

**KENTUCKY HORSE RACING COMMISSION**  
**MINUTES OF THE MEETING**

Date: October 20, 2020 at 1:30 PM

Place: Via video conference from Kentucky Horse Racing Commission, Conference Room, 4063 Iron Works Parkway, Building B, Kentucky Horse Park, Lexington, Kentucky

Members Present: Chairman Jonathan Rabinowitz; Vice-Chairman Frank Jones, Jr.; Commissioner J. Gatewood Bell, Jr.; Commissioner Kerry T. Cauthen; Commissioner Naveed Chowhan, M.D.; Commissioner Douglas A. Hendrickson; Commissioner Lesley Ann May Howard; Commissioner Kenneth A. Jackson; Commissioner Franklin S. Kling, Jr.; Commissioner Alan J. Leavitt; Commissioner Foster Northrop, DVM; Commissioner Charles O'Connor; Commissioner Tom Riddle, DVM; Commissioner Mark Simendinger; and Commissioner James Edwin Worley

Ex-officio Members Present: Secretary Kerry B. Harvey, Public Protection Cabinet; Charlie Rowland, Executive Legal Advisor, Kentucky Cabinet for Economic Development; and Secretary Mike Berry, Kentucky Tourism, Arts and Heritage Cabinet

KHRC Staff Participating/Present: Marc A. Guilfoil, Executive Director; Jamie Eads, Deputy Executive Director and Director of Division of Incentives and Development; Jennifer Wolsing, General Counsel; Chad Thompson, Deputy General Counsel; Bruce Howard, DVM, Equine Medical Director; Nicholas Smith, DVM, Chief Racing Veterinarian; Barbara Borden, Chief State Steward; Waqas Ahmed, Director, Division of Pari-mutuel Wagering and Compliance

Others Participating: Dr. Allen Page, Gluck Equine Research Center

<i>AGENDA ITEM</i>	<i>TRANSCRIPT PAGE NUMBER(S)</i>	<i>DISCUSSION / CONCLUSIONS / RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<b>I. Call to Order and Roll Call</b>	4 – 5	Chairman Rabinowitz called the meeting of the Kentucky Horse Racing Commission (KHRC) to order and performed the roll call. A quorum was recognized.	No action taken.
	5 – 6	Chairman Rabinowitz made an announcement concerning the recent Supreme Court Opinion regarding <i>Family Foundation v. KHRC</i> .	

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<b>II. New Business</b> <b>Tab 1 KHRC Meeting Minutes of August 18, 2020</b>	6 – 71 6 – 7	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by the KHRC staff to approve the proposed minutes of the KHRC meeting of August 18, 2020. Motion by Commissioner Kling. Second by Commissioner O'Connor.</p> <p>Approval of the proposed minutes was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed minutes of the August 18, 2020 KHRC meeting as presented. Motion carried with no abstentions or objections.</p>
<b>Tab 2 Churchill Downs Racetrack, LLC's 2020 Fall Meet Proposed KTDF Purses and Proposed Purse Structure</b>	7 – 8	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation of the Kentucky Thoroughbred Development Fund advisory committee ("KTDF advisory committee") to approve the proposed KTDF purses and proposed purse structure for Churchill Downs Racetrack, LLC's 2020 fall meet. Motion by Commissioner Leavitt. Second by Vice-Chairman Jones.</p> <p>Ms. Eads presented Churchill Downs' request dated October 2, 2020 as outlined in the agenda materials. At its October 6, 2020 meeting, the KTDF advisory committee considered and approved recommendation of Churchill Downs' request.</p> <p>Approval of the KTDF advisory committee's recommendation was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the KTDF advisory committee's recommendation to approve the proposed KTDF purses and proposed purse structure for Churchill Downs' Racetrack, LLC's 2020 fall meet. Motion carried with no objections or abstentions.</p>
<b>Tab 3 Turfway Park, LLC's 2020 Holiday &amp; 2021 Winter/Spring Meet Proposed KTDF Purses and Proposed Purse Structure</b>	9 – 10	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation of the KTDF advisory committee to approve the proposed KTDF purses and the proposed purse structure for Turfway Park, LLC's 2020 holiday meet and 2021 winter/spring meet. Motion by Commissioner Simendinger. Second by Vice-Chairman Jones.</p>	<p>Chairman Rabinowitz called for a vote to approve the KTDF advisory committee's recommendation to approve the proposed KTDF purses and</p>

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		<p>Ms. Eads presented Turfway Park's request dated October 2, 2020 as outlined in the agenda materials. At its October 6, 2020 meeting, the KTDF advisory committee considered and approved recommendation of Turfway Park's request.</p> <p>Approval of the KTDF advisory committee's recommendation was recommended by KHRC staff.</p>	<p>proposed purse structure for Turfway Park, LLC's 2020 holiday meet and 2021 winter/spring meet. Motion carried with no objections or abstentions.</p>
<p><b>Tab 4 Ratification of Executive Director's Approval of Keeneland Association, Inc.'s Backside Improvement Fund Request</b></p>	<p>11 – 12</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address ratification of the Executive Director's conditional approval of the request submitted by Keeneland Association, Inc. to approve the proposed backside improvement fund expenditure of \$180,154.67. Motion by Commissioner Simendinger. Second by Commissioner Leavitt.</p> <p>Ms. Eads presented Keeneland's request dated August 25, 2020 as outlined in the agenda materials. KHRC staff has inspected the area and confirms the projects fulfill the statutory requirement. Pursuant to KRS 230.230(1), Mr. Guilfoil granted conditional approval of Keeneland's request.</p> <p>Ratification of the Executive Director's conditional approval was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to ratify the Executive Director's conditional approval as presented. Motion carried with no objections or abstentions.</p>
<p><b>Tab 5 Conditions of Racing Association Licensing for 2021</b></p>	<p>12 – 14</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by the KHRC staff to approve the proposed conditions of racing association licensing for 2021. Motion by Commissioner Leavitt. Second by Commissioner O'Connor.</p> <p>Ms. Wolsing presented the proposed conditions of racing association licensing for 2021 as outlined in the agenda materials.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed conditions of racing association licensing for 2021 as presented. Motion carried with no</p>

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		Approval of the KHRC staff's request was recommended by KHRC staff.	objections or abstentions.
<p><b>Tab 6 Licenses to Conduct Live Horse Racing, Simulcasting, and Pari-Mutuel Wagering for 2021</b></p>	<p>14 – 23</p> <p>14 – 15</p> <p>15 – 16</p> <p>16 – 17</p> <p>17</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by the racing associations to approve the proposed applications for license to conduct live horse racing, simulcasting, and pari-mutuel wagering for 2021. Motion by Commissioner Northrop. Second by Commissioner Chowhan.</p> <p>Mr. Thompson presented the racing associations' proposed applications for license to conduct live horse racing, simulcasting, and pari-mutuel wagering for 2021 as outlined in the agenda materials. At its October 20, 2020 meeting, which occurred prior to this meeting, the KHRC Race Dates Committee approved recommendation of each of the racing associations' requests, subject to the conditions outlined in the agenda materials.</p> <p>The Race Dates Committee and KHRC staff recommended approval of the requested race dates and schedule of simulcast signals for the year 2021 for Churchill Downs as presented.</p> <p>The Race Dates Committee and KHRC staff recommended approval of the requested race dates for the year 2021 submitted by ECL Corbin as presented and contingent upon its approval of ECL Corbin's license application. He noted that ECL Corbin has not yet submitted a schedule for simulcast signals for the year 2021.</p> <p>The Race Dates Committee and KHRC staff recommended approval of the requested race dates and schedule of simulcast signals for the year 2021 submitted by Ellis Park as presented.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed applications for license to conduct live horse racing, simulcasting, and pari-mutuel wagering for 2021, subject to the conditions recommended by the KHRC staff for Churchill Downs Racetrack, LLC, ECL Corbin, LLC, Ellis Entertainment, LLC, Keeneland Association, Inc., Kentucky Downs, LLC, Lexington Trots Breeders Association, LLC d/b/a Red Mile, Turfway Park, LLC, and WKY Development LLC d/b/a Oak Grove Racing, Gaming and Hotel. Motion carried with no objections or abstentions.</p>

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	17 – 18	The Race Dates Committee and KHRC staff recommended approval of the requested race dates and schedule of simulcast signals for the year 2021 submitted by Keeneland as presented.	
	18	The Race Dates Committee and KHRC staff recommended approval of the request race dates and schedule of simulcast signals for the year 2021 submitted by Oak Grove as presented.	
	18 – 19	The Race Dates Committee and KHRC staff recommended approval of the request race dates and schedule of simulcast signals for the year 2021 submitted by the Red Mile as presented.	
	19	The Race Dates Committee and KHRC staff recommended approval of the request race dates and schedule of simulcast signals for the year 2021 submitted by Turfway Park as presented.	
	19	Mr. Thompson noted that the association license applications were available for review at the KHRC office.	
	20 - 21	Mr. Thompson answered questions from the Commissioners.	
<b>Tab 7 Calendar of Race Dates and Host Status for 2021</b>	23 – 25	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation of the KHRC Race Dates Committee to approve the proposed calendar of race dates and host status for 2021. Motion by Commissioner Bell. Second by Commissioner Leavitt.</p> <p>Ms. Nash presented the Race Dates Committee’s recommendation to approve the proposed calendar of race dates and host status for 2021 as outlined in the agenda materials. Following the racetracks’ resolution of overlapping race dates and host track status requests, the racetracks agreed to the proposed calendar.</p>	Chairman Rabinowitz called for a vote to approve the recommendation of the KHRC’s Race Dates Committee to approve the proposed calendar of race dates and host status for 2021 as presented. Motion carried with no

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		Approval of the Race Dates Committee and KHRC staff's recommendation to approve the proposed calendar of race dates and host status for 2021 was recommended by KHRC staff.	objections or abstentions.
<p><b>Tab 8     Proposed</b>  <b>Amendments to 810 KAR 2:202,</b>  <b>810 KAR 4:010, 810 KAR 4:030,</b>  <b>810 KAR 4:060, 810 KAR 8:060</b></p>	25 – 38 25 – 28	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation submitted by the KHRC's Rules Committee to approve the proposed amendments to 810 KAR 2:020. Motion by Commissioner Northrop. Second by Commissioner Simendinger.</p> <p>Ms. Wolsing presented the proposed amendments to 810 KAR 2:020 as outlined in the agenda materials. At its September 29, 2020 meeting, the KHRC Rules Committee approved recommendation of the proposed amendments to 810 KAR 2:020.</p> <p>Approval of the Rules Committee's recommendation was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the recommendation of the KHRC Rules Committee to approve the proposed amendments to 810 KAR 2:020 as presented. Motion carried with no objections or abstentions.</p>
	28 – 31	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation submitted by the KHRC's Rules Committee to approve the proposed amendments to 810 KAR 4:010. Motion by Commissioner Howard. Second by Vice-Chairman Jones.</p> <p>Ms. Wolsing presented the proposed amendments to 810 KAR 4:010 as outlined in the agenda materials. At its September 29, 2020 meeting, the KHRC Rules Committee approved recommendation of the proposed amendments to 810 KAR 4:010.</p> <p>Approval of the Rules Committee's recommendation was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the recommendation of the KHRC Rules Committee to approve the proposed amendments to 810 KAR 4:010 as presented. Motion carried with no objections or abstentions.</p>

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	31 – 35	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation submitted by the KHRC’s Rules Committee to approve the proposed amendments to 810 KAR 4:030. Motion by Commissioner Leavitt. Second by Commissioner Chowhan.</p> <p>Ms. Wolsing presented the proposed amendments to 810 KAR 4:030 as outlined in the agenda materials. At its September 29, 2020 meeting, the KHRC Rules Committee approved recommendation of the proposed amendments to 810 KAR 4:030.</p> <p>Approval of the Rules Committee’s recommendation was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the recommendation of the KHRC Rules Committee to approve the proposed amendments to 810 KAR 4:030 as presented. Motion carried with no objections or abstentions.</p>
	35	<p>Chairman Rabinowitz announced that after speaking with Commissioners Simendinger and Jones, consideration of the proposed amendments to 810 KAR 4:060, section 4(1)(c) was deferred in order to allow the Rules Committee the opportunity to further discuss the potential amendments.</p>	<p>No action taken.</p>
	35 – 38	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation submitted by the KHRC’s Rules Committee to approve the proposed amendments to 810 KAR 8:060. Motion by Commissioner Worley. Second by Commissioner Bell.</p> <p>Ms. Wolsing presented the proposed amendments to 810 KAR 8:060 as outlined in the agenda materials. At its September 29, 2020 meeting, the KHRC Rules Committee approved recommendation of the proposed amendments to 810 KAR 8:060.</p>	<p>Chairman Rabinowitz called for a vote to approve the recommendation of the KHRC Rules Committee to approve the proposed amendments to 810 KAR 8:060 as presented. Motion carried with no</p>

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		Approval of the Rules Committee's recommendation was recommended by KHRC staff.	objections or abstentions.
<b>Tab 9 Churchill Downs' Request to Establish a Simulcast Facility in Louisville, KY</b>	38 – 42	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by Churchill Downs Racetrack, LLC, to approve a proposed amendment to section S of their 2021 application for license to conduct live horse racing, simulcasting, and pari-mutuel wagering. Motion by Commissioner Hendrickson. Second by Commissioner O'Connor.</p> <p>Mr. Thompson presented the request by Churchill Downs dated September 10, 2020 as outlined in the agenda materials.</p> <p>Approval is recommended by KHRC staff contingent upon the KHRC's receipt of completed acceptable background checks for each of the Louisville Thoroughbred Society's principals.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed amendment to Section S of Churchill Downs' 2021 application for license to conduct live horse racing, simulcasting, and pari-mutuel wagering to add a non-contiguous leased facility at the Louisville Thoroughbred Society and to offer simulcast pari-mutuel wagering at the leased facility, contingent upon the Commission receiving and the KHRC staff approving completed acceptable background checks on 3 Louisville Thoroughbred Society principals and reviewing and approving any and all service provider agreements. Motion carried with no</p>



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			objections or abstentions.
<b>Tab 10 Turfway Park's Request to Amend Section R of their 2020 Application to Shift Race Dates and Post Times for their 2020 Holiday Meet</b>	42	Chairman Rabinowitz announced that item 10 was struck, as Turfway Park had decided to keep their original dates.	No action taken.
<b>Tab 11 Keeneland Association's Request to Offer Special Doubles Wager for 2020 Breeders' Cup</b>	42 – 44	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by Keeneland Association, Inc. to amend Section R of its 2020 application for license to conduct live horse racing, simulcasting, and pari-mutuel wagering. Motion by Commissioner Cauthen. Second by Commissioner O'Connor.</p> <p>Mr. Ahmed presented the request by Keeneland Association, Inc. dated September 22, 2020 as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p>	Chairman Rabinowitz called for a vote to approve the request submitted by Keeneland Association, Inc. to offer Special Double Number 1, Number 2, and Number 3 on November 6 and 7 to accommodate unique wagers associated with 2020 Breeders' Cup World Championship. Motion carried with no objections or abstentions.
<b>Tab 12 Consideration of Funding Exercise Inducted Pulmonary Hemorrhage Endoscopic Study</b>	44 – 49	Chairman Rabinowitz requested a motion from the Commission to address the recommendation of the Equine Drug Research Council ("EDRC") to approve up to \$30,000 in EDRC funding for a scoping study in conjunction with ongoing EIPH research. Motion by Commissioner Simendinger. Second by Commissioner O'Connor.	Chairman Rabinowitz called for a vote to approve the recommendation of the EDRC to approve up to \$30,000 in EDRC funding for ongoing EIPH

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		<p>Dr. Howard presented the recommendation of the EDRC as outlined in the agenda materials and answered questions from Commissioners. At its October 9, 2020 meeting, the EDRC unanimously approved funding of this project, not to exceed \$30,000.</p> <p>Approval was recommended by KHRC staff.</p>	<p>research. Motion carried with no objections or abstentions.</p>
<p><b>Tab 13 Presentation – Update on Research Study of Inflammation in Catastrophically Injured Thoroughbreds</b></p>	<p>49 – 63</p>	<p>Dr. Page made a presentation update on research study of inflammation in catastrophically injured thoroughbreds as outlined in the agenda materials and answered questions from Commissioners.</p>	<p>Informational item only. No action taken.</p>
<p><b>Tab 14 Turfway Park’s 2020 Holiday Meet &amp; 2021 Winter Spring Meet Race Officials &amp; Date Preference System</b></p>	<p>63 – 64</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by Turfway Park, LLC to approve the proposed roster of racing officials and date preference system for the 2020 Holiday Meet and 2021 Winter/Spring Meet. Motion by Commissioner Simendinger. Second by Commissioner Northrop.</p> <p>Ms. Borden presented Turfway Park’s request dated September 29, 2020 as outlined in the agenda materials. All listed officials are ROAP accredited and have previously performed the duties for which they are listed and will be licensed before the meet opening.</p> <p>Approval was recommended by KHRC staff</p>	<p>Chairman Rabinowitz called for a vote to approve the request as presented. Motion carried with no objections or abstentions.</p>
<p><b>Tab 15 Reports</b> <b>a. Thoroughbred Rulings</b></p>	<p>64 – 71 65  65 – 66</p>	<p>a. Ms. Borden presented the thoroughbred rulings reports as outlined in the agenda materials.</p> <p>b. Mr. Guilfoil presented the Standardbred rulings report as outlined in the agenda materials.</p>	<p>No action taken. Informational items only.</p>

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<p><b>b. Standardbred Rulings</b></p> <p><b>c. Veterinary Division Report</b></p> <p><b>d. Pari-Mutuel Wagering Division Report</b></p> <p><b>e. <span style="color: red;">Litigation and Regulations</span></b></p>	<p>66 –69</p> <p>69 – 71</p> <p>71</p>	<p>c. Drs. Smith and Howard presented the veterinary division reports as outlined in the agenda materials and answered questions from the Commissioners.</p> <p>d. Mr. Ahmed presented the pari-mutuel wagering division report as outlined in the agenda materials.</p> <p>e. Litigation and Regulation report is for informational purposes only.</p>	
<p><b>III. Executive Session</b></p> <p><b>During the meeting on October 20, 2020 the Commission will go into closed session pursuant to KRS 61.810(1)(c) to discuss pending litigation</b></p>	<p>71 – 75</p> <p>71 – 72</p> <p>72</p>	<p>Chairman Rabinowitz requested a motion from the Commission to convene in closed session to discuss proposed or pending litigation against or on behalf of the agency as permitted by KRS Chapter 61.810(1)(c). Motion by Commissioner Kling. Second by Commissioner Hendrickson.</p> <p style="text-align: center;"><b><u>EXECUTIVE SESSION</u></b></p> <p>Chairman Rabinowitz requested a motion from the Commission to reconvene in open session. Motion by Commissioner Kling. Second by Commissioner Chowhan.</p> <p style="text-align: center;"><b><u>RECONVENED TO OPEN SESSION</u></b></p>	<p>Chairman Rabinowitz called for a vote for the Commission to convene in closed session. Motion carried with no objections or abstentions.</p> <p>Chairman Rabinowitz called for a vote for the Commission to reconvene in open session. Motion carried with no objections or abstentions.</p>
<p><b>IV. Other Business</b></p> <p><b>Final Orders Regarding <i>Bray &amp; Royal v. KHRC, KHRC-19-TB-008 &amp; 015</i></b></p>	<p>72 – 75</p> <p>73 – 74</p>	<p>Upon reconvening in open session, Chairman Rabinowitz requested a motion from the Commission to address the request submitted by KHRC staff to address the consolidated KRS 13B appeal, <i>Edward Bray</i></p>	<p>Chairman Rabinowitz called for a vote to approve the proposed</p>

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	74 – 75	<p><i>and Madelyn Royal v. KHRC</i>, Administrative Action Nos. KHRC-19-TB-008 and 015. Motion by Commissioner Simendinger. Second by Commissioner Cauthen.</p> <p>Ms. Wolsing presented the proposed settlement agreement and stipulation for Edward Bray in <i>Edward Bray and Madelyn Royal v. KHRC</i>, consolidated administrative action numbers KHRC-19-TB-008 and 015 as outlined in the agenda materials.</p> <p>Ms. Wolsing presented the proposed settlement agreement and stipulation for Madelyn Royal in <i>Edward Bray and Madelyn Royal v. KHRC</i>, consolidated administrative action numbers KHRC-19-TB-008 and 015 as outlined in the agenda materials.</p>	<p>settlement agreement and stipulation for Edward Bray regarding <i>Edward Bray and Madelyn Royal v. KHRC</i> as presented. Motion carried with no objections or abstentions.</p> <p>Chairman Rabinowitz called for a vote to approve the proposed settlement agreement and stipulation for Madelyn Royal regarding <i>Edward Bray and Madelyn Royal v. KHRC</i> as presented. Motion carried with no objections or abstentions.</p>
	75	<p>Prior to moving for adjournment, Chairman Rabinowitz commended Commissioners Kling, Simendinger, and Hendrickson, and KHRC staff, for all their hard work in reviewing all of the applications.</p>	<p>Informational item only. No action taken.</p>

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<b>V. Adjournment</b>	75 – 76	Chairman Rabinowitz requested a motion to adjourn. Motion by Commissioner Cauthen. Second by Commissioner O'Connor.  Meeting adjourned.	Chairman Rabinowitz called for a vote to adjourn. Motion carried with no objections or abstentions.

**NOTE:** The Agenda materials and any amendments and/or supplements thereto, subject to any applicable exemptions, and the official Transcript are incorporated by reference as if set forth fully herein.