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Sportech Settlement Agreement

On September 9, 2021, the Kentucky Horse Racing Commission (“KHRC”) issued a notice of administrative penalty and fine to Sportech Racing, LLC (“Sportech”), effective September 4, 2021. The KHRC imposed this notice and fine due to Sportech’s alleged failure to comply with a written directive of the Commission issued on August 17, 2021 and Sportech’s alleged failure to submit daily special reports. See KRS 230.260(11); 810 KAR 3:030; KHRC 3-030-3 Section 5(E)(3).

The KHRC staff has continued to work with Sportech to review its submissions and efforts to comply with the directive. On October 9, 2021, Sportech started publishing automated daily special reports to an FTP server accessible to the KHRC staff in the format prescribed.

As of the November 12, 2021, the parties agree that Sportech’s penalization and appeal rights are stayed on the condition that Sportech incurs no further violation of the KHRC’s Pari-Mutuel Wagering statutes or regulations within three hundred sixty-five (365) days from the date of October 9, 2021. If Sportech incurs no further violations during this 365-day period, then the September 9, 2021 Notice will be deemed rescinded, and Sportech’s appeal rights will be deemed moot. If Sportech violates the KHRC’s Pari-Mutuel Wagering statutes or regulations within this 365-day period, then the parties agree that Sportech will (1) pay a total penalty of \$35,000.00, or pursue its appeal rights within ten (10) days of such determination by KHRC; and (2) pay the penalty owed for the subsequent violation(s) within the 365-day period, or pursue its appeal rights within ten (10) days of such determination by KHRC.

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