
 2. Ringside OTB.
51. **SARATOGA GAMING AND RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**
For entry into the minutes, on September 26, 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 T P Racing L.L.L.P. d.b.a. Turf Paradise, Arizona for the remainder of 2007.

52. For entry into the minutes, on October 5, 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 Beulah Park, Ohio for the remainder of 2007.
53. For entry into the minutes, on October 5, 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 NJSEA, and in particular, the Breeder's Cup World Championships to be conducted at Monmouth Park on October 26, 2007 and October 27, 2007.
54. For entry into the minutes, on October 5, 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 Scarborough Downs, Maine for the remainder of 2007.
55. **SARATOGA GAMING AND RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2007**
For entry into the minutes, on September 26, 2007, the New York State Racing and Wagering Board approved the Saratoga Gaming & Raceway request to simulcast its standardbred racing programs for wagering purposes for the remainder of 2007 to Northside Downs, Nova Scotia, Canada.
56. For entry into the minutes, on September 26, 2007, the New York State Racing and Wagering Board approved the Saratoga Gaming & Raceway request to simulcast its standardbred racing programs for wagering purposes for the remainder of 2007 to The Texas Hub (with one [1] secondary site), Texas.
57. For entry into the minutes, on October 2, 2007, the New York State Racing and Wagering Board approved the Saratoga Harness Racing, Inc. request to simulcast its racing programs for wagering purposes during 2007 to Track Net Media Group with seventeen (17) guest entities and one-hundred (100) secondary sites.
58. **SUFFOLK REGIONAL OTB – REQUEST TO CONDUCT GRAND OPENING AT NEW GRAND BOULEVARD BRANCH – DEER PARK**
For entry into the minutes, on September 20, 2007, the New York State Racing and Wagering Board approved the Suffolk Regional Off-Track Betting Corporation's request to offer various promotions, including five hundred (500) free two-dollar vouchers to their first five hundred (500) customers in conjunction with the grand opening of their new Grand Boulevard branch located at 850 Grand Blvd., in Deer Park, NY on or about November 9, 2007.

Officials and employees of Suffolk OTB are not eligible to participate.

These promotions must be conducted in accordance with the terms of the application and are subject to audit by the Board.

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

For entry into the minutes, on September 18, 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 Kentucky Downs, LLC, Kentucky through September 22, 2007.

60. For entry into the minutes, on September 20, 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 Oak Tree Racing Association, California from September 26, 2007 through November 4, 2007.

61. For entry into the minutes, on September 27, 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 the Breeders' Cup World Championships to be conducted at Monmouth Park on October 26, 2007 and October 27, 2007.

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

For entry into the minutes, on September 18, 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 Kentucky Downs, LLC, Kentucky through September 22, 2007.

63. For entry into the minutes, on September 20, 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 Oak Tree Racing Association, California from September 26, 2007 through November 4, 2007.

64. For entry into the minutes, on September 27, 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 the Breeders' Cup World Championships to be conducted at Monmouth Park For entry into the minutes, on October 26, 2007 and October 27, 2007.

65. **NEVADA GOLD – VERNON DOWNS – REQUEST TO EXPORT TO
VARIOUS LOCATIONS DURING 2007**

For entry into the minutes, on October 2, 2007, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its racing programs for wagering purposes during 2007 to Track Net Media Group with fourteen (14) guest entities and seventy-two (72) secondary sites.

66. For entry into the minutes, on October 4, 2007, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its standardbred

racine programs for waging purposes for the remainder of 2007 to Am West Entertainment LLC (with four [4] secondary sites), South Dakota.

67. **WESTERN REGIONAL OTB/BATAVIA DOWNS - REQUEST TO CHANGE FIRST RACE POST-TIME FOR ALL EVENING CARDS FOR THE REMAINDER OF THE BATAVIA DOWNS 2007 MEET**

For entry into the minutes, on September 20, 2007, the NYS Racing and Wagering Board approved the Western Regional Off-Track Betting/Batavia Downs request to change the first post-time to 7:05 p.m. for the remainder of the 2007 season beginning with a 7:05 first post-time for the Wednesday, September 26, 2007 program.

68. **WESTERN REGIONAL OTB/BATAVIA DOWNS - REQUEST TO CHANGE THE SATURDAY EVENING RACE CARDS FROM 11 TO 12 RACES FOR THE REMAINDER OF 2007**

For entry into the minutes, on October 2, 2007, the NYS Racing and Wagering Board approved the request of the Western Regional Off-Track Betting Corporation/Batavia Downs to add a twelfth race to its Saturday evening programs beginning on Saturday, October 6, 2007.

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

For entry into the minutes, on October 5, 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 Western Fair, Ontario, Canada for the remainder of 2007.

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

For entry into the minutes, on September 27, 2007, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its standardbred racing programs for wagering purposes for the remainder of 2007 to Colonial Downs, Virginia.

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

1. **YONKERS RACEWAY – REQUEST FOR APPROVAL OF AMENDMENT TO ACCOUNT WAGERING SYSTEM**

For entry into the minutes, on October 1, 2007, the New York State Racing and Wagering Board approved an amendment to the Yonkers Racing Corporation (Yonkers) plan of operation to operate telephone and internet account wagering to incorporate the terms of Amendment No. 1 to the plan of operation conditionally approved by the Board on July 27, 2007 and set forth in the Board's July 31, 2007 approval letter. This approval is granted with the same conditions provided in the Board's July 31, 2007 approval, which are:

1. The approval is limited to include telephone and Internet account wagering only. Should Yonkers wish to expand such operations to include other electronic means separate approval will be required.

2. Yonkers must disclose, in writing to the Board, no less than 30 days before accepting transactions, the identity of each financial/retail outlet that is established to allow customers to make deposits and/or withdrawals from their Yonkers wagering account.
3. The display of the official replay of any imported races simulcast at Yonkers may be provided on the Internet provided this is specifically authorized in the contract between Yonkers and the host track, and all necessary regulatory approvals are in place. Live video streaming of races is expressly prohibited at this time.
4. Yonkers must resolve the issue regarding their status as an Money Service Business (MSB) by either registering as an MSB and meeting all of the Anti-Money Laundering requirements or revising its request for determination to include its pari-mutuel account wagering activity; the horsemen's accounts; check, money order, travelers checks and stored value cashing procedures and all other activities conducted by Yonkers that are relevant to the MSB determination.
5. Yonkers must cause a test of its telephone and Internet account wagering system and submit a copy of the test results that report the tests have found this system operates in accordance with the Board's approval. The report of the satisfactory tests and test results must be submitted to the Board no later than 14 days prior to beginning account-wagering operations. The system shall not be implemented prior to receipt by Yonkers a letter from the Board authorizing implementation.

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

1. 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.

2. SARATOGA GAMING & RACEWAY – REQUEST TO AMEND CASH CARD PLAN OF OPERATION

The New York State Racing and Wagering Board approved Saratoga Harness Racing Inc.'s request to amend its Cash Card plan of operation as specified in its application of October 5, 2007.

3. BUFFALO RACEWAY – REQUEST TO WITHDRAW \$12,500.00 FROM CIF

The New York State Racing and Wagering Board approved Buffalo Raceway's September 12, 2007 request to withdraw a total of \$12,500.00 from its Capital Improvement Fund for reimbursement of the following expenditure:

Backstretch (100%)

Paving South Side of Barns \$12,500.00

Total Approved \$12,500.00

4. BUFFALO RACEWAY – REQUEST TO WITHDRAW \$10,000.00 FROM CIF

The New York State Racing and Wagering Board approved Buffalo Raceway's September 17, 2007 request to withdraw a total of \$10,000.00 from its Capital Improvement Fund for reimbursement of the following expenditure:

Backstretch (100%)

Chevrolet Avalanche with attached Starting Gate \$10,000.00

Total Approved \$10,000.00

5. NASSAU REGIONAL OTB – REQUEST FOR APPROVAL OF NEW FAST TRACK – LONG BEACH, NY

The New York State Racing and Wagering Board deferred the request for an amendment to the Nassau Regional OTB plan of operation to authorize the operation of a "Fast Track" simulcast facility at the Minnesota Pub LB Inc. d/b/a Minnesota's located at 959 Beech Street in Long Beach, New York 11561.

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

6. NASSAU REGIONAL OTB – REQUEST FOR APPROVAL OF NEW FAST TRACK – GARDEN CITY, NY

The New York State Racing and Wagering Board approved an amendment to the Nassau Regional Off-Track Betting Corporation plan of operation to authorize the operation of a "Fast Track" simulcast facility at the Draffen Inc. d/b/a BK's Uptown Grille located 636 Franklin Avenue in Garden City, New York 11530 in Nassau County. This approval is effective immediately.

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 Regional 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.

7. NEW YORK CITY OTB – REQUEST TO INSTALL & OPERATE QUIKAVA, INC. FOOD & BEVERAGE CARTS IN PUBLIC AREAS OF CERTAIN NYC OTB LOCATIONS

The New York State Racing and Wagering Board approved an amendment to the New York City Off-Track Betting Corporation plan of operation to authorize Quikava Inc. (a subsidiary of Massimo Zanetti Beverage USA) to retain independent franchisees/individuals to operate and service food and beverage carts in the public areas of certain identified branch locations. This approval is effective immediately.

It is a condition of this approval that any independent franchisees/individuals retained by Quikava be approved by the New York State Racing and Wagering Board prior to servicing food and beverage carts in specific branch locations.

8. NOTICE OF ADOPTION – FAILURE TO FINISH – 9 NYCRR 4117.2(c)

The New York State Racing and Wagering Board approved the adoption of an amendment to the "Failure to Finish" rule, 9 NYCRR 4117.2(c). The Notice of Proposed Rulemaking was published in the State Register on August 1, 2007, and the public comment period ended on September 15, 2007. Board staff received no comments.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. INDIAN GAMING/LICENSING STATISTICS

Licensing statistics for September 1, 2007 through September 30, 2007. Also included are the certifications for Mohawk, Seneca Allegany, Seneca Niagara and Oneida.

2. GAMES OF CHANCE/BINGO REGISTRATION NUMBERS

List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit between September 12, 2007 – October 15, 2007.

3. **GAMES OF CHANCE/BELL JAR TICKETS**

List of bell jar tickets authorized/denied by the Charitable Gaming Unit between September 1, 2007 – September 30, 2007.

4. **LICENSING/CURRENT LICENSE COUNT**

The current racing licensing counts as of September 30, 2007 since January 1, 2007 are as follows: total receipts 13,073 and total licenses 9,849 for the year 2007.

5. **2007 LICENSED SUPPLIERS**

List of licensed suppliers and manufacturers for the time period of August 1, 2007 through September 30, 2007.

6. **YONKERS RACEWAY – INFORMATION RELATIVE TO PEACE OFFICERS**

The federal fingerprint history reports have been received for two individuals that were conditionally approved by the Board and no derogatory information was revealed. The conditions have been fulfilled for Steven Bracamonte and Gwendolyn Herring.

F. FOLLOW-UP ON ITEMS PREVIOUSLY APPROVED

None.

The meeting adjourned at 11:15 a.m.