

**KENTUCKY HORSE RACING COMMISSION**  
**MINUTES OF THE MEETING**

Date: October 4, 2016 at 1:30 PM

Place: Capital Annex, Room 169, 702 Capitol Avenue, Frankfort, KY

Members Present: Chairman Franklin S. Kling, Jr.; Vice-Chairman John C. Roach; Commissioner Stuart E. Brown, II; Commissioner Patrick A. Day; Commissioner Douglas A. Hendrickson; Commissioner Brereton C. Jones, Jr.; Commissioner Foster Northrop, DVM; Commissioner Mark Simendinger; Commissioner Gerald W. Holt; Commissioner Lesley Ann May Howard; Commissioner James Gatewood Bell, Jr.; and Commissioner J. David Richardson, M.D.

Ex-officio Members Present: Secretary David Dickerson, representing the Public Protection Cabinet; Caroline Baesler, by proxy and on behalf of Acting Secretary Erik Dunnigan, Cabinet of Economic Development; and Leigh Powers by proxy on behalf of Secretary Don Parkinson, Tourism, Arts & Heritage Cabinet

KHRC Staff Participating/Present: Marc A. Guilfoil, Executive Director; John L. Forgy, General Counsel; Barbara Borden, Chief State Steward; Bruce Howard, DVM, Chief Racing Veterinarian; and Steve May, Director of Pari-Mutuel Wagering

Others Participating: None

<b>AGENDA ITEM</b>	<b>TRANSCRIPT PAGE NUMBER(S)</b>	<b>DISCUSSION / CONCLUSIONS / RECOMMENDATIONS</b>	<b>ACTION TAKEN</b>
<b>I. Call to Order and Roll Call</b>	4 – 5	Meeting called to order and roll call performed by Chairman Kling. A quorum was recognized.	No action taken.
<b>II. New Business</b>  <b>Tab 1 Churchill Downs Backside Improvement Request</b>	5 – 6	Chairman Kling requested a motion to approve Churchill Downs' backside improvement expenditure of \$18,679.38.  Mr. Guilfoil presented Churchill Downs' request dated September 29, 2016 for approval to use funds in the Backside Improvement Fund in order to replace the backside ice machines located outside barn 34 and 44. Staff has inspected the	Motion to approve as presented by Commissioner Richardson. Second by Commissioner Simendinger. Motion carried with no objections or abstentions.



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		requested scheduled simulcast signals.  Staff recommends approval.	
<b>Tab 4 Initial License Application by Watch and Wager, LLC to Conduct Advance Deposit Account Wagering</b>	11 – 12	Chairman Kling announced that Item 4 would be withdrawn from the agenda and deferred to the next Commission meeting.	Deferred; no action taken.
<b>Tab 5</b> <b>a. Thoroughbred Rulings</b> <b>b. Standardbred Rulings</b> <b>c. Veterinary Division</b> <b>d. Pari-Mutuel Wagering Division</b> <b>e. Confidential - Litigation and Regulations</b>	12  12 – 13  13 – 15  15 – 18  N/A	a. Ms. Borden presented the thoroughbred ruling report through September 2016. She noted one update of payment of the fine for Ruling 16-0076.  b. Mr. Guilfoil presented the standardbred ruling report. He noted there were no updates. He also noted that Mr. Tim Schmitz has replaced Rich Williams as the new presiding judge.  c. Dr. Howard presented the veterinary reports for Ellis Park and Kentucky Downs meets.  d. Mr. May presented the pari-mutuel wagering reports for live racing, account deposit wagering and historical horse racing.  e. Status Report on Litigation and Regulations – For Informational Purposes Only.	Informational items only. No action taken.
<b>III. Other Business</b>  <b>Presentation – Fayette Alliance</b>	18 – 19	Deferred to a later meeting.	Deferred; informational item only.
<b>IV. Executive Session</b>	19 – 20	Chairman Kling requested a motion to go into closed session for the Commission to deliberate in its role as a judicial or quasi-	Motion by Commissioner Richardson. Second by

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<p style="text-align: center;"><b>Tab 6 Confidential – Graham Motion v. KHRC</b></p>	<p style="text-align: center;">20</p> <p style="text-align: center;">20 – 22</p>	<p>judicial body regarding individual adjudication as permitted under KRS 61.810(1)(j).</p> <p style="text-align: center;"><b><u>EXECUTIVE SESSION</u></b></p> <p>Chairman Kling requested a motion to return to public session.</p> <p>Chairman Kling requested a motion to adopt, in part, the Recommended Findings of Fact, Conclusions of Law, and Recommended Order of the Hearing Officer in re: Motion and Strawbridge v. KHRC, Administrative Action No. KHRC-15-TB-011, as follows: 1) to affirm the ruling of the stewards to impose a \$500 fine upon Motion; 2) disqualification of KITTEN’S POINT from the 7<sup>th</sup> race at Keeneland on April 24, 2015; 3) forfeiture of all purse money; 4) and modified to decline to impose the recommended suspension upon Motion.</p>	<p>Commissioner Holt. Motion carried with no objections or abstentions.</p> <p>Motion by Commissioner Richardson. Second by Commissioner Day. Motion carried with no objections or abstentions.</p> <p>Motion by Commissioner Richardson. Second by Commissioner Holt. Chairman Kling called a roll call vote. Motion carried 10-0 with 5 abstentions. Abstaining were Commissioners Bell, Brown, Howard, Jones and Northrop.</p>
<p><b>V. Adjournment</b></p>	<p style="text-align: center;">22 – 23</p>	<p>Chairman Kling requested a motion to adjourn.</p>	<p>Motion to adjourn by Commissioner Simendinger. Second by Commissioner Holt. Motion carried with no objections or abstentions.</p>

**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.