

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

Date: April 18, 2023 at 1:30 P.M.

Place: Via Zoom and American Saddlebred Museum, 4083 Iron Works Parkway, Lexington, Kentucky 40511

Members Present: Chairman Jonathan Rabinowitz; Vice-Chairman Frank Jones, Jr.; Commissioner Mike Berry; Commissioner Dr. Naveed Chowhan; Commissioner Dr. Tiffany Daniels; Commissioner Michael Dudgeon; Commissioner Greg Harbut; Commissioner Lesley Howard; Commissioner William L.S. Landes; Commissioner William May; Commissioner Charles O’Connor; Commissioner Catherine Parke; and Commissioner Frank Shoop

Ex-officio Members Present: Secretary Ray Perry and Sarah Cronan on behalf of Secretary Casebier

KHRC Staff Participating/Present: Jamie Eads, Executive Director; Waqas Ahmed, Deputy Executive Director; Jennifer Wolsing, General Counsel; Travers Manley, Deputy General Counsel; Mariah Dietz, Executive Administrative Secretary; Beth Jacobson, Paralegal; Andy Conway, Pari-Mutuel Wagering & Compliance Assistant Director; Drew Conners, Incentives & Development Director; Patricia Cooksey, Presiding Judge; Barbara Borden, Chief State Steward, Dr. Nick Smith, DVM, Chief Racing Veterinarian

<b>AGENDA ITEM</b>	<b>TRANSCRIPT PAGE NUMBER(S)</b>	<b>DISCUSSION / CONCLUSIONS / RECOMMENDATIONS</b>	<b>ACTION TAKEN</b>
<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.
<b>II. New Business</b>  <b>Tab 1: Meeting Minutes from the March 21, 2023 Meeting</b>	6 – 46  6 - 7	Chairman Rabinowitz requested a motion from the Commission to approve the proposed minutes of the KHRC Meeting on March 21, 2023. Motion by Commissioner Landes. Second by Commissioner O’Connor.  Executive Director Jamie Eads shared that the minutes were located behind tab number one and approval was recommended by KHRC Staff.	Chairman Rabinowitz called for a vote to approve the proposed minutes of the March 21, 2023 meeting as presented. Motion carried with no objections or abstentions.

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<b>Tab 2: Approval of the proposed Conditions on Licenses to Conduct Live Horse Racing, Simulcasting, And Pari-Mutuel Wagering</b>	7 – 9	<p>Chairman Rabinowitz requested a motion from the Commission to approve the proposed Conditions on Licenses to Conduct Live Horse Racing, Simulcasting, And Pari-Mutuel Wagering. Motion by Commissioner Landes. Second by Commissioner O'Connor.</p> <p>General Counsel, Jennifer Wolsing, was assigned the floor and explained that the KHRC is responsible for overseeing horse racing and wagering in Kentucky. The KHRC has the ability to impose conditions on the racing associations pursuant to KRS 230.290 (2). Approval was recommended by KHRC staff.</p>	Chairman Rabinowitz called for a vote to approve the proposed Conditions on Licenses to Conduct Live Horse Racing, Simulcasting, And Pari-Mutuel Wagering. Motion carried with no objections or abstentions.
<b>Tab 3: Approval of Turfway Park, LLC's Requests to Amend Section R of its 2023 Application to move a race date from March 3 to March 15 and the addition of two Super High 5 Pari-Mutuel Pools for the Jeff Ruby Steaks and the Bourbonette Oaks stakes races.</b>	9 - 11	<p>Chairman Rabinowitz requested a motion from the Commission to ratify Executive Director Jamie Eads' approvals of Turfway Park, LLC's Requests to Amend Section R of its 2023 Application to move a race date from March 3 to March 15 and the addition of two Super High 5 Pari-Mutuel Pools for the Jeff Ruby Steaks and the Bourbonette Oaks stakes races. Motion by Commissioner Shoop. Second by Commissioner Harbut.</p> <p>Deputy General Counsel, Travers Manley, was assigned the floor and explained that due to deteriorating weather conditions Turfway Park cancelled racing on March 3, 2023 and requested to conduct racing on March 15, 2023. On March 23, 2023 Turfway Park requested the addition of two Super High 5 Pari-Mutuel pools for the Jeff Ruby Steaks and Bourbonette Oaks stakes races. Due to the time constraints, Executive Director Eads approved the date changes and pari-mutuel pools. KHRC staff recommended ratification of Director Eads' approvals.</p>	Chairman Rabinowitz called for a vote to ratify Executive Director Eads' approvals of Turfway Park, LLC's Requests to move a race date from March 3 to March 15 and the addition of two Super High 5 Pari-Mutuel Pools for the Jeff Ruby Steaks and the Bourbonette Oaks stakes races. Motion carried with no objections or abstentions.

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<b>Tab 4: Approval of the proposed amendments to 810 KAR 4:090, Owners.</b>	11 – 14	<p>Chairman Rabinowitz requested a motion from the Commission to approve the proposed amendments to 810 KAR 4:090, Owners. Motion by Commissioner Shoop. Second by Commissioner O'Connor.</p> <p>General Counsel, Jennifer Wolsing, was assigned the floor and explained that behind tab four were the proposed amendments to 810 KAR 4:090: Owners. Ms. Wolsing also stated that the Rules Committee and KHRC Chief Steward Barbara Borden recommended approving the regulation as set forth in the memorandum. Approval was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed amendments to 810 KAR 4:090, Owners. Motion carried with no objections or abstentions.</p>
<b>Tab 5: Approval to ratify emergency regulation 810 KAR 4:020E.</b>	14 - 19	<p>Chairman Rabinowitz requested a motion from the Commission to ratify Executive Director Jamie Eads' approval of emergency regulation 810 KAR 4:020E. Motion by Commissioner O'Connor. Second by Commissioner Parke.</p> <p>General Counsel, Jennifer Wolsing, was assigned the floor and explained that the administrative regulation was passed on an emergency basis. The regulation established the rules concerning horses in thoroughbred and other flat races. The regulation was promulgated as an emergency before the most recent quarter horse meet. The regulation allows quarter horses to compete wearing horseshoes that have toe grabs. Ratification of Executive Director Eads' approval was recommended by KHRC staff.</p> <p>A representative from Revolutionary Racing, John Marshall, was present and shared a summary of the current status of construction.</p>	<p>Chairman Rabinowitz called for a vote to ratify Executive Director Eads' approval of emergency regulation 810 KAR 4:020E. Motion carried with no objections or abstentions.</p>

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<b>Tab 6: Approve the establishment of 810 KAR 2:100.</b>	19 - 21	<p>Chairman Rabinowitz requested a motion from the Commission to approve the establishment of 810 KAR 2:100. Motion by Commissioner Dudgeon. Second by Commissioner O'Connor.</p> <p>KHRC Assistant Director of Pari-Mutuel Wagering and Compliance, Andy Conway, was assigned the floor and presented 810 KAR 2:100. He explained that pursuant to KRS 230.260(15), the KHRC is required to promulgate regulations regarding a self-exclusion list. The regulation establishes a list for individuals to self-identify as problem or compulsive gamblers. Approval was recommended by KHRC staff.</p>	Chairman Rabinowitz called for a vote to approve the establishment of 810 KAR 2:100. Motion carried with no objections or abstentions.
<b>Tab 7: Ratify Executive Director Jamie Eads' approval of NYRABets and Caesars Racebook Agreement</b>	21 - 23	<p>Chairman Rabinowitz requested a motion from the Commission to ratify Executive Director Jamie Eads' approval of NYRABets and Caesars Racebook Agreement. Motion by Commissioner Shoop. Second by Commissioner O'Connor.</p> <p>KHRC Assistant Director of Pari-Mutuel Wagering and Compliance, Andy Conway, was assigned the floor and explained that on July 12, 2022, Executive Director Jamie Eads approved the requests for NYRABets to conduct advanced deposit wagering operations with American Wagering, Inc. in business as Caesars Racebook as an affiliate of NYRABets pursuant to 810 KAR 3:040. Approval was recommended by KHRC staff.</p>	Chairman Rabinowitz called for a vote to ratify Executive Director Jamie Eads' approval of NYRABets and Caesars Racebook Agreement. Motion carried with no objections or abstentions.
<b>Tab 8: Ratify Executive Director Jamie Eads' approval of Twinpires and DK Horse's Affiliates Agreement</b>	23 - 25	Chairman Rabinowitz requested a motion from the Commission to ratify Executive Director Jamie Eads' approval of Twinpires and DK Horse's Affiliates Agreement. Motion by Commissioner Shoop. Second by Commissioner Howard.	Chairman Rabinowitz called for a vote to ratify Executive Director Jamie Eads' approval of Twinpires and DK Horse's

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		KHRC Assistant Director of Pari-Mutuel Wagering and Compliance, Andy Conway, was assigned the floor and explained that on March 24, 2023, Executive Director Jamie Eads approved a request from Churchill Downs Technology Initiative Company also known as TwinSpires to conduct advance deposit wagering operations with DK Horse, LLC as TwinSpires' affiliate, pursuant to 810 KAR 3:040. Approval was recommended by KHRC staff.	Affiliates Agreement. Motion carried with no objections or abstentions.
<b>Tab 9: Approval of 810 KAR 7:060, Kentucky Quarter Horse, Paint Horse, Appaloosa and Arabian Development Fund regulation change</b>	25 - 27	<p>Chairman Rabinowitz requested a motion from the Commission for approval of 810 KAR 7:060, Kentucky Quarter Horse, Paint Horse, Appaloosa and Arabian Development Fund regulation change. Motion by Commissioner Parke. Second by Commissioner O'Connor.</p> <p>KHRC Director of Incentives and Development, Drew Conners, was assigned the floor and explained that the Kentucky Quarter Horse, Paint Horse, Appaloosa and Arabian Development Fund advisory committee met in March 2023 and approved of the proposed changes. Approval was also recommended by KHRC Staff.</p>	Chairman Rabinowitz called for a vote to approve 810 KAR 7:060, Kentucky Quarter Horse, Paint Horse, Appaloosa and Arabian Development Fund regulation change. Motion carried with no objections or abstentions.
<b>Tab 10: Approval of Kentucky Quarter Horse, Paint Horse, Appaloosa and Arabian Development Fund advertising request</b>	27 – 29	<p>Chairman Rabinowitz requested a motion from the Commission for approval of the Kentucky Quarter Horse, Paint Horse, Appaloosa and Arabian Development Fund advertising request. Motion by Commissioner Parke. Second by Commissioner Berry.</p> <p>KHRC Director of Incentives and Development, Drew Conners, was assigned the floor and explained that the Kentucky Quarter Horse, Paint Horse, Appaloosa and Arabian Development Fund advisory committee met in March 2023 and approved advertising funds to be used in 2023 and 2024 to promote and educate</p>	Chairman Rabinowitz called for a vote to approve the Kentucky Quarter Horse, Paint Horse, Appaloosa and Arabian Development Fund advertising request. Motion carried with no objections or abstentions.

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		horsemen about the changes to 810 KAR 7:060. Approval was also recommended by KHRC Staff.	
<b>Tab 11: Approval of the 810 KAR 7:030 Kentucky Thoroughbred Development Fund regulation change request</b>	29 – 30	<p>Chairman Rabinowitz requested a motion from the Commission for approval of the 810 KAR 7:030 Kentucky Thoroughbred Development Fund regulation change request. Motion by Commissioner Dudgeon. Second by Commissioner Landes.</p> <p>KHRC Director of Incentives and Development, Drew Conners, was assigned the floor and explained that the KTDF Advisory committee met on April 5, 2023, and approved of the proposed changes. Approval was also recommended by KHRC Staff.</p>	Chairman Rabinowitz called for approval of the 810 KAR 7:030 Kentucky Thoroughbred Development Fund regulation change request. Motion carried with no objections or abstentions.
<b>Tab 12: Approval of the request to transfer Kentucky Thoroughbred Development Fund monies to Ellis Park.</b>	30 - 32	<p>Chairman Rabinowitz requested a motion from the Commission for approval of the request to transfer Kentucky Thoroughbred Development Fund monies to Ellis Park. Motion by Commissioner O'Connor. Second by Commissioner Parke.</p> <p>KHRC Director of Incentives and Development, Drew Conners, was assigned the floor and explained that the KTDF Advisory committee met on April 5<sup>th</sup> and approved KTDF transfers of \$1.75 million from Kentucky Down and \$1.1 million from Oak Grove to be used at Ellis Park for their 2023 race meet. Approval was also recommended by KHRC Staff.</p>	Chairman Rabinowitz called for approval of the request to transfer Kentucky Thoroughbred Development Fund monies to Ellis Park. Motion carried with no objections or abstentions.
<b>Tab 13: Approval of Ellis Park's 2023 race meet KTDF purse allotment request.</b>	32 - 33	Chairman Rabinowitz requested a motion from the Commission for approval of Ellis Park's 2023 race meet KTDF purse allotment request. Motion by Commissioner Berry. Second by Commissioner O'Connor.	Chairman Rabinowitz called for approval of Ellis Park's 2023 Race meet KTDF purse

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		<p>KHRC Director of Incentives and Development, Drew Conners, was assigned the floor and explained that the KTDF advisory committee reviewed Ellis Park’s KTDF purse structure for their upcoming 2023 race meet. The meet consists of 24 racing days and Ellis Park is proposing KTDF purses in the range of \$3.7 to \$4.4 million. Ellis Park will pay out KTDF purses through last place to all KTDF eligible horses. Approval was also recommended by KHRC Staff.</p>	<p>allotment request. Motion carried with no objections or abstentions.</p>
<p><b>Tab 14: Approval of Kentucky Downs’ 2023 Race Meet KTDF Purse Allotment and Advertising Requests</b></p>	<p>33 – 35</p>	<p>Chairman Rabinowitz requested a motion from the Commission for approval of Kentucky Downs’ 2023 Race Meet KTDF Purse Allotment and Advertising Requests. Motion by Commissioner Landes. Second by Commissioner May.</p> <p>KHRC Director of Incentives and Development, Drew Conners, was assigned the floor and explained that at the April 5<sup>th</sup> KTDF meeting the purse structure for Kentucky Downs was reviewed with proposed KTDF purses in the range of \$10.1 - \$11.1 million. Kentucky Downs will pay out KTDF purses through last place to all eligible horses. The KTDF Advisory committee also approved their KTDF advertising budget that has the same imprint as last year. The KTDF Advisory committee approved these requests and approval was also recommended by KHRC Staff.</p>	<p>Chairman Rabinowitz called for approval of Kentucky Downs’ 2023 Race Meet KTDF Purse Allotment and Advertising Requests. Motion carried with no objections or abstentions.</p>
<p><b>Tab 15: Approval of Churchill Downs’ 2023 KTDF Advertising Allotment request</b></p>	<p>35 - 37</p>	<p>Chairman Rabinowitz requested a motion from the Commission for approval of Churchill Downs’ 2023 KTDF Advertising Allotment request. Motion by Commissioner Shoop. Second by Commissioner Berry.</p>	<p>Chairman Rabinowitz called for approval of Churchill Downs’ 2023 KTDF Advertising Allotment request. Motion carried with no</p>

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		KHRC Director of Incentives and Development, Drew Conners, was assigned the floor and explained that at the April 2023 KTDF Meeting the advertising request from Churchill Downs was considered and approved. Approval was also recommended by KHRC Staff.	objections or abstentions.
<b>Tab 16: Ratification of Executive Director Jamie Eads' Approval of Churchill Downs' Backside Improvement fund expenditure</b>	37 - 39	<p>Chairman Rabinowitz requested a motion from the Commission for ratification of Executive Director Jamie Eads' approval of Churchill Downs' Backside Improvement fund expenditure. Motion by Commissioner O'Connor. Second by Commissioner Shoop.</p> <p>KHRC Director of Incentives and Development, Drew Conners, was assigned the floor and explained that barn roofs at Churchill Downs needed repair from the windstorms Kentucky experienced in March 2023. Horses were scheduled to arrive at Churchill so there was an immediate need for the repairs and Executive Director Jamie Eads approved of the repairs. KHRC Staff confirmed that this met the requirements of KRS 230.3625 and 810 KAR 7:010 and the funding is available. Approval was recommended by Kentucky HBPA and the KTA-KTOB. Approval was also recommended by KHRC Staff.</p>	Chairman Rabinowitz called for ratification of Executive Director Jamie Eads' approval of Churchill Downs' Backside Improvement fund expenditure. Motion carried with no objections or abstentions.
<b>Tab 17: Approval of the Kentucky Proud Series' Proposed 2023 Race Meet Officials</b>	39 – 41	<p>Chairman Rabinowitz requested a motion from the Commission for Approval of the Kentucky Proud Series' Proposed 2023 Race Meet Officials. Motion by Commissioner O'Connor. Second by Commissioner Landes.</p> <p>KHRC Assistant Director of Incentives and Development and Presiding Judge, Patricia Cooksey, was assigned the floor and explained that in letters submitted to the KHRC, the Kentucky</p>	Chairman Rabinowitz called for Approval of the Kentucky Proud Series' Proposed 2023 Race Meet Officials. Motion carried with no objections or abstentions.



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		County Fair Board requests approval of the rosters for racing officials scheduled to preside over the conduct of racing during the 2023 Kentucky Proud Harness meets on the dates provided at the October 31, 2022 meeting. KHRC Staff recommended approval.	
<b>Tab 18: Division Reports:</b> <b>a. Report A pertains to the Thoroughbred Rulings</b>  <b>b. Standardbred Rulings</b>  <b>c. Veterinary Division report</b>  <b>d. Pari-mutual Wagering &amp; Compliance</b>  <b>e. Litigation</b>	41 - 46 41  42  42-45  45-46	a. Chief State Steward Barbara Borden presented two reports, the first one was a rulings list by category and the second was a summary of the rulings issued for 2023 so far.  b. Standardbred rulings were presented by Presiding Judge Patricia Cooksey. All fines have been paid except that of Patricia Brewer; she was suspended and served her suspension, but she has not paid her fine.  c. Dr. Nick Smith presented two reports, the first one for the Turfway Park Winter Meet in 2023 and the second one was for Sandy Ridge at Red Mile Quarter Horse meet in 2023. Dr. Smith also presented for Dr. Howard the fatality report broken down by month and updated through the end of March.  d. Pari-mutuel Wagering & Compliance reports were presented by Assistant Director Andy Conway. The reports presented were wagering from February and the fiscal year 2023. Fiscal year performance in account wagering saw certain variables last year added to \$224 million for the fiscal year 2023 so far.	No action taken. Informational items only.

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		e. Litigation and Regulation report is for informational purposes only.	
<b>III. Executive Session:</b> <b>During the meeting on April 18, 2023 convened under closed session pursuant to KRS 61.810(1)(c) to discuss pending litigation (CONFIDENTIAL)</b>	46 - 48	<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 Park. Second by Commissioner Berry.</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 Landes. Second by Commissioner Jones.</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>
<b>IV. Other Business</b>	48 - 49	Chairman Rabinowitz requested a motion from the Commission for approval of the settlement agreement in the matter of James “Jim” Averitt, Jr. vs. KHRC, Administrative Appeal Number KHRC-22-TB-001. Motion by Commissioner Shoop. Second by Commissioner Landes.	Chairman Rabinowitz called for Approval of the settlement agreement in the matter of James “Jim” Averitt, Jr. vs. KHRC, Administrative Appeal Number KHRC-22-TB-001.

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			Motion carried with no objections or abstentions.
<b>V. Adjournment</b>	49	With no other business, Chairman Rabinowitz requested a motion to adjourn the April 18, 2023 Kentucky Horse Racing Commission Meeting. Motion by Commissioner O'Connor. Second by Commissioner May. Meeting adjourned.	Chairman Rabinowitz called for a vote to adjourn. Motion carried with no objections or abstentions.

**NOTE:** The meeting 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.