

Minutes of the June 20, 2023 Kentucky Horse Racing Commission Meeting

Date: June 20, 2023 at 1:30 p.m.

Place: KTA/KTOB offices, 4079 Iron Works Parkway Lexington, Kentucky 40511

Members Present: Chair Jonathan Rabinowitz; Vice-Chair Frank Jones, Jr.; Commissioner Mike Berry; M.D.; Commissioner Tiffany Daniels, D.C.; Commissioner Michael F. Dudgeon; Commissioner Greg Harbut; Commissioner William L.S. Landes; Commissioner Charles O'Connor; Commissioner Catherine Parke; Commissioner Tom Riddle, DVM and Commissioner C. Frank Shoop

Ex-officio Members Present: Secretary Ray Perry; Sydney Montgomery and Mona Juett

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

<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	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.
	5 - 9	Chair Rabinowitz shared a brief update pertaining to Sports Wagering, stating that KHRC staff, commissioners, and members of PPC have been meeting with regulators from other states and industry experts to draft clear and concise regulations to govern sports wagering. Chair Rabinowitz further stated that a meeting would take place in July to review and approve the regulations.	

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		Gary Palmisano was assigned the floor to introduce Matt Pressley as the General Manager of Ellis Park.	
II. New Business Tab 1: Meeting minutes from April 18, 2023	9 – 40 9	<p>Chair 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 18, 2023. Motion by Commissioner Landes, Second by Commissioner Berry.</p> <p>Executive Director Jamie Eads was assigned the floor and explained that behind Tab 1 are the minutes from the April 18, 2023 meeting and that KHRC staff recommended approval.</p>	Chair Rabinowitz called for a vote to approve the proposed minutes of the April 18, 2023 meeting as presented. Motion carried with no objections or abstentions.

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Tab 2: Approval of ratification of the WKY Development LLC's amendment of Section R of its 2023 application to conduct live racing, simulcasting, and pari-mutuel wagering	10 - 11	<p>Chair Rabinowitz requested a motion from the Commission to approve the ratification of Executive Director Jamie Eads' approval of the WKY Development LLC's amendment of Section R of its 2023 application to conduct live racing, simulcasting, and pari-mutuel wagering. Motion by Commissioner Berry, Second by Commissioner O'Connor.</p> <p>Deputy General Counsel Travers Manley was assigned the floor and explained that behind Tab 2 is a memorandum and documents pertaining to WKY Development's amendments to its 2023 application. Due to severe weather, racing was cancelled on May 7, 2023, and due to time constraints Executive Director Jamie Eads granted the approval for Oak Grove to reschedule to May 9, 2023. Oak Grove also requested to conduct May 30 and June 6 race dates on July 9-10, 2023. Executive Director Eads granted conditional approval.</p>	Chair Rabinowitz called for a vote to approve the ratification of the WKY Development LLC's amendment of Section R of its 2023 application to conduct live racing, simulcasting, and pari-mutuel wagering. Motion carried with no objections or abstentions.
Tab 3: Approval of the Lexington Trots Breeders Association LLC's request to amend Section S of its 2023 application to conduct live horse racing, simulcasting and pari-mutuel wagering	12 - 14	<p>Chair Rabinowitz requested a motion from the Commission to approve the Lexington Trots Breeders Association LLC's request to amend Section S of its 2023 application to conduct live horse racing, simulcasting and pari-mutuel wagering. Motion by Commissioner Daniels and Second by Commissioner O'Connor.</p> <p>Deputy General Counsel, Travers Manley, was assigned the floor and explained that the Red Mile requested approval of plans for construction of a 3-race paddock prior to the upcoming 2023 season which would result in an amendment to Section S of the</p>	Chair Rabinowitz called for a vote to approve the Lexington Trots Breeders Association LLC's request to amend Section S of its 2023 application to conduct live horse racing, simulcasting

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		Red Mile's license application. Approval was recommended by KHRC staff.	and pari-mutuel wagering. Motion carried with no objections or abstentions.
Tab 4: Approval of ratification of Churchill Downs Racetrack LLC's request to amend and conduct race dates at Ellis Entertainment LLC	14 - 18	<p>Chair Rabinowitz requested a motion from the Commission to approve the ratification of Executive Director Jamie Eads' approval of Churchill Downs Racetrack LLC's request to amend and conduct race dates at Ellis Entertainment LLC. Motion by Commissioner Shoop and Second by Commissioner O'Connor.</p> <p>General Counsel, Jennifer Wolsing, was assigned the floor and explained that Churchill Downs was awarded race dates that included certain dates between June 10th and July 3rd. On June 2nd Churchill requested permission to take three actions: (1) to temporarily suspend its spring meet on June 4th; (2) to cancel racing dates of June 7 through 9 and July 3rd; and (3) to conduct the remainder of its spring meet at Ellis Entertainment. Given the time constraints, Director Jamie Eads granted conditional approval. Approval was recommended by KHRC Staff.</p> <p>Commissioner Bill Landes inquired as to whether Churchill Downs considered other options for the remainder of their meet. Director Jamie Eads confirmed that there were multiple discussions and Ellis Park was the viable option.</p>	Chairman Rabinowitz called for a vote to approve of ratification of Churchill Downs Racetrack LLC's request to amend and conduct race dates at Ellis Entertainment LLC. Motion carried with no objections or abstentions.

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<p>Tab 5: Proposed amendments to 810 KAR 2:020, 2:070, 4:001, 4:010, 4:030 and 4:040</p>	<p>18 – 21</p>	<p>Chair Rabinowitz requested a motion from the Commission to approve the proposed amendments to 810 KAR 2:020, 2:070, 4:001, 4:010, 4:030 and 4:040. Motion by Commissioner Dudgeon. Second by Commissioner Shoop.</p> <p>General Counsel Jennifer Wolsing was assigned the floor and explained that there are numerous proposed amendments to various racing regulations to update them before the spring 2024 quarter horse meet. Details regarding these amendments can be viewed in the meeting materials and/or transcript. Approval was recommended by KHRC Staff.</p>	<p>Chair Rabinowitz called for a vote to approve proposed amendments to 810 KAR 2:020, 2:070, 4:001, 4:010, 4:030 and 4:040. Motion carried with no objections or abstentions.</p>
<p>Tab 6: Approval of the ratification of Executive Director’s approval of Churchill Downs Racetrack LLC’s KTDF distribution at Ellis Park</p>	<p>21 - 23</p>	<p>Chair Rabinowitz requested a motion from the Commission to approve the ratification of Executive Director Jamie Eads’ approval of Churchill Downs Racetrack LLC’s KTDF distribution at Ellis Park. Motion by Commissioner Berry. Second by Commissioner Shoop.</p> <p>Director of Incentives and Development, Drew Conners, was assigned the floor and explained that Churchill Downs contacted KHRC to request approval of a KTDF purse structure distribution change that would pay through fifth place rather than through last for the remainder of the race meet being held at Ellis Park. This request was conditionally granted by Director Jamie Eads. Approval was recommended by KHRC Staff.</p>	<p>Chair Rabinowitz called for a vote to approve the ratification of Executive Director’s approval of Churchill Downs Racetrack LLC’s KTDF distribution at Ellis Park. Motion carried with no objections or abstentions.</p>

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<p>Tab 7: Approval of ratification of Kentucky Proud Series race date from June 21, 2023 in McCracken County to June 20, 2023 at Oak Grove Racing and Gaming as part of the Christian County fair activities</p>	<p>23 – 25</p>	<p>Chair Rabinowitz requested a motion from the Commission to approve ratification of Executive Director’s approval of Kentucky Proud Series race date from June 21, 2023 in McCracken County to June 20, 2023 at Oak Grove Racing and Gaming as part of the Christian County fair activities. Motion by Commissioner O’Connor. Second by Commissioner Harbut.</p> <p>Director of Incentives and Development, Drew Conners, was assigned the floor and explained that a representative from the McCracken County Fair contacted the KHRC Program Coordinator, Susan Nash. McCracken County informed Ms. Nash that harness racing would no longer be included in their county fair program. KHRC staff had multiple conversations with Ballard and Christian Counties before determining to move the race date to July 20 at Oak Grove Racing and Gaming and add it to the Christian County fair activities. Approval was recommended by KHRC staff.</p>	<p>Chair Rabinowitz called for a vote to approve of ratification of Kentucky Proud Series race date from June 21, 2023 in McCracken County to June 20, 2023 at Oak Grove Racing and Gaming as part of the Christian County fair activities. Motion carried with no objections or abstentions.</p>
<p>Tab 8: Approve Ellis Entertainment LLC’s backside improvement request</p>	<p>25 – 27</p>	<p>Chair Rabinowitz requested a motion from the Commission to approve Ellis Entertainment LLC’s backside improvement request. Motion by Commissioner Parke. Second by Commissioner Berry.</p> <p>Director of Incentives and Development, Drew Conners, was assigned the floor and explained that Ellis Park contacted KHRC to request the use of their backside improvement funds for the purchasing of a new warning system for a loose horse. The total</p>	<p>Chair Rabinowitz called for a vote to approve Ellis Entertainment LLC’s backside improvement request. Motion carried with no objections or abstentions.</p>

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		cost for the work is \$9,598.00. Approval was recommended by KHRC staff.	
<p>Tab 9: Ratification of Executive Director’s approval of Lexington Trots Breeders Association request to amend Section R of its 2023 application to conduct live horse racing, simulcasting and pari-mutuel wagering.</p>	27 – 29	<p>Chair Rabinowitz requested a motion from the Commission to approve ratification of Executive Director’s approval of Lexington Trots Breeders Association request to amend Section R of its 2023 application to conduct live horse racing, simulcasting and pari-mutuel wagering. Motion by Commissioner O’Connor. Second by Commissioner Parke.</p> <p>Pari-Mutuel Wagering and Compliance Assistant Director, Andy Conway was assigned the floor and explained that the Red Mile requested an amendment to Section R of its 2023 application to conduct live horse racing, simulcasting and pari-mutuel wagering. The proposed changes are to add three Super High Five pools, a Pick 6 pool, and a Special Pick 8 pool, each with a .20 cent minimum. This request was conditionally approved by Executive Director Jamie Eads in advance of live racing at the Red Mile and approval was recommended by KHRC Staff.</p>	<p>Chair Rabinowitz called for a vote to approve ratification of Executive Director’s approval of Lexington Trots Breeders Association 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>

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<p>Tab 10: Approval of the Lexington Trots Breeders Association LLC's proposed 2023 race meet officials</p>	<p>30 - 31</p>	<p>Chair Rabinowitz requested a motion from the Commission to approve of the Lexington Trots Breeders Association LLC's proposed 2023 race meet officials. Motion by Commissioner Landes. Second by Commissioner Berry.</p> <p>Chief State Steward Barbara Borden was assigned the floor and explained that a request was received from Gabe Prewitt, the Vice President of racing operations at Lexington Trots Breeders Association. The request was for a roster of racing officials for the meet. Approval was recommended by KHRC Staff.</p>	<p>Chair Rabinowitz called for a vote to approve of the Lexington Trots Breeders Association LLC's proposed 2023 race meet officials. Motion carried with no objections or abstentions.</p>
<p>Tab 11: Approval Ellis Entertainment LLC's proposed 2023 race meet officials and date preference system</p>	<p>31 - 32</p>	<p>Chair Rabinowitz requested a motion from the Commission to approve Ellis Entertainment LLC's proposed 2023 race meet officials and date preference system. Motion by Commissioner Shoop. Second by Commissioner Berry.</p> <p>Chief State Steward Barbara Borden was assigned the floor and explained that Dan Bork, the racing secretary at Ellis Park, requested approval of the roster of racing officials and approval of the date preference system, which is unchanged from years past. Approval was recommended by KHRC staff.</p>	<p>Chair Rabinowitz called for a vote to approve Ellis Entertainment LLC's proposed 2023 race meet officials and date preference system. Motion carried with no objections or abstentions.</p>

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Tab 12: Approval of Kentucky Downs, LLC's proposed 2023 race meet officials	32 – 33	<p>Chair Rabinowitz requested a motion from the Commission to approve of Kentucky Downs, LLC's proposed 2023 race meet officials. Motion by Commissioner O'Connor. Second by Commissioner Harbut.</p> <p>Chief State Steward Barbara Borden was assigned the floor and explained that Tyler Picklesimer, the racing secretary at Kentucky Downs, requests approval of racing officials. Approval was recommended by KHRC staff.</p>	Chair Rabinowitz called for a vote to approve of Kentucky Downs, LLC's proposed 2023 race meet officials. Motion carried with no objections or abstentions.
Division Reports a. Report A pertains to the Thoroughbred Rulings b. Standardbred Rulings c. Veterinary Division report	33 - 40 33 – 34 34 – 35 35 – 39	<p>a. Chief State Steward Barbara Borden presented rulings that have been made since January 1st; there were forty-one total.</p> <p>b. Standardbred rulings were presented by Chief State Steward Barbara Borden. Executive Director, Jamie Eads, explained that, because they moved a race date and the McCracken County fair to Oak Grove, the judges are there. Also, there has been some action, but a report for those rulings are not ready yet.</p> <p>c. Chief Racing Veterinarian, Dr. Nick Smith, and Equine Medical Director, Dr. Bruce Howard, were assigned the floor. Dr. Smith explained that the first report is from the Keeneland spring meet with 1,262 total starts and 353 post-race samples collected. There were 44 total veterinary scratches, 31 pre-race and 13 on-track, of which 7 were for soundness and 6 were gate or paddock related injuries. 66 horses were placed</p>	No action taken. Informational items only.

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<p>d. Pari-mutual Wagering & Compliance</p>	<p>39 – 40</p>	<p>on the vet’s list, 13 ambulance runs and 3 fatalities all of which were musculoskeletal.</p> <p>The second report is for Churchill Downs’ spring meet, with 1855 total starts and 606 post-race samples. 53 veterinary scratches of which 33 were pre-race and 20 were on track, of which 13 were for soundness and 7 were gate of paddock injuries. 80 horses were placed on the vet’s list, 18 ambulance runs and two deaths.</p> <p>Dr. Howard added that the first day of racing at Churchill was in April, so you have to add up the fatalities from April for the numbers to add up correctly.</p> <p>Since racing moved over to Ellis from Churchill, there have not been any fatalities in the last 6 days.</p> <p>d. Pari-mutuel Wagering & Compliance reports were presented by Assistant Director Conway. Reports for March, April, and May of fiscal year 2023 are presented. \$1.1 million was wagered on track at Turfway Park. Revolutionary Racing had just under \$82,000 in on-track wagers at the Red Mile. Turfway Park saw \$70,000 wagered on-track for its final day of racing. Keeneland saw \$15 million wagered on track. In May, \$41 million was wagered on track at Churchill Downs and \$22 million was wagered on Derby Day.</p>	

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IV. Other Business	42	Chair Rabinowitz requested a motion in favor of approving the Final Order in the matter of Averitt vs. KHRC, Administrative Action No. KHRC 22-TB-001. Motion by Commissioner Berry. Second by Commissioner Parke.	Chair Rabinowitz called for a vote to approve the final order in Averitt vs. KHRC. Motion carried with no objections or abstentions.
	42 – 43	Chair Rabinowitz requested a motion in favor of approving the Final Order in Corrales vs. KHRC, Administrative Action No. KHRC 22-TB-003. Motion by Commissioner Berry. Second by Commissioner Harbut.	Chair Rabinowitz called for a vote to approve the final order in Corrales vs. KHRC. Motion carried with no objections or abstentions.
	43 - 44	Chair Rabinowitz requested a motion in favor of approving the Final Order in Hernandez vs. KHRC, Administrative Action No. KHRC 23-TB-002. Motion by Commissioner Shoop. Second by Commissioner O'Connor.	Chair Rabinowitz called for a vote to approve the final order in Hernandez vs. KHRC. Motion carried with no objections or abstentions.

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V. Adjournment	44 – 45	With no other business, Chairman Rabinowitz requested a motion to adjourn the June 20, 2023 meeting. Motion by Commissioner O’ Connor. Second by Commissioner Parke. 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.