

KENTUCKY HORSE RACING COMMISSION
MINUTES OF THE COMMISSION MEETING

Date: June 21, 2022 at 1:30 PM

Place: Via video conference from Rood & Riddle Equine Hospital, Conference Room, 2150 Georgetown Road, Lexington, Kentucky

Members Present: Chairman Jonathan Rabinowitz; Vice-Chairman Frank Jones, Jr.; Commissioner Kerry T. Cauthen; Commissioner Naveed Chowhan, M.D.; Commissioner Michael F. Dudgeon; Commissioner James D. Gates, Jr.; Commissioner Gregory Harbut; Commissioner William L.S. Landes; Commissioner Bill May; Commissioner Charles O'Connor; Commissioner Catherine Parke; Commissioner Tom Riddle, DVM; Commissioner Frank Shoop; and Commissioner James E. Worley

Ex-officio Members Present: DJ Wasson on behalf of Secretary Ray Perry, Public Protection Cabinet; B.R. Masters on behalf of 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; Nicholas Smith, DVM, Chief Racing Veterinarian; Barbara Borden, Chief State Steward; Waqas Ahmed, Director, Pari-Mutuel Wagering and Compliance; Joanna Ricci, Executive Administrative Secretary

<i>AGENDA ITEM</i>	<i>TRANSCRIPT PAGE NUMBER(S)</i>	<i>DISCUSSION / CONCLUSIONS / RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
I. Call to Order and Roll Call	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.

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<p>II. New Business</p> <p>Tab 1 Meeting Minutes from April 26, 2022</p>	<p>4 – 77 5 – 6</p>	<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 April 26, 2022. Motion by Vice Chairman Jones. Second by Commissioner Riddle.</p> <p>Ms. Eads presented the proposed minutes, as outlined in the agenda materials.</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 April 26, 2022 KHRC meeting as presented. Motion carried with no objections or abstentions.</p>
<p>Tab 2 KTDF Purse Structure – Kentucky Downs Transfer of \$200,000 of KTDF Monies Generated from Wagers on HHR to Ellis Park</p>	<p>6 – 8</p>	<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 transfer of \$200,000 from Kentucky Downs to Ellis Park to be used exclusively to elevate Ellis Park’s claiming races as set forth in the meeting materials. Motion by Commissioner Cauthen. Second by Commissioner Landes.</p> <p>Ms. Eads presented the KTDF Advisory Committee’s recommendation for approval of Kentucky Downs LLC’s request to transfer \$200,000 to Ellis Park to support the passage of house bill 607 dated June 9, 2022, as outlined in the agenda materials. At its April 8, 2022 meeting, the KTDF Advisory Committee recommended approval.</p> <p>Approval was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the transfer of \$200,000 in KTDF funds from Kentucky Downs to Ellis Park to be exclusively used to elevate Ellis Park’s claiming races, as presented by Ms. Eads and recommended by the KTDF Advisory Committee. Motion carried with no objections or abstentions.</p>

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<p>Tab 3 Kentucky Downs KTDF Advertising Request Pursuant to 810 KAR 7:030</p>	<p>8 – 9</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation of the KTDF Advisory Committee to approve the Kentucky Downs’ KTDF advertising request pursuant to 810 KAR 7:030. Motion by Vice Chairman Jones. Second by Commissioner O’Connor.</p> <p>Ms. Eads presented the request from Kentucky Downs to advertise pursuant to the regulation which is 810 KAR 7:030, as outlined in the agenda materials. At its June 8, 2022 meeting, the KTDF Advisory Committee recommended approval of the proposal as presented.</p> <p>Approval was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve Kentucky Downs’ KTDF advertising request pursuant to 810 KAR 7:030, as presented by Ms. Eads and recommended by the KTDF Advisory Committee. Motion carried with no objections or abstentions.</p>
<p>Tab 4 Ratification of Kentucky Proud Series Race Date for Woodford County Fair at the Marion County Fair Grounds</p>	<p>9 – 11</p>	<p>Chairman Rabinowitz requested a motion from the Commission to ratify the approval of the Kentucky Proud Series race date change for the Woodford County Fair at the Marion County Fair Grounds from June 18, 2022 to June 23, 2022 as set forth in the meeting materials. Motion by Commissioner Landes. Second by Commissioner O’Connor.</p> <p>Ms. Eads presented the request submitted by the Woodford County Fair Board by email dated April 29, 2022, as outlined in the agenda materials. Moving this date does not present any issues for the horsemen as far as filling the series</p> <p>Approval was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to ratify the approval of the Kentucky Proud Series race date change for the Woodford County Fair Grounds from June 18, 2022 to June 23, 2022. Motion carried with no objections or abstentions.</p>
<p>Tab 5 Approval of ECL Corbin’s Request to Amend Section R of its 2022 Application to Shift Race Meet Location</p>	<p>11 – 12</p>	<p>Chairman Rabinowitz requested a motion from the Commission to approve ECL Corbin LLC’s request to amend Section R of its 2022 application to shift its race meet location to the Red Mile as set forth in the meeting materials. Motion by Commissioner Shoop. Second by Commissioner O’Connor.</p>	<p>Chairman Rabinowitz called for a vote to approve ECL Corbin LLC’s request to amend Section R of its 2022</p>

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		<p>Ms. Wolsing presented the request submitted by ECL Corbin dated May 10, 2022, as outlined in the meeting materials. Both The Red Mile and Kentucky Harness Horsemen’s Association have agreed with the aforementioned change and fully support the request.</p> <p>Approval was recommended by KHRC staff.</p>	<p>application to shift its race meet location to the Red Mile. Motion carried with no objections or abstentions.</p>
<p>Tab 6 Authorization Regarding Consultants Providing Input to Commission Staff and Obtaining Professional Legal Services from KHRC General Counsel</p>	<p>12 – 14</p>	<p>Chairman Rabinowitz requested a motion from the Commission to approve contractually bound consultants retained for the purpose of providing input to KHRC staff to obtain professional legal services from KHRC counsel as set forth in the meeting materials. Motion by Commissioner O’Connor. Second by Commissioner Cauthen.</p> <p>Ms. Wolsing presented the recommendation to authorize contractually bound consultants providing input to KHRC staff to obtain professional legal services from KHRC counsel.</p> <p>Approval was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve contractually bound consultants retained for the purpose of providing input to KHRC staff to obtain professional legal services from KHRC General Counsel. Motion carried with no objections or abstentions.</p>
<p>Tab 7 Proposed Classification Process for Historical Horse Racing Administrative Requests</p>	<p>14 – 16</p>	<p>Chairman Rabinowitz requested a motion from the Commission to authorize the KHRC director of pari-mutuel wagering and compliance to approve or deny certain administrative requests related to historical horse racing as set forth in the meeting materials. Motion by Commissioner O’Connor. Second by Commissioner Shoop.</p> <p>Ms. Wolsing presented the request to authorize the KHRC Director of Pari-Mutuel Wagering and Compliance, in addition to the previously authorized allowance to the KHRC Executive Director, to approve or deny administrative requests related to HHR. The</p>	<p>Chairman Rabinowitz called for a vote to authorize the KHRC Director of Pari-Mutuel Wagering and Compliance to approve or deny certain administrative requests related to historical horse racing as set forth in the meeting materials.</p>

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		<p>delegation is appropriate pursuant to KRS 230.230, which vests the Executive Director with responsibility for “the day-to-day operations of the racing commission.”</p> <p>Approval was recommended by KHRC staff.</p>	<p>Motion carried with no objections or abstentions.</p>
<p>Tab 8 Ellis Park’s Proposed 2022 Race Meet Officials and Date Preference System</p>	<p>16 – 18</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by Ellis Park to approve the proposed 2022 race meet officials and date preference system. Motion by Commissioner Cauthen. Second by Commissioner Landes.</p> <p>Ms. Borden presented the request by Ellis Park dated May 10, 2022, as outlined in the agenda materials. All officials have been accredited by ROAP (Racing Officials Accreditation Program) and all officials will be licensed by the beginning of the meet.</p> <p>Approval was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve Ellis Park’s proposed 2022 race meet officials and date preference system. Motion carried with no objections or abstentions.</p>
<p>Tab 9 Kentucky Downs’ Proposed 2022 Race Meet Officials and Date Preference System</p>	<p>18 – 19</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by Kentucky Downs to approve the proposed 2022 race meet officials and date preference system. Motion by Commissioner O’Connor. Second by Commissioner Landes.</p> <p>Ms. Borden presented the request by Kentucky Downs dated May 20, 2022, as outlined in the agenda materials. All officials have been accredited by ROAP (Racing Officials Accreditation Program) and all officials will be licensed by the beginning of the meet.</p> <p>Approval was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve Kentucky Downs’ proposed 2022 race meet officials and date preference system. Motion carried with no objections or abstentions.</p>

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<p>Tab 10 The Red Mile Proposed 2022 Race Meet Officials</p>	<p>19 – 20</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by The Red Mile to approve the proposed 2022 race meet officials. Motion by Commissioner O’Connor. Second by Commissioner Cauthen.</p> <p>Ms. Borden presented the request by The Red Mile dated June 1, 2022, as outlined in the agenda materials. All officials have been accredited by ROAP (Racing Officials Accreditation Program) and all officials will be licensed by the beginning of the meet.</p> <p>Approval was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve The Red Mile’s proposed 2022 race meet officials. Motion carried with no objections or abstentions.</p>
<p>Tab 11 Revolutionary Racing Kentucky, LLC’s Application for New Track License (Informational Only)</p>	<p>20 – 65</p>	<p>Chairman Rabinowitz announced that tab 11 required no action by the Commission. He then opened the floor to Mr. Presley Worley and the Revolutionary Racing team.</p> <p>Mr. Presley Worley, Dr. Connelley, Mr. Salter, Mr. Gralla, Mr. Peterson, Mr. McNally, Mr. Williams and Mr. Lucas presented on behalf of Revolutionary Racing.</p> <p>Chairman Rabinowitz thanked Revolutionary Racing for the presentation and opened the floor to Commissioners for questions and comments.</p> <p>Closing remarks.</p>	<p>No action taken. Informational item only.</p>

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Tab 18 Reports a. Thoroughbred Rulings b. Standardbred Ruling Report c. Veterinary Division Report d. Pari-Mutuel Wagering Division Report e. Litigation (Informational only)	65 – 77 65 – 70 70 – 71 71 – 73 73 - 76	a. Ms. Borden presented the thoroughbred rulings reports as outlined in the agenda materials. b. Mr. Guilfoil presented the standardbred rulings report as outlined in the agenda materials. c. Drs. Smith and Howard presented the veterinary division reports as outlined in the agenda materials. d. Mr. Ahmed presented the pari-mutuel wagering division reports as outlined in the agenda materials. e. Litigation and Regulation report is for informational purposes only.	No action taken. Informational items only.
III. Executive Session During the meeting on June 21, 2022, the Commission will go into closed session pursuant to KRS 61.810(1)(c) to discuss pending litigation (CONFIDENTIAL)	77 – 78 77 77 – 78	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 Vice-Chairman Jones. Second by Commissioner Landes. <p style="text-align: center;"><u>EXECUTIVE SESSION</u></p> Chairman Rabinowitz requested a motion from the Commission to reconvene in open session. Motion by Commissioner Shoop. Second by Commissioner O'Connor. <p style="text-align: center;"><u>RECONVENED TO OPEN SESSION</u></p>	Chairman Rabinowitz called for a vote for the Commission to convene in closed session. Motion carried with no objections or abstentions. Chairman Rabinowitz called for a vote for the Commission to reconvene in open session. Motion carried with no objections or abstentions.

