

KENTUCKY HORSE RACING COMMISSION

AUGUST 18, 2015

AGENDA

**Location: Phoenix Room
Grandstand Fourth Floor
Keeneland Race Track
Lexington, KY 40511**

Time: 1:30 pm

I. Call to order and roll call

II. New Business

- 1. Approve the minutes of the March 23, 2015, May 6, 2015 and June 29, 2015 meetings.**
- 2. Approve Kentucky Downs' 2015 Meet Officials.**
- 3. Approve Keeneland's Fall 2015 Meet Officials.**
- 4. Approve KTDF Purse Structure – Keeneland Fall Meet.**
- 5. Approve KTDF Purse Structure – Churchill Downs September Meet.**
- 6. Approve Kentucky Downs' request to amend their current floor layout.**
- 7. Approve Keeneland's Amendment to legal site description provided in track application.**
- 8. KRM's request to amend application to offer wagering on historical horse races.**
- 9. Classification of levamisole and amendments to descriptions of drug classifications.**
- 10. Reports**
 - a. Thoroughbred Rulings**
 - b. Standardbred Rulings**
 - c. Veterinary Division**
 - d. Pari-Mutuel Wagering Division**
 - e. Regulations and Litigation**

III. Other Business

- a. Regulation of Cobalt – Pending Rules Committee discussion**

IV. Adjournment



Steve Beshear
Governor

Larry R. Bond
Acting Secretary

Public Protection Cabinet

Robert M. Beck, Jr.
Chairman

KENTUCKY HORSE RACING COMMISSION

John T. Ward, Jr., executive director

4063 Iron Works Pkwy, Bldg. B

Lexington, Kentucky 40511

Telephone: (859) 246-2040 Fax: (859) 246-2039

Web site: [Http://khrc.ky.gov](http://khrc.ky.gov)

To: Kentucky Horse Racing Commission

From: Marc A. Guilfoil, Director of Racing

Date: August 11, 2015

Re: Request for Approval of Roster of Racing Officials for Kentucky Downs' 2015 Meet

By letter dated August 11, 2015, Corey Johnsen, President of Kentucky Downs, requests Kentucky Horse Racing Commission approval of the attached Roster of Racing Officials scheduled to preside over the conduct of racing during the 2015 meet. Please be advised these officials have worked in these capacities in the past and all will be licensed by the meet opening. The Officials have been accredited by Racing Officials Accreditation Program (ROAP).

Approval is recommended.

COMMISSION ACTION

_____ Approved

_____ Deferred

_____ Denied





KENTUCKY DOWNS

P.O. Box 405
Franklin, Kentucky 42135
270.586.7778
www.kentuckydowns.com

August 11, 2015

John Ward, Executive Director
Kentucky Horse Racing Commission
4063 Ironworks Parkway, Building B
Lexington, KY 40511

Dear John,

Kentucky Downs respectfully requests the approval of our racing officials' roster by the Kentucky Horse Racing Commission for our 2015 thoroughbred season:

- Jean Chalk – Steward*
- Michael Pearson – Steward*
- Tyler B. Picklesimer – Racing Secretary*
- Rick Albright – Asst. Racing Secretary / Placing Judge
- W. Randolph Wehrman – Stakes Coordinator / Placing Judge
- Larry Melancon – Placing Judge / Claims Clerk
- Jeff Ewalt – Placing Judge*
- Carl Kloentrup – Horse Identifier*
- Mike June – Clerk Of Scales
- Frank Smothers – Jockey Room Custodian
- Robert Alexander - Starter
- Billy Pettingill – Timer / Clocker and Paddock Judge
- Arthur J. Zeis – Stall Superintendent
- John Wells – Outrider / Blacksmith
- Troy Beech – Outrider
- John McCoy – Outrider
- Susie Perry – Horsemen's Bookkeeper
- Jeff Halterman - Photo Finish Operator - American Teletimer
- John Lies – Announcer
- John Stegmeier – Security Manager
- CJ Johnsen – Mutuels Coordinator
- Jamie Houghton – Program Coordinator

*Accredited Racing Officials Accreditation Program

Preference for entering will be the star system. Horses which have been excluded from races shall be given preference the next time that they are entered, provided that they are entered in a race of a similar distance (under a mile or over a mile) and within a claiming price of \$5,000 either way. This is the same preference system as in 2014.

Thank you for your consideration of this matter.

Sincerely,

Corey Johnsen
President



STEVE BESHEAR
GOVERNOR

AMBROSE WILSON IV
SECRETARY

PUBLIC PROTECTION CABINET

ROBERT M. BECK, JR.
CHAIRMAN

KENTUCKY HORSE RACING COMMISSION

JOHN T. WARD, JR., EXECUTIVE DIRECTOR
4063 IRON WORKS PKWY, BLDG. B
LEXINGTON, KENTUCKY 40511
TELEPHONE: (859) 246-2040 FAX: (859) 246-2039
WEB SITE: HTTP://KHRC.KY.GOV

To: Kentucky Horse Racing Commission

From: Marc A. Guilfoil, Director of Racing

Date: August 12, 2015

Re: Request for Approval of Roster of Racing Officials for the Keeneland 2015 Fall Meet

By memo dated August 12, 2015, Rogers Beasley, Vice President of Racing at Keeneland Race Track, requests Kentucky Horse Racing Commission approval of the attached Roster of Racing Officials scheduled to preside over the conduct of racing during the 2015 Fall 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
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

August 12, 2015

Mr. John T. Ward Jr.
Executive Director
Kentucky Horse Racing Commission
4063 Iron Works Pkwy., Bldg. B
Lexington, KY 40511

Dear John:

With the approval of the Kentucky Horse Racing Commission, the officials for the 2015 Fall Meeting at Keeneland will be as follows:

Stewards	Ronald Herbstreit
Vice President of Racing	W.B. Rogers Beasley
Racing Secretary	David Ben Huffman
Assistant Racing Secretary	Tia Murphy
Stakes Coordinator	Allison DeLuca
Starter	Robert Alexander
Paddock Judges	David Wedlake , John Veitch
Placing Judges	Steve Obrekaitis, James F. Ewalt, Tiffany Bourque, Allison DeLuca, Ron Tomlinson, Tyler Picklesimer, Scott Jones
Entry Clerks	Steve Obrekaitis, James F. Ewalt, Tiffany Bourque, Allison DeLuca, Ron Tomlinson, John Veitch, Tyler Picklesimer, Scott Jones, Sue Brewster
Clerk of Scales	Javier Torres
Horse Identifier	Brooks Beecraft
Assistant Identifier	Melinda Vest
Timer	American Teletimer (Mark Skaggs)
Program Coordinator	Sue Brewster
Jockey Room Custodian	Mike June
Clocker	Tom Bridges
Claims Clerk	Ron Tomlinson
Outriders	Gene Vosler, Dale Mallory, John Wells
Horsemen's Bookkeeper	Darci Tipton
Track Superintendent	Javier Barajas
Director of Mutuels	Jim Goodman
Director of Security	Ed Blaser
Paddock Blacksmiths	Tracey Plowman, Leroy Thomas
Announcer	Kurt Becker
Stall Superintendent	Dewey Harper

Post time for the first race is 1:05 p.m. daily. We will hold eight to eleven live races daily.

Horses which have been excluded from races shall be given preference the next time they are entered, provided they are in a race of similar distance (under a mile or a mile or over) and with a price range of \$500 either way up to \$8,000; above that \$1,000 either way up to \$15,000; above that \$2,500 either way up to \$25,000, and above that \$5,000. Fillies and mares will be kept separated.

The entry schedule for the fall meet will go as follows:

Fall Meet Entry Schedule

<i>Race Day</i>	<i>Entry Day</i>
Wednesday	Saturday
Thursday	Sunday
Friday	Tuesday
Saturday	Wednesday
Sunday	Thursday

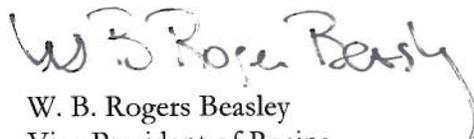
Breeders' Cup Weekend Entry Schedule

<i>Race Day</i>	<i>Entry Day</i>
Thursday 10/29	Saturday 10/24
Friday 10/30	Monday 10/26
Saturday 10/31	Monday 10/26

Star only entries will be accepted in two-year-old maiden races only. Trainers may enter up to three star only entries. However, should the race not overfill no stars will be allotted.

Thank you for your consideration. If you need any additional information, we will be happy to furnish it upon request.

Sincerely,


W. B. Rogers Beasley
Vice President of Racing

STEVE BESHEAR
GOVERNOR



AMBROSE WILSON IV
SECRETARY

PUBLIC PROTECTION CABINET

ROBERT M. BECK, JR.
CHAIRMAN

KENTUCKY HORSE RACING COMMISSION

JOHN T. WARD, JR., EXECUTIVE DIRECTOR
4063 IRON WORKS PKWY, BLDG. B
LEXINGTON, KENTUCKY 40511
TELEPHONE: (859) 246-2040 FAX: (859) 246-2039
WEB SITE: HTTP://KHRC.KY.GOV

TO: ALL COMMISSION MEMBERS
FROM: Jamie H. Eads, Director, Division of Incentives & Development
DATE: July 28, 2015
SUBJECT: KTDF PURSE STRUCTURE – KEENELAND FALL MEET

On July 17, 2015 the KHRC received the attached letter from Keeneland Association with its upcoming 2015 fall meet KTDF purse structure.

KHRC staff confirms that at the end of the 2015 spring meet, Keeneland had a deficit of \$45,681. Keeneland proposed KTDF purses to be approximately \$375,000. Keeneland projections are based on a payout of approximately 78% of the amount carded and daily earnings of \$19,832.

The KTDF Advisory Committee met & reviewed the proposal on July 22, 2015 and approval is recommended.

COMMISSION ACTION

_____ Approved
_____ Deferred
_____ Denied



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

July 17, 2015

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



Committee Members.

Keeneland has reviewed our KTDF data and would like to card approximately \$375,000 in KTDF money for our upcoming October meet. We have determined this number based on the following information:

1. We had a deficit of \$45,681 following the Spring meet.
2. We are projecting approximate daily earnings of \$19,832.
3. We are assuming a payout percentage of approximately 78% of the amount carded;
4. We anticipate that KTDF purses will be approximately 8.6% of the purses for the races that are eligible for KTDF.

Keeneland will pay out KTDF funds through last place. A table containing the payout percentage by field size is attached.

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.

Respectfully submitted,


W.B. Rogers Beasley
Vice President of Racing

STEVE BESHEAR
GOVERNOR



AMBROSE WILSON IV
SECRETARY

PUBLIC PROTECTION CABINET

ROBERT M. BECK, JR.
CHAIRMAN

KENTUCKY HORSE RACING COMMISSION

JOHN T. WARD, JR., EXECUTIVE DIRECTOR
4063 IRON WORKS PKWY, BLDG. B
LEXINGTON, KENTUCKY 40511
TELEPHONE: (859) 246-2040 FAX: (859) 246-2039
WEB SITE: HTTP://KHRC.KY.GOV

TO: ALL COMMISSION MEMBERS

FROM: Jamie H. Eads, Director, Division of Incentives & Development

DATE: July 28, 2015

**SUBJECT: KTDF PURSE STRUCTURE - CHURCHILL DOWNS
SEPTEMBER MEET**

On July 17, 2015 the KHRC received the attached letter from Churchill Downs with its upcoming 2015 September meet KTDF purse structure.

KHRC staff confirms that at the end of the 2015 spring meet, Churchill Downs had a surplus of \$224,309. Churchill Downs proposed KTDF purses in the range of \$250,000 - \$300,000. Churchill Downs projections are based on a payout of approximately 83% of the amount carded and daily earnings of \$16,608.

The KTDF Advisory Committee met & reviewed the proposal on July 22, 2015 and approval is recommended.

COMMISSION ACTION

_____ Approved

_____ Deferred

_____ Denied





CHURCHILL DOWNS

July 16, 2015

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

RECEIVED

JUL 17 2015

KENTUCKY HORSE
RACING COMMISSION

Committee Members:

Churchill Downs has reviewed KTDF data and requests to card KTDF purses in the range of \$250,000 to \$300,000 for the upcoming eleven day September Meet. Churchill Downs based this range on the following information:

1. Churchill Downs had a Spring Meet ending balance of \$224,309.
2. The 2015 September Meet will consist of 11 race days which is 1 less than the same period in 2014. Churchill Downs projects average daily earnings of \$16,608 which is lower than \$17,034 in 2014 due to anticipated handle declines consistent with industry trends.
3. During the 2014 September Meet Churchill Downs offered \$251,900 in KTDF purses and paid \$208,412 yielding an 83% payout ratio. For 2015, Churchill Downs is assuming a flat KTDF payout percentage.
4. To encourage participation, during the September Meet, Churchill Downs will continue 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
Racing Secretary

Drew Cantrell
Senior Director of Finance



STEVE BESHEAR
GOVERNOR

AMBROSE WILSON IV
SECRETARY

PUBLIC PROTECTION CABINET

ROBERT M. BECK, JR.
CHAIRMAN

KENTUCKY HORSE RACING COMMISSION

JOHN T. WARD, JR., EXECUTIVE DIRECTOR
4063 IRON WORKS PKWY, BLDG. B
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TO: ALL COMMISSION MEMBERS

FROM: Greg Lamb, Director of Parimutuel Wagering

DATE: August 11, 2015

SUBJECT: Additional Machine Request from Kentucky Downs

In a letter dated August 6, 2015, Kentucky Downs submitted a request for an additional 275 Encore machines. Both the machine type and the math models have been tested by GLI and approved by the Commission. The staff recommends approval of the request.

COMMISSION ACTION:

_____ Approved

_____ Deferred

_____ Denied





KENTUCKY DOWNS

P.O. Box 405
Franklin, Kentucky 42135
270.586.7778
www.kentuckydowns.com

August 5, 2015

John Ward
Executive Director
KENTUCKY HORSE RACING COMMISSION
4063 Ironworks Parkway, Building B
Lexington, KY 40511

Dear John:

Kentucky Downs requests KHRC approval to amend the current floor layout to accommodate an additional two hundred and seventy five new Encore terminals. The additional terminals will expand the current five hundred terminals, with already approved math models and titles, to seven hundred and seventy five terminals.

If the amendment is accepted, then Kentucky Downs would modify its original application for the additional terminals. The new floor layout and game mix is attached (Exhibit A and B).

Placement on the floor of any of the additional approved games will be determined at a future date based on business needs and following KHRC notification. The remainder of the information contained in the Kentucky Downs initial application, as approved on July 14, 2011 and amended March 23, 2015 is unchanged.

Sincerely,

A handwritten signature in blue ink, appearing to read 'P. Ryder', is written over a light blue horizontal line.

Paul G. Ryder
Assistant General Manager
Kentucky Downs



KENTUCKY DOWNS

**P.O. Box 405
Franklin, Kentucky 42135
270.586.7778
www.kentuckydowns.com**

Exhibit A:

- New Floor Layout



KENTUCKY DOWNS

P.O. Box 405
Franklin, Kentucky 42135
270.586.7778
www.kentuckydowns.com

Exhibit B:

- Game Mix

Game Theme	Model	Denomination	Min Bet	Takeout	QTY	Color Key	Before
Brave Spirit	TRM1006	\$0.01	\$0.20	8%	6		43
Coinquistador					9		
Major Cash					16		
Turtle Fortune					12		
Enchanted Treasures	TRM1011	\$0.01	\$0.25	10%	37		93
Slush Funds					25		
Pampered Pets					31		
Angels Gate	TRM1028	\$0.01	\$0.20	8%	19		87
Devils Gate					19		
Diamond Super 7s					22		
Ninja Magic					16		
Stallion Thunder	TRM1021	\$0.01	\$0.30	8%	23		74
Chicken Scratch					16		
Chimp Change					25		
Habanero Dinero					11		
In Ra We Trust					23		
Chicken Scratch	TRM1021	\$0.05	\$1.50	8%	17		78
Chimp Change					19		
Habanero Dinero					19		
In Ra We Trust					19		
Coins & Clovers	TRM3003	\$0.01	\$0.50	10%	16		74
Eco Trek					16		
Firecracker 7s					12		
Roses & Riches					12		
Three Little Piggy Banks					19		
Coins & Clovers	TRM3003	\$0.02	\$1.00	10%	16		84
Eco Trek					16		
Firecracker 7s					22		
Roses & Riches					19		
Three Little Piggy Banks					12		
New Math Models and Themes Pending Approval							
British Steam	RBG3010	\$0.02	\$0.80	8%	22		87
Green With Envy 7's					25		
Photo Finish					16		
Sakura Dream					25		
Aloha Tiki Bar	RBG1030	\$0.25	\$0.25	8%	14		47
Blue Diamond Mega Pay					16		
Triple Cherry Pop		17					
Blue Diamond Mega Pay		8					
Triple Cherry Pop		8					
Blue Diamond Mega Pay	RBG1030	\$5.00	\$5.00	6%	5		9
Triple Cherry Pop					5		
Lucky Dragon Pearl		RBG1031	\$0.25	\$0.25	8%	16	
Triple Crown Magic	16						
Lucky Dragon Pearl	\$1.00		\$1.00	7%	12		
Triple Crown Magic					12		
American 7 All Stars	RBG1033	\$1.00	\$1.00	8%	16		16
American 7 All Stars					\$5.00	\$5.00	
							775



**STOLL
KEENON
OGDEN**

PLLC
300 WEST VINE STREET
SUITE 2100
LEXINGTON, KY 40507-1801
MAIN: (859) 231-3000
FAX: (859) 253-1093

SHANNON B. ARVIN
DIRECT DIAL: (859) 231-3616
DIRECT FAX: (859) 253-1093
shannon.arvin@skofirm.com

August 11, 2015

Susan Speckert, Esq.
General Counsel
Kentucky Horse Racing Commission
4063 Iron Works Parkway, Bldg. B
Lexington, Kentucky 40511

Dear Susan:

Please find enclosed materials regarding Keeneland Association, Inc.'s ("Keeneland") request to offer pari-mutuel wagering at the Kentucky Horse Park during the 2015 Breeders' Cup, on October 30, 2015, through October 31, 2015. If you need anything else, or if you have any questions or concerns, please do not hesitate to let me know.

Many thanks for your assistance.

Best regards,


Shannon B. Arvin

/ssr
Encs.

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Keeneland Association, Inc.
4201 Versailles Road
P.O. Box 1690
Lexington, KY 40588-1690
859 254-3412 Tel.
800 456-312
859 288-4348 Fax
www.keeneland.com

August 11, 2015

Robert M. Beck, Jr.
Kentucky Horse Racing Commission
4063 Ironworks Parkway, Building B
Lexington, KY 40511

RE: Application for Approval to Offer Pari-Mutuel Wagering at the Kentucky Horse Park on
October 30 and 31, 2015

Dear Chairman and Members of the Commission:

Each year during Breeders' Cup, the world witnesses the best champions in Thoroughbred racing competing over two days. This year, as Keeneland Association, Inc. ("Keeneland") hosts the Breeders' Cup World Championships on October 30 and 31, 2015, the world's focus will also be on Lexington, Kentucky. The same week as the Breeders' Cup, the Kentucky Horse Park will be hosting the CP National Horse Show, the world's most prestigious hunter/jumper event, which is October 27, 2015 through November 1, 2015. Consequently, Keeneland and the Kentucky Horse Park are in a unique position to increase interest in both Thoroughbred racing and hunter/jumper events, and to provide patrons with the ability to enjoy and participate in both events.

As part of its effort to include as much of the community as possible in the Breeders' Cup events, and to increase interest in both Thoroughbred racing and equestrian events more generally, Keeneland respectfully seeks the approval of the Kentucky Horse Racing Commission ("Commission") to include certain designated locations at the Kentucky Horse Park as identified on the attached map¹ as part of Keeneland's licensed premises on October 30 and 31, 2015, and to conduct pari-mutuel wagering at the Kentucky Horse Park. This request, as supported by this letter and attachments, is similar to the approval Keeneland obtained from the Commission in 2012, 2013, 2014 and 2015 for Kentucky Oaks Day and Kentucky Derby Day and in 2014 for the Breeders' Cup World Championships. The location where wagering would occur at the Kentucky Horse Park differs from previous requests, in that the location of the wagering this year will include Salons A and B of the North Exhibit Hall of the Alltech Arena, in addition to the area behind the Alltech Arena (as in prior years). Keeneland would follow the same protocols and observe the same security measures as it does at its currently licensed premises, with Keeneland pari-mutuel clerks and personnel managing and offering the pari-mutuel wagers.

Keeneland is an association duly licensed by the Commission to conduct horse racing and offer pari-mutuel wagering thereon. Pursuant to this license, Keeneland is permitted to conduct pari-mutuel wagering only upon its "licensed premises." KRS 230.361. Keeneland's current "licensed premises" are as described in its License to Conduct Live Horse Racing, Simulcasting, and Pari-Mutuel Racing. Keeneland desires to modify the description of its "licensed premises" to include certain locations at the

¹ Specifically, these locations are as follows: Leased Area "A", which includes the area behind the Alltech Arena and Leased Area "B", which includes Salons A and B of the North Exhibit Hall of the Alltech Arena.

Kentucky Horse Park on October 30 and 31, 2015, and seeks approval of the Commission in order to do so. A copy of the letter requesting amendment of "Section P. LOCATION AND PHYSICAL PLANT" is attached hereto as Exhibit A and incorporated by this reference. As noted in the letter, the Leased Premises includes the following locations on the premises of the Kentucky Horse Park, as more particularly identified on the map attached to the letter: Leased Area "A", which includes the area behind the Alltech Arena, and Leased Area "B", which includes Salons A and B of the North Exhibit Hall of the Alltech Arena.

Kentucky law contemplates that property that is not contiguous to the track premises may be included under the definition of "track." KRS 230.210(21). In 2004, the General Assembly broadened the definition of "track," effective July 13, 2004, as follows:

"Track" means any association duly licensed by the Kentucky Horse Racing Commission to conduct horse racing. "Track" shall include any facility or real property that is owned, leased, or purchased by a track within the same geographic area within a sixty (60) mile radius of a track but not contiguous to track premises, upon racing commission approval, and provided the noncontiguous property is not within a sixty (60) mile radius of another licensed track premise where live racing is conducted and not within a forty (40) mile radius of a simulcast facility, unless any affected track or simulcast facility agrees in writing to permit a noncontiguous facility within the protected geographic area[.]

KRS 230.210(21). As the statutory definition makes clear, the Commission has the authority to approve a location not contiguous to the track as part of the "track" and therefore, part of the licensed premises, provided it meets the following three requirements:

1. Keeneland owns or leases the real property where the track is located;
2. The property that is not contiguous to the track premises is located within sixty (60) miles of Keeneland; and
3. The noncontiguous property is not located within a sixty (60) mile radius of another licensed track premise where live racing is conducted and not within a forty (40) mile radius of a simulcast facility, unless any affected track or simulcast facility agrees in writing to permit a noncontiguous facility within the protected geographic area.

Keeneland has met these requirements:

1. Keeneland has agreed to lease certain locations at the Kentucky Horse Park premises for the following dates: October 28, 2015, through November 3, 2015;
2. Keeneland is located less than fifteen (15) miles from the Kentucky Horse Park; and
3. The Red Mile has provided written approval for the Kentucky Horse Park to be included as part of Keeneland's "licensed premises" on October 30 and 31, 2015.²

Moreover, the request made herein would be consistent with the General Assembly's restriction on pari-mutuel wagering to licensed premises of licensed persons or associations:

² The Red Mile is the only licensed track conducting live racing within a sixty (60) mile radius of Keeneland. As there are no known simulcast facilities located within a forty (40) mile radius of Keeneland, there are no affected simulcast facility approval required in this case.

(1) The racing commission shall promulgate administrative regulations governing and regulating mutual wagering on horse races under what is known as the pari-mutuel system of wagering. The wagering shall be conducted only by a person licensed under this chapter to conduct a race meeting and only upon licensed premises. The pari-mutuel system of wagering shall be operated only by a totalizator or other mechanical equipment approved by the authority. The authority shall not require any particular make of equipment.

KRS 230.361(1). Once the definition of Keeneland's "licensed premises" is approved, Keeneland, an association licensed to conduct pari-mutuel wagering on Thoroughbred horse races, would be offering pari-mutuel wagering upon licensed premises on October 30 and 31, 2015, which includes the leased areas at the Kentucky Horse Park for those days as identified on the attached map.

Pursuant to KRS 230.361, the Commission has promulgated administrative regulations that regulate the pari-mutuel system of wagering in Kentucky. These regulations include 810 KAR 1:011 - Pari-mutuel wagering – which establishes the requirements for the operation of pari-mutuel wagering under Kentucky law. Of particular concern with respect to the subject request, Section 9 contains multiple requirements with respect to the sale of pari-mutuel tickets and security, stated below in relevant part:

Section 9. Sale of Pari-Mutuel Tickets on Live Horse Races.

...
(2) Pari-mutuel tickets on live horse races shall not be sold except by a licensed association or a simulcast facility authorized by KRS 230.380.

(3) Pari-mutuel tickets on a live horse race shall only be sold at regular ticket windows, self-service totalizator machines, by mobile pari-mutuel tellers with hand-held totalizator devices, or by any other method approved in writing by the commission prior to being offered to the public. At least one (1) regular ticket window shall be made accessible to handicapped patrons.

...
(5) A pari-mutuel wager shall not be made on a race after the totalizator has been locked for that race.

(6) Any claim by a patron that he or she has been issued a pari-mutuel ticket other than that which was requested shall be made before the patron has left the ticket window or before the mobile teller has initiated a transaction with another patron. A claim for an incorrect ticket shall not be honored after the totalizator has been locked.
...

Section 12 of 810 KAR 1:011 contains the further security concern regarding a minor wagering:

Section 12. Minors Prohibited from Wagering. A minor shall not be permitted by any licensed association or simulcast facility to purchase or cash a pari-mutuel ticket.

810 KAR 1:011.

Keeneland will comply with the above-referenced requirements, and will implement appropriate security measures with respect to the wagering at the Kentucky Horse Park during Breeders' Cup, as it does at its other licensed premises.

Lexington serving as host of the Breeders' Cup World Championships and the CP National Horse Show at the same time presents a unique opportunity to showcase Kentucky as the horse capital of the world, and a world-class destination for Thoroughbred racing and equestrian events. Keeneland respectfully requests that the Commission consider its request at its scheduled August 18, 2015 meeting.

Very truly yours,



Vince Gabbert
Vice President and Chief Operating Officer

Enclosures

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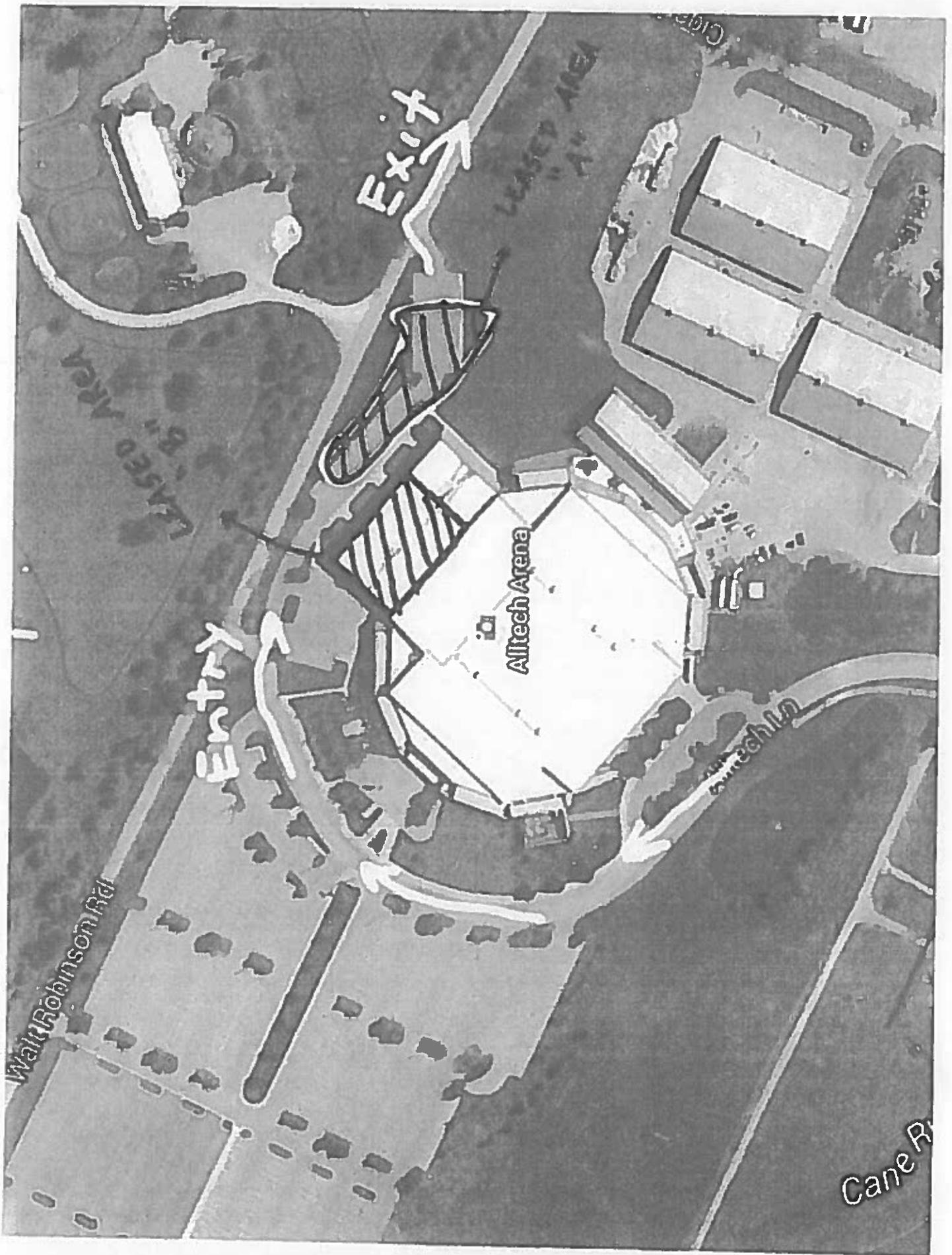


EXHIBIT A



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

August 11, 2015

Mr. John T. Ward
Executive Director
Kentucky Horse Racing Commission
4063 Iron Works Parkway
Building B
Lexington, Kentucky 40511

Dear John:

Keeneland Association, Inc. respectfully seeks to amend the legal site description as submitted in Section P, Question 2 of our 2015 Renewal Application for License to Conduct Live Horse Racing, Simulcasting and Pari-Mutuel Wagering. The amended description includes the premises known as the Kentucky Horse Park, as more particularly described herein, for the dates October 30, 2015, through October 31, 2015. A map of the premises is attached hereto, as well as a legal site description of the premises.

We appreciate your consideration and are happy to provide any further information you should need.

Sincerely,

A handwritten signature in black ink, appearing to read "V. Gabbert".

Vince Gabbert
Vice President and Chief Operating Officer

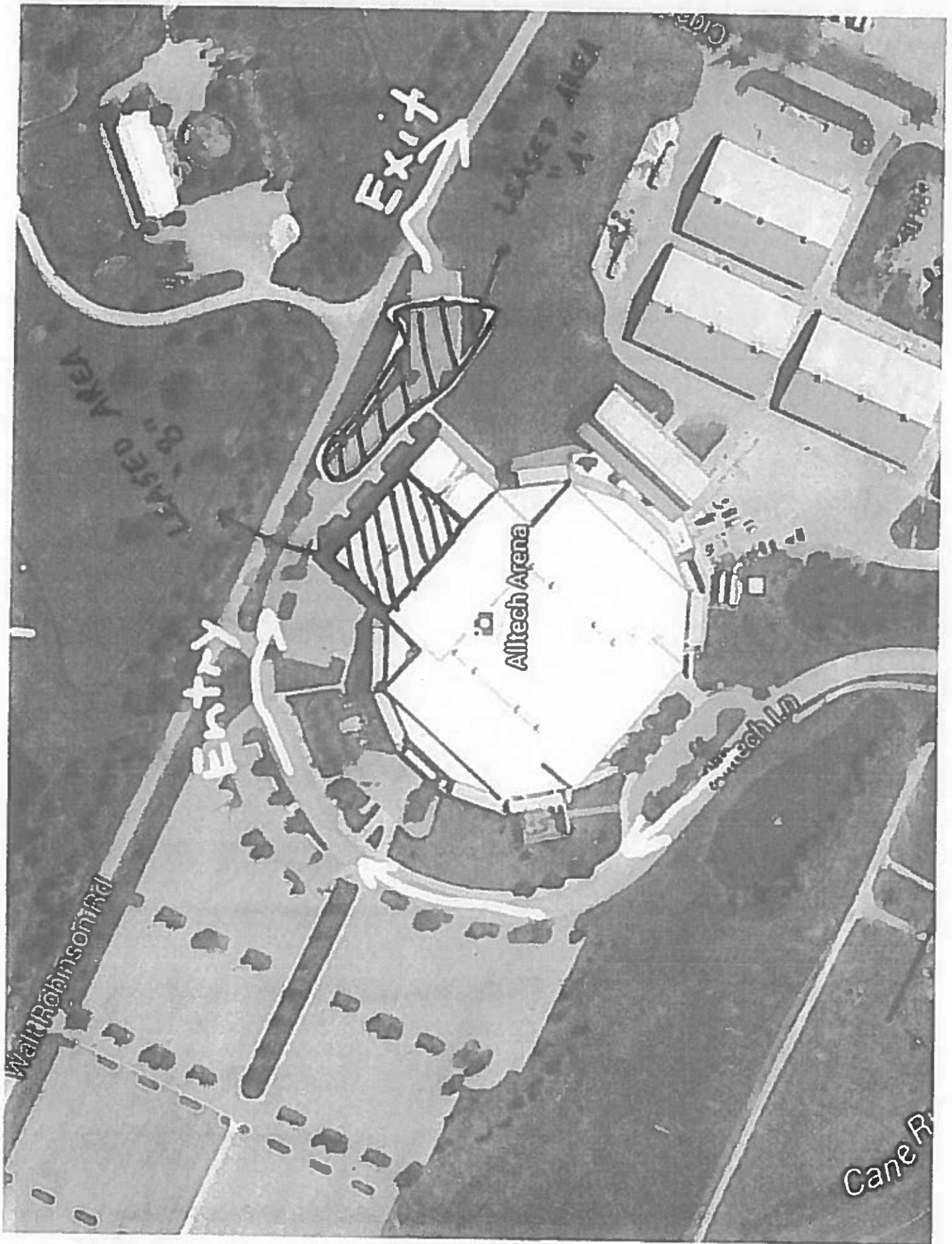
010210 003849/4396425 2

Written Description of Leased Premises:

That certain parking lot located behind the Alltech Arena and adjacent to Walt Robertson Road on the premises of the Kentucky Horse Park, as further identified on the attached map (Leased Area "A"); and

That certain premises known as Salons A and B of the North Exhibit Hall of the Alltech Arena on the premises of the Kentucky Horse Park, as further identified on the attached map (Leased Area "B").

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August 11, 2015

VIA ELECTRONIC MAIL

John Ward, Executive Director
Kentucky Horse Racing Commission
4063 Iron Works Parkway, Building B
Lexington, Kentucky 40511

RE: Amendment to the Request to Offer Exotic Wagering on Historical Horse Races
(the "Amendment") filed on behalf of KRM Wagering, LLC ("KRM")

Dear John:

Please find enclosed an Amendment filed on behalf of KRM. KRM is requesting approval of the following:

- (i) a new mix of wagers and an updated plan for the designated area;
- (ii) the addition of two new game themes;
- (iii) the addition of four existing game themes which now have 32" screens;
- (iv) a revised takeout rate for three existing game themes; and

(v) authorization to work with KHRC staff to add game themes previously approved for other racing associations in Kentucky as well as game themes approved for KRM after opening and once an analysis of wagering activity can be conducted. KRM is also requesting authorization for the KHRC staff to approve a change in the number of terminals up to the previously authorized 1,000 as well as a change in location of terminals. The total number of terminals on the date KRM Wagering, LLC opens will be 902, if approved by the Commission. The total number of terminals shall not exceed 1,000 as previously approved by the Commission.

Certain information submitted herein is confidential and exempt from disclosure under the Open Records Act pursuant to KRS 61.878 (1)(c)(1) and KRS 61.878 (1)(c)(2)(d).



John Ward, Executive Director
August 11, 2015
Page 2

On behalf of KRM Wagering, LLC, we are hereby respectfully requesting the Amendment be approved by the Commission at the August Commission meeting. We would be pleased to make a presentation at the next meeting, if you so desire.

Best regards,

WYATT, TARRANT & COMBS, LLP

Lisa Underwood

LEU/dlb/jsr

Enclosures

cc: Susan Speckert
Joe Costa
Shannon Cobb
Vince Gabbert
Shannon Arvin
Annie Allman

61382279.1

**AMENDMENT TO REQUEST TO OFFER EXOTIC WAGERS ON HISTORICAL HORSE
RACES SUBMITTED FOR APPROVAL TO THE KENTUCKY HORSE RACING COMMISSION
ON
AUGUST 11, 2015 FILED ON BEHALF OF
KRM WAGERING, LLC**

This is an Amendment to the request to offer exotic wagers on historical horse racing filed by KRM Wagering, LLC ("KRM"), as approved by the Kentucky Horse Racing Commission (the "Commission") at meetings held on April 2, 2014, December 2, 2014 and June 29, 2015 ("Original Application, as Amended").

Tab 1 Pari-Mutuel Wager Types, Number and Denominations

The information formerly behind Tab 1 is amended to insert a revised list of Pari-Mutuel Wager Types, Number and Denominations for which KRM is seeking approval to be offered upon opening. See "1. Pari-Mutuel Wager Types, Number and Denominations" attached hereto ("Revised PMW Types, Number and Denomination"). This list represents (i) a revised game theme spread, (ii) the addition of four existing game themes which now have 32" screens, as described below, and (iii) the addition of one (1) additional terminal which brings the total number of terminals to 902. KRM is hereby requesting approval for offering Yukon Willie's Gold Rush (\$0.25 and \$1.00), Very Cherry (\$0.25 and \$1.00) on 32" screens. It is KRM's understanding GLI has delivered a report regarding testing for the 32" screens to the KHRC. The game specs have previously been provided to the Commission.

At the December 2014 Commission meeting, the Commission approved 1,000 terminals for KRM. KRM respectfully requests that the approval for 1,000 terminals remain intact because (i) it is also requesting the approval of new game themes in this filing (See Tab 2) and (ii) after KRM is operational, management will review consumer demand and may desire to either adjust the game theme mix or increase the number of terminals.

KRM is also requesting that it have permission to submit any new game theme mix and/or change of the layout of the Designated Area to Commission staff for approval and that Commission staff have the authority to approve such changes with the understanding that only requests will be submitted involving wagers which have previously been approved by the Commission, including those approved during the August 2015 meeting.

Tab 2 New Game Themes, Previously Approved Game Themes and revised takeout rate for three existing game themes

Amend the information behind Tab 2 to Add New Game Themes- Frozen 7's and Patriotic Payday. Frozen 7's (\$0.25 and \$1.00) and Patriotic Payday (\$0.25, \$1.00 and \$5.00) are based on Model Rule 004-155A (6) a copy of which is attached as Appendix B in the Original Application, as Amended. Frozen 7's and Patriotic Payday have been tested by GLI and are proposed to be placed on the floor of KRM in the fall of 2005 subject to the approval of the KHRC. The specifications for Frozen 7's and Patriotic Payday are behind Tab 2. Frozen 7's (\$0.25 and \$1.00) is also offered on a 32" screen and approval is also requested for that theme.

KRM is hereby requesting the Commission (i) approve the new game themes for Frozen 7's and Patriotic Payday and (ii) grant the staff the authority to give KRM approval to update the information behind Tab 1 to determine the date of adding Frozen 7's and Patriotic Payday and the exact number and location of terminals to include these game themes.

Authorize the Commission staff to approve KRM adding previously Approved Game Themes This Fall- The following exotic wagers on historic horse racing were not in the Original Application filed by KRM but have previously been approved by the Commission pursuant to requests made by Ellis Park on the dates shown in the parenthesis next to the wager:

\$0.25	Dragon Spawn	(7-6-2014)
\$1.00	Dragon Spawn	(7-6-2014)
\$2.00	Big Berner	(7-6-2014)

KRM is hereby requesting the Commission authorize KRM to offer the above wagers and further authorize the Commission staff to work with KRM on the date those wagers will be offered, the number of terminals upon which the wagers will be offered and the placement of such terminals.

Revised takeout rate for Double Horseshoes, Triple Instant Double and Super Fired up Sevens. KRM is hereby respectfully requesting a revised takeout rate on the game themes set forth below. KRM has coordinated with Ellis Park Race Course, Inc. ("Ellis Park") and Ellis Park is agreeable to utilizing the same takeout rates on any historical horse racing wagers which are offered by both entities, subject to the Commission's approval. The proposed new takeout rates are as follows:

Double Horseshoe

\$0.25 wager	10%
\$1.00 wager	10%
\$5.00 wager	8% added

Triple Instant Double

\$0.25 wager	10%
\$1.00 wager	10% added
\$5.00 wager	8 % added

Super Fired Up Sevens

\$0.25 wager	10%/ 7 % one coin/second & third coin
\$1.00 wager	10%/ 8 % one coin/second & third coin

KRM will not be pooling with Ellis Park on the \$0.25 Super Fired Up Sevens wager as Ellis Park does not currently offer this denomination of Super Fired Up Sevens wager to its patrons. KRM is requesting the takeout be changed to 10% on the \$0.25 Super Fired Up Sevens as provided in the information behind Tab 2.

Information on game themes and the adjusted new takeout rates is provided behind Tab 2.

Tab 3- Hours of Operation and Soft Opening.

KRM respectfully requests it be allowed to work with KHRC staff to modify its hours of operation so it may begin operations with shorter hours of operation and then lengthen hours of operation over time to those proposed in the Initial Application, as Amended.

KRM proposes to have two "soft openings" for invited guests as has been approved previously for a racing association offering historic horse racing in Kentucky. Construction is in full swing at KRM but the exact dates of the proposed "soft openings" are not scheduled. KRM is currently anticipating the "soft openings" will be held for invited guests during a three to four hour period in the late afternoon to early evening in early September. KRM would like to be able to work with staff to schedule the dates and times of the "soft openings" and the actual live opening. The terminals will be live during the "soft openings". Prior to the "soft openings", testing will be conducted on the terminals by GLI.

Tab 4—The information formerly behind Tab 4 is amended as follows:

4. Designated Area

Confidential Treatment of this information is hereby requested pursuant to KRS 61.878 (1)(c)(1) and KRS 61.878 (1)(c)(2)(d).

See Attachment C for a new floor plan of the proposed Designated Area. If the additional games are introduced a floor plan showing the additional terminals to bring the total to no more than 1,000 will be submitted to KHRC staff for approval. The camera layout has not changed from prior filings.

Please note that the Designated Area also includes six (6) Ticket Redemption Units (TRU's). These TRUs will be tested by Gaming Laboratories International, LLC ("GLI") during the field testing prior to the anticipated September opening and a report will be submitted to Commission staff. Patrons will be able to place vouchers from historical horse racing terminals into the TRUs to cash out their tickets. KRM is offering TRUs as a convenience to its patrons. TRUs are used at racetracks such as Woodbine Race Track - Toronto, Ontario; Lone Star Race Track - Grand Prairie, Texas; Tampa Bay Downs - Florida Tampa; and Maryland Jockey Club - Baltimore. The TRUs will be provided by NRT. The NRT Equipment Models are Model 1521 - Quickjack-2 ticket redemption units Model PC280.

KRM respectfully requests the Commission approve the use of the TRUs pending a satisfactory report and testing by GLI .

Tab 7.

Confidential Treatment of this information is hereby requested pursuant to KRS 61.878 (1)(c)(1) and KRS 61.878 (1)(c)(2)(d).

7. Terminal Maintenance and Repair Procedures

7a. Terminal Maintenance:

Procedure:

Delete the third paragraph under procedures which currently reads "Repair of failure or maintenance work during business hours." KRM is proposing the deletion because for safety and integrity reasons it may be beneficial in some situations to conduct maintenance and repairs not during normal business hours.

Attachments to the Original Application, as Amended:

Tab 1 Information

1. Pari-Mutuel Wager Types, Number and Denominations

Tab 2 Additional Game themes and revised takeout rate information for three existing game themes

1. Frozen 7's Specifications
2. Patriotic Payday Specifications
3. Double Horseshoe
4. Triple Instant Double
5. Super Fired Up Sevens

Tab 4 Information

Attachment C- New Floor Plan -Confidential

61380898.1

**KENTUCKY HORSE RACING COMMISSION
UNIFORM DRUG, MEDICATION, AND
SUBSTANCE CLASSIFICATION SCHEDULE
KHRC 40-01 (~~August~~ ~~May~~ ~~December~~ 20135)**



Class "A" Drugs include drugs ~~are those~~ that have the highest potential to influence performance. Many Class "A" Drugs have not been approved for use in the horse or any other species by the United States Food and Drug Administration. Many of the drugs have no generally accepted medical use in the equine athlete. ~~no legitimate therapeutic indication in the equine athlete and have not been approved for use in the horse by the United States Food and Drug Administration. Their potential to influence performance is high based on their presence in Classes 1, 2 or 3 in the Association of Racing Commissioners International Uniform Classification of Foreign Substances. Many of the Class "A" Drugs are not approved for use in any species by the United States Food and Drug Administration.~~

Acecarbromal	Bethanidine	Chloroprocaine	Dilorazepam	Fluopromazine
Acetophenazine	Biperiden	Chlorproethazine	Dimeflin	Fluoresone
Adinazolam	Biriperone	Chlorpromazine	Diprenorphine	Fluoxetine
Alcuronium	Bitolterol	Chlorprothixene	Dixyrazine	Flupenthixol
Alfentanil	Bromazepam	Cimeterol	Dopamine	Fluphenazine
Alphaprodine	Bromfenac	Citalopram	Doxapram	Flupirtine
Alpidem	Bromisovalum	Clozapam	Doxefazepam	Flurazepam
Alprazolam	Bromocriptine	Clocapramine	Doxepin	Fluspirilene
Alprenolol	Bromperidol	Clomethiazole	Droperidol	Flutoprazepam
Althesin	Brotizolam	Clomipramine	Enciprazine	Fluvoxamine
Amisulpride	Bupivacaine	Clonazepam	Endorphins	Gallamine
Amitriptyline	Buprenorphine	Clorazepate	Enkephalins	Gepirone
Amobarbital	Buspirone	Clothiapine	Epinephrine	Glutethimide
Amoxapine	Buspropion	Clotiazepam	Erthryl tetranitrate	Guanadrel
Amperozide	Butabarbital	Clozapolam	Erythropoietin	Guanethidine
Amphetamine	Butalbital	Clozapine	Estazolam	Halazepam
Amyl nitrite	Butanilicaine	Cobratoxin	Ethamivan	Haloperidol
Anileridine	Butaperazine	Cocaine	Ethchlorvynol	Haloxazolam
Anilopam	Butoctamide	Codeine	Ethinamate	Hemoglobinglutamers
Apomorphine	Camazepam	Conorphone	Ethopropazine	Hemopure
Aprobarbital	Cannabinoids, Synthetic	Conotoxin	Ethylisobutrazine	Hexafluorenium
Arcoline	Captodiame	Corticaine	Ethylmorphine	Hexobarbital
Azacylonol	Carazolol	Crotetamide	Ethylnorepinephrine	Homophenazine
Azaperone	Carbidopa	Cyamemazine	Etidocaine	Hydrocodone
Barbital	Carbromol	Cyclandelate	Etifoxin	Hydromorphone
Barbiturates	Carfentanil	Cyclobarbital	Etizolam	Hydroxyamphetamine
Bemegride	Carphenazine	Darbepoietin	Etodroxizine	Ibomal
Benperidol	Carpipramine	Decamethonium	Etomidate	Imipramine
Benzazepam	Chloral betaine	Demoxepam	Etorphine HCl	Inositol Trispyrophosphate
Benzactazine	Chloral hydrate	Dermorphin	Fenarbamate	Irbesarten
Benzocetamide	Chloraldehyde	Desipramine	Fenfluramine	Isapirone
Benzodiazepines	Chloralose	Dextromoramide	Fentanyl	Isocarboxazid
Benzphetamine	Chlordiazepoxide	Dezocine	Fluanisone	Isomethadone
Benztropine	Chlorhexidol	Diamorphine	Fludiazepam	Isoproterenol
Benzylpiperazine	Chlormezanone	Dichloralphenazone	Flunitrazepam	Ketazolam

	Chloroform	Diethylpropion		Ketorolac
		Diethylthiambutene		
		Dihydrocodeine		
Lenperone	Methylphenidate	Pentobarbital	Pyrithyldione	Tiapride
Levamisole/Tetramisole	Methypyrrolon	Pentylenetetrazol	Quazipam	Tiletamine
Levomethorphan	Metocurine	Perazine	Quetiapine	Timiperone
Levorphanol	Metomidate	Periciazine	Racemethorphan	Tofisopam
Lithium	Metopon	Perlazine	Racemorphan	Topiramate
Lobeline	Mexazolam	Perphenazine	Raclopride	Torsemide
Lofentanil	Midazolam	Phenaglycodol	Remifentanil	Tramadol
Loflazepate, Ethyl	Mirtazepine	Phenazocine	Remoxipride	Tranylcypromine
Loxazolam	Modafinil	Phencyclidine	Reserpine	Trazodone
Lorazepam	Molindone	Phendimetrazine	Rilmazafone	Triazolam
Lormetazepam	Moperone	Phenelzine	Risperidone	Tribromethanol
Loxapine	Morphine	Phenmetrazine	Ritanserlin	Tricaine
Mabuterol	Mosaprimine	Phenobarbital	Roivacaine	Trichloroethanol
Maprotiline	Muscarine	Phentemine	Secobarbital	Trichloroethylene
Mazindol	Nalbuphine	Physostigmine	Selegiline	Triclofos
Mebutamate	Nalorphine	Picrotoxin	Sertraline	Trifluomepazine
Meclofenoxate	Nefazodone	Pimindone	Snake Venoms	Trifluoperazine
Medazepam	Nefopam	Pimozide	Spiclomazine	Trifluoperidol
Melperone	Nikethamide	Pinazepam	Spiperone	Trifluoromazine
Meparfynol	Nimetazepam	Pipamperone	Succinylcholine	Trihexyphenidyl
Mepazine	Nitrazepam	Pipequaline	Sufentanil	Trimethaphan
Meperidine	Nordiazepam	Piperacetazine	Sulfondiethylmethane	Trimipramine
Mephenoqualone	Norepinephrine	Piperocaine	Sulfonmethane	Tubocurarine
Mephentermine	Nortriptyline	Pipotiazine	Sulforidazine	Tybamate
Mephentoin	Nylidrine	Pipradrol	Sulpiride	Urethane
Mephobarbital	Olanzapine	Piquindone	Sultopride	Valnoctamide
Meproamate	Oxazepam	Piritramide	Talbutal	Venlafaxine
Mesoridazine	Oxazolam	Prazepam	Tandospirone	Verapride
Metaclazepam	Oxprenolol	Prilocaine	Temazepam	Vercuronium
Metaraminol	Oxycodone	Procaterol	Tetrabenazine	Viloxazine
Metazocine	Oxymorphone	Prochlorperazine	Tetracaine	Vinbarbital
Methacholine	Oxypertine	Propandid	Tetrazepam	Vinylbital
Methadone	Pancuronium	Propiomazine	Thebaine	Yohimbine
Methamphetamine	Papaverine	Propionylpromazine	Thialbarbital	Zolazepam
Methaqualone	Paraldehyde	Propiram	Thiamylal	Zolpidem
Metharbital	Paramethadione	Propofol	Thiethylperazine	Zopiclone
Methixene	Paralyne	Propoxycaine	Thiopental	Zotepine
Methohexital	Paroxetine	Prothipendyl	Thiopropazate	Zuclopenthixol
Methotrimeprazine	Pemoline	Protokylol	Thiopropazine	
Methoxamine	Penfluridol	Protriptyline	Thioridazine	
Methoxyphenamine	Pentaerythritol	Proxibarbital	Thiothixene	
Methylidopa				
Methylene Dioxypyrovalene (MDPV)				
Methylhexanamine				

~~Class "B" Drugs are these include drugs that have a high potential to influence performance ,but less of a potential than Class "A" drugs. -Some Class "B" Drugs have not been approved for use in the horse by the United States Food and Drug Administration and have no generally accepted medical use in the equine athlete. may have a legitimate therapeutic indication in the equine athlete, but also have a high potential to influence performance based on their presence in Classes 2 or 3 in the Association of Racing Commissioners International Uniform Classification of Foreign Substances. Also in Class "B," are drugs which may have a lower potential to influence performance based on their residence in Class 4 in the Association of Racing Commissioners International Uniform Classification of Foreign Substances, but that have not been approved for use in the horse by the United States Food and Drug Administration and recognized therapeutic alternatives to these drugs are widely available. Potential contaminant substances are included in this category to provide flexibility pending the outcome of an investigation into the origin of the positive test.~~

2-Aminoheptane	Brompheniramine	Dihydroergotamine	Gabapentin	Mercaptomerin
Acebutolol	Bumetanide	Diltiazem	Glycopyrrolate	Mercumallin
Acepromazine	Butorphanol	Dimethisoquin	Guanabenz	Mersalyl
Acetanilid	Butoxycaine	Diphenhydramine	Heptaminol	Metaproterenol
Acetophenetidin	Caffeine	Diphenoxylate	Hexocyclium	Metaxalone
Albuterol	Candesartan	Dipyridamole	Homatropine	Methantheline
Alclofenac	Captopril	Disopyramide	Hydralazine	Methapyrilene
Aldosterone	Carbachol	Dobutamine	Hydrochlorthiazide	Methdilazine
Ambenonium	Carbamezapine	Doxylamine	Hydroflumethiazide	Methotrexate
Ambroxol	Carbinoxamine	Dyphylline	Hydroxyzine	Methscopolamine
Aminophylline	Carisoprodol	Edrophonium	Indomethacin	Methsuximide
Aminopyrine	Carteolol	Ephedrin	Infliximab	Methylatropine
Amiodarone	Carvedilol	Ergotamine	Ipratropium	Methylchlorthiazide
Amisometradine	Celecoxib	Esmolol	Isoetharine	Methysergide
Amlodipine	Chlormerodrin	Etamiphylline	Isometheptene	Metiamide
Amrinone	Chlorothiazide	Etanercept	Isopropamide	Metolazone
Anisotropine	Chlorpheniramine	Ethacrynic acid	Isosorbide dinitrate	Metoprolol
Antipyrine	Chlorthalidone	Ethoheptazine	Isoxicam	Mexilitine
Apazone	Chlorzoxazone	Ethosuximide	Isradipine	Mibefradil
Aprindine	Clenbuterol	Ethotoin	Ketamine	Midodrine
Atenolol	Clidinium	Felodipine	Labetalol	Milrinone
Atropine	Clofenamide	Fenbufen	Lidocaine	Minoxidil
Baclofen	Clonidine	Fenclozic acid	Loperamide	Moexipril
Benazepril	Colchicine	Fenoldopam	Loratidine	Nabumetone
Bendroflumethiazide	Cyclizine	Fenoprofen	Losartan	Nadol
Benoxaprofen	Cyclobenzaprine	Fenoterol	Mecamylamine	Nandrolone
Benzocaine	Cyclothiazide	Fenspiride	Meclizine	Naphazoline
Benzthiazide	Cycrimine	Flecainide	Medetomidine	Naratriptan
Bepidil	Detomidine	Floctafenine	Mefenamic acid	Neostigmine
Betaxolol	Dextromethorphan	Flufenamic acid	Meloxicam	Nicardipine
Bisoprolol	Dextropropoxyphene	Flumethiazide	Mepenzolate	Nifedipine
Boldenone	Diazepam	Flunarizine	Mephenesin	Niflumic acid
Bretylum	Diazoxide	Flurbiprofen	Mepivacaine	Nimesulide
Brimonidine	Diffunisal	Formoterol	Meralluride	Nimodipine
Bromhexine			Merbaphen	Nitroglycerin
Bromodiphenhydramine				Orphenadrine

Oxaprozin
Oxcarbazepine
Oxymetazoline
Oxyphenyclimine
Oxyphenonium
Penbutolol
Pentazocine
Phenacemide
Phenoxybenzamine
Phensuximide
Phentolamine
Phenylephrine
Phenylpropanolamine
Phenytoin
Pindolol
Pirbuterol

Piretanide
Piroxicam
Polythiazide
Prazosin
Primidone
Procainamide
Procaine
Procyclidine
Promazine
Promethazine
Propafenone
Proprantherline
Propentophylline
Propantelolol
Propylhexedrine
Pseudoephedrine

Pyridostigmine
Pyrilamine
Quinidine
Ractopamine
Ritodrine
Rivastigmine
Rizatriptan
Rofecoxib
Romifidine
Salmeterol
Scopolamine
Sibutramine
Sotalol
Spironolactone
Stanozolol
Strychnine
Sulindac

Sumatriptan
Telmisartan
Tenoxicam
Terbutaline
Terfenadine
Testolactone
Testosterone
Tetrahydrozoline
Theobromine
Theophylline
Thiophenamil
Tiafenenic acid
Timolol
Tocainide
Tolazoline
Tolmetin
Trandolapril

Triamterene
Tridihexethyl
Trimeprazine
Trimethadione
Tripeleminamine
Triprolidine
Valsartan
Vedaprofen
Verapamil
Xylazine
Xylometazoline
Zolmitriptan
Zomepirac
Zonisamide

Class "C" Drugs include drugs that have a lesser potential to influence performance than Class "A" or "B" Drugs. ~~are those that have a therapeutic indication in the horse and have a low potential to influence performance based on their presence in Classes 4 and 5 of the Association of Racing Commissioners International Uniform Classification of Foreign Substances.~~

Aclomethasone	Cyclomethylcaine	Flucinolone	Methandriol	Proparacaine
Acenocoumarol	Cyproheptadine	Fludrocortisone	Methandrostenolone	Salicylamide
Acetaminophen	Danazol	Flumethasone	Methazolamide	Salicylate
Acetazolamide	Dantrolene	Flunisolide	Methocarbamol	Sulfasalazine
Acetylsalicylic acid	Dembroxol	Flunixin	Methyletergonovine	Thiosalicylate
Amincinonide	Deoxycorticosterone	Fluocinolone	Methylprednisolone	Tranexamic acid
Aminocaproic acid	Desonite	Fluocinonide	Methyltestosterone	Trenbolone
Beclomethasone	Desoximetasone	Fluoroprednisolone	Metoclopramide	Triamcinolone
Benoxinate	Dexamethasone	Fluoxymesterone	Mometasone	Trichlormethiazide
Betamethasone	Dibucaine	Fluprednisolone	Montelukast	Zafirlukast
Bethanechol	Dichlorphenamide	Flurandrenolide	Naepaine	Zeranol
Budesonide	Diclofenac	Fluticasone	Naproxen	Zileuton
Butacaine	Diflorasone	Urosemide	Norethandrone	
Butamben	Diflucortolone	Guaifenesin	Nortestosterone	
Calusterone	Digitoxin	Halcinonide	Oxandrolone	
Camphor	Digoxin	Halobetasol	Oxymetholone	
Chlorophenesin	Dipyrrone	Hexylcaine	Oxyphenbutazone	
Chloroquine	Dromostanolone	Hydrocortisone	Paramethasone	
Cinchocaine	Dyclonine	Ibuprofen	Pentoxyfylline	
Clibucaine	Eltenac	Isoflupredone	Phenylbutazone	
Clobetasol	Ergonovine	Isoxsuprine	Pramoxine	
Clocortolone	Ethoxzolamide	Ketoprofen	Prednisolone	
Clormecaine	Ethylaminobenzoate	Letosteine	Prednisone	
Cortisone	Ethylestrenol	Meclofenamic acid	Probenecid	
	Etodolac	Medrysone		
	Fexofenadine			
	Firocoxib			

Class "D" Drugs include these therapeutic medications that have lesser potential to affect/influence performance than Class "A," "B," or "C" Drugs. ~~Unless threshold guidance is provided in 810 KAR Chapter 1, a Class D drug should not be carried in the body of a horse during the running of a race. — for which concentration limits have been established by the racing jurisdictions as well as certain miscellaneous agents such as dimethylsulfoxide (DMSO) and other medications as determined by the regulatory bodies.~~

Anisindione
Cilostazol
Cimetidine
Cromolyn

Dicumarol
Dimethylsulfoxide
Dimethylsulphone
Diphenadione

Famotidine
Lansoprazole
Misoprostol
Nedocromil

Nizatidine
Omeprazole
Phenindione
Phenprocoumon

Pirenzapine
Polyethylene glycol
Ranitidine
Warfarin

RECEIVED

JUN 16 2015

KENTUCKY HORSE
RACING COMMISSION

COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION I
CIVIL ACTION No. 14-CI-418

ENTERED

JUN 15 2015

FRANKLIN CIRCUIT COURT
SALLY JUMP, CLERK

DANIEL WERRE

PETITIONER

v.

KENTUCKY HORSE RACING
COMMISSION

RESPONDENT

OPINION AND ORDER

This matter is before the Court upon Petitioner, Daniel Werre's, Petition for Review of the Final Order of Respondent, the Kentucky Horse Racing Commission ("the KHRC"), which pursuant to 810 KAR 1:028 imposed a one year suspension of his training license, a \$5,000 fine, disqualification of the horse and purse forfeiture. The Court heard the Parties' oral arguments on April 8, 2015. Upon review of the parties' briefs and papers, and after being sufficiently advised, this Court hereby **REVERSES** the Commission's Final Order with respect to the one-year suspension of Mr. Werre's training license for violating 810 KAR 1:018 §2. The violation was based on post-race sampling of VOODOO DOCTOR, a horse trained and raced by Petitioner, which revealed Levamisole, a Class A prohibited substance.

I. STATEMENT OF FACTS

Petitioner, Daniel Werre, obtained his trainer's license in 2011. Mr. Werre was the trainer of the horse VOODOO DOCTOR in December of 2012. VOODOO DOCTOR finished first in the ninth race at Turfway Park on Friday, December 7, 2012. Post-race sampling of VOODOO DOCTOR's blood and urine revealed traces of Levamisole, a Class A prohibited substance. (A.R., p.438).

Mr. Werre claims Levamisole was never intentionally administered to VOODOO DOCTOR. Another horse stabled at Mr. Werre's barn in 2012, BETWEEN THE LINES, was receiving Levamisole to treat Equine Protozoal Myelitis (EPM). BETWEEN THE LINES was located in the stall directly adjacent to VOODOO DOCTOR's stall in Mr. Werre's barn. Mr. Werre believes that some of the feed containing Levamisole, intended for BETWEEN THE LINES, accidentally contaminated VOODOO DOCTOR's feed.

Prior to September 4, 2012, Levamisole was classified as a Class B substance. On or around September 4, 2014, the KHRC issued a memorandum about its reclassification of Levamisole from a Class B to a Class A substance.

On December 18, 2012, the KHRC issued a report identifying the positive for Levamisole in the urine of VOODOO DOCTOR and describing Levamisole as a Class B substance. On December 21, 2012, the KHRC issued a Second Report of Finding, identical to the first Report, with the exception that Levamisole was described as a Class A substance. A letter dated January 7, 2013, from the KHRC Chief Veterinarian to the split sample laboratory at Louisiana State University (LSU) identified Levamisole occurring at the rate of 5.3 nanograms per milliliter in the urine sample taken from VOODOO DOCTOR. (A.R. 587). LSU identified Levamisole at the rate of 2.6715 ng/ml in the split sample. (A.R. 593).

The Stewards issued a ruling dated February 9, 2013, which found Mr. Werre liable for a Class A violation. The Stewards suspended Mr. Werre's license for one year and fined him \$5,000. The Stewards also ordered disqualification of VOODOO DOCTOR and forfeiture of the purse. (A.R. at 649). Mr. Werre never had any kind of drug positive prior to the incident with VOODOO DOCTOR.

Petitioner, Mr. Werre, appealed the Steward's ruling and an administrative hearing was held on Oct. 1, 2013. The Hearing Officer found that Mr. Werre had violated 810 KAR 1:018 §2 and was responsible under the trainer responsibility rule found in §15 of that administrative regulation.¹ On January 18, 2014, the Hearing Officer issued his Recommended Findings of Fact, Conclusions of Law and Recommended Order, in which he recommended that the KHRC enter a Final Order affirming the Steward's Ruling. The KHRC and Mr. Werre both filed exceptions to the Recommended Order.

On April 3, 2014, the KHRC entered a Final Order, adopting in full the Recommended Order, as well as the KHRC's exceptions, and affirmed the Stewards' Ruling. (A.R. at 791-793). Petitioner, Mr. Werre, filed his appeal on April 9, 2014, pursuant to KRS 13B.140, seeking reversal of the KHRC's Final Order and penalty. Specifically, Petitioner argues: (1) that the Stewards failed to consider mitigating circumstances, (2) that the classification of Levamisole as a Class A substance is per se arbitrary and capricious; (3) that the Schedule is unconstitutional as applied to Petitioner and it is facially unintelligible; (4) that the Schedule is unconstitutionally overbroad; (5) that the classification of Levamisole as a Class A substance violates Petitioner's right to due process of the law; and (6) that the KHRC failed to demonstrate the propriety of the penalty imposed.

On April 21, 2014, this Court entered an Order staying the Final Order of the KHRC, entered on April 3, 2014, suspending Mr. Werre's license and imposing a \$5,000 fine. Thereafter, the parties have briefed the legal issues and the Court has conducted oral arguments. The case is now ripe for decision.

¹ Under 810 KAR 1:018 §15(2): "A trainer shall be responsible for the presence of a prohibited drug, medication, substance, or metabolic derivative, including permitted medication in excess of the maximum concentration, in horses in his/her care." Additionally, under 810 KAR 1:018 §15(3), "a trainer shall prevent the administration of a drug, medication, substance, or metabolic derivative that may constitute a violation of this administration."

II. STANDARD OF REVIEW

KRS 230.330 grants “[a]ny licensee or any applicant aggrieved by any final order of the commission” a right to appeal to this Court in accordance with KRS Chapter 13B. KRS 13B.150(2) provides, in relevant part, that “[t]he court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact.” That statute also “provides that the court may affirm or reverse, in whole or in part, the final order of an administrative agency and may remand the case for further proceedings if it finds that the agency’s order was in violation of constitutional or statutory provisions, was in excess of the agency’s statutory authority, was not supported by substantial evidence, was arbitrary, capricious, or characterized by abuse of discretion, [...] or was deficient as otherwise provided by law.” *Allen v. Kentucky Horse Racing Authority*, 136 S.W.3d 54, 58 (Ky. App. 2004) (citing KRS 13B.150(2)).

In determining whether an administrative agency decision was arbitrary, a court must determine: (1) whether the agency’s action was within the scope of its granted powers; (2) whether the agency provided procedural due process; and (3) whether the decision was supported by substantial evidence. *See Commonwealth Revenue Cabinet v. Liberty National Bank of Lexington*, 858 S.W.2d 199, 201 (Ky. App. 1993) (citing *American Beauty Homes Corp. v. Louisville & Jefferson County Planning and Zoning Comm’n*, 379 S.W.2d 450 (Ky. 1964)). “If the decision of the administrative agency fails to meet any of these standards, it must be considered to be arbitrary.” *Allen*, S.W.3d at 59 (citing *Liberty National*, 858 S.W.2d at 201).

“If the findings of fact of an administrative agency are supported by substantial evidence of probative value, then they are binding on the reviewing court.” *Allen* at 59. *See also Kentucky Unemployment Insurance Commission v. Landmark Community Newspapers of Kentucky, Inc.*, 91 S.W.3d 575, 578 (Ky. 2002). “The agency’s findings must be upheld if based on substantial

evidence 'even though there exists evidence to the contrary in the record.' Substantial evidence is defined as 'evidence of substance and relevant consequence having the fitness to induce conviction in the minds of reasonable [persons].'" *Allen* at 59 (quoting *Owens-Corning Fiberglass Corp. v. Golightly*, 976 S.W.2d 409, 414 (Ky. 1998)). An administrative agency decision that is not supported by substantial evidence is arbitrary or clearly erroneous. *Landmark Cmty. Newspapers*, 91 S.W.3d at 579 (internal citations omitted). If substantial evidence supports the agency's decision, then it cannot be said to be arbitrary. *Id.* The Commission, "as trier of facts is afforded great latitude in its evaluation of the evidence heard and the credibility of witnesses appearing before the Commission." *Kentucky State Racing Commission v. Fuller*, 481 S.W.2d 298, 308 (Ky. 1972).

III. ANALYSIS

It is a well-accepted proposition in Kentucky that horse racing can be regulated by the State under the police power of the government or prohibited altogether. *State Racing Commission v. Latonia Agricultural Association*, 123 S.W. 681, 685 (Ky. 1909). In *Kentucky State Racing Commission v. Fuller*, *supra*, Kentucky's highest court addressed the question of whether the Commission had the authority to disqualify the winner of the Kentucky Derby and redistribute the purse money after the horse tested positive for a prohibited substance. The *Fuller* court noted that the Commission was "charged with the duty of maintaining integrity and honesty in racing," and that it "was directed to promulgate rules and regulations 'for effectively preventing the use of improper devices, the administration of drugs or stimulants or other improper acts for the purpose of affecting the speed or health of horses in races in which they are to participate.'" *Fuller* at 300 (quoting KRS 230.240). Additionally, the *Fuller* court found that

the Commission “was vested with all power necessary and proper to carry out fully and effectively those duties imposed upon it by the statutes.” *Id.* (citing KRS 230.260).

The *Fuller* court then addressed the reason that Kentucky’s legislature had vested such broad powers in the Commission:

The Kentucky State Racing Commission is more than an administrative agency having the quasi-judicial function of finding the facts and applying the law to the facts. [...] The Commission is vested with extensive authority over all persons on racing premises for the purpose of maintaining honesty and integrity and orderly conduct of Thoroughbred racing. On the basis of the [governing statutes], the Commission is charged with the duty of protecting [a] substantial public interest²
....

Fuller at 301. The legislature has given the Commission “the power ‘to regulate and maintain horse racing ... free of any corrupt ... or unprincipled horse racing practices, and to regulate and maintain horse racing ... so as to dissipate any cloud of association with the undesirable and maintain the appearance as well as the fact of complete honesty and integrity of horse racing in the Commonwealth.’” *Allen*, 136 S.W.3d at 56 (quoting KRS 230.215(2)).

In the present case the KHRC argues that the violation and penalty imposed on Mr. Werre should be affirmed because the Petitioner’s conduct clearly violated the regulations at issue, the penalty was consistent with the law, and the regulations –as well as their application to Mr. Werre- are constitutional. Mr. Werre has advanced several arguments in support of his request that the KHRC’s Final Order be reversed. This Court will discuss the arguments relevant to its ruling below.

² As the Fourth Circuit Court of Appeals has noted with respect to horse racing, “[t]he state has at least two substantial interests to be served. It has a humanitarian interest in protecting the health of the horse, and it has a broader and more weighty interest in protecting the purity of the sport, both from the standpoint of protecting its own substantial revenues derived from taxes on legalized pari-mutuel betting and protecting patrons of the sport from being defrauded If a horse is fleeter or slower than his normal speed because of having been drugged, the integrity of the race is irretrievably lost.” *Hubel v. West Virginia Racing Commission*, 513 F.2d 240, 243-44 (4th Cir. 1975).

A. Mitigating circumstances

Petitioner alleges that the Stewards and the KHRC failed to consider mitigating circumstances. The statute, 810 KAR 1:028 §1(3), provides that the Stewards and the KHRC shall consider any mitigating or aggravating circumstances properly presented when assessing penalties pursuant to this administrative regulation. Chief Steward, Barbara Borden, testified that the Stewards considered: (1) the fact that Mr. Werre had not had any previous drug rulings; (2) that Levamisole had a legitimate therapeutic use, and (3) the possibility of accidental administration. The Stewards concluded, without meaningful explanation, that they did not consider these to be mitigating circumstances sufficient to warrant a departure from the minimum penalty.

Petitioner argues that numerous mitigating circumstances exist in this case, including: (1) the drug was in Mr. Werre's barn pursuant to a prescription; (2) Mr. Werre cooperated in the search and explained the use of the drug to the KHRC investigators; (3) Levamisole was found in the horse's system in a very small quantity; (4) the stimulant metabolite aminorex was not found in the horse; (5) there is no evidence the drug was purposefully administered to the horse; (6) the drug has therapeutic uses and is FDA approved; (7) the drug does not meet the criteria for a Class A substance under the KHRC's own regulation; and (8) the KHRC issued a memorandum expressly sanctioning the therapeutic use of the substance.

The penalty imposed against Petitioner for his violation of 810 KAR 1:018 was the minimum penalty permitted by the regulation, absent mitigating circumstances. In *Deaton v. Ky. Horse Racing Auth.*, 172 S.W. 3d 803 (Ky. App. 2004), the Court of Appeals held that "the assessment of a penalty is particularly delegated to [an] administrative agency... the assessment is not a factual finding but the exercise of a discretionary grant of power." (*Id.* at 808). *See also*

Pankewicz v. Penn State Horse Racing Comm., 562 A.2d 917, 920 (Pa. CW 1989), “length of suspension is a discretionary matter.” The KHRC argues that in this case, the agency, finding there were no mitigating circumstances, assessed the minimum penalty under the regulations and that this was not an abuse of discretion. This Court disagrees and finds that there were numerous mitigating circumstances that the KHRC failed to consider when imposing a penalty requiring a one year suspension of Mr. Werre’s training license.³

This Court agrees with Petitioner that the fact that Levamisole has a commonly recognized therapeutic use and is FDA approved should have been considered a mitigating circumstance because it is indicative of the misclassification of Levamisole. If Levamisole had not been improperly reclassified as a Class A substance, Mr. Werre would have faced a much less severe penalty. The improper classification of Levamisole as a Class A substance led the KHRC to impose a penalty on Mr. Werre that was not proportionate to the seriousness of the violation, and this should have been regarded as a mitigating circumstance. The minimum penalty for a Class B violation is “a minimum fifteen (15) day suspension, absent mitigating circumstances.” 810 KAR 1:028, §4(1). The fine for a first offense Class B violation is \$500.00 to \$1,000. (*Id.*). The range of penalties that may be considered by the Stewards decreases sharply from Class A to Class B violations. Applying its own definition of a Class A substance (which excludes drugs that have therapeutic uses in horses), the KHRC improperly reclassified Levamisole as a Class A substance. As a result, after the KHRC determined a violation had occurred, a much more severe penalty was assessed against Mr. Werre than would have occurred if Levamisole had not been reclassified. Instead of a fifteen (15) day suspension and a \$500.00 fine, he was given a one (1) year suspension and ordered to pay a \$5,000 fine. The improper

³ See R. Heleringer, *Equine Regulatory Law*, (2012), (“Case law has steadily evolved from the mid-twentieth century to the present time from a standard of near/absolute authority (to eject/revoke) with no serious questions asked (by the courts) to one of more regard for due process and constitutional rights of licensed participants.”)

classification of Levamisole as a Class A substance subjected Mr. Werre to a penalty that was disproportionate to the actual seriousness of the violation. This Court considers the improper classification of Levamisole to be a mitigating circumstance given the significant difference in the penalties that may be imposed for Class A and Class B violations.

Additionally, the fact that Mr. Werre never had any previous drug violations, along with the fact that the evidence indicates Levamisole was accidentally administered to Voodoo Doctor, should have been treated as mitigating circumstances. Counsel for Petitioner persuasively argues that Levamisole was found in Voodoo Doctor's system in a very low quantity, which is indicative of accidental ingestion, not administration for the alleged purpose of enhancing performance. For the KHRC to conclude that accidental ingestion of Levamisole should not be considered a mitigating circumstance is unduly harsh and appears to be based –in part- on its suspect reclassification of Levamisole from a Class B to a Class A substance.

While the Court recognizes that under 810 KAR 1:018 §15(2), the trainer is responsible for preventing the administration of a medication that may constitute a violation, it finds there is evidence that Mr. Werre attempted to prevent VOODOO DOCTOR from receiving Levamisole. Mr. Werre instructed his groom on how to provide the medication to BETWEEN THE LINES by mixing it with the feed, and emphasized that it was very important that only BETWEEN THE LINES receive Levamisole.

This Court agrees with Petitioner that the KHRC has not shown any change in the veterinary literature that would support the reclassification of Levamisole from a Class B to a Class A substance, with the accompanying change in the penalty range. At the administrative hearing, the KHRC only offered testimony regarding the alleged stimulatory effect of Levamisole in humans. Such evidence is insufficient to support a finding that Levamisole has a

stimulatory effect in horses, or to prove that it has an effect on the central nervous system of a horse. This Court finds that the KHRC's failure to consider the mitigating circumstances described above when penalizing Mr. Werre was an abuse of discretion.

B. The classification of levamisole as a Class A substance

Petitioner has challenged the classification of Levamisole as a Class A substance, arguing that it is arbitrary and capricious per se. The KHRC responds that the classification of Levamisole as a Class A prohibited substance is a proper exercise of the KHRC's statutory authority, and is not arbitrary and capricious.

KRS 230.215(2) grants the KHRC with "plenary power to promulgate administrative regulations prescribing conditions under which all legitimate horse racing and wagering thereon in conducted in the Commonwealth..." (KRS 230.215(2)). The KHRC is also required to promulgate administrative regulations for restricting and prohibiting the use and administration of drugs or stimulants. (KRS 230.240(2)). Pursuant to that authority, the KHRC enacted 810 KAR 1:040 and the Uniform Drug, Medication and Substance Classification Schedule (Schedule).

The Schedule is incorporated by reference into 810 KAR 1:018(6), which states that the Commission shall utilize the KHRC Schedule as provided in 810 KAR 1:040, for classification of drugs, medications, and substances violating this administrative regulation." 810 KAR 1:040 provides that the KHRC Schedule, KHRC 40-01, shall establish the respective classifications of all substances contained therein. Petitioner persuasively argues that 810 KAR 1:018(6) and 810 KAR 1:040 require the KHRC to apply and follow the entirety of the Schedule, including the *definition* of Class A drugs contained within the Schedule and previously adopted by the KHRC, each time it classifies or reclassifies a drug.

The Schedule defines Class A substances as “drugs that have no legitimate therapeutic indication in the equine athlete and have not been approved for use by the U.S. Food and Drug Administration (FDA).” (810 KAR 1:040). Levamisole has a therapeutic use and is FDA approved. This Court is not convinced by the KHRC’s argument that the portion of the schedule defining a Class A substance is merely “prefatory” or “descriptive” language. It finds Petitioner’s argument more compelling: that all parts of the Uniform Drug Schedule –including the definition of the criteria for a Class A drug classification- must be given meaning and effect. A regulation, like a statute, “must be construed as a whole,” and courts must construe a statute or regulation in a manner that permits “all its parts to have meaning, and for it to harmonize with related statutes.”⁴

Reading the regulation as a whole, this Court is in agreement with Petitioner that listing Levamisole as a Class A substance conflicts with the general definition of a Class A substance as set forth in the regulation. Given this internal inconsistency, this Court is in agreement with Petitioner, that the classification of Levamisole as a Class A substance is arbitrary and capricious.

C. Petitioner’s Claim that the KHRC failed to demonstrate the propriety of the penalty imposed

In all administrative hearings, the agency bears the burden to show the propriety of a penalty imposed. KRS 13B.090(7). In the administrative action below, the Commission bore the burden of showing the propriety of the one year suspension of Mr. Werre’s trainer’s license for a violation of 810 KAR 1:018 §2. The trier of facts, as in *Fuller*, “saw each witness and was in a superior position to evaluate the situation as well as the conduct and demeanor of each witness as

⁴ *Commonwealth v. Wright*, 415 S.W. 3d 606 (Ky. 2013), citing *Hall v. Hospitality Resources, Inc.*, 276 S.W. 3d 775, 784 (Ky. 2008).

he testified; to consider the credibility of the witness; and to determine the weight as between conflicting statements of witnesses or even a single witness.” *Fuller* at 308. “The assessment of a penalty is particularly delegated to the administrative agency. Its choice of sanction is not to be overturned unless ‘it is unwarranted in law’ or ‘without justification in fact.’ The assessment is not a factual finding but the exercise of a discretionary grant of power.” *Deaton* at 808 (quoting *Vanhoose v. Commonwealth*, 995 S.W.2d 389, 393 (Ky. App. 1999)).

Petitioner argues that the KHRC has not shown the propriety of the penalty in this case, given the dearth of evidence regarding the alleged stimulatory effect of Levamisole on the central nervous systems of horses, and given that the KHRC initially classified Levamisole as a Class B substance. Petitioner cites to *Stewart v. Kentucky Horse Race Commission*, 2012 WL 1003534 (Ky. App. 2013), a non-binding, unreported case, in support of his argument that the KHRC did not introduce sufficient evidence that Levamisole can have a stimulatory effect, therefore, it failed to meet its burden of showing the propriety of the penalty imposed. This Court disagrees with the KHRC’s claim that Petitioner’s reliance on this case is misplaced. In *Stewart*, the Circuit Court reversed the one-year suspension of Dr. Stewart’s veterinary license based on his possession of carbidopa/levodopa tablets because the KHRC “did not sustain its burden of showing the propriety of the penalty imposed.” *Stewart* at 6. The Court of Appeals affirmed and held that there was insufficient evidence on the effect of these drugs on the health and welfare of *horses*... and the KHRC’s finding that the drugs may endanger the horse or the rider is too speculative based on the lack of evidence. *Id.*

The KHRC is correct that the regulation at issue in *Stewart* is different from the one at issue in this case. In *Stewart*, the regulation required a finding that the substance may endanger the horse or the rider, whereas in this case the regulation requires a finding that while running in

the race, the horse carried a substance that could affect its central nervous system. Despite the difference in the regulations at issue, Petitioner's citation to *Stewart* remains persuasive because in *Stewart* the holding was based on the fact that the KHRC failed to present evidence regarding the effect of the drugs in horses and only provided testimony about the effect of the drugs on humans, which the Court deemed overly speculative. Like *Stewart*, in this case, the KHRC failed to present any evidence about the stimulatory effects of Levamisole in horses. In *Stewart*, Dr. Scollay, the expert witness for the KHRC, testified that she was unaware of any literature describing the effect of the drugs on horses. In the present case, Dr. Scollay appeared again as the expert witness for the KHRC and testified that her opinion that Levamisole has a stimulatory effect in horses was based on literature she read about humans using Levamisole to cut cocaine. (Tr., p.127). This Court agrees with Petitioner that Dr. Scollay's testimony in *Stewart* was similar to the testimony she provided in this case (i.e. the attempt to extrapolate the potential effects of a drug on the horse solely from literature concerning its effect in humans). In *Stewart*, as here, the KHRC cannot meet its burden and prove the propriety of the penalty based on evidence about the effects of drugs in humans.

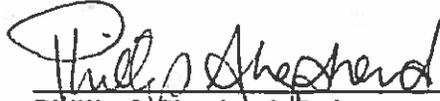
Based on the evidence, this Court finds that the KHRC has not met its burden of showing the propriety of the one year suspension of Mr. Werre's trainer's license for a violation of 810 KAR 1:018 §2.

IV. CONCLUSION

ACCORDINGLY, the Final Order of the Commission entered April 3, 2015, suspending Mr. Werre's trainer's license is **REVERSED** with regard to the one year suspension for violating 810 KAR 1:018 §2.

This order is final and appealable and there is no just cause for delay.

SO ORDERED, this 15th day of June, 2015.

A handwritten signature in black ink, appearing to read "Phillip J. Shepherd". The signature is written in a cursive style with a large initial "P".

**Phillip J. Shepherd, Judge
Franklin Circuit Court
Division I**

DISTRIBUTION:

Michael D. Meuser
Michelle L. Hurley
MILLER, GRIFFIN & MARKS, P.S.C.
271 West Short Street, Suite 600
Lexington, KY 40507

Katherine Paisley
Susan Speckert
Kentucky Horse Racing Commission
4063 Ironworks Parkway, Bldg. B
Lexington, KY 40511

Records Custodian
Horse Racing Authority
4063 Ironworks Pike, Bldg. B
Lexington, KY 40511

Mike Wilson
Hearing Officer
PO Box 4275
Lexington, KY 40544-4275

Jack Conway, Attorney General
Commonwealth of Kentucky
118 State Capitol
700 Capital Avenue
Frankfort, KY 40601

2015 THOROUGHBRED RULINGS

RULING NUMBER	RULING DATE	INFRACTION DATE	ISSUED TO	DETERMINATION	DRUG	FINE OR	Suspension (days)			
					PENALTY CLASS	WRITTEN WARNING	STATUS			
15-0001	1/9/2015	1/4/2015	James P. McNeerney	Failure to conduct business in a proper manner.		\$ 200	Paid			
15-0002	1/10/2015	12/14/2014	Tom Bergin	Failure to report the correct gender of the horse WHOOPIE PIE		\$ 500	Paid			
15-0003	1/10/2015	11/26/2014	Bernard S. Flint	Acepromazine metabolite HEPS 14 ng/ml (LGC Sample #0067377)	B	\$ 500	Paid			Suspended 15 days (January 13, 2015 - January 27, 2015, inclusive). Disqualified and all purse money forfeited.
15-0004	1/11/2015	1/4/2015	Albin Jimenez	Careless riding						Suspended 3 racing days (January 23-January 25, 2015, inclusive)
15-0005	1/16/2015	12/19/2014	Joseph L. Riggs	Phenylbutazone 3.3 ug/ml (LGC Sample #0057193)	C	Warning				
15-0006	1/18/2015	11/26/2014	INFINITY OF HUMOR	Acepromazine metabolite HEPS (LGC Sample #0067377)	B					Horse disqualified and all purse money forfeited. All purse monies must be returned to the association
15-0007	1/18/2015	1/17/2015	Susan L. Anderson	Failure to conduct business in a proper manner.		\$ 100	Paid			
15-0008	1/18/2015	12/27/2014	C. Louis Bates	Flunixin 39 ng/ml (LGC Sample #0059359)	C	\$ 500	Paid			
15-0009	1/29/2015	1/2/2015	Brian Knippenberg	Triamcinolone acetonide (LGC Sample #0058253)	C	\$ 250	Paid			
15-0010	1/29/2015	12/31/2014	Larry E. Smith	Dexamethasone (LGC Sample #0059428)	C	\$ 250	Paid			
15-0011	1/29/2015	12/5/2014	Livia B. Frazar	Failure to report the administration of procaine penicillin		\$ 1,000	Paid			

2015 THOROUGHBRED RULINGS

RULING NUMBER	RULING DATE	INFRACTION DATE	ISSUED TO	DETERMINATION	DRUG	FINE OR	Suspension (days)			
					PENALTY CLASS	WRITTEN WARNING	STATUS			
15-0012	1/29/2015	12/5/2014	Brad H. Cox	Failure to report the administration of procaine penicillin		\$ 1,000	Paid			
15-0013	1/29/2015	12/31/2014	Robert Joe Woodard	Flunixin 35 ng/ml (LGC Sample #0059425) 2nd offense in 365 days	C	\$ 750	Paid	Suspended 7 days (February 7, 2015 to February 14, 2015, inclusive)		
15-0014	1/29/2015	12/6/2014	Genaro Garcia	Multiple NSAIDS (Phenylbutazone 2.4 ug/ml and Flunixin 3.9 ng/ml) (LGC Sample #0056176)		\$ 750	Paid	Suspended 7 days (February 2, 2015 to February 8, 2015, inclusive)		
15-0015	2/5/2015	12/18/2014	Susan L. Anderson	Dexamethasone 17 pg/ml (LGC Sample #0057144)	C	\$ 250	Paid			
15-0016	2/6/2015	2/6/2015	Teleforo Cabrera-Molina	Restored to good standing						
15-0017	2/8/2015	2/7/2015	Edgar Paucar	Failure to fulfill your riding engagements		\$ 100	Paid			
15-0018	2/12/2015	1/23/2015	Donald R. Parker	Methocarbamol 1.3ng/ml (LGC Sample #0058487)	C	\$ 250	Paid			
15-0019	2/14/2015	2/1/2015	James D. Hager	Phenylbutazone 2.8 ug/ml (LGC Sample #0059160)	C	Warning				
15-0020	2/19/2015	1/24/2015	Merrill C. Roberts	Methylprednisolone 249 pg/ml (LGC Sample #0059028)	C	\$ 250	Paid			
15-0021	2/19/2015	12/11/2014	Daniel Coa	Failure to pay fine Ruling #14-0093				Suspended, reinstatement contingent on payment of fine to KHRC.		
15-0022	2/19/2015	2/14/2014	Joseph Berrios	Failure to pay fine Ruling #14-0094				Suspended, reinstatement contingent on payment of fine to KHRC.		

2015 THOROUGHBRED RULINGS

RULING NUMBER	RULING DATE	INFRACTION DATE	ISSUED TO	DETERMINATION	DRUG	FINE OR	Suspension (days)			
					PENALTY CLASS	WRITTEN WARNING	STATUS			
15-0023	2/22/2015	12/5/2014	Eric R. Reed	Xylazine 53.8 pg/nl (LGC Sample #0056138)	B	\$ 500	Paid	Suspended 15 days (March 4, 2015 - March 18, 2015, inclusive). Disqualified and all purse money forfeited.		
15-0024	2/27/2015	2/8/2015	Olivo I. Inirio	Flunixin 26 ng/ml (LGC #0060773)	C	\$ 250	Paid			
15-0025	3/1/2015	1/18/2015	Eric R. Reed	Dexamethasone 16.8 pg/ml (LGC Sample #0058461)	C	\$ 500	Paid	Suspended 15 days (March 19, 2015 - April 2, 2015, inclusive). Disqualified and all purse money forfeited.		
15-0026	3/5/2015	12/5/2014	RECCE	Xylazine	B			Horse disqualified and all purse money forfeited. All purse monies must be returned to the association		
15-0027	3/8/2015	1/4/2015	Laurie L. Halmi	Methocarbamol 1.8 ng/ml & Dexamethasone 64 pg/ml (LGC Sample # 0058275)	C	\$ 500	Paid	Suspended 10 days (March 23, 2015 - April 1, 2015, inclusive). Horse disqualified and all purse money forfeited.		
15-0028	3/8/2015	1/24/2015	Laurie L. Halmi	Methocarbamol (LGC Sample #0059024)	C	\$ 500	Paid	Suspended 20 days (April 2, 2015-April 21, 2015, inclusive). Horse disqualified and all purse money forfeited.		
15-0029	3/8/2015	2/2/2015	Carlos A. Lopez	Total Carbon Dioxide (TOC2) 41.9 mmol/L (LGC Sample #0059479)		\$ 1,000	Not Paid	Suspended 30 days (March 14, 2015-April 12, 2015, inclusive) Horse disqualified and all purse money forfeited.		

2015 THOROUGHBRED RULINGS

RULING NUMBER	RULING DATE	INFRACTION DATE	ISSUED TO	DETERMINATION	DRUG	FINE OR	STATUS	Suspension (days)	
					PENALTY CLASS	WRITTEN WARNING			
15-0030	3/8/2015	1/18/2015	BLUEGRASS BULL	Dexamethasone (LGC Sample #0058461)	C			Horse disqualified and all purse money forfeited. All purse monies must be returned to the association.	
15-0031	3/8/2015	2/6/2015	Carlos A. Lopez	Total Carbon Dioxide (TCO ₂) 42 mmol/L (LGC Sample #0059213) (second offense in 365 days)		\$ 1,500	Not Paid	Suspended 120 days (April 13, 2015-August 10, 2015, inclusive). Horse disqualified and all purse money forfeited.	
15-0032	3/8/2015	2/6/2015	Carlos A. Lopez	Total Carbon Dioxide (TCO ₂) 42 mmol/L (LGC Sample #0059213)				Horse disqualified and all purse money forfeited. All purse monies must be returned to the association.	
15-0033	3/13/2015	2/15/2015	Carlos A. Lopez	Methocarbamol 1.7 ng/ml (LGC Sample #0060854) (second offense in 365 days)	C	\$ 1,500	Not Paid	Suspended 30 days (August 11, 2015-September 9, 2015, inclusive). Horse disqualified and all purse money forfeited.	
15-0034	3/13/2015	2/15/2015	Carlos A. Lopez	Methocarbamol 1.7 ng/ml (LGC Sample #0060854)				Horse disqualified and all purse money forfeited. All purse monies must be returned to the association.	
15-0035	3/13/2015	1/4/2015	FLYAWAY BABY	Methocarbamol & Dexamethasone (LGC Sample #0058275)	C			Horse disqualified and all purse money forfeited. All purse monies must be returned to the association.	

2015 THOROUGHBRED RULINGS

RULING NUMBER	RULING DATE	INFRACTION DATE	ISSUED TO	DETERMINATION	DRUG	FINE OR	Suspension (days)			
					PENALTY CLASS	WRITTEN WARNING	STATUS			
15-0036	3/13/2015	1/24/2015	ZATE	Methocarbamol (LGC Sample #0059024)	C				Horse disqualified and all purse money forfeited. All purse monies must be returned to the association.	
15-0037	3/13/2015	1/2/2015	GLADHANDER	Total Carbon Dioxide (TCO2) 41.9 mmol/L (LGC Sample #0059479)					Horse disqualified and all purse money forfeited. All purse monies must be returned to the association.	
15-0038	3/13/2015	2/6/2015	FOUR AND FIVE RED	Total Carbon Dioxide (TCO2) 42 mmol/L (LGC Sample #0059213)					Horse disqualified and all purse money forfeited. All purse monies must be returned to the association.	
15-0039	3/13/2015	2/15/2015	FOUR AND FIVE RED	Methocarbamol 1.7 ng/ml (LGC Sample #0060854)	C				Horse disqualified and all purse money forfeited. All purse monies must be returned to the association.	
15-0040	3/22/2015	3/20/2015	Jack F. Gilligan	Careless riding					Suspended 3 racing days (March 27-March 29, 2015, inclusive)	
15-0041	3/29/2015	3/6/2015	Tammy L. Bankson	Flunixin 28 ng/ml (LGC Sample #0061593)	C	Warning				
15-0042	3/29/2015	3/8/2015	Joe L. Laugherty	Flunixin 26 ng/ml (LGC Sample #0061659)	C	\$ 250	Paid			
15-0043	4/3/2015	3/8/2015	Brian K. Cook	Phenylbutazone 4.7 ug/ml (LGC Sample #0061665)	C	\$ 250	Not Paid			

2015 THOROUGHBRED RULINGS

RULING NUMBER	RULING DATE	INFRACTION DATE	ISSUED TO	DETERMINATION	DRUG	FINE OR	Suspension (days)			
					PENALTY CLASS	WRITTEN WARNING	STATUS			
15-0044	4/4/2015		Carlos A. Lopez	Participating while under suspension.					Suspended the remainder of the calendar year (September 10-December 31, 2015, inclusive). Must come before KHRC License Review Committee for any future licensing conderation in Kentucky.	
15-0045	4/9/2015	4/4/2015	Francisco C. Torres	Careless riding					Suspended 3 racing days (April 15-April 17, 2015, inclusive)	
15-0046	4/10/2015	3/20/2015	Angel Quiroz	Flunixin 44 ng/ml (LGC Sample #0061794)	C	\$ 250	Paid			
15-0047	4/15/2015	2/4/2015	Amanda N. Brooks	Failure to submit a treatment report declaring administration of stanozolol and failure to report to the commission veterinarian or stewards a horse entered in a race had received a prohibited substance.		\$ 2,000	Paid			
15-0048	4/16/2015		Michael D. Haehn	Failure to comply with stewards' oder concerning participation in the course of treatment ordered.					Suspended for disorderly conduct, reinstatement contingent upon compliance with course of treatment ordered and ability to provide a negative drug test.	
15-0049	4/16/2015	4/15/2015	James A. Luttrell	Disorderly conduct		\$ 500	Paid			

2015 THOROUGHBRED RULINGS

RULING NUMBER	RULING DATE	INFRACTION DATE	ISSUED TO	DETERMINATION	DRUG	FINE OR	STATUS	Suspension (days)	
					PENALTY CLASS	WRITTEN WARNING			
15-0050	4/18/2015	11/22/2014	Kellyn Gorder	Methamphetamine (LGC Sample #0067294)	A	\$ 5,000	Not Paid	Suspended 365 days, (May 1, 2015-April 29, 2016, inclusive). Horse disqualified and all purse money forfeited.	APPEALED
15-0051	4/18/2015	12/27/2014	Kellyn Gorder	Possession of injectable medication, hypodermic syringes and needle by person other than a veterinarian licensed to practice veterinary medicine and oral medication not properly labeled or validly prescribed by a licensed veterinarian.				Suspended 60 days, (April 30, 2016 -June 28, 2016, inclusive)	APPEALED
15-0052	4/19/2015	3/7/2015	June K. Riley	Testosterone 43pg/ml (LGC Sample #0061627)	B	\$ 500	Paid	Suspended 30 days (April 20, 2015-May 19, 2015, inclusive) Horse disqualified and all purse money forfeited.	
15-0053	4/19/2015	3/7/2015	June K. Riley	Testosterone 43pg/ml (LGC Sample #0061627)				All purse monies must be returned to the association.	
15-0053	4/19/2015	3/7/2015	Vernon Marcum	Testosterone 43pg/ml (LGC Sample #0061627)				All purse monies must be returned to the association.	
15-0054	4/21/2015	4/17/2015	Miguel Mena	Careless riding				Suspended 3 racing days (April 22-April 24, 2015, inclusive)	
15-0055	4/21/2015	4/18/2015	Luis Saez	Careless riding				Suspended 3 racing days (April 28-April 30, 2015, inclusive)	

2015 THOROUGHBRED RULINGS

RULING NUMBER	RULING DATE	INFRACTION DATE	ISSUED TO	DETERMINATION	DRUG PENALTY CLASS	FINE OR WRITTEN WARNING	STATUS	Suspension (days)	
15-0056	4/21/2015	4/18/2015	Arienne R. Cox	Careless riding				Suspended 3 racing days (April 25, April 28 & April 29, 2015)	
15-0057	4/28/2015	4/23/2015	Corey J. Lanerie	Careless riding				Suspended 4 racing days (May 7-May 10, 2015, inclusive)	
15-0058	4/30/2015	4/28/2015	Ricardo Santana, Jr.	Careless riding				Suspended 3 racing days (May 7-May 9, 2015, inclusive)	
15-0059	4/30/2015	2/22/2015	Edward H. Frederick	Stanozolol (LGC Sample #0060932)	B	\$ 500	Not Paid	Suspended 45 days (May 15-June 28, 2015, inclusive). Horse disqualified and all purse money forfeited.	APPEALED
15-0060	4/30/2015	3/11/2015	Edward H. Frederick	Possession of injectable medication, hypodermic syringes and needle by person other than a veterinarian licensed to practice veterinary medicine and oral medication not properly labeled or validly prescribed by a licensed veterinarian.				Suspended 90 days (June 29-September 25, 2015, inclusive)	APPEALED
15-0061	5/1/2015	2/22/2015	Stephen R. Baker	Stanozolol (LGC Sample #0060932)				Horse disqualified and all purse money forfeited. All purse monies must be returned to the association.	
15-0062	5/1/2015	12/11/2014	Daniel Coa	Suspension lifted.				Outstanding fine paid on Ruling #14-0093	

2015 THOROUGHBRED RULINGS

RULING NUMBER	RULING DATE	INFRACTION DATE	ISSUED TO	DETERMINATION	DRUG	FINE OR	STATUS	Suspension (days)	
					PENALTY CLASS	WRITTEN WARNING			
15-0063	5/8/2015	5/2/2015	Shaun Bridgmohan	Careless riding				Suspended 3 racing days (May 10, May 14, and May 15, 2015.)	
15-0064	5/11/2015	5/7/2015	James A. Dodgen	Failure to conduct business in a proper manner.		\$ 1,500	Paid		
15-0065	5/10/2015	4/22/2015	Larry Lay	Methocarbamol 1.32 ng/ml (LGC Sample #0060649)	C	\$ 500	Paid	Suspended 5 days (May 11, 2015-May 15, 2015, inclusive)	
15-0066	5/10/2015	2/15/2015	Donald R. Parker	Methocarbamol 1.8 ng/ml (LGC Sample #0060865) 2nd offense in 365 days.	C	\$ 2,000	Paid	Suspended 20 days (May 22, 2015-June 10, 2015, inclusive.) Horse disqualified and all purse money forfeited.	
15-0067	5/13/2015	4/30/2015	Ricardo Santana, Jr.	Appeal of Stewards Ruling #15-0058 withdrawn				Suspended 5 racing days (May 17, 2015 and May 21-24, 2015, inclusive)	
15-0068	5/13/2015	3/7/2015	Bryan J. Porter	Dexamethasone 16 pg/ml (LGC Sample #0061626)	C	\$ 500	Paid	Suspended 5 days (May 13-May 17, 2015, inclusive) Horse is disqualified and all purse money forfeited.	
15-0069	5/16/2015	4/22/2015	Joy Lay	Methocarbamol 1.32 ng/ml (LGC Sample #0060649)	C			GRAND SLAM LARRY disqualified and all purse money forfeited. All purse monies to be returned to the association.	
15-0070	5/16/2015	3/7/2015	June K. Riley	Testosterone 43pg/ml (LGC Sample #0061627)	B			JUSTALOVESONG disqualified and all purse money forfeited. All purse monies must be returned to the association.	

2015 THOROUGHBRED RULINGS

RULING NUMBER	RULING DATE	INFRACTION DATE	ISSUED TO	DETERMINATION	DRUG	FINE OR	Suspension (days)			
					PENALTY CLASS	WRITTEN WARNING	STATUS			
15-0070	5/16/2015	3/7/2015	Vernon Marcum	Testosterone 43pg/ml (LGC Sample #0061627)	B				JUSTALOVESONG disqualified and all purse money forfeited. All purse monies must be returned to the association.	
15-0071	5/16/2015	3/7/2015	Bryan J. Porter	Dexamethasone 16 pg/ml (LGC Sample #0061626)	C				RATHER OUTSPOKEN is disqualified and all purse money forfeited. All purse monies must be returned to the association.	
15-0072	5/17/2015	4/24/2015	Jose M. Camejo	Phenylbutazone 1.3 ng/ml and Flunixin 10.7. Concentrations of both permitted NSAIDS below primary and above secondary threshold.		\$ 250	Paid			
15-0073	5/17/2015		Ashley Broussard	Extension granted of her apprentice weight allowance for total of 159 days beginning on the date of her return to riding.						
15-0074	5/20/2015	5/15/2015	Jack F. Gilligan	Careless riding					Suspended 3 racing days (May 23-May 25, 2015, inclusive)	
15-0075	5/23/2015	5/21/2015	Corey J. Lanerie	Inadvertently striking a rival with the crop		\$ 250	Paid		Horse disqualified.	

2015 THOROUGHBRED RULINGS

RULING NUMBER	RULING DATE	INFRACTION DATE	ISSUED TO	DETERMINATION	DRUG PENALTY CLASS	FINE OR WRITTEN WARNING	STATUS	Suspension (days)
15-0076	5/24/2015	5/24/2015	Rick Hiles	Disorderly conduct, abusive and insulting and interference with commission employees while they were in the course of performing their duties on association grounds		\$ 500	Not Paid	
15-0077	5/25/2015	4/8/2015	Anne P. Smith	Methocarbamol 1.6 ng/ml (2nd offense in 365 days) (LGC Sample #0058221)	C	\$ 1,500	Paid	Suspended 20 days (June 8-June 27, 2015, inclusive). Horse disqualified and all purse money forfeited.
15-0078	5/25/2015	4/8/2015	R. Pete Reiman	Methocarbamol 1.6 ng/ml (LGC Sample #0058221)				WHYRUAWESOME is disqualified and all purse money forfeited. All purse monies must be returned to the association
15-0078	5/25/2015	4/8/2015	P. Scott Reiman	Methocarbamol 1.6 ng/ml (LGC Sample #0058221)				WHYRUAWESOME is disqualified and all purse money forfeited. All purse monies must be returned to the association
15-0079	5/28/2015	2/15/2015	Donald R. Parker	Methocarbamol 1.8 ng.ml (LGC Sample #0060865)				GERMAINE'S BOY disqualified and all purse money forfeited. All purse monies must be returned to the association
15-0080	6/6/2015	6/4/2015	Patrick J. Dupuy	Failure to conduct business in a proper manner.		\$ 1,000	Not Paid	

2015 THOROUGHBRED RULINGS

RULING NUMBER	RULING DATE	INFRACTION DATE	ISSUED TO	DETERMINATION	DRUG	FINE OR	Suspension (days)			
					PENALTY CLASS	WRITTEN WARNING	STATUS			
15-0081	6/7/2015	4/24/2015	Ignacio Correas IV	Methylprednisolone 352 pg/ml (LGC Sample #0067772)	C	\$ 500	Paid	Suspended 5 days (June 12- June 16, 2015, inclusive). Horse disqualified and all purse money forfeited.		
15-0082	6/10/2015	6/5/2015	Abel Lezcano	Disorderly conduct		\$ 500	Not Paid			
15-0083	6/10/2015	6/5/2015	Ricardo Santana, Jr.	Disorderly conduct		\$ 500	Paid			
15-0084	6/12/2015		William Mize	Engaging in conduct that is against the best interest of horse racing.				Suspended pending your appearance before the Board of Stewards.		
15-0085	6/17/2015	4/24/2015	Ignacio Correas IV	Methylprednisolone 352 pg/ml (LGC Sample #0067772)	C			ARTSY disqualified and all purse money regunded. All purse monies must be returned t the association.		
15-0086	6/17/2015	4/24/2015	Kenneth G. McPeek	Ketoprofen 11.5 ng/ml (LGC Sample #0069454)	C	\$ 250	Paid			
15-0087	6/17/2015	6/13/2015	Francisco C. Torres	Careless riding				Suspended 3 racing days (June 20, June 21, and June 25)		APPEALED
15-0088	6/20/2015	4/15/2015	Brendan P. Walsh	Ketoprofen 17 ng/ml, phenylbutazone ug/ml and flunixin 7.6 ng/ml (LGC Sample #0060456)	NSAID	\$ 500	Paid	Suspended 10 days July 5, 2015 - July 14, 2015, inclusive). Horse disqualified and all purse money forfeited.		
15-0089	6/20/2015	4/15/2015	Sultan Bin Mishal	Ketoprofen 17 ng/ml, phenylbutazone ug/ml and flunixin 7.6 ng/ml (LGC Sample #0060456)	NSAID			SAHAM is disqualified and all purse money forfeited. All purse monies must be returned to the association.		

2015 THOROUGHBRED RULINGS

RULING NUMBER	RULING DATE	INFRACTION DATE	ISSUED TO	DETERMINATION	DRUG	FINE OR	Suspension (days)			
					PENALTY CLASS	WRITTEN WARNING	STATUS			
15-0090	6/20/2015	4/14/2015	Dr. Robert L. Landry	Treatment error that occurred on association grounds at Keeneland		\$ 1,000	Paid			
15-0091	6/20/2015	6/19/2015	Didiel A. Osorio	Failure to fulfill your riding engagement		\$ 100	Paid			
15-0092	6/26/2015		Brian K. Cook	Failure to pay outstanding \$250 fine on Ruling #15-0043.						Suspended until fine is paid.
15-0093	7/2/2015	6/26/2015	Shaun Bridgmohan	Careless riding						Suspended 3 days (July 10- July 15, 2015, inclusive)
15-0094	7/2/2015		William R. Wehrman	Jockey Agent license rescinde without prejudice and issued a Racing Official license.						
15-0095	7/3/2015	5/31/2015	Michael J. Maker	Methylprednisolone 435 pg/ml (LGC Sample #0070865)	C	\$ 500	Paid			Suspended 5 days (July 12- July 16, 2015, inclusive). HAMMERS TERROR is disqualified and all purse money forfeited.
15-0096	7/3/2015	5/31/2015	Michael M. Hui	Methylprednisolone 435 pg/ml (LGC Sample #0070865)	C					HAMMERS TERROR is disqualified and all purse money forfeited.
15-0097	7/5/2015	6/17/2015	Francisco C. Torres	Appeal of Stewards Ruling #15-0087 withdrawn						Suspended 5 racing days (July 12, July 17, July 18, July 19 and July 24, 2015)
15-0098	7/5/2015	7/2/2015	Daniel J. Werre	Revised Agreed Final Order KHRC-13-TB-003						VOODOO DOCTOR is disqualified and all purse money forfeited. All purse monies must be returned to the association.
15-0099	7/16/2015	7/12/2015	James C. Woodruff	Claim protest denied.						

2015 THOROUGHBRED RULINGS

RULING NUMBER	RULING DATE	INFRACTION DATE	ISSUED TO	DETERMINATION	DRUG PENALTY CLASS	FINE OR WRITTEN WARNING	STATUS	Suspension (days)	
15-0100	7/16/2015	7/5/2015	Sebastian Saez	Careless riding				Suspended 3 racing days (July 24-July 26, 2015, inclusive)	APPEALED
15-0101	7/16/2015	7/11/2015	Sebastian Saez	Careless riding				Suspended 3 racing days (July 31, August 1 & August 2, 2015)	APPEALED
15-0102	7/18/2015	7/12/2015	Jimmy P. Corrigan	Failure to gain permission of the stewards to race a horse with a bar shoe		\$ 500	Paid		
15-0103	7/18/2015	6/25/2015	Robert R. O'Connor II	Violating claiming rules by transferring ownership of a claimed horse within 30 days		\$ 1,000	Paid		
15-0104	7/25/2015	7/18/2015	Chris M. Landeros	Careless riding				Suspended 3 racing days (July 31, August 1 & August 2, 2015)	
15-0105	7/26/2015	7/24/2015	Brian J. Hernandez, Jr.	Improper use of the riding crop		\$ 250	Paid		
15-0106	7/26/2015	7/22/2015	Jeffrey A. Radosevich	Violating claiming rules by starting a horse within 30 days after being claimed in which the determining eligibility price was less than 25% more than the price for which the horse was claimed.		\$ 1,000	Not Paid		
15-0107	8/2/2015	7/4/2015	Jerry Joe Greenwell	Flunixin 42.8 ng/ml (LGC Sample #0075044)	C	\$ 250	Paid		
15-0108	8/9/2015	8/8/2015	Erin M. Walker	Careless riding				Suspended 3 days August 14-August 16, 2015, inclusive)	

2015 STANDARDBRED RULINGS

RULING NUMBER	RULING DATE	INFRACTION DATE	ISSUED TO	DETERMINATION	DRUG PENALTY CLASS	FINE OR WRITTEN WARNING	STATUS	Suspension (days)	Stewards Notes
J2015-001	02/09/15	02/08/14	Daniel N. Noble	Failure to pay fine Ruling J2014-0204				Indefinite suspension as of 2/9/2015	
J2015-002	02/09/15	02/08/14	Glen A. Bratcher	Failure to pay fine Ruling J2014-0237				Indefinite suspension as of 2/9/2015	
J2015-003	02/09/15	02/08/14	Brett A. Miller	Failure to pay fine Rulings J2014-038 & J2014-042				Indefinite suspension as of 2/9/2015	
J2015-004	02/09/15	02/08/14	Timothy Demond Williams	Failure to pay fine Ruling J2014-0047				Indefinite suspension as of 2/9/2015	
J2015-005	02/09/15	02/08/14	Yannick Gingras	Failure to pay fine Ruling J2014-0039				Indefinite suspension as of 2/9/2015	
J2015-006	02/09/15	02/08/14	Jody C. Jamieson	Failure to pay fine Ruling J2014-0041				Indefinite suspension as of 2/9/2015	
J2015-007	03/17/15	02/08/14	Yannick Gingras	Restored to good standing as of 3/17/2015					
J2015-008	03/26/15	02/08/14	Glen A. Bratcher	Restored to good standing as of 3/26/2015					
J2015-009	04/04/15	04/03/15	Tyler G. Shehan	Restored to good standing as of 4/3/2015					
J2015-010	04/18/15	04/18/15	Randy D. Crisler	Restored to good standing as of 4/18/2015					
J2015-011	04/18/15	04/18/15	Randy D. Crisler	Restored to good standing as of 4/18/2015					
J2015-012	05/01/15	05/01/15	Antonio M. Love	Restored to good standing as of 5/1/2015					
J2015-013	05/01/15	04/29/15	Joe R. Essig	Failure to drive when programmed.		\$25	Not Paid		
J2015-014	06/15/15	05/16/15	James Edward Stiltner II	Bethamethasone (Sample #0070555)	4	\$500	Not Paid		Purse money of \$750 ordered returned and redistributed.
J2015-015	06/20/15	06/19/15	Cedric D. Love	Caused a late driver change		\$50	Not Paid		
J2015-016	06/20/15	05/23/15	Kandace K. Schooley	Methylprednisolone	4	\$500	Not Paid		Purse money of \$800 ordered returned and redistributed.
J2015-017	07/05/15	06/06/15	Lawrence Cooper	Flunixin	4	\$250	Not Paid		

2015 STANDARD BRED RULINGS

RULING NUMBER	RULING DATE	INFRACTION DATE	ISSUED TO	DETERMINATION	DRUG PENALTY CLASS	FINE OR WRITTEN WARNING	STATUS	Suspension (days)	Stewards Notes
J2015-018	07/10/15	07/10/15	Etienne J. Desomer II	Suspending in reciprocity with California Racing Board ruling 35 dated 11/19/2011				Indefinite suspension (IND) as of 7/10/2015	
J2015-019	07/11/15	07/11/15	Etienne J. Desomer II	Restored to good standing as of 7/11/2015					Having been restored to good standing by the Californis Racing Board is restored to good standing with KHRC.
J2015-020	07/11/15	06/19/15	Harley Emerson	Dexamthasone (Sample #0070635)	4 C	\$500	Not Paid		LASHONDA was disqualified purse money of \$850 ordered returned and redistributed.
	07/30/15	04/23/15	Derrick J. Flowers	Levamisole (Sample #0070500)	2	\$500	Not Paid	Suspended Full 30 days (9/20/2015-10/19/2015)	JJ'S GAL was disqualified purse money ordered redistributed.
	07/30/15	05/07/15	Derrick J. Flowers	Clenbuterol (Sample #0070528)	3	\$500	Not Paid	Suspended Full 30 days (10/5/2015-11/3/2015)	JJ'S GAL was disqualified purse money ordered redistributed.

Race-related Fatal Injury Occurrence over Time—All Kentucky racetracks

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Starts	
2007	2	1	5	2	4	3	4	2	3	5	4	5	40	23,180	1.73
2008	3	0	5	2	3	2	1	2	3	3	4	8	36	22,278	1.62
2009	3	5	1	2	4	1	2	4	3	3	2	3	33	20,143	1.64
2010	2	1	2*	1**	0	3	4	2	1	2	7	1	26	18,167	1.43
2011	2	2	1	1	2	5	1	3	2/1**	4	3	1	27	18,258	1.47
2012	0	0	1	2	8	2	0	2	0/3 [#]	3/1**	5	3	26/30	17,513	1.48
2013	2	2	0	0	1	2	1	5	4	1	1	4	23	16,242	1.41
2014	2	2	0	0	3	0	1	1	1	3	3	0	16	14,460	1.11
2015	3	1	1	0	3	3	1								

* Fatality related to racing accident subsequent to equipment failure

** Fatality not musculoskeletal origin

Fatalities were race, but not exercise, related. (Examples: gate, paddock or post parade trauma)

KHRC Veterinary Report

Churchill Spring 2015

Total Starts 2878

Post Race Samples 786

tCO₂ 788

Veterinary Scratches 16

Pre-Race 11

On-Track 5

Soundness related 2

Paddock injury 3

KHRC Veterinary List 42

Scratches 16

Race Injuries 5

Post-Race Lameness 15

EIPH 2

Heat Distress 4

Ambulance Runs 13

Racing Fatalities 6

Training Fatalities 3

WAGERING ON HISTORICAL RACES TOTALS
KENTUCKY DOWNS-June 2015

Total Wagered.....	\$24,095,412.35
Total Commission.....	\$2,111,865.46
(Total wagered minus takeout rates)	
Net Track Commission.....	\$1,750,434.27
(Total Commission minus the pari-mutuel tax...Amount that goes to KY Downs)	
Purse Fund.....	\$245,060.80
(14% of the net track commission)	
Breeders' Incentive Fund.....	\$17,504.34
(1% of the net track commission)	
State Commission.....	\$361,431.19
(Pari-mutuel tax...1.5% of the total wagered)	
Development Fund.....	\$180,715.59
(.75% of the total wagered)	
Equine Industry Program.....	\$48,190.82
(.2% of the total wagered)	
Equine Drug Research.....	\$24,095.41
(.1% of the total wagered)	
Higher Education Fund.....	\$24,095.41
(.1% of the total wagered)	
General Fund.....	\$84,333.94
(.35% of the total wagered)	
Returned to the Public.....	\$22,008,972.77

WAGERING ON HISTORICAL RACES TOTALS
ELLIS PARK-June 2015

Total Wagered.....	\$4,817,214.35
Total Commission.....	\$369,507.74
(Total wagered minus takeout rates)	
Net Track Commission.....	\$297,249.52
(Total Commission minus the pari-mutuel tax...Amount that goes to Ellis Park)	
Purse Fund.....	\$41,614.93
(14% of the net track commission)	
Breeders' Incentive Fund.....	\$2,972.50
(1% of the net track commission)	
State Commission.....	\$72,258.22
(Pari-mutuel tax...1.5% of the total wagered)	
Development Fund.....	\$36,129.11
(.75% of the total wagered)	
Equine Industry Program.....	\$9,634.43
(.2% of the total wagered)	
Equine Drug Research.....	\$4,817.21
(.1% of the total wagered)	
Higher Education Fund.....	\$4,817.21
(.1% of the total wagered)	
General Fund.....	\$16,860.25
(.35% of the total wagered)	
Returned to the Public.....	\$4,439,890.15

WAGERING ON HISTORICAL RACES TOTALS
COMBINED- June 2015

Total Wagered.....	\$28,912,626.70
 Total Commission.....	 \$2,481,373.19
(Total wagered minus takeout rates)	
 Net Track Commission.....	 \$2,047,683.79
(Total Commission minus the pari-mutuel tax)	
Purse Fund.....	\$286,675.73
(14% of the net track commission)	
Breeders' Incentive Fund.....	\$20,476.84
(1% of the net track commission)	
 State Commission.....	 \$433,689.40
(Pari-mutuel tax...1.5% of the total wagered)	
Development Fund.....	\$216,844.70
(.75% of the total wagered)	
Equine Industry Program.....	\$57,825.25
(.2% of the total wagered)	
Equine Drug Research.....	\$28,912.63
(.1% of the total wagered)	
Higher Education Fund.....	\$28,912.63
(.1% of the total wagered)	
General Fund.....	\$101,194.19
(.35% of the total wagered)	
 Returned to the Public.....	 \$26,448,862.92

WAGERING ON HISTORICAL RACES TOTALS
KY Downs- Calendar Year 2015

Total Wagered.....	\$	157,863,109.65
Total Commission.....	\$	12,797,496.28
(Total wagered minus takeout rates)		
Net Track Commission.....	\$	10,429,549.64
(Total Commission minus the pari-mutuel tax)		
Purse Fund.....	\$	1,460,136.95
(14% of the net track commission)		
Breeders' Incentive Fund.....	\$	104,295.50
(1% of the net track commission)		
State Commission.....	\$	2,367,946.64
(Pari-mutuel tax...1.5% of the total wagered)		
Development Fund.....	\$	1,183,973.32
(.75% of the total wagered)		
Equine Industry Program.....	\$	315,726.22
(.2% of the total wagered)		
Equine Drug Research.....	\$	157,863.11
(.1% of the total wagered)		
Higher Education Fund.....	\$	157,863.11
(.1% of the total wagered)		
General Fund.....	\$	552,520.88
(.35% of the total wagered)		
Returned to the Public.....	\$	145,008,184.95

WAGERING ON HISTORICAL RACES TOTALS
Ellis Park- Calendar Year 2015

Total Wagered.....	\$	26,980,339.90
Total Commission.....	\$	2,064,543.46
(Total wagered minus takeout rates)		
Net Track Commission.....	\$	1,659,838.36
(Total Commission minus the pari-mutuel tax)		
Purse Fund.....	\$	232,377.37
(14% of the net track commission)		
Breeders' Incentive Fund.....	\$	16,598.38
(1% of the net track commission)		
State Commission.....	\$	404,705.10
(Pari-mutuel tax...1.5% of the total wagered)		
Development Fund.....	\$	202,352.55
(.75% of the total wagered)		
Equine Industry Program.....	\$	53,960.68
(.2% of the total wagered)		
Equine Drug Research.....	\$	26,980.34
(.1% of the total wagered)		
Higher Education Fund.....	\$	26,980.34
(.1% of the total wagered)		
General Fund.....	\$	94,431.19
(.35% of the total wagered)		
Returned to the Public.....	\$	24,848,044.62

WAGERING ON HISTORICAL RACES TOTALS
Combined- Calendar Year 2015

Total Wagered.....	\$	184,843,449.55
Total Commission.....	\$	14,862,039.74
(Total wagered minus takeout rates)		
Net Track Commission.....	\$	12,089,388.00
(Total Commission minus the pari-mutuel tax)		
Purse Fund.....	\$	1,692,514.32
(14% of the net track commission)		
Breeders' Incentive Fund.....	\$	120,893.88
(1% of the net track commission)		
State Commission.....	\$	2,772,651.74
(Pari-mutuel tax...1.5% of the total wagered)		
Development Fund.....	\$	1,386,325.87
(.75% of the total wagered)		
Equine Industry Program.....	\$	369,686.90
(.2% of the total wagered)		
Equine Drug Research.....	\$	184,843.45
(.1% of the total wagered)		
Higher Education Fund.....	\$	184,843.45
(.1% of the total wagered)		
General Fund.....	\$	646,952.07
(.35% of the total wagered)		
Returned to the Public.....	\$	169,856,229.56

WAGERING ON HISTORICAL RACES TOTALS
KY Downs- September 1, 2011 thru June 30, 2015

Total Wagered.....	\$ 994,284,515.25
 Total Commission.....	 \$ 77,910,045.70
(Total wagered minus takeout rates)	
 Net Track Commission.....	 \$ 62,995,777.97
(Total Commission minus the pari-mutuel tax)	
Purse Fund.....	\$ 8,819,408.92
(14% of the net track commission)	
Breeders' Incentive Fund.....	\$ 629,928.85
(1% of the net track commission)	
 State Commission.....	 \$ 14,914,267.73
(Pari-mutuel tax...1.5% of the total wagered)	
Development Fund.....	\$ 7,457,276.58
(.75% of the total wagered)	
Equine Industry Program.....	\$ 1,988,607.09
(.2% of the total wagered)	
Equine Drug Research.....	\$ 994,284.52
(.1% of the total wagered)	
Higher Education Fund.....	\$ 994,284.52
(.1% of the total wagered)	
General Fund.....	\$ 3,479,995.80
(.35% of the total wagered)	
 Returned to the Public.....	 \$ 916,019,662.12

WAGERING ON HISTORICAL RACES TOTALS
Ellis Park- August 31, 2012 thru June 30, 2015

Total Wagered.....	\$ 102,770,387.60
Total Commission.....	\$ 7,950,950.82
(Total wagered minus takeout rates)	
Net Track Commission.....	\$ 6,409,395.00
(Total Commission minus the pari-mutuel tax...Amount that goes to Ellis Park)	
Purse Fund.....	\$ 897,315.30
(14% of the net track commission)	
Breeders' Incentive Fund.....	\$ 64,090.40
(1% of the net track commission)	
State Commission.....	\$ 1,541,555.81
(Pari-mutuel tax...1.5% of the total wagered)	
Development Fund.....	\$ 770,777.91
(.75% of the total wagered)	
Equine Industry Program.....	\$ 205,540.78
(.2% of the total wagered)	
Equine Drug Research.....	\$ 102,770.39
(.1% of the total wagered)	
Higher Education Fund.....	\$ 102,770.39
(.1% of the total wagered)	
General Fund.....	\$ 359,696.36
(.35% of the total wagered)	
Returned to the Public.....	\$ 94,450,081.50

WAGERING ON HISTORICAL RACES TOTALS
Combined- September 1, 2011 thru June 30, 2015

Total Wagered.....	\$	1,097,054,902.85
Total Commission.....	\$	85,860,996.52
(Total wagered minus takeout rates)		
Net Track Commission.....	\$	69,405,172.98
(Total Commission minus the pari-mutuel tax)		
Purse Fund.....	\$	9,716,724.22
(14% of the net track commission)		
Breeders' Incentive Fund.....	\$	694,019.25
(1% of the net track commission)		
State Commission.....	\$	16,455,823.54
(Pari-mutuel tax...1.5% of the total wagered)		
Development Fund.....	\$	8,228,054.49
(.75% of the total wagered)		
Equine Industry Program.....	\$	2,194,147.86
(.2% of the total wagered)		
Equine Drug Research.....	\$	1,097,054.90
(.1% of the total wagered)		
Higher Education Fund.....	\$	1,097,054.90
(.1% of the total wagered)		
General Fund.....	\$	3,839,692.16
(.35% of the total wagered)		
Returned to the Public.....	\$	1,010,469,743.62

Total Handle on "Live" Kentucky Races: Churchill Downs

Race Date	Total Handle	Commission	Adjustment	Pos Break	Neg Break	Runner Pay
06/04/15	\$2,277,822.23	\$464,908.67	\$196,204.29	\$12,738.00	(\$2,181.70)	\$1,780,876.28
06/05/15	\$2,961,681.18	\$603,853.51	\$196,221.36	\$22,554.70	(\$2,758.52)	\$2,330,810.50
06/06/15	\$5,514,544.74	\$1,123,436.81	(\$1,201.72)	\$25,863.67	(\$0.13)	\$4,366,446.11
06/07/15	\$3,169,840.22	\$647,387.14	(\$3,675.71)	\$21,052.36	(\$261.78)	\$2,505,338.21
Week 1 Total	\$13,923,888.37	\$2,839,586.13	\$387,548.22	\$82,208.73	(\$5,202.13)	\$10,983,471.10
Cumulative	\$13,923,888.37	\$2,839,586.13	\$387,548.22	\$82,208.73	(\$5,202.13)	\$10,983,471.10
06/11/15	\$1,968,244.43	\$401,758.82	\$221,129.27	(\$2,898.02)	(\$3,082.12)	\$1,559,514.18
06/12/15	\$2,683,610.30	\$550,601.16	\$179,473.62	\$26,405.00	(\$5,649.54)	\$2,110,599.91
06/13/15	\$8,089,559.84	\$1,651,303.69	\$1,301,184.76	(\$86,135.41)	(\$7,152.56)	\$6,486,593.57
06/14/15	\$3,025,980.03	\$618,711.14	\$274,564.05	\$7,654.34	(\$3,171.13)	\$2,410,064.14
Week 2 Total	\$15,767,394.60	\$3,222,374.81	\$1,976,351.70	(\$54,974.09)	(\$19,055.35)	\$12,566,771.80
Cumulative	\$29,691,282.97	\$6,061,960.94	\$2,363,899.92	\$27,234.64	(\$24,257.48)	\$23,550,242.90
06/18/15	\$1,753,881.54	\$358,859.08	\$211,911.86	\$8,711.67	(\$1,761.29)	\$1,349,391.06
06/19/15	\$2,602,019.07	\$532,030.15	\$171,288.56	\$21,851.65	(\$1,348.79)	\$2,032,566.78
06/20/15	\$3,609,813.17	\$736,488.82	\$240,285.56	\$36,418.19	(\$4,473.08)	\$2,819,893.87
06/21/15	\$3,947,625.76	\$808,556.35	(\$1,672.94)	\$19,591.68	(\$3,487.89)	\$3,124,638.56
Week 3 Total	\$11,913,339.54	\$2,435,934.40	\$621,813.04	\$86,573.19	(\$11,071.05)	\$9,326,490.27
Cumulative	\$41,604,622.51	\$8,497,895.34	\$2,985,712.96	\$113,807.83	(\$35,328.53)	\$32,876,733.17
06/25/15	\$2,386,045.88	\$488,913.90	\$243,960.37	\$14,242.82	(\$4,976.03)	\$1,859,261.88
06/26/15	\$3,722,815.26	\$765,701.85	\$1,059.00	\$12,243.38	(\$0.06)	\$2,943,811.09
06/27/15	\$6,106,756.67	\$1,245,488.77	(\$2,436.30)	\$29,537.12	(\$0.04)	\$4,834,167.12
Week 4 Total	\$12,215,617.81	\$2,500,104.52	\$242,583.07	\$56,023.32	(\$4,976.13)	\$9,637,240.09
Cumulative	\$53,820,240.32	\$10,997,999.86	\$3,228,296.03	\$169,831.15	(\$40,304.66)	\$42,513,973.26

Race Date	Total Handle	Difference	Percentage
06/01/14	\$2,731,737.66	(\$2,731,737.66)	-100.00%
06/05/14	\$2,765,600.36	(\$487,778.13)	-17.64%
06/06/14	\$2,584,575.15	\$377,106.03	14.59%
06/07/14	\$5,340,734.11	\$173,810.63	3.25%
06/08/14	\$2,059,657.56	\$1,110,182.66	53.90%
Week 1 Total	\$15,482,304.84	(\$1,558,416.47)	-10.07%
Cumulative	\$15,482,304.84	(\$1,558,416.47)	-10.07%
06/12/14	\$2,368,190.37	(\$399,945.94)	-16.89%
06/13/14	\$3,096,637.86	(\$413,027.56)	-13.34%
06/14/14	\$7,091,651.25	\$997,908.59	14.07%
06/15/14	\$2,767,863.14	\$258,116.89	9.33%
Week 2 Total	\$15,324,342.62	\$443,051.98	2.89%
Cumulative	\$30,806,647.46	(\$1,115,364.49)	-3.62%
06/19/14	\$2,828,025.60	(\$1,074,144.06)	-37.98%
06/20/14	\$3,051,433.85	(\$449,414.78)	-14.73%
06/21/14	\$3,766,630.06	(\$156,816.89)	-4.16%
06/22/14	\$3,061,566.24	\$886,059.52	28.94%
Week 3 Total	\$12,707,655.75	(\$794,316.21)	-6.25%
Cumulative	\$43,514,303.21	(\$1,909,680.70)	-4.39%
06/26/14	\$2,532,205.00	(\$2,532,205.00)	-100.00%
06/27/14	\$3,292,577.33	(\$906,531.45)	-27.53%
06/28/14	\$5,700,172.37	(\$1,977,357.11)	-34.69%
06/29/14	\$3,658,283.17	\$2,448,473.50	66.93%
Week 4 Total	\$15,183,237.87	(\$2,967,620.06)	-19.55%
Cumulative	\$58,697,541.08	(\$4,877,300.76)	-8.31%

Total Handle on "Live" Kentucky Races: Bluegrass Downs

Race Date	Total Handle	Commission	Adjustment	Pos Break	Neg Break	Runner Pay
06/12/15	\$596.00	\$117.15		\$9.51	(\$1.26)	\$470.60
06/13/15	\$1,614.00	\$351.21		\$13.85	(\$2.41)	\$1,251.35
06/14/15	\$789.00	\$155.67		\$11.61	(\$4.13)	\$625.85
Week 1 Total	\$2,999.00	\$624.03		\$34.97	(\$7.80)	\$2,347.80
Cumulative	\$2,999.00	\$624.03		\$34.97	(\$7.80)	\$2,347.80
06/19/15	\$734.00	\$161.94		\$5.02	(\$5.31)	\$572.35
06/20/15	\$1,077.00	\$240.62		\$6.80	(\$15.62)	\$845.20
06/21/15	\$894.00	\$179.82		\$11.23	(\$4.20)	\$707.15
Week 2 Total	\$2,705.00	\$582.38		\$23.05	(\$25.13)	\$2,124.70
Cumulative	\$5,704.00	\$1,206.41		\$58.02	(\$32.93)	\$4,472.50
6/26/2015	\$1,333.00	\$279.91		\$11.24		\$1,041.85
6/27/2015	\$1,319.00	\$274.38		\$11.95	(\$2.73)	\$1,035.40
6/28/2015	\$1,081.00	\$231.40		\$12.91	(\$3.11)	\$839.80
Week 3 Total	\$3,733.00	\$785.69		\$36.10	(\$5.84)	\$2,917.05
Cumulative	\$9,437.00	\$1,992.10		\$94.12	(\$38.77)	\$7,389.55
7/3/2015	\$2,096.00	\$454.28		\$15.91	(\$8.39)	\$1,634.20
7/4/2015	\$1,118.00	\$230.71		\$6.52	(\$1.03)	\$881.80
7/5/2015	\$683.00	\$145.13		\$7.66	(\$4.34)	\$534.55
Week 4 Total	\$3,897.00	\$830.12		\$30.09	(\$13.76)	\$3,050.55
Cumulative	\$13,334.00	\$2,822.22		\$124.21	(\$52.53)	\$10,440.10
07/10/15	\$1,078.00	\$222.18		\$13.39	(\$6.62)	\$849.05
7/11/2015	\$748.00	\$154.24		\$10.66	(\$0.70)	\$583.80
7/12/2015	\$1,202.00	\$247.72		\$6.94	(\$1.81)	\$949.15
Week 5 Total	\$3,028.00	\$624.14		\$30.99	(\$9.13)	\$2,382.00
Cumulative	\$16,362.00	\$3,446.36		\$155.20	(\$61.66)	\$12,822.10

Race Date	Total Handle	Difference	Percentage
06/20/14	\$1,244.00	(\$648.00)	-52.09%
06/21/14	\$1,737.00	(\$123.00)	-7.08%
06/22/14	\$1,644.00	(\$855.00)	-52.01%
	\$4,625.00	(\$1,626.00)	-35.16%
	\$4,625.00	(\$1,626.00)	-35.16%
06/27/14	\$845.00	(\$111.00)	-13.14%
06/28/14	\$2,006.00	(\$929.00)	-46.31%
06/29/14	\$1,086.00	(\$192.00)	-17.68%
	\$3,937.00	(\$1,232.00)	-31.29%
	\$3,937.00	(\$1,232.00)	-31.29%
07/04/14	\$1,533.00	(\$200.00)	-13.05%
07/05/14	\$1,317.00	\$2.00	0.15%
07/06/14	\$1,829.00	(\$748.00)	-40.90%
	\$4,679.00	(\$946.00)	-20.22%
	\$4,679.00	(\$946.00)	-20.22%
07/11/14	\$917.00	\$1,179.00	128.57%
07/12/14	\$1,425.00	(\$307.00)	-21.54%
07/13/14	\$853.00	(\$170.00)	-19.93%
	\$3,195.00	\$702.00	21.97%
	\$3,195.00	(\$3,102.00)	-18.87%
07/18/14	\$822.00	\$256.00	31.14%
07/19/14	\$1,139.00	(\$391.00)	-34.33%
07/20/14	\$1,198.00	\$4.00	0.33%
	\$3,159.00	(\$131.00)	-4.15%
	\$3,159.00	(\$3,233.00)	-16.50%

Total Handle on "Live" Kentucky Races: Thunder Ridge

Race Date	Total Handle	Commission	Adjustment	Pos Break	Neg Break	Runner Pay
04/23/15	\$143.00	\$26.23	\$0.00	\$1.29	-\$3.82	\$119.30
04/24/15	\$124.00	\$25.96	\$0.00	\$1.14	-\$2.90	\$99.80
04/25/15	\$184.00	\$38.02	\$0.00	\$1.84	-\$2.96	\$147.10
04/29/15	\$55.00	\$10.60	\$0.00	\$0.00	(\$8.25)	\$52.65
04/30/15	\$65.00	\$12.26	\$0.00	\$0.92	(\$5.03)	\$56.85
05/01/15	\$8.00	\$1.44	\$0.00	\$0.00	-\$1.84	\$8.40
Week 1 Total	\$579.00	\$114.51	\$0.00	\$5.19	(\$24.80)	\$484.10
Cumulative	\$579.00	\$114.51	\$0.00	\$5.19	(\$24.80)	\$484.10
05/07/15	\$28.00	\$6.16	\$0.00	\$0.00	-\$2.76	\$24.60
05/08/15	\$88.00	\$19.69	\$0.00	\$0.27	-\$6.21	\$74.25
05/09/15	\$195.00	\$39.51	\$0.00	\$1.51	-\$4.72	\$158.70
Week 2 Total	\$311.00	\$65.36	\$0.00	\$1.78	(\$13.69)	\$257.55
Cumulative	\$890.00	\$179.87	\$0.00	\$6.97	(\$38.49)	\$741.65
05/14/15	\$57.00	\$11.10	\$0.00	\$0.35	-\$8.00	\$53.55
05/15/15	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
05/16/15	\$76.00	\$14.87	\$0.00	\$1.51	-\$1.38	\$61.00
Week 3 Total	\$133.00	\$25.97	\$0.00	\$1.86	(\$9.38)	\$114.55
Cumulative	\$1,023.00	\$205.84	\$0.00	\$8.83	(\$47.87)	\$856.20
05/21/15	\$6.00	\$1.08	\$0.00	\$0.00	-\$1.38	\$6.30
05/22/15	\$4.00	\$0.72	\$0.00	\$0.00	-\$0.92	\$4.20
05/23/15	\$47.00	\$8.60	\$0.00	\$0.70	-\$2.90	\$40.60
Week 4 Total	\$57.00	\$10.40	\$0.00	\$0.70	(\$5.20)	\$51.10
Total Monthly	\$1,080.00	\$216.24	\$0.00	\$9.53	(\$53.07)	\$907.30
05/28/15	\$8.00	\$1.44	\$0.00	\$0.00	(\$1.84)	\$8.40
05/29/15	\$44.00	\$7.92	\$0.00	\$0.00	(\$10.12)	\$46.20
05/30/15	\$99.00	\$17.82	\$0.00	\$1.18	(\$4.60)	\$84.60
Week 5 Total	\$151.00	\$27.18	\$0.00	\$1.18	(\$16.56)	\$139.20
Total Monthly	\$1,231.00	\$243.42	\$0.00	\$10.71	(\$69.63)	\$1,046.50
06/04/15	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
06/05/15	\$36.00	\$6.76	\$0.00	\$0.48	(\$1.84)	\$30.60
06/06/15	\$184.00	\$36.90	\$0.00	\$1.86	(\$3.36)	\$148.60
Week 1 Total	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Cumulative	\$1,231.00	\$243.42	\$0.00	\$10.71	(\$69.63)	\$1,046.50

Race Date	Total Handle	Difference	Percentage
		\$0.00	
04/23/14	\$15.00	\$128.00	853.33%
04/24/14	\$34.00	\$90.00	264.71%
04/25/14	\$34.00	\$150.00	441.18%
04/29/14	\$268.00	(\$213.00)	-79.48%
04/30/14	\$239.00	(\$174.00)	-72.80%
05/01/14	\$16.00	(\$8.00)	-50.00%
	\$606.00	(\$27.00)	-4.46%
	\$606.00	(\$27.00)	-4.46%
05/07/14	\$120.00	(\$92.00)	-76.67%
05/08/14	\$8.00	\$80.00	1000.00%
05/09/14	\$22.00	\$173.00	786.36%
	\$150.00	\$161.00	107.33%
	\$756.00	\$134.00	17.72%
05/14/14	\$98.00	(\$41.00)	-41.84%
05/15/14	\$6.00	(\$6.00)	-100.00%
05/16/14	\$107.00	(\$31.00)	-28.97%
	\$211.00	(\$78.00)	-36.97%
	\$967.00	\$56.00	5.79%
05/21/14	\$2.00	\$4.00	200.00%
05/22/14	\$14.00	(\$10.00)	-71.43%
05/23/14	\$73.00	(\$26.00)	-35.62%
	\$89.00	(\$32.00)	-35.96%
	\$1,056.00	\$24.00	2.27%
05/28/14	\$61.00	(\$53.00)	-86.89%
05/29/14	\$93.00	(\$49.00)	-52.69%
05/30/14	\$33.00	\$66.00	200.00%
	\$187.00	(\$36.00)	-19.25%
	\$1,243.00	(\$12.00)	-0.97%
06/04/14	\$2.00	(\$2.00)	-100.00%
06/05/14	\$26.00	\$10.00	38.46%
06/06/14	\$56.00	\$128.00	228.57%
	\$84.00	(\$84.00)	-100.00%
	\$1,327.00	(\$96.00)	-7.23%

Audit Check Report

Date Range:

6/1/2015 - 6/30/2015

Report By:

Track

Host:

All Hosts

Track	Total Handle	Commission	Adjustment	Pos Break	Neg Break	Runner Pay
Alameda County Fair	\$29,151.40	\$6,318.92	(\$424.43)	\$166.29	(\$18.59)	\$23,109.21
Arlington	\$504,671.40	\$103,692.98	(\$14,207.70)	\$2,978.19	(\$24.29)	\$412,232.22
Australia	\$12,075.80	\$2,815.31	(\$2,251.82)	\$21.42	(\$0.42)	\$11,491.31
Australia B	\$9,800.40	\$2,301.65	(\$180.82)	\$15.02	(\$0.12)	\$7,664.67
Australia C	\$9,050.40	\$2,128.46	\$1,260.63	\$14.48	\$0.00	\$5,646.83
Balmoral	\$43,420.00	\$9,382.28	(\$10,650.88)	\$173.83	(\$60.76)	\$44,575.53
Bangor Raceway	\$1,038.00	\$260.44	\$253.52	\$5.08	(\$0.14)	\$519.10
Belmont Park	\$4,905,895.40	\$963,593.19	\$13,454.45	\$23,034.27	(\$539.83)	\$3,906,353.32
Belterra Park Day	\$109,776.40	\$23,205.46	(\$3,789.92)	\$602.01	(\$105.15)	\$89,864.00
Brooklyn-Belmont Double	\$13,703.00	\$2,535.11	\$3,199.01	\$48.88	\$0.00	\$7,920.00
Buffalo Raceway	\$4,344.60	\$1,005.79	\$655.66	\$8.19	(\$0.13)	\$2,675.09
Canterbury Park	\$65,223.80	\$13,424.31	\$4,800.77	\$332.31	(\$1,060.83)	\$47,727.24
Charles Town	\$106,572.70	\$20,584.86	\$11,133.34	\$696.07	(\$172.21)	\$74,330.64
Chester Downs	\$123,911.50	\$29,360.54	(\$5,189.17)	\$649.33	(\$391.05)	\$99,481.85
Delaware Park	\$166,415.90	\$33,683.21	\$8,844.32	\$987.68	(\$217.08)	\$123,117.77
Delta Downs	\$5,671.20	\$1,190.25	\$707.02	\$42.57	\$0.00	\$3,731.36
Emerald Downs	\$13,121.90	\$2,680.12	(\$549.74)	\$56.48	(\$0.71)	\$10,935.75
Evangeline Downs	\$138,666.60	\$28,883.40	\$8,581.00	\$895.35	(\$33.05)	\$100,339.90
Fairmount Park	\$3,424.20	\$686.20	\$648.26	\$22.74	(\$0.30)	\$2,067.30
Finger Lakes	\$27,472.60	\$5,814.13	\$3,259.86	\$61.97	(\$22.47)	\$18,359.11
Georgian Downs	\$1,055.20	\$265.46	\$603.11	\$1.97	\$0.00	\$184.66
Golden Gate Fields	\$140,254.60	\$28,152.25	\$3,903.91	\$884.05	(\$763.24)	\$108,077.63
Grand River Raceway	\$2,292.00	\$510.95	\$421.94	\$2.53	\$0.00	\$1,356.58
Gulfstream Park	\$1,088,569.70	\$226,249.96	\$24,767.64	\$5,978.35	(\$1,772.05)	\$833,345.80
Gulfstream Park Tropical	\$175,779.70	\$36,722.49	\$20,592.80	\$810.40	(\$30.35)	\$117,684.36
Harrington Raceway	\$169,740.40	\$41,364.90	(\$27,933.84)	\$897.83	(\$1,469.82)	\$156,881.33
Hastings	\$3,879.00	\$917.81	\$694.81	\$4.71	(\$0.04)	\$2,261.71
Hazel Park Thoroughbred	\$3,552.10	\$824.62	\$1,328.86	\$12.49	(\$0.34)	\$1,386.47
Hoosier Park	\$298,105.00	\$62,028.86	(\$28,208.98)	\$1,262.14	(\$432.96)	\$263,455.94
Indiana Downs	\$375,402.90	\$76,292.47	\$16,523.80	\$2,043.92	(\$59.06)	\$280,601.77
Les Bois Park	\$1,132.00	\$266.73	\$138.79	\$7.78	\$0.00	\$718.70
Lone Star	\$61,680.30	\$13,054.65	\$3,976.17	\$428.65	(\$22.90)	\$44,243.73
Los Alamitos Quarters	\$11,482.90	\$2,460.47	\$455.69	\$58.26	(\$68.42)	\$8,576.90
Louisiana Downs	\$139,633.10	\$29,551.46	\$9,556.16	\$663.41	(\$487.21)	\$100,349.28
Maywood Park	\$31,195.40	\$6,701.83	(\$1,947.78)	\$137.13	(\$7.04)	\$26,311.26
Meadowlands Racecourse (Harness)	\$235,440.30	\$45,531.88	(\$46,019.74)	\$1,010.41	(\$608.98)	\$235,526.73
Mohawk Raceway	\$283,082.60	\$62,107.92	(\$31,635.02)	\$560.33	(\$2,028.09)	\$254,077.46
Monmouth Park	\$691,149.30	\$139,091.87	\$5,162.23	\$3,997.72	(\$671.86)	\$543,569.34
Monticello Raceway	\$109,791.60	\$24,830.30	(\$11,201.61)	\$247.56	(\$216.12)	\$96,131.47
Mountaineer Park	\$41,416.00	\$8,541.32	(\$1,329.18)	\$252.37	(\$5.06)	\$33,956.55
Northfield Park	\$328,317.90	\$70,431.76	(\$70,509.88)	\$1,226.87	(\$1,575.90)	\$328,745.05
Northville Downs	\$378.70	\$81.83	(\$29.90)	\$4.57	\$0.00	\$322.20
Ocean Downs	\$4,930.20	\$1,120.39	(\$1,392.27)	\$18.22	(\$186.94)	\$5,370.80
Parx Racing (D)	\$61,996.70	\$13,883.19	(\$307.55)	\$342.12	(\$10.79)	\$48,089.73
Penn National	\$236,375.30	\$52,450.81	\$12,321.81	\$1,404.87	(\$5.77)	\$170,203.58
Pimlico	\$156,063.10	\$33,224.10	(\$10,009.71)	\$1,217.85	(\$238.21)	\$131,869.07
Plainridge Racecourse	\$8,648.00	\$2,195.91	(\$1,457.21)	\$40.48	(\$14.98)	\$7,883.80
Poconos	\$43,555.10	\$10,720.32	\$3,546.06	\$168.73	(\$578.74)	\$29,698.73
Pompano Park	\$19,322.00	\$4,083.41	(\$2,791.48)	\$94.26	(\$69.45)	\$18,005.26
Prairie Meadows	\$142,474.10	\$27,785.43	\$23,237.24	\$825.55	(\$968.73)	\$91,594.61
Presque Isle Downs	\$91,007.80	\$18,928.47	\$6,381.80	\$566.30	(\$303.16)	\$65,434.39
Rideau Carlton Raceway	\$1,010.80	\$248.22	\$50.47	\$0.22	(\$33.55)	\$745.44

Rosecroft	\$28.00	\$7.15	(\$98.05)	\$0.05	\$0.00	\$118.85
Running Aces Harness Park	\$5,358.90	\$1,128.85	\$428.89	\$11.09	\$0.00	\$3,790.07
Santa Anita Park	\$1,180,267.50	\$237,342.06	\$38,816.43	\$7,368.60	(\$520.35)	\$897,260.76
Saratoga Harness Raceway Night	\$9,877.20	\$2,222.41	(\$545.14)	\$38.65	(\$0.99)	\$8,162.27
Scioto Downs - Night	\$75,386.70	\$16,074.93	(\$3,862.17)	\$520.89	(\$67.68)	\$62,720.73
Tampa Bay Downs	\$1,595.70	\$344.07	\$317.54	\$4.27	\$0.00	\$929.82
The Meadows	\$150,509.50	\$31,263.84	(\$4,016.44)	\$810.79	(\$172.29)	\$122,623.60
Thistledown	\$186,068.90	\$39,287.34	\$14,171.73	\$863.66	(\$40.37)	\$131,786.54
Tioga Downs	\$18,307.00	\$3,440.17	\$396.84	\$77.20	\$0.00	\$14,392.79
True North Met Mile Double	\$3,093.00	\$572.18	(\$1,514.80)	\$0.42	\$0.00	\$4,035.20
Vernon Downs	\$10,045.80	\$2,245.02	\$530.39	\$37.45	\$0.00	\$7,232.94
Woodbine-Thoroughbred	\$601,893.80	\$121,127.65	\$37,955.14	\$1,602.90	(\$41.75)	\$441,249.86
Yonkers	\$163,066.30	\$34,725.86	(\$19,639.97)	\$780.11	(\$492.89)	\$147,693.19
Total:	\$13,657,619.30	\$2,783,950.18	(\$18,617.11)	\$68,100.29	(\$16,613.21)	\$10,840,799.15

WAGERING ON HISTORICAL RACES TOTALS
KENTUCKY DOWNS-July 2015

Total Wagered.....	\$ 34,442,019.05
 Total Commission.....	 \$ 2,788,889.70
(Total wagered minus takeout rates)	
 Net Track Commission.....	 \$ 2,272,259.41
(Total Commission minus the pari-mutuel tax...Amount that goes to KY Downs)	
Purse Fund.....	\$ 318,116.32
(14% of the net track commission)	
Breeders' Incentive Fund.....	\$ 22,722.59
(1% of the net track commission)	
 State Commission.....	 \$ 516,630.29
(Pari-mutuel tax...1.5% of the total wagered)	
Development Fund.....	\$ 258,315.14
(.75% of the total wagered)	
Equine Industry Program.....	\$ 68,884.04
(.2% of the total wagered)	
Equine Drug Research.....	\$ 34,442.02
(.1% of the total wagered)	
Higher Education Fund.....	\$ 34,442.02
(.1% of the total wagered)	
General Fund.....	\$ 120,547.07
(.35% of the total wagered)	
 Returned to the Public.....	 \$ 31,622,455.84

WAGERING ON HISTORICAL RACES TOTALS
ELLIS PARK-July 2015

Total Wagered.....	\$	6,073,538.15
 Total Commission.....	 \$	 465,877.58
(Total wagered minus takeout rates)		
 Net Track Commission.....	 \$	 374,774.51
(Total Commission minus the pari-mutuel tax...Amount that goes to Ellis Park)		
Purse Fund.....	\$	52,468.43
(14% of the net track commission)		
Breeders' Incentive Fund.....	\$	3,747.75
(1% of the net track commission)		
 State Commission.....	 \$	 91,103.07
(Pari-mutuel tax...1.5% of the total wagered)		
Development Fund.....	\$	45,527.66
(.75% of the total wagered)		
Equine Industry Program.....	\$	12,147.08
(.2% of the total wagered)		
Equine Drug Research.....	\$	6,073.54
(.1% of the total wagered)		
Higher Education Fund.....	\$	6,073.54
(.1% of the total wagered)		
General Fund.....	\$	21,281.26
(.35% of the total wagered)		
 Returned to the Public.....	 \$	 5,621,500.48

WAGERING ON HISTORICAL RACES TOTALS
COMBINED- July 2015

Total Wagered.....	\$ 40,515,557.20
Total Commission.....	\$ 3,254,767.28
(Total wagered minus takeout rates)	
Net Track Commission.....	\$ 2,647,033.92
(Total Commission minus the pari-mutuel tax)	
Purse Fund.....	\$ 370,584.75
(14% of the net track commission)	
Breeders' Incentive Fund.....	\$ 26,470.34
(1% of the net track commission)	
State Commission.....	\$ 607,733.36
(Pari-mutuel tax...1.5% of the total wagered)	
Development Fund.....	\$ 303,842.80
(.75% of the total wagered)	
Equine Industry Program.....	\$ 81,031.11
(.2% of the total wagered)	
Equine Drug Research.....	\$ 40,515.56
(.1% of the total wagered)	
Higher Education Fund.....	\$ 40,515.56
(.1% of the total wagered)	
General Fund.....	\$ 141,828.33
(.35% of the total wagered)	
Returned to the Public.....	\$ 37,243,956.32

WAGERING ON HISTORICAL RACES TOTALS
KY Downs- Calendar Year 2015

Total Wagered.....	\$	192,305,128.70
Total Commission.....	\$	15,586,385.98
(Total wagered minus takeout rates)		
Net Track Commission.....	\$	12,701,809.05
(Total Commission minus the pari-mutuel tax)		
Purse Fund.....	\$	1,778,253.27
(14% of the net track commission)		
Breeders' Incentive Fund.....	\$	127,018.09
(1% of the net track commission)		
State Commission.....	\$	2,884,576.93
(Pari-mutuel tax...1.5% of the total wagered)		
Development Fund.....	\$	1,442,288.47
(.75% of the total wagered)		
Equine Industry Program.....	\$	384,610.26
(.2% of the total wagered)		
Equine Drug Research.....	\$	192,305.13
(.1% of the total wagered)		
Higher Education Fund.....	\$	192,305.13
(.1% of the total wagered)		
General Fund.....	\$	673,067.95
(.35% of the total wagered)		
Returned to the Public.....	\$	176,630,640.79

WAGERING ON HISTORICAL RACES TOTALS

Ellis Park- Calendar Year 2015

Total Wagered.....	\$	33,053,878.05
Total Commission.....	\$	2,530,421.04
(Total wagered minus takeout rates)		
Net Track Commission.....	\$	2,034,612.87
(Total Commission minus the pari-mutuel tax)		
Purse Fund.....	\$	284,845.80
(14% of the net track commission)		
Breeders' Incentive Fund.....	\$	20,346.13
(1% of the net track commission)		
State Commission.....	\$	495,808.17
(Pari-mutuel tax...1.5% of the total wagered)		
Development Fund.....	\$	247,880.21
(.75% of the total wagered)		
Equine Industry Program.....	\$	66,107.76
(.2% of the total wagered)		
Equine Drug Research.....	\$	33,053.88
(.1% of the total wagered)		
Higher Education Fund.....	\$	33,053.88
(.1% of the total wagered)		
General Fund.....	\$	115,712.45
(.35% of the total wagered)		
Returned to the Public.....	\$	30,469,545.10

WAGERING ON HISTORICAL RACES TOTALS
Combined- Calendar Year 2015

Total Wagered.....	\$	225,359,006.75
Total Commission.....	\$	18,116,807.02
(Total wagered minus takeout rates)		
Net Track Commission.....	\$	14,736,421.92
(Total Commission minus the pari-mutuel tax)		
Purse Fund.....	\$	2,063,099.07
(14% of the net track commission)		
Breeders' Incentive Fund.....	\$	147,364.22
(1% of the net track commission)		
State Commission.....	\$	3,380,385.10
(Pari-mutuel tax...1.5% of the total wagered)		
Development Fund.....	\$	1,690,168.67
(.75% of the total wagered)		
Equine Industry Program.....	\$	450,718.01
(.2% of the total wagered)		
Equine Drug Research.....	\$	225,359.01
(.1% of the total wagered)		
Higher Education Fund.....	\$	225,359.01
(.1% of the total wagered)		
General Fund.....	\$	788,780.40
(.35% of the total wagered)		
Returned to the Public.....	\$	207,100,185.88

WAGERING ON HISTORICAL RACES TOTALS
KY Downs- September 1, 2011 thru July 31, 2015

Total Wagered.....	\$	1,028,726,534.30
Total Commission.....	\$	80,698,935.40
(Total wagered minus takeout rates)		
Net Track Commission.....	\$	65,268,037.39
(Total Commission minus the pari-mutuel tax)		
Purse Fund.....	\$	9,137,525.23
(14% of the net track commission)		
Breeders' Incentive Fund.....	\$	652,651.45
(1% of the net track commission)		
State Commission.....	\$	15,430,898.01
(Pari-mutuel tax...1.5% of the total wagered)		
Development Fund.....	\$	7,715,591.72
(.75% of the total wagered)		
Equine Industry Program.....	\$	2,057,491.13
(.2% of the total wagered)		
Equine Drug Research.....	\$	1,028,726.53
(.1% of the total wagered)		
Higher Education Fund.....	\$	1,028,726.53
(.1% of the total wagered)		
General Fund.....	\$	3,600,542.87
(.35% of the total wagered)		
Returned to the Public.....	\$	947,642,117.96

WAGERING ON HISTORICAL RACES TOTALS
Ellis Park- August 31, 2012 thru July 31, 2015

Total Wagered.....	\$ 108,843,925.75
Total Commission.....	\$ 8,416,828.40
(Total wagered minus takeout rates)	
Net Track Commission.....	\$ 6,784,169.51
(Total Commission minus the pari-mutuel tax...Amount that goes to Ellis Park)	
Purse Fund.....	\$ 949,783.73
(14% of the net track commission)	
Breeders' Incentive Fund.....	\$ 67,838.14
(1% of the net track commission)	
State Commission.....	\$ 1,632,658.89
(Pari-mutuel tax...1.5% of the total wagered)	
Development Fund.....	\$ 816,305.56
(.75% of the total wagered)	
Equine Industry Program.....	\$ 217,687.85
(.2% of the total wagered)	
Equine Drug Research.....	\$ 108,843.93
(.1% of the total wagered)	
Higher Education Fund.....	\$ 108,843.93
(.1% of the total wagered)	
General Fund.....	\$ 380,977.62
(.35% of the total wagered)	
Returned to the Public.....	\$ 100,071,581.98

WAGERING ON HISTORICAL RACES TOTALS
Combined- September 1, 2011 thru July 31, 2015

Total Wagered.....	\$	1,137,570,460.05
Total Commission.....	\$	89,115,763.80
(Total wagered minus takeout rates)		
Net Track Commission.....	\$	72,052,206.90
(Total Commission minus the pari-mutuel tax)		
Purse Fund.....	\$	10,087,308.97
(14% of the net track commission)		
Breeders' Incentive Fund.....	\$	720,489.59
(1% of the net track commission)		
State Commission.....	\$	17,063,556.90
(Pari-mutuel tax...1.5% of the total wagered)		
Development Fund.....	\$	8,531,897.29
(.75% of the total wagered)		
Equine Industry Program.....	\$	2,275,178.98
(.2% of the total wagered)		
Equine Drug Research.....	\$	1,137,570.46
(.1% of the total wagered)		
Higher Education Fund.....	\$	1,137,570.46
(.1% of the total wagered)		
General Fund.....	\$	3,981,520.49
(.35% of the total wagered)		
Returned to the Public.....	\$	1,047,713,699.94

Total Handle on "Live" Kentucky Races: Ellis Park

Race Date	Total Handle	Commission	Adjustment	Pos Break	Neg Break	Runner Pay
07/03/15	\$1,712,006.47	\$349,734.10	\$88,328.58	\$21,355.95	(\$713.81)	\$1,322,955.25
07/04/15	\$1,306,553.08	\$265,120.58	\$69,494.91	\$8,039.86	(\$717.76)	\$1,027,648.87
07/05/15	\$1,060,292.31	\$214,901.57	(\$0.28)	\$5,701.17		\$838,747.74
Week 1 Total	\$4,078,851.86	\$829,756.25	\$157,823.21	\$35,096.98	(\$1,431.57)	\$3,189,351.86
Cumulative	\$4,078,851.86	\$829,756.25	\$157,823.21	\$35,096.98	(\$1,431.57)	\$3,189,351.86
07/10/15	\$1,035,981.39	\$211,119.62	(\$0.35)	\$5,558.64	(\$302.97)	\$818,627.24
07/11/15	\$1,080,430.44	\$220,567.64	(\$0.42)	\$7,515.10		\$853,254.35
07/12/15	\$1,206,200.09	\$246,102.82	(\$0.38)	\$7,174.37		\$952,979.48
Week 2 Total	\$3,322,611.92	\$677,790.08	(\$1.15)	\$20,248.11	(\$302.97)	\$2,624,861.07
Cumulative	\$7,401,463.78	\$1,507,546.33	\$157,822.06	\$55,345.09	(\$1,734.54)	\$5,814,212.93
07/17/15	\$987,303.94	\$201,323.18	\$53,924.31	\$6,912.99	(\$1,155.60)	\$774,948.69
07/18/15	\$1,044,020.96	\$213,352.20	\$70,601.07	\$9,360.20	(\$1,112.55)	\$814,606.66
07/19/15	\$1,025,414.99	\$209,231.07	(\$0.29)	\$4,309.65	(\$13.88)	\$808,941.97
Week 3 Total	\$3,056,739.89	\$623,906.45	\$124,525.09	\$20,582.84	(\$2,282.03)	\$2,398,497.32
Cumulative	\$10,458,203.67	\$2,131,452.78	\$282,347.15	\$75,927.93	(\$4,016.57)	\$8,212,710.25
07/24/15	\$1,174,555.01	\$239,150.19	\$54,826.51	\$10,744.66	(\$477.88)	\$917,106.52
07/25/15	\$1,193,150.74	\$242,699.75	\$81,239.31	(\$242.47)	(\$1,223.73)	\$951,979.83
07/26/15	\$904,937.81	\$183,460.17	(\$0.41)	\$5,074.78	(\$5.61)	\$716,249.14
Week 4 Total	\$3,272,643.56	\$665,310.11	\$136,065.41	\$15,576.97	(\$1,707.22)	\$2,585,335.49
Total Monthly	\$13,730,847.23	\$2,796,762.89	\$418,412.56	\$91,504.90	(\$5,723.79)	\$10,798,045.74
07/31/15	\$828,093.28	\$170,085.91	(\$9,257.87)	\$4,854.16		\$660,382.13
Week 5 Total	\$828,093.28	\$170,085.91	(\$9,257.87)	\$4,854.16		\$660,382.13
Total Monthly	\$14,558,940.51	\$2,966,848.80	\$409,154.69	\$96,359.06	(\$5,723.79)	\$11,458,427.87

Race Date	Total Handle	Difference	Percentage
07/03/14	\$1,940,509.41	(\$1,940,509.41)	-100.00%
07/04/14	\$1,886,816.77	(\$174,810.30)	-9.26%
07/05/14	\$1,394,446.05	(\$87,892.97)	-6.30%
07/06/14	\$1,147,434.23	(\$87,141.92)	-7.59%
	\$6,369,206.46	(\$2,290,354.60)	-35.96%
	\$6,369,206.46	(\$2,290,354.60)	35.96%
07/11/14	\$1,106,573.75	(\$70,592.36)	-6.38%
07/12/14	\$999,299.35	\$81,131.09	8.12%
07/13/14	\$1,184,899.52	\$21,300.57	1.80%
	\$3,290,772.62	\$31,839.30	0.97%
	\$9,659,979.08	(\$2,258,515.30)	-23.38%
07/18/14	\$1,158,915.27	(\$171,611.33)	-14.81%
07/19/14	\$971,396.77	\$72,624.19	7.48%
07/20/14	\$1,290,184.88	(\$264,769.89)	-20.52%
	\$3,420,496.92	(\$363,757.03)	-10.63%
	\$13,080,476.00	(\$2,622,272.33)	-20.05%
07/25/14	\$944,423.94	\$230,131.07	24.37%
07/26/14	\$951,424.22	\$241,726.52	25.41%
07/27/14	\$1,590,546.59	(\$685,608.78)	-43.11%
	\$3,486,394.75	(\$213,751.19)	-6.13%
	\$16,566,870.75	(\$2,836,023.52)	-17.12%
		\$828,093.28	#DIV/0!
			#DIV/0!
		\$828,093.28	#DIV/0!
	\$16,566,870.75	(\$2,007,930.24)	-12.12%

Out of State Wagers

Date Range:

7/1/2015 - 7/31/2015

Report By:

Track

Track	Total Handle	Commission	Adjustment	Pos Break	Neg Break	Runner Pay
Alameda County Fair	\$20,111.80	\$4,431.22	\$2,536.00	\$103.17	-\$3.88	\$13,045.29
Arlington	\$711,018.40	\$146,441.07	\$30,113.80	\$4,625.04	-\$243.99	\$530,082.48
Australia	\$11,508.00	\$2,752.73	\$960.35	\$11.14	\$0.00	\$7,783.78
Australia B	\$9,971.20	\$2,357.46	\$1,395.12	\$17.82	-\$0.52	\$6,201.32
Australia C	\$6,193.20	\$1,463.46	\$356.66	\$9.04	\$0.00	\$4,364.04
Balmoral	\$75,212.40	\$15,982.73	-\$1,795.38	\$342.92	-\$169.72	\$60,851.85
Bangor Raceway	\$1,839.00	\$389.82	\$130.55	\$6.20	-\$169.42	\$1,481.85
Batavia Park	\$5,735.90	\$1,309.67	-\$859.70	\$6.44	\$0.00	\$5,279.49
Belmont Park	\$2,049,220.80	\$398,602.44	\$73,010.17	\$7,283.61	-\$454.77	\$1,570,779.35
Belterra Park Day	\$189,910.60	\$39,697.88	\$3,658.67	\$1,159.14	-\$30.50	\$145,425.41
Buffalo Raceway	\$13,190.90	\$2,801.94	-\$2,518.36	\$50.22	-\$205.28	\$13,062.38
California State Fair	\$21,555.30	\$4,678.55	\$2,711.05	\$123.29	-\$14.42	\$14,056.83
Canterbury Park	\$71,601.00	\$14,704.19	\$3,242.40	\$348.57	-\$912.50	\$54,218.34
Charles Town	\$101,263.20	\$19,592.68	\$9,092.92	\$508.43	-\$1,088.33	\$73,157.50
Chester Downs	\$215,385.00	\$48,680.52	-\$12,171.96	\$1,202.56	-\$2,044.77	\$179,718.65
Del Mar	\$787,732.10	\$157,380.19	\$48,336.01	\$3,443.41	-\$33.59	\$578,606.22
Delaware Park	\$272,156.10	\$55,226.20	-\$2,401.05	\$1,634.00	-\$459.24	\$218,156.19
Delta Downs	\$5,546.10	\$1,227.54	-\$2,312.53	\$22.90	\$0.00	\$6,608.19
Emerald Downs	\$11,258.90	\$2,347.43	\$681.28	\$49.35	\$0.00	\$8,180.84
Evangeline Downs	\$202,139.20	\$42,183.04	\$21,378.94	\$1,362.31	-\$147.85	\$137,362.76
Fairmount Park	\$2,519.00	\$514.62	\$627.87	\$11.85	\$0.00	\$1,364.66
Finger Lakes	\$22,355.90	\$4,684.13	\$4,058.95	\$53.92	-\$1.43	\$13,560.33
Georgian Downs	\$7,402.60	\$1,855.50	\$991.46	\$12.42	\$0.00	\$4,543.22
Grand River Raceway	\$7,984.00	\$1,905.09	-\$268.03	\$7.56	\$0.00	\$6,339.38
Gulfstream Park	\$1,371,509.00	\$282,307.60	\$55,997.72	\$7,071.04	-\$110.57	\$1,026,243.21
Gulfstream TARP	\$17,216.80	\$3,552.23	\$1,671.78	\$97.56	-\$2.19	\$11,897.42
Harrington Raceway	\$78,651.70	\$18,578.70	-\$5,094.90	\$352.68	-\$1,696.45	\$66,511.67
Hastings	\$4,099.40	\$950.77	-\$1,702.75	\$7.48	-\$0.02	\$4,843.92
Hazel Park Thoroughbred	\$10,855.00	\$2,520.21	\$354.36	\$95.77	-\$6.65	\$7,891.31
Hoosier Park	\$464,678.20	\$96,290.06	-\$42,852.74	\$1,862.59	-\$5,331.53	\$414,709.82
Indiana Downs	\$534,990.20	\$107,947.10	\$4,790.22	\$3,052.38	-\$137.69	\$419,338.19
Laurel Park	\$224,967.60	\$48,492.83	\$11,427.83	\$1,074.09	-\$185.67	\$164,158.52
Lone Star	\$69,794.40	\$14,903.48	\$12,934.33	\$312.91	-\$6.63	\$41,650.31
Los Alamitos Quarters	\$27,062.80	\$5,596.61	-\$1,737.12	\$140.45	-\$553.00	\$23,615.86
Los Alamitos Thoroughbred	\$182,276.90	\$37,337.92	\$24,105.67	\$929.21	-\$12.38	\$119,916.48
Louisiana Downs	\$170,140.50	\$35,687.01	\$16,280.62	\$979.41	-\$155.47	\$117,348.93
Maywood Park	\$49,224.90	\$10,217.96	\$2,343.47	\$236.81	-\$114.93	\$36,541.59
Meadowlands Racecourse (Harness)	\$356,577.40	\$69,237.02	-\$49,766.76	\$1,486.51	-\$3,031.18	\$338,651.81
Mohawk Raceway	\$322,877.20	\$71,396.44	-\$39,501.82	\$713.33	-\$1,675.25	\$291,944.50
Monmouth Park	\$834,211.60	\$165,934.12	\$58,898.59	\$5,259.02	-\$197.29	\$604,317.16
Monticello Raceway	\$160,549.40	\$35,635.27	-\$23,754.97	\$382.48	-\$1,745.08	\$150,031.70
Mountaineer Park	\$77,295.00	\$15,717.49	\$3,597.99	\$438.22	-\$22.75	\$57,564.05
Northfield Park	\$375,965.90	\$80,059.64	-\$29,532.98	\$1,548.56	-\$2,248.46	\$326,139.14
Northville Downs	\$77.00	\$17.61	\$46.34	\$0.97	\$0.00	\$104.76
Ocean Downs	\$12,444.70	\$2,899.95	-\$2,348.55	\$57.93	-\$85.03	\$11,920.40
Parx Racing (D)	\$64,984.50	\$14,478.53	\$4,251.81	\$312.27	-\$3.63	\$45,945.52
Penn National	\$228,586.40	\$50,884.35	\$9,323.62	\$1,458.29	-\$27.63	\$166,947.77
Plainridge Racecourse	\$13,783.00	\$3,389.96	\$1,536.94	\$36.67	-\$97.47	\$8,916.90
Poconos	\$62,727.40	\$15,191.34	\$43.95	\$320.87	-\$231.51	\$47,402.75
Prairie Meadows	\$99,329.50	\$19,308.17	\$3,543.35	\$675.81	-\$1,577.56	\$77,379.73
Presque Isle Downs	\$110,402.30	\$22,700.04	\$4,049.74	\$714.43	-\$2.98	\$82,941.07
Retama Park	\$570.50	\$115.09	\$32.51	\$1.18	\$0.00	\$421.72
Rideau Carlton Raceway	\$4,736.60	\$1,226.24	\$319.74	\$14.00	-\$8.85	\$3,185.47
Running Aces Harness Park	\$26,035.30	\$5,263.28	-\$2,156.38	\$102.81	-\$0.16	\$22,825.75
Saratoga Harness Raceway Night	\$19,461.30	\$4,086.94	-\$1,329.93	\$54.39	-\$822.64	\$17,472.54

Saratoga Thoroughbred Race Course	\$1,188,093.50	\$230,834.21	\$87,816.42	\$4,006.24	-\$18.50	\$865,455.13
Scioto Downs - Night	\$75,767.20	\$15,941.01	\$3,764.54	\$503.37	-\$16.57	\$55,574.85
Sonoma County Fair	\$3,181.60	\$697.90	\$333.40	\$9.07	\$0.00	\$2,141.23
Tampa Bay Downs	\$3,138.80	\$647.80	-\$2,659.40	\$5.07	\$0.00	\$5,145.33
The Meadows	\$209,045.50	\$43,772.68	-\$30,251.47	\$1,010.10	-\$1,087.61	\$195,601.80
Thistledown	\$270,175.20	\$56,880.38	\$4,545.29	\$1,298.13	-\$273.45	\$207,724.85
Tioga Downs	\$4,799.80	\$854.08	\$328.87	\$29.21	\$0.00	\$3,587.64
Vernon Downs	\$4,252.40	\$840.82	\$17.28	\$12.54	-\$410.85	\$3,792.61
Woodbine-Thoroughbred	\$701,575.00	\$141,287.40	-\$5,056.07	\$2,184.43	-\$68.10	\$563,227.34
Yonkers	\$213,834.70	\$44,899.83	-\$36,244.69	\$907.61	-\$847.13	\$205,119.08
Total:	\$13,472,756.70	\$2,749,790.17	\$219,228.36	\$62,151.20	-\$28,793.07	\$10,470,380.18