

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

Date: April 21, 2020 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 Franklin S. Kling, Jr.; Vice-Chairman Frank Jones, Jr.; Commissioner J. Gatewood Bell, Jr.; Commissioner Stuart E. Brown, II, DVM; Commissioner Kerry T. Cauthen; Commissioner Pat Day; Commissioner Douglas A. Hendrickson; Commissioner Lesley Howard; Commissioner Kenneth A. Jackson; and Commissioner Brereton C. Jones, Jr.; Commissioner Foster Northrop, DVM; Commissioner Charles O’Connor; Commissioner J. David Richardson, M.D., and Commissioner Mark Simendinger

Ex-officio Members Present: Secretary Kerry B. Harvey, Public Protection Cabinet

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; Steve May, Director of Pari-Mutuel Wagering and Compliance; Bruce Howard, DVM, Interim Equine Medical Director and Chief Racing Veterinarian; and Barbara Borden, Chief State Steward

Others Participating: None.

<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	Meeting of the Kentucky Horse Racing Commission (KHRC) called to order and roll call performed by Chairman Kling. A quorum was recognized.  Chairman Kling also welcomed Jennifer Wolsing as KHRC’s new General Counsel. He also noted the arrival of Commissioner Brown for the record.	No action taken.
<b>II. New Business</b> <b>Tab 1 Minutes from February 18, 2020 and March 19, 2020</b>	5 – 61 5 – 6	Chairman Kling requested a motion from the Commission to address the request submitted by KHRC staff to approve the proposed	Chairman Kling called for a vote to approve the proposed minutes as

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	6 – 7	<p>minutes of the February 18, 2020 Commission meeting. Motion by Commissioner Cauthen. Second by Vice-Chairman Jones.</p> <p>Ms. Eads presented the proposed minutes of the February 18, 2020 Commission meeting as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p> <p>Chairman Kling requested a motion from the Commission to address the request submitted by KHRC staff to approve the proposed minutes of the March 19, 2020 Special Commission meeting. Motion by Vice-Chairman Jones. Second by Commissioner Day.</p> <p>Ms. Eads presented the proposed minutes of the March 19, 2020 Special Commission meeting as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p>	<p>presented. Motion carried with no abstentions or objections.</p> <p>Chairman Kling called for a vote to approve the proposed minutes as presented. Motion carried with no abstentions or objections.</p>
<b>Tab 2 KHBIF Period V: Applications for Participation in 2020</b>	7 – 9	<p>Chairman Kling requested a motion for the Commission to address the recommendation of the KHRC staff to approve the proposed Kentucky Horse Breeders’ Incentive Fund allocation for 2021. Motion by Commissioner Brown. Second by Commissioner Bret Jones.</p> <p>Ms. Eads presented the proposed Period V applications for non-race breeders’ incentive fund as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p>	<p>Chairman Kling called for a vote to approve the request as presented. Motion carried with no objections or abstentions.</p>
<b>Tab 3 Ellis Park’s Request for Approval of Castle Hill Historical Horse Racing System</b>	9 – 12	<p>Chairman Kling requested a motion for the Commission to address the request submitted by Ellis Park to approve five Castle Hill Gaming Historical Horse Racing pari-mutuel wagering pools and 53 associated entertaining game themes. Motion by Commissioner Hendrickson. Second by Commissioner Cauthen.</p>	<p>Chairman Kling called for a vote to approve the request as presented. Motion carried with no</p>

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		<p>Mr. May presented Ellis Park's request dated March 31, 2020 as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p>	<p>objections or abstentions.</p>
<p><b>Tab 4 Churchill Downs' Request for Approval of International Game Technology Historical Horse Racing System</b></p>	<p>12 – 16</p>	<p>Chairman Kling requested a motion from the Commission to address the request submitted by Churchill Downs Racetrack by and through its wholly-owned subsidiary Derby City Gaming, LLC ("Derby City Gaming") to approve one International Game Technology historical horse racing pari-mutuel wagering pool and one associated entertaining game theme. Motion by Commissioner Northrop. Second by Commissioner Day.</p> <p>Mr. May presented Derby City Gaming's request dated April 3, 2020 as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p>	<p>Chairman Kling called for a vote to approve the request as presented. Motion carried with no objections or abstentions.</p>
<p><b>Tab 5 Churchill Downs' Request for Approval of Additional Ainsworth Game Technology Historical Horse Racing Pools and Entertaining Game Themes</b></p>	<p>16 – 18</p>	<p>Chairman Kling requested a motion from the Commission to address the request submitted by Churchill Downs Racetrack by and through its wholly-owned subsidiary Derby City Gaming to approve two additional Ainsworth Game Technology historical horse racing pari-mutuel wagering pools and two associated entertaining game themes. Motion by Commissioner Richardson. Second by Commissioner Northrop.</p> <p>Mr. May presented Derby City Gaming's request dated April 3, 2020 as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p>	<p>Chairman Kling called for a vote to approve the request as presented. Motion carried with no objections or abstentions.</p>
<p><b>Tab 6 Churchill Downs' Request for Approval of</b></p>	<p>18 – 23</p>	<p>Chairman Kling requested a motion from the Commission to address the request submitted Churchill Downs Racetrack by and through its</p>	<p>Chairman Kling called for a vote to approve the</p>

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<b>Additional Scientific Games Technologies Historical Horse Racing Pools and Entertaining Game Themes</b>		<p>wholly-owned subsidiary Derby City Gaming to approve four new Scientific Game Corporation historical horse racing pari-mutuel wagering pools, five entertaining game themes associated with the new pools, updates to four previously approved pari-mutuel wagering pools, and three new entertaining game themes associated with the previously approved pari-mutuel wagering pools. Motion by Commissioner Northrop. Second by Commissioner Richardson.</p> <p>Mr. May noted a typographical error in the agenda materials memorandum heading that references “four additional Ainsworth Game Technology pools.” He stated “these are Scientific Game pools.” Following his correction, Mr. May presented Derby City’s request dated April 3, 2020 as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC.</p>	<p>request as presented. Motion carried with no objections or abstentions.</p>
<b>Tab 7 Kentucky Downs Request for Additional Exacta Systems Technologies Historical Horse Racing Pools and Entertaining Games Themes</b>	23 – 26	<p>Chairman Kling requested a motion from the Commission to address the request submitted by Kentucky Downs LLC to approve one new Exacta System pari-mutuel wagering pool, four associated entertainment game themes, and three new entertainment game themes based on previously approved Exacta System pari-mutuel wagering pools. Motion by Commissioner Cauthen. Second by Commissioner Northrop.</p> <p>Mr. May presented the request from Kentucky Downs LLC dated April 1, 2020 as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p>	<p>Chairman Kling called for a vote to approve the request as presented. Motion carried with no objections or abstentions.</p>
<b>Tab 8 Keeneland Red Mile Request for Approval of PariMAX Version 3.20</b>	26 – 28	<p>Chairman Kling requested a motion from the Commission to address the request submitted by KRM Wagering LLC to approve PariMAX historical horse racing pari-mutuel wagering pool version 3.20.</p>	<p>Chairman Kling called for a vote to approve the request as presented</p>

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		<p>Motion by Commissioner Brown. Second by Commissioner Northrop.</p> <p>Mr. May presented the request from KRM Wagering LLC dated March 18, 2020 as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p>	<p>and contingent upon completion of the two (2) conditions set out in the agenda materials. Motion carried with no objections or abstentions.</p>
<p><b>Tab 9 Ratification of Executive Director Approval of Amendment to Kentucky Downs' Hours of Operation</b></p>	<p>28 – 30</p>	<p>Chairman Kling requested a motion from the Commission to address ratification of the KHRC Executive Director's conditional approval of the request submitted by Kentucky Downs to amend the operational hours of the historical horse racing designated area. Motion by Commissioner Hendrickson. Second by Commissioner Northrop.</p> <p>Mr. May presented the request from Kentucky Downs dated February 28, 2020 as outlined in the agenda materials.</p> <p>Ratification of the KHRC Executive Director's conditional approval was recommended by KHRC staff.</p>	<p>Chairman Kling called for a vote to ratify the KHRC Executive Director's conditional approval of the request as presented. Motion carried with no objections or abstentions.</p>
<p><b>Tab 10 Ratification of Executive Director Approval of Turfway Park Cross Country Pick Five Wager Participation</b></p>	<p>31 – 33</p>	<p>Chairman Kling requested a motion from the Commission to address ratification of the KHRC's Executive Director's conditional approval of the request submitted by Churchill Downs by and through its wholly-owned subsidiary Turfway Park LLC, to approve participation in a cross country Pick-5 hosted by the New York Racing Association. Motion by Commissioner Richardson. Second by Commissioner Northrop.</p> <p>Mr. May presented Churchill Downs'/Turfway Park LLC's request dated March 11, 2020 as outlined in the agenda materials.</p> <p>Ratification of the KHRC Executive Director's conditional approval was recommended by KHRC staff.</p>	<p>Chairman Kling called for a vote to ratify the KHRC Executive Director's conditional approval of the request as presented. Motion carried with no objections or abstentions.</p>

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<b>Tab 11 Players Bluegrass Downs and Keeneland Agreement on Uncashed Pari-Mutuel Tickets and Vouchers</b>	33 – 37	<p>Chairman Kling stated that the Commission would participate in a discussion concerning the agreement between Keeneland Association and Players Bluegrass Downs regarding uncashed pari-mutuel wagering tickets and vouchers. He noted that the discussion was for only informational purposes and no action by the Commission would be required.</p> <p>Mr. May presented the agreement between Keeneland Association and Players Bluegrass Downs' agreement as outlined in the agenda materials.</p>	Informational only. No action taken.
N/A	37 – 38	Chairman Kling noted that the next Agenda Item to be presented would be Tab 15.	Informational only. No action taken.
<b>Tab 15 Ratification of Executive Director's Approval of Turfway Park's Auxiliary Location</b>	37 – 41	<p>Chairman Kling requested a motion from the Commission to address ratification of the KHRC Executive Director's conditional approval of the request submitted by Churchill Downs by and through its wholly-owned subsidiary Turfway Park LLC to approve a proposed offsite facility at the Newport Shopping Center. Motion by Commissioner Richardson. Second by Commissioner Northrop.</p> <p>Ms. Wolsing presented Churchill Downs'/Turfway Park's request as outlined in the agenda materials.</p> <p>Ratification of the KHRC Executive Director's conditional approval was recommended by KHRC staff.</p>	Chairman Kling called for a vote to ratify the KHRC Executive Director's conditional approval of the request as presented. Motion carried with no objections or abstentions.
<b>Tab 12 Newport Racing and Gaming Request to Provide Historical Horse Racing</b>	41 – 44	Chairman Kling requested a motion from the Commission to address the conditional approval of the KHRC Executive Director of the request submitted by Turfway Park LLC to approve simulcast wagering and exotic wagers on historical horse racing at the Newport Racing & Gaming facility located at Newport Shopping	Chairman Kling called for a vote to ratify the KHRC Executive Director's conditional approval of the request as presented and contingent upon the

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		<p>Center. Motion by Commissioner Hendrickson. Second by Commissioner Cauthen.</p> <p>Mr. May presented the request from Turfway Park LLC dated April 3, 2020 as outlined in the agenda materials.</p> <p>Ratification of the KHRC Executive Director's conditional approval contingent upon the fulfillment of the conditions set out in the agenda materials was recommended by KHRC staff.</p>	<p>conditions set forth in the agenda materials. Motion carried with no objections or abstentions.</p>
<p><b>Tab 13 Jamgotchian v. Kentucky Horse Racing Commission: Update and Ratification</b></p>	<p>44 – 47</p>	<p>Chairman Kling requested a motion from the Commission to address ratification of the KHRC Executive Director's conditional approval of issuance of an ordinary license to Mr. Jamgotchian. Motion by Commissioner Richardson. Second by Commissioner Simendinger.</p> <p>Ms. Wolsing presented the KHRC Executive Director's conditional approval of issuance of an ordinary license to Mr. Jamgotchian.</p> <p>Ratification of the KHRC Executive Director's conditional approval was recommended by KHRC staff.</p>	<p>Chairman Kling called for a vote to ratify the KHRC Executive Director's conditional approval of the issuance of an ordinary license to Mr. Jamgotchian. Motion carried with no objections and one (1) abstention by Commissioner O'Connor.</p>
<p><b>Tab 14 Amendments to Section O of Racing Applications and Amendments to Host Track Status</b></p>	<p>47 – 50</p>	<p>Chairman Kling requested a motion from the Commission to address the recommendation of the KHRC Race Dates Committee to modify the September 2020 race and host track date calendar. Motion by Commissioner Day. Second by Commissioner Northrop.</p> <p>Ms. Wolsing presented the Race Dates Committee's recommendation as outlined in the agenda materials. She noted that the Commission approved Churchill Downs' request as to the shift in race dates at its March 19, 2020 meeting; however, there were two proposed trades that were not documented at that meeting: 1) Ellis Park is currently the host track on September 7,</p>	<p>Chairman Kling called for a vote to approve the recommendation of the KHRC Race Dates Committee to modify the September 2020 race and host track date calendar as presented. Motion carried with no objections or abstentions.</p>

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		<p>2020 and Kentucky Downs and Ellis Park have agreed to share hosting duties 50/50 on that date; and 2) Churchill Downs is currently the host track on September 16 and Churchill Downs and Kentucky Downs have agreed that Kentucky Downs will be the host track on that date.</p> <p>Approval was recommended by KHRC staff.</p>	
<b>N/A</b>	50	<b>BREAK TAKEN</b>	No action taken.
<b>Tab 16 Ratification of Filed Amendment to 810 KAR 8:020's Incorporated Materials</b>	50 – 52	<p>Upon return from the break, Chairman Kling requested a motion from the Commission to address the request submitted by the Interim Equine Medical Director and Chief State Veterinarian, Dr. Howard, to approve the proposed changes to the Withdrawal Guidelines incorporated by reference in 810 KAR 8:020. Motion by Vice-Chairman Frank Jones. Second by Commissioner Day.</p> <p>Dr. Howard presented the request as outlined in the agenda materials.</p> <p>Ratification of the KHRC Executive Director's approval was recommended by KHRC staff.</p>	<p>Chairman Kling called for a vote to approve the proposed changes to the Withdrawal Guidelines incorporated by reference under 810 KAR 8:020 as presented. Motion carried with no objections or abstentions.</p>
<b>Tab 17 Ellis Park's 2020 Proposed Race Meet Officials and Date Preference System</b>	52 – 54	<p>Chairman Kling requested a motion from the Commission to address the request submitted by Ellis Park to approve the proposed 2020 roster of racing officials and dates preference system. Motion by Commissioner Richardson. Second by Commissioner Northrop.</p>	<p>Chairman Kling called for a vote to approve the request as presented. Motion carried with no objections or abstentions.</p>

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		<p>Ms. Borden presented Ellis Park’s request dated April 2, 2020 as outlined in the agenda materials. She noted that the proposed dates preference system included addition of the provisions for the digital foal certificate in place of the paper foal certificate. All listed officials are ROAP accredited and have previously performed the duties for which they are listed and will be licensed before the meet opening.</p> <p>Approval is recommended by KHRC staff.</p>	
<p><b>Tab 18 Reports</b></p> <p><b>a. Thoroughbred Rulings</b></p> <p><b>b. Standardbred Rulings</b></p> <p><b>c. Veterinary Division</b></p> <p><b>d. Pari-Mutuel Wagering Division</b></p> <p><b>e. Litigation</b></p>	<p>54 – 61</p> <p>54 – 55</p> <p>55 – 57</p> <p>57 – 58</p> <p>58 – 61</p> <p>61</p>	<p>a. Ms. Borden presented the thoroughbred rulings reports as outlined in the agenda materials.</p> <p>b. Ms. Wolsing presented the Standardbred ruling activity report. She explained the revocation of a licensee.</p> <p>c. Dr. Howard presented the veterinary division report as outlined in the agenda materials.</p> <p>d. Mr. May presented the pari-mutuel wagering division report 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>

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<p>III. Executive Session</p> <p>During the meeting on April 21, 2020, the Commission will go into closed session pursuant to KRS 61.810(1)(c) to discuss pending litigation</p> <p><i>Hughes v. KHRC;</i>  <i>Arnold v. KHRC;</i>  #KHRC-18-TB-002</p> <p><i>Hahn v. KHRC;</i> #KHRC-16-TB-004</p> <p><i>Maker v. KHRC;</i> #KHRC-16-TB-001</p> <p><i>Sharp v. KHRC;</i> #KHRC-18-TB-003</p> <p><i>Cannon v. KHRC;</i>  #KHRC-19-TB-009</p> <p><i>Gaffalione v. KHRC;</i>  #KHRC-19-TB-012</p> <p><i>Landeros v. KHRC;</i>  #KHRC-19-TB-010</p> <p><i>Lauer v. KHRC;</i> #KHRC-19-TB-003</p> <p><i>Mena v. KHRC;</i> #KHRC-19-TB-005</p> <p><i>Sutherland v. KHRC;</i>  #KHRC-19-TB-006</p>	<p>61 – 67  61 – 62</p> <p>62</p>	<p>Chairman Kling requested a motion from the Commission to go into 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 Commissioner Northrop. Second by Commissioner Hendrickson.</p> <p style="text-align: center;"><b><u>CLOSED SESSION</u></b></p> <p>Chairman Kling requested a motion from the Commission to return from closed session to open session. Motion by Commissioner Simendinger. Second by Commissioner Richardson.</p> <p style="text-align: center;"><b><u>RETURN TO OPEN SESSION</u></b></p>	<p>Chairman Kling called for a vote for the Commission to go into closed session. Motion carried with no objections or abstentions.</p> <p>Chairman Kling called for a vote for the Commission to return from closed session to open session. Motion carried with no objections or abstentions.</p>

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<p>IV. Other Business</p> <p>    Tab 19. <i>Hughes v. KHRC</i>, KHRC-19-TB-002</p>	<p>62 – 70</p> <p>62 – 63</p>	<p>Upon return from closed session, Chairman Kling requested a motion from the Commission to address the administrative appeal captioned <i>Timothy Hughes v. KHRC</i>, #KHRC-19-TB-002. Motion by Commissioner Richardson. Second by Commissioner Simendinger. Chairman Kling requested a motion from the Commission to address the administrative appeal of, <i>Hughes v. KHRC</i>, #KHRC-19-TB-002. Motion by Commissioner Richardson. Second by Commissioner Simendinger.</p> <p>Ms. Wolsing presented the settlement agreement in the Hughes appeal as outlined in the agenda materials.</p> <p>Approval of the settlement agreement was recommended by KHRC staff.</p>	<p>Chairman Kling called for a vote to approve the proposed settlement agreement in <i>Hughes v. KHRC</i> as presented. Motion carried with no objections or abstentions.</p>

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<p><b>Tab 20. Final Orders regarding: <i>Cannon v. KHRC</i>, KHRC-19-TB-009; <i>Gaffalione v. KHRC</i>, KHRC-19-TB-013; <i>Landeros v. KHRC</i>, KHRC-19-TB-013 (should be KHRC-19-TB-010); <i>Lauer v. KHRC</i>, KHRC-19-TB-003; <i>Mena v. KHRC</i>, KHRC-19-TB-005; <i>Sutherland v. KHRC</i>, KHRC-19-TB-006</b></p>	<p>63 – 65</p>	<p>Chairman Kling requested a motion from the Commission to address the following KRS 13B administrative appeals: <i>Cannon v. KHRC</i>, #KHRC-19-TB-009; <i>Gaffalione v. KHRC</i>, #KHRC-19-TB-012; <i>Landeros v. KHRC</i>, #KHRC-19-TB-010; <i>Lauer v. KHRC</i>, #KHRC-19-TB-003; <i>Mena v. KHRC</i>, #KHRC-19-TB-005; and <i>Sutherland v. KHRC</i>, #KHRC-19-TB-006. Motion by Commissioner Hendrickson. Second by Commissioner Simendinger.</p> <p>Ms. Wolsing first noted a correction to the <i>Landeros</i> case number, that the correct number is KHRC-19-TB-013<sup>1</sup>. She stated that these appellants had each withdrawn their appeals and required final orders of dismissal approved by the Commission. She further noted that going forward, for any reason, final orders dismissing an appeal action should be issued by the Commission.</p> <p>Approval of the final orders in the subject administrative appeals were recommended by KHRC staff.</p>	<p>Chairman Kling called for a vote to approve the final orders dismissing the administrative appeals in <i>Cannon v. KHRC</i>; <i>Gaffalione v. KHRC</i>; <i>Landeros v. KHRC</i>; <i>Lauer v. KHRC</i>; <i>Mena v. KHRC</i> and <i>Sutherland v. KHRC</i> as presented. Motion carried with no objections or abstentions.</p>

<sup>1</sup> Ms. Wolsing’s attempted correction of the *Landeros* case number contained an error. *Landeros v. KHRC*’s case number is #KHRC-19-TB-010, as Chairman Kling had originally stated.

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<p><b>Tab 21. Final Orders regarding: <i>Arnold v. KHRC</i>, KHRC-18-TB-002; <i>Hahn v. KHRC</i>, KHRC-16-TB-004; <i>Maker v. KHRC</i>, KHRC-16-TB-001; <i>Sharp v. KHRC</i>, KHRC-18-TB-003</b></p>	<p>65 – 67</p>	<p>Chairman Kling requested a motion from the Commission to address the following KRS 13B administrative appeals: <i>George Arnold II v. KHRC</i>; #KHRC-18-TB-002; <i>Anita Hahn v. KHRC</i>; #KHRC-16-TB-004; and <i>Michael J. Maker</i>, #KHRC-16-TB-001. <i>Sharp v. KHRC</i>, #KHRC-18-TB-003, was intentionally omitted from Chairman Kling’s requested motion. Motion by Commissioner Brown. Second by Commissioner Simendinger.</p> <p>Ms. Wolsing explained that the stewards’ had withdrawn and amended their initial rulings due to new scientific findings that resulted in the KHRC laboratory rescission their initial decisions and to report that the horses passed their screens. She stated a final order dismissing the administrative appeals should be issued.</p> <p>Approval was recommended by KHRC staff.</p>	<p>Chairman Kling called for a vote to approve the proposed Final Orders as presented in <i>Arnold v. KHRC</i>; <i>Hahn v. KHRC</i>; and <i>Maker v. KHRC</i>. <i>Sharp v. KHRC</i> was intentionally omitted from the call for a vote to approve. Motion carried with no objections and one abstention by Commissioner Northrop.</p>
<p><b>N/A</b></p>	<p>67 – 70</p>	<p>Chairman Kling commended the KHRC staff on putting together a successful meeting. He further noted the departure of Mr. May, commended him on his many contributions and thanked him for his service.</p> <p>Mr. May addressed the Commission and commended David Brown and Waqas Ahmed for their assistance.</p>	<p>No action taken. Informational item only.</p>
<p><b>IV. Adjournment</b></p>	<p>70 – 71</p>	<p>Chairman Kling requested a motion to adjourn. Motion by Commissioner Cauthen. Second by Commissioner Northrop. Meeting adjourned.</p>	<p>Chairman Kling called for a vote to adjourn. Motion carried with no objections or abstentions.</p>

**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.