

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

Date: April 20, 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 James D. Gates, Jr.; Commissioner Douglas A. Hendrickson; Commissioner Kenneth A. Jackson; Commissioner Franklin S. Kling, Jr.; Commissioner Alan J. Leavitt; 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: Dr. Scott Stanley, Laboratory Director, University of Kentucky Equine Analytical Chemistry Laboratory

| <i>AGENDA ITEM</i>                    | <i>TRANSCRIPT PAGE NUMBER(S)</i> | <i>DISCUSSION / CONCLUSIONS / RECOMMENDATIONS</i>                                                                                                    | <i>ACTION TAKEN</i> |
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| <b>I. Call to Order and Roll Call</b> | 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.    |

| AGENDA ITEM                                                                                                  | TRANSCRIPT<br>PAGE<br>NUMBER(S)                            | DISCUSSION / CONCLUSIONS / RECOMMENDATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | ACTION TAKEN                                                                                                                                                                                                                                                                                                                                                               |
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| <p><b>II. New Business</b></p> <p><b>Tab 1 Meeting Minutes from February 16, 2021 and March 19, 2021</b></p> | <p>5 – 48</p> <p>5 – 6</p><br><br><br><br><br><p>6 – 7</p> | <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 February 16, 2021. Motion by Vice-Chairman Jones. Second by Commissioner Kling.</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 requested a motion from the Commission to address the request submitted by the KHRC staff to approve the proposed minutes of the KHRC special meeting of March 16, 2021. Motion by Vice-Chairman Jones. Second by Commissioner Kling.</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 February 16, 2021 KHRC meeting as presented. Motion carried with no objections or abstentions.</p> <p>Chairman Rabinowitz called for a vote to approve the proposed minutes of the March 19, 2021 KHRC special meeting as presented. Motion carried with no objections or abstentions.</p> |
| <p><b>Tab 2 Request Approval of the Kentucky Proud Series Race Dates, Purses and Conditions</b></p>          | <p>7 – 9</p>                                               | <p>Chairman Rabinowitz requested a motion from the Commission to address the request of the Kentucky Standardbred Development Fund, Kentucky Standardbred Breeders’ Incentive Fund Advisory Panel (KSDF/KSBIF Advisory Panel) to approve the proposed 2021 Kentucky Proud Series race dates, purses, and conditions. Motion by Commissioner Leavitt. Second by Commissioner Jackson.</p> <p>Ms. Eads presented the KSDF/KSBIF Advisory Panel’s recommendation, approved at its December 2020 meeting, as outlined in the agenda materials.</p>                                                                                                                                                                                                                                                                                                  | <p>Chairman Rabinowitz called for a vote to approve the proposed 2021 Kentucky Proud Series race dates, purses, and conditions, as presented by Ms. Eads and recommended by the KSDF/KSBIF Advisory Panel. Motion carried</p>                                                                                                                                              |



| <b>AGENDA ITEM</b>                                                                                      | <b>TRANSCRIPT PAGE NUMBER(S)</b> | <b>DISCUSSION / CONCLUSIONS / RECOMMENDATIONS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>ACTION TAKEN</b>                                                                                                                                                                                                                          |
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|                                                                                                         | 15 – 19                          | <p>April 6, 2021 meeting, the KTDF Advisory Committee recommended approval of the proposal as presented.</p> <p>Approval was recommended by KHRC staff and the KTDF Advisory Committee.</p> <p>Following the Commission’s vote passing the motion, Mr. Guilfoil addressed questions from Commissioner Simendinger concerning Ellis Park’s progress related to the short and long term improvements set out in the March 22, 2021 memorandum from Jeff Inman, General Manager, Ellis Park, to the KTDF Advisory Committee, as included in the agenda materials.</p> | KTDF Advisory Committee. Motion carried with no objections or abstentions.                                                                                                                                                                   |
| <b>Tab 5 Turfway Park’s Backside Improvement Request</b>                                                | 19 – 20                          | <p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by Turfway Park LLC to approve proposed backside improvement fund expenditures totaling approximately \$74,580. Motion by Commissioner Worley. Second by Vice-Chairman Jones.</p> <p>Ms. Eads presented the request submitted by Turfway Park LLC by letter dated March 31, 2021, as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p>                                                                                           | Chairman Rabinowitz called for a vote to approve the backside improvement fund expenditures requested by Turfway Park as presented, with a total estimated cost of approximately \$74,580. Motion carried with no objections or abstentions. |
| <b>Tab 6 Betmakers US’ Change of Control Request for Sportech Racing LLC and eBet Technologies Inc.</b> | 20 – 23                          | Chairman Rabinowitz requested a motion from the Commission to address ratification of the Executive Director’s conditional approval of the change of control request submitted by Betmakers US, Inc. in relation to Sportech Racing LLC and eBet Technologies, Inc. Motion by Commissioner Simendinger. Second by Commissioner Cauthen.                                                                                                                                                                                                                            | Chairman Rabinowitz called for a vote to ratify the Executive Director’s conditional approval of the change of control request submitted by Betmakers US, Inc. as                                                                            |

| <b>AGENDA ITEM</b>                                                                                                                         | <b>TRANSCRIPT PAGE NUMBER(S)</b> | <b>DISCUSSION / CONCLUSIONS / RECOMMENDATIONS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>ACTION TAKEN</b>                                                                                                                                                                                                                                                  |
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|                                                                                                                                            |                                  | <p>Mr. Ahmed presented the request submitted by Betmakers US, Inc. by letter dated March 10, 2021, and the Executive Director's conditional approval by letter dated March 22, 2021, as outlined in the agenda materials.</p> <p>Ratification of the Executive Director's conditional approval was recommended by KHRC staff.</p>                                                                                                                                                                                                                                                                                                               | <p>presented. Motion carried with no objections or abstentions.</p>                                                                                                                                                                                                  |
| <p><b>Tab 7 Request Approval of equine laboratory agreement with the University of Kentucky Equine Analytical Chemistry Laboratory</b></p> | <p>23 – 33</p> <p>23 - 32</p>    | <p>Chairman Rabinowitz requested a motion from the Commission to address the KHRC staff's request to establish the University of Kentucky Equine Analytical Chemistry Laboratory as the Commission's new drug testing laboratory. Motion by Commissioner Kling. Second by Commissioner Hendrickson.</p> <p>Drs. Howard and Stanley presented the KHRC staff's request, as outlined in the agenda materials, and addressed questions from the Commissioners. The proposed laboratory change was unanimously approved by the Equine Drug Research Council (EDRC) at its April 9, 2021 meeting.</p> <p>Approval was recommended by KHRC staff.</p> | <p>Chairman Rabinowitz called for a vote to approve the request to establish the University of Kentucky Equine Analytical Chemistry Laboratory as the Commissioner's new drug testing laboratory as presented. Motion carried with no objections or abstentions.</p> |
| <p><b>Tab 8 Equine Drug Research Council Request to Establish Executive Administrative Secretary Position</b></p>                          | <p>33 – 35</p>                   | <p>Chairman Rabinowitz requested a motion from the Commission to address the request to establish a new executive administrative secretary position for the EDRC, to be funded through the EDRC. Motion by Commissioner Simendinger. Second by Vice-Chairman Jones.</p> <p>Dr. Howard presented the request for the establishment of the position, as outlined in the agenda materials. The EDRC approved establishment and funding of the new position at its April 6, 2021 meeting.</p>                                                                                                                                                       | <p>Chairman Rabinowitz called for a vote to approve the request to establish a new EDRC funded executive administrative secretary position for the EDRC, as presented and as approved by the EDRC. Motion carried with no</p>                                        |

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|                                                                                                              |                                  | Approval was recommended by KHRC staff.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | objections or abstentions.                                                                                                                                                                                                                       |
| <b>Tab 9 Ratification of Executive Director Approval of Churchill Downs' 2021 Spring Race Meet Officials</b> | 35 – 37                          | <p>Chairman Rabinowitz requested a motion from the Commission to address ratification of the Executive Director's conditional approval of Churchill Downs Racetrack LLC's amended list of 2021 Spring race meet officials. Motion by Commissioner Kling. Second by Commissioner Leavitt.</p> <p>Ms. Borden presented Churchill Downs Racetrack LLC's request dated January 26, 2021, and the Executive Director's conditional approval by letter dated February 22, 2021, as outlined in the agenda materials.</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 Churchill Downs Racetrack LLC's amended list of 2021 Spring race meet officials as presented. Motion carried with no objections or abstentions. |
| <b>Tab 10 Ellis Park's 2021 Proposed Race Meet Officials and Date Preference System</b>                      | 37 – 39                          | <p>Chairman Rabinowitz requested a motion from the Commission to address Ellis Entertainment LLC's proposed 2021 Summer race meet officials and date preference system. Motion by Commissioner Leavitt. Second by Commissioner Simendinger.</p> <p>Ms. Borden presented the request submitted by Ellis Entertainment LLC dated March 11, 2021, as outlined in the agenda materials. She noted several changes to the original request and stated that all racing officials will be licensed by the opening of the meet.</p> <p>Approval was recommended by KHRC staff.</p>                                             | Chairman Rabinowitz called for a vote to approve Ellis Entertainment LLC's proposed 2021 Summer race meet officials and date preference system as presented. Motion carried with no objections or abstentions.                                   |

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| <b>Tab 11 ECL Corbin at The Red Mile 2021 Proposed Race Meet Officials</b>                    | 39 – 40                          | <p>Chairman Rabinowitz requested a motion from the Commission to address ECL Corbin LLC’s proposed 2021 race meet officials for its harness racing meet at The Red Mile. Motion by Commissioner Leavitt. Second by Commissioner Worley.</p> <p>Ms. Borden presented the request by ECL Corbin LLC dated April 8, 2021, as outlined in the agenda materials. She noted one update to the officials list.</p> <p>Approval was recommended by KHRC staff.</p>                                                                                                                                                                               | <p>Chairman Rabinowitz called for a vote to approve ECL Corbin LLC’s proposed 2021 race meet officials for its harness racing meet at The Red Mile as presented. Motion carried with no objections or abstentions.</p>  |
| <b>Tab 12 Red Mile 2021 Proposed Race Meet Officials</b>                                      | 40 – 41                          | <p>Chairman Rabinowitz requested a motion from the Commission to address the Lexington Trots Breeders Association LLC d/b/a The Red Mile’s proposed 2021 race meet officials. Motion by Commissioner Worley. Second by Commissioner Leavitt.</p> <p>Ms. Borden presented the request by Lexington Trots Breeders Association d/b/a The Red Mile dated April 7, 2021, as outlined in the agenda materials. She noted that the judges have been ROAP accredited, and that officials have all worked in the same capacities in the past and will be licensed by the opening of the meet.</p> <p>Approval was recommended by KHRC staff.</p> | <p>Chairman Rabinowitz called for a vote to approve the Lexington Trots Breeders Association d/b/a The Red Mile’s proposed 2021 race meet officials as presented. Motion carried with no objections or abstentions.</p> |
| <b>Tab 13 Reports</b><br><b>a. Thoroughbred Rulings</b><br><br><b>b. Standardbred Rulings</b> | 41 – 48<br>41 – 42<br><br>42     | <p>a. Ms. Borden presented the thoroughbred rulings reports as outlined in the agenda materials.</p> <p>b. Chairman Rabinowitz noted no changes to the Standardbred rulings report as outlined in the agenda materials.</p>                                                                                                                                                                                                                                                                                                                                                                                                              | <p>No action taken. Informational items only.</p>                                                                                                                                                                       |

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| <p>c. Veterinary Division Report</p> <p>d. Pari-Mutuel Wagering Division Report</p> <p>e. <b>Litigation (Informational only)</b></p>                                                                          | <p>42 – 45</p> <p>45 – 48</p> <p>48</p> | <p>c. Drs. Smith and Howard presented the veterinary division reports as outlined in the agenda materials. Dr. Howard responded to an inquiry by Commissioner Simendinger.</p> <p>d. Mr. Ahmed presented the pari-mutuel wagering division reports as outlined in the agenda materials. Mr. Ahmed responded to an inquiry by Commissioner Simendinger.</p> <p>e. Litigation and Regulation report is for informational purposes only.</p>                                                                                                                                                             |                                                                                                                                                                                                                                                                                                 |
| <p><b>III. Executive Session</b></p> <p><b>During the meeting on April 20, 2021, the Commission will go into closed session pursuant to KRS 61.810(1)(c) to discuss pending litigation (CONFIDENTIAL)</b></p> | <p>48 – 59</p> <p>49</p> <p>49 – 50</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 Worley. Second by Commissioner Simendinger.</p> <p style="text-align: center;"><b><u>EXECUTIVE SESSION</u></b></p> <p>Chairman Rabinowitz requested a motion from the Commission to reconvene in open session. Motion by Commissioner Kling. Second by Vice-Chairman Jones.</p> <p style="text-align: center;"><b><u>RECONVENED TO OPEN SESSION</u></b></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 reconvene in open session. Motion carried with no objections or abstentions.</p> |
| <p><b>IV. Other Business</b></p> <p><b>Final Orders Regarding <i>Gaffalione v. KHRC</i>, KHRC-20-TB-003; <i>Serpa v. KHRC</i>, KHRC-20-TB-005</b></p>                                                         | <p>50 – 52</p>                          | <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>Tyler Gaffalione v. KHRC</i>, KHRC-20-TB-003. Motion by Commissioner Simendinger. Second by Commissioner Worley.</p>                                                                                                                                                                                                                                                              | <p>Chairman Rabinowitz called for a vote to approve the proposed Final Order regarding <i>Tyler Gaffalione v. KHRC</i>, KHRC 20-TB-003. Motion</p>                                                                                                                                              |



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|                       | 52 – 53                   | <p>Ms. Wolsing presented the Final Order as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p> <p>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>Angel Serpa v. KHRC</i>, KHRC-20-TB-005. Motion by Commissioner Chowhan. 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> | <p>carried with no objections or abstentions.</p> <p>Chairman Rabinowitz called for a vote to approve the proposed Final Order regarding <i>Angle Serpa v. KHRC</i>, KHRC 20-TB-005. Motion carried with no objections or abstentions.</p> |
| <b>V. Adjournment</b> | 53 – 54                   | <p>With no other business, Chairman Rabinowitz requested a motion to adjourn the April 20, 2021 meeting. Motion by Commissioner Cauthen. Second by Commissioner Hendrickson.</p> <p>Meeting adjourned.</p>                                                                                                                                                                                                                                                                                                                                                                | <p>Chairman Rabinowitz called for a vote to adjourn. Motion carried with no objections or abstentions.</p>                                                                                                                                 |

**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.