

KENTUCKY HORSE RACING COMMISSION
MINUTES OF THE SPECIAL MEETING

Date: June 15, 2016 at 1:30 PM

Place: United States Dressage Foundation, 4051 Iron Works Parkway, Lexington, KY

Members Present: Chairman Franklin S. Kling, Jr.; Vice Chairman John C. Roach; Commissioner Stuart E. Brown, II; Commissioner Kerry T. Cauthen; Commissioner Patrick A. Day; Commissioner Douglas A. Hendrickson; Commissioner Brereton C. Jones, Jr.; Commissioner Foster Northrop, DVM; Commissioner Mark Simendinger; Commissioner Kenneth A. Jackson; and Commissioner Gerald W. Holt

Ex-officio Members Present: Secretary David Dickerson, representing the Public Protection Cabinet; and Caroline Baesler by proxy on behalf of Deputy Secretary Erik Dunnigan, representing the Cabinet of Economic Development

KHRC Staff Participating: Marc A. Guilfoil, Executive Director; John L. Forgy, General Counsel; Mary Scollay, DVM, Equine Medical Director; Barbara Borden, Chief State Steward; Bruce Howard, DVM, Chief Veterinarian; and Chris Clark, Director of Licensing and Enforcement

Others Present/Participating: Justin Fowles, Frost Brown Todd, as legal counsel for Otabek Umarov; and Mr. Otabek Umarov

AGENDA ITEM	TRANSCRIPT PAGE NUMBER(S)	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
I. Swearing in of New Commission Members	4	Honorable Laurance B. VanMeter, Kentucky Court of Appeals Judge, administered the Constitutional oath of office to new commission member, Foster Northrop, DVM.	Informational item only. No action taken.
II. Call to Order and Roll Call	4 – 5	Meeting called to order and roll call performed by Chairman Kling. A quorum was recognized.	No action taken.

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<p>III. New Business</p> <p>Tab 1 Consideration of Mr. Otabek Umarov’s petition to overrule the Executive Director’s denial of Mr. Umarov’s request for stay of the Stewards Rulings pending action on appeal</p>	<p>5 – 22</p> <p>5</p> <p>5 – 15</p> <p>15 – 22</p>	<p>Chairman Kling announced that the only business on the agenda was the consideration of Mr. Umarov’s petition to overrule the Executive Director’s denial of Mr. Umarov’s request for stay of the stewards’ ruling pending action on appeal. He noted that Justin Fowles of Frost Brown Todd, was representing Mr. Umarov. Mr. Fowles and Mr. Forgy would be allowed 10 minutes to present their arguments and the Commission would go into executive session to discuss.</p> <p>Mr. Fowles presented his argument in favor of overruling the Executive Director’s denial of a stay to Mr. Umarov during the pendency of his appeal of the stewards’ ruling.</p> <p>Mr. Forgy presented the Executive Director’s argument in favor of affirming the Executive Director’s denial of a stay to Mr. Umarov during the pendency of his appeal of the stewards’ ruling.</p>	<p>Informational item only. Action to be taken following executive session and return to public session.</p>
<p>IV. Executive Session</p>	<p>22 – 23</p> <p>23 – 24</p>	<p>Chairman Kling requested a motion to go into executive session to: 1) deliberate in a role as a judicial or quasi-judicial body regarding individual adjudications as permitted by KRS 61.810(1)(j); and 2) to discuss proposed or pending litigation against or on behalf of the public agency as permitted by KRS 61.810(1)(c).</p> <p style="text-align: center;"><u>EXECUTIVE SESSION</u></p> <p>Chairman Kling requested a motion to return to public session.</p>	<p>Motion to go into executive session by Commissioner Brown. Second by Commissioner Cauthen. Motion carried with no objections or abstentions.</p> <p>Motion to return to public session by Commissioner</p>

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	24	<p>Upon return to public session: 1) In re: <u>Umarov v. KHRC</u>, Chairman Kling stated that the question before the Commission was whether to affirm or overrule the Executive Director’s denial of Mr. Umarov’s request for a stay on the penalty imposed in this matter and requested a motion.</p> <p>Chairman Kling called for a vote of all in favor of affirming the Executive Director’s denial of the request for stay to indicate by saying yes.</p> <p>Chairman Kling then called for a vote of all in favor of overruling the Executive Director’s denial of the request for stay to indicate by saying no.</p>	<p>Hendrickson. Second by Commissioner Day. Motion carried with no objections or abstentions.</p> <p>Motion by Commissioner Brown. Second by Commissioner Day.</p> <p>Unanimous “yes” with no objections or abstentions.</p> <p>There were no “no” responses.</p> <p>By unanimous vote, the Executive Director’s denial of the request for stay was affirmed.</p>
V. Adjournment	24	Chairman Kling requested a motion to adjourn.	Motion to adjourn by Commissioner Cauthen. Second by Commissioner Jackson. Motion carried with no objections or abstentions.

NOTE: The Agenda materials and any amendments thereto, subject to any applicable exemptions, and the official Transcript are incorporated by reference as if set forth fully herein.