KENTUCKY HORSE RACING COMMISSION
MINUTES OF THE MEETING

Date: May 16, 2012
Place: U.S. Dressage Federation Building, Kentucky Horse Park, Lexington, KY

Members Present: Chairman Robert M. Beck, Jr.; Commissioner Edward S. "Ned" Bonnie; Commissioner Frank Jones, Jr.; Commissioner Franklin S. Kling, Jr.; Commissioner Elizabeth S. Lavin; Commissioner Alan J. Leavitt; Commissioner Burr Travis, Jr.; Commissioner Jerry Yon, M.D.; Commissioner Thomas Conway; Commissioner Foster Northrop, D.V.M.; and Commissioner John Phillips

Ex-officio Members Present: Secretary Robert D. Vance representing the Public Protection Cabinet; Mr. William Dexter, representing the Tourism, Arts and Heritage Cabinet; and Mr. George Burgess, representing the Cabinet of Economic Development

KHRC Staff Present: John T. Ward, Jr., Executive Director; Marc A. Guilfoil, Deputy Executive Director; Susan B. Speckert, General Counsel; Michael T. Davis, Deputy General Counsel; Mary Scollay, DVM, Equine Medical Director; Jamie Eads, Director of Breeders Incentives and Development; Bryce Peckham, D.V.M., Chief State Veterinarian; Greg Lamb, Supervisor of Pari-Mutuel Wagering; and Barbara Borden, Acting Chief State Steward

Others Participating: Kevin Flanery, Churchill Downs

Meeting called to order and roll call performed by Chairman Beck. A quorum was recognized.

AGENDA ITEM	*TRANSCRIPT PAGE NUMBER(S)*	*DISCUSSION / CONCLUSIONS / RECOMMENDATIONS*	*ACTION TAKEN*
Not applicable	5 – 6 6 – 7	Chairman Beck introduced John Phillips, newly appointed KHRC Commissioner. Ms. Speckert introduced Michael Davis, newly appointed KHRC Deputy General Counsel.	No action taken. Informational item only.
Tab 1 Approve minutes of March 14, 2012	7 – 8	Commissioner Northrop requested amendment of the Minutes as provided in the Agenda Book to reflect that he was in attendance at the March 14, 2012 meeting. A copy of the Minutes, as amended, is attached hereto.	Motion to approve as amended by Commissioner Travis. Second by Commissioner Jones. Motion carried with no

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			objections and one (1) abstention by Commissioner Phillips because he was not yet a member of the Commission at the time of the March 14, 2012 meeting.
Tab 2 Approve roster of race officials for Players Bluegrass Downs 2012 meet	8 – 9	Mr. Guilfoil stated that by letter dated May 2, 2012, Players Bluegrass Downs requested approval of its roster of race officials for its 2012 meet. All judges are ROAP accredited and all officials have previously performed the duties for which they were listed. Staff recommended approval.	Motion to approve recommendation by Commissioner Kling. Second by Commissioner Travis. Motion carried with no objections or abstentions.
Tab 3 Approve Ellis Parks' roster of race officials for 2012	9 – 10	Mr. Guilfoil stated that by letter dated May 7, 2012, Ellis Park requested approval of its roster of race officials for its 2012 meet. All stewards are ROAP accredited and all officials have previously performed the duties for which they are listed. Staff recommended approval.	Motion to approve recommendation by Commissioner Lavin. Second by Commissioner Travis. Motion carried with no objections or abstentions.
Tab 4 Approve Ellis Parks' 2012 summer meet KTDF allotments	11 – 14	Ms. Eads stated that by letter dated April 25, 2012, Ellis Park requested approval to card KTDF purses in the range of $1,148,000 for the 2012 summer meet and to pay KTDF purses from first to last place to all eligible horses. Staff has confirmed a balance of $163,308 from the 2011 summer meet that had not been reimbursed.	Motion to approve recommendation by Commissioner Yon. Second by Commissioner Jones. Motion carried with no objections or

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		The KTDF Advisory Committee reviewed the request on May 21, 2012 and approval was recommended. Commissioner Bonnie expressed concern that the paying out of purses from first to last place could impact the competitiveness of a race. He stated that it was incumbent upon the stewards to ensure that every horse that is entered in a race is competitive and trying to win, not just earn appearance money. Ms. Borden assured Commissioner Bonnie that this is the practice at all Kentucky tracks.	abstentions.
Tab 5 Approval of payment to Kentucky Colt Association	10 – 11	Ms. Eads stated that by letter dated May 2, 2012, the Kentucky Colt Association requested payment of the 2011 standardbred un-cashed ticket money and a portion of the tax collected by the Kentucky Off-Track Betting parlors. The staff confirmed that $84,705.40 was collected for 2011 un-cashed tickets and $22,637.72 was collected in taxes paid by the off-track betting parlors for a total amount of $107,343.12. Ms. Eads stated that, in accordance with KRS 230.398 and KRS 230.380(9)(a)(5), these funds are allocated annually to the Kentucky Colt Association to be used for harness racing at county fairs in Kentucky and the Fair Finals. Staff recommended approval.	Motion to approve the recommendation by Commissioner Yon. Second by Commissioner Northrop. Motion carried with no objections or abstentions.
Tab 6 Thoroughbred Rulings	14 – 17	Ms. Borden presented the Thoroughbred Rulings report. Ms. Borden again assured the Commissioners that all horses that finish far behind the field are placed on the stewards' list and a published work or contact with the trainer is required before	No action taken. Informative item only.

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		they are allowed to re-enter. Ms. Borden noted several updates on the rulings as provided in the Agenda Book: 1) Ruling 12-0003 – appeal withdrawn; 2) Ruling 12-0024 – fine paid; and 3) Ruling 12-0036 – fine paid. Ms. Borden also clarified that the suspensions in connection with Rulings 12-0037 and 12-0043 were still in effect.	
Tab 7 Reports from Veterinary Division	17 – 23	Dr. Peckham presented the veterinary report for the Keeneland Spring meet. He distributed an amended report to reflect figures that had been omitted from the report as provided in the Agenda Book. Dr. Northrop commended the KHRC veterinary team and track management of Churchill Downs for a successful Oaks and Derby weekend. Commissioner Bonnie inquired about the manner in which activity occurring in quarantine areas is recorded.	No action taken. Informative item only.
Tab 8 Report from Supervisor of Pari-Mutuel Wagering	23 – 24	Mr. Lamb presented the handle report for wagering on historical racing as of April 2012; wagering on historical races cumulative totals for September 1, 2011 thru April 30, 2012; and handle for Keeneland, Thunder Ridge and simulcasting.	No action taken. Informative item only.
Tab 9 Regulation and Litigation Status Report	24 – 25	Ms. Speckert noted several updates to the report as provided in the Agenda Book: 1) Foley appeal – withdrawn; and 2) Dutrow matter – set for hearing in July.	No action taken. Informative item only.

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Tab 10 Revised proposal on Phase-Out of use of Furosemide on Race Day	25 – 50	Chairman Beck stated that the revised proposal was on the agenda for informational purposes and to seek input from those in attendance. Mr. Ward stated that a town meeting would be scheduled to be held in Frankfort sometime between June 4, 5 or 6, 2012. The purpose of the town hall meeting would be to allow those who wished, the opportunity to speak to the issue, whether in favor of or against. Mr. Ward explained the revised proposal. Chairman Beck stated that the EDRC had taken the issue up at its meeting immediately prior to the KHRC meeting and asked Dr. Yon to report the action taken by the EDRC. Dr. Yon stated that the EDRC had an in-depth discussion on the issue of banning furosemide on race day and voted 5 to 4 against the ban. He stated that Senator Thayer, an EDRC member, requested that the ECRC submit a minority report to the Commission. The following Commissioners made remarks: 31 – 38 1) Commissioners Travis and Conway; 38 – 41 2) Commissioner Northrop; and 41 – 44 3) Commissioner Jones. 44 – 45 Commissioner Conway offered a motion to table any further discussion and activity on the proposal for 12 months or until such time that 4 or more of the other 13 jurisdictions take action, whichever occurred first. Dr. Northrop seconded.	Motion by Commissioner Conway to table discussions on the ban of furosemide for 12 months or until 4 of the other 13 jurisdictions take action. Second by Northrop. No vote taken. Amended motion by Commissioner Conway to withdraw the part of his motion to wait until 4 of the other 13 jurisdictions take action and to only table discussions or any public forums on the ban of furosemide for 12 months. Seconed by Commissioner Northrop. Amended motion failed by a roll call vote of 7 to 4. Commissioners voting "Yes" were Conway,

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	45 - 50 47 – 50	Chairman Beck noted that he did not believe that the part of Commissioner Conway's motion to wait until 4 or more of the other 13 jurisdictions had taken action would be enforceable. Commissioner Conway amended his motion to withdraw the part to wait for 4 or more other jurisdictions to take action and to only table any discussions or public forums for 12 months. Commissioner Northrop seconded the amended motion. Chairman Beck conducted a roll call vote.	Jones, Northrop and Travis. Commissioners voting "No" were Bonnie, Kling, Lavin, Leavitt, Phillips, Yon and Beck. No further action was taken.
Tab 11 Renew employment contract for Equine Medical Director	50 – 52	1) Chairman Beck requested a motion to go into executive session pursuant to KRS 61.810(1)(f) to discuss the appointment of an individual employee. 2) Chairman Beck requested a motion to return to public session. Upon returning to pubic session, Chairman Beck stated that the discussions about Dr. Scollay's performance were tremendously positive.	1) Motion to go into executive session by Commissioner Lavin. Second by Commissioner Yon. Motion carried with no objections or abstentions. 2) Motion to return to public session by Commissioner Yon. Second by Commissioner Travis. Motion carried with no objections or abstentions. Motion to renew Dr. Scollay's contract as proposed in the Agenda Book by

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			Commissioner Lavin. Second by Commissioner Jones. Motion carried with no objections or abstentions.
Adjournment	53	Chairman Beck requested a motion for adjournment.	Motion to adjourn by Commissioner Yon. Second by Commissioner Travis. Motion carried with no objections or abstentions. Meeting was adjourned.

NOTE: A copy of all materials provided in the Agenda Book, and any amendments thereto, are attached hereto and incorporated herein.