

MINUTES
NEW YORK STATE RACING AND WAGERING BOARD
MEETING OF SEPTEMBER 22, 2006

A meeting of the New York State Racing and Wagering Board was held on Friday, September 22, 2006 at 10:00 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 10:04 a.m.

In Attendance Were:

Daniel D. Hogan, Chairman

Michael J. Hoblock, Jr., Member

John B. Simoni, Member

John 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

Rick Goodell, Assistant Counsel

William Sekellick, Assistant Counsel

Also in Attendance Were:

Daniel Toomey, NYSR&WB

Norma Soodsma, NYSR&WB

Vivian Davis, NYSR&WB

Charles Coppola, Coppola, Ryan & McHugh

Dan Wray, NYC OTB

Charlie Vickery

Michael Rhodes-Devey, Tioga Downs

George Penn, Crane, Greene & Parente

Ed Martin, RCI

OPEN COMMENT PERIOD: No comments were made.

A. APPROVED THE MINUTES OF THE BOARD MEETING HELD AUGUST 24, 2006.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIR.

1. BUFFALO RACEWAY – REQUEST TO SIMULCAST VARIOUS LOCATIONS

For entry into the minutes, on September 5, 2006, the New York State Racing and Wagering Board approved the amendment to the Buffalo Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of the races from the Los Angeles County Fair Association (Fairplex Park) in California.

2. FINGER LAKES RACETRACK – REQUEST TO SIMULCAST VARIOUS LOCATIONS

For entry into the minutes, on August 22, 2006, the NYS Racing and Wagering Board approved an amendment to the Finger Lakes simulcast plan of operation enabling the import of the simulcast signals and wagering thereupon from the thoroughbred racetracks of Thistledown Racetrack in Ohio and Del Mar Racetrack in California during their upcoming 2006 race meetings. These simulcasts may be utilized whenever in compliance with the Racing Law.

3. For entry into the minutes, on August 31, 2006, the New York State Racing and Wagering Board approved the transmission of the Finger Lakes Racetrack simulcast to Vernon Downs for display and wagering purposes.

4. For entry into the minutes, on September 5, 2006, the New York State Racing and Wagering Board approved the amendment to the Finger Lakes Racing Association, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of the races from River Downs in Ohio.

5. For entry into the minutes, on September 5, 2006, the New York State Racing and Wagering Board approved the amendment to the Finger Lakes Racing Association, Inc.

simulcast plan of operation authorizing the simulcast for wagering purposes of the races from Keeneland in Kentucky for the remainder of 2006.

6. MONTICELLO RACEWAY – REQUEST TO SIMULCAST VARIOUS LOCATIONS

For entry into the minutes, on August 22, 2006, the NYS Racing and Wagering Board approved the amendment to the Monticello Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of Kentucky Downs in Kentucky.

7. For entry into the minutes, on August 23, 2006, the NYS Racing and Wagering Board approved an amendment to the Monticello Raceway simulcast plan of operation enabling the import of the simulcast signal from the Timonium Fair on the Maryland Jockey Club contract. The dates of the Timonium Fair are August 26 through September 4, 2006.

8. For entry into the minutes, on August 25, 2006, the NYS Racing and Wagering Board approved an amendment to the Monticello Raceway simulcast plan of operation authorizing the display of simulcasts from and wagering on Harrah's Chester Casino & Racetrack in Pennsylvania.

9. For entry into the minutes, on September 5, 2006, the New York State Racing and Wagering Board approved the request of Monticello Raceway Management, Inc. to simulcast its races for wagering purposes to Vernon Downs in New York.

10. NYRA – REQUEST FOR GRAND SLAM WAGER FOR SATURDAY, AUGUST 26, 2006 – TRAVERS STAKES DAY

For entry into the minutes, on August 10, 2006, the New York State Racing and Wagering Board approved the NYRA request dated August 7, 2006, to amend its pari-mutuel plan of operation with guaranteed amount of \$100,000 in the Grand Slam pari-mutuel pool at Saratoga Race Course on Travers Day, August 26, 2006.

11. NYRA – REQUEST TO OFFER SUPERFECTA ON THE 2006 TRAVERS STAKES ON SATURDAY, AUGUST 26, 2006

For entry into the minutes, on August 22, 2006, the NYS Racing and Wagering Board approved the New York Racing Association's request for superfecta wagering on the 2006 Travers Stakes scheduled to be conducted on Saturday, August 26, 2006, provided there are a minimum of seven (7) betting interests.

12. NYRA – REQUEST TO SIMULCAST VARIOUS LOCATIONS

For entry into the minutes, on September 5, 2006, the New York State Racing and Wagering Board approved the NYRA requests dated August 24 and August 25, 2006 to simulcast its races for wagering purposes to Harrah's Chester Casino & Racetrack in Pennsylvania and the Attractions Hippiques in Montreal for the four racetracks in Quebec, Canada and the nineteen (19) listed off-track betting facilities, all located in Quebec. The commingling of the wagers related to the Attractions Hippiques will utilize the net pool pricing system previously approved by the Board.

This approval is conditioned upon the terms of The New York Racing Association, Inc. Simulcast license, and all contracts are deemed amended and approval is conditioned on the following:

- a. Retransmission of your simulcast signal by authorized recipients to secondary recipients is not allowable without disclosure within the contract of the names and locations of all secondary recipients.
- 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 out-of-state receiving site's books and records (including all secondary sites that receive your simulcast) and must be noted in any simulcast agreement entered into for your simulcast signal. Included within the agreement must be reference that the guest 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 your simulcast transactions, if not included within individual contracts, must be supplied to the Board.

13. SARATOGA GAMING AND RACEWAY – REQUEST TO AMEND PLAN OF OPERATION FOR NY SIRE STAKES NIGHT OF CHAMPIONS – SATURDAY, SEPTEMBER 16, 2006

For entry into the minutes, on September 5, 2006, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming and Raceway plan of operation for the racing program on September 16, 2006, to include a total of fourteen (14) races of which eight (8) are New York Sire Stakes finals and six (6) races are regular Saturday night races; Superfecta wagering on the eight NYSS finals (where there are at least eight (8) betting interests), and “rolling pick three” wagering for races one through twelve on a fourteen race program.

14. SARATOGA GAMING AND RACEWAY – REQUEST TO SIMULCAST VARIOUS LOCATIONS

For entry into the minutes, on August 22, 2006, the NYS Racing and Wagering Board approved an amendment to the Saratoga Gaming and Raceway simulcast plan of operation authorizing the receipt of the simulcast signals and the conduct of wagering thereon from the Del Mar thoroughbred racetrack in California and the Pompano Park harness track in Florida on an everyday basis throughout the year 2006.

15. For entry into the minutes, on August 31, 2006, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming and Raceway simulcast plan of operation authorizing the display of simulcasts and wagering thereon from Harrah’s Chester Casino and Racetrack in Pennsylvania.

16. For entry into the minutes, on September 5, 2006, the New York State Racing and Wagering Board approved the request of Saratoga Harness Racing, Inc. to simulcast its races for wagering purposes to Vernon Downs.

17. SUFFOLK REGIONAL OTB – REQUEST TO AMEND PLAN OF OPERATION/CLOSING OF E-Z BET - BABYLON

For entry into the minutes, on August 15, 2006, the NYS Racing and Wagering Board approved an amendment to the Suffolk Regional OTB’s plan of operation to reflect the closing of the facility located at the Salty Dog Tavern.

18. SUFFOLK REGIONAL OTB – REQUEST TO OFFER HANDICAPPING CONTEST

For entry into the minutes, on August 15, 2006, the NYS Racing and Wagering Board approved the Suffolk Regional Off-Track Betting Corporation's promotional request to conduct a thoroughbred handicapping contest per the rules submitted with the request letter and application dated August 10, 2006. This approval is for the handicapping contest to be conducted at the The Racing Forum in Hauppauge, New York on Saturday, October 14, 2006.

19. SUFFOLK REGIONAL OTB/BATAVIA DOWNS – REQUEST TO OFFER PROMOTION – TELETHEATER GAS PROMOTION

For entry into the minutes, on August 15, 2006, the NYS Racing and Wagering Board approved the Suffolk Regional Off-Track Betting Corporation's promotional request to award five (5) totally free gas cards at the Racing Forum. These gas cards are to be awarded in conjunction with Batavia Downs races and will be drawn ten minutes before the post time of races two, four, six, eight and ten at Batavia Downs on September 29, 2006.

20. NEVADA GOLD – TIOGA DOWNS, INC. REQUEST TO AMEND PLAN OF OPERATION/ADDITION OF LIVE RACE DATE

For entry into the minutes, on August 18, 2006, the NYS Racing and Wagering Board approved the amendment to the Nevada Gold - Tioga Downs, Inc. plan of operation enabling the conduct of live racing at Nevada Gold – Tioga Downs, Inc. for an additional date of Saturday, August 26, 2006, beginning at 6:50 p.m.

21. NEVADA GOLD – TIOGA DOWNS, INC. – REQUEST TO SIMULCAST VARIOUS LOCATIONS

For entry into the minutes, on August 15, 2006, the NYS Racing and Wagering Board approved an amendment to the Tioga Downs simulcast plan of operation authorizing the simulcast of races for wagering purposes from Batavia Downs and Beulah Park in Ohio.

22. For entry into the minutes, on August 25, 2006, the NYS Racing and Wagering Board approved an amendment to the Nevada Gold - Tioga Downs, Inc. simulcast plan of operation authorizing the display of simulcasts from and wagering on Harrah's Chester Casino & Racetrack in Pennsylvania.

23. For entry into the minutes, on August 25, 2006, the New York State Racing and Wagering Board approved the simulcast of racing from Tioga Downs to Harrah's Chester Casino & Racetrack in Pennsylvania.

All contracts are conditioned upon the terms of Nevada Gold-Tioga Downs, Inc. Simulcast license, and all contracts are deemed amended and approval is conditioned on the following:

- a. Retransmission of your simulcast signal by authorized recipients to secondary recipients is not allowable without disclosure within the contract of the names and locations of all secondary recipients.

- 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 out-of-state receiving site's books and records (including all secondary sites that receive your simulcast) and must be noted in any simulcast agreement entered into for your simulcast signal. Included within the agreement must be reference that the guest 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 your simulcast transactions, if not included within individual contracts, must be supplied to the Board.

d. All pari-mutuel activity, payments and settlements must be made with Nevada Gold-Tioga Downs, Inc.

24. For entry into the minutes, on August 31, 2006, the New York State Racing and Wagering Board approved the simulcast for wagering purposes of the Tioga Downs races to both Batavia Downs and the Suffolk Regional Off-Track Betting Corporation.

25. For entry into the minutes, on September 5, 2006, the New York State Racing and Wagering Board approved the amendment to the Nevada Gold-Tioga Downs, Inc. simulcast plan of operation authorizing the display of simulcasts and wagering thereon from Golden Gate Fields and the Los Angeles County Fair (Fairplex Park), both in California.

26. For entry into the minutes, on September 5, 2006, the New York State Racing and Wagering Board approved the request of Nevada Gold-Tioga Downs, Inc. to simulcast the Tioga Downs' races for wagering purposes to Vernon Downs.

27. NEVADA GOLD – VERNON DOWNS, INC. – REQUEST TO AMEND PLAN OF OPERATION – HANDICAPPING CONTESTS – VOUCHER GIVEAWAYS – “OWN A PIECE OF A PACER”

For entry into the minutes, on September 5, 2006, the New York State Racing and Wagering Board approved the conduct of the Nevada Gold-Vernon Downs, Inc. handicapping contest to be held on September 22, and October 20, 2006 at Vernon Downs in accordance with the rules submitted. The Board also approved the “Own a Piece of a Pacer” contest in accordance with the rules submitted. The Board’s approval is conditioned on there being no cost to enter any of the contests.

28. NEVADA GOLD – VERNON DOWNS, INC. – REQUEST TO SIMULCAST VARIOUS LOCATIONS

For entry into the minutes, on August 30, 2006, the New York State Racing and Wagering Board granted approval for Nevada Gold - Vernon Downs, Inc. to export its simulcast harness racing programs to the following entities:

America Tab in Oregon (Except for secondary site.)
Buffalo Trotting Assoc. (Buffalo Raceway) in New York
Capital District OTB in New York
Colonial Downs in Virginia
Day At The Track in Idaho
Downs Racing, LP (Pocono Downs) in Pennsylvania

Finger Lakes Racing Association in New York
Freehold Raceway in New Jersey
Harrah's Chester Casino & Racetrack in Pennsylvania
Harrington Raceway in Delaware
Hazel Park in Michigan
Indiana Downs in Indiana
Lewiston Raceways Inc. in Maine
The Meadows in Pennsylvania
Monticello Raceway Mgmt., Inc. in New York
Mountainview Thoroughbred Racing Association (Penn National) in Pennsylvania

NJSEA (Meadowlands/ Monmouth) in New Jersey
Northfield Park in Ohio
Northville Racing Corp. in Michigan
Ocean Downs LLC in Maryland
Plainridge Racecourse in Massachusetts
Pony Up Bet in Wyoming
The Racing Channel in Oregon
The Red Mile in Kentucky
Rockingham Park in New Hampshire
Rosecroft Raceway in Maryland
Saratoga Gaming and Raceway in New York
Scarborough Downs in Maine
Scioto Downs Inc. in Ohio
Sunland Park Racetrack and Casino in New Mexico
Sunray Gaming of NM LLC (SunRay Park) in New Mexico
Tioga Downs in New York
U S Off-Track LLC in Oregon
Western OTB in New York
The Woodlands
Xpress Bet. Inc. in California
Youbet.Com. Inc. in California and Oregon.

All contracts are conditioned upon the terms of the Nevada Gold - Vernon Downs, Inc. Simulcast license, and all contracts are deemed amended and approval is conditioned on the following:

- a. Retransmission of your simulcast signal by authorized recipients to secondary recipients is not allowable without disclosure within the contract of the names and locations of all secondary recipients.
- 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 out-of-state receiving site's books and records (including all secondary sites that receive your simulcast) and must be noted in any simulcast agreement entered into for your simulcast signal. Included within the agreement must be reference that the guest 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 your simulcast transactions, if not included within individual contracts, must be supplied to the Board.

d. All pari-mutuel activity, payments and settlements must be made with Nevada Gold - Vernon Downs, Inc.

29. For entry into the minutes, on August 30, 2006, the New York State Racing and Wagering Board approved the amendment of Nevada Gold - Vernon Downs, Inc.'s simulcast plan of operation authorizing the simulcast for wagering purposes of racing programs from the following entities:

Beulah Park in Ohio

Charles Town Gaming, LLC in West Virginia
Colonial Downs in Virginia
Del Mar Thoroughbred Club in California
The Delaware County Fair in Ohio
Finger Lakes in New York
FR Park Racing (Freehold Raceway) in New Jersey
Georgian Downs Limited in Ontario, Canada
Golden Gates Fields in California
Harrah's Bossier City Investment Company, LLC. (Louisiana Downs) in Louisiana
Harrah's Chester Casino & Racetrack in Pennsylvania
Harrington Raceway in Delaware
Hazel Park Harness Raceway in Michigan
Indiana Downs in Indiana
The Meadows in Pennsylvania
Mohegan Sun at Pocono Downs in Pennsylvania
Monticello Raceway in New York
Mountaineer Park, Inc. and Scioto Downs in West Virginia and Ohio
NJSEA (Meadowlands/ Monmouth) in New Jersey
New York Racing Association Inc. in New York
Northfield Park Associates in Ohio
Ocean Downs LLC in Maryland
Penn National Turf Club, Inc. in Pennsylvania
Philadelphia Park in Pennsylvania
Plainridge Racecourse in Massachusetts
The Red Mile in Kentucky
River Downs Jockey Club in Ohio
Rockingham Venture, Inc. in New Hampshire
Rosecroft Raceway in Maryland
Saratoga Harness Racing Inc. in New York
Scarborough Downs in Maine
Suffolk Racecourse, LLC in Massachusetts
Western OTB (Batavia) in New York.
Windsor Raceway, Inc. in Ontario, Canada
Woodbine Entertainment Group in Toronto, Canada

All contracts are conditioned upon the terms of Nevada Gold - Vernon Downs, Inc. Simulcast license, and all pari-mutuel activity, payments and settlements must be made with Nevada Gold - Vernon Downs, Inc.

30. For entry into the minutes, on September 5, 2006, the New York State Racing and Wagering Board approved the amendment to the Nevada Gold–Vernon Downs, Inc.

simulcast plan of operation authorizing the simulcast for wagering purposes from Delaware Park for the remainder of 2006.

- 31.** For entry into the minutes, on September 5, 2006, the New York State Racing and Wagering Board approved the simulcast for wagering purposes of the Vernon Downs' races to the Delaware Racing Association in Delaware.

This approval is conditioned upon the terms of the Nevada Gold-Vernon Downs, Inc. Simulcast license, and all contracts are deemed amended and approval is conditioned on the following:

- a. Retransmission of your simulcast signal by authorized recipients to secondary recipients is not allowable without disclosure within the contract of the names and locations of all secondary recipients.
- 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 out-of-state receiving site's books and records (including all secondary sites that receive your simulcast) and must be noted in any simulcast agreement entered into for your simulcast signal. Included within the agreement must be reference that the guest 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 your simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. All pari-mutuel activity, payments and settlements must be made with Nevada Gold-Vernon Downs, Inc.

32. WESTERN REGIONAL OTB/BATAVIA DOWNS - REQUEST TO SIMULCAST VARIOUS LOCATIONS

For entry into the minutes, on September 5, 2006, the New York State Racing and Wagering Board approved the simulcast of the Batavia Downs' races to Tioga Downs for wagering purposes.

This approval is conditioned upon the terms of the Batavia Downs' Simulcast license, and all contracts are deemed amended and approval is conditioned on the following:

- a. Retransmission of your simulcast signal by authorized recipients to secondary recipients is not allowable without disclosure within the contract of the names and locations of all secondary recipients.

- 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 out-of-state receiving site's books and records (including all secondary sites that receive your simulcast) and must be noted in any simulcast agreement entered into for your simulcast signal. Included within the agreement must be reference that the guest 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 your simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- 33.** For entry into the minutes, on September 5, 2006, the New York State Racing and Wagering Board approved the amendment to the Batavia Downs' simulcast plan of operation authorizing the simulcast for wagering purposes of the races from Tioga Downs. All payments are to be made to Nevada Gold-Tioga Downs, Inc.

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

1. NOTICE OF EMERGENCY RULEMAKING – TCO2 TESTING AND PENALTIES

For entry into the minutes, on September 5, 2006, the NYS Racing and Wagering Board approved the Adoption of Emergency Rules for testing of excess TCO2 in thoroughbred and harness racehorses, penalties for excess TCO2 and procedures for guarded quarantine and voidable claims. This emergency rule will expire on December 5, 2006.

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

1. NEW YORK CITY OTB SIMULCAST LICENSE APPLICATION FOR 2006

The New York State Racing and Wagering Board deferred action on New York City Off-Track Betting Corporation's 2006 simulcast license application as staff continues to review matters concerning NYC OTB's financial position.

The Board will consider further action at the next Board meeting.

NYC OTB will remain operational on the continuing rights of the 2005 simulcast license. Such rights are conditioned upon the following:

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

2. YONKERS RACEWAY – TRACK LICENSE APPLICATION FOR 2006

The New York State Racing and Wagering Board deferred action on Yonkers Raceway's track and simulcast license applications for 2006 pending receipt of information and staff evaluation of the following matters:

- Certificate of Occupancy for new facility.
- Local fire inspection reports.

- Final inspection by RWB staff.
- Satisfaction of CAFO requirements .
- Security Guard/Peace Officer approvals/registration.

The Board will consider further action at an upcoming Board meeting.

Yonkers Raceway retains continuing rights based upon the 2005 track and simulcast licenses.

3. YONKERS RACEWAY – SIMULCAST LICENSE APPLICATION FOR 2006
(See number 2 above.)

4. WESTERN REGIONAL OTB/BATAVIA DOWNS – REQUEST TO WITHDRAW \$31,229.38 FROM CIF

On September 22, 2006, the New York State Racing and Wagering Board (the Board) approved the Batavia Downs' request to withdraw a total of \$31,229.38 from its Capital Improvement Fund for reimbursement of capital expenditures. This approval is granted on the basis that the withdrawal of the funds is authorized to be made in three consecutive equal monthly installments.

The monthly withdrawal of the funds should occur only after Western Off-Track Betting Corporation staff submits a copy of the deposit documents that shows the appropriate funds were deposited in the Capital Improvement Fund for the prior months of August, September and October of 2006. Thus, each of the three installments may be withdrawn only after proof has been provided to the Board that the previous month's capital improvement monies collected have been deposited into the designated Capital Improvement bank account.

5. CATSKILL REGIONAL OTB – AMENDMENT TO SIMULCAST PLAN OF OPERATION

The New York State Racing and Wagering Board amended the Catskill Regional Off-Track Betting Corporation's 2006 simulcast plan of operation to provide that Catskill shall accept wagers and display live simulcast signals of all pari-mutuel harness races conducted at Tioga Downs, with terms and conditions as and for the written contract from the sending track, that it shall pay Nevada Gold - Tioga Downs, Inc. only the statutory minimum commission and Nevada Gold - Tioga Downs, Inc. shall provide its signal at no cost to Catskill.

6. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO ADD NEW E-Z BET - VALATIE

The New York State Racing and Wagering Board approved an amendment to the Capital District Regional Off-Track Corporation's plan of operation for a new off-track betting remote simulcast wagering facility located in Valatie, New York at Kappy's Lounge and Grill.

It is expected that Capital District Regional OTB, using its own personnel, will occasionally inspect the Kappy's Lounge and Grill remote wagering facility and certify that all rules and laws concerning the conduct of wagering in New York State are being followed.

The Secretary to the Board is to be notified in writing in a timely manner should a change in procedure be implemented that affects the operation of this approved Capital District Regional OTB remote wagering facility or of any change in ownership. The simulcast license fee of five hundred dollars is immediately due.

7. IN THE MATTER OF MITCHELL R. BOGEN

The New York State Racing and Wagering Board upheld Hearing Officer Russell H. Baller, Jr.'s recommendation that the license refusal of harness groom applicant Mitchell R. Bogen be upheld. This refusal was based upon the finding that Mr. Bogen's experience, character and general fitness are such that his participation in racing is inconsistent with the public interest, convenience and necessity, or with the best interests of racing generally.

8. IN THE MATTER OF ERICK J. MILLINGTON

The New York State Racing and Wagering Board upheld Hearing Officer Creighton Brittell's recommendation that the license of harness groom Erick J. Millington remain suspended until he completes a recognized rehabilitation program and tests clean thereafter.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

**1. CAPITAL DISTRICT REGIONAL OTB – CAPITAL OTB PLAYER REWARDS
FIRST QUARTER RESULTS**

Capital District Regional OTB submitted the reports required by the Board concerning the approval of the Capital OTB Player Rewards Program. Staff has reviewed and summarized the reports.

2. GAMES OF CHANCE/BINGO REGISTRATION NUMBERS

List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit between August 9, 2006 – September 1, 2006.

3. GAMES OF CHANCE/BELL JAR TICKETS

List of bell jar tickets authorized/denied by the Charitable Gaming Unit between August 1, 2006 – August 31, 2006.

4. LICENSING – CURRENT LICENSE COUNT

The current racing licensing counts as of August 31, 2006 since January 1, 2006 are as follows: total receipts 11,799 and total licenses 7,878 for the year 2006.

5. 2006 LICENSED SUPPLIERS

List of 2006 licensed suppliers and manufacturers for the period of August 1, 2006 through August 31, 2006.

6. INDIAN GAMING - LICENSING STATISTICS

Licensing statistics for August 1, 2006 through August 31, 2006. Also included are the certifications for Mohawk, Seneca Allegany, Seneca Niagara and Oneida.

F. FOLLOW-UP ON ITEMS PREVIOUSLY APPROVED

1. On June 28, 2006, the Board approved Capital OTB's request to add the West Coxsackie off-track betting simulcast branch facility located at 12165 Rt. 9W, Unit #5 in Greene County on the condition that the Board receive a copy of the Certificate of Occupancy. To date this document has not been received.

The meeting was adjourned at 10:31 a.m.