

MINUTES OF THE OCTOBER 31, 2023, KENTUCKY HORSE RACING COMMISSION MEETING

Date: October 31, 2023 at 1:30 p.m.

Place: Kentucky Horse Racing Commission Conference Room, 4047 Iron Works Parkway, Lexington, Kentucky 40511

Members Present: Chair Jonathan Rabinowitz; Commissioner Mike Berry, Commissioner Dr. Naveed Chowhan, Commissioner Dr. Tiffany Daniels, Commissioner William L.S. Landes, Commissioner Charles O’Connor, Commissioner Catherine Parke, Commissioner C. Frank Shoop, Commissioner James E. Worley

Ex-officio Members Present: DJ Wasson, serving as proxy on behalf of Secretary Ray Perry; Sydney Montgomery, serving as proxy on behalf of Secretary Jef Noel; Secretary Lindy Casebier

<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	3 - 4	Chair 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.
	4 - 6	Chair Rabinowitz shared opening remarks regarding Equine Medical Director Dr. Howard’s retirement.	
II. New Business Tab 1: Approve minutes of the August 22, 2023 Kentucky Horse Racing Commission Meeting	7 - 66 7 - 8	Chair Rabinowitz requested a motion from the Commission to approve minutes of the August 22, 2023, Kentucky Horse Racing Commission Meeting. Motion by Commissioner Berry. Second by Commissioner Landes.	Chair Rabinowitz called for a vote to approve minutes of the August 22, 2023, Kentucky Horse Racing Commission

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		Executive Director Jamie Eads was assigned the floor and explained that behind tab one were the minutes from the August 22, 2023 meeting. KHRC staff recommended approval.	Meeting. Motion carried with no objections or abstentions.
Tab 2: Ratification of Executive Director's Approval of Ellis Entertainment, LLC's Request to Amend Section R of its 2023 Application to Conduct Live Horse Racing, Simulcasting and Pari-Mutuel Wagering	8 – 10	<p>Chair Rabinowitz requested a motion from the Commission to ratify the Executive Director's Approval of Ellis Entertainment, LLC's Request to Amend Section R of its 2023 Application to Conduct Live Horse Racing, Simulcasting and Pari-Mutuel Wagering. Motion by Commissioner Landes, second by Commissioner Daniels.</p> <p>Deputy General Counsel Travers Manley was assigned the floor and explained that Ellis Park requested to amend its 2023 application to reschedule racing from August 25 to August 28 due to high temperatures in the area. Due to the time constraints of the request, Executive Director Eads granted conditional approval for Ellis to cancel on August 25 and reschedule to August 28. KHRC staff recommended ratification of the Executive Director's approval.</p>	Chair Rabinowitz called for a vote to ratify the Executive Director's Approval of Ellis Entertainment, LLC's Request to Amend Section R of its 2023 Application to Conduct Live Horse Racing, Simulcasting and Pari-Mutuel Wagering. Motion carried with no objections or abstentions.
Tab 3: Turfway Park, LLC's Request to Amend Section R of its 2023 Application to Conduct Live Horse Racing, Simulcasting	10 - 12	Chair Rabinowitz requested a motion from the Commission to approve of Turfway Park, LLC's Request to Amend Section R of its 2023 Application to Conduct Live Horse Racing, Simulcasting and Pari-Mutuel Wagering. Motion by Commissioner Worley and second by Commissioner Parke.	Chair Rabinowitz called for a vote to approve Turfway Park, LLC's Request to Amend Section R of its 2023 Application to Conduct Live Horse

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and Pari-Mutuel Wagering		Deputy General Counsel Travers Manley was assigned the floor and explained that behind tab 3 is a memorandum and letters related to Turfway Park’s request to amend its 2023 application. The General Manager for Turfway Park requested to cancel racing on December 31, 2023. The Kentucky HBPA and the KTA/KTOB support the cancellation.	Racing, Simulcasting and Pari-Mutuel Wagering. Motion carried with no objections or abstentions.
Tab 4: Proposed Amendments to 810 KAR 4:070, Jockeys and Apprentices	12 - 17	<p>Chair Rabinowitz requested a motion from the Commission to approve proposed Amendments to 810 KAR 4:070, Jockeys and Apprentices. Motion by Commissioner Shoop. Second by Commissioner Berry.</p> <p>General Counsel Jennifer Wolsing was assigned the floor and explained that the changes were recommended and agreed to by KTA/KTOB, KHBPA and the Jockeys’ Guild and that the changes will modernize jockey fees set forth in the regulation. KHRC Staff recommended approval.</p> <p>Commissioner Landes inquired as to how long the regulation process would take. General Counsel Jennifer Wolsing explained that the entire process takes 7-9 months from the date that the regulation is filed with the LRC.</p>	Chair Rabinowitz called for a vote to approve proposed Amendments to 810 KAR 4:070. Jockeys and Apprentices. Motion carried with no objections or abstentions.
Tab 5: Proposed Conditions on Licenses to Conduct Live Horse Racing, Simulcasting,	18 - 21	Chair Rabinowitz requested a motion from the Commission to approve proposed Conditions on Licenses to Conduct Live Horse Racing, Simulcasting, And Pari-Mutuel Wagering for 2024.	Chair Rabinowitz called for a vote to approve proposed Conditions on Licenses

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And Pari-Mutuel Wagering for 2024		<p>Motion by Commissioner O'Connor, second by Commissioner Shoop.</p> <p>General Counsel Jennifer Wolsing and Deputy Executive Director Waqas Ahmed were assigned the floor and explained that there are conditions based on KRS 230.290 that states that all licenses that are granted under KRS 230 shall be subject to all administrative regulations and conditions as may be from time to time prescribed by the racing commission. As a condition of licensure, it is recommended by KHRC staff that each racing association shall have to certify that they will comply with certain requirements that are proposed in the conditions that are set forth in pages 46 through 60 of the meeting materials. The proposed conditions have been shared with the Race Dates Committee.</p>	to Conduct Live Horse Racing, Simulcasting, And Pari-Mutuel Wagering for 2024. Motion carried with no objections or abstentions.
Tab 6: Licenses to Conduct Live Horse Racing, Simulcasting, Pari-Mutuel Wagering, Sports Wagering for 2024	21 - 44	<p>Chair Rabinowitz requested that Deputy Executive Director Waqas Ahmed take the floor and present the applications before a motion is made. Deputy Executive Director Waqas Ahmed explained that the applicants desiring to engage in racing within Kentucky must first obtain authorization from the Commission. KRS 230 outlines the criteria that is used by the staff to assess an applicant's suitability for licensure.</p> <p>Deputy Executive Director Waqas Ahmed presented each license, which can be found in the meeting materials at pages 22 - 41 and transcript.</p>	Chair Rabinowitz called for a vote to approve licenses to Conduct Live Horse Racing, Simulcasting, Pari-Mutuel Wagering, Sports Wagering, and Conditions Thereon for 2024. Motion carried with no objections or abstentions.

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		Chair Rabinowitz requested a motion from the Commission to approve licenses to Conduct Live Horse Racing, Simulcasting, Pari-Mutuel Wagering, Sports Wagering, and Conditions Thereon for 2024. Motion by Commissioner Shoop, second by Commissioner Worley.	
Tab 7: Ratification of Executive Director Eads' Approval of Lexington Trots Breeders Association, LLC's Request to Amend Section R of its 2023 Application to Conduct Live Horse Racing, Simulcasting and Pari-Mutuel Wagering	44 - 46	<p>Chair Rabinowitz requested a motion from the Commission to ratify Executive Director Eads' Approval of Lexington Trots Breeders Association, LLC's Request to Amend Section R of its 2023 Application to Conduct Live Horse Racing, Simulcasting and Pari-Mutuel Wagering. Motion by Commissioner Parke, second by Commissioner Daniels.</p> <p>KHRC Chief State Steward Barbara Borden was assigned the floor and explained that the Red Mile was awarded race dates that included Sunday, September 3. On August 25, the Red Mile Vice President of Racing Operations requested approval to move the post time of the September 3 race date from 1 p.m. to 5:50 p.m. as a one-time special holiday card. Due to the time constraints, Executive Director Jamie Eads granted conditional approval. KHRC staff recommended ratification of Director Eads' approval.</p>	<p>Chair Rabinowitz called for a vote to ratify Executive Director Eads' Approval of Lexington Trots Breeders Association, LLC's Request to Amend Section R of its 2023 Application to Conduct Live Horse Racing, Simulcasting and Pari-Mutuel Wagering. Motion carried with no objections or abstentions.</p>
Tab 8: Turfway Park, LLC's Proposed 2023 Holiday Race Meet & 2024 Winter/Spring	46 - 48	Chair Rabinowitz requested a motion from the Commission to approve Turfway Park, LLC's Proposed 2023 Holiday Race Meet & 2024 Winter/Spring Race Meet Officials and Date Preference	Chair Rabinowitz called for a vote to approve Turfway Park, LLC's Proposed 2023

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Race Meet Officials and Date Preference System		<p>System. Motion by Commissioner Berry, second by Commissioner O'Connor.</p> <p>KHRC Chief State Steward Barbara Borden was assigned the floor and explained the on August 25, the Director of Racing at Turfway Park requested the approval of the roster of racing officials and the date preference system for the holiday meet as well as the 2024 winter/spring meet. All stewards are ROAP accredited and there are no changes to the date preference system that has been in place for several years. KHRC staff recommended approval.</p>	<p>Holiday Race Meet & 2024 Winter/Spring Race Meet Officials and Date Preference System.</p> <p>Motion carried with no objections or abstentions.</p>
Tab 9: KTDF Requests Pertaining to Turfway Park LLC's 2023 Holiday & 2024 Winter/Spring Race Meet	48 - 50	<p>Chair Rabinowitz requested a motion from the Commission to approve KTDF Requests Pertaining to Turfway Park LLC's 2023 Holiday & 2024 Winter/Spring Race Meet. Motion by Commissioner Worley, second by Commissioner Shoop.</p> <p>Incentives and Development Program Coordinator Katie Mueller was assigned the floor and explained that Turfway Park submitted a request for their 2023 holiday and 2024 winter/spring race meet regarding KTDF purses. Turfway Park proposed a total of purses in the range of \$8.5 to \$9.2 million. The advisory committee along with KYHBPA and the KTA/KTOB recommended approval. Approval is also recommended by KHRC staff.</p>	<p>Chair Rabinowitz called for a vote to approve KTDF Requests Pertaining to Turfway Park LLC's 2023 Holiday & 2024 Winter/Spring Race Meet. Motion carried with no objections or abstentions.</p>

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<p>Tab 10: Ratification of Executive Director Eads' approval of the Kentucky Sports Wagering Catalog</p>	<p>50 - 54</p>	<p>Chair Rabinowitz requested a motion from the Commission to ratify Executive Director Eads' approval of the Kentucky Sports Wagering Catalog. Motion by Commissioner Worley, second by Commissioner O'Connor.</p> <p>KHRC Sports Wagering Director Hans Stokke was assigned the floor and explained that in accordance with KRS 230.805(2), the KHRC is required to promulgate administrative regulations to establish standards for the conduct of sports wagering. As stated in 809 KAR 10:002 Section 2, the licensee shall not offer sports wagering that has not been approved by the commission.</p> <p>The Kentucky Sports Wagering Advisory Council reviewed the Sports Wagering Catalog and the council endorsed and recommended ratification by the KHRC. The Council met again and endorsed Catalog additions. KHRC Executive Director Jamie Eads granted conditional approval of the Sports Wagering Catalog and additions pending ratification by the commission. KHRC staff recommended ratification of the Director's approval.</p>	<p>Chair Rabinowitz called for a vote to ratify Executive Director Eads' approval of the Kentucky Sports Wagering Catalog. Motion carried with no objections or abstentions.</p>
<p>Tab 11: Ratification of Executive Director Eads' Approval of the Independent Testing Laboratories Submission Criteria</p>	<p>54 - 57</p>	<p>Chair Rabinowitz requested a motion from the Commission to ratify Executive Director Eads' approval of the Independent Testing Laboratories submission criteria. Motion by Commissioner Shoop, second by Commissioner Berry.</p> <p>KHRC Sports Wagering Director Hans Stokke was assigned the floor and explained that Independent Testing Labs, or ITLs, must provide a range of information including corporate details such</p>	<p>Chair Rabinowitz called for a vote to ratify Executive Director Eads' approval of the Independent Testing Laboratories submission criteria.</p>

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<p>d. Pari-mutual Wagering & Compliance</p>	<p>64 - 66</p>	<p>The next report was for Ellis Park, which provided a total of 1,658 starts, 480 horses sampled, 59 scratches and 96 horses on the vet’s list. There was one racing fatality and one training fatality, which was a sudden death.</p> <p>The final report was for Kentucky Downs, which included a total of 792 starts, 153 post race samples, 18 veterinary scratches and 24 horses on the vet’s list. There were 4 ambulance runs and 0 fatalities.</p> <p>Dr. Bruce Howard explained that an ongoing chart since 2007 has been provided and it was updated though September with yearly comparisons.</p> <p>Dr. Howard also thanked the commission and shared appreciation regarding his retirement.</p> <p>Director of Pari-Mutuel Wagering & Compliance, Andy Conway, was assigned the floor and explained that his report was for July, August, and September. On-track live wagering saw an increase of over 5 percent. In-state deposit wagers showed a significant increase in August and September with September increasing 1 million from last year with TVG, FanDuel, and Xpressbets. Wagers on historical racing saw a 15 percent increase in September with a stronger 20 percent growth year to date.</p> <p>Chair Rabinowitz shared special thanks to the Commission for their hard work with Sports Wagering.</p>	
<p>III. Executive Session</p>	<p>69</p>	<p>Chair Rabinowitz requested a motion from the Commission to convene in closed session to discuss proposed or pending</p>	<p>Chair Rabinowitz called for a vote for</p>

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<p>During the meeting on October 31, 2023, Commissioners convened under closed session pursuant to KRS 61.810(1)(c) to discuss pending litigation (CONFIDENTIAL)</p>		<p>litigation against or on behalf of the agency, as permitted by KRS Chapter 61.810(1)(c). Motion by Commissioner Berry, second by Commissioner O'Connor.</p> <p style="text-align: center;">EXECUTIVE SESSION</p> <p>Chair Rabinowitz requested a motion from the Commission to reconvene in open session. Motion by Commissioner Berry, second by Commissioner Worley.</p> <p style="text-align: center;">RECONVENED TO OPEN SESSION</p>	<p>the Commission to convene in closed session. Motion carried with no objections or abstentions.</p> <p>Chair Rabinowitz called for a vote for the Commission to reconvene in open session. Motion carried with no objections or abstentions.</p>
<p>IV. Other Business</p> <p>1. Kentucky Horse Racing Commission's Final Order in Jim Schulte v. KHRC, ADMINISTRATIVE ACTION NO. KHRC-23-SB-001</p>	<p>71</p>	<p>Chair Rabinowitz requested a motion from the Commission to approve the final order in the matter of Jim Schulte, Administrative Action No. KHRC-23-SB-001. Motion by Commissioner Shoop, second by Commissioner O'Connor.</p>	<p>Chair Rabinowitz called for a vote to approve the final order in the matter of Jim Schulte, Administrative Action No. KHRC-23-SB-001. Motion carried with no objections or abstentions.</p>

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2. Kentucky Horse Racing Commission's Final Order in Walter Rodriguez v. KHRC, ADMINISTRATIVE ACTION NO. KHRC-23-TB-001	72	Chair Rabinowitz requested a motion from the Commission to approve the final order in the matter of Walter Rodriguez, Administrative Action No. KHRC-23-TB-001. Motion by Commissioner Berry, second by Commissioner Worley.	Chair Rabinowitz called for a vote to approve the final order in the matter of Walter Rodriguez, Administrative Action No. KHRC-23-TB-001. Motion carried with no objections or abstentions.
V. Adjournment	73 - 74	With no other business, Chairman Rabinowitz requested a motion to adjourn the August 22, 2023 meeting. Motion by Commissioner Berry, second by Commissioner Worley. 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.