

Western Regional Off-Track Betting Corporation

8315 Park Road, Batavia, NY 14020

PUBLIC NOTICE

MAY 2022 MEETINGS

Committee Meetings for **Western Regional Off-Track Betting Corporation**

Committee meetings for Western Regional Off-Track Betting Corp. will be held on **Wednesday, May 25 and Thursday, May 26, 2022** at Western Regional Off-Track Betting Corporation offices located at 8315 Park Road, Batavia, NY 14020 as follows:

Wednesday, May 25, 2022

1:00 p.m. Personnel
2:00 p.m. Finance
2:30 p.m. Advertising
3:00 p.m. Legislative
3:30 p.m. Branch
3:45 p.m. Insurance
4:00 p.m. Audit

Thursday, May 26, 2022

9:00 a.m. Batavia Downs Operations

Regular Meeting of the Western Regional Off-Track **Betting Corporation Board of Directors**

The Regular Monthly Meeting of the Board of Directors of Western Regional Off-Track Betting Corp. will be held on **Thursday, May 26, 2022 at 10:00 a.m.** at Western Regional Off-Track Betting Corporation offices located at 8315 Park Road, Batavia, NY 14020.

Dated: May 6, 2022

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

PERSONNEL COMMITTEE MEETING

Wednesday, May 25, 2022

1:00 p.m.

Elliott Winter, Chairperson
Thomas P. Wamp, Vice-Chairperson

Dennis Bassett, Member
Richard Bianchi, Member
Susan May, Member
Edward Morgan, Member
Richard Ricci, Member

AGENDA

1. Vacation By-Back – 40 Hours
-W. White
2. Title Elimination From Compendium
-W. White
3. Additional Positions to Compendium
 - Skilled Maintenance (4)
-W. White
4. New Title (Grade 8)
 - Administrative Assistant – Live Racing
-W. White
-S. Kiedrowski
5. Executive Session
 - 5a. Executive session for the discussion of the medical, financial, credit or employment history of a particular person or corporation or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

Finance Committee Meeting
May 25, 2022
Batavia, New York

Ken Lauderdale, Chairman
Thomas Wamp, Vice Chairman

Richard Bianchi, Member
Michael Horton, Member
Paul Lattimore, Member
Edward Morgan, Member
Elliott Winter, Member

AGENDA

1. Letter of Credit (Workers Comp) – Bank of Castile
 - Resolution #52-2022

- J. Leach
2. Roberts Communications Network LLC
 - Resolution #53-2022

- J. Leach
3. Chief Financial Officer Report & BDG Financials
 - April 2022

- J. Leach
4. NYGA Weekly Numbers

- J. Leach

RESOLUTION #52-2022

WHEREAS, it is the responsibility of Western Regional Off-Track Betting Corporation ("Western") to operate the business in the most efficient and economically practical manner; and

WHEREAS, Western was previously issued a Letter of Credit with the Bank of Castile in the amount of \$900,000 as a requirement for Western to self-insure its Workers Compensation exposure; and

WHEREAS, as security for the Letter of Credit, the Bank of Castile required a continued security interest in various branch properties and/or a reserved savings account in the amount of \$900,000 to be held by the Bank of Castile; and

WHEREAS, Western paid off a bond with the Bank of Castile in August 2021 that also had the branch properties as additional security for that loan; and

WHEREAS, staff believes that it is in the best interest of Western to fully fund the reserve account at Bank of Castile up to \$900,000, and to have the branch properties released and discharged as security; and

WHEREAS, Western wishes to fully fund the reserve account with Bank of Castile from its various revenue sources; now therefore be it

RESOLVED, that the Board of Directors of Western authorize staff to fully fund the reserved savings account with the Bank of Castile using its various revenue sources; and further

RESOLVED, that an officer of Western is authorized to take all steps necessary in furtherance of the Board's resolution.

Respectfully submitted,

Ken Lauderdale, Chairman
Finance Committee

Dated: May 26, 2022
Batavia, New York

RESOLUTION - #53-2022

WHEREAS, it is the corporate responsibility of the Western Regional Off-Track Betting Corporation ("Western") to operate Batavia Downs, Off-Track Betting parlors and EZ bet locations; and

WHEREAS, the use of simulcast reception services at Western's Batavia Downs, Off-Track Betting parlors and EZ Bet locations is indispensable: and

WHEREAS, Roberts Communications Network, LLC ("Roberts"), a sole source provider, will provide simulcast reception services at Western's various locations, including equipment and installation costs, for a one (1) year period for the total amount of not to exceed \$287,793.00; and therefore

BE IT RESOLVED, that the Board of Directors of Western hereby approves the simulcast reception service agreement with Roberts for a one (1) year period in a total amount not to exceed \$287,793.00; and

BE IT FURTHER RESOLVED, that an officer of the Corporation is hereby authorized to execute an agreement that reflects the Board's actions.

Respectfully submitted,

Ken Lauderdale, Chairman
Finance Committee

Dated: May 26, 2022
Batavia, New York

WESTERN REGIONAL OFF-TRACK BETTING - SUMMARY OF CFO'S REPORT - ACTUAL RESULTS:

<u>Operational Results - April 2022</u>	April 2022	April 2021	April Plan
Total Handle	\$4,696,311	\$6,164,260	\$6,265,000
\$ Variance		(1,467,949)	(1,568,689)
% Variance		-24%	-25%
VGM Net Win	\$7,110,334	\$5,120,947	\$5,301,780
\$ Variance		1,989,387	1,808,554
% Variance		39%	34%
Revenue net of Statutories	\$ 4,119,847	\$ 3,109,153	\$ 3,394,245
Operating Expenses	2,986,632	2,754,318	2,972,730
Earnings and Surcharge	1,133,215	354,835	421,515
Surcharge	62,195	84,349	85,352
Operational Earnings	\$ 1,071,020	\$ 270,486	\$ 336,163
\$ Variance		800,534	734,857
% Variance		296%	219%

* Earnings are computed and distributed on a quarterly basis

<u>Segment Performance:</u>	April 2022	April 2021	April Plan
BRANCH Earnings from Operations	\$ 146,487	\$ 203,053	\$ 294,893
Less: G&A Allocation	210,555	290,597	201,389
<u>Earnings (Losses) net of G&A Allocation</u>	<u>\$ (64,068)</u>	<u>\$ (87,544)</u>	<u>\$ 93,504</u>
\$ Variance		23,476	(157,572)
% Variance		27%	-169%
BATAVIA DOWNS Earnings from Operations	\$ 1,438,082	\$ 776,205	\$ 532,462
Less: G&A Allocation	302,994	418,175	289,803
<u>Earnings net of G&A Allocation</u>	<u>\$ 1,135,088</u>	<u>\$ 358,030</u>	<u>\$ 242,659</u>
\$ Variance		777,058	892,429
% Variance		217%	368%
GENERAL AND ADMINISTRATIVE expense	\$ 513,549	\$ 708,772	\$ 491,192
\$ Variance		(195,223)	22,357
% Variance		-28%	5%

<u>Net Cash Distributions to Municipalities:</u>	April 2022	April 2021	April Plan
SURCHARGE	\$ 62,195	\$ 84,349	\$ 85,352
\$ Variance		(22,154)	(23,157)
% Variance		-26%	-27%

<u>Year to Date Surcharge and Net Revenue</u>	April 2022	April 2021	April Plan
SURCHARGE	\$ 226,409	\$ 300,182	\$ 309,614
\$ Variance		(73,773)	(83,205)
% Variance		-25%	-27%
NET EARNINGS AVAILABLE FOR DISTRIBUTION	\$ 2,988,559	\$ 445,438	\$ 1,468,882
\$ Variance		2,543,121	1,519,677
% Variance		571%	103%
TOTAL	\$ 3,214,968	\$ 745,620	\$ 1,778,496

CFO'S REPORT - April 2022

SUMMARY - WESTERN REGIONAL OTB CORPORATION - ALL LOCATIONS/DEPARTMENTS: ROUNDED

	2022 April	2021 April	2022 April Plan	2022 Year To Date	2021 Year To Date	2022 Operating Plan YTD
HANDLE (includes Live)	\$4,696,000	\$6,164,000	\$6,265,000	\$17,630,000	\$22,109,000	\$22,075,000
\$ Variance		(1,468,000)	(1,569,000)		(4,479,000)	(4,445,000)
% Variance		-24%	-25%		-20%	-20%
VGM Net Win	\$7,110,000	\$5,121,000	\$5,302,000	\$25,285,000	\$17,587,000	\$20,249,000
\$ Variance		1,989,000	1,808,000		7,698,000	5,036,000
% Variance		39%	34%		44%	25%
Revenue and Expense:						
Operating Revenue	8,207,000	6,390,000	6,759,000	29,519,000	22,586,000	25,437,000
\$ Variance		1,817,000	1,448,000		6,933,000	4,082,000
% Variance		28%	21%		31%	16%
Less: Statutory Expenses	4,087,000	3,281,000	3,365,000	14,690,000	11,451,000	12,644,000
\$ Variance		806,000	722,000		3,239,000	2,046,000
% Variance		25%	21%		28%	16%
Revenue before Operating Expenses	4,120,000	3,109,000	3,394,000	14,829,000	11,135,000	12,793,000
\$ Variance		1,011,000	726,000		3,694,000	2,036,000
% Variance		33%	21%		33%	16%
Less: Operating Expenses	2,987,000	2,754,000	2,973,000	11,614,000	10,231,000	11,014,000
\$ Variance		233,000	14,000		1,383,000	600,000
% Variance		8%	0%		14%	5%
Retained Surcharge/Net earnings	1,133,000	355,000	422,000	3,215,000	904,000	1,779,000
\$ Variance		778,000	711,000		2,311,000	1,436,000
% Variance		219%	168%		256%	81%
Retained Surcharge	62,000	84,000	85,000	226,000	300,000	310,000
\$ Variance		(22,000)	(23,000)		(74,000)	(84,000)
% Variance		-26%	-27%		-25%	-27%
Net Earnings(Losses) from Operations	1,071,000	270,000	336,000	2,989,000	604,000	1,469,000
\$ Variance		801,000	735,000		2,385,000	1,520,000
% Variance		297%	219%		395%	103%
PPP Forgiveness	81,000	0	0	81,000	0	0
Earnings (Losses) Net of PPP Forgiveness	1,071,000	270,000	336,000	3,070,000	604,000	1,469,000
\$ Variance		801,000	735,000		2,466,000	1,601,000
% Variance		297%	219%		408%	109%

	Operational Earnings	Earnings allocated to CAF	Distributable Earnings		
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1st Qtr. Operational Earnings*	\$1,917,539	\$125,604	\$1,791,935	\$174,952	\$1,132,719
\$ Variance				1,616,983	659,216
% Variance				924%	58%
2nd Qtr. Operational Earnings*	\$1,071,020	\$0	\$1,071,020	\$270,486	\$336,163
\$ Variance				800,534	734,857
% Variance				296%	219%
PPP Forgiveness**	\$81,335	\$0	\$0	\$0	\$0
Total YTD	\$3,069,894	\$125,604	\$2,862,955	\$445,438	\$1,468,882
\$ Variance				2,417,517	1,394,073
% Variance				543%	95%

* Available for Distribution

**The Hotel at Batavia Downs PPP loan was fully forgiven by the SBA on 3/12/2022.

Resolution 39-2022 removes these forgiven funds from member distributions as funds were used during the COVID-19 pandemic for their intended purpose.

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

ADVERTISING AND PROMOTIONS COMMITTEE AGENDA

Wednesday, May 25, 2022

2:30 P.M.

Susan May, Chairperson
Ken Lauderdale, Vice-Chairman
Richard Bianchi, Member
Edward Morgan, Member

Paul Lattimore Jr. Member
Michelle Parmer-Garner, Member
Richard Ricci, Member

AGENDA

1. Gaming/Branch Marketing Update R. Hasenauer
2. Resolution #51-2022
EventBrite R. Hasenauer
3. Resolution #55-2022
Growth Marketing of Rochester, LLC R. Hasenauer

RESOLUTION - #51-2022

WHEREAS, the Western Regional Off-Track Betting Corporation ("Western") is the owner and operator of Batavia Downs Gaming located at 8315 Park Road, Batavia, New York and holds concerts at that location; and

WHEREAS, in order to hold a concert, Western is required to sell tickets for each event held at its location; and

WHEREAS, Eventbrite has previously provided such ticket services to Western; and

WHEREAS, staff has reached out to four (4) such providers as detailed on the attached schedule in respect to providing such services for Western's concerts; and

WHEREAS, Staff recommends that the Board of Western enter into an agreement with Eventbrite to provide concert ticket services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Western approves an agreement with Eventbrite to provide ticket services to Western for its various concerts for a one (1) year period along the terms of the proposal attached hereto; and

IT IS FURTHER, RESOLVED that an officer of Western is directed to execute such documents as to further this resolution.

Respectfully submitted,

Susan May, Chairperson
Advertising & Promotions Committee

Dated: May 26, 2022
Batavia, New York

Analysis of Ticket Providers

Each ticketing service charges a different amount to the end user (Not Batavia Downs)
 The various amounts seen below actually showcase the different amount of money the consumer pays.

On a \$15 Ticket,	FEES	CREDIT CARD PERCENTAGE	TOTAL (Charged to End User)
Eventbrite would charge	\$ 1.74	2.5%	\$ 2.12
Helm	\$ 1.95	3%	\$ 2.40
Humantix	\$ 1.30	3%	\$ 1.75
Ticketleap	\$ 1.30	3%	\$ 1.75

The cost savings above is what the ticket buying customer would see. Switching our entire catalogue of events to a new platform to charge our customers less money would not be a wise move in our estimation. Those wishing to buy tickets to an event here would have to sign up for a new account on a new ticketing website. This would further complicate selling tickets. We would also lose our entire customer database for email marketing because those persons have accounts with Eventbrite.

None of the companies offer any hardware, whereas Eventbrite furnished us with the printer, an ipad and several ticket scanners.

Eventbrite is also established nationally but especially in the WNY area and boasts partners like the Rapids Theatre and many other bars, restaurants, breweries and event spaces. This allows a person who already has a Eventbrite account to purchase ticket to our events without to much issue.

Due to these factors, staff recommends continuing with Eventbrite.

RESOLUTION #55-2022

WHEREAS, as part of its ongoing patron attraction and retention program, Western Regional Off-Track Betting Corporation (“Western”) engages in an aggressive marketing and advertising campaign; and

WHEREAS, Western has previously entered into a series of agreements to provide marketing and advertising assistance to Western including, but not limited to invoice reconciliation, television and radio production and marketing and messaging consulting; and

WHEREAS, Western has sent out an RFP requesting pricing for such services and that Growth Marketing of Rochester, LLC (“Growth”) was deemed to be the lowest responsible bidder; and

WHEREAS, staff recommends that Western enter into a one-year agreement with Growth along the terms set forth in its bid, with an option running to Western to extend the agreement for three additional one-year terms; and therefore

BE IT RESOLVED, that the Board of Directors of Western hereby approves an agreement with Growth for marketing and advertising agreement with Growth for a one-year term, with an option for three additional one-year terms; and further

RESOLVED, that the Board of Directors of Western hereby authorizes an officer of Western to execute an agreement with Growth in furtherance of this resolution.

Respectfully submitted,

Susan May, Chairperson
Advertising & Promotions Committee

Dated: May 26, 2022
Batavia, New York

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

LEGISLATIVE COMMITTEE

**Wednesday – May 25, 2022
3:00 p.m.**

Mark Bombardo, Chairman
Richard Siebert, Vice Chairman
Richard Bianchi, Member
Edward Morgan, Member

Paul Lattimore, Jr., Member
Phil Barnes, Member
Mark Burr, Member

AGENDA

1. Legislative Update

H. Wojtaszek

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

BRANCH OPERATIONS COMMITTEE MEETING

**Wednesday, May 25, 2022
3:30 P.M.**

Michelle Parmer-Garner, Chairperson
Michael Horton, Vice-Chairperson

Richard Bianchi, Member
Mark Bombardo, Member
Mark Buff, Member
Edward Morgan, Member
Francis Warthling, Member

AGENDA

- 1) Branch Update
- Dina Pane
- 2) E-Z Bet Update
- Dina Pane
- 3) Batavia Bets Update
- Dina Pane
- 4) Real Estate Update
- Mark Gabriele

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

INSURANCE COMMITTEE

**Wednesday May 25, 2022
3:45 p.m.**

Susan May, Chairperson
Dennis Bassett, Vice Chairman
Richard Bianchi, Member
Edward Morgan, Member

Richard Ricci, Member
Mark Burr, Member
Francis Warthling, Member

AGENDA

1. Insurance Renewal
Property & Casual Liability

- H. Wojtaszek

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

BATAVIA DOWNS OPERATIONS COMMITTEE

Thursday – May 26, 2022
9:00 A.M.

Edward Morgan, Chairman
Richard Siebert, Vice-Chairman
Richard Bianchi, Member
Thomas Wamp, Member

Ken Lauderdale, Member
Elliott Winter, Member
Mark Burr, Member

AGENDA

1. David P. Hart, President & CEO
Hart Hotels
2. Gaming Floor Update
S. Schiano
3. Live Racing Update
S. Kiedrowski
H. Wojtaszek
4. Park Road Update
H. Wojtaszek
5. Resolution #49-2022
Hulme Change Order
H. Wojtaszek
6. Resolution #50-2022
Sysco Food Services
S. Kiedrowski
7. Resolution #54-2022
Stall-Rubber Matting
H. Wojtaszek
8. Resolution #56-2022
570 DAB 30, LLC
H. Wojtaszek

RESOLUTION #49-2022

WHEREAS, Western previously entered into an agreement with Edward Hulme, Inc. ("Hulme") for the construction of a new warehouse and cold storage facility at its Batavia Downs location; and

WHEREAS, staff is recommending that an additional change order be entered into between Western and Hulme, whereby Hulme would make various changes to the foundation portion of the project, as more particularly set forth in the attached change order proposal; and

WHEREAS, Hulme has proposed to make the changes as set forth for the amount of \$33,736.82; and, therefore be it

RESOLVED that the Board of Directors of Western hereby authorize the change order as attached hereto and to accept the proposal of Hulme to conduct such work in an amount not exceeding \$33,736.82; and further

RESOLVED, that an officer of Western is authorized to execute such documentation in furtherance of the Board's approval of this resolution.

Respectfully submitted,

Edward Morgan, Chairman
Batavia Downs Operations Committee

Dated: May 26, 2022
Batavia, New York

RESOLUTION - #50-2022

WHEREAS, it is the corporate responsibility of the Western Regional Off-Track Betting Corporation (“Western”) to provide the best dining experience to its patrons at Western’s Batavia Downs restaurants; and

WHEREAS, Western had previously approved a purchase order for food and related items from Sysco Food Services (“Sysco”); and

WHEREAS, Western requires a supplemental purchase order in the amount of \$50,000.00 for use by the Food and Beverage Department through the end of third quarter 2022; and

WHEREAS, staff requests that the Board of Directors of Western approve a supplemental purchase order in an amount not to exceed \$50,000.00 with Sysco for food and related items through the end of the third quarter of 2022; now therefore

BE IT RESOLVED, that the Western’s Board of Directors hereby approves a supplemental purchase order in an amount not to exceed \$50,000.00 from Sysco through the end of the third quarter of 2022; and

BE IT FURTHER RESOLVED, that an officer of Western is hereby authorized to execute an agreement that reflects the Board’s actions.

Respectfully submitted,

Edward Morgan, Chairman
Batavia Downs Operations Committee

Dated: May 26, 2022
Batavia, New York

RESOLUTION - #54-2022

WHEREAS, it is the responsibility of Western Regional Off-Track Betting Corporation ("Western") to maintain the physical condition of the horse racing facility at Batavia Downs; and

WHEREAS, Western requires that new rubber rolled matting be installed in the horse stalls; and

WHEREAS, Horseman's Association will split the cost of the rubber rolled matting with Western; and

WHEREAS, Western sent out an RFP for pricing for twenty-eight (28) sheets of rubber rolled matting four (4) feet wide and two hundred (200) feet long; and

WHEREAS, Rubber Form Recycled Products LLC was determined to be the low responsible bidder with a bid of \$75,078.20; and

WHEREAS, Staff recommends that the Board of Directors of Western to accept the bid of matting in the amount not to exceed \$75,078.20 for the purchase of the rubber rolled matting for use in the horse stalls of which the Horseman's Association will pay 50%; and, therefore be it

BE IT RESOLVED, that the Board of Directors of Western hereby accept the bid in an amount not to exceed \$75,078.20 to Rubber Form Recycled Products LLC for the purchase of rubber rolled matting for use at the horse stalls at Batavia Downs of which the Horseman's Association will pay 50%; and be it further

RESOLVED, that an officer of Western is authorized to execute such documentation in furtherance of the Board's resolution.

Respectfully submitted,

Edward Morgan, Chairman
Batavia Downs Operations Committee

Dated: May 26, 2022
Batavia, New York

RESOLUTION #56-2022

WHEREAS, the Western Regional Off-Track Betting Corporation (“Western”) is the owner and operator of Batavia Downs Gaming located at 8315 Park Road, Batavia, New York; and

WHEREAS, at times Western requires additional parking for its gaming and hotel customers, as well as attendees at its concert series held at the Batavia location; and

WHEREAS, 570 DAB 30, LLC (“570 DAB”) is the owner of the property, formally used as a K-mart store, which is located adjacent to Western’s Batavia location; and

WHEREAS, 570 DAB is willing to provide Western with additional parking for the period June 1, 2022 through August 31, 2022 for the total amount of \$30,000.00; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Western approve leasing additional parking from 570 DAB for the period June 1, 2022 through August 31, 2022 in the total amount of \$30,000.00; and

IT IS FURTHER, RESOLVED that an officer of Western is directed to execute such documents as to further this resolution.

Respectfully submitted,

Edward Morgan, Chairman
Batavia Downs Operations Committee

Dated: May 26, 2022
Batavia, New York

LEASE MODIFICATION AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2022, between 570 DAB 30, LLC (hereinafter referred to as "Lessor"), having offices at 7978 Cooper Creek Boulevard, Suite #100, University Park, Florida 34201, and WESTERN REGIONAL OFF-TRACK BETTING CORPORATION (hereinafter referred to as "Lessee"), having offices at 8315 Park Road, Batavia, New York 14020.

WITNESSETH:

WHEREAS, Lessor and Lessee entered into a written Lease dated September 2, 2021 (hereinafter referred to as "Lease") for an area as further defined in the Lease (hereinafter referred to as the "Demised Premises") located at 8363 Lewiston Road, Batavia, New York, and more particularly described in the Lease (hereinafter referred to as the "Development"); and

WHEREAS, Lessor and Lessee are desirous of modifying the Lease.

NOW THEREFORE, for One Dollar (\$1.00) and other good and valuable consideration, paid by each to the other, the receipt and sufficiency of which are hereby acknowledged, Lessor and Lessee agree that the Lease is modified as follows:

1. The term of the Lease is hereby extended for an additional three (3) months commencing June 1, 2022 (the "Effective Date") and expiring August 31, 2022 (the "Extended Term").
2. Lessee shall pay to Lessor \$10,000.00 monthly for the Extended Term.
3. Commencing on the Effective Date, the Demised Premises shall be defined as the area shown on Schedule 1 attached hereto for the Extended Term.
4. Lessee has no existing defenses, offsets, liens, claims or credits against Lessor or against the enforcement of the Lease by Lessor. Lessor is not in default under the Lease and to Lessee's knowledge as of the date hereof, no event has occurred which, with the giving of notice or passage of time, or both, could result in a default by Lessor.
5. This agreement may be executed in several counterparts each of which when taken together shall be considered one and the same instrument and shall constitute a binding agreement. This agreement may be effected by electronic means, (including pdf and/or certificate based digital signature), executed and delivered by electronic copy or via facsimile, which such electronic copy or facsimile signatures and delivery shall be valid and binding the same as if original documents were delivered.
6. Except as herein modified, all other terms and conditions of the Lease, except for any options or renewals which are hereby deleted, shall remain unchanged and in full force and effect.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK
SIGNATURE PAGE TO FOLLOW)

IN WITNESS WHEREOF, the parties hereto have executed this Lease Modification Agreement the day and year first written above.

LESSOR:

570 DAB 30, LLC

Date: _____

By: _____
Shaun Jackson, Counsel and
Authorized Agent

LESSEE:

WESTERN REGIONAL OFF-TRACK BETTING
CORPORATION

Date: _____

By: _____

Print Name: _____

Print Title: _____

Tax ID#: _____

Schedule 1

