

KENTUCKY HORSE RACING COMMISSION
MINUTES OF THE SPECIAL MEETING CONDUCTED VIA VIDEO CONFERENCE

Date: March 4, 2022 at 10:30 AM

Location of Video Conference: Office of the Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Kentucky Horse Park, Lexington, KY

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 Ann May Howard; Commissioner Kenneth A. Jackson; Commissioner William L.S. Landes; Commissioner Charles O'Connor; Commissioner Tom Riddle, DVM; Commissioner Mark Simendinger; and Commissioner James E. Worley

Ex-officio Members Present: 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; Jennifer Wolsing, General Counsel; Shan Dutta, Deputy General Counsel

Others Present/Participating: Clark O. Brewster, Counsel for Zedan Racing Stables, Inc., and W. Craig Robertson, III, Counsel for Bob Baffert, on behalf of Appellants, Bob Baffert and Zedan Racing Stables, Inc.

AGENDA ITEM	TRANSCRIPT PAGE NUMBER(S)	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
I. Call to Order and Roll Call	4 – 5	Special meeting called to order and roll call performed by Chairman Rabinowitz. A quorum was recognized.	No action taken.
II. New Business Tab 1 Requests for Stay in KHRC-22-TB-003 and KHRC-22-TB-004	5 – 24 5	Chairman Rabinowitz requested a motion from the Commission to address the Appellants’ requests for stay pursuant to KRS 230.320 in the matters of KHRC-22-TB-003, <i>Zedan v. KHRC</i> , and KHRC-22-TB-004, <i>Baffert v. KHRC</i> . Motion by Vice-Chairman Jones. Second by Commissioner Simendinger.	Commissioners proceeded to address the requests for stay.
	5 – 6	Chairman Rabinowitz requested a motion from the Commission to open the floor to attorneys for Appellants and Commission General	

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	6 – 14 14 – 20	<p>Counsel, Jennifer Wolsing. Motion by Commissioner Hendrickson. Second by Commissioner Landes.</p> <p>Chairman Rabinowitz opened the floor to Appellants’ counsel and Ms. Wolsing stating that each would be afforded up to 10 minutes to address the Commission.</p> <p>Mr. Brewster addressed the Commission on behalf of the Appellants.</p> <p>Counsel for the Commission, Ms. Wolsing, addressed the Commission.</p>	
<p>III. Executive Session During the meeting on March 4, 2022 the Commission will go into closed session pursuant to KRS 61.810(1)(c) to discuss pending litigation</p>	20 – 24 20 – 21 21 – 22 22 – 24	<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 Vice-Chairman Jones. Second by Commissioner Simendinger.</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 Hendrickson. Second by Commission Chowhan.</p> <p style="text-align: center;"><u>RETURN TO OPEN SESSION</u></p> <p>Upon returning to open session, Chairman Rabinowitz requested a motion from the Commission to address the requests for stay in administrative proceedings, <i>Zedan v. KHRC</i>, Administrative Action</p>	<p>Chairman Rabinowitz called for a vote convene in closed session. Motion carried with no objections or abstentions.</p> <p>Chairman Rabinowitz called for a vote to reconvene in open session. Motion carried with no objections or abstentions.</p> <p>Chairman Rabinowitz conducted a roll call vote. Motion carried to</p>

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		<p>No. KHRC-22-TB-003; and <i>Baffert v. KHRC</i>, Administrative Action No. KHRC-22-TB-004. Motion by Vice Chairman Jones. Second by Commissioner Gates.</p> <p>Chairman Rabinowitz stated a roll call vote would be conducted. He instructed Commissioners to vote “Yes” if in favor of granting the stays or “No” if opposed to granting the stays.</p> <p>Roll call vote was conducted.</p>	<p>deny the Appellants’ request for stays by a 10-0 vote, with 3 Commissioners abstaining and 1 Commissioner not voting, as follows: Commissioner Jones: No Commissioner Cauthen: Abstain Commissioner Chowhan: No Commissioner Dudgeon: No Commissioner Gates: No Commissioner Harbut: No Commissioner Hendrickson: No Commissioner Howard: Abstain Commissioner Jackson: No Commissioner Landes: No Commissioner O’Connor: Abstain Commissioner Riddle: No response and did not vote</p>

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			Commissioner Simendinger: No Commissioner Worley: No
IV. Adjournment	24 – 25	With no other business, Chairman Rabinowitz requested a motion from the Commission to adjourn the March 4, 2022 special meeting. Motion by Commissioner Cauthen. Second by Commissioner Hendrickson. Meeting adjourned.	Chairman Rabinowitz called for a vote to adjourn. 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.