

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

Date: February 15, 2022 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 Gregory Harbut; Commissioner Douglas A. Hendrickson; Commissioner Lesley Ann May Howard; Commissioner Kenneth A. Jackson; Commissioner William L.S. Landes; Commissioner Charles O'Connor; Commissioner Tom Riddle, DVM; and Commissioner Mark Simendinger

Ex-officio Members Present: DJ Wasson on behalf of Secretary Ray Perry, Public Protection Cabinet; Secretary Mike Berry, Tourism, Arts & Heritage Cabinet; Angelica Vega 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 Present/Participating: Allen Page, DVM, PhD, University of Kentucky

<i>AGENDA ITEM</i>	<i>TRANSCRIPT PAGE NUMBER(S)</i>	<i>DISCUSSION / CONCLUSIONS / RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<b>I. Call to Order and Roll Call</b>	4 – 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.	No action taken.
<b>II. New Business Tab 1 Minutes from December 14, 2021</b>	5 – 51 5 – 6	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 14, 2021. Motion by Commissioner Landes. Second by Vice-Chairman Jones.	Chairman Rabinowitz called for a vote to approve the proposed minutes of the December 14, 2021 KHRC meeting, as presented. Motion carried

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		<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>	with no objections or abstentions.
<b>Tab 2 Kentucky Downs' request to send KTDF Funds to Keeneland</b>	6 – 8	<p>Chairman Rabinowitz requested a motion from the Commission to address approval Kentucky Downs' request to send Kentucky Thoroughbred Development Fund funds (KTDF) to Keeneland. Motion by Commissioner Hendrickson. Second by Commissioner Simendinger.</p> <p>Ms. Eads presented Kentucky Downs' request to send \$1 million in KTDF funds to Keeneland for the 2022 Spring meet, as outlined in the agenda materials. At its February 1, 2022 meeting, the KTDF Advisory Committee approved the request.</p> <p>Approval was recommended by KHRC staff and the KTDF Advisory Committee.</p>	Chairman Rabinowitz called for a vote to approve Kentucky Downs' request to send KTDF funds to Keeneland, as presented. Motion carried with no objections or abstentions.
<b>Tab 3 KTDF Purse Structure Request for Keeneland Spring Meet</b>	8– 10	<p>Chairman Rabinowitz requested a motion from the Commission to address approval of the KTDF purse structure request for Keeneland Spring meet. Motion by Vice-Chairman Jones. Second by Commissioner O'Connor.</p> <p>Ms. Eads presented the KTDF Advisory Committee's recommendation for approval of Keeneland's request dated January 24, 2022, as outlined in the agenda materials. At its February 1, 2022 meeting, the KTDF Advisory Committee recommended approval of the proposal as presented.</p>	Chairman Rabinowitz called for a vote to approve the proposed KTDF purse structure for Keeneland's Spring meet, as presented and recommended by the KTDF Advisory Committee. Motion carried with no objections or abstentions.

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		Approval was recommended by KHRC staff and the KTDF Advisory Committee.	
<b>Tab 4 KTDF Purse Structure Request for Churchill Downs' Spring Meet</b>	10 – 11	<p>Chairman Rabinowitz requested a motion from the Commission to address approval of the KTDF purse structure request for Churchill Downs' Spring meet. Motion by Vice-Chairman Jones. Second by Commissioner O'Connor.</p> <p>Ms. Eads presented the KTDF Advisory Committee's recommendation for approval of Churchill Downs' request dated January 28, 2022, as outlined in the agenda materials. At its February 1, 2022 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>	Chairman Rabinowitz called for a vote to approve the proposed KTDF purse structure for Churchill Downs' Spring meet, as presented and recommended by the KTDF Advisory Committee. Motion carried with no objections or abstentions.
<b>Tab 5 Backside Improvement Fund Request</b>	11 – 13	<p>Chairman Rabinowitz requested a motion from the Commission to address approval of Churchill Downs' backside improvement fund request. Motion by Vice-Chairman Jones. Second by Commissioner Landes.</p> <p>Ms. Eads presented Churchill Downs' request received January 26, 2022 for approval of five (5) backside improvement fund projects, as outlined in the agenda materials. KHRC staff has confirmed the projects meet statutory and regulatory requirements and Churchill Downs has the funding available. Upon completion of the projects, KHRC staff will inspect the areas again and all invoices, photographs and communication will remain on file for Commission review.</p> <p>Approval was recommended by KHRC staff.</p>	Chairman Rabinowitz called for a vote to approve Churchill Downs backside improvement fund request for five (5) backside improvement projects, as presented. Motion carried with no objections or abstentions.

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<p><b>Tab 6 Kentucky Horse Breeders' Incentive Fund: Period VII Applications for Participation in 2022, 2023, 2024</b></p>	<p>13 – 16</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address approval of Period VII applications for participation in the Kentucky Horse Breeders' Incentive Fund (KHBIF) during 2022, 2023, and 2024. Motion by Commissioner O'Connor. Second by Commissioner Landes.</p> <p>Ms. Eads presented the eleven (11) proposed KHBIF Period VII applications for 2022, 2023, and 2024 of the non-race affiliates as outlined in the agenda materials. At its February 3, 2022 meeting, the KHBIF Advisory Committee reviewed and approved the KHBIF Period VII applications.</p> <p>Approval of the applications was recommended by the KHBIF Advisory Committee and KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed KHBIF Period VII applications for participation in the KHBIF during 2022, 2023, and 2024, as presented. Motion carried with no objections or abstentions.</p>
<p><b>Tab 7 Proposed Amendments to 810 KAR 3:020: Licensing of Racing Participants and 3-020 01 (incorporated document)</b></p>	<p>16 – 19</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address approval of the proposed amendments to 810 KAR 3:020 and its incorporated document, 3-020-1. Motion by Commissioner Simendinger. Second by Commissioner Cauthen.</p> <p>Ms. Wolsing presented the proposed amendments to 810 KAR 3:020, Licensing of racing participants, and its incorporated document, 3-020-1, 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 amendments to 810 KAR 3:020, Licensing of racing participants, and its incorporated document, 3-020-1, as presented. Motion carried with no objections or abstentions.</p>
<p><b>Tab 8 Proposed Amendments to 810 KAR 4:010</b></p>	<p>19 – 21</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address approval of the proposed amendments to 810 KAR 4:010. Motion by Vice-Chairman Jones. Second by Commissioner O'Connor.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed amendments to 810 KAR 4:010, as presented. Motion carried with no objections or abstentions.</p>

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		<p>Ms. Wolsing presented the proposed amendments to 810 KAR 4:010, Horses, as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p>	
<p><b>Tab 9 Proposed Amendments to 810 KAR 4:030</b></p>	<p>21 – 24</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address approval of the proposed amendments to 810 KAR 4:030. Motion by Vice-Chairman Jones. Second by Commissioner O’Connor.</p> <p>Ms. Wolsing presented the proposed amendments to 810 KAR 4:030, Entries, subscriptions, and declarations, 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 amendments to 810 KAR 4:030, as presented. Motion carried with no objections or abstentions.</p>
<p><b>Tab 10 Proposed Amendments to 810 KAR 4:050</b></p>	<p>24 – 29</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address approval of the proposed amendments to 810 KAR 4:050. Motion by Vice-Chairman Jones. Second by Commissioner Landes.</p> <p>Ms. Wolsing presented the proposed amendments to 810 KAR 4:050, Claiming races, 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 amendments to 810 KAR 4:050, as presented. Motion carried with no objections or abstentions.</p>
<p><b>Tab 11 Proposed Amendments to 810 KAR 4:060</b></p>	<p>29 – 31</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address approval of the proposed amendments to 810 KAR 4:060. Motion by Vice-Chairman Jones. Second by Commissioner Landes.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed amendments to 810 KAR 4:050, as presented. Motion carried with no objections or abstentions</p>

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		<p>Ms. Wolsing presented the proposed amendments to 810 KAR 4:060, Objections and complaints, as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p>	
<p><b>Tab 12. Ratification of Executive Director Marc Guilfoil's approval of Turfway's request to amend post time and number of races for December 31, 2021</b></p>	<p>32 – 34</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address ratification of Executive Director Guilfoil's approval of Turfway's request to amend post time and number of races for December 31, 2021. Motion by Commissioner Simendinger. Second by Commissioner O'Connor.</p> <p>Ms. Wolsing presented Turfway's request received December 28, 2021, as outlined in the agenda materials. In accordance with KRS 230.230(1), Executive Director Guilfoil conditionally approved Turfway's request. The request is also supported by the Kentucky Horsemen's Benevolent and Protective Association (KyHBPA).</p> <p>Ratification of the Executive Director's conditional approval was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to ratify Executive Director Guilfoil's conditional approval of the request submitted by Turfway to amend post time and the number of races for December 31, 2021, as presented. Motion carried with no objections or abstentions.</p>
<p><b>Tab 13. Ratification of Executive Director Marc Guilfoil's approval of Turfway's request to amend Section R of its 2022 application to amend race dates/times</b></p>	<p>34 – 37</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address ratification of Executive Director Guilfoil's approval of Turfway's request to amend Section R of its 2022 application to amend race dates/times. Motion by Commissioner Hendrickson. Second by Commissioner O'Connor.</p> <p>Ms. Wolsing presented Turfway's request, as outlined in the agenda materials. In accordance with KRS 230.230(1),</p>	<p>Chairman Rabinowitz called for a vote to ratify Executive Director Guilfoil's conditional approval of the request submitted by Turfway to amend Section R of its 2022 application to amend race dates/times, as presented. Motion carried with no objections or abstentions</p>

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		<p>Executive Director Guilfoil conditionally approved Turfway's request. The request is also supported by the KyHBPA.</p> <p>Ratification of the Executive Director's conditional approval was recommended by KHRC staff.</p>	
<p><b>Tab 14. Partial funding of a grant for a study titled "Pre-race inflammation in Catastrophically Injured Horses"</b></p>	<p>37 – 39</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address approval of partial funding of a grant for a study titled, "Pre-race Inflammation in Catastrophically Injured Horses." Motion by Commissioner Simendinger. Second by Commissioner Hendrickson.</p> <p>Dr. Howard presented the request submitted to the Equine Drug Research Council (EDRC) by Allen Page, DVM, PhD, of the University of Kentucky, to partially fund the study, as outlined in the agenda materials. At its February 4, 2022 meeting, the EDRC discussed and studied the request and voted to fund up to \$40,000 for the study.</p> <p>Approval was recommended by KHRC staff and the EDRC.</p>	<p>Chairman Rabinowitz called for a vote to approve the request for the EDRC's partial funding of a grant for a study titled "Pre-race Inflammation in Catastrophically Injured Horses, as presented and approved by the EDRC. Motion carried with no objections or abstentions</p>
<p><b>Tab 15. Keeneland's Proposed 2022 Spring Race Meet Officials and Date Preference System</b></p>	<p>39 – 41</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by Keeneland to approve the proposed 2022 Spring race meet officials and date preference system. Motion by Vice-Chairman Jones. Second by Commissioner Simendinger.</p> <p>Ms. Borden presented the request by Keeneland dated January 28, 2022, as outlined in the agenda materials. All officials will be licensed by the beginning of the meet.</p> <p>Approval was recommended by KHRC.</p>	<p>Chairman Rabinowitz called for a vote to approve Keeneland's proposed 2022 Spring meet race meet officials and date preference system, as presented. Motion carried with no objections or abstentions.</p>

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<b>Tab 16. Churchill Downs' Proposed 2022 Spring Race Meet Officials and Date Preference System</b>	41 – 42	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by Churchill Downs to approve the proposed 2022 Spring race meet officials and date preference system. Motion by Vice-Chairman Jones. Second by Commissioner Landes.</p> <p>Ms. Borden presented the request by Keeneland dated January 28, 2022, as outlined in the agenda materials. All officials will be licensed by the beginning of the meet.</p> <p>Approval was recommended by KHRC.</p>	<p>Chairman Rabinowitz called for a vote to approve Churchill Downs' proposed 2022 Spring race meet officials and date preference system, as presented. Motion carried with no objections or abstentions</p>
<b>Tab 17 Reports</b> <b>a. Thoroughbred Rulings</b>  <b>b. Standardbred Rulings</b>  <b>c. Veterinary Division Report</b>  <b>d. Pari-Mutuel Wagering Division</b>  <b>e. Confidential - Litigation</b>	42– 51 42 – 43  43  43 – 47  47 - 51  51	<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. He noted that Ruling 026 has been paid.</p> <p>c. Drs. Howard and Smith presented the veterinary division reports, as outlined in the agenda materials. Dr. Howard noted a typographical error in the positive samples; Medroxyprogesterone should be a Class B, not a Class C.</p> <p>d. Mr. Ahmed presented the pari-mutuel wagering 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>
<b>III. Executive Session</b>	51 – 54	<p>Chairman Rabinowitz requested a motion from the Commission to convene in closed session to discuss proposed</p>	<p>Chairman Rabinowitz called for a vote to approve convening in</p>



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<p><b>Kentucky Horse Racing Commission's Interim Order Granting Extension <i>Asmussen et al. v. KHRC</i>, KHRC-19-13, 14</b></p>	<p>51 – 52</p> <p>52 – 53</p> <p>53</p> <p>53 – 54</p>	<p>or pending litigation against or on behalf of the agency as permitted by KRS 61.810(1)(c). Motion by Vice-Chairman Jones. Second by Commissioner O'Connor.</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 Landes. Second by Commissioner O'Connor.</p> <p style="text-align: center;"><b><u>RETURN TO OPEN SESSION</u></b></p> <p>Following the return to open session, Chairman Rabinowitz requested a motion from the Commission to address the KRS 13B appeal, <i>Asmussen v. KHRC</i>, Administrative Action Nos. KHRC-19-TB-013 and KHRC-19-TB-014. Motion by Commissioner Landes. Second by Commissioner Simendinger.</p> <p>Ms. Wolsing presented the Hearing Officer's request for an extension of time to submit her Recommended Order, as outlined in the agenda materials.</p> <p>Approval is recommended by KHRC staff.</p>	<p>closed session. Motion carried with no objections or abstentions.</p> <p>Chairman Rabinowitz called for a vote to approve reconvening in open session. Motion carried with no objections or abstentions.</p> <p>Chairman Rabinowitz called for a vote to approve the proposed interim order granting the extension in <i>Asmussen v. KHRC</i>, 19-TB-013 and 19-TB-014, as presented. Motion carried with no objections or abstentions.</p>
<p><b>IV. Other Business</b></p>	<p>54</p>	<p>Chairman Rabinowitz thanked the staff and Executive Director Guilfoil for their hard work in getting the meeting agenda materials together. There was no other business.</p>	<p>No action taken. Informational item only.</p>
<p><b>V. Adjournment</b></p>	<p>54 – 55</p>	<p>Hearing no other business, Chairman Rabinowitz requested a motion to adjourn the February 15, 2022 meeting of the KHRC. Motion by Commissioner Cauthen. Second by Commissioner Simendinger.</p>	<p>Chairman Rabinowitz called for a vote to adjourn the February 15, 2022 meeting of the KHRC.</p>

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		Meeting adjourned.	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.