

**KENTUCKY HORSE RACING COMMISSION**

**August 17, 2021**

**AGENDA**

**Location: Kentucky Horse Racing Commission  
4063 Iron Works Pkwy, Building B  
Lexington, KY 40511**

**Time: 1:30 pm**

**I. Call to Order and Roll Call**

**II. New Business**

1. Minutes from June 22, 2021
2. KTDF Purse Structure – Churchill Downs’ September Meet
3. KTDF Purse Structure – Keeneland Fall Meet
4. Kentucky Downs KTDF Purse Increase
5. Backside Improvement Request: Kentucky Downs
6. KTOB Request to Increase KTDF Registration Fees
7. Oak Grove’s Request to Amend Section R of its 2021 Application to Amend Race Dates & Times
8. Proposed amendment to 810 KAR 5:030: Claiming races
9. Proposed amendment to 810 KAR 5:060: Entries and starters
10. Proposed amendment to 810 KAR 5:070: Running of the race
11. Keeneland Association’s Request to Alter Wagering Format
12. Ratification of Executive Director Conditional Approval of FSG Services’ Change of Control  
Request for NYRA Bets
13. Keeneland’s Proposed 2021 Fall Race Meet Officials and Date Preference System
14. Oak Grove Racing, Gaming & Hotel’s 2021 Race Meet Officials
15. Reports
  - a. Thoroughbred Rulings
  - b. Standardbred Rulings
  - c. Veterinary Division

**III. Executive Session**

**IV. Other Business**

**V. Adjournment**

**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	<p>Chairman Rabinowitz called the meeting of the Kentucky Horse Racing Commission (KHRC) to order and performed the roll call. A quorum was recognized.</p> <p>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.</p>	No action taken.

AGENDA ITEM	TRANSCRIPT PAGE NUMBER(S)	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
<b>II. New Business</b> <b>Tab 1 Minutes from</b> <b>April 20, 2021</b>	6 – 30 6 – 7	<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 20, 2021. Motion by Vice-Chairman Jones. Second by Commissioner O’Connor.</p> <p>Ms. Wolsing presented the proposed minutes as set out 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 20, 2021 KHRC meeting as presented. Motion carried with no objections or abstentions.</p>
<b>Tab 2 Proposed</b> <b>Amendment to 810 KAR 4:040</b>	7 – 11          10	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation of the KHRC Rules Committee to approve proposed amendments to 810 KAR 4:040. Motion by Commissioner Simendinger. Second by Commissioner O’Connor.</p> <p>Ms. Wolsing presented the proposed amendments to 810 KAR 4:040 as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff and the Rules Committee.</p> <p>Prior to calling for a vote, Chairman Rabinowitz thanked the Rules Committee, legislators, and industry representatives for their contributions and hard work on the proposed amendments.</p> <p>Following the vote, Mr. Meyocks addressed the Commission.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed amendments to 810 KAR 4:040, as recommended by the Rules Committee and as presented. Motion carried with no objections or abstentions.</p>
<b>Tab 3 Ratification of</b> <b>Executive Director Approval of</b> <b>Name Change/Re-Financing for</b> <b>Kentucky Downs, LLC and ECL</b> <b>Corbin, LLC</b>	11– 13	<p>Chairman Rabinowitz requested a motion from the Commission to address ratification of the Executive Director’s conditional approval of proposed refinancing for Kentucky Downs, LLC and ECL Corbin, LLC, and a proposed name change for Kentucky Downs, LLC’s holding company. Motion by Commissioner Simendinger. Second by Commissioner O’Connor.</p>	<p>Chairman Rabinowitz called for a vote to ratify the Executive Director’s conditional approval of refinancing for Kentucky Downs, LLC and ECL</p>

AGENDA ITEM	TRANSCRIPT PAGE NUMBER(S)	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
		<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>

AGENDA ITEM	TRANSCRIPT PAGE NUMBER(S)	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
		<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>

<b>AGENDA ITEM</b>	<b>TRANSCRIPT PAGE NUMBER(S)</b>	<b>DISCUSSION / CONCLUSIONS / RECOMMENDATIONS</b>	<b>ACTION TAKEN</b>
<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>

AGENDA ITEM	TRANSCRIPT PAGE NUMBER(S)	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
<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>	



<b>AGENDA ITEM</b>	<b>TRANSCRIPT PAGE NUMBER(S)</b>	<b>DISCUSSION / CONCLUSIONS / RECOMMENDATIONS</b>	<b>ACTION TAKEN</b>
<b>III. Other Business</b>	30 – 35 30 – 31  31  31 – 33         33 – 35	<p>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.</p> <p>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.</p> <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> <p>Upon returning to open session, Mr. Guilfoil commemorated KHRC employees who had recently passed away.</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> <p>Informational only. No action taken.</p>
<b>V. Adjournment</b>	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,

<i>AGENDA ITEM</i>	<i>TRANSCRIPT PAGE NUMBER(S)</i>	<i>DISCUSSION / CONCLUSIONS / RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
		<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.



**Andy Beshear**  
Governor

**Public Protection Cabinet**  
**Kentucky Horse Racing Commission**  
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**Ray A. Perry**  
Secretary

**Marc Guilfoil**  
Executive Director

**Jonathan Rabinowitz**  
Chairman

**TO: ALL COMMISSION MEMBERS**  
**FROM: Jamie H. Eads, Deputy Executive Director, KHRC**  
**DATE: August 3, 2021**  
**SUBJ.: KTDF PURSE STRUCTURE – CHURCHILL DOWNS’ SEPTEMBER MEET**

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On August 3, 2021 the KTDF Advisory Committee considered the following request from Churchill Downs with its KTDF purse structure for the 2021 September Meet.

KHRC staff confirms that at the end of the 2021 Spring Meet, Churchill Downs had a surplus of \$1,836,965.95. Churchill Downs is proposing KTDF purses in the range of \$2.9 million to \$3.3 million for the 2021 September Meet. Projections are based on a payout of 86.5% of the amount carded and daily earnings of \$358,001.

Churchill Downs will pay out KTDF funds through last place and in the event of a dead heat, the KTDF portion of the non-eligible horse reverts to the Fund.

The KTDF Advisory Committee recommends approval.

**COMMISSION ACTION:**

- \_\_\_\_\_ Approve
- \_\_\_\_\_ Defer
- \_\_\_\_\_ Deny



# CHURCHILL DOWNS

July 30, 2021

KTDF Advisory Committee of the  
Kentucky Horse Racing Commission  
4063 Iron Works Parkway  
Building B  
Lexington, Kentucky 40511

## Committee Members:

Churchill Downs has reviewed our purses and would like to card KTDF purses in the range of \$2.9 million to \$3.3 million for our upcoming September Meet. We intend to include KTDF on the Stakes races during the Meet. We have based the range on the following information:

1. At the end of our Spring 2021 Meet, Churchill Downs had a surplus balance of \$1,836,965.95.
2. Our 2021 September Meet will consist of 12 racing days beginning on Thursday, September 16th through Sunday, October 3rd. We are projecting daily earnings of \$358,001 which is \$201,577 or +129% higher than \$156,424 earned in 2020. The primary driver is the KTDF earned from pari-mutuel wagering from Derby City Gaming LLC ("Derby City") and Oak Grove Racing and Gaming ("Oak Grove") from the end of the Spring Meet through the end of the September Meet.
3. For September 2021, we are assuming a KTDF payout percentage of 86.5% with anticipated KTDF disbursements of \$2.8 million which is \$1.6 million higher than the \$1.2 million paid during the September 2020 Meet. The primary driver of the increase is the estimated pari-mutuel wagering from Derby City and Oak Grove along with attendance continuing to improve as customers return to the track.
4. To encourage participation during the September Meet, we are again planning to pay KTDF purses from first to last to all eligible horses.

Please contact either of us should you have any questions or need additional information.

Sincerely,

Ben Huffman  
Vice President, Racing & Racing Secretary

Thomas Minneci  
Vice President, Finance

JUL 30 2021

KENTUCKY HORSE  
RACING COMMISSION



# CHURCHILL DOWNS

July 30, 2021

KTDF Advisory Committee of the Kentucky Horse Racing Commission  
 4063 Iron Works Parkway  
 Building B  
 Lexington, Kentucky 40511

**Committee Members:**

The following information will be included in Churchill Downs' 2021 September Condition Book related to the Kentucky Thoroughbred Development Fund (KTDF).

**CHURCHILL DOWNS RACE TRACK  
 KENTUCKY THOROUGHBRED DEVELOPMENT FUND (KTDF)  
 ALLOCATION OF FUND BASED ON NUMBER OF STARTERS AND FINISH**

For those horses that are registered and eligible according to the condition listed above, fund monies will be divided as follows: 60% to the winner, 20% to the second, 10% to the third, 5% to the fourth, 3% to the fifth and the remaining 2% to be allocated among sixth through last based on the schedule below.

Finish	Number of Starters										
	5	6	7	8	9	10	11	12	13	14	
1st	60.00%	60.00%	60.00%	60.00%	60.00%	60.00%	60.00%	60.00%	60.00%	60.00%	60.00%
2nd	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%
3rd	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%
4th	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
5th	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
6th		2.00%	1.00%	0.67%	0.50%	0.40%	0.34%	0.29%	0.25%	0.23%	
7th			1.00%	0.67%	0.50%	0.40%	0.34%	0.29%	0.25%	0.23%	
8th				0.66%	0.50%	0.40%	0.33%	0.29%	0.25%	0.22%	
9th					0.50%	0.40%	0.33%	0.29%	0.25%	0.22%	
10th						0.40%	0.33%	0.28%	0.25%	0.22%	
11th							0.33%	0.28%	0.25%	0.22%	
12th								0.28%	0.25%	0.22%	
13th									0.25%	0.22%	
14th										0.22%	
Total	98.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Example:

Date	Race	# of Starters	KTDF Offered
6/25/2017	10	11	\$7,400.00

KTDF	Finish										
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th
Eligible	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Payout	\$4,440.00	\$1,480.00	\$740.00	\$370.00	\$222.00	\$25.16	\$25.16	\$0.00	\$24.42	\$24.42	\$24.42
	KTDF Reverts \$24.42										

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# CHURCHILL DOWNS

Example: Dead Heat for 2nd between an eligible and non-eligible horse using the above example.

	<u>2nd</u>	<u>3rd</u>	<u>Total</u>	
KTDF:				
Payout	\$1,480.00	\$740.00	\$2,220.00	---> Eligible horse would receive 50% of the Total for 2nd and 3rd pla
	<u>KTDF</u>	<u>KTDF</u>		
	<u>Payout</u>	<u>Reverts</u>		
	\$1,110.00	\$1,110.00		

## THE KENTUCKY THOROUGHBRED DEVELOPMENT FUND (KTDF)

Given the robust business during calendar year 2019 and the pandemic impacted 2020, the state-of-the-art historical racing machines at nearby Derby City Gaming has generated \$15.3 million in KTDF for horsemen with Kentucky-sired Kentucky-breds to run for in designated stakes, handicap, allowance, non-claiming maiden races, and allowance optional claiming races with a claiming price of not less than twenty-five thousand dollars (\$25,000) contested at Churchill Downs Racetrack.

Eligible races can be readily recognized in the stakes and condition books by the Kentucky Thoroughbred Development Fund seal, which will appear next to each race in the stakes and condition books.

In accordance with KRS 230.400(5) (d), it is mandatory for a horse to be registered prior to time of entry to be eligible to participate in the distribution of Kentucky Thoroughbred Development Fund monies. Registration is only complete once the application is approved and payment has been received.

All horses of racing age that are both Kentucky-bred and sired by a Kentucky stallion which stood in Kentucky the entire breeding season the year the horse was conceived are eligible to be registered. Owners of horses of racing age are responsible for registering their horses. Stallion owners are responsible for registering their stallions.

Registration applications may be obtained from the official registrar, the Kentucky Thoroughbred Owners and Breeders, by contacting:

**Mrs. Jenny McGaughey, Registrar**  
Kentucky Thoroughbred Owners and Breeders  
4079 Iron Works Parkway  
Lexington, Kentucky 40511  
Phone: 859-259-1643  
Mobile: 859-361-6002

Registration may be completed online at [www.kta-ktob.com](http://www.kta-ktob.com). The Horse Identifier can check registration status of a horse.

For those horses that are registered and eligible according to the conditions listed above, fund monies will be divided as follows:

- 60%.....to the winner
- 20%.....to second
- 10%.....to third
- 5%.....to fourth
- 3%.....to fifth

JUL 30 2021

KENTUCKY HORSE  
RACING COMMISSION



## CHURCHILL DOWNS

Remaining 2% divided among the starters based on the schedule listed above.

Unearned fund monies revert to the Kentucky Thoroughbred Development Fund. Additionally, if a non-KTDF eligible horse is involved in a dead heat, those funds will revert to the fund.

PLEASE NOTE: ALL KTDF PURSE ALLOTMENTS CONTAINED HEREIN ARE SUBJECT TO KHRC APPROVAL.

If you have any questions or need additional information, please reach out to me or Ben Huffman.

Sincerely,

Thomas Minneci  
Vice President, Finance  
Churchill Downs Race Track  
700 Central Avenue  
Louisville, KY 40208  
Office: 502-638-3845  
Cell: 502-424-9372  
[tom.minneci@kyderby.com](mailto:tom.minneci@kyderby.com)

Ben Huffman  
Vice President, Racing & Racing Secretary  
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JUL 30 2021

KENTUCKY HORSE  
RACING COMMISSION

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**Andy Beshear**  
Governor

**Public Protection Cabinet**  
**Kentucky Horse Racing Commission**  
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**Ray A. Perry**  
Secretary

**Marc Guilfoil**  
Executive Director

**Jonathan Rabinowitz**  
Chairman

**TO: ALL COMMISSION MEMBERS**  
**FROM: Jamie H. Eads, Deputy Executive Director, KHRC**  
**DATE: August 3, 2021**  
**SUBJ.: KTDF PURSE STRUCTURE – KEENELAND FALL MEET**

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On August 3, 2021 the KTDF Advisory Committee considered the following request from Keeneland with its KTDF purse structure for the 2021 Fall Meet.

KHRC staff confirms that at the end of 2021 Spring Meet, Keeneland had a surplus of \$43,006. Keeneland is proposing KTDF purses of approximately \$980,200 for the 2021 Fall Meet. Projections are based on a payout of 87% of the amount carded, daily earnings of \$14,428 and HHR earnings of \$840,800.

Keeneland will pay out KTDF funds through last place and in the event of a dead heat, the KTDF portion of the non-eligible horse reverts to the Fund.

The KTDF Advisory Committee recommends approval.

**COMMISSION ACTION:**

\_\_\_\_\_ Approve

\_\_\_\_\_ Defer

\_\_\_\_\_ Deny



# KEENELAND

Keeneland Association, Inc.  
4201 Versailles Road  
Lexington, KY 40510  
P.O. Box 1690  
Lexington, KY 40588 1690  
859 251-3412 Tel.  
800 456-3412  
859 288-1347 Fax  
www.keeneland.com

Racing Accounting  
859 280-1748 Tel.  
859 280-4730 Fax

July 29, 2021

KTDF Committee of the  
Kentucky Horse Racing Commission  
4063 Iron Works Parkway  
Lexington, KY 40511

Dear Committee Members:

Keeneland has reviewed our KTDF data and would like to offer approximately \$980,200 in KTDF money for our upcoming October meet.

1. With an expected return to full or nearly-full capacity on-track and additional wagering improvements, we are projecting an increase in approximate daily earnings to \$14,428;
2. We have a surplus of \$43,006 following the April 2021 race meeting reconciliation;
3. We are assuming a payout percentage of approximately 87% of the amount carded;
4. We are projecting total KRM earnings of approximately \$840,800;
5. We anticipate that KTDF purses will be approximately 17.8% of the purses for the races that are eligible for KTDF.

We remain committed to offering competitive purses while also prudently managing our KTDF funds available. To that end we will decrease our KTDF purse amounts marginally for Fall 2021 with the goal of maintaining a KTDF surplus in the future.

With the aim of increasing live handle, Keeneland will add four stakes races, update the stakes calendar to offer a more lucrative product throughout the meet, and add a new All-Turf Pick 3 wager with low takeout and higher minimums, the first of its kind.

In order to increase HHR handle, additional machines have been added to the KRM facility in a remodeled section of the building.

For our simulcasting customers, we are exploring the possibility of adding debit card readers to wagering terminals. We hope to initiate this change this fall if the project progresses as planned.

JUL 30 2021

KENTUCKY HORSE  
RACING COMMISSION

# KEENELAND

Keeneland Association, Inc.  
4201 Versailles Road  
Lexington, KY 40510  
P.O. Box 1690  
Lexington, KY 40588-1690  
859 254-3412 Tel.  
800 456-3412  
859 288-1347 Fax  
[www.keeneland.com](http://www.keeneland.com)

Racing Accounting  
859 380-1748 Tel  
859 280-4730 Fax

Keeneland will continue to pay out KTDF funds through last place. A table containing the payout percentage by field size is attached. In the event there is a dead heat for finish positions 1 thru 5, the KTDF percentage payout for each position will be aggregated and paid equally to each horse included in the dead heat. If a non-KTDF eligible horse is involved in a dead heat, those funds will revert to the fund.

We will evaluate the earnings and payout percentages several days into our race meet and may need to make adjustments if our actual earnings and payout percentages are significantly different from our assumptions.

Please contact me if you have any questions or need additional information.

Sincerely,



Gatewood Bell  
Vice President of Racing

JUL 30 2021

KENTUCKY HORSE  
RACING COMMISSION

*Keeneland Association*

KTDF Payout Schedule

Finish	Starters										
	5	6	7	8	9	10	11	12	13	14	
1st	60.00%	60.00%	60.00%	60.00%	60.00%	60.00%	60.00%	60.00%	60.00%	60.00%	60.00%
2nd	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%
3rd	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%
4th	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
5th	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
6th		2.00%	1.00%	0.67%	0.50%	0.40%	0.33%	0.29%	0.25%	0.22%	
7th			1.00%	0.67%	0.50%	0.40%	0.33%	0.29%	0.25%	0.22%	
8th				0.67%	0.50%	0.40%	0.33%	0.29%	0.25%	0.22%	
9th					0.50%	0.40%	0.33%	0.29%	0.25%	0.22%	
10th						0.40%	0.33%	0.29%	0.25%	0.22%	
11th							0.33%	0.29%	0.25%	0.22%	
12th								0.29%	0.25%	0.22%	
13th									0.25%	0.22%	
14th											0.22%
	98.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

JUL 30 2021

KENTUCKY HORSE  
 RACING COMMISSION



**Andy Beshear**  
Governor

**Public Protection Cabinet**  
**Kentucky Horse Racing Commission**  
4063 Iron Works Parkway, Building B  
Lexington, KY 40511  
Telephone: (859) 246-2040  
Fax: (859) 246-2039

**Ray A. Perry**  
Secretary

**Marc Guilfoil**  
Executive Director

**Jonathan Rabinowitz**  
Chairman

**TO: ALL COMMISSION MEMBERS**  
**FROM: Jamie H. Eads, Deputy Executive Director, KHRC**  
**DATE: August 2, 2021**  
**SUBJ.: KTDF PURSE STRUCTURE INCREASE– KENTUCKY DOWNS’ SEPTEMBER MEET**

---

On August 3, 2021 the KTDF Advisory Committee considered the following request from Kentucky Downs to increase the KTDF total distributions by \$147,600. The 2021 September Meet KTDF purse structure was approved at the April Commission meeting.

Following this memorandum is the request to increase KTDF purses and the original Commission request from April.

The KTDF Advisory Committee recommends approval.

**COMMISSION ACTION:**

\_\_\_\_\_ Approve  
\_\_\_\_\_ Defer  
\_\_\_\_\_ Deny



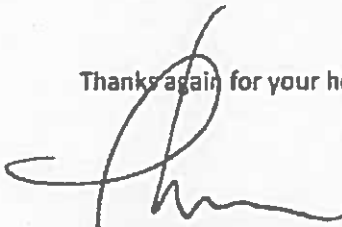
# KENTUCKY DOWNS

Jamie Eads  
KY Racing Commission  
Director, Division of Incentives & Development

Jamie,

Kentucky Downs is planning on increasing purses for its upcoming race meet by 8% overall, and we would like to include KTDF monies in that increase. The total increase of KTDF money would be approximately \$147,600. This increase will raise our total KTDF purse spend for the meet to \$6,842,000. The increase is based on our current business levels. Let me know if you need any further information prior to our meeting on Tuesday.

Thanks again for your help with the Corbin meet!



Ted Nicholson  
VP of Racing

JUL 29 2021

KENTUCKY HORSE  
RACING COMMISSION



Andy Beshear  
Governor

Ray Perry  
Deputy Secretary

Public Protection Cabinet  
Kentucky Horse Racing Commission  
4063 Iron Works Parkway, Building B  
Lexington, KY 40511  
Telephone: (859) 246-2040  
Fax: (859) 246-2039  
KHRC.ky.gov

Kerry B. Harvey  
Secretary

Marc Guilfoil  
Executive Director

Jonathan Rabinowitz  
Chairman

**TO: ALL COMMISSION MEMBERS**  
**FROM: Jamie H. Eads, Deputy Executive Director, KHRC**  
**DATE: April 8, 2021**  
**SUBJ.: KTDF PURSE STRUCTURE – KENTUCKY DOWNS’ SEPTEMBER MEET**

---

On April 6, 2021 the KTDF Advisory Committee considered the following request from Kentucky Downs with its KTDF purse structure for the 2021 September Meet.

Kentucky Downs plans to offer up to \$6.8 million in KTDF purses. This is based on a 46% increase in handle and a 24% increase in wagers on HHR. Additionally, pursuant to 810 KAR 7:030 Kentucky Downs is proposing a transfer of \$2.1 million to Ellis Park and up to \$150,000 to advertise and promote the KTDF.

Kentucky Downs will pay out KTDF funds through last place and if a non-KTDF horse is involved in a dead heat those funds will revert to the KTDF.

The KTDF Advisory Committee recommends approval.

**COMMISSION ACTION:**

    X      
\_\_\_\_\_  
\_\_\_\_\_

Approve  
Defer  
Deny

Commission approved  
April 20, 2021



An Equal Opportunity Employer M/F/D



Kentucky Thoroughbred Development Fund  
4079 Iron Works Parkway  
Lexington, KY 40511  
(859) 529-7643  
[www.kentuckybred.org](http://www.kentuckybred.org)

*March 16, 2021*

Dear KTDF Committee members,

Based on the continued growth of the Kentucky Downs live racing season and our projections for 2021, we respectfully request the committee's approval to offer up to \$6.8 million in KTDF purses and up to \$150,000 in advertising to help promote the state's support of Kentucky thoroughbreds and racing. As per 810KAR 1:090, we are also requesting a transfer of \$2.1 million of KTDF funds to Ellis Park to enhance their summer meet and to entice quality Kentucky-breds to remain in the commonwealth for the summer/fall calendar. As in the past, Kentucky Downs is committed to strengthening the overall circuit, and feel these funds are well directed.

Kentucky Downs finished its 2020 Covid meet with an amazing 46% increase in handle over a strong 2019 season. Our HHR growth has continued its upward trajectory in 2021 and is currently up 24% year over year. Based on these growth trends, we feel confident that our requested KTDF offering is an appropriate and conservative requisition of the state's funds.

We plan to pay KTDF money to every eligible starter as in the past. The 2021 meet will provide a minimum of \$1000 to each starter. Additionally, if a non-KTDF eligible horse is involved in a dead heat, those funds will revert back to the fund.

We appreciate your review of this proposal and urge your approval of this plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Nicholson", is written over the word "Sincerely".

Ted Nicholson  
Vice President of Racing



**Andy Beshear**  
Governor

**Public Protection Cabinet**  
**Kentucky Horse Racing Commission**  
4063 Iron Works Parkway, Building B  
Lexington, KY 40511  
Telephone: (859) 246-2040  
Fax: (859) 246-2039

**Ray A. Perry**  
Secretary

**Marc Guilfoil**  
Executive Director

**Jonathan Rabinowitz**  
Chairman

**TO: ALL COMMISSION MEMBERS**  
**FROM: Jamie H. Eads, Deputy Executive Director, KHRC**  
**DATE: July 13, 2021**  
**SUBJ.: BACKSIDE IMPROVEMENT REQUEST: KENTUCKY DOWNS**

---

On July 6, 2021, the KHRC received the following backside improvement request from Kentucky Downs seeking permission from the Commission to approve a backside project pursuant to 810 KAR 7:010. A bid to move the test barn follows this memorandum. Kentucky Downs has backside improvement funds available. KHRC staff inspected the areas and confirmed these projects fulfil the statutory requirements. KHRC staff will confirm once the projects are complete and prior to reimbursement. All invoices, photographs and communication will remain on file for Commission review.

Kentucky HBPA and KTA agree this project is necessary. While the bid is more than funds available, KHRC will reimburse up to the total funds available to Kentucky Downs.

Total estimated cost for project: \$56,763.00.  
Total funds available to Kentucky Downs: \$33,643.74

Approval is recommended.

**COMMISSION ACTION:**

\_\_\_\_\_ Approve  
\_\_\_\_\_ Defer  
\_\_\_\_\_ Deny



## Eads, Jamie (PPC)

---

**From:** Ted Nicholson <tednicholson@KentuckyDowns.com>  
**Sent:** Tuesday, July 6, 2021 4:11 PM  
**To:** Eads, Jamie (PPC); Guilfoil, Marc (PPC)  
**Subject:** Test Barn construction bid  
**Attachments:** Scan07062021115249.pdf

**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

Jamie,

Attached is the bid from a local Franklin contractor for the work that needs to be completed to move our Test barn to an expanded location on our backstretch. Both Dr. Nick Smith and Dr. Bruce Howard were on the Kentucky Downs backstretch recently and have blessed this improvement plan. We are hoping to use the backstretch improvement funds available to help support this effort.

Thank you in advance for your help!

Ted



**Ted Nicholson**

*Vice President of Racing*

**Kentucky Downs**

**M: 504.344.0999**

**E: [tednicholson@KentuckyDowns.com](mailto:tednicholson@KentuckyDowns.com)**



629 Nashville Fr-KY-42134

# Brown Contracting, LLC

P.O. Box 447  
Franklin, KY 42135

Owner: Mike Brown  
Phone: (270) 991-9547  
E-mail: Mikebrown1295@gmail.com

Invoice #: Quote  
Date: \_\_\_\_\_  
P.O. #: \_\_\_\_\_

Bill To: Ky Downs  
Vet barn

Description	Amount
Pouring A 25' x 25' x 4" concrete pad after removal of black top and stalls.	
Framing 2 offices, 1 bathroom, 1 breakroom and a labroom. All rooms are insulated and lined with OSB. The exterior will be covered in polebarn metal. The bathroom will have 2 sinks, 1 commode, 1 water heater and a sewage pump with 500' of line to existing line. Hot and cold faucets will be installed at the end of stalls for a wash area for horses.	
	<b>TOTAL</b> 56,763. <sup>00</sup>
Notes	



**Andy Beshear**  
Governor

**Public Protection Cabinet  
Kentucky Horse Racing Commission  
4063 Iron Works Parkway, Building B  
Lexington, KY 40511  
Telephone: (859) 246-2040  
Fax: (859) 246-2039**

**Ray A. Perry**  
Secretary

**Marc Guilfoil**  
Executive Director

**Jonathan Rabinowitz**  
Chairman

**TO: ALL COMMISSION MEMBERS**  
**FROM: Jamie H. Eads, Deputy Executive Director, KHRC**  
**DATE: August 3, 2021**  
**SUBJ.: KTOB REQUESET TO INCREASE KTDF REGISTRATION FEES**

---

On August 3, 2021, the KTDF Advisory Committee considered the following request from Kentucky Thoroughbred Owners and Breeders, Inc. to increase KTDF fees on foals, yearlings and stallions. The net increase will be directed toward research for the Thoroughbred breeding industry in Kentucky.

Following this memorandum is a letter and presentation from Chauncey Morris, Executive Director of KTOB. Mr. Morris is available to answer any questions about the proposal.

The KTDF Advisory Committee recommends approval.

**COMMISSION ACTION:**

- \_\_\_\_\_ Approve
- \_\_\_\_\_ Defer
- \_\_\_\_\_ Deny



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Dermot Ryan  
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Jackie Smith  
Assistant Treasurer

**EXECUTIVE DIRECTOR**

Chauncey O. Morris

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4079 Iron Works Parkway  
Lexington, KY 40511-8512 USA  
(800) 552-3781  
Phone +1 (859) 259-1643  
Fax +1 (859) 233-9737



July 26, 2021

Jon Rabinowitz, Chairman  
Kentucky Horse Racing Commission  
4063 Iron Works Parkway  
Lexington, KY 40511 USA

Dear Chairman Rabinowitz:

We are writing you to consider our plan on seeking an increase on Kentucky Thoroughbred Development Fund registration fees on foals, yearlings, and stallions. The net increase, if approved, will be directed toward research on reproductive-related disease for the Thoroughbred breeding industry in Central Kentucky.

Our Board feels this is a pro-active step to ensure the safety of all equines in the Commonwealth from an increase in infectious disease risk. Due to the growth of KTDF and overall health of the circuit, it is the right time to increase fees across-the-board for participants closest to breeding health. As with the Promotional Funds we govern, zero funds will be used on overhead.

Fees for Horses of Racing Age will remain unchanged.

We will introduce this at the KTDF Advisory Committee on August 3, 2021 and ask for the Commission's consideration to become effective on January 1, 2022. Please contact us should you have any questions.

Sincerely,

  
Chauncey Morris

Cc: William L.S. Landes, Marc Guilfoil

Enclosures: (1) Proposed KTDF Increase Presentation

JUL 26 2021

KENTUCKY HORSE  
RACING COMMISSION

**Threat: Reproductive-related disease in Central Kentucky has led to huge economic loss since 1978**

- 1978 Contagious Equine Metritis**
- 1984 Equine Viral Arteritis**
- 1990's Leptospirosis**
- 2001 – 2 Mare Reproductive Loss Syndrome**
- 2008 – Nocardioform Placentitis**
- 2021 Clostridium Perfringens → Novel Rotavirus**

JUL 26 2021

KENTUCKY HORSE  
RACING COMMISSION

**Threat Preparedness:            Increase KTDF fees on Foals/Yearlings/Stallions**

- a) Generate \$160,000 +/- annually for research for the Kentucky Thoroughbred Breeding industry**
- b) To be governed by five-member advisory board and technical advisor**
- c) Fund research on new and emerging threats, economic risks and infrastructure investment**
- d) Strictly for research: Zero funds to be use on staffing or overhead for KTOB**

JUL 26 2021

KENTUCKY HORSE  
RESEARCH DIVISION

### Kentucky Thoroughbred Development Fund

	<u>'78 - 88</u>	<u>'89 - '04</u>	<u>'04 - '16</u>	<u>'17-21</u>	<u>Proposed 2022 -</u>
Foal	\$10	\$15	\$30	\$60	\$75
Yearling	\$10	\$25	\$50	\$75	\$100
Stallions	\$100	\$100	\$200	\$350	\$400 - 850*
Racing Age	\$25	\$200	\$300	\$350	\$350

\*      \$0 - 4,999:                    \$400  
           \$5,000 - 9,999:            \$450  
           \$10,000 - 19,999:        \$550  
           \$20,000 - 49,999:        \$650  
           \$50,000 and Above:        \$850

**Incentive programs in competing States**

	<u>New York</u>	<u>California</u>	<u>Florida</u>	<u>Maryland</u>
Foal	\$50	\$200 (\$100)*	\$200 - 350	\$275 - 450
Yearling	\$300	\$250 (\$125)	\$650	
Stallions	\$250 - 500	\$1,250	\$2,000	\$250
Two-year olds	\$500	\$750	\$7,500	
Three-year olds	\$1,000			

**\*CTBA Member**



**Foals**

	<u>2018/2019</u>	<u>2019/2020</u>	<u>2020/2021</u>
July	1,410	1,982	1,846
August	1,386	1,366	1,380
September	350	126	413
October	332	583	238
November	454	289	309
December	1,031	1,066	1,155
January	0	0	3
February	0	3	5
March	3	2	14
April	40	13	8
May	65	37	51
June	223	149	297
<b>TOTAL</b>	<b>5,294</b>	<b>5,616</b>	<b>5,719</b>

Current Fees:	\$317,640	\$336,960	\$343,140
Proposed Fees (\$75):	\$397,050	\$421,200	\$428,925
Difference	\$79,410	\$84,240	\$85,785

**Stallions**

	<u>2018/2019</u>	<u>2019/2020</u>	<u>2020/2021</u>
July	3	0	0
August	5	1	5
September	0	1	1
October	0	0	0
November	3	0	6
December	66	71	55
January	62	28	44
February	96	107	76
March	2	2	27
April	0	0	0
May	0	0	0
June	0	1	0
<b>TOTAL</b>	<b>237</b>	<b>211</b>	<b>214</b>

Current Fees:	\$82,950	\$73,850	\$74,900
Proposed Fees (Tiered Schedule):	\$154,287	\$137,361	\$139,314
Difference from Current Fees	\$71,337	\$63,511	\$64,414

**Yearlings**

	<u>2018/2019</u>	<u>2019/2020</u>	<u>2020/2021</u>
July	34	39	26
August	32	61	47
September	29	47	73
October	50	61	36
November	17	25	65
December	59	112	71
January	97	22	38
February	47	39	17
March	17	10	45
April	38	52	69
May	261	77	86
June	84	272	150
<b>TOTAL</b>	<b>765</b>	<b>817</b>	<b>723</b>

Current Fees:	\$57,375	\$61,275	\$54,225
Proposed Fees (\$100):	\$76,500	\$81,700	\$72,300
Difference	\$19,125	\$20,425	\$18,075

**Total Registrations**

	<u>2018/2019</u>	<u>2019/2020</u>	<u>2020/2021</u>
July	1,468	2,055	1,923
August	1,462	1,468	1,480
September	420	222	532
October	388	679	294
November	491	342	411
December	1,173	1,265	1,300
January	172	73	98
February	147	173	119
March	38	42	115
April	110	73	111
May	383	195	170
June	353	468	480
<b>TOTAL</b>	<b>6,605</b>	<b>7,055</b>	<b>7,033</b>

Current Fees:	\$566,115	\$615,915	\$604,215
Proposed Fees:	\$735,987	\$784,111	\$772,489
Difference:	\$169,872	\$168,196	\$168,274

**Redne Acs**

	<u>2018/2019</u>	<u>2019/2020</u>	<u>2020/2021</u>
July	21	34	51
August	39	40	48
September	41	48	45
October	6	35	20
November	17	28	31
December	17	16	19
January	13	23	13
February	4	24	21
March	16	28	29
April	32	8	34
May	57	81	33
June	46	46	33
<b>TOTAL</b>	<b>309</b>	<b>411</b>	<b>377</b>

Current Fees:	\$108,150	\$143,850	\$131,950
Proposed Fees (Same - \$350):	\$108,150	\$143,850	\$131,950
Difference	\$0	\$0	\$0

\*\*Stallion Proposed Fees are estimated due to proposed fee schedule being tiered

KENTUCKY HORSE



**Andy Beshear**  
Governor

**Public Protection Cabinet**  
**Kentucky Horse Racing Commission**  
4063 Iron Works Parkway, Building B  
Lexington, KY 40511  
Telephone: (859) 246-2040  
Fax: (859) 246-2039

**Ray A. Perry**  
Secretary

**Marc Guilfoil**  
Executive Director

**Jonathan Rabinowitz**  
Chairman

To: Kentucky Horse Racing Commission

From: Jennifer Wolsing, KHRC General Counsel  
T. Chad Thompson, KHRC Deputy General Counsel

Date: July 26, 2021

Re: Oak Grove's request to amend Section R of its 2021 application to amend race dates/times

In its application for a 2021 license, Western Kentucky Development, LLC ("Oak Grove") sought and received an award of October and November 2021 racing dates for its facility in Oak Grove, Kentucky.

Specifically, Oak Grove was awarded dates the following dates:

- October 12, 13, 14, 18, 19, 20, 25, 26, 27 (9 days)
- November 1, 2, 3, 8, 9 10, 14, 15, 16, 22, 23 (11 days)

On July 23, 2021, the Commission received a request from Oak Grove to shift its date to:

- October 17, 18, 19, 24, 25, 26, 31 (7 days)
- November 1, 2, 7, 8, 9, 14, 15, 21, 22, 28, 29 (11 days)
- December 5, 6 (2 days)

This amendment would allow Oak Grove to retain the same total number of awarded dates. This proposed amendment would not conflict with the dates awarded to any other Standardbred track in Kentucky. The Kentucky Harness Association consents to this suggested amendment.

The Commission may approve a shift in race dates.

Per KHRC Legal’s review of Kentucky statutes and regulations, nothing prohibits the Commission from approving an association’s proposed shift in race dates. Although the award of additional race dates to a track after the November 1 deadline is not allowed under KRS 230.300(5), except in limited circumstances,<sup>1</sup> that is not what Oak Grove seeks. Instead, Oak Grove seeks to retain the same total number of race dates.

The concern that drives the statutory time limit on awarding race dates—“to prevent ongoing battles for dates,” 1978-79 Ky. Op. Att’y Gen. 2-538 (1979)—is not present here. Oak Grove has already been awarded live racing dates in October and November 2021, and its proposed dates do not overlap with dates awarded to another Standardbred track. In addition, the Kentucky Harness Association supports the proposed amendment.

If Oak Grove does not receive Commission approval for an amendment to its listed live race dates, then Oak Grove could be subject to penalties under 810 KAR 3:010 Section 10, which states that a licensee that fails to conduct racing after the commencement date specified in its license may be subject to a late fee not to exceed \$15,000.00 per day.

The KHRC staff recommends approval.

COMMISSION ACTION:

Approve: \_\_\_\_

Deny: \_\_\_\_\_

Defer: \_\_\_\_\_



July 26, 2021

Mr. Marc Guilfoil  
Executive Director  
4063 Ironworks Parkway, Building B  
Lexington, KY 40511

Re: Kentucky Harness Association, Inc.  
Oak Grove Race Dates Amendment

Dear Mr. Guilfoil:

The Kentucky Harness Association, Inc. ("KHA") is writing this letter to support the request of Western Kentucky Development, LLC (Oak Grove Racing, Gaming & Hotel) to amend race dates for the 2021 racing season. The KHA has reviewed and approves the changes requested.

Should you have any questions, do not hesitate to call.

Sincerely,

*Robert M. Brady*

Robert M. Brady  
President, Kentucky Harness Association



July 23, 2021

Mr. Marc Guilfoil  
Executive Director  
Kentucky Horse Racing Commission  
Via E-Mail: [marc.guilfoil@ky.gov](mailto:marc.guilfoil@ky.gov)

Re: Request to amend section R. RACING AND WAGERING OPERATIONS of Western Kentucky Development's 2021 KENTUCKY HORSE RACING COMMISSION INITIAL/RENEWAL APPLICATION TO CONDUCT LIVE HORSE RACING, SIMULCASTING AND PARI-MUTUEL WAGERING

Dear Mr. Guilfoil:

On October 14, 2020, Western Kentucky Development, LLC submitted its 2021 KENTUCKY HORSE RACING COMMISSION RENEWAL APPLICATION TO CONDUCT LIVE HORSE RACING, SIMULCASTING AND PARI-MUTUEL WAGERING (Application) to operate at Oak Grove Racing and Gaming.

The following is an amendment to Section R of the 2021 Application, which describes the Racing and Wagering Operations, specific to racing dates requested for 2021 operations. We respectfully request the Kentucky Racing Commission accept our amended application to reflect a change in Racing days as follows:

Sunday, October 17  
Monday, October 18  
Tuesday, October 19

Sunday, October 24  
Monday, October 25  
Tuesday, October 26

Sunday, October 31  
Monday, November 1  
Tuesday, November 2

Sunday, November 7  
Monday, November 8  
Tuesday, November 9

Sunday, November 14  
Monday, November 15

Sunday, November 21  
Monday, November 22

Sunday, November 28  
Monday, November 29

Sunday, December 5  
Monday, December 6

We would like to commence racing at 12:30 PM Daily.

Please feel free to contact me with any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Boehm', with a long horizontal flourish extending to the right.

David Boehm  
Senior Director of Gaming and Racing Operations



**Andy Beshear**  
Governor

**Public Protection Cabinet**  
**Kentucky Horse Racing Commission**  
4063 Iron Works Parkway, Building B  
Lexington, KY 40511  
Telephone: (859) 246-2040  
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**Ray A. Perry**  
Secretary

**Marc Guilfoil**  
Executive Director

**Jonathan Rabinowitz**  
Chairman

To: Kentucky Horse Racing Commission

From: Jennifer Wolsing, KHRC General Counsel  
T. Chad Thompson, KHRC Deputy General Counsel

Date: July 8, 2021

Re: Proposed changes to 810 KAR 5:030: Claiming races

Chief Standardbred Judge Tim Schmitz and the KHRC Rules Committee recommend the following changes to 810 KAR 5:030: Claiming Races:

Sections 2(2) and (7)(a) contain language that is somewhat redundant. Section 2(2) states, "A person shall not claim more than one (1) horse in a race." Section 2(7)(a) states, "A person shall not have more than one (1) claim on any one (1) horse in any claiming race." KHRC staff believes that these two provisions should be combined, so that the latter can be eliminated. Under this proposal, the language of (7)(a) would be struck, and the language of (2) would read as follows: "A person shall not claim more than one (1) horse in a race, and a person shall not have multiple claims on any one (1) horse in a race."

Meanwhile, Section 2(7)(b) is confusingly worded. It is intended to accomplish the following: Owners utilizing the same trainer may claim horses from the same race, but the trainer cannot make the claim on behalf of either owner. As such, the KHRC staff believes that the language should be amended accordingly.

Finally, Section 13(b) states, "For a period of thirty days, a horse scratched from a claiming race and then entered in a subsequent race, regardless of classification, shall not be eligible to be claimed." This regulation was amended during the "Red Tape Reduction," and somehow, the word "not" was inadvertently and mistakenly included. As the rule is currently written, racing participants can strategically scratch their horse from a claiming race, and then subsequently re-enter their horse in another claiming race with a higher purse, without having to worry about their horse being claimed. This is both illogical and contrary to the intended spirit of the rule. KHRC staff would therefore recommend that the word "not" be eliminated, so that the subsection reads as follows: "For a period of thirty days, a

horse scratched from a claiming race and then entered in a subsequent race, regardless of classification, shall be eligible to be claimed for the same price as the claiming race from which the horse was scratched.”

KHRC staff recommends approval of the aforementioned regulatory revisions to 810 KAR 5:030, which were unanimously approved by the KHRC Rules Committee on July 7, 2021.

COMMISSION ACTION

\_\_\_\_\_ Approved  
\_\_\_\_\_ Denied  
\_\_\_\_\_ Deferred



1 PUBLIC PROTECTION CABINET

2 Kentucky Horse Racing Commission

3 (Amendment)

4 810 KAR 5:030. Claiming races.

5 RELATES TO: KRS 139.531(1)(c), 230.215, 230.260(1)

6 STATUTORY AUTHORITY: KRS 230.215(2), 230.260

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260 authorize the  
8 Kentucky Horse Racing Commission~~[commission]~~ to regulate conditions under which harness  
9 racing shall be conducted in Kentucky.

10 This administrative regulation establishes the requirements for claiming races.

11 Section 1. (1) A horse entered in a claiming race may be claimed for its entered price by:

12 (a) A licensed horse owner who has a horse programmed to start in a pari-mutuel race  
13 at that meeting;

14 (b) A licensed horse owner who has received a claim certificate from the commission; or

15 (c) A person who has qualified for a license as a horse owner and who has received a  
16 claim certificate from the commission.

17 (2) Upon filing with the judges a completed, signed Authorized Agent form (KHRC 2-060-  
18 01), incorporated by reference in 810 KAR 2:060, an authorized agent may claim for a qualified  
19 owner in his own right, but only for the account of the person for whom he is agent.

1 (3) To qualify for a license as an owner, the applicant shall have a current United States  
2 Trotting Association or Standardbred Canada membership as an owner or membership as an  
3 associate-member.

4 (4) A person shall not knowingly effect a false claim by inducing another to claim a horse  
5 for him or her.

6 Section 2. Prohibitions.

7 (1) A person shall not claim his or her own horse and shall not claim a horse trained or  
8 driven by him or her.

9 (2) A person shall not claim more than one (1) horse in a race, and a person shall not  
10 have multiple claims on any one (1) horse in a race.

11 (3) A qualified owner or the owner's agent shall not claim a horse for another person.

12 (4) An owner shall not cause his or her horse to be claimed directly or indirectly for his  
13 or her own account.

14 (5) A person shall not offer, or enter into an agreement, to claim or not to claim or  
15 attempt to prevent another person from claiming any horse in a claiming race.

16 (6) A person shall not enter a horse that has a mortgage, bill of sale, or lien of any kind  
17 pending, unless the written consent of the holder is filed with the clerk of the course of the  
18 association conducting that claiming race.

19 (7)~~(a) A person shall not have more than one (1) claim on any one (1) horse in any~~  
20 ~~claiming race.~~

1 ~~\_\_\_\_\_ (b)] Owners utilizing the same trainer may claim different horses from the same race,~~  
2 but the trainer cannot make the claim on behalf of either owner. ~~[The trainer shall not act on~~  
3 ~~behalf of either owner if the trainer has more than one (1) horse in the same race.]~~

4 Section 3. Claiming Procedure. (1) Owner's credit.

5 (a) A person submitting a claim shall provide to the association:

6 1. Proof of possession of a valid license issued by the commission for the current year;

7 2. An amount equivalent to the specified claiming price plus the existing Kentucky sales  
8 tax as authorized by KRS 139.531(c); and

9 3. The United States Trotting Association fee for transfer of registration.

10 (b) By accepting the claim, the association assumes responsibility for and shall make  
11 payment to the owner of the horse claimed.

12 (c) The money due for a claimed horse shall be paid to the owner of the claimed horse  
13 within forty-eight (48) hours after the end of the race, Sundays excepted, by the association, if  
14 the horse has a current test complying with subsection (14) of this section and if a signed  
15 claiming authorization and proper registration papers are provided to the clerk of the course.

16 (2) The claiming price shall be printed on the program, and all claims shall be for the  
17 amount so designated. Any horse entered in a claiming race may be claimed for the  
18 designated amount.

19 (3) A claim shall be in writing, sealed, and deposited at least thirty (30) minutes before  
20 the time originally scheduled for the race to begin in a locked box or designated location  
21 provided for this purpose by the commission.

1           (4) The claim shall be examined by the judges or their designee prior to the start of the  
2 race. The association's designee shall be prepared to state whether sufficient funds are on  
3 deposit in the amount equivalent to the specified claiming price and any other required fees  
4 and taxes. The judges shall have a public announcement made and information scrolled on the  
5 simulcast video stating there has been a claim made or, in the case of multiple claims, the  
6 number of claims made on a horse during the post parade. The successful claimant shall be  
7 announced after the completion of the race.

8           (5) An official shall not open the claim box or give any information on claims filed until  
9 after the horses leave the paddock for the post parade.

10           (6) If more than one (1) claim is filed for the same horse, the owner shall be determined  
11 by lot by the judges.

12           (7) A horse claimed shall be delivered immediately by the original owner or his or her  
13 trainer to the successful claimant upon authorization of the judges after the post-race tests are  
14 finished; and:

15           (a) The horse's halter shall accompany the horse;

16           (b) The horse's shoes shall not be altered or removed; and

17           (c) The hobble measurements of a claimed horse shall be made available to the  
18 successful claimant by the paddock judge.

19           (8) An owner shall not refuse to deliver a horse legally claimed out of a claiming race.

20           (9)(a) A horse claimed shall race in all heats or dashes of the event in the interest and  
21 for the account of the owner who declared it in the event.

1 (b) Title to the claimed horse shall be vested in the successful claimant from the time  
2 the word "go" is given in the first heat or dash.

3 (c) The judges shall void the claim and return the title to the original owner if:

4 1. The horse suffers a fatality during the running of the race or dies or is euthanized  
5 before leaving the track; or

6 2. The commission veterinarian determines the horse will be placed on the  
7 Veterinarian's List as bled, unsound, or lame before the horse is released to the successful  
8 claimant.

9 (d) The judges shall not void the claim if, prior to the race in which the horse is claimed,  
10 the claimant indicates on the claim envelope that he or she elects to claim the horse regardless  
11 of whether the commission veterinarian determines the horse will be placed on the  
12 Veterinarian's List as bled, unsound, or lame.

13 (e) The final vesting of title to a claimed horse shall be subject to the conditions and  
14 provisions set forth in this administrative regulation.

15 (10)(a) The judges may require any person making a claim for a horse to affirm by  
16 affidavit that the claimant is claiming the horse for his or her own account or as authorized  
17 agent and not for any other person.

18 (b) A person shall not knowingly make a false statement regarding the claiming process.

19 (11)(a) A claimed horse may start in a race in which the claiming price is less than the  
20 price at which the horse was claimed.

1 (b) If a horse is claimed, a right, title, or interest in that horse shall not be sold or  
2 transferred for a period of thirty (30) days following the date of claiming, except in a claiming  
3 race.

4 (c) A claimed horse shall be required to race at the association where claimed for a  
5 period of thirty (30) days or the balance of the current racing meeting, whichever occurs first.

6 (12) A horse that has been claimed shall not be eligible to start in a race in the name or  
7 interest of the previous owner for thirty (30) days. The horse shall not remain in the same  
8 stable, or under the care or management of the first owner or trainer, or anyone connected  
9 with the previous owner unless reclaimed out of another claiming race.

10 (13) A horse scratched from a claiming race shall not be eligible to be claimed.

11 (a) If a horse drawn to start in a claiming race is claimed and has been declared to start  
12 in a subsequent race, that horse shall be scratched from that race.

13 (b) For a period of thirty (30) days, a horse scratched from a claiming race and then  
14 entered in a subsequent race, regardless of classification, shall ~~not~~ be eligible to be claimed  
15 for the same price as the claiming race from which the horse was scratched~~[at any association~~  
16 ~~licensed by the commission for the same claiming price the horse was carrying in the race from~~  
17 ~~which it was scratched, except scratches that were due to and verified as race office errors].~~

18 1. The claiming price shall be listed in the program where normal claiming prices are  
19 carried;

20 2. The announcement of the right to claim shall be made by the track announcer; and

21 3. The claiming price shall be scrolled on the simulcast provider.

1 (14)(a) A claimed horse not otherwise selected by the judges for post-race testing shall  
2 be subjected to post-race testing in blood for the presence of substances regulated by 810 KAR  
3 Chapter 8. The results of the test shall be reported to the presiding judge.

4 (b) If a test is positive for a substance associated with a Class A, B, or C penalty, or for a  
5 TCO2 violation, the claim may be voided at the option of the claimant and the claimant shall be  
6 entitled to return of all sums paid for the claimed horse and of all expenses incurred after the  
7 date of the claim.

8 (c) While awaiting test results, a claimant:

9 1. Shall exercise due care in maintaining and boarding a claimed horse; and

10 2. Shall not materially alter a claimed horse.

11 (d) An Equine Infectious Anemia (Coggins) test shall not be required of a horse that has  
12 been claimed if that horse has a valid certificate stating that within twelve (12) months of the  
13 day of the claim the horse has received a Coggins test and is negative for Equine Infectious  
14 Anemia. The certificate shall contain the horse's lip tattoo number or a uniform or standardized  
15 means of identification approved by the commission.

16 (15)(a) A filly or mare that has been bred shall not be declared into a claiming race for at  
17 least forty-five (45) days following the last breeding of the filly or mare. Following that period, a  
18 filly or mare that has been bred shall be declared into a claiming race only after a veterinarian  
19 has pronounced the filly or mare not to be in foal.

20 (b) A filly or mare pronounced in foal shall not be declared into a claiming race.

21 (c) If a filly or mare is claimed out of a claiming race and subsequently proves to be in  
22 foal from a breeding that occurred prior to the race from which she was claimed, the claim may

1 be voided by the judges at the option of the claimant, if the mare is subjected to a pregnancy  
2 examination no later than twenty-one (21) days after the date of the claim that shows the mare  
3 is pregnant.

4 (d)1. A claimant seeking to void the claim shall file a petition to void that claim with the  
5 judges within three (3) days after the results of the pregnancy examination are received.  
6 Following the filing of the petition, the judges shall conduct a hearing after due notice to all  
7 parties.

8 2. If the judges determine that the claim is void, the claimant shall receive a reasonable  
9 cost from the previous owner to cover the cost of the pregnancy examination and  
10 reimbursement from the previous owner of all reasonable costs associated with the claiming  
11 process and the post-race test, including the costs of transportation, board, reasonable training  
12 fees, and the testing process.

13 Section 4. In accordance with Section 3(1)(b) of this administrative regulation, the  
14 association shall pay the claiming price to the owner when the registration certificate and a  
15 signed claiming authorization are delivered for presentation to the successful claimant. The  
16 association shall withhold and pay the Kentucky sales tax to the Commonwealth pursuant to  
17 KRS 139.531(c).

18 Section 5. Claiming Conditions. (1) Unless prior approval is given by the presiding judge,  
19 claiming races shall be written to separate horses five (5) years and older from younger horses  
20 and to separate males from females.



1           (2)(a) If sexes are mixed, mares shall be given a twenty (20) percent minimum price  
2 allowance, except there shall not be any price allowance given to a spayed mare racing in a  
3 claiming race.

4           (b) An allowance for age shall be given as follows:

5           1. Two (2) year olds shall be given a 100 percent allowance;

6           2. Three (3) year olds shall be given a fifty (50) percent allowance; and

7           3. Four (4) year olds shall be given a twenty-five (25) percent allowance.

8           (c) Claiming races for two (2) year olds may have conditions.

9           (d) Claiming races for three (3) year olds may have conditions.

10          (e) A claiming class may have conditions, if deemed necessary by the racing secretary  
11 and approved by the judges.

12          Section 6. Except as provided in 810 KAR 5:020, Section 16, a horse owner shall not be  
13 prohibited from determining the price for which his horse shall be entered.

14          Section 7. To facilitate transfer of claimed horses, the presiding judge or racing secretary  
15 may sign the transfer if he or she then sends the registration certificate and claiming  
16 authorization to the registrar for transfer.

17          Section 8. Fraudulent Claim. A person shall not fraudulently declare a horse to a  
18 claiming race. If the judges determine that the declaration of a horse to a claiming race is  
19 fraudulent on the part of the declarer, they shall void the claim at the option of the claimant,  
20 and order the horse returned to the person declaring it in.

1           (1) A person shall not submit a fraudulent claim on a horse in a claiming race. If the  
2 judges determine that a claim of a horse is fraudulent on the part of the person making the  
3 claim, they shall:

4           (a) Void the claim at the option of the person declaring it in; and

5           (b) Return the horse to the person declaring it in.

810 KAR 5:030

READ AND APPROVED:

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Jonathan Rabinowitz  
Chair, Kentucky Horse Racing Commission

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Date

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Kerry Harvey  
Secretary, Public Protection Cabinet

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Date

## PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held at [NO DATE SPECIFIED] via video conference at the Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, KY 40511. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 PM on [NO DATE SPECIFIED]. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

Contact Person: Jennifer Wolsing

Title: General Counsel

Address: Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, KY 40511

Phone: +1 (859) 246-2040

Fax: +1 (859) 246-2039

Email: [jennifer.wolsing@ky.gov](mailto:jennifer.wolsing@ky.gov)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation: 810 KAR 5:030  
Contact Person: Jennifer Wolsing  
Phone: +1 (859) 246-2040  
Email: jennifer.wolsing@ky.gov

- (1) Provide a brief summary of:
  - (a) What this administrative regulation does:
  - (b) The necessity of this administrative regulation:
  - (c) How this administrative regulation conforms to the content of the authorizing statutes:
  - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
  - (a) How the amendment will change this existing administrative regulation:
  - (b) The necessity of the amendment to this administrative regulation:
  - (c) How the amendment conforms to the content of the authorizing statutes:
  - (d) How the amendment will assist in the effective administration of the statutes:
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:
- (4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
  - (a) List the actions each of the regulated entities have to take to comply with this regulation or amendment:
  - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities:
  - (c) As a result of compliance, what benefits will accrue to the entities:

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

(b) On a continuing basis:

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

(9) TIERING: Is tiering applied? Explain why or why not.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation: 810 KAR 5:030  
Contact Person: Jennifer Wolsing  
Phone: +1 (859) 246-2040  
Email: jennifer.wolsing@ky.gov

- (1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?
- (2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.
- (3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.
  - (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?
  - (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?
  - (c) How much will it cost to administer this program for the first year?
  - (d) How much will it cost to administer this program for subsequent years?

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

- (4) Revenues (+/-):
- (5) Expenditures (+/-):
- (6) Other Explanation:



**Andy Beshear**  
Governor

**Public Protection Cabinet**  
**Kentucky Horse Racing Commission**  
4063 Iron Works Parkway, Building B  
Lexington, KY 40511  
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Fax: (859) 246-2039

**Ray A. Perry**  
Secretary

**Marc Guilfoil**  
Executive Director

**Jonathan Rabinowitz**  
Chairman

To: Kentucky Horse Racing Commission

From: Jennifer Wolsing, KHRC General Counsel  
T. Chad Thompson, KHRC Deputy General Counsel

Date: July 8, 2021

Re: Proposed changes to 810 KAR 5:060: Entries and starters

Chief Standardbred Judge Tim Schmitz and the KHRC Rules Committee recommend the following changes to 810 KAR 5:060: Entries and starters:

- Section 21(5)(a)
  - The judges [~~shall~~] may require a horse that has been on the judge's list to successfully complete a qualifying race
  - Provides judges with needed discretion
- Section 21(6)(a)
  - A horse shall be required to qualify in a qualifying race if it is on the judge's list for any of the following:
    - Repeated breaks on a fast or good track or breaks off of a qualifying race on a fast or good track
- Section 21(9)(a) and (b)1.
  - Eliminate section (b)1. altogether
- Section 21(10)
  - Before it is permitted to start in a race with pari-mutuel wagering, a horse shall have a clean charted line within forty-five (45) days, race day to race day, and meet the standards of the meeting

In addition, the KHRC staff recommends that this regulation be amended to carve out a Standardbred exception for the veterinary examination requirement. In contrast to Thoroughbred horses, Standardbred horses warm up for one (1) hour prior to racing, in a public location that is open and available for observation by the KHRC veterinary staff. This increased observation period makes the Section 29 requirement for a pre-race veterinary examination unnecessary for Standardbred racehorses.



KHRC staff recommends approval of the aforementioned regulatory revisions to 810 KAR 5:060, which were unanimously approved by the KHRC Rules Committee on July 7, 2021.

COMMISSION ACTION

\_\_\_\_\_ Approved

\_\_\_\_\_ Denied

\_\_\_\_\_ Deferred

1 PUBLIC PROTECTION CABINET

2 Kentucky Horse Racing Commission

3 (Amendment)

4 810 KAR 5:060. Entries and starters.

5 RELATES TO: KRS 230.215, 230.260(1)

6 STATUTORY AUTHORITY: KRS 230.215(2), 230.260(8)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260(8) authorize the  
8 Kentucky Horse Racing Commission~~[commission]~~ to promulgate administrative regulations  
9 prescribing the conditions under which horse racing shall be conducted in Kentucky. This  
10 administrative regulation establishes requirements for entries.

11 Section 1. Entries. An entry shall:

12 (1) Be made in writing, by telephone, or electronically to the association racing  
13 secretary's office;

14 (2) Include the following information pertinent to the entry:

15 (a) The name of the horse;

16 (b) The name of the trainer;

17 (c) The name of the driver; and

18 (d) The class of the race into which the horse is to be entered; and

19 (3) Comply with the provisions of Section 18 of this administrative regulation if the entry  
20 concerns an overnight event.

1 (4) A horse shall only be permitted to enter if at the time of entry, the owner, trainer, or  
2 an authorized agent of the owner or trainer submits a complete medical record for such horse  
3 for the fourteen (14) day period prior to the entry date.

4 Section 2. Payment of Entry Fee. An entry fee shall be due and payable with declaration  
5 to start and shall not be refunded if the horse fails to start, unless the horse dies between the  
6 time of declaration to start and the start of the race.

7 Section 3. Receipt of Entries for Early Closing Events, Late Closing Events, Stakes and  
8 Futurities.

9 (1) An entry that is not received prior to the hour of closing shall be ineligible.

10 (a) If an entry or payment in a stake, futurity, or early closing race is payable on a  
11 Sunday or a legal holiday that falls on Saturday, the payment shall be due on the following  
12 Monday, and if made by mail, the envelope shall be postmarked on or before the following  
13 Tuesday.

14 (b) If a payment is due on a Monday that is a legal holiday, the payment shall be due on  
15 the following Tuesday, and if made by mail, the envelope shall be postmarked on or before the  
16 following Wednesday.

17 (2) Postage meter. If an entry is received by letter bearing the postage meter date  
18 without a postmark, the postage meter date shall be considered to be a postmark if the letter  
19 is received within seven (7) days following the closing date of the event. A letter received later  
20 than seven (7) days following the closing date of the event shall not be considered a valid entry  
21 or payment.

1 Section 4. Deviation from Published Conditions. An entry and payment not governed by  
2 published conditions shall be void and any deviation from published conditions shall be a  
3 violation of this administrative regulation. A nominator who is allowed privileges not in  
4 accordance with the published conditions of the race, or which are in conflict with the published  
5 conditions or with Title 810 KAR, shall be barred from receiving any portion of the purse, and any  
6 person who knowingly allows the privileges shall be in violation of this administrative regulation.

7 Section 5. (1) Ineligible Horse in a Stakes Race.

8 (a) A nominator shall be required to guarantee the identity and eligibility of entries and  
9 declarations. If a nominator provides incorrect information, winnings shall be forfeited and  
10 redistributed to eligible entries, and the person who provided the information shall be in  
11 violation of this administrative regulation.

12 (b) A person who obtains a purse or money through fraud or error, with the exception of  
13 paragraph (c) of this subsection, shall surrender or repay the proceeds upon demand. If the  
14 proceeds are not repaid upon demand, the horse that was the subject of the fraud or error, and  
15 all persons involved, shall be in violation of this administrative regulation and subject to  
16 suspension or revocation until repayment is made.

17 (c) If a horse is declared ineligible as a result of the negligence of the race secretary, the  
18 association shall reimburse the owner for the resultant loss of winnings.

19 (2) Ineligible horse drawn into overnight race. The trainer shall be responsible for  
20 entering the horse in the race for which it is eligible.

21 Section 6. Transfer of Ineligible Horse. A horse entered in an event for which it is not  
22 eligible may be transferred to any event for which it is eligible at the same gait.

1           Section 7. Withholding Purse on Ineligible Horse. An association shall withhold the purse  
2 of a horse, with or without a formal protest, if the association receives information that the  
3 entry or declaration was fraudulent or ineligible.

4           Section 8. Agreement to Race Under Rule. An entry shall constitute an agreement that  
5 the horse to be entered and all persons associated with or having control of the horse shall  
6 abide by Title 810 KAR.

7           Section 9. Early Closing Events and Late Closing Races.

8           (1) Date and place. The sponsor shall state the place and date the event will be raced,  
9 and there shall not be a change in the date, program, events, or conditions after the  
10 nominations have been taken without the written consent of the owners or trainers of all  
11 horses eligible when the conditions are changed.

12           (2) Filing conditions. An entry blank shall be filed with the commission.

13           (3) Payments shall be made on or before the 15th day of the month. Nominations and  
14 payments other than starting fees in early closing events shall be advertised to be received on  
15 the 15th day of the month.

16           (4) List of nominations. A complete list of nominations to any late closing race or early  
17 closing event shall be made available within twenty (20) days after the date of closing to each  
18 nominator and the commission.

19           (5) Procedure if event does not fill. If the event does not fill, each nominator and the  
20 commission shall be notified within ten (10) days, and a refund of nomination fees shall  
21 accompany the notice.

22           (6) Transfer provisions for change of gait.

1 (a) The following conditions shall govern transfers if there is a change of gait, unless the  
2 association makes available to the commission, at least thirty (30) days prior to the first  
3 publication, its early closing conditions and receives the approval of the commission for those  
4 conditions:

5 1. If a condition published for early closing events allows transfer for change of gait, the  
6 transfer shall be to the slowest class for which the horse is eligible, and eligibility shall be de-  
7 termined at time of closing of entries.

8 2. The race to which transfer may be made shall be the race nearest in time to the  
9 date of the event for which the horse was originally entered.

10 (b) A two (2) year old, three (3) year old, or four (4) year old entered in a class that  
11 corresponds to its age group shall be permitted to transfer only to a class for the same age  
12 group at the adopted gait, and shall be the race nearest in time to the date of the original  
13 event. If transfer is made, entry fees shall be so adjusted.

14 Section 10. Subsequent Payments; List of Eligibles. If subsequent payments are  
15 required by the published conditions, a complete list of those horses withdrawn or declared  
16 out shall be made within fifteen (15) days after:

17 (1) The payment was due; and

18 (2) The list has been made available to each nominator and the commission.

19 Section 11. Trust Funds. Fees paid in early closing events shall be segregated and held  
20 as trust funds until the event is contested.

21 Section 12. Early Closing Events by New Track. An early closing event at a pari-mutuel  
22 meeting shall not be advertised, nor shall nominations be taken for an early closing event, until

1 the event has been approved by the commission. An association accepting nominations to  
2 early closing races, late closing races, stakes, or futurities shall provide stable space to a horse  
3 nominated and eligible to the event the day before, the day of, and the day after the race.

4 Section 13. Limitation on Conditions. Conditions of an early closing event or a late  
5 closing race shall not add a horse that has not been nominated to an event or eliminate an  
6 already nominated horse from an event by reason of the performance of the horse at an  
7 earlier meeting during the same season, and conditions purporting to do so shall be  
8 considered to be invalid. An early closing event or a late closing event shall not have more  
9 than two (2) also eligible conditions.

10 Section 14. Purse Requirements. In early closing races, late closing races, and  
11 overnight races requiring entry fees, all monies paid in by the nominators in excess of eighty-  
12 five (85) percent of the advertised purse shall be added to the advertised purse and the total  
13 shall then be considered to be the advertised purse. In addition to adding excess entry fees as  
14 provided in this section, the sponsor shall add at least fifteen (15) percent to the advertised  
15 purses of late closing races and overnight races. Fifteen (15) percent of all monies paid in by  
16 the nominators shall be added to all early closing races by the sponsor.

17 Section 15. Requirement to Run Race.

18 (1) An association shall specify how many entries are required for overnight events  
19 and, after the condition is fulfilled, the race shall be run unless declared off as provided in  
20 810 KAR 5:070.

21 (2) If six (6) or more betting interests are declared in to start an early closing event or  
22 a late closing event, the race shall be run, unless it is declared off. Stakes and futurities shall

1 be raced if one (1) or more horses are declared in to start unless declared off as provided in  
2 810 KAR 5:070.

3 (3) In an early closing event, if fewer horses are declared in than are required to start,  
4 and all declarers are immediately so notified, the horse or horses declared in and ready to  
5 race shall be entitled to the sum of the entry fees submitted.

6 Section 16. Elimination Heats or Two (2) Divisions

7 (1) If the number of horses declared in to start exceeds twelve (12) on a half-mile track  
8 or sixteen (16) on a larger track, the association conducting the race shall have the option,  
9 before positions are drawn, of announcing that the race shall be run in elimination heats. A  
10 maximum of two (2) tiers of horses, allowing eight (8) feet per horse, shall start in any race.

11 (2) If an early closing event or late closing event is divided, each division shall race for at  
12 least seventy-five (75) percent of the advertised purse unless otherwise specified in the  
13 conditions of the race.

14 (3) If a stake race or futurity is divided, the conditions of the race shall determine the  
15 number of starters per division and the purse distribution.

16 Section 17. Elimination Plans.

17 (1) If elimination heats are required, or are specified in the published conditions, the  
18 race shall be run in the following manner unless otherwise stated in the conditions or  
19 conducted under another section of this administrative regulation. The field shall be divided by  
20 lot, and:

21 (a) The first division shall race a qualifying dash for thirty (30) percent of the purse;

22 (b) The second division shall race a qualifying dash for thirty (30) percent of the purse;



1 (c) The horses so qualified shall race in the main event for forty (40) percent of the  
2 purse; and

3 (d) The winner of the main event shall be the race winner.

4 (2) Unless otherwise specified in the conditions of the race, the judges shall draw the  
5 starting positions for the main event and shall determine:

6 (a) Which of the dash winners shall have the pole and which the second position; and

7 (b) Which of the two (2) horses that have been second shall start in third position,  
8 which in fourth position, similarly in succession. An elimination dash and the concluding heat  
9 shall be programmed to be raced upon the same day or night, unless special provisions for  
10 earlier elimination dashes are set forth in the conditions.

11 (3) If there are three (3) or more separate heat or dash winners, those winners shall  
12 return for a single event race-off to determine the race winner. For that single event race-off,  
13 the participating horses shall be assigned post positions according to the order of their finish in  
14 the previous heat or dash.

15 Section 18. Overnight Events. More than nine (9) horses shall not start on a half-mile  
16 track in overnight events and more than twelve (12) horses shall not start on larger tracks at  
17 extended pari-mutuel meetings allowing eight (8) feet per horse.

18 Section 19. Elimination Race for Early Closing Event, Stake, or Futurity. If elimination  
19 races are provided for in the conditions of an early closing event, stake, or futurity, the  
20 elimination race shall be held not more than five (5) days prior to contesting the main event  
21 (excluding Sunday) and omitting the day of the race.

22 Section 20. Declaration.

1 (1) Extended pari-mutuel meetings. The declaration time shall be the time posted on  
2 the condition sheet.

3 (2) A horse shall not start in more than one (1) race on a racing day.

4 (3) The time when declarations close shall be the time in use at the meeting.

5 (4) The association shall provide an entry box with an aperture through which  
6 declarations shall be deposited.

7 (5) At the close of entries the presiding judge or the race secretary shall remove any  
8 entries in the box and sort the declarations at the time specified on the condition sheet.

9 (6) If it is necessary to reopen any race, a minimum of two (2) public announcements  
10 shall be made, and the box shall be reopened at the announced time.

11 (7) In races of a duration of more than one (1) dash or heat at a pari-mutuel meeting,  
12 the judges may draw post positions from the stand for succeeding dashes or heats.

13 (8) Effect of failure to declare on time. If an association requires a horse to be declared  
14 at a stated time, failure to declare at that time shall be considered a withdrawal from the  
15 event.

16 (9) After declaration to start has been made, a horse shall be withdrawn only:

17 (a) Because of sickness, lameness, injury, or hazardous track conditions; and

18 (b) With the permission of the presiding judge.

19 (10) Horse omitted through error.

20 (a) Except as provided in this subsection, a drawing shall be final unless there is  
21 conclusive evidence that a horse was properly declared and omitted from the race, and the  
22 omission is verified to be due to an error of the association's racing office.

1 (b) The race shall be redrawn if the error is found prior to scratch time.

2 (c) If the race has multiple divisions, a horsemen's representative and a judge shall  
3 draw the division by lot rather than redraw the entire race.

4 (d) If there is a division or divisions with short fields, the division or divisions shall be  
5 chosen by lot to determine which division shall be drawn.

6 (e) If the error is found after scratch time, then the horse shall be added to the outside.

7 Section 21. Qualifying Races. At an extended pari-mutuel meeting, declarations for  
8 overnight events shall be governed by the following:

9 (1)(a) Within forty-five (45) days of being declared in, a horse that has not raced  
10 previously at the gait chosen shall:

11 1. Complete a qualifying race in compliance with the conditions set forth by the  
12 association under the supervision of a judge holding a presiding or associate judge's license for  
13 pari-mutuel meetings; and

14 2. Acquire at least one (1) charted line by a licensed charter.

15 (b) Time and beaten lengths shall be determined by a standard photo finish.

16 (2)(a) The requirements of subsection (1) of this section shall apply to a horse that does  
17 not show a charted line for:

18 1. The previous season; or

19 2. Within its last six (6) starts.

20 (b) Uncharted races contested in a heat of more than one (1) dash, and consolidated  
21 according to subsection (4) of this section, shall be considered one (1) start.

22 (3)(a) The requirements of subsection (2) of this section shall not apply if a horse:

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- 1. Has raced at a charted meeting during the current season; and
- 2. Has two (2) meetings at which the races are not charted.

(b) The information from the uncharted races may be:

- 1. Summarized, including each start; and
- 2. Consolidated in favor of charted lines.

(4) If the race is less than one (1) mile, the consolidated line shall list the carry date, place, time, driver, finish, track condition, and distance.

(5)(a) The judges ~~may~~shall require a horse that has been on the judge's list to successfully complete a qualifying race.

(b) If a horse has raced in individual time not meeting the qualifying standards for that class of horse, after making allowance for track variations, the horse shall be required to successfully complete a qualifying race.

(6) A horse shall be required to qualify in a qualifying race if it is on the judge's list for any of the following:

(a) Repeated breaks on a fast or good track or breaks off of a qualifying race on a fast or good track;

(b) Scratched sick or lame in two (2) consecutive starts, scratched sick or lame following a qualifier, or scratched sick or lame prior to or after a break line on a good or fast track;

(c) Refusing to come to the gate. Horses causing two (2) recalls shall be scratched and placed on the starter and qualifying list;

(d) Poor performance; or

(e) Being unmanageable.

1 (7) Qualifying races shall be:

2 (a) Held at least one (1) week prior to the opening of a meeting of ten (10) days or  
3 more; and

4 (b) Scheduled as needed through the last week of the meeting.

5 (8)(a) A race to qualify drivers and horses shall be charted, timed, and recorded.

6 (b) A race to qualify only drivers shall not be required to be charted, timed, and  
7 recorded.

8 (9)(a) ~~If [Except as provided in paragraph (b) of this subsection, if]~~ a horse takes a win  
9 record in a qualifying race, the record shall be prefaced with the letter "Q".

10 ~~[(b)1. The record shall not be prefaced with the letter "Q" if, immediately prior to or  
11 following the race, the horse has been submitted to an approved urine, saliva, or blood test.]~~

12 ~~(b)[2.]~~ The presiding judge shall report the test on the judge's sheet.

13 (10) Before it is permitted to start in a race with pari-mutuel wagering, a horse shall  
14 have a clean charted line within forty-five (45) days, race day to race day, and meet the  
15 standards of the meeting.

16 (11) A horse shall not enter more than one (1) qualifying race per day.

17 Section 22. Coupled Entries.

18 (1)(a) Except as provided by the provisions of this section, two (2) or more horses shall  
19 be coupled as a single entry if they are:

20 1. Owned or trained by the same person; or

21 2. Trained in the same stable by the same management.

1 (b) A wager on one (1) of the horses coupled as an "entry" shall be a wager on all horses  
2 in the entry.

3 (2)(a) If a trainer enters two (2) or more horses, under bona fide separate ownerships or  
4 the same ownership, each horse may race as a separate betting entry if:

5 1. The association has requested they be permitted to race as separate betting entries;

6 and

7 2. The judges approve the request.

8 (b) In overnight events the entries do not exclude any single interest.

9 (c) In overnight events, part of an uncoupled entry drawing also eligible may not be  
10 moved into a race to replace another part of the uncoupled entry.

11 (d) If more than one (1) horse is trained by the same person, that fact shall be stated  
12 prominently in the program.

13 (e) The judges may place both horses in an uncoupled entry if the judges deem that the  
14 actions of one part of the uncoupled entry helped or improved the other.

15 (f) If the race is split in two (2) or more divisions, horses coupled or uncoupled in a  
16 single entry shall be seeded insofar as possible, in the following order, by:

17 1. Owners;

18 2. Trainers; and

19 3. Stables.

20 (g) Divisions and post positions shall be drawn by lot.

21 (h) Elimination heats also shall be governed by the provisions of paragraphs (f) and (g)  
22 of this subsection.

1 (3) The presiding judge or the race secretary shall be responsible for coupling horses.

2 (4)(a) If it is necessary to protect the public interest, horses that are separately  
3 owned or trained may be coupled for pari-mutuel wagering; and

4 (b) An entry shall not be rejected on that basis.

5 (5) If an owner, lessor, or lessee has a vested interest in another horse in the same race,  
6 it shall constitute an entry.

7 Section 23. Also Eligibles.

8 (1) More than two (2) horses shall not be drawn as also eligibles for a race.

9 (2) The positions of also eligibles shall be drawn along with the starters in the race.

10 (3) If one (1) or more horses are excused by the judges, the also eligible horse shall:

11 (a) In handicap races in which the handicap is the same, take the place of the horse that  
12 it replaces;

13 (b) In handicap races in which the handicap is different, take the position on the outside  
14 of the horses with a similar handicap; or

15 (c) In other races, take the post position drawn by the horse it replaces.

16 (4) A horse shall not be added to a race as an also eligible unless the horse was drawn  
17 at the time declarations closed.

18 (5)(a) A horse shall not be barred from a race to which it is otherwise eligible by reason  
19 of its preference due to the fact that it has been drawn as an also eligible. A horse moved into  
20 the race from the also eligible list shall not be drawn without the permission of the judges.

21 (b) The owner or trainer of a horse moved into the race from the also eligible list shall  
22 be notified that the horse is in to go.

1 (6) A horse on the also eligible list that is not moved into race by scratch time of the  
2 track shall be released.

3 Section 24. Preference.

4 (1)(a) Preference shall be given in overnight events according to a horse's last previous  
5 purse race during the current year.

6 (b) The preference date on a horse that has drawn to race and has been scratched shall  
7 be the date of the race from which the horse was scratched.

8 (2) If a horse is racing for the first time in the current year, the date of the first  
9 successful qualifier shall be considered the horse's last race date, and preference shall be  
10 applied accordingly.

11 (3)(a) If an error has been made in determining or posting a preference date, and the  
12 error deprives an eligible horse of an opportunity to race, the trainer involved shall report the  
13 error to the racing secretary within one (1) hour of the announcement of the draw.

14 (b) If a preference date error has occurred, the race shall be redrawn.

15 Section 25. Judge's List.

16 (1)(a) A horse shall be placed on a judge's list by the presiding judge if it is unfit to race  
17 because it:

18 1. Is dangerous;

19 2. Is unmanageable;

20 3. Is sick;

21 4. Is lame;

22 5. Is unable to show a performance to qualify for races at the meeting; or



1           6. Has exhibited repeated breaks.

2           (b) The owner or trainer shall be notified in writing:

3           1. If a horse is placed on a judge's list; and

4           2. Of the specific item listed in paragraph (a) of this subsection upon which the action is  
5 based.

6           (c) Declaration on a horse placed on a judge's list shall be refused.

7           (d) If a horse is placed on a judge's list, the clerk of the course shall make a note on the  
8 electronic eligibility of the horse stating the:

9           1. Date it was placed on the judge's list;

10          2. Reason it was placed on the judge's list; and

11          3. If the horse has been removed from the judge's list, the date of its removal.

12          (2)(a) A presiding judge or other official at a nonextended meeting shall not remove  
13 from the judge's list and accept as an entry a horse that:

14          1. Has been placed on a judge's list; and

15          2. Has not been removed from the judge's list because it is dangerous or unmanageable.

16          (b) A presiding judge shall refuse declarations on a horse that has been placed on, but  
17 not removed from, a judge's list.

18          (3) A horse scratched from a race because of lameness or sickness shall not race for a  
19 period of seven (7) days beginning with the day of the scratch.

20          Section 26. Driver.

21          (1) A declaration shall state the name of the horse's driver and the driver's colors.

1 (2) A driver shall not be changed after scratch time of the track without the permission  
2 of the judges. The judges shall grant permission if:

3 (a) The driver is unable to be on the premises for a good-faith reason beyond his or her  
4 control; or

5 (b) The driver is on the premises but unable to participate due to illness or injury.

6 (3) If a nominator starts two (2) or more horses, the judges shall approve the second  
7 and third drivers if no conflicts of interest exist between the ownership of the horses and the  
8 drivers.

9 Section 27. Withdrawals and Scratches.

10 (1) The presiding judge shall call a meeting of all horsemen on the grounds before the  
11 opening of an extended pari-mutuel meeting to appoint a committee to consist of the  
12 presiding judge, a representative of the association, and a representative of the Kentucky  
13 Harness Horseman's Association or the Kentucky Harness Association to consider matters  
14 relating to the withdrawal of horses due to bad track or weather conditions.

15 (2)(a) If track conditions are questionable due to weather, the presiding judge shall call  
16 a meeting of the committee established pursuant to subsection (1) of this section.

17 (b) Upon unanimous decision by the committee that track conditions are safe for  
18 racing, withdrawals shall not be made.

19 (3)(a) An entrant may scratch a horse if:

20 1. A decision by the committee that the track is safe is not unanimous; and

21 2. The entrant has posted ten (10) percent of the purse for the race.

1 (b) A person shall not scratch a horse for a reason other than sickness, lameness, injury,  
2 or hazardous track conditions.

3 (c) If sufficient withdrawals are received to cause the field to be less than six (6), the  
4 association shall have the right to postpone an early closing event or stake and cancel an  
5 overnight event.

6 (4)(a) The money posted pursuant to subsection 3(a)2. of this section shall be  
7 forwarded the commission.

8 (b) The commission shall determine whether a withdrawal was for sickness, lameness,  
9 injury, or hazardous track conditions.

10 (c)The money shall be:

- 11 1. Forfeited if the commission determines that the withdrawal was not for good cause;  
12 or  
13 2. Refunded if the commission determines that the withdrawal was for good cause.

14 (5) This section applies only to the withdrawal of horses that have been properly  
15 declared in and does not apply to postponement as set forth in 810 KAR 5:070.

16 Section 28. Length of Race and Number of Heats.

17 (1) A race or dash shall be listed at a stated distance in units no shorter than one-  
18 sixteenth (1/16) of a mile.

19 (2) The length of the race and the number of heats shall be stated in the conditions.

20 (3) If a distance or number of heats is not specified, any race shall be a single mile  
21 dash, except at fairs and meetings of a duration of six (6) days or less where they shall be  
22 conducted in two (2) dashes at one (1) mile distances.

1 Section 29. Two (2) Year Olds. A two (2) year old shall not be permitted to:

2 (1) Start in a dash or heat exceeding one (1) mile in distance; or

3 (2) Race in more than two (2) heats or dashes per day.

4 ~~[Section 30. Examination by Attending Veterinarian.~~

5 ~~—— (1) A horse shall only be entered if:~~

6 ~~—— (a) The horse has been examined by an attending veterinarian licensed by the~~  
7 ~~veterinary regulatory body in the jurisdiction where the examination occurs no more than~~  
8 ~~three (3) days prior to entry;~~

9 ~~—— (b) The attending veterinarian certifies in writing that the horse is in serviceable,~~  
10 ~~sound racing condition; and~~

11 ~~—— (c) The written certification is provided to the racing secretary no later than the time of~~  
12 ~~entry.~~

13 ~~—— (2) The examination required by paragraph (a) of subsection (1) of this section shall~~  
14 ~~include watching the horse jog in hand.~~

15 ~~—— (3) If the attending veterinarian who examines the horse prescribes a diagnostic test~~  
16 ~~as part of the evaluation of the horse's soundness, the results of the test shall be provided to~~  
17 ~~the commission's veterinarian no later than one (1) day before the horse is set to start.]~~

810 KAR 5:060

READ AND APPROVED:

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Jonathan Rabinowitz  
Chair, Kentucky Horse Racing Commission

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Date

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Kerry Harvey  
Secretary, Public Protection Cabinet

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Date

## PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held at [NO DATE SPECIFIED] via video conference at the Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, KY 40511. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 PM on [NO DATE SPECIFIED]. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

Contact Person: Jennifer Wolsing

Title: General Counsel

Address: Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, KY 40511

Phone: +1 (859) 246-2040

Fax: +1 (859) 246-2039

Email: [jennifer.wolsing@ky.gov](mailto:jennifer.wolsing@ky.gov)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation: 810 KAR 5:060  
Contact Person: Jennifer Wolsing  
Phone: +1 (859) 246-2040  
Email: jennifer.wolsing@ky.gov

- (1) Provide a brief summary of:
  - (a) What this administrative regulation does:
  - (b) The necessity of this administrative regulation:
  - (c) How this administrative regulation conforms to the content of the authorizing statutes:
  - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
  - (a) How the amendment will change this existing administrative regulation:
  - (b) The necessity of the amendment to this administrative regulation:
  - (c) How the amendment conforms to the content of the authorizing statutes:
  - (d) How the amendment will assist in the effective administration of the statutes:
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:
- (4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
  - (a) List the actions each of the regulated entities have to take to comply with this regulation or amendment:
  - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities:
  - (c) As a result of compliance, what benefits will accrue to the entities:

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

(b) On a continuing basis:

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

(9) TIERING: Is tiering applied? Explain why or why not.



## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation: 810 KAR 5:060  
Contact Person: Jennifer Wolsing  
Phone: +1 (859) 246-2040  
Email: jennifer.wolsing@ky.gov

- (1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?
- (2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.
- (3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.
  - (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?
  - (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?
  - (c) How much will it cost to administer this program for the first year?
  - (d) How much will it cost to administer this program for subsequent years?

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

- (4) Revenues (+/-):
- (5) Expenditures (+/-):
- (6) Other Explanation:



**Andy Beshear**  
Governor

**Public Protection Cabinet**  
**Kentucky Horse Racing Commission**  
4063 Iron Works Parkway, Building B  
Lexington, KY 40511  
Telephone: (859) 246-2040  
Fax: (859) 246-2039

**Ray A. Perry**  
Secretary

**Marc Guilfoil**  
Executive Director

**Jonathan Rabinowitz**  
Chairman

To: Kentucky Horse Racing Commission

From: Jennifer Wolsing, KHRC General Counsel  
T. Chad Thompson, KHRC Deputy General Counsel

Date: July 8, 2021

Re: Proposed changes to 810 KAR 5:070: Running of the race

Chief Standardbred Judge Tim Schmitz and the KHRC Rules Committee recommend the following change to 810 KAR 5:070: Running of the race:

Section 2(3) – A driver striking pylons but not gaining an unfair advantage [~~shall~~] may be cited for a violation of this administrative regulation unless he was forced to strike the pylons by circumstances beyond his control.

KHRC staff recommends approval of the aforementioned regulatory revision to 810 KAR 5:070, which was unanimously approved by the KHRC Rules Committee on July 7, 2021.

COMMISSION ACTION

\_\_\_\_\_ Approved

\_\_\_\_\_ Denied

\_\_\_\_\_ Deferred

1 PUBLIC PROTECTION CABINET

2 Kentucky Horse Racing Commission

3 (Amendment)

4 810 KAR 5:070. Running of the race.

5 RELATES TO: KRS Chapter 13B, 230.215, 230.260(1), 230.280, 230.290(2), (3), 230.300,  
6 230.310, 230.320

7 STATUTORY AUTHORITY: KRS 230.215(2), 230.260(8), 230.320(1), 230.361(1)

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260(8) authorize the  
9 Kentucky Horse Racing Commission to promulgate administrative regulations prescribing the  
10 conditions under which horse racing shall be conducted in Kentucky. KRS 230.320(1) authorizes  
11 the commission to promulgate administrative regulations setting out the conditions under  
12 which licenses may be denied, revoked, or suspended. KRS 230.361(1) requires the commission  
13 to promulgate regulations concerning the pari-mutuel wagering system. This administrative  
14 regulation establishes track rules and requirements concerning proper racing conduct, the  
15 starting and timing of races, placing, money distribution, post time and postponements, and  
16 protests.

17 Section 1. Driving Violations. A leading horse shall be entitled to any part of the track.  
18 After selecting a position in the home stretch, a driver of a horse shall not:

19 (1) Change either to the right or left during any part of the race if another horse is so  
20 near the driver that in altering positions, the driver:

- 1 (a) Compels the horse behind to shorten strides; or
- 2 (b) Causes the driver of any other horse to pull the horse out of his stride;
- 3 (2) Jostle, strike, hook wheels, or interfere with another horse or driver;
- 4 (3) Cross sharply in front of a horse or cross over in front of a field of horses in a reckless
- 5 manner, endangering other drivers;
- 6 (4) Swerve in and out or pull up quickly;
- 7 (5) Crowd a horse or driver by "putting a wheel under him";
- 8 (6) "Carry a horse out" or "sit down in front of him", take up abruptly in front of other
- 9 horses so as to cause confusion or interference among the trailing horses, or do any other act
- 10 that constitutes "helping";
- 11 (7) Allow a horse to pass inside needlessly or otherwise help another horse to improve
- 12 its position in the race;
- 13 (8) Lay off a normal pace and leave a hole if it is well within the horse's capacity to keep
- 14 the hole closed;
- 15 (9) Commit an act that impedes the progress of another horse or causes the horse to
- 16 "break";
- 17 (10) Change course after selecting a position in the home stretch and swerve in or out,
- 18 or bear in or out, in a manner that interferes with another horse or causes the horse to change
- 19 course or take back;
- 20 (11) Drive in a careless or reckless manner or fail to maintain reasonable control of the
- 21 horse at all times during the race;
- 22 (12) Whip under the arch of the sulky;

1 (13) Cross the inside limits of the course;

2 (14) Fail to set or maintain a pace comparable to the class being raced, including  
3 traveling an excessively slow quarter or any other distance that changes the normal pattern,  
4 overall timing, or general outcome of the race; or

5 (15) Kick a horse. Removal of a foot from the stirrups in and of itself shall not constitute  
6 the act of kicking.

7 Section 2. Leaving the Course.

8 (1) A horse or a horse's sulky that leaves the course by brushing, running over, or going  
9 inside of a pylon demarcation shall have violated this administrative regulation and may be  
10 penalized by a disqualification if in the opinion of the judges:

11 (a) The action results in the horse gaining an unfair advantage over other horses in the  
12 race;

13 (b) The action helps the horse improve its position in the race; or

14 (c) The driver goes inside the pylons and does not immediately correct position.

15 (2) A horse using the inside to pass shall have complete clearance of the pylons.

16 (3) A driver striking pylons but not gaining an unfair advantage ~~may~~shall be cited for a  
17 violation of this administrative regulation unless he was forced to strike the pylons by  
18 circumstances beyond his control.

19 (4) If an act of interference causes a horse or part of a horse's sulky to be in violation of  
20 this administrative regulation and the horse is disqualified, the offending horse shall be placed  
21 behind the horse with which it interfered.

22 Section 3. Penalties.

1 (1) A horse that violates Section 1 or 2 of this administrative regulation shall:

2 (a) Be placed back one (1) or more positions in the heat or dash behind the horse with  
3 which the horse interfered;

4 (b) Be disqualified from receiving any winnings, if a horse is prevented from finishing as  
5 a result of the violation; or

6 (c) Be placed last among finishing horses, if a horse which the violating horse interfered  
7 with fails to finish the race due to a separate and unrelated incident.

8 (2) If a violation established in Section 1 or 2 of this administrative regulation is  
9 committed by a person driving a horse coupled as an entry in the betting, the judges shall set  
10 both horses back, if the judges determine that the violation may have affected the finish of the  
11 race. Otherwise, penalties shall be applied individually to the drivers of any entry.

12 Section 4. Complaints, Reports of Interference.

13 (1) Complaints.

14 (a) A complaint by a driver relating to driving or other misconduct during a heat shall be  
15 made at the termination of the heat, unless the driver is prevented from doing so by an  
16 accident or injury.

17 (b) A driver desiring to enter a claim of foul or other complaint of violation of the rules  
18 shall, before dismounting, indicate to the judges the driver's intention to enter a claim or  
19 complaint, and immediately upon dismounting, the driver shall proceed to the telephone or  
20 judges' stand where the claim, objection, or complaint shall be immediately entered.

21 (c) The judges shall not cause the official sign to be displayed until the claim, objection,  
22 or complaint has been entered and considered.

1 (2) Report of interference. A driver shall report to the designated official any  
2 interference to himself or herself or to the driver's horse by another horse or driver during a  
3 race.

4 Section 5. Unsatisfactory Drive; Fraud.

5 (1) A heat in a race shall be fairly contested by each horse in the race, and each horse  
6 shall be driven to the finish.

7 (2) A horse shall not be driven:

8 (a) With design to prevent the horse from winning a heat or dash which the horse was  
9 evidently able to win;

10 (b) In an inconsistent manner with the intent to improperly manipulate the outcome of  
11 a race; or

12 (c) To perpetrate or to aid in a fraud.

13 (3) The judges shall substitute a competent and reliable driver at any time prior to the  
14 start of the heat or race if the judges have reason to doubt the competence or reliability of the  
15 original driver.

16 Section 6. Removal and Substitution of Driver. A driver may be removed and another  
17 driver substituted after the positions have been assigned in a race if, in the opinion of the  
18 judges, a driver:

19 (1) Is unfit or incompetent to drive;

20 (2) Refuses to comply with the directions of the judges; or

21 (3) Is reckless in his or her conduct and endangers the safety of horses or other drivers  
22 in the race.

1 Section 7. Failure to Finish. If, for any cause other than being interfered with or broken  
2 equipment, a horse fails to finish after starting in a heat, that horse shall be ruled "did not  
3 finish."

4 Section 8. Disruptive Conduct.

5 (1) A driver shall not engage in disruptive or distracting, improper conduct during a race.

6 (2) A driver may remove a foot from the stirrup temporarily for the purpose of pulling  
7 earplugs.

8 Section 9. Whipping.

9 (1) A driver may have a whip that does not exceed four (4) feet with a snapper not  
10 longer than six (6) inches.

11 (2) Except for the ordinary whip or crop, a person shall not use any goading device,  
12 chain or mechanical device, or appliance upon a horse in any race, training exercise, or while on  
13 association grounds.

14 (3)(a) A whip or crop shall not be used in a brutal, excessive, or indiscriminate manner  
15 during a race, training exercise, or while on association grounds.

16 (b) A driver shall use a whip only in the conventional manner, by holding the handle  
17 and whipping the horse only above the shafts with wrist and elbow movement only. Full swings  
18 or going behind the head is prohibited.

19 (c) Welts, cuts, or whip marks on a horse resulting from whipping shall constitute a  
20 prima facie violation of this section.

21 (d) A driver shall not:

22 1. Whip a horse under the arch or shafts of the sulky;



1           2. Kick a horse;  
2           3. Punch a horse;  
3           4. Jab a horse;  
4           5. Use the whip so as to interfere with or cause disturbance to any other horse or driver  
5 in a race;

6           6. Whip a horse after a race; or

7           7. Whip a horse that is exhausted or no longer in contention to win the race.

8           (4) A driver shall keep a line in each hand and both hands shall stay in front of the body  
9 of the driver from the start of the race until the finish of the race. The left line shall be held in  
10 the left hand and the right line shall be held in the right hand.

11           Section 10. Hopples.

12           (1) A horse shall not wear hopples in a race unless it has qualified in hopples.

13           (2) Having so started, the horse shall continue to wear them to the finish of the race.

14           (3) A person shall not remove or alter a horse's hopples during a race, or between races,  
15 for the purpose of fraud.

16           (4) A horse habitually wearing hopples shall not start in a race without them unless:

17           (a) The horse performs satisfactorily in a qualifying race; or

18           (b) The presiding judge excuses the horse from performing in a qualifying race.

19           (5) A horse habitually racing free-legged shall not wear hopples in a race unless:

20           (a) The horse performs satisfactorily in a qualifying race; or

21           (b) The presiding judge excuses the horse from performing in a qualifying race.

22           (6) A horse shall not wear a head pole protruding beyond its nose.

1 Section 11. Breaking.

2 (1) If a horse breaks from its gait in trotting or pacing, the driver shall at once, if  
3 clearance exists, take the horse to the outside and pull it to its gait.

4 (2) A driver shall not:

5 (a) Fail to properly attempt to pull the horse to its gait;

6 (b) Fail to take to the outside or inside if clearance exists;

7 (c) Fail to lose ground by the break; or

8 (d) Fail to prevent extended break.

9 (3) If there has been no failure on the part of the driver in complying with subsection (2)  
10 of this section, the horse shall not be set back unless a contending horse on its gait is lapped on  
11 the hind quarter of the breaking horse at the finish.

12 (4) A driver shall not allow a horse to break for the purpose of fraudulently losing a heat.

13 (5) If a horse or driver's actions cause another horse to be off-stride at the wire,  
14 the offending horse shall be placed behind the horse with whom it interfered after all other  
15 placements have been made.

16 (6) A horse making a break, which causes interference with other contesting horses,  
17 shall be placed behind all offended horses.

18 (7) The judges shall set a horse back one (1) or more places if this section is violated.

19 Section 12. Breaks. One (1) of the judges shall call out every break made, and the clerk  
20 shall at once note the break and its character in writing.

1           Section 13. Time Between Heats and Races. The time between separate heats of a single  
2 race shall be no less than forty (40) minutes. A heat shall not be called after sunset if the track is  
3 not lighted for night racing. The time between races shall not exceed thirty (30) minutes.

4           Section 14. Accidents.

5           (1) If any horse in the current program falls, runs uncontrollably on the track, or is  
6 involved in an accident after starting to warm up, that horse shall be permitted to start only  
7 after examination and approval by the commission veterinarian.

8           (2) If an accident occurs, the judges shall allow adequate time in between posts to clear  
9 the track. A driver involved in an accident shall be cleared by an emergency medical technician  
10 or paramedic before resuming driving engagements.

11          Section 15. Sulkies.

12          (1) A driver shall be seated in his sulky at the finish of the race or the horse shall be  
13 placed as not finishing.

14          (2) The owner and trainer shall provide every sulky used in a race with uncolored or  
15 colorless wheel discs on the inside and outside of the wheel of a type approved by the  
16 commission. If necessary, the presiding judge may order the use of mud guards to be provided  
17 by the owners or trainers.

18          (3) A sulky shall not be used in a race unless it meets the requirements of the rules and  
19 regulations of the United States Trotting Association, 2018, Rule 18, Section 25, "Sulky  
20 Performance Standards".

1           Section 16. Helmets. A protective helmet, securely fastened under the chin and meeting  
2 the Snell Memorial Foundation 2000 Standard for Protective Headgear for Use in Harness  
3 Racing, shall be worn at all times on the premises of an association while:

4           (1) Racing, parading, or warming up a horse prior to racing; or

5           (2) Jogging, training, or exercising a horse at any time.

6           Section 17. Safety Vests. A safety vest shall be worn while racing, parading, or warming  
7 up a horse prior to racing.

8           Section 18. A licensee shall not:

9           (1) Refuse to comply with an order or ruling of a member or employee of the  
10 commission, a racing official, or judge;

11           (2) Interfere with the performance of the duty of a person specified in subsection (1) of  
12 this section;

13           (3) Threaten, strike, or harass an owner, trainer, driver or attendant of a horse, or an  
14 employee of the association or commission;

15           (4) Sexually harass an owner, trainer, driver or attendant of a horse, or an employee of  
16 the association or commission; or

17           (5) Use force or intimidation against an owner, trainer, driver or attendant of a horse, or  
18 an employee of the association or commission.

19           Section 19. (1) A person or association shall not offer any money, benefit, or other  
20 inducement to any licensee, employee of the commission, or officer of a racing association to  
21 affect the entries to a race, the running of a race, or the outcome of a race.

1 (2) Any action prohibited by subsection (1) of this section shall be immediately reported  
2 to the judges who shall promptly inform the racing association and the commission.

3 Section 20. (1) An owner, trainer, agent, or driver of a horse shall not threaten or join  
4 with others in threatening not to race, or not to declare in, because of the entry of a certain  
5 horse or a particular stable, thereby compelling or attempting to compel the racing secretary to  
6 reject an eligible entry.

7 (2) An action prohibited by subsection (1) of this section shall be immediately reported  
8 to the commission.

9 Section 21. An owner, agent, or driver who has entered a horse shall not demand of the  
10 association a bonus of money or other special award or consideration as a condition for starting  
11 the horse.

12 Section 22. Wagering.

13 (1) A driver shall not place a wager, or cause a wager to be placed on his or her behalf,  
14 or accept a ticket or winnings from a wager on a race, except:

15 (a) A race on the horse he is driving; and

16 (b) Through the owner or trainer of the horse he is driving.

17 (2) An owner or trainer who places a wager for his driver shall:

18 (a) Maintain a complete record of the wager; and

19 (b) Make the record available for examination by the judges upon request.

20 Section 23. Duty to Report Fraudulent Proposal. A person shall immediately report to  
21 the presiding judge the details of an offer, promise, or request for a bribe or wager intended to  
22 affect the outcome of a race.

1 Section 24. Denervating.

2 (1) A horse that has had a chemical, surgical, or thermal neurectomy at or above the  
3 fetlock shall not be permitted to race.

4 (2) A horse that has had a palmar or plantar digital neurectomy may be permitted to  
5 race if:

6 (a) The neurectomy has been reported by the trainer to the stewards; and

7 (b) The horse has been approved for racing by the commission veterinarian prior to  
8 being entered to race.

9 (3) A horse on which a neurectomy has been performed shall have that fact designated  
10 on its registration certificate, virtual certificate, racing permit, and entry in the electronic  
11 registration system. Responsibility for ensuring that the neurectomy is correctly noted on the  
12 horse's registration certificate, virtual certificate, racing permit, and entry in the electronic  
13 registration system shall fall:

14 (a) Jointly on the practicing veterinarian who performed the operation and the trainer of  
15 the denerved horse if the neurectomy was performed at a location under the commission's  
16 jurisdiction; and

17 (b) Solely on the owner of the denerved horse if the neurectomy was performed at a  
18 location not under the commission's jurisdiction.

19 (4) If a horse races in violation of this section and participates in the purse distribution, a  
20 protest shall not be considered unless submitted in writing to the stewards within forty-eight  
21 (48) hours after the race.

1 (5) If a horse races in violation of this section and is claimed, a protest shall not be  
2 considered unless the successful claimant submits a protest in writing within forty-eight (48)  
3 hours requesting that the claim be voided. If the claim is voided, the horse shall be returned to  
4 the owner who started the horse in the race, and the claim price shall be returned to the  
5 claimant.

6 (6) A list of all denerved horses shall be made publicly available.

7 Section 25. Spayed Mares. If a mare has been spayed:

8 (1) It shall be noted on the:

9 (a) Registration certificate;

10 (b) Electronic eligibility certificate; and

11 (c) Program when the mare races; and

12 (2) The owner shall:

13 (a) Notify the United States Trotting Association that the mare has been spayed; and

14 (b) Return the mare's papers to the United States Trotting Association for correction.

15 Section 26. Starting Gate.

16 (1) Starter's control. The starter shall have control of the horses from the formation of  
17 the parade until the word, "go", is given.

18 (2) Before or during the parade, the starter shall inform the drivers of the number of  
19 scores permitted. After one (1) or two (2) preliminary warming up scores, the starter shall  
20 notify the drivers to proceed to the starting gate.

21 (3) A horse shall not be brought to the starting gate nearer than one eighth (1/8) of a  
22 mile before the start, if the length of the stretch permits.

1 (4) On a mile track, a horse shall be brought to the starting gate at the head of the  
2 stretch.

3 (5) The starting point shall be a point on the inside rail a distance of at least 200 feet  
4 from the first turn. The starter shall give the word "go" at the starting point.

5 (6) When a speed has been reached in the course of a start there shall not be a decrease  
6 except in the case of a recall.

7 (7) If a recall is necessary, a light plainly visible to the driver shall be flashed and a recall  
8 sounded and, if possible, the starter shall leave the wings of the gate extended and gradually  
9 slow the speed of the gate to assist in stopping the field of horses. The starter may close the  
10 wings of the gate if an emergency situation arises.

11 (8) There shall not be a recall after the word "go" has been given and any horse,  
12 regardless of position or accident, shall be considered a starter from the time the horse enters  
13 into the starter's control, unless dismissed by the starter or judges pursuant to subsection (10)  
14 of this section.

15 (9) The starter shall endeavor to start all horses in position and on gait, but a recall shall  
16 not be sounded for a breaking horse.

17 (10) The starter may sound a recall only for the following reasons, if the starter believes  
18 the integrity of the race may be jeopardized:

19 (a) A horse scores ahead of the gate;

20 (b) There is interference;

21 (c) A horse has broken equipment;

22 (d) A horse falls before the word "go" is given;



- 1 (e) There is a malfunction of the starting gate;
- 2 (f) A horse comes to the gate out of position; or
- 3 (g) A circumstance arises that will not allow a fair start, as determined by the starter.

4 (11) A driver shall not:

- 5 (a) Delay the start;
- 6 (b) Fail to obey the starter's instructions;
- 7 (c) Rush ahead of the inside or outside wing of the gate;
- 8 (d) Come to the starting gate out of position;
- 9 (e) Cross over before reaching the starting point;
- 10 (f) Interfere with another driver during the start; or
- 11 (g) Fail to come up into position.

12 (12) Unless granted permission by the presiding judge, a person other than the starter,  
13 or the starter's driver or operator, shall not be allowed to ride in the starting gate.

14 (13) Use of a mechanical loudspeaker for any purpose other than to give instructions to  
15 drivers shall be prohibited. The volume shall not be higher than necessary to carry the voice of  
16 the starter to the drivers.

17 Section 27. Holding Horses Before Start.

18 (1) A horse shall not be held on the backstretch for more than three (3) minutes  
19 awaiting post time, except if delayed by an emergency or by permission of the judges.

20 (2) Post time shall be posted no later than two (2) minutes following a previous race  
21 with the exception of mutual malfunction.

1 (3) Horses shall not be held on the track more than ten (10) minutes unless permission is  
2 granted by the Presiding Judge.

3 Section 28. Two (2) Tiers.

4 (1) If there are two (2) tiers of horses, the withdrawal of a horse that has drawn or  
5 earned a position in the front tier shall not affect the position of the horses that have drawn or  
6 earned positions in the second tier.

7 (2)(a) If a horse is drawn from any tier, horses on the outside shall fill the vacancy.

8 (b) If a horse has drawn a post position in the second tier, the driver of the horse may  
9 elect to score out behind any horse in the first tier, if the driver does not interfere with another  
10 trailing horse or deprive another trailing horse of a drawn position.

11 Section 29. Starters.

12 (1) A horse shall be considered to have started when the word, "go", is given by the  
13 starter, and a horse shall be required to complete the course except in case of accident, broken  
14 equipment, or other circumstance which, in the opinion of the judges, makes it impossible or  
15 unsafe to complete the course.

16 (2) For the purpose of declaring a horse a nonstarter, the judges shall consider the  
17 actual starting point on the track regardless if there was a start.

18 Section 30. Unmanageable Horse.

19 (1) If, in the opinion of the judges or the starter, a horse is unmanageable or may cause  
20 accidents or injury to another horse or to any driver, it shall be scratched. The starter shall  
21 notify the judges of the scratch, who shall then notify the public.

1           (2) A horse shall be considered unmanageable if it causes two (2) recalls in the same  
2 dash or heat, in which case it shall be scratched.

3           Section 31. Bad Acting Horse. At a meeting where there is no wagering, the starter may  
4 place a bad acting horse on the outside. At a pari-mutuel meeting, this action may be taken  
5 only if there is time for the starter to notify the judges, who shall in turn notify the public prior  
6 to the sale of tickets for the race. If tickets have been sold, the bad acting horse shall be  
7 scratched under the provisions of Section 30 of this administrative regulation.

8           Section 32. Post Positions; Heat Racing. The horse winning a heat shall take the pole (or  
9 inside position) in the succeeding heat, unless otherwise specified in the published conditions,  
10 and all others shall take their positions in the order they were placed in the last heat. If two (2)  
11 or more horses finish in a dead heat, their positions shall be settled by lot.

12           Section 33. Shield. The arms of a starting gate shall be provided with a screen or a shield  
13 in front of the position for each horse, and the arms shall be perpendicular to the rail.

14           Section 34. Unfair Advantage Prior to Start. If a horse comes to the gate out of its  
15 assigned post position and gains an unfair advantage by moving either to the left or right to its  
16 assigned post position before the starter gives the word, "go," that horse shall be disqualified  
17 and placed by the judges.

18           Section 35. Malfunction of the Gate. A licensed starter shall check the starting gate for  
19 malfunctions before commencing a meeting and shall practice the measures to be followed if  
20 there is a malfunction. Both the starter and the driver of the gate shall know and practice  
21 emergency measures, and the starter shall be responsible for the training of drivers in taking  
22 emergency measures.

1 Section 36. Timing Races. The time of a heat shall be taken by:

2 (1) One electronic timing device; and

3 (2) One hand-held timing device.

4 Section 37. Track Measurement Certificate. An association shall file with the commission  
5 a certificate from a duly licensed civil engineer or land surveyor attesting that the track has  
6 been measured from wire to wire three (3) feet out from the pole or inside hub rail, and  
7 certifying in linear feet the result of the measurement. If there is a change or relocation of the  
8 hub rail, the track shall be measured and recertified.

9 Section 38. Time for Lapped on Break. The leading horse shall be timed and his time only  
10 shall be announced. A horse shall not obtain a win race record by reason of the disqualification  
11 of another horse unless the horse's actual race time can be determined by photo finish or  
12 electronic timing.

13 Section 39. Time for Dead Heat. If there is a dead heat, the time shall constitute a record  
14 for the horses making a dead heat and both shall be considered winners.

15 Section 40. Timing Procedure. The time shall be taken from the first horse leaving the  
16 point from which the distance of the race is measured until the winner reaches the wire.

17 Section 41. Time Performances. Time performances shall be permitted with the  
18 permission of the presiding judge subject to the following:

19 (1) A urine test or blood test or both shall be required for any horse with a winning time  
20 performance; and

21 (2) A workout for the judges or time trial performance shall not be used to qualify a  
22 horse to race.

1           Section 42. Unless otherwise provided in the conditions, a purse shall be distributed on  
2 the dash basis with the money awarded according to a horse's position in each separate dash or  
3 heat of the race. Purse money distribution in overnight events shall be limited to the first five  
4 (5) finishers.

5           Section 43. Dashes.

6           (1) Except for stakes or futurities as established in 810 KAR 5:050, Section 7,  
7 unless otherwise specified in the conditions, the money distribution in dashes shall be in the  
8 following percentages: fifty (50), twenty-five (25), twelve (12), eight (8), and five (5).

9           (2) In early closing races, late closing races, or added money events, if there are less  
10 than five (5) starters, the remaining purse shall go to the race winner unless the conditions call  
11 for a different distribution.

12           (3) In overnight events, if there are less than five (5) starters, the purse for the position  
13 for which there are no starters shall be retained by the association.

14           (4) If there is a purse for which horses have started but were unable to finish due to an  
15 accident, all non-offending horses that did not finish shall share equally in the premium or  
16 premiums.

17           (5) If there is a purse for which horses have started but were unable to finish and the  
18 situation is not covered by subsection (4) of this section, the purse shall be paid to the winner.

19           Section 44. If unfavorable weather or other unavoidable cause exists that necessitates  
20 postponement of a race, and the judges consent, an association shall postpone a race in the  
21 following manner:

1           (1) Early closing races, stakes, and futurities shall be postponed to a definite hour the  
2 next fair day and good track.

3           (2) A late closing race, early closing race, stake, or futurity (except as provided in  
4 subsections (4) and (5) of this section) that cannot be raced during the scheduled meeting shall  
5 be declared off, and the entrance money and forfeits shall be divided equally among the  
6 nominators who have horses declared in and eligible to start.

7           (3) A late closing race or early closing race that has been started and remains unfinished  
8 on the last day of the scheduled meeting shall be declared ended and the full purse divided  
9 according to the summary. A late closing race or early closing race that has been started but  
10 postponed by rain earlier in the meeting shall be declared ended and the full purse divided  
11 according to the summary, if there is sufficient time to conduct the race during the scheduled  
12 meeting.

13           (4) A stake or futurity shall be raced where advertised, and the race meeting, if  
14 necessary, shall be extended. A stake or futurity that has been started and remains unfinished  
15 on the last day of the scheduled meeting shall be declared ended and the full purse divided  
16 according to the summary, unless the association elects to extend the meeting to complete the  
17 race. A horse that is scratched after a heat and before a race is declared finished shall not  
18 participate in purse distribution from subsequent heats.

19           (5) Unless otherwise provided in the conditions of the race, unanimous consent shall be  
20 obtained from the association and from those with eligibles in the race before a stakes race or  
21 futurity may be transferred to another meeting.

1 (6) At a meeting of more than five (5) days duration, an overnight event may be  
2 postponed and carried over for a maximum of two (2) racing days.

3 (7) At a meeting of five (5) days duration or less, an overnight event or late closing race  
4 shall be cancelled and starting fees shall be returned if postponement occurs, unless the  
5 association adds the postponed race to the advertised program and the race is held within two  
6 (2) weeks of cancellation.

7 (8) A postponed race may, at the option of the association, be contested in a single  
8 mile dash. If a race is postponed under this administrative regulation, the association shall  
9 select the order in which the events shall be raced in any combined program.

10 Section 45. Post Time.

11 (1) If racing is conducted at night or twilight, the racing program shall be completed no  
12 later than 12:00 a.m., midnight.

13 (2) Post time for the first race of the evening shall be fixed by the association. A delay in  
14 the first post of not more than ten (10) minutes from the established post time may be taken  
15 without prior approval of the commission.

16 Section 46. Number of Races Per Program.

17 (1) If eight (8) races are programmed, four (4) completed races shall constitute a  
18 completed program.

19 (2) If nine (9) races are programmed, five (5) completed races shall constitute a  
20 completed program.

21 (3) If ten (10) or more races are programmed, six (6) completed races shall constitute a  
22 completed program.

1 Section 47. Postponements.

2 (1) Racing shall not be conducted by an association over a track that is dangerous to  
3 drivers or horses.

4 (2) If inclement weather or other conditions appear to make the track dangerous, the  
5 presiding judge, a representative of the association, and a representative of the Kentucky  
6 Harness Horseman's Association or the Kentucky Harness Association shall determine whether  
7 racing shall be conducted or postponed.

8 (3) If a difference of opinion exists between the representative of the association and  
9 the representative of the Kentucky Harness Horseman's Association or the Kentucky Harness  
10 Association as to whether racing shall be conducted or postponed, the decision of the presiding  
11 judge shall be final.

12 Section 48. Protests. Protests shall:

13 (1) Be made only by:

14 (a) An owner;

15 (b) A manager;

16 (c) A trainer; or

17 (d) A driver;

18 (2) Be made at any time before distribution of the purse is made;

19 (3) Be made in writing;

20 (4) Be sworn to; and

21 (5) Contain at least one (1) specific charge questioning eligibility which, if true, would  
22 prevent the offending horse from competing in the race.



1           Section 49. The judges shall, in case of protest, demand that the driver and the owner  
2 or owners, if present, shall immediately testify under oath. If a person refuses to testify after  
3 being ordered to do so and the race has not yet started, that person's horse shall not be allowed  
4 to start or continue in the race, but shall be ruled out, and any entrance money shall be  
5 forfeited.

6           Section 50. Unless the judges find satisfactory evidence to warrant excluding the  
7 horse, they shall allow a horse to start or continue in the race under protest. If the purse is  
8 won by that horse, it shall be retained by the association on behalf of the commission to  
9 allow the interested parties to continue the protest proceeding, in accordance with Section  
10 53 of this administrative regulation.

11           Section 51. A person shall not knowingly, and with intent to influence the results of a  
12 race, protest a horse falsely and without cause.

13           Section 52. This administrative regulation shall not affect the distribution of the pari-  
14 mutuel pools at tracks where pari-mutuel wagering is conducted, if the distribution is made  
15 upon the official placing at the conclusion of the heat or dash.

16           Section 53. (1) A protest shall be reviewed and appealed in accordance with the  
17 procedures set forth in 810 KAR 8:030 and KRS Chapter 13B.

18           (2) The purse money affected shall be deposited with the association pending the  
19 decision of the protest review or appeal.

20           Section 54. A judge shall not refuse to accept a protest.

21           Section 55. A person who has knowledge, prior to a race, of information that would  
22 prevent an ineligible horse from running in a race, and who fails to file a protest prior to the

1 race with regard to that horse, shall have waived the right to protest after the race if the  
2 protest would have prevented the ineligible horse from running in the race.

3 Section 56. Material Incorporated by Reference.

4 (1) The following material is incorporated by reference:

5 (a) Rules and Regulations of the United States Trotting Association, 2018, Rule 18,  
6 Section 25, "Sulky Performance Standards"; and

7 (b) The Snell Memorial Foundation's "2000 Standard for Protective Headgear for Use  
8 in Harness Racing".

9 (2) This material may be inspected, copied, or obtained, subject to applicable  
10 copyright law, at the office of the Kentucky Horse Racing Commission, 4063 Iron Works Pike,  
11 Lexington, Kentucky 40511, Monday through Friday, 8 a.m. to 4:30 p.m.

810 KAR 5:070

READ AND APPROVED:

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---

Jonathan Rabinowitz  
Chair, Kentucky Horse Racing Commission

---

---

Date

---

---

Kerry Harvey  
Secretary, Public Protection Cabinet

---

---

Date

## PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held at [NO DATE SPECIFIED] via video conference at the Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, KY 40511. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 PM on [NO DATE SPECIFIED]. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

Contact Person: Jennifer Wolsing

Title: General Counsel

Address: Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, KY 40511

Phone: +1 (859) 246-2040

Fax: +1 (859) 246-2039

Email: [jennifer.wolsing@ky.gov](mailto:jennifer.wolsing@ky.gov)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation: 810 KAR 5:070  
Contact Person: Jennifer Wolsing  
Phone: +1 (859) 246-2040  
Email: jennifer.wolsing@ky.gov

- (1) Provide a brief summary of:
  - (a) What this administrative regulation does:
  - (b) The necessity of this administrative regulation:
  - (c) How this administrative regulation conforms to the content of the authorizing statutes:
  - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
  - (a) How the amendment will change this existing administrative regulation:
  - (b) The necessity of the amendment to this administrative regulation:
  - (c) How the amendment conforms to the content of the authorizing statutes:
  - (d) How the amendment will assist in the effective administration of the statutes:
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:
- (4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
  - (a) List the actions each of the regulated entities have to take to comply with this regulation or amendment:
  - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities:
  - (c) As a result of compliance, what benefits will accrue to the entities:

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

(b) On a continuing basis:

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

(9) TIERING: Is tiering applied? Explain why or why not.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation: 810 KAR 5:070  
Contact Person: Jennifer Wolsing  
Phone: +1 (859) 246-2040  
Email: jennifer.wolsing@ky.gov

- (1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?
- (2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.
- (3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.
  - (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?
  - (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?
  - (c) How much will it cost to administer this program for the first year?
  - (d) How much will it cost to administer this program for subsequent years?

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

- (4) Revenues (+/-):
- (5) Expenditures (+/-):
- (6) Other Explanation:



**Andy Beshear**  
Governor

**Public Protection Cabinet**  
**Kentucky Horse Racing Commission**  
4063 Iron Works Parkway, Building B  
Lexington, KY 40511  
Telephone: (859) 246-2040  
Fax: (859) 246-2039

**Ray A. Perry**  
Secretary

**Marc Guilfoil**  
Executive Director

**Jonathan Rabinowitz**  
Chairman

August 6, 2021

To: Kentucky Horse Racing Commission  
From: Waqas Ahmed Director of Pari-Mutuel Wagering and Compliance  
Re: Keeneland Association's Requests to Alter Wagering Format

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In letters dated June 8 and July 30, 2021, the Kentucky Horse Racing Commission ("KHRC") received a request from Keeneland Association, Inc. ("Keeneland") to amend its' 2021 Application for Race Dates to alter the wagering format for the Super High-Five and Pick Three wager. Keeneland will offer these wagers at the 2021 Fall Meet scheduled to be held October 8-30, 2021. Specifically, the request seeks to offer the Super High-Five and Pick Three wagers in the following format:

<b>Wager Type</b>	<b>Super High-Five</b>
Minimum Bet	\$1.00
Carryover	Yes
Takeout	22%
Winning Provision	Carryover
<b>Wager Type</b>	<b>Pick 3 (Pick-n, n=3)</b>
Minimum Bet	\$3.00
Carryover	No
Takeout	15%
Winning Provision	No Minor Pool and No Carryover

KHRC staff has reviewed the request and believes that, as presented, the proposed wagering structure complies with all Kentucky statutes and regulations. KHRC staff recommends approval of this request with the following conditions:

1. Super High-Five wagers must be offered in adherence with 810 KAR 6:020 Section 11.
2. Pick 3 wagers must be offered in adherence with 810 KAR 6:020 Section 14.

COMMISSION ACTION

\_\_\_\_\_ APPROVE

\_\_\_\_\_ DENY

\_\_\_\_\_ DEFER





**Keeneland Association, Inc.**

4201 Versailles Road  
Lexington, KY 40510  
P.O. Box 1690  
Lexington, KY 40588-1690  
859 254-3412 Tel.  
800 456-3412  
859 288-4347 Fax  
www.keeneland.com

June 8, 2021

Mr. Marc Guilfoil  
Executive Director  
Kentucky Horse Racing Commission  
4063 Iron Works Parkway  
Building B  
Lexington, KY 40511

Dear Marc:

In 2020, at the request of Breeders' Cup, Keeneland modified its Super High Five wager to incorporate a jackpot component.

Keeneland now wishes to remove this component from the wager rules and offer a Super High Five on only the last race of the day, with carryover provisions but no jackpot payoff. The takeout will be 22% and the entire net pool will be carried over to the next racing day if there is no winner.

We request the Commission's approval for this change in order for us to implement for the Fall Meet. Please contact Jim Goodman, Director of Wagering Development, with any questions.

Thanks for your consideration.

Sincerely,

Gatewood Bell  
Vice President, Racing



Keeneland Association, Inc.  
4201 Versailles Road  
P.O. Box 1690  
Lexington, KY 40588-1690  
859 254-3412 Tel.  
800 456-3412  
859 288-4348 Fax  
www.keeneland.com

July 30, 2021

Mr. Marc Guilfoil  
Executive Director  
Kentucky Horse Racing Commission  
4063 Iron Works Parkway  
Building B  
Lexington, KY 40511

Dear Marc:

We wish to inform the Commission of a new twist on a Pick Three wager that will be offered this fall.

The Keeneland Turf Pick Three will be a standard Pick Three wager, with existing Pick Three rules, no carryover provision, and a \$3 minimum. The takeout will be 15%. This Pick Three will be offered on all days with a minimum of three turf races, and will tie together the final three turf races of the day.

These races will not run consecutively, and since we already offer a rolling 50-cent Pick Three this wager will be carded as a separate event with TRA Code KES. Method 4 of the Pick-n rules will be used for the calculations of payoffs, with no minor pool and no carryover.

Just as a normal Pick Three, surface change rules apply when changed in the middle of the sequence, and consolation payoffs will be triggered with any late scratches.

Please contact Jim Goodman, Director of Wagering Development, with any questions.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gatewood Bell".

Gatewood Bell  
Vice President, Racing



**Andy Beshear**  
Governor

**Public Protection Cabinet**  
**Kentucky Horse Racing Commission**  
4063 Iron Works Parkway, Building B  
Lexington, KY 40511  
Telephone: (859) 246-2040  
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**Ray A. Perry**  
Secretary

**Marc Guilfoil**  
Executive Director

**Jonathan Rabinowitz**  
Chairman

August 6, 2021

To: Kentucky Horse Racing Commission  
From: Waqas Ahmed Director of Pari-Mutuel Wagering and Compliance  
Re: Ratification of Executive Director Conditional Approval of Advance Deposit Account Wagering Change of Control Form for FSG Services, LLC.

On December 8, 2020, the Kentucky Horse Racing Commission (“KHRC”) unanimously approved a renewal license application to provide advance deposit account wagering for NYRABets, LLC (“NYRABets”), then a wholly-owned subsidiary of the New York Racing Association (“NYRA”).

On April 15, 2021, the KHRC received an Advance Deposit Account Wagering Change of Control Form submitted by FSG Services, LLC (“FSG Services”). In a letter dated April 14, 2021, NYRABets informed the KHRC of FSG Services’ intent to exercise its option to acquire the entirety of the Minority Interest (25%) of NYRABets in an upcoming transaction.

FSG Services is a wholly-owned subsidiary of Fox Sports 1, LLC (“Fox Sports”), a Delaware limited liability company. Fox Sports has been executing agreements with multiple sports betting, gaming, and horse racing. In the options agreement between Fox Sports and NYRA, FSG Services is also provided a future opportunity to increase its initial equity interest and describes an expanded media rights extension through 2030.

KHRC staff reviewed the Option Agreement between NYRA and Fox Sports regarding the transaction. Considering the minor impact but the emergent impact on operations, the Change of Control form submitted by FSG Services was conditionally approved by KHRC Executive Director Marc A. Guilfoil, pursuant to KRS 230.230(1). This approval was granted on June 18, 2021. The KHRC staff recommended this conditional approval to give all involved parties ample time to prepare for the transaction. Subsequently, NYRA informed KHRC staff of the execution of the transfer on July 1, 2021.

Therefore, the KHRC staff recommends ratification of the conditional approval provided by Executive Director Guilfoil.

COMMISSION ACTION

\_\_\_\_\_ APPROVE  
\_\_\_\_\_ DENY  
\_\_\_\_\_ DEFER



Andy Beshear  
Governor

Ray Perry  
Deputy Secretary

Public Protection Cabinet  
Kentucky Horse Racing Commission  
4063 Iron Works Parkway, Building B  
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Telephone: (859) 246-2040  
Fax: (859) 246-2039

Kerry B. Harvey  
Secretary

Marc Guilfoil  
Executive Director

Jonathan Rabinowitz  
Chairman

June 18, 2021

Mark Silverman  
FSG Services, LLC  
10201 West Pick Boulevard  
Los Angeles, CA 90035

Re: Advance Deposit Account Wagering Change of Control

Dear Mr. Silverman:

The Kentucky Horse Racing Commission ("KHRC") has received and reviewed the Advance Deposit Account Wagering Change of Control form completed by FSG Services, LLC ("FSG Services"). It is the Commission's understanding that Fox Sports intends to exercise its Option to acquire the entirety of the Minority Interest (twenty-five percent (25%) limited liability interest) of NYRABets, LLC (NYRA Bets) in an upcoming transaction. It is also the Commission's understanding that NYRA Bets will continue to operate within Kentucky as described in its 2021 Renewal License Application to Conduct Advance Deposit Account Wagering.

The KHRC staff has reviewed the Option Agreement between NYRA, Inc. (parent of NYRA Bets) and Fox Sports 1, LLC (parent of FSG Services) discussing the proposed transaction. This agreement discusses the pending transfer of more than 5% of the KHRC licensee. In accordance with 810 KAR 3:040, any transfer of 5% or more of a company's securities or ownership shall be deemed a substantial change in ownership and requires KHRC approval prior to the transfer of such securities or ownership. Further, in consideration of the minor impact to operations within Kentucky but immediate nature of the transfer, the Change of Control form submitted by FSG Services is hereby conditionally approved, pursuant to KRS 230.230(1). Please note that this conditional approval remains subject to ratification by a quorum of the KHRC's appointed membership.

With best regards,

A handwritten signature in blue ink, appearing to read "Marc A. Guilfoil".

Marc A. Guilfoil  
Executive Director  
Kentucky Horse Racing Commission

cc: Waqas Ahmed



NYRABETS, LLC

110-00 Rockaway Boulevard  
S. Ozone Park, New York 11420  
Tel: (718) 659-2251  
[www.nyrabets.com](http://www.nyrabets.com)

April 14, 2021

**SENT VIA EMAIL**

Waqas Ahmed  
Director, Pari-Mutuel Wagering and Compliance  
Kentucky Horse Racing Commission  
4063 Iron Works Parkway, Bldg. B  
Lexington, Kentucky 40511  
Tel: (859) 246-2040

***RE: NYRA Bets LLC***

Dear Mr. Ahmed:

As requested from your email dated March 25, 2021, we have enclosed the requested documents from FSG Services, LLC (the Fox Sports entity that is purchasing 25% of NYRAbets LLC).

The attached documents contain confidential and proprietary information of NYRAbets, LLC and its parent company, The New York Racing Association, Inc. NYRA Bets hereby requests that its application, and any documents related there to, be treated as confidential and exempt from disclosure unless and only to the extent required by law.

The attached documents contain confidential and proprietary information of FSG Services, LLC and its affiliates. FSG Services hereby requests that its application, and any documents related there to, be treated as confidential and exempt from disclosure unless and only to the extent required by law.

Please feel free to reach out should you have any questions or require any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Allevato", is written over the word "Sincerely,".

Tony Allevato  
President  
NYRAbets, LLC

Enclosures



**Andy Beshear**  
Governor

**Public Protection Cabinet  
Kentucky Horse Racing Commission  
4063 Iron Works Parkway, Building B  
Lexington, KY 40511  
Telephone: (859) 246-2040  
Fax: (859) 246-2039**

**Ray A. Perry**  
Secretary

**Marc Guilfoil**  
Executive Director

**Jonathan Rabinowitz**  
Chairman

**TO: KENTUCKY HORSE RACING COMMISSION**

FROM: Barbara Borden, Chief State Steward

DATE: July 29, 2021

**RE: KEENELAND'S PROPOSED 2021 FALL RACE MEET OFFICIALS AND  
DATE PREFERENCE SYSTEM**

---

By letter sent July 29, 2021, Ashley Whalen, Director of Racing Administration at Keeneland, requests approval of the attached Rosters of Racing Officials and Date Preference System for their Fall Race Meet. Please be advised all Stewards have been accredited by ROAP (Racing Officials Accreditation Program) and all officials will be licensed by the meet opening.

Approval is recommended.

**COMMISSION ACTION:**

\_\_\_\_\_ Approved

\_\_\_\_\_ Deferred

\_\_\_\_\_ Denied



Keeneland Association, Inc.  
4201 Versailles Road  
P.O. Box 1690  
Lexington, KY 40588-1690  
859 254-3412 Tel.  
800 456-3412  
859 288-4348 Fax  
www.keeneland.com

July 27, 2021

Mr. Marc A. Guilfoil  
Executive Director  
Kentucky Horse Racing Commission  
4063 Iron Works Pkwy., Bldg. B  
Lexington, KY 40511

Dear Marc:

With the approval of the Kentucky Horse Racing Commission, the officials for the 2021 Fall Meeting at Keeneland will be as follows:

Vice President of Racing	Gatewood Bell
Association Steward	Ronald Herbstreit
Racing Secretary	David Ben Huffman
Director of Racing Administration	Ashley Whalen
Assistant Racing Secretary	Tia Murphy
Stakes Coordinator	Tiffany Bourque
Starter	TBD
Paddock Judge	David Wedlake
Assistant Paddock Judge	Tyler Picklesimer
Entry Clerks/Patrol/Placing Judges	James F. Ewalt, Beth Bungert , Ron Tomlinson, Bailey Hare, Scott Jones, Stuart Slagle
Clerk of Scales	Javier Torres
Horse Identifier	Melinda Vest
Assistant Identifier	TBD
Timer	TrackMaster
Program Coordinator	Bailey Hare
Jockey's Room Custodian	Charlie Woods
Clocker	Chris Crowe, Dave Norton, Gary Reckner
Claims Clerk	Ron Tomlinson
Outriders	Scott Cole, Robin Riesenbeck, Colby Lavergne, Sam Hackler
Horsemen's Bookkeeper	TBD
Track Superintendent	Jim Pendergest
Director of Wagering	Jim Goodman
Director of Security	Phil Gardner
Paddock Blacksmith	Arthur S. Tearl
Announcer	Kurt Becker
Stable Manager	Wayne Mogge

Post time will be 1:05 p.m. each day with eight to eleven live races for the Keeneland Fall Meet. Keeneland will continue to utilize a date preference system and the following entry schedule:

<b><i>Race Date</i></b>	<b><i>Entry Day</i></b>
Friday*	Sunday
Saturday	Wednesday
Sunday	Thursday
Wednesday	Friday
Thursday	Saturday

*\*Exceptions*

Friday, October 8      Tuesday, October 5

Thank you for your consideration.

Sincerely,



Ashley Whalen  
Director of Racing Administration



## **KEENELAND DATE PREFERENCE SYSTEM**

The Date System of preference will be used at Keeneland Association as described below:

**Foal Certificates and Digital Foal Certificates are no longer required to be on file in the racing office to enter or start at Keeneland Association; however, foal certificates and digital foal certificates must be on file to obtain a preference date and to get a horse tattooed.**

TO RECEIVE A ZERO (O) DATE, foal certificates and digital foal certificates must be on file with the Horse Identifier by Monday, October 4, 2021.

### **Preference by condition eligibility then by:**

1. In over-filled races, preference will be given to horses in order of their assigned preference dates, earliest date first. Horses having identical dates will be chosen by lot, however, where entry and running dates are the same, the horse with the entry date will have preference.
2. All horses intended for racing at Keeneland Association will be assigned a preference date. Dates assigned will be of two types:

#### **E-Date**

This date will correspond to:

- a. The day on which a horse's foal papers/digital foal papers and name tag are submitted to the identifier (the earliest date being the day when entries are first taken for the meeting).
- b. The day on which a horse is first entered if his papers are not on file with the identifier.
- c. To qualify for the latter E-Date, a horse must have been excluded from a race which appears on the overnight or he must have been entered in a condition book race which failed to fill through insufficient entries.

#### **R-Date**

This date will correspond to:

- a. The day of a horse's most recent race at Keeneland Association.
  - b. An R-Date will also be assigned to a horse which scratches (provided the foal papers are on file with the identifier).
3. A horse retains his R-Date until he receives a newer R-Date. No horse with an established R-Date may receive an E-Date. A horse whose papers or digital papers are removed from the identifier's office will lose his date and must subsequently re-establish a date in order to receive preference. A horse with an E-Date cannot receive a newer E-Date. Horses starting at another racetrack will forfeit any date they may have at Keeneland Association.
  4. Preference dates will consist of two categories: Dirt (D) and Turf (T). Preference dates are good for any type of race or distance.
  5. A horse that runs in a race, which has been taken off the Turf will retain its Turf date and establish a Dirt R-Date. A scratched horse will receive an R-Date from the date scratched for both Turf and Dirt.
  6. When a race is taken off the Turf, Main Track Only (MTO) horses will receive an R-Date if they run or scratch. If the race remains on the Turf, MTO horses will retain their previous date.
  7. Horses on the Also-Eligible list shall be permitted to draw into races in order listed. A horse entered as MTO shall be listed as an Also-Eligible. If the race remains on the Turf, a horse listed as MTO shall not be permitted to draw into the race.
  8. No E-Date will be assigned to the second choice of an unsplit same-owner entry.
  9. A horse which has been placed on a list (veterinarian, steward, starter or paddock judge) will lose their date and be assigned an R-Date corresponding to the day removed from list.
  10. A horse which is a scheduled starter in a canceled race will not receive an R-Date for that race but will retain its previous date.
  11. Stakes and handicap races are not subject to date preference.

12. Preference dates are transferred through change of ownership and changes in trainer after the proper transfer procedure have been completed through the Steward's office and delivered to the Racing Secretary's Office.
13. Date preference rules will not supersede KHRC rules regarding preference, eligibility or scratches.
14. Winners will be preferred in all non-maiden races.

### **Condition Preference**

- Horses are preferred by their available conditions in all allowance races beginning with Graded stake winners (Grade I-II-III), open stakes winners through their allowance conditions providing the horse has finished 1st, 2nd, 3rd or 4th for \$40,000 or more since starting for less than \$40,000. In allowance/optional claiming races a horse's preference cannot exceed the condition of the race. Starter races for less than \$25,000 will not be preferred.
- No entry will be received except upon the condition that all disputes, claims and objections arising out of the racing or with respect to the interpretation of the conditions of any race shall be decided by the officers of the association, or those whom they may appoint and their decision upon all points shall be final.
- No entry shall be accepted from any stable not provided with a trainer's license.

### **Main Track Only Entries**

- Entries will be accepted in turf races (excluding stakes) for Main Track Only (MTO) horses.
- Trainers must declare the horse as MTO at the time of entry.
- A horse entered as MTO shall be listed as Also-Eligible.
- In an over-filled turf race, Keeneland reserves the right to designate two Main Track Only (MTO) positions on the Also-Eligible List. Also-Eligibles (including MTO) shall be assigned a post position by preference. If preference is equal, post positions shall be drawn by lot, unless otherwise stipulated in the published conditions of the race.
- If the race remains on the turf, a horse listed as MTO shall not be permitted to draw into the race. When a race is removed from the turf, MTO horses will lose any date they have if they run or scratch. If the race remains on the turf, MTO horses will retain their previous date.



**Andy Beshear**  
Governor

**Public Protection Cabinet**  
**Kentucky Horse Racing Commission**  
4063 Iron Works Parkway, Building B  
Lexington, KY 40511  
Telephone: (859) 246-2040  
Fax: (859) 246-2039

**Ray A. Perry**  
Secretary

**Marc Guilfoil**  
Executive Director

**Jonathan Rabinowitz**  
Chairman

**TO: KENTUCKY HORSE RACING COMMISSION**

**FROM:** Barbara Borden, Chief State Steward

**DATE:** July 27, 2021

**RE: OAK GROVE'S PROPOSED 2021 RACE MEET OFFICIALS**

---

By letter dated July 27, 2021, David Boehm, Senior Director of Gaming and Racing Operations at Oak Grove, requests approval of the attached Roster of Racing Officials scheduled to preside over the conduct of racing during the 2021 harness meet. Please be advised all Judges have been accredited by ROAP (Racing Officials Accreditation Program) and all officials will be licensed by the meet opening.

Approval is recommended.

**COMMISSION ACTION:**

\_\_\_\_\_ Approved

\_\_\_\_\_ Deferred

\_\_\_\_\_ Denied



July 27, 2021

Mr. Marc Guilfoil  
Executive Director  
Kentucky Horse Racing Commission  
4062 Iron Works Parkway  
Lexington, KY 40511

Dear Mr. Guilfoil:

Oak Grove Racing and Gaming respectfully requests approval from the Kentucky Horse Racing Commission for the following Standardbred Racing Officials for our upcoming meet:

President and General Manager:	Darold Londo
Senior Director of Gaming and Racing Operations:	David Boehm
Director of Racing:	Bret Shultz
Associate Steward:	TBD
Racing Secretary and Starter:	Kevin Mack
Driver:	Marvin Pryor
Assistant Race Secretary:	Janice Lance
Paddock Judge:	Ted Torgerson
Horse Identifier:	Mike Murphy
Timer and Photo Finish:	TBD
Charter/Program Coordinator/Clerk of the Course:	Janice Lance
Director of Mutuels:	Karen Autry
Director of Security:	Joe Guenther
Track Superintendent:	Gary Mills
Track Announcer:	Robin Burns
Paddock Blacksmith:	Marvin Pryor

As always, Oak Grove Racing and Gaming shall be in compliance with all applicable state and federal laws. Thank you for your time in considering this matter.

Very truly yours,

David Boehm  
Senior Director of Gaming and Racing

## 2021 THOROUGHBRED RULINGS

RULING NUMBER	RULING DATE	INFRACTION DATE	ISSUED TO	DETERMINATION	DRUG CLASS	PENALTY OR ACTION	FINE	STATUS
21-0052	6/17/2021	3/5/2021	Philip A. Sims	Naproxen #E400968		Fined	\$ 500	Not Paid
21-0053	6/17/2021	3/5/2021	Russell J. Fortune (owner)	Naproxen #E400968		Myeerah disqualified and purse redistributed. All purse monies must be returned to the association.		DQ and purse redistribution completed
21-0054	6/16/2021	4/2/2021	Charles F. Pope	Falsification of license applications 2019, 2020 and 2021		Suspended pending appearance		Current suspension
21-0055	6/20/2021	6/6/2021	Gregory D. Foley	Disorderly conduct - abusive language and interference with commission employees		Fined	\$ 500	Not Paid
21-0056	6/13/2021	6/23/2021	Tyler S. Gaffalione	Careless riding		Suspended 3 days June 27, July 1 and July 2		Suspension served
21-0057	6/23/2021	4/22/2021	Tyler S. Gaffalione	Withdrew appeal of ruling #21-0056 issued April 22, 2021		Suspended 3 days July 3, July 4 and July 9		Suspension served
21-0058	7/10/2021	7/9/2021	Shaun Bridgmohan	Careless riding		Suspended 3 days July 11, July 16 and July 17		Suspension served
21-0059	7/10/2021	7/10/2021	Drayden Van Dyke	Failure to fulfill riding engagements		Fined	\$ 200	Not Paid
21-0060	7/18/2021	7/11/2021	Rafael J. Bejarano	Formal ejection from Ellis Park on July 11, 2021		Suspended pending appearance		Suspended
21-0061	7/25/2021	7/24/2021	Martin Garcia	Improper use of riding crop		Fined	\$ 250	Not Paid
21-0062	7/25/2021	7/24/2021	Marcelino Pedroza, Jr.	Failure to fulfill riding engagement		Fined	\$ 100	

## 2021 THOROUGHBRED RULINGS

RULING NUMBER	RULING DATE	INFRACTION DATE	ISSUED TO	DETERMINATION	DRUG CLASS	PENALTY OR ACTION	FINE	STATUS
21-0063	7/29/2021	7/28/2021	Rafael J. Bejarano	Formal ejection from Ellis Park lifted on July 28, 2021		Restored to good standing		Currently licensed and participating
21-0064	7/30/2021	7/24/2021	Gabriel Saez	Careless riding		Suspended 4 days August 1, August 6, August 8 and August 13, 2021		Suspension served
21-0065	7/31/2021	5/2/2021	Nathan P. Chaney, DVM	Failure to submit timely and accurate Veterinary Reports of Horses Treated		Fined	\$ 1,000	Not Paid

**2021 TB RULINGS LIST BY CATEGORY ( Through August 6, 2021 )**

**MEDICATION VIOLATIONS**

<b><u>Medication Class</u></b>	<b><u>Total</u></b>	<b><u>Fines</u></b>	<b><u>Suspensions</u></b>	<b><u>Disqualifications</u></b>	<b><u>Appeals</u></b>	<b><u>Explanations</u></b>
Class A	0	0	0	0	0	
Class B	6	6	6	3	5	Levamisole -APPEALED (other 3 horses DQ'd in 2020), 3-Hydroxylicocaine
Class C	7	7	0	7	0	Betamethasone, Dexamethasone, Phenylbutazone, Tranexamic Acid, Naproxen
Class D	0	0	0	0	0	
NSAIDS	0	0	0	0	0	
Multiple NSAIDS	0	0	0	0	0	
TCO2	<u>0</u>	0	0	0	0	
Subtotal	13	\$7,500				

**NON-MEDICATION VIOLATIONS**

**Jockey Violations**

Careless Riding	12	0	12	0	0	Routine riding offenses
Overly Aggressive Riding	0	0	0	0	0	
Other Disciplinary Violations	5	4	1	0	0	Inadvertently struck rival with crop, failure to fulfill riding engagements, misuse of riding crop, formal ejection from Ellis Park
Subtotal	<u>17</u>	\$800				

**Other Licensee Violations**

Misc. violations by licensees	9	8	0	0	0	Violated claiming regulation, Failure to report correct gender, Failure to report veterinary treatment
Disorderly conduct and formal ejections	6	3	3	0	0	Destruction of property, entered restricted area, physical and emotional impairment, physical altercation, falsification of license application, abusive language to commission employee
Suspended for non payment of fines	0	0	0	0	0	
Subtotal	<u>15</u>	\$10,500				

<b>Other Rulings Issued</b>	20	0	0	0	0	The remaining 20 rulings that have been issued in 2021 are for information only and include purse redistributions, penalty applied after withdrawal of appeal, licensee restored to good standing, written protest denied, license rescinded without prejudice
<b>TOTAL 2021 RULINGS</b>	<u>65</u>	\$16,250				

## 2021 STANDARD BRED RULINGS

RULING NUMBER	RULING DATE	INFRACTION DATE	ISSUED TO	DETERMINATION	DRUG PENALTY CLASS	FINE OR WRITTEN WARNING	STATUS	PAID	Suspension (days)	COMMENTS
J2021-001	1/22/2021	10/11/2020	Ervin M. Miller	Medication /Drug Violation - Naproxen	C	\$500		paid		Disqualified to last place, purse return ordered
J2021-002	1/22/2021	11/23/2020	Hollis A. Kendrick	Medication /Drug Violation - Dexamethasone	C	\$500		paid		Disqualified to last place, purse return ordered
J2021-003	7/17/2021	7/6/2021	Stephen K. White	Misuse of whip		\$100		not paid		First 2021 Offense
J2021-004	7/17/2021	7/13/2021	Randy D. Crisler	Misuse of whip		\$100		not paid		First 2021 Offense
J2021-005	7/17/2021	7/13/2021	James E. Stiltner II	Misuse of whip		\$100		paid		First 2021 Offense
J2021-006	7/19/2021	7/11/2021	Jeremy C. Bobbitt	Interference		\$100		not paid		Finished 2nd Placed 8th
J2021-007	7/24/2021	7/11/2021	Tyler G. Shehan	Misuse of whip		\$100		not paid		First 2021 Offense
J2021-008	7/24/2021	7/12/2021	Tyler G. Shehan	Misuse of whip		\$200		not paid		Second 2021 Offense
J2021-009	7/24/2021	7/12/2021	Tyler G. Shehan	Misuse of whip		\$300		not paid		Third 2021 Offense
J2021-010	7/24/2021	7/19/2021	Tyler G. Shehan	Misuse of whip			suspended		7/24/2021-7/27/2021	Fourth 2021 Offense
J2021-011	7/25/2021	7/20/2021	Charles M. Conrad	Misuse of whip		\$200		not paid		First 2021 Offense



# KHRC Veterinary Report

## Churchill Downs Spring Meet 2021

<b>Total Starts</b>	2934
<hr/>	
Post Race Samples	1129
tCO <sub>2</sub>	568
<hr/>	
<b>Veterinary Scratches</b>	59
<hr/>	
Pre-Race	41
On-Track	18
Soundness related	10
Gate/paddock Injury	8
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<b>KHRC Veterinary List</b>	108
<hr/>	
Scratches	59
Race Injuries/post race lame/test barn lame	43
EIPH	2
Heat Distress	4
<hr/>	
<b>Claimed horses</b>	332
<hr/>	
<b>Voided Claims</b>	33
<hr/>	
<b>Ambulance Runs</b>	12
<hr/>	
<b>Racing Fatalities</b>	2
<hr/>	
Musculoskeletal	2
<hr/>	
<b>Training Fatalities</b>	6
<hr/>	
Musculoskeletal	5
Sudden Death	1

## Occurrence of Thoroughbred race-related fatalities in Kentucky 2007 to present

Year	Category Non-musculoskeletal: EIPH, Sudden Death, Racing Accident	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Starts (Equibase)	Fatalities per 1,000 starts
2007	Musculoskeletal	2	1	5	2	4	3	4	2	2	3	4	5	37	23,180	1.60
	Non-musculoskeletal	0	0	0	0	0	0	0	0	0	1	0	0	1		0.04
	<b>TOTAL</b>	2	1	5	2	4	3	4	2	2	4	4	5	38		<b>1.64</b>
2008	Musculoskeletal	3	0	4	2	3	2	2	2	3	2	4	8	35	22,278	1.57
	Non-musculoskeletal	0	0	0	0	0	0	0	0	0	0	0	0	0		0.00
	<b>TOTAL</b>	3	0	4	2	3	2	2	2	3	2	4	8	35		<b>1.57</b>
2009	Musculoskeletal	3	5	1	2	4	1	2	4	3	3	2	3	33	20,142	1.64
	Non-musculoskeletal	0	0	0	0	0	0	0	0	0	0	0	0	0		0.00
	<b>TOTAL</b>	3	5	1	2	4	1	2	4	3	3	2	3	33		<b>1.64</b>
2010	Musculoskeletal	2	1	2	0	0	2	4	2	1	3	7	1	25	18,167	1.38
	Non-musculoskeletal	0	0	1	1	0	0	0	0	0	0	0	0	2		0.11
	<b>TOTAL</b>	2	1	3	1	0	2	4	2	1	3	7	1	27		<b>1.49</b>
2011	Musculoskeletal	2	2	1	1	2	5	1	3	2	5	3	1	28	18,258	1.53
	Non-musculoskeletal	0	0	0	0	0	0	0	0	1	0	0	0	1		0.05
	<b>TOTAL</b>	2	2	1	1	2	5	1	3	3	5	3	1	29		<b>1.59</b>
2012	Musculoskeletal	0	0	1	2	9	2	0	2	0	3	5	3	27	17,513	1.54
	Non-musculoskeletal	0	0	0	0	0	0	0	0	0	1	0	0	1		0.06
	<b>TOTAL</b>	0	0	1	2	9	2	0	2	0	4	5	3	28		<b>1.60</b>

Year	Category Non-musculoskeletal: EIPH, Sudden Death, Racing Accident	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Starts (Equibase)	Fatalities per 1,000 starts
2013	Musculoskeletal	2	2	0	0	1	2	2	5	3	1	1	3	22	16,242	1.35
	Non-musculoskeletal	0	0	0	0	0	0	0	0	1	0	0	0	1		0.06
	<b>TOTAL</b>	2	2	0	0	1	2	1	5	4	1	1	3	23		<b>1.42</b>
2014	Musculoskeletal	2	2	0	0	3	0	1	1	1	3	3	0	16	14,460	1.11
	Non-musculoskeletal	0	0	0	0	0	0	0	0	0	0	0	0	0		0.00
	<b>TOTAL</b>	2	2	0	0	3	0	1	1	1	3	3	0	16		<b>1.11</b>
2015	Musculoskeletal	3	1	1	0	3	2	1	1	3	3	2	1	21	15,514	1.35
	Non-musculoskeletal	0	0	0	0	0	1	0	1	0	0	0	0	2		0.13
	<b>TOTAL</b>	3	1	1	0	3	3	1	2	3	3	3	1	23		<b>1.48</b>
2016	Musculoskeletal	0	2	0	4	4	3	1	0	1	2	5	1	23	16,495	1.39
	Non-musculoskeletal	0	0	0	0	0	2	1	0	0	0	0	0	3		0.18
	<b>TOTAL</b>	0	2	0	4	4	5	2	0	1	2	5	1	26		<b>1.58</b>
2017	Musculoskeletal	1	2	1	2	1	3	0	1	2	3	2	0	18	15,032	1.20
	Non-musculoskeletal	0	0	0	0	0	2	0	0	0	0	0	0	2		0.13
	<b>TOTAL</b>	1	2	1	2	1	5	0	1	2	3	2	0	20		<b>1.33</b>
2018	Musculoskeletal	2	1	0	4	3	1	6	0	7	1	3	4	32	15,049	2.13
	Non-musculoskeletal	0	0	1	0	1	0	0	1	0	0	1	0	4		0.27
	<b>TOTAL</b>	2	1	1	4	4	1	6	1	7	1	4	4	36		<b>2.39</b>
2019	Musculoskeletal	0	1	1	4	1	0	0	1	1	5	2	3	19	15,456	1.23
	Non-musculoskeletal	0	0	0	0	0	2	0	1	0	0	0	0	3		0.19
	<b>TOTAL</b>	0	1	1	4	1	2	0	2	1	5	2	3	22		<b>1.42</b>

Year	Category Non-musculoskeletal: EIPH, Sudden Death, Racing Accident	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Starts (Equibase)	Fatalities per 1,000 starts
2020	Musculoskeletal	1	0	1	0	1	0	0	3	4	1	4	1	16	13,872	1.15
	Non-musculoskeletal	0	0	3	0	0	0	0	0	0	0	0	0	3		0.22
	<b>TOTAL</b>	1	0	4	0	1	0	0	3	4	1	4	1	19		1.37

2021	Musculoskeletal	2	1	0	0	1	2	1						7	7,885	0.89
	Non-musculoskeletal	0	0	0	0	0	0	0						0		0
	<b>TOTAL</b>	2	1	0	0	1	2	1						7		0.89

\*These numbers include Ellis Park starts from 6/27/21 - 7/31/21