

KENTUCKY HORSE RACING COMMISSION
MINUTES OF THE MEETING

Date: February 13, 2013 at 1:30 PM

Place: Rolex Hospitality Room, Kentucky Horse Park, Lexington, KY

Members Present: Chairman Robert M. Beck, Jr.; Commissioner Edward S. "Ned" Bonnie; Commissioner Frank Jones, Jr.; Commissioner Franklin S. Kling, Jr.; Commissioner Alan J. Leavitt; Commissioner Jerry Yon, M.D.; Commissioner John Phillips; Commissioner Neil Howard; Commissioner Wade Houston; Commissioner Foster Northrop, DVM

Ex-officio Members Present: Mr. Robert D. Vance, representing the Public Protection Cabinet; Mr. William Dexter, representing the Tourism, Arts and Heritage Cabinet; and Ms. Holly Spade, representing the Cabinet for Economic Development

KHRC Staff Participating: John T. Ward, Jr., Executive Director; Marc A. Guilfoil, Deputy Executive Director; Susan B. Speckert, General Counsel; Michael T. Davis, Deputy General Counsel; Mary Scollay, DVM, Equine Medical Director; Jamie Eads, Director of Breeders Incentives and Development; Greg Lamb, Supervisor of Pari-Mutuel Wagering; Barbara Borden, Acting Chief State Steward

Others Participating: Chip Bach and Cliff Reed, Turfway Park; and Remi Bellocq and Chris McCarron, North American Riding Academy ("NARA")

Meeting called to order and roll call performed by Chairman Beck. A quorum was recognized.

<i>AGENDA ITEM</i>	<i>TRANSCRIPT PAGE NUMBER(S)</i>	<i>DISCUSSION / CONCLUSIONS / RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
Tab 1 Approve minutes of December 12, 2012	4	Chairman Beck presented the minutes of the meeting of December 12, 2012 for approval.	Motion to approve by Commissioner Bonnie. Second by Commissioner Northrop. Motion carried with no objections or abstentions.

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Tab 2 Ratify Turfway Park's request to add provisional dates to February racing calendar	<p>4 – 6</p>	<p>Mr. Guilfoil stated that by letter dated January 30, 2013, Turfway Park requested approval to conduct live racing on the optional days previously awarded by the KHRC for February 2013, specifically February 15, 16, 22 and 23, 2013. Pursuant to KRS 230.230, the Executive Director approved the request In order to provide adequate time for Turfway Park to publicize the dates. By letter dated February 7, 2013, the Kentucky Horsemen's Benevolent and Protective Association (KyHBPA) endorsed the request.</p> <p>Ratification of the Executive Director's approval was requested.</p>	<p>Motion to ratify the Executive Director's approval by Commissioner Northrop. Second by Commissioner Bonnie. Motion carried with no objections or abstentions.</p>
Tab 3 Ratify Turfway Park's request to add additional races to existing program	<p>6 – 8</p>	<p>Mr. Guilfoil stated that by letter dated February 7, 2013, Turfway Park requested approval to add two races per day on February 8 and 9, 2013. Turfway Park requested the two additional races to make up for races that were cancelled due to inclement weather on February 1, 2013. Due to time constraints and pursuant to KRS 230.230, the Executive Director approved the request. By letter dated February 7, 2013, the KyHBPA endorsed the request.</p> <p>In response to an inquiry by Chairman Beck about how the meet was going in light of race dates changes, Mr. Bach stated that although the handle had not quite gotten to where they would like it to go, they were optimistic.</p> <p>Ratification of the Executive Director's approval was requested.</p>	<p>Motion to ratify the Executive Director's approval by Commissioner Bonnie. Second by Commissioner Northrop. Motion carried with no objections or abstentions.</p>
Tab 4 Approve Keeneland Roster of Racing Officials for Spring Meet	<p>8 – 9</p>	<p>Mr. Guilfoil stated that by letter dated February 4, 2013, Keeneland requested approval of the roster of racing officials and date preference system for its 2013 Spring meet. All stewards are ROAP accredited and all officials have previously performed the duties for which they are listed.</p> <p>Staff recommended approval.</p>	<p>Motion to approve recommendation by Commissioner Jones. Second by Commissioner Northrop. Motion carried with no objections or abstentions.</p>

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<p>Tab 5 Approve Thunder Ridge Roster of Racing Officials for Spring Meet</p>	<p>9 – 10</p>	<p>Mr. Guilfoil stated that by letter dated February 6, 2013, Thunder Ridge Racing requested approval of the roster of racing officials for its 2013 Spring meet. All judges are ROAP accredited and all officials are licensed by the United States Trotting Association.</p> <p>Staff recommended approval.</p>	<p>Motion to approve recommendation by Commissioner Houston. Second by Commissioner Yon. Motion carried with no objections or abstentions.</p>
<p>Tab 6 Approve Request for Noncompetitive Agreement with HFL</p>	<p>10 – 13</p>	<p>Mr. Davis presented a request for approval of a noncompetitive agreement with HFL Sport Science (HFL) to conduct testing on already collected samples for the purpose of developing and validating a standard for making quantitative determinations of isoflupredone.</p> <p>Mr. Davis explained in his cover memorandum provided in the Agenda materials that the Equine Drug Research Council (EDRC) in April 2011 had previously approved a Request for Bids (RFB) to provide funding for the project; however, because at the time an internal reference standard was not commercially available, no responses to the RFB were received. Because the information resulting from this research will be used for medication regulation in Kentucky and must be validated by HFL as the Commission's official laboratory, the Commission is able to contract directly with HFL under a noncompetitive agreement and the request has been modified from an RFB to a proposed contract.</p> <p>The duration of the project is six-months and the cost is \$42,450.00.</p> <p>Commissioner Yon, Chairman of the EDRC, stated that the EDRC unanimously approved the project for recommendation to the Commission and feel that it is the exact type of research funding that the EDRC's enabling statute intended.</p>	<p>Motion to approve recommendation by Commissioner Bonnie. Second by Commissioner Northrop. Motion carried with no objections or abstentions.</p>

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<p>Tab 7 Reports</p> <ul style="list-style-type: none"> a. Thoroughbred Rulings b. Standardbred Rulings c. Veterinary Division d. Pari-Mutuel Wagering Division e. Regulations and Litigation 	<p>14 – 17</p> <p>17 – 18</p> <p>18 – 27</p>	<ul style="list-style-type: none"> a. Ms. Borden presented the thoroughbred ruling report. She noted updates to the report provided as several fines have since been paid. In response to an inquiry, she explained that the addition of purse loss in some more recent rulings was due to a recent rule change. b. Mr. Guilfoil presented the standardbred ruling report on behalf of Rich Williams, Chief Judge. Mr. Guilfoil noted that, with the exception of two Rulings which are currently under appeal, that all fines had been paid or individuals been suspended pending payment of the fines. c. Dr. Scollay presented the veterinary report on behalf of Dr. Will Farmer, Chief State Veterinarian for the Turfway Park 2012 Holiday meet. <p>Dr. Scollay presented an update on the KHRC administration of raceday furosemide. She noted that with the implementation of the recommendations of Commissioners Kling and Jones, the program had been running flawlessly. She also commended the cooperation of Turfway Park and the stewards on the improved success of the program.</p> <p>Dr. Scollay noted a correction on the Race-related Fatal Injury Occurrence overtime report. The Total for 2012 should read “26/30” instead of “26/19.”</p> <p>Dr. Scollay noted the total amount of money spent on drug testing in Kentucky for 2012 (\$672,748.25) was inclusive of thoroughbred and standardbred. In response to an inquiry from Chairman Beck, Dr. Scollay stated that although she did not have the actual numbers with her, there had been a reduction in costs since contracting with HFL.</p>	<p>No action taken. Informational items only.</p>

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	27 – 28 N/A	Dr. Scollay presented the 2012 Reports of Findings. A brief discussion followed. d. Mr. Lamb presented the report for historical horse racing at Kentucky Downs and Ellis Park for December 2012 and January 2013 and live handle report for Turfway Park (November 29 thru December 31, 2012). He noted the decrease from 2011 reflected was probably because Turfway Park only ran three days a week in 2012 compared to four days a week in 2011. e. Status Report on Regulations and Litigation – For Informational Purposes Only.	
Other Business 1. Remi Bellocq, North American Riding Academy, the Turfway Park International Catch a Riding Star Apprentice Jockey Championship	28 – 35	Remi Bellocq, Executive Director for Equine Programming for Bluegrass Community Technical College, NARA, and Chris McCarron, lead instructor, addressed the Commission about the program and their upcoming charity event at Turfway Park. Mr. Bellocq introduced several current NARA students. He explained that a charity race would be held on the day of the Spiral Stakes, March 23, 2012, and horsemen and track management had agreed to donate their share of the pari-mutuel commission on that particular race to help feed the horses that NARA utilizes in its program. Following a discussion, no action was taken.	No action taken. Informational item only.
Executive Session	35 – 36 36 – 37	1) Chairman Beck requested a motion for the Commission to go into executive session to deliberate in its role as a quasi-judicial body as permitted by KRS 61.810(1)(j) and to discuss proposed or pending litigation against or on behalf of the agency as permitted by KRS 61.810(1)(c). <p style="text-align: center;">EXECUTIVE SESSION</p> 2) Chairman Beck requested a motion for the Commission to return to open session.	1) Motion to go into executive session. Second by Commissioner Northrop. Motion carried with no objections or abstentions. 2) Motion to return to open session by Commissioner Yon.

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			Second by Commissioner Leavitt. Motion carried with no objections or abstentions.
Adjournment	37	Chairman Beck requested any additional motions.	Motion to adjourn by Commissioner Yon. Second by Commissioner Northrop. Motion carried with no objections or abstentions.

NOTE: A copy of all that was provided in the Agenda materials, and any amendments thereto, subject to any applicable exemptions are to be attached hereto and incorporated herein.