

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

Date: August 18, 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 Jonathan Rabinowitz; Vice-Chairman Frank Jones, Jr.; Commissioner J. Gatewood Bell, Jr.; Commissioner Kerry T. Cauthen; Commissioner Naveed Chowhan, M.D.; Commissioner Douglas A. Hendrickson; Commissioner Lesley Ann May Howard; Commissioner Kenneth A. Jackson; Commissioner Franklin S. Kling, Jr.; Commissioner Alan J. Leavitt; Commissioner Foster Northrop, DVM; Commissioner Charles O'Connor; Commissioner Tom Riddle, DVM; Commissioner Mark Simendinger; and Commissioner James Edwin Worley

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; Chad Thompson, Deputy General Counsel; Bruce Howard, DVM, Equine Medical Director; Nicholas Smith, DVM, Chief Racing Veterinarian; Barbara Borden, Chief State Steward; Waqas Ahmed, Director and David Brown, Auditor, Division of Pari-mutuel Wagering and Compliance

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	Chairman Rabinowitz called the meeting of the Kentucky Horse Racing Commission (KHRC) to order and performed the roll call. A quorum was recognized.  Chairman Rabinowitz welcomed and announced the appointment of new commissioner, Tom Riddle; and new Director of Pari-mutuel Wagering and Compliance, Waqas Ahmed.	No action taken.
<b>II. New Business</b> <b>Tab 1 Minutes from</b> <b>April 21, 2020 and June 16, 2020</b>	5 – 60 5 – 7	Chairman Rabinowitz requested a motion from the Commission to address the request submitted by the KHRC staff to approve the	Chairman Rabinowitz called for a vote to

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	7 - 8	<p>proposed minutes of the KHRC meeting of April 21, 2020. Motion by Commissioner Kling. Second by Vice-Chairman Jones.</p> <p>Approval of the proposed minutes was recommended by KHRC staff.</p> <p>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 June 16, 2020. Motion by Commissioner Simendinger. Second by Vice-Chairman Jones.</p> <p>Approval of the proposed minutes was recommended by KHRC staff.</p>	<p>approve the proposed minutes of the April 21, 2020 KHRC meeting as presented. Motion carried with no abstentions or objections.</p> <p>Chairman Rabinowitz called for a vote to approve the proposed minutes of the June 16, 2020 KHRC meeting as presented. Motion carried with no abstentions or objections.</p>
<b>Tab 2 Ratification of Churchill Downs' 2020 Spring Meet KTDF Purse Structure</b>	8 – 9	<p>Chairman Rabinowitz requested a motion from the Commission to address ratification of the Executive Director's conditional approval of the recommendation submitted by the Kentucky Thoroughbred Development Fund advisory committee ("KTDF advisory committee") to approve the proposed amended KTDF purses and the proposed amended KTDF purse structure for Churchill Downs Racetrack, LLC's 2020 spring meet. Motion by Vice-Chairman Jones. Second by Commissioner Simendinger.</p> <p>Ms. Eads presented Churchill Downs' request dated May 1, 2020 as outlined in the agenda materials. At its May 7, 2020 meeting, the KTDF advisory committee approved recommendation of Churchill Downs' amended request. On May 7, 2020, Mr. Guilfoil granted</p>	<p>Chairman Rabinowitz called for a vote to ratify the Executive Director's conditional approval and the KTDF advisory committee's recommendation as presented. Motion carried with no objections or abstentions.</p>

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		<p>conditional approval of the KTDF advisory committee's recommendation.</p> <p>Ratification of the Executive Director's conditional approval was recommended by KHRC staff.</p>	
<p><b>Tab 3 Kentucky Downs' September Meet Amended 2020 KTDF Purse Structure</b></p>	<p>9 – 11</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation of the KTDF advisory committee to approve the proposed amended KTDF purses and the proposed amended KTDF purse structure for Kentucky Downs, LLC's September 2020 meet. Motion by Commissioner Northrop. Second by Commissioner Simendinger.</p> <p>Ms. Eads presented Kentucky Downs' request dated July 28, 2020 as outlined in the agenda materials. At its June 3, 2020 meeting, the KTDF advisory committee approved recommendation of Kentucky Downs' request. Ms. Eads noted that the request was an amendment from the original request approved by the Commission at its June 16, 2020 meeting.</p> <p>Approval of the KTDF advisory committee's recommendation was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the KTDF advisory committee's recommendation as presented. Motion carried with no objections or abstentions.</p>
<p><b>Tab 4 Ellis Park's Summer Meet Amended 2020 KTDF Purse Structure</b></p>	<p>11 – 12</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation of the KTDF advisory committee to approve the proposed amended KTDF purses and the proposed amended purse structure for the 2020 summer meet of Ellis Entertainment LLC, d/b/a Ellis Park Racing &amp; Gaming. Motion by Commissioner Hendrickson. Second by Commissioner Northrop.</p> <p>Ms. Eads presented Ellis Park Racing &amp; Gaming's request dated August 3, 2020 as outlined in the agenda materials. At its August 4,</p>	<p>Chairman Rabinowitz called for a vote to approve the KTDF advisory committee's recommendation as presented. Motion carried with no objections or abstentions.</p>

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		<p>2020 meeting, the KTDF advisory committee recommended approval of Ellis Park Racing &amp; Gaming's request.</p> <p>Approval of the KTDF advisory committee's recommendation was recommended by KHRC staff.</p>	
<p><b>Tab 5 Churchill Downs' 2020 September Meet KTDF Purse Structure</b></p>	<p>12 – 14</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation submitted by the KTDF advisory committee to approve the proposed KTDF purses and the proposed KTDF purse structure for Churchill Downs Racetrack, LLC's 2020 September meet. Motion by Commissioner Simendinger. Second by Commissioner Northrop.</p> <p>Ms. Eads presented Churchill Downs Racetrack, LLC's request dated July 30, 2020 as outlined in the agenda materials. At its August 4, 2020 meeting, the KTDF advisory committee recommended approval of Churchill Downs Racetrack, LLC's request.</p> <p>Approval of the KTDF advisory committee's recommendation was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the KTDF advisory committee's recommendation as presented. Motion carried with no objections or abstentions.</p>
<p><b>Tab 6 Keeneland's 2020 Fall Meet KTDF Purse Structure</b></p>	<p>14 – 16</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation submitted by the KTDF advisory committee to approve the proposed KTDF purses and the proposed KTDF purse structure for Keeneland Association, Inc.'s 2020 fall meet. Motion by Commissioner Bell. Second by Vice-Chairman Jones.</p> <p>Ms. Eads presented Keeneland Association, Inc.'s request dated August 3, 2020 as outlined in the agenda materials. At its August 4, 2020 meeting, the KTDF advisory committee recommended approval of Keeneland Association, Inc.'s request.</p>	<p>Chairman Rabinowitz called for a vote to approve the KTDF advisory committee's recommendation as presented. Motion carried with no objections or abstentions.</p>

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		Approval of the KTDf advisory committee's recommendation was recommended by KHRC staff.	
<b>Tab 7 Ratification of Executive Director's Approval of Kentucky Derby Future Wagers</b>	16 – 18	<p>Chairman Rabinowitz requested a motion from the Commission to address ratification of the executive director's conditional approval of the request submitted by Churchill Downs Racetrack, LLC to amend Section R(4) of their 2020 license to conduct live horse racing, simulcasting and pari-mutuel wagering. Motion by Commissioner Northrop. Second by Vice-Chairman Jones.</p> <p>Commissioner Kling presented Churchill Downs Racetrack, LLC's request dated June 15, 2020 as outlined in the agenda materials. On June 25, 2020, Mr. Guilfoil granted conditional approval of Churchill Downs Racetrack, LLC's request.</p> <p>Ratification of the Executive Director's conditional approval was recommended by KHRC staff.</p>	Chairman Rabinowitz called for a vote to ratify the Executive Director's conditional approval as presented. Motion carried with no objections or abstentions.
<b>Tab 8 Derby City Gaming's Request for Approval of Software Updates to Six Scientific Game Corporation Entertaining Game Themes</b>	18 – 21	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by Churchill Downs Racetrack, LLC, by and through its wholly owned subsidiary Derby City Gaming, LLC, to approve software modifications on six (6) Scientific Games Corporation entertaining game themes. Motion by Commissioner Simendinger. Second by Commissioner O'Connor.</p> <p>Commissioner Kling presented the request by Derby City Gaming dated July 31, 2020 as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p>	Chairman Rabinowitz called for a vote to approve the request as presented. Motion carried with no objections or abstentions.
<b>Tab 9 Derby City Gaming's Request for approval of Scientific Games Pari-Mutuel</b>	21 – 24	Chairman Rabinowitz requested a motion from the Commission to address the request submitted by Churchill Downs Racetrack, LLC, by and through its wholly owned subsidiary, Derby City Gaming, LLC,	Chairman Rabinowitz called for a vote to approve the request as

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<b>Wagering Pools and Entertaining Games Themes</b>		<p>to approve three (3) new entertaining game themes that will utilize a new Scientific Games Corporation historical horse racing pari-mutuel wagering pool and eight (8) new entertaining game themes that utilize the previously approved pari-mutuel wagering pools. Motion by Vice-Chairman Jones. Second by Commissioner O'Connor.</p> <p>Commissioner Kling presented the request by Derby City Gaming dated July 31, 2020 as outlined in the agenda materials.</p> <p>Approval is recommended by KHRC staff.</p>	presented. Motion carried with no objections or abstentions.
<b>Tab 10 Request from Kentucky Downs Racing and Gaming for Approval to Add 450 Ainsworth Game Technology Entertaining Game Terminals to Their Floor</b>	24 – 25	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by Kentucky Downs, LLC to approve deployment of an additional 450 Ainsworth Game Technology entertaining game terminals to their current assortment of HHR terminals. Motion by Commissioner Kling. Second by Commissioners O'Connor and Simendinger.</p> <p>Mr. Brown presented the request by Kentucky Downs, LLC dated August 6, 2020 as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p>	Chairman Rabinowitz called for a vote to approve the request as presented. Motion carried with no objections or abstentions.

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<p><b>Tab 11 Kentucky Downs Racing and Gaming Request for Approval of AGS, LLC Pari-Mutuel Wagering Pools and Entertaining Game Themes</b></p>	<p>26 – 28</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by Kentucky Downs, LLC to approve two (2) new AGS, LLC, pari-mutuel wagering pools along with two (2) new entertaining game themes associated with each new pari-mutuel wagering pool. Motion by Commissioner Northrop. Second by Commissioner Howard.</p> <p>Mr. Brown presented the request by Kentucky Downs, LLC dated July 30, 2020 as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff contingent upon the four (4) conditions as presented.</p>	<p>Chairman Rabinowitz called for a vote to approve the request contingent upon the four (4) conditions as presented. Motion carried with no objections or abstentions.</p>
<p><b>Tab 12 Request from Kentucky Downs Racing and Gaming for Approval of Two New Exacta Systems Pari-Mutuel Wagering Pools and Entertaining Game Themes</b></p>	<p>28 – 32</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by Kentucky Downs, LLC to approve two (2) new Exacta System pari-mutuel wagering pools and two (2) new entertaining game themes based on previously approved Exacta Systems’ pari-mutuel wagering pools. Motion by Commissioner O’Connor. Second by Commissioner Cauthen.</p> <p>Mr. Brown presented the request by Kentucky Downs, LLC dated July 30, 2020 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 request as presented. Motion carried with no objections or abstentions.</p>
<p><b>Tab 13 Keeneland Red Mile Request to Increase the Number of Historical Horse Racing Terminals</b></p>	<p>32 – 34</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by KRM Wagering, LLC to approve a proposed amendment to their initial application to offer HHR pursuant to 810 KAR 1:120, section 4(1) in order to increase the maximum of allowable historical horse racing terminals. Motion by Commissioner Leavitt. Second by Commissioner O’Connor.</p>	<p>Chairman Rabinowitz called for a vote to approve the request as presented. Motion carried with no objections or abstentions.</p>

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		<p>Mr. Ahmed presented KRM Wagering, LLC's request dated July 28, 2020 as outlined in the agenda materials.</p> <p>Approval is recommended by KHRC staff.</p>	
<p><b>Tab 14 Keeneland Red Mile Request for Approval of PariMAX 3.24</b></p>	<p>34 – 36</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by KRM Wagering, LLC to approve PariMAX historical horse racing pari-mutuel wagering version 3.24. Motion by Commissioner Kling. Second by Commissioner Northrop.</p> <p>Mr. Ahmed presented KRM Wagering, LLC's request dated June 29, 2020 as outlined in the agenda materials.</p> <p>Approval is recommended by KHRC staff contingent upon the two (2) conditions listed under Tab 14 of the agenda materials.</p>	<p>Chairman Rabinowitz called for a vote to approve the request as contingent upon the two (2) conditions listed under Tab 14 of the agenda materials. Motion carried with no objections or abstentions.</p>
<p><b>Tab 15 Ratification of Executive Director Approval of The Red Mile's License to Conduct Live Horse Racing, Simulcasting, and Pari-Mutuel Wagering</b></p>	<p>36 – 40</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address ratification of the Executive Director's conditional approval of an ordinary license to conduct live horse racing, simulcasting and pari-mutuel wagering for the Lexington Trots Breeders Association, LLC, d/b/a the Red Mile. Motion by Commissioner Leavitt. Second by Vice-Chairman Jones.</p> <p>Ms. Wolsing presented the Red Mile's request as outlined in the agenda materials. On June 29, 2020, Mr. Guilfoil granted conditional approval of the Red Mile's license to conduct live horse racing, simulcasting and pari-mutuel wagering.</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 the Executive Director's conditional approval as presented. Motion carried with no objections or abstentions.</p>
<p><b>Tab 16 Ratification of Executive Director Approval of</b></p>	<p>40 – 42</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address ratification of the executive director's conditional approval</p>	<p>Chairman Rabinowitz called for a vote to ratify</p>

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<b>The Red Mile's Revised Post Times</b>		<p>of the request submitted by the Lexington Trots Breeders Association, LLC, d/b/a the Red Mile, to amend section R(1) of the 2020 license to conduct live horse racing, simulcasting and pari-mutuel wagering. Motion by Commissioner Leavitt. Second by Commissioner Northrop.</p> <p>Ms. Wolsing presented the Red Mile's request dated July 7, 2020 as outlined in the agenda materials. On July 28, 2020, Mr. Guilfoil granted conditional approval of the Red Mile's request.</p> <p>Ratification of the Executive Director's conditional approval was recommended by KHRC staff.</p>	<p>the Executive Director's conditional approval as presented. Motion carried with no objections or abstentions.</p>
<b>Tab 17 WKY Development's Requests to Amend Section R of its 2020 Application to Conduct Live Horse Racing, Simulcasting and Pari-Mutuel Wagering to Revise its Race Dates and Post Times for their 2020 Meet</b>	42 – 44	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by WKY Development, LLC, d/b/a Oak Grove Racing, Gaming &amp; Hotel to amend section R of their 2020 license to conduct live horse racing, simulcasting and pari-mutuel wagering. Motion by Commissioner Leavitt. Second by Commissioner Cauthen.</p> <p>Ms. Wolsing presented Oak Grove Racing, Gaming and Hotel's request dated July 31, 2020 as outlined in the agenda materials.</p> <p>Approval is recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the request as presented. Motion carried with no objections or abstentions.</p>
<b>Tab 18 Keeneland's Proposed 2020 Fall Race Meet and Breeders' Cup Meet Officials &amp; Date Preference System</b>	44 – 46	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by Keeneland Association, Inc. to approve the proposed roster of racing officials and date preference system for Keeneland's 2020 fall meet, and to approve the roster of racing officials in field selection and points system for the 2020 Breeders Cup World Championship. Motion by Commissioner Kling. Second by Commissioner O'Connor.</p>	<p>Chairman Rabinowitz 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 Keeneland Association, Inc.'s request dated July 28, 2020 as outlined in the agenda materials. 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 was recommended by KHRC staff.</p>	
<p><b>Tab 19 Churchill Downs' Proposed 2020 Fall Race Meet Officials and Date Preference System</b></p>	<p>46 – 48</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by Churchill Downs Racetrack, LLC, to approve the proposed roster of racing officials and date preference system for Churchill Downs' 2020 fall meet. Motion by Vice-Chairman Jones. Second by Commissioner Simendinger.</p> <p>Ms. Borden presented Churchill Downs Racetrack, LLC's request dated July 31, 2020 as outlined in the agenda materials. 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 was recommended by KRHC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the request as presented. Motion carried with no objections or abstentions.</p>
<p><b>Tab 20 Oak Grove Racing, Gaming &amp; Hotel's 2020 Race Meet Officials</b></p>	<p>48 – 49</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by WKY Development, LLC, d/b/a Oak Grove Racing, Gaming and Hotel, to approve the proposed roster of racing officials for Oak Grove's 2020 meet.</p> <p>Ms. Borden presented Oak Grove Racing, Gaming and Hotel's request dated July 31, 2020 as outlined in the agenda materials. 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 was recommended by KRHC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the request as presented. Motion carried with no objections or abstentions.</p>

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<p><b>Tab 21 Reports</b></p> <p><b>a. Thoroughbred Rulings</b></p> <p><b>b. Standardbred Rulings</b></p> <p><b>c. Veterinary Division Report</b></p> <p><b>d. Pari-Mutuel Wagering Division Report</b></p> <p><b>e. Litigation and Regulations</b></p>	<p>49 – 60</p> <p>49 – 51</p> <p>51 – 52</p> <p>52 – 57</p> <p>57 – 60</p> <p>60</p>	<p>a. Ms. Borden presented the thoroughbred rulings reports as outlined in the agenda materials and responded to questions from the Commissioners.</p> <p>b. Mr. Guilfoil presented the Standardbred rulings report as outlined in the agenda materials.</p> <p>c. Drs. Smith and Howard presented the veterinary division reports as outlined in the agenda materials and answered questions from the Commissioners.</p> <p>d. Mr. Brown presented the pari-mutuel wagering division report as outlined in the agenda materials and Commissioner Kling commented.</p> <p>e. Litigation and Regulation report is for informational purposes only.</p>	<p>No action taken. Informational items only.</p>
<p><b>III. Executive Session</b></p> <p><b>During the meeting on August 18, 2020, the Commission will go into closed session pursuant to KRS 61.810(1)(c) to discuss pending litigation</b></p> <p><b>Final Orders Regarding Hernandez v. KHRC, KHRC-20-TB-002</b></p> <p><b>Final Orders Regarding Saez v. KHRC, KHRC-19-TB-004</b></p>	<p>60 – 61</p> <p>60 – 61</p> <p>61</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). Motion by Commissioner Kling. Second by Commissioner Simendinger.</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 Vice-Chairman Jones. Second by Commissioner O'Connor.</p>	<p>Chairman Rabinowitz called for a vote for the Commission to convene in closed session. Motion carried with no objections or abstentions.</p> <p>Chairman Rabinowitz called for a vote for the Commission to reconvene in open</p>



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<b>V. Adjournment</b>	65 – 66	Chairman Rabinowitz requested a motion to adjourn. Motion by Commissioner Cauthen. Second by Commissioner Chowhan.  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.