

KENTUCKY HORSE RACING COMMISSION
MINUTES OF THE MEETING

Date: October 26, 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 Michael F. Dudgeon; Commissioner James D. Gates, Jr.; Commissioner Gregory Harbut; Commissioner Douglas A. Hendrickson; Commissioner Lesley Howard; Commissioner Kenneth A. Jackson; Commissioner William L.S. Landes; Commissioner Charles O’Connor; Commissioner Tom Riddle, DVM; Commissioner Mark Simendinger; and Commissioner James Edwin Worley

Ex-officio Members Present: Secretary Ray Perry, Public Protection Cabinet; Charles Rowland, Executive Legal Advisor, on behalf of Interim Secretary Larry Hayes, Cabinet for Economic Development

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; Shan Dutta, 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; Joanna Ricci, Executive Administrative Secretary

Others Participating: Tim Perkins, Board of Managers, Ellis Entertainment, and Chief Operations Officer, Laguna Development Corporation; and Jeffrey Inman, General Manager, Ellis Park

AGENDA ITEM	TRANSCRIPT PAGE NUMBER(S)	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
I. Call to Order and Roll Call	4 – 5 5	Chairman Rabinowitz called the meeting of the Kentucky Horse Racing Commission (KHRC or Commission) to order and performed the roll call. A quorum was recognized. Prior to addressing Tab 1, Chairman Rabinowitz welcomed new Commission member, Michael F. Dudgeon.	No action taken.

AGENDA ITEM	TRANSCRIPT PAGE NUMBER(S)	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
II. New Business Tab 1 Minutes from August 17, 2021	5 – 60 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 August 17, 2021. Motion by Commissioner Simendinger. Second by Commissioner Riddle.</p> <p>Ms. Eads presented the proposed minutes, as outlined 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 August 17, 2021 KHRC meeting, as presented. Motion carried with no objections or abstentions.</p>
Tab 2 Ratification of Executive Director Approval of Kentucky Downs sending \$450,000 in KTDF Funds to Keeneland to be used during the 2021 Fall Meet	6 – 8	<p>Chairman Rabinowitz requested a motion from the Commission to address ratification of the Executive Director’s conditional approval of Kentucky Downs sending \$450,000 in KTDF funds to Keeneland to be used during the 2021 Fall meet. Motion by Commissioner Hendrickson. Second by Commissioner Landes.</p> <p>Ms. Eads presented the request from Kentucky Downs dated August 14, 2021, as outlined in the agenda materials. She noted that Kentucky Downs’ request is supported by the KTDF Advisory Committee, the Kentucky Horsemen’s Benevolent and Protective Association and the Kentucky Thoroughbred Owners and Breeders.</p> <p>Approval was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to ratify the Executive Director’s conditional approval of Kentucky Downs’s request to send \$450,000 in KTDF funds to Keeneland to be used during the 2021 Fall meet, as presented. Motion carried with no objections or abstentions.</p>
Tab 3 KTDF Purse Structure – Churchill Downs Fall Meet	8– 9	<p>Chairman Rabinowitz requested a motion from the Commission to address approval of Churchill Downs Racetrack LLC’s 2021 Fall meet KTDF purse structure. Motion by Commissioner Simendinger. Second by Commissioner Chowhan.</p> <p>Ms. Eads presented the KTDF Advisory Committee’s recommendation for approval of Churchill Downs’ request dated October 1, 2021, as outlined in the agenda materials. At its October</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed KTDF purse structure for Churchill Downs’ 2021 Fall meet, as presented and recommended by the KTDF Advisory</p>

AGENDA ITEM	TRANSCRIPT PAGE NUMBER(S)	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
		<p>5, 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>Committee. Motion carried with no objections or abstentions.</p>
<p>Tab 4 KTDF Purse Structure – Turfway Park 2021 Holiday Meet & 2022 Winter/Spring Meet</p>	<p>9 – 11</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address approval of Turfway Park’s KTDF purse structure for the 2021 Holiday meet and 2022 Winter/Spring meet. Motion by Commissioner Chowhan. Second by Commissioner Landes.</p> <p>Ms. Eads presented the KTDF Advisory Committee’s recommendation for approval of Kentucky Downs’ request dated October 1, 2021, as outlined in the agenda materials. At its October 5, 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>Chairman Rabinowitz called for a vote to approve the proposed KTDF purse structure for Turfway Park’s 2021 Holiday meet and 2022 Winter/Spring meet, as presented, and recommended by the KTDF Advisory Committee. Motion carried with no objections or abstentions.</p>
<p>Tab 5 Amendments to 810 KAR 7:050 and Incorporated Documents</p>	<p>11 – 12</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address approval of amendments to 810 KAR 7:050 and incorporated documents. Motion by Vice-Chairman Jones. Second by Commissioner Simendinger.</p> <p>Ms. Wolsing presented the proposed amendments to 810 KAR 7:050 and incorporated documents, 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 amendments to 810 KAR 7:050 and incorporated documents, as presented. Motion carried with no objections or abstentions.</p>

<i>AGENDA ITEM</i>	<i>TRANSCRIPT PAGE NUMBER(S)</i>	<i>DISCUSSION / CONCLUSIONS / RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<p>Tab 6 Amendments to 810 KAR 6:001</p>	<p>12 – 15</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address approval of amendments to 810 KAR 6:001. Motion by Commissioner Simendinger. Second by Vice-Chairman Jones.</p> <p>Ms. Wolsing presented the proposed amendments to 810 KAR 6:001, 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 amendments to 810 KAR 6:001, as presented. Motion carried with no objections or abstentions.</p>
<p>Tab 7 Delegation of authority to Committee Chairs to act as Commission representatives for the purpose of obtaining professional legal services from Commission counsel</p>	<p>15 – 17</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address approval of the delegation of authority to Committee Chairs to act as KHRC representatives for the purpose of obtaining professional legal services from the KHRC legal counsel. Motion by Vice-Chairman Jones. Second by Commissioner Landes.</p> <p>Ms. Wolsing presented the KHRC staff’s proposal to delegate authority to Committee Chairs to act as KHRC representatives for the purposes of obtaining professional legal services from KHRC legal counsel, 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 delegation of authority to Committee Chairs to act as KHRC representatives for the purpose of obtaining professional legal services from the KHRC legal counsel, as presented. Motion carried with no objections or abstentions.</p>

AGENDA ITEM	TRANSCRIPT PAGE NUMBER(S)	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
Tab 8 Conditions of Racing Association Licensing for 2022	17 – 18	<p>Chairman Rabinowitz requested a motion from the Commission to address approval of the conditions of racing association licensing for 2022. Motion by Commissioner Hendrickson. Second by Commissioner Gates.</p> <p>Ms. Wolsing presented the proposed Conditions of Racing Association licensing for 2022, 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 Conditions of Racing Association licensing for 2022, as presented. Motion carried with no objections or abstentions.</p>
Tab 9 Licenses to Conduct Live Horse Racing, Simulcasting, and Pari-Mutuel Wager for 2022	18 – 22	<p>Chairman Rabinowitz requested a motion from the Commission to address approval of the licenses to conduct live horse racing, simulcasting, and pari-mutuel wagering for 2022. Motion by Vice-Chairman Jones. Second by Commissioner Simendinger.</p> <p>Ms. Wolsing presented the licenses to conduct live horse racing, simulcasting, and pari-mutuel wagering for 2022, as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff and the Race Dates Committee.</p> <p>Following the vote, Chairman Rabinowitz confirmed Commissioner Simendinger’s inquiry to clarify that the vote for approval included any areas that still require contingent submission by racing associations, etc.</p>	<p>Chairman Rabinowitz called for a vote to approve the licenses to conduct live horse racing, simulcasting, and pari-mutuel wagering for 2022, as presented, and recommended by the Race Dates Committee. Motion carried with no objections or abstentions.</p>
Tab 10 Calendar of Race Dates and Host Status for 2022	23 – 24	<p>Chairman Rabinowitz requested a motion from the Commission to address approval of the calendar of race dates and host status for 2022, as approved by the Race Dates Committee at its October 22, 2021 meeting. Motion by Vice-Chairman Jones. Second by Commissioner Simendinger.</p>	<p>Chairman Rabinowitz called for a vote to approve the calendar of race dates and host status for 2022, as presented and</p>

AGENDA ITEM	TRANSCRIPT PAGE NUMBER(S)	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
		<p>Ms. Borden presented Churchill Downs’ request dated October 6, 2021, as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p>	<p>Fall race meet and date preference system, as presented. Motion carried with no objections or abstentions.</p>
<p>Tab 14 Reports</p> <p>a. Thoroughbred Rulings</p> <p>b. Standardbred Rulings</p> <p>c. Veterinary Division Report</p> <p>d. Historical Horse Racing</p> <p>e. Litigation</p>	<p>50– 60</p> <p>50 - 52</p> <p>52 – 53</p> <p>53 – 58</p> <p>58 – 60</p> <p>60</p>	<p>a. Ms. Borden presented the thoroughbred rulings reports, as outlined in the agenda materials, and addressed an inquiry from Commissioner Simendinger.</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 historical horse racing report.</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>Final Order Regarding Rossi v. KHRC, KHRC-18-TB-004</p>	<p>60 – 61</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 61.810(1)(c). Motion by Commissioner Simendinger. Second by Commissioner Hendrickson.</p> <p style="text-align: center;"><u>EXECUTIVE SESSION</u></p>	<p>Chairman Rabinowitz called for a vote to approve convening in closed session. Motion carried with no objections or abstentions.</p> <p>Chairman Rabinowitz called for a vote to</p>

AGENDA ITEM	TRANSCRIPT PAGE NUMBER(S)	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
	61	Chairman Rabinowitz requested a motion from the Commission to reconvene in open session. Motion by Commissioner Simendinger. Second by Vice-Chairman Jones. RECONVENED TO OPEN SESSION	approve reconvening in open session. Motion carried with no objections or abstentions.
IV. Other Business Tab 15 Final Order in Lee J. Rossi v. KHRC; Administrative Action No. KHRC-21-TB-004	61 – 63 62 63	Upon reconvening in open session, Chairman Rabinowitz requested a motion from the Commission to address KRS 13B administrative appeal, <i>Rossi v. KHRC</i> , KHRC Agency Case Number KHRC-18-TB-004. Motion by Commissioner Landes. Second by Commissioner Hendrickson. Ms. Wolsing presented the proposed Final Order, as outlined in the agenda materials. Prior to adjournment, Chairman Rabinowitz expressed thanks to the staff for their hard work putting the meeting together.	Chairman Rabinowitz called for a vote for the Commission to approve the proposed Final Order regarding <i>Rossi v. KHRC</i> , Administrative Action No. KHRC-18-TB-004. Motion carried with no objections or abstentions.
V. Adjournment	63 – 64	Hearing no more business, Chairman Rabinowitz requested a motion to adjourn the October 26, 2021 meeting of the KHRC. Motion by Commissioner Cauthen. Second by Commissioner Landes. Meeting adjourned.	Chairman Rabinowitz called for a vote to adjourn the October 26, 2021 meeting of the KHRC. 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.