

KENTUCKY HORSE RACING COMMISSION
MINUTES OF THE MEETING

Date: February 16, 2021 at 1:30 PM

Place: Via video conference from Kentucky Horse Racing Commission, Conference Room, 4063 Iron Works Parkway, Building B, Kentucky Horse Park, Lexington, Kentucky

Members Present: Chairman Jonathan Rabinowitz; Vice-Chairman Frank Jones, Jr.; Commissioner Kerry T. Cauthen; Commissioner Naveed Chowhan, M.D.; Commissioner Douglas A. Hendrickson; Commissioner Lesley Ann May Howard; Commissioner Kenneth A. Jackson; Commissioner Franklin S. Kling, Jr.; Commissioner Alan J. Leavitt; Commissioner Foster Northrop, DVM; Commissioner Charles O'Connor; Commissioner Tom Riddle, DVM; Commissioner Mark Simendinger; and Commissioner James Edwin Worley

Ex-officio Members Present: Secretary Kerry B. Harvey, Public Protection Cabinet; Charles Rowland, Executive Legal Advisor, on behalf of Interim Secretary Larry Hayes, Cabinet for Economic Development; Secretary Mike Berry, Tourism, Arts & Heritage Cabinet

KHRC Staff Participating/Present: Marc A. Guilfoil, Executive Director; Jamie Eads, Deputy Executive Director and Director of Division of Incentives and Development; Jennifer Wolsing, General Counsel; Chad Thompson, Deputy General Counsel; Bruce Howard, DVM, Equine Medical Director; Nicholas Smith, DVM, Chief Racing Veterinarian; Barbara Borden, Chief State Steward; Waqas Ahmed, Director, Pari-mutuel Wagering and Compliance; Susan Nash, Executive Administrative Secretary

Others Participating: None.

<i>AGENDA ITEM</i>	<i>TRANSCRIPT PAGE NUMBER(S)</i>	<i>DISCUSSION / CONCLUSIONS / RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
I. Call to Order and Roll Call	4 – 5	Chairman Rabinowitz called the meeting of the Kentucky Horse Racing Commission (KHRC) to order and performed the roll call. A quorum was recognized.	No action taken.
N/A	5	Chairman Rabinowitz noted Gatewood Bell was named as the Vice-President of Racing for Keeneland Association Inc. and would no longer be serving as a KHRC Commissioner. Chairman Rabinowitz commended Mr. Bell for his work as a Commissioner.	No action taken. Informational only.

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II. New Business Tab 1 Meeting Minutes from December 8, 2020	5 – 58 5 – 6	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by the KHRC staff to approve the proposed minutes of the KHRC meeting of December 8, 2020. Motion by Commissioner Kling. Second by Vice-Chairman Jones.</p> <p>Ms. Eads presented the proposed minutes as set out in the agenda materials.</p> <p>Approval of the proposed minutes was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed minutes of the December 8, 2020 KHRC meeting as presented. Motion carried with no objections or abstentions.</p>
Tab 2 Keeneland’s 2021 Spring Meet KTDF Purse Structure	6 – 8	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation of the Kentucky Thoroughbred Development Fund Advisory Committee (KTDF Advisory Committee) to approve the proposed KTDF purse structure for Keeneland Association Inc.’s 2021 Spring meet. Motion by Commissioner Simendinger. Second by Commissioner O’Connor.</p> <p>Ms. Eads presented the KTDF Advisory Committee’s recommendation, approved at its January 26, 2021 meeting, as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed 2021 Spring meet KTDF purse structure requested by Keeneland Association Inc., as recommended by the KTDF Advisory Committee. Motion carried with no objections or abstentions.</p>
Tab 3 Churchill Downs 2021 Spring Meet KTDF Purse Structure	8 – 10	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation of the KTDF Advisory Committee to approve the proposed KTDF purse structure for Churchill Downs Racetrack, LLC’s 2021 Spring meet. Motion by Commissioner Northrop. Second by Commissioner Howard.</p> <p>Ms. Eads presented Churchill Downs Racetrack, LLC’s request for approval by the KTDF Advisory Committee by letter dated January 22,</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed 2021 Spring meet KTDF purse structure requested by Churchill Downs Racetrack, LLC, as recommended by the</p>

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		<p>2021, as outlined in the agenda materials. At its January 26, 2021 meeting, the KTDF Advisory Committee approved the proposed recommendation as presented.</p> <p>Approval of the KTDF Advisory Committee's recommendation was recommended by KHRC staff.</p>	<p>KTDF Advisory Committee. Motion carried with no objections or abstentions.</p>
<p>Tab 4 Churchill Downs' Backside Improvement Request</p>	<p>10 – 11</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by Churchill Downs Racetrack, LLC to approve two (2) proposed backside improvement fund expenditures totaling approximately \$250,000. Motion by Commissioner Northrop. Second by Vice-Chairman Jones.</p> <p>Ms. Eads presented Churchill Downs Racetrack, LLC's request dated January 29, 2021, as outlined in the agenda materials. KHRC staff confirms the projects meet the statutory requirements and the funding is available. KHRC staff will re-inspect the projects upon their completion.</p> <p>Approval was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve two (2) backside improvement fund expenditures proposed by Churchill Downs Racetrack, LLC, totaling approximately \$250,000, as presented. Motion carried with no objections or abstentions.</p>
<p>Tab 5 Kentucky Horse Breeders' Incentive Fund: Period VI Applications for Participation in 2021</p>	<p>11 – 13</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation of the Kentucky Horse Breeders' Incentive Fund Advisory Committee (KHBIF Advisory Committee) to approve the proposed KHBIF Period VI applications for 2021. Motion by Commissioner Northrop. Second by Commissioner Simendinger.</p> <p>Ms. Eads presented the eleven (11) proposed KHBIF Period VI applications for 2021 of the non-race affiliates as outlined in the agenda materials.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed KHBIF Period VI applications for 2021 as presented. Motion carried with no objections or abstentions.</p>

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		Approval of the applications was recommended by the KHBIF Advisory Committee and KHRC staff.	
Tab 6 Proposed amendments to 810 KAR 5:080	13 – 17	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation of the Kentucky Standardbred Development Fund, Kentucky Standardbred Breeders’ Incentive Fund Advisory Panel (KSDF/KSBIF Advisory Panel) to approve proposed amendments to 810 KAR 5:080. Motion by Commissioner Leavitt. Second by Commissioner O’Connor.</p> <p>Ms. Wolsing presented the KSDF/KSBIF Advisory Panel’s recommendation as outlined in the agenda materials. The KSDF/KSBIF Advisory Panel voted to approve the proposed amendments at its January 14, 2021 meeting.</p> <p>Approval was recommended by the KSDF/KSBIF Advisory Panel and the KHRC staff.</p>	Chairman Rabinowitz called for a vote to approve the proposed amendments to 810 KAR 5:080 as presented and as recommended by the KSDF/KSBIF Advisory Panel. Motion carried with no objections or abstentions.
Tab 7 Ratification of Executive Director Approval of Kentucky Downs’ Request to Expand its License Premises to an Extension Facility	17 – 20	<p>Chairman Rabinowitz requested a motion from the Commission to address ratification of the Executive Director’s conditional approval of the request submitted by Kentucky Downs LLC to expand its licensed premises to include an extension facility. Motion by Vice-Chairman Jones. Second by Commissioner Simendinger.</p> <p>Ms. Wolsing presented Kentucky Downs LLC’s request dated December 4, 2020, as outlined in the agenda materials. In accordance with KRS 230.230(1), Executive Director Guilfoil conditionally approved Kentucky Downs LLC’s request.</p> <p>Ratification of the Executive Director’s conditional approval was recommended by KHRC staff.</p>	Chairman Rabinowitz called for a vote to ratify the Executive Director’s conditional approval of the request submitted by Kentucky Downs LLC to expand its licensed premises to include an extension facility as presented, and contingent upon Governor Andy Beshear’s signing Senate Bill 120. Motion carried with no

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			objections or abstentions.
<p>Tab 8 ECL Corbin’s Request to amend section R of their 2021 Application to Shift Race Dates for the 2021 Race Meet</p>	20 – 23	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by ECL Corbin LLC to amend section R of its 2021 Application for License to Conduct Live Horse Racing, Simulcasting and Pari-mutuel Wagering. Motion by Commissioner Jackson. Second by Commissioner O’Connor.</p> <p>Mr. Thompson presented the request by ECL Corbin LLC dated January 8, 2021, as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve ECL Corbin LLC’s request to amend section R of its 2021 Application for License to Conduct Live Horse Racing, Simulcasting and Pari-mutuel Wagering as presented. Motion carried with no objections or abstentions.</p>
<p>Tab 9 Keeneland’s Request to amend section R to their 2021 Application for Race Dates</p>	23 – 26	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by Keeneland Association Inc. to amend section R of its 2021 License Application to Conduct Live Horse Racing, Simulcasting, and Pari-mutuel Wagering. Motion by Commissioner Kling. Second by Commissioner Northrop.</p> <p>Ms. Wolsing presented the request by Keeneland Association Inc. received on January 27, 2021, as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve Keeneland Association Inc.’s request to amend section R of its 2021 Application for License to Conduct Live Horse Racing, Simulcasting and Pari-mutuel Wagering as presented. Motion carried with no objections or abstentions.</p>

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Tab 10 Consideration of Removal of Withdrawal Guidelines for Fluphenazine	26 – 31	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation from the Equine Drug Research Council (EDRC) to amend the current withdrawal guidance for Fluphenazine. Motion by Commissioner Northrop. Second by Vice-Chairman Jones.</p> <p>Dr. Howard presented the EDRC’s recommendation to rescind the current 7-day guidance for withdrawal and replace it with a recommendation for pre-race clearance testing for any horses that have received Fluphenazine within the previous six (6) months, as outlined in the agenda materials.</p> <p>The EDRC approved the recommendation at its January 23, 2021 meeting and approval was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the EDRC’s recommendation to remove the current withdrawal guidance for Fluphenazine and replace it with pre-race clearance testing for any horses that have received Fluphenazine within the previous six (6) months. Motion carried with no objections or abstentions.</p>
Tab 11 Keeneland’s Proposed 2021 Spring Race Meet Officials and Date Preference System	31 – 33	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by Keeneland Association Inc. to approve the proposed roster of racing officials and date preference system for Keeneland’s 2021 Spring meet. Motion by Commissioner Simendinger. Second by Commissioner Northrop.</p> <p>Ms. Borden presented the request by Keeneland Association Inc. dated January 13, 2021, as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC.</p>	<p>Chairman Rabinowitz called for a vote to approve Keeneland Association Inc.’s request as presented. Motion carried with no objections or abstentions.</p>
Tab 12 Churchill Downs’ Proposed 2021 Spring Race Meet Officials and Date Preference System	33 – 34	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by Churchill Downs Racetrack, LLC to approve the proposed roster of racing officials and date preference system for Churchill Downs’ 2021 Spring meet. Motion by Vice-Chairman Jones. Second by Commissioner Northrop.</p>	<p>Chairman Rabinowitz called for a vote to approve Churchill Downs Racetrack, LLC’s request as presented. Motion</p>

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		<p>Ms. Borden presented the request by Churchill Downs Racetrack LLC dated January 26, 2021, as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p>	<p>carried with no objections or abstentions.</p>
<p>Tab 13 Proposed Emergency Amendments to 810 KAR 2:001, 810 KAR 3:001, 810 KAR 4:001, 810 KAR 5:001, 810 KAR 6:001, 810 KAR 6:010, and 810 KAR 6:030</p>	<p>34 – 37</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by the KHRC staff to approve the proposed emergency amendments to certain Kentucky Administrative Regulations regarding historical horse racing. Motion by Commissioner Hendrickson. Second by Commissioner Simendinger.</p> <p>Ms. Wolsing presented the proposed emergency amendments to 810 KAR 2:001, 810 KAR 3:001, 810 KAR 4:001, 810 KAR 5:001, 810 KAR 6:001, 810 KAR 6:010, and 810 KAR 6:030, as outlined in the agenda materials.</p> <p>Approval, contingent upon Governor Andy Beshear’s signing of Senate Bill 120, was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed emergency amendments to 810 KAR 2:001, 810 KAR 3:001, 810 KAR 4:001, 810 KAR 5:001, 810 KAR 6:001, 810 KAR 6:010, and 810 KAR 6:030 as presented, contingent upon Governor Andy Beshear signing Senate Bill 120. Motion carried with no objections or abstentions.</p>
<p>Tab 14 Proposed Amendments to 810 KAR 2:001, 810 KAR 3:001, 810 KAR 4:001, 810 KAR 5:001, 810 KAR 6:001, 810 KAR 6:010, 810 KAR 6:020, and 810 KAR 6:030</p>	<p>37 – 40</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by the KHRC staff to approve the proposed amendments to certain Kentucky Administrative Regulations regarding historical horse racing. Motion by Commissioner Kling. Second by Commissioner O’Connor.</p> <p>Ms. Wolsing presented the proposed amendments to 810 KAR 2:001, 810 KAR 3:001, 810 KAR 4:001, 810 KAR 5:001, 810 KAR 6:001, 810 KAR 6:010, 810 KAR 6:020, and 810 KAR 6:030, as outlined in the agenda materials.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed amendments to 810 KAR 2:001, 810 KAR 3:001, 810 KAR 4:001, 810 KAR 5:001, 810 KAR 6:001, 810 KAR 6:010, 810 KAR 6:020, and 810 KAR 6:030 as presented,</p>

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	39 39 – 40	Approval, contingent upon Governor Andy Beshear’s signing of Senate Bill 120, was recommended by KHRC staff. Chairman Rabinowitz extended appreciation for the hard work of the legislators, horse industry leaders, the KTA, HBPA, horsemen and women, associations, veterinarians, and farm workers throughout the Commonwealth on behalf of the Commission. Commissioner Kling also extended appreciation for all of the hard work of the Chairman.	contingent upon Governor Andy Beshear signing Senate Bill 120. Motion carried with no objections or abstentions.
Tab 15 Conditions to Conduct Historical Horse Racing for 2021	40 – 42	Chairman Rabinowitz requested a motion from the Commission to address the request submitted by the KHRC staff to approve the proposed conditions to conduct historical horse racing for 2021. Motion by Commissioner Northrop. Second by Commissioner Chowhan. Mr. Ahmed presented the request as outlined in the agenda materials. Approval was recommended by KHRC staff.	Chairman Rabinowitz called for a vote to approve the proposed conditions to conduct historical horse racing for 2021 as presented, contingent upon Governor Andy Beshear signing Senate Bill 120. Motion carried with no objections or abstentions.
Tab 16 Proposed classification process for Historical Horse Racing administrative regulations	42 – 48	Chairman Rabinowitz requested a motion from the Commission to address the request submitted by the KHRC staff to approve the proposed classification process for historical horse racing administrative requests. Motion by Commissioner Chowhan. Second by Commissioner O’Connor.	Chairman Rabinowitz called for a vote to approve the proposed classification process for historical horse racing administrative requests as presented, contingent

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		<p>Mr. Ahmed presented the request as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p>	<p>upon Governor Andy Beshear signing Senate Bill 120. Motion carried with no objections or abstentions.</p>
<p>Tab 17 Reports</p> <p>a. Thoroughbred Rulings</p> <p>b. Standardbred Rulings</p> <p>c. Veterinary Division Report</p> <p>d. Pari-Mutuel Wagering Division Report</p> <p>e. Litigation (Informational only)</p>	<p>48 – 58</p> <p>48 – 49</p> <p>49 – 51</p> <p>51 – 56</p> <p>56 – 58</p> <p>58</p>	<p>a. Ms. Borden presented the thoroughbred rulings reports as outlined in the agenda materials.</p> <p>b. Mr. Guilfoil presented the Standardbred rulings report as outlined in the agenda materials.</p> <p>c. Drs. Smith and Howard presented the veterinary division reports as outlined in the agenda materials.</p> <p>d. Mr. Ahmed presented the pari-mutuel wagering division reports as outlined in the agenda materials.</p> <p>e. Litigation and Regulation report is for informational purposes only.</p>	<p>No action taken. Informational items only.</p>
<p>III. Executive Session</p> <p>During the meeting on February 16, 2021, the Commission will go into closed session pursuant to KRS 61.810(1)(c) to discuss pending litigation</p>	<p>58 – 59</p> <p>59</p> <p>59</p>	<p>Chairman Rabinowitz requested a motion from the Commission to convene in closed session to discuss proposed or pending litigation against or on behalf of the agency, as permitted by KRS Chapter 61.810(1)(c). Motion by Commissioner Kling. Second by Commissioner Chowhan.</p> <p style="text-align: center;"><u>EXECUTIVE SESSION</u></p> <p>Chairman Rabinowitz requested a motion from the Commission to reconvene in open session. Motion by Commissioner Kling. Second by Commissioner O'Connor.</p>	<p>Chairman Rabinowitz called for a vote for the Commission to convene in closed session. Motion carried with no objections or abstentions.</p> <p>Chairman Rabinowitz called for a vote for the Commission to</p>

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		<u>RECONVENED TO OPEN SESSION</u>	reconvene in open session. Motion carried with no objections or abstentions.
IV. Other Business Final Order Regarding <i>Lanerie v. KHRC</i>	60 – 61	<p>Upon return to open session, Chairman Rabinowitz requested a motion from the Commission to address the request submitted by KHRC staff to approve the proposed Final Order for KRS 13B administrative appeal, <i>Corey Lanerie v. KHRC</i>, KHRC 20-TB-004. Motion by Commissioner Howard. Second by Commissioner Simendinger.</p> <p>Ms. Wolsing presented the Final Order as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p>	Chairman Rabinowitz called for a vote to approve the proposed Final Order regarding <i>Corey Lanerie v. KHRC</i> , KHRC 20-TB-004. Motion carried with no objections or abstentions.
V. Adjournment	61 – 62	<p>With no other business, Chairman Rabinowitz requested a motion to adjourn the February 16, 2021 meeting. Motion by Commissioner Cauthen. Second by Commissioner Northrop.</p> <p>Meeting adjourned.</p>	Chairman Rabinowitz called for a vote to adjourn. Motion carried with no objections or abstentions.

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