

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

Date: June 22, 2021 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 Kerry T. Cauthen; Commissioner Naveed Chowhan, M.D.; Commissioner James D. Gates, Jr.; Commissioner Gregory Harbut; Commissioner Douglas A. Hendrickson; Commissioner Lesley Howard; Commissioner Kenneth A. Jackson; Commissioner William L.S. Landes; Commissioner Alan J. Leavitt; 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; Charles Rowland, Executive Legal Advisor, on behalf of Interim Secretary Larry Hayes, Cabinet for Economic Development; Secretary Mike Berry, Tourism, Arts & 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; Bruce Howard, DVM, Equine Medical Director; Nicholas Smith, DVM, Chief Racing Veterinarian; Barbara Borden, Chief State Steward; Waqas Ahmed, Director, Pari-mutuel Wagering and Compliance; Joanna Ricci, Executive Administrative Secretary

Others Participating: Terry Meyocks, President/CEO, Jockeys’ Guild, Inc.

<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 – 6	Chairman Rabinowitz called the meeting of the Kentucky Horse Racing Commission (KHRC) to order and performed the roll call. A quorum was recognized.  Prior to addressing Tab 1, Chairman Rabinowitz welcomed two new Commissioners, William Landes and Gregory Harbut. He also thanked outgoing Commissioners Kling and Northrop for their service.	No action taken.



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		<p>Ms. Wolsing presented Kentucky Downs, LLC's request dated April 9, 2021, and the Executive Director's conditional approval letter dated June 1, 2021, as outlined in the agenda materials.</p> <p>Ratification of the Executive Director's conditional approval was recommended by KHRC staff.</p>	<p>Corbin, LLC, and a proposed name change for Kentucky Downs, LLC's holding company, as presented. Motion carried with no objections or abstentions.</p>
<p><b>Tab 4 Ratification of Executive Director Conditional Approval of Derby City Gaming's Requests for Pari-Mutuel Pools and Entertaining Game Themes</b></p>	<p>13 – 15</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address ratification of the Executive Director's conditional approval of Derby City Gaming's requests to offer new historical horse racing terminals, pari-mutuel pools, system components, and entertaining game themes. Motion by Commissioner Howard and Vice-Chairman Jones. Second by Commissioner O' Connor.</p> <p>Mr. Ahmed presented the following requests from Derby City Gaming:</p> <ul style="list-style-type: none"> <li>(a) to approve Konami Gaming, Inc. terminal software dated April 16, 2021, and the Executive Director's conditional approval letter dated April 20, 2021;</li> <li>(b) to approve five (5) additional Ainsworth Game Technology entertaining game themes and pari-mutuel pools dated April 9, 2021, and the Executive Director's conditional approval letter dated April 26, 2021;</li> <li>(c) to approve two (2) additional International Game Technology entertaining games themes, pari-mutuel pool, and software updates dated April 9, 2021, and the Executive Director's conditional approval letter dated April 26 2021;</li> <li>(d) to approve two (2) Konami Gaming, Inc. entertaining game themes and pari-mutuel pool dated April 9, 2021, and the Executive Director's conditional approval letter dated April 26, 2021;</li> </ul>	<p>Chairman Rabinowitz called for a vote to ratify each of the Executive Director's conditional approvals of Derby City Gaming's six (6) requests to offer new historical horse racing terminals, pari-mutuel pools, system components, and entertaining game themes as presented. Motion carried with no objections or abstentions.</p>

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		<p>(e) to approve two (2) additional Ainsworth Game Technology entertaining game themes and pools dated May 13, 2021, and the Executive Director’s conditional approval letter dated May 20, 2021; and</p> <p>(f) to approve two (2) additional Scientific Game Corporation entertaining game themes and pools, and the Executive Director’s conditional approval letter dated May 20, 2021, each as outlined in the agenda materials.</p> <p>Ratification of the Executive Director’s six (6) conditional approvals were recommended by KHRC staff.</p>	
<p><b>Tab 5 Ratification of Executive Director Conditional Approval of Kentucky Downs’ Request for Pari-Mutuel Pools and Entertaining Game Themes</b></p>	<p>15 – 17</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address ratification of the Executive Director’s conditional approval of Kentucky Downs, LLC’s request to offer new pari-mutuel pools and entertaining game themes. Motion by Vice-Chairman Jones. Second by Commissioner Landes.</p> <p>Mr. Ahmed presented Kentucky Downs, LLC’s request dated April 13, 2021, and the Executive Director’s conditional approval letter dated April 20, 2021, as outlined in the agenda materials. 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 of Kentucky Downs, LLC’s request to offer new pari-mutuel pools and entertaining game themes as presented. Motion carried with no objections or abstentions.</p>
<p><b>N/A</b></p>	<p>17</p>	<p>Chairman Rabinowitz noted the arrival of Commissioner Gates for the record.</p>	<p>Informational only. No action taken.</p>
<p><b>Tab 6 Ratification of Executive Director Conditional Approval of Keeneland Red Mile’s Request for Pari-Mutuel</b></p>	<p>17 – 19</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address ratification of the Executive Director’s conditional approval of KRM Wagering, LLC’s request to offer new pari-mutuel pools and entertaining games themes. Motion by Commissioner O’Connor. Second by Commissioner Worley.</p>	<p>Chairman Rabinowitz called for a vote to ratify the Executive Director’s conditional approval of KRM Wagering, LLC’s</p>

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<b>Pools and Entertaining Game Themes</b>		<p>Mr. Ahmed presented KRM Wagering, LLC's request dated May 28, 2021, and the Executive Director's conditional approval letter dated June 11, 2021, as outlined in the agenda materials.</p> <p>Ratification of the Executive Director's conditional approval was recommended by KHRC staff.</p>	<p>request to offer new pari-mutuel pools and entertaining game themes as presented. Motion carried with no objections or abstentions.</p>
<b>Tab 7 Kentucky Downs' Proposed 2021 Race Meet Officials and Date Preference System</b>	19 – 20	<p>Chairman Rabinowitz requested a motion from the Commission to address Kentucky Downs' proposed 2021 race meet officials and date preference system. Motion by Commissioner O'Connor. Second by Commissioner Simendinger.</p> <p>Ms. Borden presented Kentucky Downs' request dated May 18, 2021, as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve Kentucky Downs' proposed 2021 race meet officials and date preference system as presented. Motion carried with no objections or abstentions.</p>
<b>Tab 8 Churchill Downs' Proposed 2021 September Race Meet Officials and Date Preference System</b>	20 – 22	<p>Chairman Rabinowitz requested a motion from the Commission to address Churchill Downs' proposed 2021 September race meet officials and date preference system. Motion by Vice-Chairman Jones. Second by Commissioner Landes.</p> <p>Ms. Borden presented Churchill Downs' request dated June 3, 2021, as outlined in the agenda materials, and responded to an inquiry by Commissioner Gates.</p> <p>Approval was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve Churchill Downs' proposed 2021 September race meet officials and date preference system as presented. Motion carried with no objections or abstentions.</p>
<b>Tab 9 Reports</b>	22 – 30 22 – 25		<p>No action taken. Informational items only.</p>

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<p><b>a. Thoroughbred Rulings</b></p> <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. Litigation</b> <i>(CONFIDENTIAL - Informational only)</i></p>	<p>25 – 26</p> <p>26 – 28</p> <p>28 – 30</p> <p>30</p>	<p>a. Ms. Borden presented the thoroughbred rulings reports as outlined in the agenda materials. In response to an inquiry by Commissioner Landes, Ms. Borden addressed the two (2) no contest races at Churchill Downs on June 4, 2021 in Race 4 and Race 8.</p> <p>b. Mr. Guilfoil presented the Standardbred rulings report as outlined in the agenda materials.</p> <p>c. Drs. Smith and Howard presented the veterinary division reports as outlined in the agenda materials. Dr. Howard responded to an inquiry by Commissioner Gates.</p> <p>d. Mr. Ahmed presented the pari-mutuel wagering division reports as outlined in the agenda materials.</p> <p>e. Litigation and Regulation report is for informational purposes only.</p>	

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III. Other Business	30 – 35		
	30 – 31	Prior to requesting a motion to convene in closed session, Chairman Rabinowitz announced that due to the passage of House Bill 226, Commissioners would be subject to a variety of new requirements under the Executive Branch Code of Ethics. He noted that KHRC staff had prepared a presentation regarding those requirements that Commissioners could access on the KHRC's YouTube page.	Chairman Rabinowitz called for a vote for the Commission to convene in closed session. Motion carried with no objections or abstentions.
	31	Commissioner O'Connor announced that he was recusing himself from any Commission involvement in the lawsuit with The Jockey Club, due to his role with Ashford Stud.	Chairman Rabinowitz called for a vote for the Commission to reconvene in open session. Motion carried with no objections or abstentions.
	31 – 33	<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 Cauthen. Second by Commissioner Simendinger.</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 Chowhan and Vice-Chairman Jones. Second by Commissioner O'Connor.</p> <p style="text-align: center;"><b><u>RECONVENED TO OPEN SESSION</u></b></p>	
V. Adjournment	35 – 36	After returning to open session with no other business, Chairman Rabinowitz requested a motion to adjourn the June 22, 2021	Chairman Rabinowitz called for a vote to adjourn the June 22,

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		<p>meeting of the KHRC. Motion by Commissioner Cauthen. Second by Commissioner O'Connor.</p> <p>Meeting adjourned.</p>	<p>2021 meeting of the KHRC. Motion carried with no objections or abstentions.</p>

**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.