

KENTUCKY HORSE RACING COMMISSION
MINUTES OF THE MEETING

Date: February 21, 2023 at 1:30 P.M.

Place: Via Zoom and Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511

Members Present: Chairman Jonathan Rabinowitz; Vice-Chairman Frank Jones, Jr.; Commissioner Mike Berry; Commissioner Naveed Chowhan M.D.; Commissioner Michael Dudgeon; Commissioner Tiffany Daniels, D.C.; Commissioner Greg Harbut; Commissioner Lesley Howard; Commissioner William L.S. Landes; Commissioner William May; Commissioner Charles O’Connor; Commissioner Catherine Parke; Commissioner James Worley; Commissioner Frank Shoop; and Commissioner Dr. Tom Riddle

Ex-officio Members Present: Secretary Ray Perry; Mona Juett on behalf of Secretary Lindy Casebier

KHRC Staff Participating/Present: Jamie Eads, Executive Director; Waqas Ahmed, Deputy Executive Director; Jennifer Wolsing, General Counsel; Travers Manley, Deputy General Counsel; Barbara Borden, Chief State Steward; Drew Conners, Incentives and Development Director; Andy Conway, Pari-mutuel Wagering and Compliance Assistant Director; Patricia Cooksey, Associate Judge; Mariah Dietz, Executive Administrative Secretary; and Beth Jacobson, Paralegal

<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.

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<p>II. New Business Tab 1 Meeting Minutes from January 23, 2023 Special Meeting</p>	<p>5 – 43 6 – 7</p>	<p>Chairman Rabinowitz requested a motion from the Commission to approve the proposed minutes of the KHRC Special Meeting on January 23, 2023. Motion by Commissioner Harbut. Second by Commissioner Shoop.</p> <p>Executive Director Eads shared that the minutes were located behind tab number one with an amendment at the top of page four where the text is a duplicate. Approval was recommended by KHRC Staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed special minutes of the January 23, 2023 meeting as presented. Motion carried with no objections or abstentions.</p>
<p>Tab 2 Approval of the proposed amendment to 810 KAR 8:020</p>	<p>7 - 12</p>	<p>Chairman Rabinowitz requested a motion from the Commission to approve the proposed amendment to 810 KAR 8:020. Motion by Commissioner Landes. Second by Commissioner Harbut.</p> <p>Equine Medical Director, Dr. Bruce Howard and General Counsel Jennifer Wolsing were assigned the floor. Dr. Howard explained that the amendment is to place Levamisole back on the KHRC controlled medication list as a Class B Substance.</p> <p>Levamisole is an anthelmintic dewormer with immunodulatory and anti-inflammatory properties and has been used as an off-label medication for equine Protozoal Myelitis. Levamisole metabolizes into other regulated substances, such as Aminorex and Pemoline and they are both Class A Substances.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed amendment to 810 KAR 8:020. Motion carried with no objections or abstentions.</p>

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		<p>Levamisole is FDA approved as a dewormer for many species, but not for horses. Studies have shown that Levamisole stays in the horse for several days after being administered. Levamisole is currently classified as a Class 2 Substance by ARCI which is the same as LHRC Class B and it is currently on the Class B list with HISA. The KHRC feels that Levamisole should go back on the Class B list to be aligned with HISA and ARCI.</p> <p>Approval was recommended by KHRC staff.</p>	
<p>Tab 3 Approval of Keeneland Backside Improvements</p>	<p>12 - 14</p>	<p>Chairman Rabinowitz requested a motion from the Commission to approve Keeneland Association, Inc.'s application for monies from the backside improvement funds. Motion by Commissioner Shoop. Second by Commissioner Parke.</p> <p>Director of Incentives and Development, Drew Connors, was assigned the floor. Mr. Connors explained that the KHRC received a request from Keeneland for \$127,565.30 for stall jam fabrication and mounting hardware to replace the outside metal on several of their stalls. This request meets the statutory requirements of KRS 230.3615 and 810 KAR 7:010 and confirmation was made that the funds are available for this request. Approval was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve Keeneland Association, Inc.'s application for money from the backside improvement funds. Motion carried with no objections or abstentions.</p>

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<p>Tab 4 Approval of Churchill Downs Racetrack LLC's Backside Improvement</p>	<p>14 - 16</p>	<p>Chairman Rabinowitz requested a motion from the Commission to approve Churchill Downs' application for monies from the backside improvement fund. Motion by Commissioner Parke. Second by Commissioner Landes.</p> <p>Director of Incentives and Development, Drew Connors, was assigned the floor. Mr. Connors explained that the KHRC received a backside improvement requested from Churchill Downs requesting a total of \$127,490. The repairs include roof replacement on Barn 1, roofing repairs on multiple other barns, asphalt repairs to the backside and trackside and air condition unit repair as well as heating repair to the dorm and barn room. This project meets the statutory requirements of KRS 30.3615 and 810 KAR 7:010. KHRC has confirmed that Churchill has the funds available for this request. Approval was recommended by KHRC staff.</p> <p>Chairman Landes inquired as to the balance in Churchill's backside account and asked that it be provided.</p>	<p>Chairman Rabinowitz called for a vote to approve Churchill Downs' application for monies from the backside improvement fund. Motion carried with no objections or abstentions.</p>
<p>Tab 5 Approval of Kentucky Downs LLC's request to transfer KTDF monies to Keeneland Association, Inc.</p>	<p>16 - 17</p>	<p>Chairman Rabinowitz requested a motion from the Commission to approve Kentucky Downs LLC's request to transfer KTDF monies to Keeneland Association, Inc. Motion by Commissioner Shoop. Second by Commissioner Parke.</p> <p>Director of Incentives and Development, Drew Connors, was assigned the floor and advised that Kentucky Downs agreed to transfer \$1 million in the KTDF earnings to Keeneland in support of their upcoming 2023 spring race meet. This request is supported by the KTDF advisory committee and staff recommended approval.</p>	<p>Chairman Rabinowitz called for a vote to approve Kentucky Downs LLC's request to transfer KTDF monies to Keeneland Association, Inc. Motion carried with no objections or abstentions.</p>

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<p>Tab 6 Approval of Keeneland Association Inc.'s 2023 spring meet KTDF purse allotment request</p>	<p>18 - 19</p>	<p>Chairman Rabinowitz requested a motion from the Commission to approve Keeneland Association Inc.'s 2023 spring meet KTDF purse allotment request. Motion by Commissioner Daniels. Second by Commissioner Parke.</p> <p>Director of Incentives and Development, Drew Connors, was assigned the floor. Mr. Connors explained that at the KTDF Advisory Panel Committee Meeting on January 31st it reviewed the Keeneland 2023 spring race meet KTDF allotment request which is April 7 through 28 with 15 days of racing. Keeneland proposed KTDF purses in the range of \$4.7 to 4.9 million. Approval was recommended by the KTDF Advisory Committee and KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve Keeneland Association Inc.'s 2023 spring meet KTDF purse allotment request. Motion carried with no objections or abstentions.</p>
<p>Tab 7 Approval of Churchill Downs Racetrack LLC's 2023 spring meet KTDF purse allotment request</p>	<p>19 – 21</p>	<p>Chairman Rabinowitz requested a motion from the Commission to approve Churchill Downs Racetrack LLC's 2023 spring meet KTDF purse allotment request Motion by Commissioner Parke. Second by Commissioner Harbut.</p> <p>Director of Incentives and Development, Drew Connors, was assigned the floor and explained that at the January 31st KTDF Advisory Committee Meeting they reviewed the Churchill Downs 2023 purse allotment request. Their meet consists of 44 racing days April 29th through July 3rd. Churchill Downs is proposing KTDF purses in the range of \$9.5 to \$10 million. Approval was recommended by the KTDF Advisory Committee and KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve Churchill Downs Racetrack LLC's 2023 spring meet KTDF purse allotment request. Motion carried with no objections or abstentions.</p>

<p>Tab 8 Approval of Amendments to 810 KAR 7:040</p>	<p>21 - 26</p>	<p>Chairman Rabinowitz requested a motion from the Commission to approve the proposed amendment to 810 KAR 7:040. Motion by Commissioner Berry. Second by Commissioner Landes.</p> <p>Director of Incentives and Development, Drew Connors, and General Counsel, Jennifer Wolsing, were assigned the floor. Mr. Connors stated that the Kentucky Standardbred Development Fund and Kentucky Standard Breeders Incentive Fund advisory panel met and agreed upon the proposed amendments to 810 KAR 7:040. The amendments were to create an opportunity to participate in instances where the mare certificate of eligibility nomination was missed and allow for a yearling to late nominate during its yearling year, even if the mare was not nominated during the calendar year of its breeding season; and allowing a 3-year-old to participate, even if no sustaining payments were made as a 2-year-old. The Kentucky Standardbred Development Fund and Kentucky Standard Breeders Incentive Fund advisory panel as well as KHRC staff recommended approval.</p> <p>Commissioner Landes inquired as to the process for amending this regulation. Ms. Wolsing explained that once the KHRC approves and signatures are obtained then certain paperwork must be filled out to give an outline of what is changing in the regulation. One of the required signatures is Secretary Ray Perry and once he approves then it can be filed with LRC, the Legislative Research Commission. LRC will publish the regulation and then a public hearing is held and if there are comments, then there is a statement of consideration to be filed. The regulation then goes to ARRS. The regulation would then move on to Licensing and Occupation; they have 90 days to call the regulation. If 90 days pass and the regulation is not called and they do not find it deficient; then the regulation is in effect as the day it was before Licensing and Occupation. The entire process takes 7 to 9 months.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed amendment to 810 KAR 7:040. Motion carried with no objections or abstentions.</p>
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<p>Tab 9 Approval of Churchill Downs Racetrack LLC's proposed 2023 Spring Race Meet officials and date preference system</p>	<p>26 - 27</p>	<p>Chairman Rabinowitz requested a motion from the Commission to approve Churchill Downs Racetrack LLC's proposed 2023 Spring Race Meet officials and date preference system. Motion by Commissioner Parke. Second by Commissioner Berry.</p> <p>Chief State Steward, Barbara Borden, was assigned the floor and explained that she received a letter from Churchill Downs requesting approval of the roster of officials that are provided in the meeting materials. The roster is the same group that has been in place for several years and there is no change to the date system. Approval was recommended by KHRC Staff.</p>	<p>Chairman Rabinowitz called for a vote to approve Churchill Downs Racetrack LLC's proposed 2023 Spring Race Meet officials and date preference system. Motion carried with no objections or abstentions.</p>
<p>Tab 10 Approval Revolutionary Racing Kentucky LLC's proposed 2023 Spring Race meet officials and date preference system</p>	<p>27 - 32</p>	<p>Chairman Rabinowitz requested a motion from the Commission to approve Revolutionary Racing Kentucky LLC's proposed 2023 Spring Race meet officials and date preference system. Motion by Commissioner May. Second by Commissioner Shoop.</p> <p>Chief State Steward, Barbara Borden, was assigned the floor and explained that Revolutionary Racing requested approval of the roster of racing officials and the date preference system for the Sandy Ridge Racetrack's 2023 spring meet that will be conducted at the Red Mile. Some officials still need to be determined, but as of right now the Kentucky State Steward is accredited and all officials will be licensed prior to the beginning of the meet. Approval was recommended by KHRC Staff.</p> <p>Commissioner Landes asked Mr. Palmisano about the optional race date on April 2nd at Turfway. Mr. Palmisano explained that the meet ends April 1st. Mr. Landes then inquired as to an adequate pool of horses being available and participation not being an issue.</p>	<p>Chairman Rabinowitz called for a vote to approve Revolutionary Racing Kentucky LLC's proposed 2023 Spring Race meet officials and date preference system. Motion carried with no objections or abstentions.</p>

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		<p>John Marshall, the president of Revolutionary Racing, added that they are in the process of recruiting today with most interest from Louisiana and Oklahoma. They feel as though they have an adequate supply of horses to draw from. Mr. Marshall further advised that there is a condition book online.</p> <p>Chairman Rabinowitz inquired as to the construction at Sandy's Racing and Gaming Construction in Ashland. Mr. Marshall explained that they are about 70% complete with the engineering and moving to submit permits on March 2nd.</p>	
<p>Tab 11 Approval of Keeneland Association Inc.'s proposed 2023 Spring Race Meet officials and date preference system</p>	<p>32 - 33</p>	<p>Chairman Rabinowitz requested a motion from the Commission to approve Keeneland Association Inc.'s proposed 2023 Spring Race Meet officials and date preference system. Motion by Commissioner Parke. Second by Commissioner Daniels.</p> <p>Chief State Steward, Barbara Borden, was assigned the floor and explained that Keeneland was seeking approval of their roster of racing officials and their date preference system. The roster is the same group that has been in place for several years and there is no change to the date system. Approval was recommended by KHRC Staff.</p>	<p>Chairman Rabinowitz called for a vote to approve Keeneland Association Inc.'s proposed 2023 Spring Race Meet officials and date preference system. Motion carried with no objections or abstentions.</p>

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Tab 12 Approval of Western Kentucky Development LLC d/b/a Oak Grove Racing and Gaming proposed 2023 Spring Meet officials	33 - 35	<p>Chairman Rabinowitz requested a motion from the Commission to approve the Western Kentucky Development LLC d/b/a Oak Grove Racing and Gaming proposed 2023 Spring Meet officials. Motion by Commissioner Landes. Second by Commissioner Harbut.</p> <p>Associate Judge Patricia Cooksey was assigned the floor and discussed the requests for approval of the roster of racing officials for the 2023 spring meet. The judges have been accredited by the Racing Officials Accreditation Program and all officials will be licensed. Approval was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the Western Kentucky Development LLC d/b/a Oak Grove Racing and Gaming proposed 2023 Spring Meet officials. Motion carried with no objections or abstentions.</p>
Tab 13 Reports a. Thoroughbred Rulings b. Standardbred Rulings c. Veterinary Division	35 – 45 35 - 36 36 36 - 40	<p>a. Chief State Steward, Barbara Borden, presented the Thoroughbred Rulings for the entire year of 2022 as provided in the meeting materials. There were 141 rulings issued. The rulings for 2023 were also presented.</p> <p>b. Associate Judge, Patricia Cooksey, presented the Standardbred Rulings and an update regarding Peter M. Wrenn, who has paid his fine in full and stated that all the others were paid except Patricia Brewer.</p> <p>c. Equine Medical Director, Dr. Bruce Howard, was assigned the floor and presented that there was 1547 starts at Turfway and 342 post-race samples were collected. There were 26 Veterinary scratches and 18 of those were pre-race exams in the morning and 8 were track scratches of which 5 were for soundness and the other 3 were for gate or paddock incidents or injuries. 45 total horses were put on the KHRC’s vet list. There were 134 claimed horses, and 9 ambulance runs.</p>	<p>No action taken. Informational items only.</p>

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<p>d. Pari-Mutuel Wagering Division</p> <p>e. Litigation</p>	<p>40 - 41</p> <p>41</p>	<p>A chart was also provided with racing fatalities that goes back to 2007 and finishes with the numbers through 2022. Commissioner Parke noted that the race start number had increased and the fatality number has decreased. Dr. Howard advised that the number of starts are increasing coming out of Covid and he commended the field staff for the regulation changes that have been made.</p> <p>d. Pari-mutuel wagering and compliance Assistant Director, Andy Conway, was assigned the floor to present the report. November and December 2022 saw similar performances with respect to the previous year. The Breeders' Cup wagers totaled over \$20 Million with just under \$17 Million being returned back to the public as winnings and settlement leaving a little over \$3 Million in commission.</p> <p>e. Litigation and Regulation report is for informational purposes only.</p>	
<p>III. Executive Session</p> <p>The meeting on February 21, 2023 convened under closed session pursuant to KRS 61.810(1)(c) to discuss pending litigation (CONFIDENTIAL)</p>	<p>41</p> <p>42 - 43</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). Parke.</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 Shoop. Second by Commissioner May.</p>	<p>Chairman Rabinowitz called for a vote for the Commission to convene in closed session. Motion carried with no objections or abstentions.</p>

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		<u>RECONVENED TO OPEN SESSION</u>	Chairman Rabinowitz called for a vote for the Commission to reconvene in open session. Motion carried with no objections or abstentions.
IV. Other Business	43 43 – 44 44 - 45	<p>Chairman Rabinowitz requested a motion from the Commission to address a recommended final order in KRS 13B administrative action Corrales v. KHRC, administrative number 21-TB-009. Motion by Commissioner Harbut. Second by Commissioner Landes.</p> <p>Chairman Rabinowitz requested a motion from the Commission to address a recommended final order on the appellant’s notice of withdrawal of his appeal in KRS 13B administrative action Eckley v. KHRC, administrative number 22-SB-006. Motion by Commissioner Shoop. Second by Commissioner Daniels.</p> <p>Chairman Rabinowitz requested a motion from the Commission to address a recommended final order in KRS 13B administrative action Emerson v. KHRC, administrative number 22-SB-007. Motion by Commissioner Parke. Second by Commissioner Berry.</p>	<p>Chairman Rabinowitz called for a vote for the Commission to issue a final order dismissing. Motion carried with no objections or abstentions.</p> <p>Chairman Rabinowitz called for a vote for the Commission to issue a final order dismissing. Motion carried with no objections or abstentions.</p> <p>Chairman Rabinowitz called for a vote for the Commission to issue a final order dismissing. Motion carried with no</p>

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			objections or abstentions.
V. Adjournment	45	With no other business, Chairman Rabinowitz requested a motion to adjourn the February 21, 2023 Kentucky Horse Racing Commission Meeting. Motion by Commissioner Parke. Second by Commissioner Berry. Meeting adjourned.	Chairman Rabinowitz called for a vote to adjourn. Motion carried with no objections or abstentions.

NOTE: The meeting 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.