

KENTUCKY HORSE RACING COMMISSION

October 26, 2021

AGENDA

Location: Kentucky Horse Racing Commission
Conference Room
4063 Iron Works Parkway, Building B
Lexington, KY 40511

Time: 1:30 pm

I. Call to Order and Roll Call

II. New Business

1. KHRC Meeting Minutes of August 17, 2021
2. Ratification of Executive Director Approval of Kentucky Downs sending \$450,000 in KTDF Funds to Keeneland to be used during the 2021 Fall Meet
3. KTDF Purse Structure – Churchill Downs’ Fall Meet
4. KTDF Purse Structure – Turfway Park 2021 Holiday Meet & 2022 Winter/Spring Meet
5. Amendments to 810 KAR 7:050 and Incorporated Documents
6. Amendments to 810 KAR 6:001
7. Delegation of authority to Committee Chairs to act as Commission representatives for the purpose of obtaining professional legal services from Commission counsel
8. Conditions of Racing Association Licensing for 2022
9. Licenses to Conduct Live Horse Racing, Simulcasting, and Pari-Mutuel Wagering for 2022
10. Calendar of Race Dates and Host Status for 2022
11. Presentation on Ellis Park’s Current and Planned Improvements
12. Turfway Park’s 2021 Meet Race Officials and Date Preference System
13. Churchill Downs’ 2021 Fall Meet Race Officials and Date Preference System

14. Reports
 - a. Thoroughbred Rulings
 - b. Standardbred Rulings
 - c. Veterinary Division
 - d. Historical Horse Racing

III. Executive Session

IV. Other Business

15. Final Order in Lee J. Rossi v. KHRC; Administrative Action No. KHRC 18-TB-004

V. Adjournment

KENTUCKY HORSE RACING COMMISSION
MINUTES OF THE MEETING

Date: August 17, 2021 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 Kerry T. Cauthen; Commissioner Naveed Chowhan, M.D.; Commissioner James D. Gates, Jr.; Commissioner Gregory Harbut; Commissioner Douglas A. Hendrickson; Commissioner Lesley Howard; Commissioner Kenneth A. Jackson; Commissioner William L.S. Landes; Commissioner Charles O'Connor; Commissioner Tom Riddle, DVM; Commissioner Mark Simendinger; and Commissioner James Edwin Worley

Ex-officio Members Present: DJ Wasson on behalf of Secretary Ray Perry, Public Protection Cabinet; Charles Rowland, Executive Legal Advisor, on behalf of Interim Secretary Larry Hayes, Cabinet for Economic Development; Yvonne Board on behalf of Mike Berry, Tourism, Arts & Heritage 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, Pari-mutuel Wagering and Compliance; Joanna Ricci, Executive Administrative Secretary

Others Participating: Chauncey Morris, Executive Director, Kentucky Thoroughbred Owners and Breeders (KTOB)

<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 – 6	Chairman Rabinowitz called the meeting of the Kentucky Horse Racing Commission (KHRC) to order and performed the roll call. A quorum was recognized. Prior to addressing Tab 1, Chairman Rabinowitz announced that Chad Thompson, would be leaving the KHRC to assume a new position as General Counsel with the Department of Insurance. He thanked Mr. Thompson for his service to the KHRC and, on behalf of the Commission, wished him success at his new position.	No action taken.

<i>AGENDA ITEM</i>	<i>TRANSCRIPT PAGE NUMBER(S)</i>	<i>DISCUSSION / CONCLUSIONS / RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
II. New Business Tab 1 Minutes from June 22, 2021	6 – 36 6 – 7	<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 22, 2021. Motion by Vice-Chairman Jones. Second by Commissioner Chowhan.</p> <p>Ms. Eads presented the proposed minutes as set out in the agenda materials.</p> <p>Approval of the proposed minutes was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed minutes of the June 22, 2021 KHRC meeting, as presented. Motion carried with no objections or abstentions.</p>
Tab 2 KTDF Purse Structure – Churchill Downs’ September Meet	7 – 9	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation of the Kentucky Thoroughbred Development Fund Advisory Committee (KTDF Advisory Committee) to approve the proposed KTDF purse structure for Churchill Downs’ 2021 September meet. Motion by Vice-Chairman Jones. Second by Commissioner Landes.</p> <p>Ms. Eads presented the KTDF Advisory Committee’s recommendation for approval of Churchill Downs’ request dated July 30, 2021, as outlined in the agenda materials. At its August 3, 2021 meeting, the KTDF Advisory Committee recommended approval of the proposal as presented.</p> <p>Approval was recommended by KHRC staff and the KTDF Advisory Committee.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed KTDF purse structure for Churchill Downs’ 2021 September meet, as presented and recommended by the KTDF Advisory Committee. Motion carried with no objections or abstentions.</p>
Tab 3 KTDF Purse Structure – Keeneland Fall Meet	9– 10	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation of the KTDF Advisory Committee to approve the proposed KTDF purse structure for Keeneland’s 2021 Fall meet. Motion by Commissioner Howard. Second by Commissioner Landes.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed KTDF purse structure and for Keeneland’s 2021 Fall meet, as presented and</p>

AGENDA ITEM	TRANSCRIPT PAGE NUMBER(S)	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
		<p>Ms. Eads presented the KTDF Advisory Committee's recommendation for approval of Keeneland's request dated July 29, 2021, as outlined in the agenda materials. At its August 3, 2021 meeting, the KTDF Advisory Committee recommended approval of the proposal as presented.</p> <p>Approval was recommended by KHRC staff and the KTDF Advisory Committee.</p>	<p>recommended by the KTDF Advisory Committee. Motion carried with no objections or abstentions.</p>
<p>Tab 4 Kentucky Downs KTDF Purse Increase</p>	<p>10 – 13</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation of the KTDF Advisory Committee to approve the proposed KTDF purse increase for Kentucky Downs' 2021 September meet. Motion by Commissioner Landes. Second by Commissioner O'Connor.</p> <p>Ms. Eads presented the KTDF Advisory Committee's recommendation for approval of Kentucky Downs' request received July 29, 2021, as outlined in the agenda materials. At its August 3, 2021 meeting, the KTDF Advisory Committee recommended approval of the proposal as presented.</p> <p>Approval was recommended by KHRC staff and the KTDF Advisory Committee.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed KTDF purse increase for Kentucky Downs' 2021 September meet, as presented and recommended by the KTDF Advisory Committee. Motion carried with no objections or abstentions.</p>
<p>Tab 5 Backside Improvement Request: Kentucky Downs</p>	<p>13 – 14</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address Kentucky Downs' request to approve a proposed backside improvement fund expenditure totaling approximately \$56,763. Motion by Commissioner Landes. Second by Commissioner O'Connor.</p> <p>Ms. Eads presented the KTDF Advisory Committee's recommendation for approval of Kentucky Downs' request received</p>	<p>Chairman Rabinowitz called for a vote to approve Kentucky Downs' backside improvement fund expenditure, as presented. Motion carried with no</p>

<i>AGENDA ITEM</i>	<i>TRANSCRIPT PAGE NUMBER(S)</i>	<i>DISCUSSION / CONCLUSIONS / RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
		Approval was recommended by KHRC staff.	seeking a shift in its previously approved race dates as presented. Motion carried with no objections or abstentions.
Tab 8 Proposed amendment to 810 KAR 5:030: Claim Races	20 – 23	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation of the Rules Committee to approve proposed amendments to 810 KAR 5:030. Motion by Vice-Chairman Jones. Second by Commissioner Simendinger.</p> <p>Ms. Wolsing presented the proposed amendments to 810 KAR 5:030, as outlined in the agenda materials. At its August 7, 2021 meeting, the Rules Committee recommended approval of the proposed amendments.</p> <p>Approval was recommended by KHRC staff and the Rules Committee.</p>	Chairman Rabinowitz called for a vote to approve the proposed amendments to 810 KAR 5:030 as presented and recommended by the Rules Committee. Motion carried with no objections or abstentions.
Tab 9 Proposed amendment to 810 KAR 5:060: Entries and starters	23 – 26	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation of the Rules Committee to approve proposed amendments to 810 KAR 5:060. Motion by Commissioner Gates. Second by Commissioner Simendinger.</p> <p>Ms. Wolsing presented the proposed amendments to 810 KAR 5:060, as outlined in the agenda materials. At its August 7, 2021 meeting, the Rules Committee recommended approval of the proposed amendments.</p> <p>Approval was recommended by KHRC staff and the Rules Committee.</p>	Chairman Rabinowitz called for a vote to approve the proposed amendments to 810 KAR 5:060 as presented and recommended by the Rules Committee. Motion carried with no objections or abstentions.

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<p>Tab 10 Proposed amendment to 810 KAR 5:070: Running of the race</p>	<p>26 – 27</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation of the Rules Committee to approve proposed amendments to 810 KAR 5:070. Motion by Commissioner Simendinger. Second by Commissioner O'Connor.</p> <p>Ms. Wolsing presented the proposed amendments to 810 KAR 5:070, as outlined in the agenda materials. At its August 7, 2021 meeting, the Rules Committee recommended approval of the proposed amendments.</p> <p>Approval was recommended by KHRC staff and the Rules Committee.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed amendments to 810 KAR 5:070 as presented and recommended by the Rules Committee. Motion carried with no objections or abstentions.</p>
<p>Tab 11 Keeneland Association's Request to Alter Wagering Format</p>	<p>27 – 30</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address Keeneland's requests to amend its 2021 application for a license to conduct live horse racing, simulcasting, and pari-mutuel wagering, seeking to alter the wagering format for its Super High-Five and Pick 3 wagers. Motion by Commissioner Simendinger. Second by Commissioner Cauthen.</p> <p>Mr. Ahmed presented Keeneland's requests dated June 8, 2021 and July 30, 2021, as outlined in the agenda materials. In response to an inquiry from Vice-Chairman Jones, Mr. Ahmed clarified the Pick 3 wager request was for an additional Pick 3 wager to the traditional Pick 3 wager and was only applicable for turf races.</p> <p>Approval was recommended by KHRC staff subject to the condition of adherence to the requirements for each wager listed in 810 KAR 6:020.</p>	<p>Chairman Rabinowitz called for a vote to approve Keeneland's requests to amend its 2021 application for a license to conduct live horse racing, simulcasting, and pari-mutuel wagering, seeking to alter the wagering format for its Super High-Five and Pick 3 wagers as presented and subject to the condition of adherence to the requirements for each wager listed in 810 KAR 6:020. Motion carried with no</p>

<i>AGENDA ITEM</i>	<i>TRANSCRIPT PAGE NUMBER(S)</i>	<i>DISCUSSION / CONCLUSIONS / RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
			objections or abstentions.
Tab 12 Ratification of Executive Director Conditional Approval of FSG Services' Change of Control Request for NYRA Bets	30 – 33	<p>Chairman Rabinowitz requested a motion from the Commission to address ratification of the Executive Director's conditional approval of the change of control request submitted by FSG Services, LLC in relation to NYRabets, LLC. Motion by Commissioner Simendinger. Second by Commissioner Landes.</p> <p>Mr. Ahmed presented FSG Services, LLC's request and the Executive Director's conditional approval dated June 18, 2021, as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff of the Executive Director's conditional approval of FSG Services, LLC's request.</p>	Chairman Rabinowitz called for a vote to ratify the Executive Director's conditional approval of FSG Services, LLC's change of control request in relation to NYRabets, LLC as presented. Motion carried with no objections or abstentions.
Tab 13 Keeneland's Proposed 2021 Fall Race Meet Officials and Date Preference System	33 – 35	<p>Chairman Rabinowitz requested a motion from the Commission to address Keeneland's proposed 2021 Fall race meet officials and date preference system. Motion by Commissioner Simendinger. Second by Commissioner Jackson.</p> <p>Ms. Borden presented Keeneland's request dated July 27, 2021, as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p>	Chairman Rabinowitz called for a vote to approve Keeneland's proposed 2021 Fall race meet and date preference system as presented. Motion carried with no objections or abstentions.
Tab 14 Oak Grove Racing, Gaming & Hotel's 2021 Race Meet Officials	35 – 36	Chairman Rabinowitz requested a motion from the Commission to address Oak Grove Racing, Gaming & Hotel's 2021 race meet officials. Motion by Commissioner Simendinger. Second by Commissioner Jackson.	Chairman Rabinowitz called for a vote to approve Oak Grove's proposed 2021 race meet officials as presented. Motion

AGENDA ITEM	TRANSCRIPT PAGE NUMBER(S)	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
		<p>Ms. Borden presented Oak Grove Racing, Gaming & Hotel's request dated July 27, 2021.</p> <p>Approval was recommended by KHRC staff.</p>	<p>carried with no objections or abstentions.</p>
<p>Tab 15 Reports</p> <p>a. Thoroughbred Rulings</p> <p>b. Standardbred Rulings</p> <p>c. Veterinary Division Report</p> <p>d. Litigation <i>(CONFIDENTIAL - Informational only)</i></p>	<p>36 – 42</p> <p>36 - 39</p> <p>39 – 40</p> <p>40 – 42</p> <p>42</p>	<p>a. Ms. Borden presented the thoroughbred rulings reports, as outlined in the agenda materials. She updated the report to include that the fines for Ruling Nos. 21-0059, 21-0061 and 21-065 had been paid. Ms. Borden and Ms. Wolsing addressed an inquiry from Commissioner Landes.</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.</p> <p>d. Litigation and Regulation report is for informational purposes only.</p>	<p>No action taken. Informational items only.</p>
<p>III. Executive Session</p> <p>Final Orders Regarding Rossi v. KHRC, KHRC-18-TB-004</p> <p>Settlement Regarding Gaffalione v. KHRC, KHRC-21-TB-007</p>	<p>42 – 45</p> <p>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 61.810(1)(c). Motion by Vice-Chairman Jones. Second by Commissioner Chowhan.</p> <p style="text-align: center;"><u>EXECUTIVE SESSION</u></p> <p>Prior to the Zoom meeting being reopened to the court reporter, Chairman Rabinowitz requested a motion from the Commission to return to open session. Motion by Commissioner Landes. Second by Commissioner O'Connor.</p>	<p>Chairman Rabinowitz called for a vote to approve convening in closed session. Motion carried with no objections or abstentions.</p> <p>Chairman Rabinowitz called for a vote to approve returning to open session. Motion</p>

AGENDA ITEM	TRANSCRIPT PAGE NUMBER(S)	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
	<p>43 – 44</p> <p>44 – 45</p>	<p style="text-align: center;"><u>RECONVENED TO OPEN SESSION</u></p> <p>Upon return to open session, Chairman Rabinowitz requested a motion from the Commission to reject the hearing officer’s recommended order in <i>Rossi v. KHRC</i>, KHRC Agency Case Number 18-TB-004. Motion by Commissioner Simendinger. Second by Commissioner Landes.</p> <p>Chairman Rabinowitz requested a motion to approve the settlement agreement in <i>Tyler Gaffalione v. KHRC</i>, Administrative Action Number KHRC-21-041. Motion by Vice-Chairman Jones. Second by Commissioner O’Connor.</p>	<p>carried with no objections or abstentions.</p> <p>Chairman Rabinowitz called for a vote to reject the hearing officer’s recommended order. Motion carried with no objections or abstentions.</p> <p>Chairman Rabinowitz called for a vote for the Commission to approve the settlement agreement. Motion carried with no objections or abstentions.</p>
IV. Other Business	45	Chairman noted that there was no other business.	Informational only. No action taken.
V. Adjournment	45	<p>Chairman Rabinowitz requested a motion to adjourn the August 17, 2021 meeting of the KHRC. Motion by Commissioner Chowhan. Second by Commissioner Cauthen.</p> <p>Meeting adjourned.</p>	Chairman Rabinowitz called for a vote to adjourn the August 17, 2021 meeting of the KHRC. 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.



Andy Beshear
Governor

Public Protection Cabinet
Kentucky Horse Racing Commission
4063 Iron Works Parkway, Building B
Lexington, KY 40511
Telephone: (859) 246-2040
Fax: (859) 246-2039

Ray A. Perry
Secretary

Marc Guilfoil
Executive Director

Jonathan Rabinowitz
Chairman

TO: ALL COMMISSION MEMBERS

FROM: Jamie H. Eads, Deputy Executive Director, Kentucky Horse Racing Commission

DATE: August 26, 2021

SUBJECT: Ratification of KHRC Executive Director Approval of Kentucky Downs sending \$450,000 in KTDF Funds to Keeneland to be used during the 2021 Fall Meet and the resulting increase in KTDF purse distributions during Keeneland's 2021 Fall Meet.

On August 14, 2021 the KHRC received a request from Kentucky Downs to send \$450,000 in KTDF Funds to Keeneland for the 2021 Fall Meet. The request has the support of the KTDF Advisory Committee, Kentucky Horsemen's Benevolent and Protective Association and Kentucky Thoroughbred Owners and Breeders Association.

The request was received after the distribution of public notice and meeting materials for the August Commission meeting. Pursuant to KRS 230.230(1), KHRC Executive Director Marc Guilfoil granted conditional approval and the Commission is asked to ratify this approval.

Approval is recommended.

COMMISSION ACTION

_____ Approve

_____ Defer

_____ Deny

Eads, Jamie (PPC)

From: Vince Gabbert <vgabbert@keeneland.com>
Sent: Saturday, August 14, 2021 12:00 PM
To: Ted Nicholson
Cc: A) Bill Landes (blandes@iglou.com); Eads, Jamie (PPC)
Subject: Re: KTDF purse to Keeneland

Chairman Landes,

We are in agreement with Ted's email and appreciate the support of Keeneland and the racing circuit as a whole.

Please let me know if you need anything else.

Thank you

Vince Gabbert



Vince Gabbert | Keeneland Association Inc | VP of Strategic Initiatives and Legislative Affairs
4201 Versailles Rd. | Lexington, KY 40510 USA | PO Box 1690 | Lexington, KY 40588-1690 USA
Direct Line 859-288-4167 | Fax 859-253-9353 | <http://www.keeneland.com>



From: Ted Nicholson <tednicholson@KentuckyDowns.com>
Sent: Saturday, August 14, 2021 11:57 AM
To: Vince Gabbert
Subject: KTDF purse to Keeneland

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Vince,

Please see below, Chairman Landes is looking for additional acknowledgement from Keeneland .

Thanks,

Ted



Ted Nicholson

Vice President of Racing

Kentucky Downs

M: 504.344.0999

E: tednicholson@KentuckyDowns.com



5629 Nashville Rd-KY-42134

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-----Original Message-----

From: blandes@iglou.com <blandes@iglou.com>
Sent: Saturday, August 14, 2021 10:48 AM
To: Ted Nicholson <tednicholson@KentuckyDowns.com>
Cc: dah@limestoneky.net; Jamie.Eads@ky.gov; Marc.Guilfoil@ky.gov
Subject: Re: KTDF purse to Keeneland

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Ted:

This letter is fine but I'd still like someone from Keeneland(Gatewood or Shannon) to acknowledge they are good with this and that Funds are for the Fall meet.

Then we'll run it thru the KTDF Advisory then to Marc for Emergency approval and to get him cover.

Bill

On Fri, August 13, 2021 8:35 pm, Ted Nicholson wrote:
> Dear Chairman Landes,
>
>
> Per our conversation earlier today, with our continued attempt to try
> to support the Commonwealth's racing circuit, Kentucky Downs is
> respectfully requesting the KTDF's approval to send \$450,000 KTDF
> funds to Keeneland for their upcoming Fall meeting. Please let me
> know if you need any further information regarding this transfer of funds.
>
>
> Thank you in advance for your attention to this matter.
>
>
>
> Ted Nicholson
>

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> Ted Nicholson
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>
> Vice President of Racing
>
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Andy Beshear
Governor

**Public Protection Cabinet
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Ray A. Perry
Secretary

Marc Guilfoil
Executive Director

Jonathan Rabinowitz
Chairman

TO: ALL COMMISSION MEMBERS
FROM: Jamie H. Eads, Deputy Executive Director, KHRC
DATE: October 5, 2021
SUBJ.: KTDF PURSE STRUCTURE – CHURCHILL DOWNS’ FALL MEET

On October 5, 2021 the KTDF Advisory Committee considered the following request from Churchill Downs with its KTDF purse structure for the 2021 Fall Meet.

KHRC staff confirms that at the end of the 2021 Spring Meet, Churchill Downs had a surplus of \$1,836,966. Churchill Downs is proposing KTDF purses in the range of \$5.5 million to \$6.3 million for the 2021 Fall Meet. Projections are based on a payout of 86.5% of the amount carded and daily earnings of \$110,558.

Churchill Downs will pay out KTDF funds through last place and in the event of a dead heat, the KTDF portion of the non-eligible horse reverts to the Fund.

The KTDF Advisory Committee recommends approval.

COMMISSION ACTION:

- _____ Approve
- _____ Defer
- _____ Deny



October 1, 2021

KTDF Advisory Committee of the
Kentucky Horse Racing Commission
4063 Iron Works Parkway
Building B
Lexington, Kentucky 40511

Committee Members:

Churchill Downs has reviewed our purses and would like to card KTDF purses in the range of \$5.5 million to \$6.3 million for our upcoming Fall Meet. We would like to include KTDF on the Stakes races during the Meet. We have based the range on the following information:

1. At the end of our Spring 2021 Meet, Churchill Downs had a surplus balance of \$1,836,966.
2. Our 2021 Fall Meet will consist of 21 racing days beginning on Sunday, October 31st through Sunday, November 28th. We are projecting daily earnings of \$110,558 which is \$50,721 (or +85%) higher than \$59,837 earned in 2020. The primary driver is the KTDF earned from pari-mutuel wagering from Derby City Gaming LLC ("Derby City") and Oak Grove Racing and Gaming throughout 2021.
3. For Fall 2021, we are assuming a KTDF payout percentage of 86.5% with anticipated KTDF disbursements of \$5.4 million which is \$2.3 million higher than the \$3.1 million paid during the Fall 2020 Meet. The primary driver of the increase is the estimated pari-mutuel wagering from Derby City along with attendance continuing to improve as customers return to the track.
4. To encourage participation during the Fall Meet, we are again planning to pay KTDF purses from first to last to all eligible horses.

Please contact either of us should you have any questions or need additional information.

Sincerely,

Ben Huffman
Vice President, Racing & Racing Secretary

Thomas Minneci
Vice President, Finance



CHURCHILL DOWNS

October 1, 2021

KTDF Advisory Committee of the Kentucky Horse Racing Commission
 4063 Iron Works Parkway
 Building B
 Lexington, Kentucky 40511

Committee Members:

The following information will be included in Churchill Downs' 2021 Fall Condition Book related to the Kentucky Thoroughbred Development Fund (KTDF).

**CHURCHILL DOWNS RACE TRACK
 KENTUCKY THOROUGHBRED DEVELOPMENT FUND (KTDF)
 ALLOCATION OF FUND BASED ON NUMBER OF STARTERS AND FINISH**

For those horses that are registered and eligible according to the condition listed above, fund monies will be divided as follows: 60% to the winner, 20% to the second, 10% to the third, 5% to the fourth, 3% to the fifth and the remaining 2% to be allocated among sixth through last based on the schedule below.

Finish	Number of Starters										
	5	6	7	8	9	10	11	12	13	14	
1st	60.00%	60.00%	60.00%	60.00%	60.00%	60.00%	60.00%	60.00%	60.00%	60.00%	60.00%
2nd	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%
3rd	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%
4th	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
5th	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
6th		2.00%	1.00%	0.67%	0.50%	0.40%	0.34%	0.29%	0.25%	0.23%	
7th			1.00%	0.67%	0.50%	0.40%	0.34%	0.29%	0.25%	0.23%	
8th				0.66%	0.50%	0.40%	0.33%	0.29%	0.25%	0.22%	
9th					0.50%	0.40%	0.33%	0.29%	0.25%	0.22%	
10th						0.40%	0.33%	0.28%	0.25%	0.22%	
11th							0.33%	0.28%	0.25%	0.22%	
12th								0.28%	0.25%	0.22%	
13th									0.25%	0.22%	
14th										0.22%	
Total	98.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Example:

Date	Race	# of Starters	KTDF Offered
6/25/2017	10	11	\$7,400.00

KTDF:	Finish										
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th
Eligible	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Payout	\$4,440.00	\$1,480.00	\$740.00	\$370.00	\$222.00	\$25.16	\$25.16	\$0.00	\$24.42	\$24.42	\$24.42
KTDF Reverts	\$24.42										



CHURCHILL DOWNS

Example: Dead Heat for 2nd between an eligible and non-eligible horse using the above example.

	<u>2nd</u>	<u>3rd</u>	<u>Total</u>	
KTDF:				
Payout	\$1,480.00	\$740.00	\$2,220.00	---> Eligible horse would receive 50% of the Total for 2nd and 3rd place
	<u>KTDF</u>	<u>KTDF</u>		
	<u>Payout</u>	<u>Reverts</u>		
	\$1,110.00	\$1,110.00		

THE KENTUCKY THOROUGHBRED DEVELOPMENT FUND (KTDF)

Given the robust business during calendar year 2019 and the pandemic impacted 2020, the state-of-the-art historical racing machines at nearby Derby City Gaming has generated \$15.3 million in KTDF for horsemen with Kentucky-sired Kentucky-breds to run for in designated stakes, handicap, allowance, non-claiming maiden races, and allowance optional claiming races with a claiming price of not less than twenty-five thousand dollars (\$25,000) contested at Churchill Downs Racetrack.

Eligible races can be readily recognized in the stakes and condition books by the Kentucky Thoroughbred Development Fund seal, which will appear next to each race in the stakes and condition books.

In accordance with KRS 230.400(5) (d), it is mandatory for a horse to be registered prior to time of entry to be eligible to participate in the distribution of Kentucky Thoroughbred Development Fund monies. Registration is only complete once the application is approved and payment has been received.

All horses of racing age that are both Kentucky-bred and sired by a Kentucky stallion which stood in Kentucky the entire breeding season the year the horse was conceived are eligible to be registered. Owners of horses of racing age are responsible for registering their horses. Stallion owners are responsible for registering their stallions.

Registration applications may be obtained from the official registrar, the Kentucky Thoroughbred Owners and Breeders, by contacting:

Mrs. Jenny McGaughey, Registrar
Kentucky Thoroughbred Owners and Breeders
4079 Iron Works Parkway
Lexington, Kentucky 40511
Phone: 859-259-1643
Mobile: 859-361-6002

Registration may be completed online at www.kta-ktob.com. The Horse Identifier can check registration status of a horse.

For those horses that are registered and eligible according to the conditions listed above, fund monies will be divided as follows:

- 60%.....to the winner
- 20%.....to second
- 10%.....to third
- 5%.....to fourth
- 3%.....to fifth



Remaining 2% divided among the starters based on the schedule listed above.

Unearned fund monies revert to the Kentucky Thoroughbred Development Fund. Additionally, if a non-KTDF eligible horse is involved in a dead heat, those funds will revert to the fund.

PLEASE NOTE: ALL KTDF PURSE ALLOTMENTS CONTAINED HEREIN ARE SUBJECT TO KHRC APPROVAL.

If you have any questions or need additional information, please reach out to me or Ben Huffman.

Sincerely,

Thomas Minneci
Vice President, Finance
Churchill Downs Race Track
700 Central Avenue
Louisville, KY 40208
Office: 502-638-3845
Cell: 502-424-9372
tom.minneci@kyderby.com

Ben Huffman
Vice President, Racing & Racing Secretary
Churchill Downs Race Track
700 Central Avenue
Louisville, KY 40208
Office: 502-638-3820
Fax: 800-928-3372
ben.huffman@kyderby.com





Andy Beshear
Governor

**Public Protection Cabinet
Kentucky Horse Racing Commission
4063 Iron Works Parkway, Building B
Lexington, KY 40511
Telephone: (859) 246-2040
Fax: (859) 246-2039**

Ray A. Perry
Secretary

Marc Guilfoil
Executive Director

Jonathan Rabinowitz
Chairman

TO: ALL COMMISSION MEMBERS
FROM: Jamie H. Eads, Deputy Executive Director, KHRC
DATE: October 5, 2021
SUBJ.: KTDF PURSE STRUCTURE – TURFWAY PARK 2021 HOLIDAY MEET & 2022 WINTER/SPRING MEET

On October 5, 2021 the KTDF Advisory Committee considered the following request from Turfway Park with its KTDF purse structure for the 2021 Holiday Meet & 2022 Winter/Spring Meet.

KHRC staff confirms that at the end of the 2021 Spring Meet, Turfway Park had a surplus of \$2,435. Turfway Park is proposing KTDF purses in the range of \$4.1 million to \$4.6 million for the 2021 Holiday Meet & 2022 Winter/Spring Meet. Projections are based on a payout of 87% of the amount carded, \$1.2 million transfer from Kentucky Downs to Turfway Park and daily earnings of \$50,946.

Turfway Park will pay out KTDF funds through last place and in the event of a dead heat, the KTDF portion of the non-eligible horse reverts to the Fund.

The KTDF Advisory Committee recommends approval.

COMMISSION ACTION:

_____ Approve

_____ Defer

_____ Deny

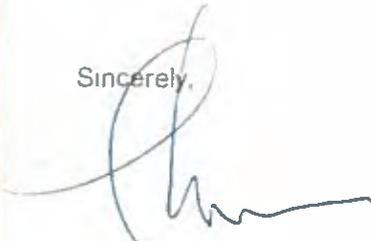
Bill Landes
Chairman
KTDF
4063 Ironworks Pkwy
Lexington, KY 40511

Dear Chairman Landes,

Per our conversation earlier today, Kentucky Downs is wishing to continue its support of the Commonwealth's racing circuit by respectfully requesting the KTDF's approval to send \$1.2 million of KTDF funds to Turfway Park for their Winter/Spring meet. Please let me know if you need any further information regarding this transfer of funds.

Thank you in advance for your attention to this matter.

Sincerely,



Ted Nicholson
Vice President of Racing



October 1, 2021

KTDF Advisory Committee of the Kentucky Horse Racing Commission
4063 Iron Works Parkway
Building B
Lexington, Kentucky 40511

Committee Members:

Turfway Park has reviewed our purses and would like to card KTDF purses in the range of \$4.1 million to \$4.6 million for our upcoming 2021 Holiday Meet and 2022 Winter / Spring Meet. We have based the range on the following information:

1. At the end of the 2021 Winter / Spring Meet, Turfway Park had a surplus of \$2,435.
2. Our 2021 Holiday Meet will consist of 16 racing days and our 2021 Winter / Spring Meet will consist of 41 racing days. We are projecting daily earnings of \$50,946 which is \$24,663 (or +93.8%) above the \$26,283 earned during the 2020 Holiday Meet and 2021 Winter / Spring Meet. The primary driver is the KTDF earned from pari-mutuel wagering from historical horse racing machines at Newport Racing and Gaming and Oak Grove Racing and Gaming. In addition, we have included the \$1.2 million awarded to us from Kentucky Downs.
3. For the 2021 Holiday and 2022 Winter / Spring Meet, we are assuming a KTDF payout percentage of 87.0% with anticipated KTDF disbursements of \$4.0 million which is \$2.6 million higher than the paid amount during the 2020 Holiday Meet and 2021 Winter /Spring.
4. To encourage participation during both Meets, we are again planning to pay KTDF purses from first to last to all eligible horses.

If you have any questions or need additional information, please contact me.

Respectfully submitted,

Daniel "Chip" Bach
General Manager



KENTUCKY THOROUGHBRED DEVELOPMENT FUND

The following information will be included in Turfway Park's Condition Book related to the Kentucky Thoroughbred Development Fund (KTDF).

**TURFWAY PARK
KENTUCKY THOROUGHBRED DEVELOPMENT FUND (KTDF)
ALLOCATION OF FUND BASED ON NUMBER OF STARTERS AND FINISH**

For those horses that are registered and eligible according to the condition listed above, fund monies will be divided as follows: 60% to the winner, 20% to the second, 10% to the third, 5% to the fourth, 3% to the fifth and the remaining 2% to be allocated among sixth through last based on the schedule below.

Finish	Number of Starters									
	5	6	7	8	9	10	11	12	13	14
1st	60.00%	60.00%	60.00%	60.00%	60.00%	60.00%	60.00%	60.00%	60.00%	60.00%
2nd	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%
3rd	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%
4th	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
5th	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
6th		2.00%	1.00%	0.67%	0.50%	0.40%	0.34%	0.29%	0.25%	0.23%
7th			1.00%	0.67%	0.50%	0.40%	0.34%	0.29%	0.25%	0.23%
8th				0.66%	0.50%	0.40%	0.33%	0.29%	0.25%	0.22%
9th					0.50%	0.40%	0.33%	0.29%	0.25%	0.22%
10th						0.40%	0.33%	0.28%	0.25%	0.22%
11th							0.33%	0.28%	0.25%	0.22%
12th								0.28%	0.25%	0.22%
13th									0.25%	0.22%
14th										0.22%
Total	98.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Example:

Date	Race	# of Starters	KTDF Offered
6/25/2017	10	11	\$7,400.00

KTDF:	Finish										
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th
Eligible	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Payout	\$4,440.00	\$1,480.00	\$740.00	\$370.00	\$222.00	\$25.16	\$25.16	\$0.00	\$24.42	\$24.42	\$24.42
KTDF Reverts	\$24.42										

Example: Dead Heat for 2nd between an eligible and non-eligible horse using the above example.

KTDF:	2nd	3rd	Total	
Payout	\$1,480.00	\$740.00	\$2,220.00	----> Eligible horse would receive 50% of the Total for 2nd and 3rd pla
KTDF Payout	\$1,110.00	KTDF Reverts	\$1,110.00	



THE KENTUCKY THOROUGHBRED DEVELOPMENT FUND (KTDF)

Horsemen with Kentucky-sired Kentucky-breds have more purse money to run for in allowance, non-claiming maiden and stakes races less than \$50,000 added in Kentucky through the Kentucky Thoroughbred Development Fund program.

In Allowance Optional Claiming races, horses entered for less than \$25,000 are not eligible for KTDF distribution.

Eligible races can be readily recognized in the stakes and condition books by the Kentucky Thoroughbred Development Fund seal, which will appear next to each race in the stakes and condition books.

In accordance with KRS 230.400(5) (d), it is mandatory for a horse to be registered prior to time of entry to be eligible to participate in the distribution of Kentucky Thoroughbred Development Fund monies. Registration is only complete once the application is approved and payment has been received.

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4079 Iron Works Parkway
Lexington, Kentucky 40511
Phone: 859-259-1643
Mobile: 859-361-6002

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- 10%.....to third
- 5%.....to fourth
- 3%.....to fifth

Remaining 2% is to be divided among the starters based on the schedule listed above.



Unearned fund monies revert to the Kentucky Thoroughbred Development Fund. Additionally, if a non-KTDF eligible horse is involved in a dead heat, those funds will revert to the fund.

PLEASE NOTE: ALL KTDF PURSE ALLOTMENTS CONTAINED HEREIN ARE SUBJECT TO KHRC APPROVAL.



Andy Beshear
Governor

Public Protection Cabinet
Kentucky Horse Racing Commission
4063 Iron Works Parkway, Building B
Lexington, KY 40511
Telephone: (859) 246-2040
Fax: (859) 246-2039

Ray A. Perry
Secretary

Marc Guilfoil
Executive Director

Jonathan Rabinowitz
Chairman

To: Kentucky Horse Racing Commission

From: Jennifer Wolsing, KHRC General Counsel
Shan Dutta, KHRC Deputy General Counsel

Date: September 10, 2021

Re: Proposed changes to 810 KAR 7:050: Kentucky Horse Breeders' Incentive Fund

KHRC Deputy Executive Director Jamie Eads recommends the following change to 810 KAR 7:050: Kentucky Horse Breeders' Incentive Fund:

- Section 7: Incorporation by Reference
 - Incorporate a new version of the Application for Registration of Kentucky Affiliate with the Kentucky Horse Breeders' Incentive Fund, KHRC Form HB-1 (10/21); and
 - Incorporate a new version of the Claim Form of Incentive Winner for Award from the Kentucky Horse Breeders' Incentive Fund, KHRC Form HB-2 (10/21)
- HB-1 (10/21) is an incredibly streamlined version of the previous application form, which seeks to minimize confusion and avoid redundant and unnecessary submissions from affiliates.
- HB-2 (10/21) updates the name of the form and removes an outdated reference to the 2019 awards.

KHRC staff recommends approval of the aforementioned regulatory revision to 810 KAR 7:050 and its incorporated documents.



Andy Beshear
Governor

Public Protection Cabinet
Kentucky Horse Racing Commission
4063 Iron Works Parkway, Building B
Lexington, KY 40511
Telephone: (859) 246-2040
Fax: (859) 246-2039

Ray A. Perry
Secretary

Marc Guilfoil
Executive Director

Jonathan Rabinowitz
Chairman

COMMISSION ACTION

- Approved
- Denied
- Deferred



**APPLICATION FOR REGISTRATION OF KENTUCKY
AFFILIATE WITH THE KENTUCKY HORSE
BREEDERS' INCENTIVE FUND
(KHRC 7-050-1, (10/2021))**

4063 Iron Works Parkway, Building B, Lexington, KY 40511
Phone: 859-246-2847 Email: Kbif.khrc@ky.gov Fax: 859-246-2887
khrc.ky.gov

Please print clearly

<u>Official name of state affiliate:</u>				
<u>Contact Info:</u>				
<u>Address:</u>				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><u>Phone:</u></td> <td style="width: 50%; border: none;"><u>Fax:</u></td> </tr> <tr> <td style="border: none;"><div style="border-bottom: 1px solid black; height: 15px; width: 100%;"></div></td> <td style="border: none;"><div style="border-bottom: 1px solid black; height: 15px; width: 100%;"></div></td> </tr> </table>	<u>Phone:</u>	<u>Fax:</u>	<div style="border-bottom: 1px solid black; height: 15px; width: 100%;"></div>	<div style="border-bottom: 1px solid black; height: 15px; width: 100%;"></div>
<u>Phone:</u>	<u>Fax:</u>			
<div style="border-bottom: 1px solid black; height: 15px; width: 100%;"></div>	<div style="border-bottom: 1px solid black; height: 15px; width: 100%;"></div>			
<u>E-Mail:</u>				

All Applications shall adhere to requirements of 810 KAR 7:050 Section 2. Please attach additional pages as needed to comply with 810 KAR 7:050 Section 2.

AFFIDAVIT OF REGISTRATION INFORMATION BY KENTUCKY AFFILIATE REPRESENTATIVE. I hereby certify that the information provided in my application is correct, and that I understand that if the information provided in my application changes and is no longer correct, I am required to amend my submission within thirty (30) days after the information changes. I agree I may be subject to civil and criminal penalties under the laws of the Commonwealth of the Kentucky for providing fraudulent information. Furthermore, I agree to promptly provide any additional information to the Kentucky Horse Racing Commission upon request to confirm information submitted with this registration, or registration may be denied, suspended or revoked.

KENTUCKY AFFILIATE REPRESENTATIVE – print name **Signature and Date**



**CLAIM FORM OF INCENTIVE WINNER FOR AWARD
FROM THE KENTUCKY HORSE BREEDERS'
INCENTIVE FUND (KHRC 7-050-2, (10/2021))**

KENTUCKY HORSE RACING COMMISSION
4063 Iron Works Parkway, Building B, Lexington, KY 40511
Phone: 859-246-2847 Email: Kbif.khrc@ky.gov Fax: 859-246-2887
khrc.ky.gov

Please print clearly.

Under the Kentucky Horse Breeders' Incentive Fund you have qualified for the following incentive:

Date: _____

Breed: _____

Horse Name: _____

Incentive Earned: \$ _____

Incentive Winner: _____

The address provided by the state affiliate to the KHRC:

(Street) (City) (State) (Zip)

(Phone Number) (Fax Number) (E-Mail Address)

(Social Security or Tax ID no.)

Required for Processing

AFFIDAVIT BY INCENTIVE WINNER: I hereby certify that the information contained in this application is accurate and complete, and I understand that any material misrepresentation or omission in this application may subject me to all applicable penalties under KRS Chapter 230, Title 810, and any other applicable penalty available under Kentucky law. I hereby certify that the horse listed on this form is eligible for an award from the KHBIF, that the horse is registered with only one (1) Kentucky affiliate and did not earn incentive funds from another approved Kentucky affiliate pursuant to 810 KAR 7:050. I understand that failure to meet any requirement contained in 810 KAR 7:050 may subject me to the penalties contained therein and other applicable penalties provided by Kentucky statute or regulation. I agree to promptly provide any additional information requested by the Commission and all filings are subject to audit by the Commission.

Print Name **Signature**

Registration Deadline and Requirements:

1. The incentive winner will have until **December 31st** of the year following the year in which an incentive was won to claim the incentive.
 2. Forms will **NOT** be processed without a valid **Social Security Number or Tax ID.**
-

Received by: _____
(KHRC Staff)

Date: _____ Time: _____



Andy Beshear
Governor

Public Protection Cabinet
Kentucky Horse Racing Commission
4063 Iron Works Parkway, Building B
Lexington, KY 40511
Telephone: (859) 246-2040
Fax: (859) 246-2039

Ray A. Perry
Secretary

Marc Guilfoil
Executive Director

Jonathan Rabinowitz
Chairman

October 18, 2021

To: Kentucky Horse Racing Commission
From: Jennifer Wolsing General Counsel
Waqas Ahmed Director of Pari-Mutuel Wagering and Compliance
Re: Proposed Amendments to 810 KAR 6:001

KRS 230.361(1) requires the Kentucky Horse Racing Commission (“KHRC”) to promulgate administrative regulations governing and regulating pari-mutuel wagering on horse races under the pari-mutuel system of wagering. Because of the emergent and fluid nature of the technology utilized to offer pari-mutuel wagering, the KHRC regularly proposes amendments to relevant regulations to stay current with terms used throughout the industry. As such, Pari-Mutuel Wagering Director Waqas Ahmed recommends the following amendments to this regulation:

1. Adopt the following changes to current definitions:
 - a. Amend “Added money” to include amounts supplemented to a payout for a winning pari-mutuel wager by an association and any carryover amounts;
 - b. Amend “Equipment” to include components necessary to conduct pari-mutuel wagering; and
 - c. Amend “Terminal” to clarify the criteria for terminals utilized to conduct pari-mutuel wagering on historical horse racing
2. Define the following technical terms and benchmarks to aid in developing conditions related to the integrity of pari-mutuel wagering and horse racing:
 - a. “Communications Technology”;
 - b. “Control Program”;
 - c. “Entertaining Award Display” or “Interactive Award Display”;
 - d. “Interactive Terminal” or “HHR Terminal”; and
 - e. “Internal Controls,” “Minimum Internal Control Standards” or “Control Standards.”

The KHRC staff recommends approval of these amendments to 810 KAR 6:001, as set forth in the attached draft regulation.

COMMISSION ACTION

_____ Approved

_____ Deferred

_____ Denied

1 PUBLIC PROTECTION CABINET

2 Kentucky Horse Racing Commission

3 (Amendment)

4 810 KAR 6:001. Definitions for 810 KAR Chapter 6.

5 RELATES TO: KRS Chapter 230

6 STATUTORY AUTHORITY: KRS 230.215(2), 230.260(8), 230.361(1), 230.370

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) authorizes the Kentucky Horse
8 Racing Commission to regulate conditions under which horse racing shall be conducted in
9 Kentucky. KRS 230.260(8) authorizes the commission to prescribe necessary and reasonable
10 administrative regulations and conditions under which horse racing at a horse race meeting shall
11 be conducted in Kentucky. KRS 230.361(1) requires the commission to promulgate administrative
12 regulations governing and regulating pari-mutuel wagering on horse races under the pari-mutuel
13 system of wagering. This administrative regulation defines the terms used in 810 KAR Chapter 6.

14 Section 1. Definitions.

15 (1) "Added money" means

16 (a) cash, exclusive of trophy or other award, added by the association to stakes
17 fees paid by subscribers to form the total purse for a stakes race, or

1 (b) in the context of pari-mutuel wagering, any amounts provided by an
2 association in addition to the amounts wagered by patrons and any carryover amounts.

3 (2) "Age" means the number of years since a horse was foaled, reckoned as if the horse was
4 foaled on January 1 of the year in which the horse was foaled.

5
6 (3) "Appaloosa horse" means a horse duly registered with the Appaloosa Horse Club, Inc.,
7 Moscow, Idaho.

8 (4) "Appaloosa racing" is defined by KRS 230.210(3).

9 (5) "Arabian horse" means "arabian" as defined by KRS 230.210.

10 (6) "Arrears" means all sums due by a licensee as reflected by his or her account with the
11 horsemen's bookkeeper, including subscriptions, jockey fees, forfeitures, and any default
12 incident to 810 KAR Chapter 6.

13 (7) "Association" is defined by KRS 230.210(5).

14 (8) "Authorized agent" means any person currently licensed as an agent for a licensed
15 owner or jockey by virtue of notarized appointment of agency filed with the commission.

16 (9) "Betting interest" means a single horse, or more than one (1) horse joined as a mutuel
17 entry or joined in a mutuel field, on which a single pari-mutuel wager can be placed.

18 (10) "Bleeder" means any horse known to have bled internally or from its nostrils during a
19 workout or race.

20 (11) "Breakage" means the net pool minus payout.

1 (12) "Breeder" means the owner of the dam of a horse when the horse was foaled. A horse
2 is "bred" at the place of its foaling.

3 (13) "Calendar days" means consecutive days counted irrespective of number of racing
4 days.

5 (14) "Carryover" means nondistributed pool monies which are retained and added to a
6 corresponding pool in accordance with 810 KAR 6:020.

7 (15) "Claiming race" means any race in which every horse running in the race can be
8 transferred in conformity with 810 KAR 4:050.

9 (16) "Closing" means the time published by the association after which entries for a race
10 will not be accepted by the racing secretary.]

11 (17) "Commission" means:

12 (a) The Kentucky Horse Racing Commission if used in the context of the administrative
13 agency governing horse racing and pari-mutuel wagering; or

14 (b) If used in the context of pari-mutuel wagering, the amount an association is authorized
15 to withhold from a pari-mutuel wager pursuant to KRS 230.3615, KRS 230.750, and KAR Title 810.

16 This meaning can also refer to "takeout" as defined by subsection (83) of this section.

17 (18) "Communications Technology" means the methods used and the components
18 employed to facilitate the transmission of information, such as electronic communications, and
19 transmission and reception systems based on wire, cable, radio, microwave, light, optics, or
20 computer data networks or any similar electronic agent.

1 (19) "Control Program" means any software, source language, or executable code that
2 controls the entertaining award display, such as and includes [W(1)[A(2)] without limitation, software,
3 source language, or executable code associated with:

4 (a) Race selection and/or related events;

5 (b) Accounting and reporting meter and log information;

6 (c) Operation of totalizers; and

7 (d) Any other processes outlined in the internal controls or as approved by the
8 commission.

9 (18) "Day" means any twenty-four (24) hour period beginning at 12:01 a.m. and ending at
10 midnight.

11 (19) "Dead heat" means a finish of a race in which the noses of two (2) or more horses reach
12 the finish line at the same time.

13 (20) "Declaration" means the withdrawal of a horse entered in a race prior to time of closing
14 of entries for the race in conformance with 810 KAR Chapter 6.

15 (21) "Designated area" means any enclosed area that the commission has approved for the
16 location of terminals used for wagering on historical horse races.

17 (22) "Disciplinary action" means action taken by the stewards or the commission for a
18 violation of KRS Chapter 230 or KAR Title 810 and can include:

19 (a) Refusal to issue or renew a license;

20 (b) Revocation or suspension of a license;

- 1 (c) Imposition of probationary conditions on a license;
- 2 (d) Issuance of a written reprimand or admonishment;
- 3 (e) Imposition of fines or penalties;
- 4 (f) Denial of purse money;
- 5 (g) Forfeiture of purse money; or
- 6 (h) Any combination of paragraphs (a) through (g) of this subsection.

7 (23) "Disqualification" means a ruling of the stewards or the commission revising the order
8 of finish of a race.

9 (24) "Driver" means a person who is licensed to drive a horse in a harness race.

10 (27) "Entertaining Award Display" or "Interactive Award Display" means an entertaining
11 system utilizing mechanical or digital components to display the outcome of a pari-mutuel wager
12 through the use of spinning reels, wheels, games, or other types of interactive components that
13 are represented by animations or audio cues. An Entertaining or Interactive Award display must
14 be connected to a totalizator approved by the commission. Entertaining or interactive displays
15 shall may only be used in conjunction with pari-mutuel wagering on a historical horse race or
16 races.

17 (25) "Entry" means the act of nominating a horse for a race in conformance with KAR Title
18 810.

19 (26) "Equipment" means

1 (a) accoutrements other than ordinary saddle, girth, pad, saddle cloth, and bridle
2 carried by a horse, and includes whip, blinkers, tongue strap, muzzle, hood, noseband,
3 bit, shadow roll, martingale, breast plate, bandages, boots, and racing plates or shoes or,

4 (b) ~~—~~ racing, system components or other equipment found suitable by the
5 commission or its designee that is required to operate entertaining or interactive award
6 displays and interactive terminals.

7 (27) "Exhibition race" means a race between horses of diverse ownership for which a purse
8 is offered by the association, but on which pari-mutuel wagering is not permitted.

9 (28) "Exotic wager" means any pari-mutuel wager placed on a live or historical horse race
10 or races other than a win, place, or show wager placed on a live horse race.

11 (29) "Field" or "mutuel field" means a single betting interest involving more than one (1)
12 horse that is not a mutuel entry.

13 (30) "Forfeit" means money due by a licensee because of an error, fault, neglect of duty,
14 breach of contract, or alternative ruling of the stewards or the commission.

15 (31) "Free handicap" means a handicap for which a nominating fee is not required to be
16 weighted, but an entrance or starting fee can be required for starting in the race.

17 (32) "Handicap race" means a race in which the weights to be carried by the horses are
18 assigned by the association handicapper with the intent of equalizing the chances of winning for
19 all horses entered in the race.

20 (33) "Handle" means the aggregate of all pari-mutuel pools, excluding refundable wagers.

1 (34) "Historical horse race" means any horse race that:

2 (a) Was previously run at a licensed pari-mutuel facility located in the United States;

3 (b) Concluded with official results; and

4 (c) Concluded without scratches, disqualifications, or dead-heat finishes.

5 (35) "Horse" means any equine (including and designated as a mare, filly, stallion, colt,
6 ridgeling, or gelding).

7 (36) "Ineligible" means a horse or person not qualified under 810 KAR Chapter 6 or
8 conditions of a race to participate in a specified racing activity.

9 (37) "Initial seed pool" means a nonrefundable pool of money that can be funded by an
10 association in order to ensure that a patron will be paid the minimum amount required on a
11 winning wager on an historical horse race in the event of a minus pool.

12 (41) "Interactive Terminal" or "HHR Terminal" means "Terminal" as defined by Subsection (89)(b)
13 of this section.

14 (42) "Internal Controls," "-Minimum Internal Control Standards," or "Control Standards" refers
15 to the system of internal procedures, as well as administrative and accounting controls related
16 to the integrity of pari-mutuel wagering. Any such system may be required by the commission
17 as a condition to conduct live horse racing, simulcasting, and pari-mutuel wagering.

18 (38) "Jockey" means a rider currently licensed to ride in races other than harness races as a
19 jockey, apprentice jockey, amateur jockey, or a provisional jockey permitted by the stewards to
20 ride in three (3) races prior to applying for a license.

1 (39) "Judge" means a duly appointed racing official with powers and duties established in
2 810 KAR 2:050 serving at a current meeting in the Commonwealth.

3 (40) "Lessee" means a licensed owner whose interest in a horse is a leasehold.

4 (41) "Licensed premises" is defined by KRS 230.210.

5 (42) "Licensee" means an individual, firm, association, partnership, corporation, trustee, or
6 legal representative that has been duly issued a currently valid license to participate in racing in
7 the Commonwealth.

8 (43) "Maiden" means a horse that has never won a race on the flat at a recognized meeting
9 in any country. A maiden that was disqualified after finishing first remains a maiden. Race
10 conditions referring to maidens shall be interpreted as meaning maidens at the time of starting.

11 (44) "Match race" means a race that is between two (2) horses and for which other horses
12 are not eligible.

13 (45) "Meeting" means the entire period of consecutive days, exclusive of dark days, granted
14 by the commission to a licensed association for the conduct of live horse racing that:

15 (a) Begins at 10 a.m. of the first racing day; and

16 (b) Extends through a period ending one (1) hour after the last scheduled race of the last
17 day.

18 (46) "Minus pool" means a pari-mutuel pool in which the amount of money to be
19 distributed on winning wagers exceeds the amount of money contained in that pari-mutuel pool.

20 (47) "Month" means calendar month.

1 (48) "Mutuel entry" means a single betting interest involving two (2) or more horses
2 entered in the same race and joined for pari-mutuel purposes because of common ties as to
3 ownership or training so that a wager on one (1) horse joined in a mutuel entry is a wager on all
4 horses joined in the same mutuel entry.

5 (49) "Net pool" means the total amount wagered less refundable wagers and takeout.

6 (50) "Nomination" means a subscription or entry of a horse in a stakes or early closing race.

7 (51) "Nominator" means the person in whose name a horse is entered for a race.

8 (52) "Owner" means any person who holds, in whole or in part, any right, title, or interest
9 in a horse, or any lessee of a horse, who has been duly issued a currently valid owner's license as
10 a person responsible for the horse.

11 (53) "Pari-mutuel wagering," "mutuel wagering", or "pari-mutuel system of wagering" is
12 defined by KRS 230.210.

13 (54) "Pari-mutuel pool" means any pool into which pari-mutuel wagers made by patrons
14 are placed. For every wager placed into a pari-mutuel pool by a patron, that patron is eligible to
15 receive at least a minimum payout on a winning wager.

16 (55) "Patron" means an individual present at a track, licensed premises, or a simulcast
17 facility who observes or wagers on live or historical horse races.

18 (56) "Payout" means the amount of the net pool payable to an individual patron on his or
19 her winning wager.

1 (57) "Place," if used in the context of a single position in the order of finish in a race, means
2 second; if used in the context of pari-mutuel wagering, a "place" wager means one involving a
3 payoff on a betting interest that finished first or second in a race; or if used in the context of
4 multiple positions in the order of finish in a race, "place or placing" means finishing first or
5 second.

6 (58) "Player-funded pool" means a pool of money funded by patrons wagering on a live or
7 historical horse race or races that is only used to ensure that a patron will receive a payout on a
8 winning wager in the event of a "minus pool" as defined in this administrative regulation.

9 (59) "Post" means the starting point of a race.

10 (60) "Post position" means the relative place assigned to each horse, numbered from the
11 inner rail across the track at the starting line, from which each horse is to start a race.

12 (61) "Post time" means the advertised moment scheduled for the arrival of all horses at the
13 starting point for a race.

14 (62) "Prize" means the combined total of any cash, premium, trophy, and object of value
15 awarded to the owners of horses according to order of finish in a race.

16 (63) "Purse" means the gross cash portion of the prize for which a race is run.

17 (64) "Quarter horse" is defined by KRS 230.210.

18 (65) "Purse race" means any race for which entries close at a time designated by the racing
19 secretary, and for which owners of horses entered are not required by its conditions to contribute
20 money toward its purse.

1 (66) "Race" means a running contest between horses, ridden by jockeys or driven by drivers,
2 over a prescribed course free of obstacles or jumps, at a recognized meeting, during regular
3 racing hours, for a prize.

4 (67) "Race day" means any period of twenty-four (24) hours beginning at 12:01 a.m. and
5 ending at midnight in which live racing is conducted by an association.

6 (68) "Racing official" means a racing commission member, commission staff as duties
7 require, and all association racing department employees, as duties require.

8 (69) "Recognized meeting" means any meeting with regularly scheduled live horse races for
9 thoroughbreds on the flat, licensed by and conducted under administrative regulations
10 promulgated by a governmental regulatory body, to include foreign countries that are regulated
11 by a racing authority that has reciprocal relations with The Jockey Club and whose race records
12 can be provided to an association by The Jockey Club.

13 (70) "Registration certificate" means, with respect to thoroughbreds:

14 (a) The document issued by The Jockey Club certifying the name, age, color, sex, pedigree,
15 and breeder of a horse as registered by number with The Jockey Club; or

16 (b) The document known as a "racing permit" issued by The Jockey Club in lieu of a
17 registration certificate if a horse is recognized as a thoroughbred for racing purposes in the
18 United States, but is not recognized as a thoroughbred for breeding purposes insofar as
19 registering its progeny with the Jockey Club.

1 (71) "Result" means the part of the official order of finish in a race used to determine the
2 pari-mutuel payoff of pari-mutuel pools.

3 (72) "Rulings" means all determinations, decisions, or orders of the stewards or of the
4 commission duly issued in writing and posted.

5 (73) "Scratch" means the withdrawal of a horse entered for a race after the time of closing
6 of entries for the race in conformance with KAR Title 810.

7 (74) "Scratch time" means the time set by the racing secretary as a deadline for horsemen
8 to indicate their desire to scratch out of a race.

9 (75) "Secretary" means the duly appointed and currently serving secretary of the
10 commission.

11 (76) "Simulcasting" is defined by KRS 230.210.

12 (77) "Specimen" means a sample of blood, urine, or other biologic sample taken or drawn
13 from a horse for chemical testing.

14 (78) "Stakes" means all fees:

15 (a) Paid by subscribers to an added-money or stakes race for nominating, eligibility,
16 entrance, or starting, as required by the conditions of the race; and

17 (b) Included in the purse.

18 (79) "Stakes race" means a race that closes more than seventy-two (72) hours in advance
19 of its running and for which subscribers contribute money towards its purse, or a race for which
20 horses are invited by an association to run for a guaranteed purse of \$50,000 or more without

1 payment of stakes. With the exception of stakes races in North America, "stakes race" excludes
2 races not listed by The Jockey Club Information System International Cataloguing Standards, Part
3 One (1).

4 (80) "Starter" means a horse in a race when the starting-gate doors open in front of it at
5 the moment the starter dispatches the horses for a race.

6 (81) "Steward" means a duly appointed racing official with powers and duties specified in
7 810 KAR 2:040 serving at a current meeting in the Commonwealth.

8 (82) "Subscription" means nomination or entry of a horse in a stakes race.

9 (83) "Takeout" means "commission" as defined by subsection (17)(b) of this section

10 (84) "Terminal" means

11 (a) any self-service totalizator machine or other mechanical equipment used by a patron
12 to place a pari-mutuel wager on a live ~~or historical~~ horse race or races, ~~or~~

13 (b) ~~any mechanical, electrical, or other device, contrivance~~ ~~—or machine that, upon~~
14 funding of any pari-mutuel wager on a historical horse race or races, is available ~~—to place a pari-~~
15 mutuel wager on that historical horse race or races. All such terminals may provide handicapping
16 methods approved by the commission, in addition to manual handicapping. In the event of a
17 winning wager, a terminal displays, or delivers a minimum payout, or entitles the person
18 wagering on that terminal to receive a minimum payout in the event of a winning wager. Any
19 such payouts may be issued by the terminal itself or by the licensed association approved to

1 operate the interactive terminal and related pari-mutuel pool. The commission must approve
2 any such terminal and the commission may revoke that approval at its choosing.

3
4
5
6 (85) "Thoroughbred racing" is defined by KRS 230.210.

7 (86) "Totalizator" means the system, including hardware, software, communications
8 equipment, and electronic devices that accepts and processes the cashing of wagers, calculates
9 the odds and prices of the wagers, and records, displays, and stores pari-mutuel wagering
10 information.

11 (87) "Unplaced" means a horse that finishes a race outside the pari-mutuel payoff.

12 (88) "Wagering pool" means "pari-mutuel pool" as defined by subsection (54) of this
13 subsection.

14 (89) "Walkover" means a race in which the only starter or all starters represent single
15 ownership.

16 (90) "Weigh in" means the presentation of a jockey to the clerk of scales for weighing after
17 a race.

18 (91) "Weigh out" means the presentation of a jockey to the clerk of scales for weighing prior
19 to a race.

1 (92) "Weight for age" means the standard assignment of pounds to be carried by horses in
2 races at specified distances during specified months of the year, scaled according to the age of
3 the horse as established in 810 KAR 4:020.

4 (93) "Workout" means the training exercise of a horse on the training track or main track
5 of an association during which the horse is timed for speed over a specified distance.

6 (94) "Year" means twelve (12) consecutive months beginning with January and ending with
7 December.

8 Section 2. Severability. If any provision or administrative regulation of this chapter is
9 found to be invalid, the remaining provisions of this chapter shall not be affected nor diminished

810 KAR 6:001

READ AND APPROVED:



Date

Jonathan Rabinowitz

Chair, Kentucky Horse Racing Commission



Date

Ray Perry

Secretary, Public Protection Cabinet

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held at 9:00 a.m. EST on _____, 2021 via video conference at the Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, KY 40511. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 PM on _____, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

Contact Person: Jennifer Wolsing

Title: General Counsel

Address: Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, KY 40511

Phone: +1 (859) 246-2040

Fax: +1 (859) 246-2039

Email: jennifer.wolsing@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation: 810 KAR 6:001
Contact Person: Jennifer Wolsing
Phone: +1 (859) 246-2040
Email: jennifer.wolsing@ky.gov

- (1) Provide a brief summary of:
 - (a) What this administrative regulation does:
 - (b) The necessity of this administrative regulation:
 - (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 230.215(2) and 230.260(8) authorize the Commission to promulgate administrative regulations prescribing the conditions under which racing shall be conducted in Kentucky.
 - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
 - (a) How the amendment will change this existing administrative regulation:
 - (b) The necessity of the amendment to this administrative regulation:
 - (c) How the amendment conforms to the content of the authorizing statutes:
 - (d) How the amendment will assist in the effective administration of the statutes:
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:
- (4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
 - (a) List the actions each of the regulated entities have to take to comply with this regulation or amendment:

- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities:
- (c) As a result of compliance, what benefits will accrue to the entities:
- (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
 - (a) Initially:
 - (b) On a continuing basis:
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:
- (8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:
- (9) TIERING: Is tiering applied? Explain why or why not.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation: 810 KAR 6:001
Contact Person: Jennifer Wolsing
Phone: +1 (859) 246-2040
Email: jennifer.wolsing@ky.gov

- (1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?
- (2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.
- (3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.
 - (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?
 - (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?
 - (c) How much will it cost to administer this program for the first year?
 - (d) How much will it cost to administer this program for subsequent years?

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

- (4) Revenues (+/-): Neutral
- (5) Expenditures (+/-): Neutral
- (6) Other Explanation: None



Andy Beshear
Governor

Public Protection Cabinet
Kentucky Horse Racing Commission
4063 Iron Works Parkway, Building B
Lexington, KY 40511
Telephone: (859) 246-2040
Fax: (859) 246-2039

Ray A. Perry
Secretary

Marc Guilfoil
Executive Director

Jonathan Rabinowitz
Chairman

To: Kentucky Horse Racing Commission

From: Jennifer Wolsing, KHRC General Counsel
Shan Dutta, KHRC Deputy General Counsel

Date: October 13, 2021

Re: Delegation of authority to Committee Chairs to act as Commission representatives for the purposes of obtaining professional legal services from Commission counsel

KHRC Commissioners and employees have always been able to access KHRC in-house counsel for the provision of legal services related to KHRC business. However, it is unclear whether Committee chairs are able to access KHRC counsel for that same purpose, particularly if the Chair is not also a Commissioner.

In order to avoid any ambiguity and preserve the attorney/client privilege, KHRC General Counsel Jennifer Wolsing recommends that the Commission vote to permanently delegate authority to its Committee chairs to act as KHRC representatives for the purposes of obtaining professional legal services from KHRC counsel.

The KHRC staff recommends approval.

COMMISSION ACTION:

Approve: _____

Deny: _____

Defer: _____



Andy Beshear
Governor

Public Protection Cabinet
Kentucky Horse Racing Commission
4063 Iron Works Parkway, Building B
Lexington, KY 40511
Telephone: (859) 246-2040
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Ray A. Perry
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Marc Guilfoil
Executive Director

Jonathan Rabinowitz
Chairman

To: Kentucky Horse Racing Commission

From: Jennifer Wolsing, KHRC General Counsel
Shan Dutta, KHRC Deputy General Counsel

Date: October 21, 2021

Re: Conditions of Racing Association Licensing for 2022

Pursuant to KRS 230.290(2), the Kentucky Horse Racing Commission ("KHRC") may prescribe conditions for all licenses granted under this chapter. Therefore, the Conditions of Racing Association Licensing for 2022 ("Conditions") proposed by the KHRC staff are enclosed with the Commissioners' current meeting materials. The proposed Conditions are virtually identical to those which were approved by the KHRC for 2021. The largest change includes the addition of appropriate references to the federal Horseracing Integrity and Safety Act of 2020 ("HISA").

COMMISSION ACTION

Approved
 Denied
 Deferred

Kentucky Horse Racing Commission
Conditions of Racing Association Licensing for 2022

As a condition of the issuance of a license by the KHRC to conduct horse racing during the 2022 racing year, each Kentucky racing association shall be required to certify that it will comply with the following requirements:

1. Each racing association shall notify the KHRC of any communication, report, or investigation conducted or to be conducted by the Thoroughbred Racing Association (“TRA”), Thoroughbred Racing Protective Bureau (“TRPB”), United States Trotting Association (“USTA”), American Quarter Horse Association (“AQHA”), Arabian Jockey Club (“AJC”), National Thoroughbred Racing Association (“NTRA”), the Horseracing Integrity and Safety Authority (“HISA”), or any state or federal regulatory agency that relates to the safety, integrity, or security of the racing association and its participants, or that would reasonably be deemed to affect public confidence in the racing association. Each racing association shall further send a copy of any such communication, correspondence, or report to the KHRC within 24 hours of receipt by the racing association. This paragraph shall not be construed to include information or documents delivered to racing association officials acting in the capacity of members of the board of directors of the above-referenced organizations.
2. Each racing association shall notify the KHRC any time a member of a local, state, or federal law enforcement agency enters racing association grounds for the purpose of questioning, investigating, or arresting a licensed individual. Each racing association shall further send a copy of any report related to the questioning, investigation, or arrest prepared by the racing association, or prepared by the law enforcement agency, to the KHRC, within 24 hours of preparation and/or receipt by the racing association.
3. Each racing association shall send a copy of any self-reporting document, form, or correspondence to the KHRC at the same time it is filed with the state or federal regulatory agency or any other organization referenced in Condition No. 1, with the exception of any information that is proprietary to the racing association or has no relevance to the safety, integrity, or security of the racing association. The racing association shall identify to the KHRC any information contained in submitted reports that the racing association considers proprietary or irrelevant to the safety, integrity, or security of the racing association.
4. Each racing association shall notify the KHRC if it becomes aware of a wagering anomaly related to racing conducted at that racing association or related to a race imported for simulcast wagering at the racing association, even if a report has not been filed with any of the organizations referenced in Condition No. 1. The racing association shall provide transactional data and video of the race to the KHRC upon request. Wagering anomalies are defined as any incident that might reasonably affect the public’s confidence in the racing association’s wagering pools, including, but not limited to:
 - a. Past posting, cancel delay, and other instances when wagering occurs after the horses have left the gate;
 - b. Off-shore and account wagering fraud;
 - c. Suspected manipulation through computerized robotic wagering;
 - d. Pool odds manipulation;
 - e. Quick pick or random pick malfunction;
 - f. Unusually large cancellation of wagers (especially right as the betting stops);
 - g. Outlets that are habitually late getting into the pools;
 - h. Manual merges;
 - i. Unusual payoffs;

- j. Failing to remove a scratched horse from the pools (which would then require a re-calculation of payoffs);
- k. Re-entering a scratched horse to the pools without approval from the Stewards or Judges;
- l. Suspicious wagering patterns;
- m. Totalizator or data communications malfunctions;
- n. Substantial late ticket cancellations; and/or
- o. Failure to stop wagering after the official start of a race.

The list of wagering anomalies above is meant to be illustrative and not exclusive.

5. Each racing association shall record the date and time (in hours, minutes, and seconds) on all live video feeds originating from a Kentucky track. Each racing association shall be responsible for recording (in hours, minutes, and seconds) the start/off time of each race. Further, each racing association shall require the tote company with whom it does business to certify, and provide evidence of such certification, to the Chief State Steward or Presiding Judge of the closure time (in hours, minutes, and seconds) of the betting windows for each race. Records shall be retained for two years after the date of the race. Records shall be submitted to the KHRC upon request.
6. Each of the timing systems mentioned in Condition No. 5 shall be synchronized with the U.S. Naval Observatory Clock at the beginning of each race day.
7. Each racing association shall ensure that the tote company and video provider are available at least one week prior to the start of the live race meet for testing by the Director of Pari-Mutuel Wagering. Each racing association shall ensure that the tote company and video provider for its live meet are operating correctly at least 24 hours prior to the start of the live meet.
8. Each racing association shall require its tote vendor, video provider, and teletimer provider to share any and all racing and wagering data requested by the KHRC upon request.
9. Each racing association is required to post policies and procedures related to pari-mutuel wagering, including the racing association's refund policy, on the racing association's website. Each racing association shall also post a notice in the racing program and a sign at the association's information window informing patrons where they can access a complete copy of the association's policies and procedures related to pari-mutuel wagering, including the association's refund policy.
10. Each racing association shall provide a copy of its mutuel department policies and procedures to the KHRC.
11. Each racing association shall have protocols in place that mandate exclusion of any receiving track's wagering pool when the racing association cannot verify that all wagers in the receiving track's pool were received prior to the official start of the race. Copies of these protocols shall be provided to the KHRC.
12. Each racing association shall have protocols in place and shall publicize to its wagering patrons when, as a receiving track, it is excluded from a host track's wagering pool. These protocols shall include an immediate public announcement and immediate posting on the racing association's video monitors and websites. Copies of these protocols shall be provided to the KHRC.
13. Each racing association that does business with any individual, person, or entity that offers advance deposit account wagering ("ADW") to Kentucky residents shall require that ADW to be licensed by the Commonwealth.
14. Each racing association offering thoroughbred racing shall require owners to deposit the \$20 fee for the administration of race-day furosemide, as permitted under Title 810 of the Kentucky

Administrative Regulations, into the owner's account with the horsemen's bookkeeper by 12:00 noon on the day of the race. Failure of the owner to deposit such a fee may result in the owner being subjected to penalties, including fines or suspension. Each racing association shall debit the owner's account for the \$20 fee to the credit of the KHRC.

15. Pursuant to 810 KAR 8:010 Section 20, purse money in thoroughbred, flat racing, and standardbred racing will be paid, distributed, or made available no later than twenty-four (24) hours after notice from the Commission that a final laboratory report has been issued.
16. Each thoroughbred association shall be accredited by the National Thoroughbred Racing Association (NTRA) Safety and Integrity Alliance and shall abide by the safety and security regulations set forth in Title 810 of the Kentucky Administrative Regulations and/or any applicable federal requirements mandated by the Horseracing Integrity and Safety Act of 2020, as set forth in 15 U.S.C. 3051 through 3060 ("HISA"). Each standardbred association shall abide by the safety and security regulations set forth in Title 810 of the Kentucky Administrative Regulations and/or any applicable federal requirements mandated by HISA. All racing associations shall be subject to inspection by KHRC officials and shall be required to make any repairs or improvements necessary to comply with the applicable safety and security regulations.
17. Each racing association shall settle (and pay, as required) all wagering accounts with simulcast partners on a timely basis, in no event exceeding 60 days past any respective due date.
18. All racing associations are required to have a licensed tote employee on the premises during live racing.
19. Each racing association shall submit to the KHRC a full employee list that includes the official title of the employee at the racing association and the date of the employee's hire. This shall be submitted in a format approved by the Commission's Director of Licensing on a monthly basis, no later than the 5th business day of the month.
20. Each racing association shall report to the KHRC in writing, as required by 810 KAR 3:020, Section 11, the discharge of any licensed employee within 24 hours of the event.
21. Each racing association shall ensure that all vendors and vendor employees utilized for racing association operations are properly licensed by the KHRC.
22. Each racing association shall require that all vendors and vendor employees display a KHRC identification badge while on racing association grounds.
23. An association shall submit an electronic copy of the Kentucky Department of Revenue "Race Track Pari-Mutuel and Admissions Report" Form 73A100 (or its equivalent) to the KHRC Director of Pari-Mutuel Wagering via email by no later than 4:30 p.m. on the 5th business day (excluding Saturday and Sunday) following the close of each racing week. A race week begins on Monday and ends on Sunday.
24. All notices required to be given to the KHRC under these conditions of licensure, unless otherwise stated, shall be provided to the Executive Director, the Chief State Steward/Presiding Judge, and the Director of Pari-Mutuel Wagering and Compliance via hand delivery and/or electronic mail triggering the notice requirement.
25. In the event a racing association does not comply with the requirements of these conditions, the KHRC has the authority to assess fines and/or penalties, including, but not limited to, licensure revocation.
26. Additional conditions may be added to these requirements at any time at the discretion of the KHRC.

CERTIFICATION

I, , a duly authorized representative of , hereby acknowledge and certify acceptance of the above conditions to the racing association's license for the calendar year 2022 to conduct a horse racing meeting in the Commonwealth of Kentucky.

X

Authorized Representative of Association



Andy Beshear
Governor

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Ray A. Perry
Secretary

Marc Guilfoil
Executive Director

Jonathan Rabinowitz
Chairman

October 22, 2021

To: Kentucky Horse Racing Commission

From: Jennifer Wolsing General Counsel
Waqas Ahmed Director of Pari-Mutuel Wagering and Compliance

Re: Licenses to Conduct Live Horse Racing, Simulcasting, and Pari-Mutuel Wagering for 2022

Pursuant to KRS 230.377(2), the Kentucky Horse Racing Commission ("KHRC") must meet and award intertrack wagering dates to all associations for the following calendar year. KRS 230.280 outlines criteria against which the KHRC may deem an applicant's suitability. KRS 230.310(1) states that the Kentucky Horse Racing Commission ("KHRC") may issue a license if it finds that the applicant's financial responsibility, age, experience, reputation, competence, and general fitness to perform the licensed activity are consistent with racing's best interest and maintains the honesty, integrity, and high quality of racing. Further, KRS 230.377(3) permits the KHRC to license no more than nine (9) tracks for horse racing, intertrack wagering, and simulcasting.

The following summarizes the requests proposed by each association in its application for a renewal license to conduct live horse racing, simulcasting, and pari-mutuel wagering for the calendar year 2022. The attached exhibit outlines each association's race dates, and host status dates as recommended by the Race Dates Committee. A copy of each requested application will be provided to the commissioners or made available for review at the KHRC office.

Chairman Rabinowitz, Commissioner Simendinger, Executive Director Guilfoil, General Counsel Wolsing, Deputy General Counsel Dutta and Director Ahmed have reviewed eight (8) applications under KRS Chapter 230 and Title 810 of Kentucky Administrative Regulations. It should be noted that any conditions stated explicitly within this memorandum are recommended in addition to the 2022 Conditions of Racing Association Licensing imposed by the KHRC.

Churchill Downs Racetrack, LLC ("Churchill Downs")

Churchill Downs is a thoroughbred racetrack located in Louisville, Kentucky. Churchill Downs was restructured as a limited liability company in 2013 and is a subsidiary of Churchill Downs, Inc. Churchill Downs currently conducts simulcasting and pari-mutuel wagering on live horse racing, in addition to its racing operation. Churchill Downs also conducts simulcasting and pari-mutuel wagering on historical horse racing at Derby City Gaming, a contiguous track facility of Churchill Downs. Additionally, Churchill Downs recently unveiled its plans to offer pari-mutuel wagering on historical horse racing at a non-contiguous track facility in Louisville, Kentucky. A request related to this non-contiguous track facility will be submitted by Churchill Downs once more information is available. Each of the required consent letters for simulcasting has been received from the KHBP and KTA/KTOB, in accordance with KRS 230.377 and KRS 230.3771. The KHRC staff recommends approval of Churchill Downs' application.

ECL Corbin, LLC ("ECL Corbin")

Upon completion of its facilities, ECL Corbin will be a harness racetrack located in Corbin, Kentucky. ECL Corbin was



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formed in 2020 as a limited liability company in Delaware and is currently authorized to do business in the Commonwealth of Kentucky. ECL Corbin has two principal organizations with a substantive interest: ECL Entertainment, LLC and Keeneland Association, Inc. ECL Corbin is a sister association to Kentucky Downs, LLC, a wholly-owned subsidiary of ECL Entertainment LLC. It is important to note that ECL Corbin requests to conduct its 2022 racing operation at another suitable racetrack, similar to the race meeting held in Summer 2021. The required consent letter for simulcasting has been received from the KHHA, in accordance with KRS 230.377 and KRS 230.3771. On October 8, 2021, Director Ahmed asked for additional information related to ECL Corbin's application for a renewal license. Ron W. Winchell, a managing partner of the association, submitted several items responsive to this request. However, much of the information requested by Director Ahmed relates to activities not yet finalized for ECL Corbin. Therefore, KHRC staff recommends approval of ECL Corbin's application contingent upon submission of those items as they become available.

Ellis Entertainment, LLC d/b/a Ellis Park

Ellis Park is a thoroughbred racetrack located in Henderson, Kentucky. Ellis Park was restructured in 2019 after a recent change of ownership. Ellis Park is a wholly-owned subsidiary of Laguna Development Corporation. On October 17, 2021, Ellis Park amended its application to include a non-contiguous track facility. Ellis Park currently conducts simulcasting and pari-mutuel wagering on live and historical horse racing in addition to its racing operation. Mr. Inman informed Director Ahmed that Ellis Park plans to conduct simulcasting and pari-mutuel wagering on historical horse racing in late 2022 at the requested non-contiguous track facility. Due to the early stages of this operation, Ellis Park will submit a request to offer pari-mutuel wagering on historical horse races once the requirements in 810 KAR 6:010 Section 4 are met. Each of the required consent letters for simulcasting has been received from the KHBPA and KTA/KTOB, in accordance with KRS 230.377 and KRS 230.3771. The KHRC staff recommends approval of Ellis Park's application, including its request to add a non-contiguous facility.

Keeneland Association, Inc. ("Keeneland")

Keeneland is a thoroughbred racetrack located in Lexington, Kentucky. Keeneland was incorporated in 1935 by a group of horsemen and restructured several times after that. Keeneland has one parent that owns a substantive interest of 96%: Keeneland Trustees, Inc. On September 27, 2021, the KHRC requested additional information related to Keeneland's application. On October 20, 2021, Chairman Rabinowitz, Commissioner Simendinger, and Director Ahmed reviewed the additional information provided by Keeneland. During this visit, Keeneland also shared plans to improve its facilities and, once finalized, will submit details to the KHRC. Keeneland currently conducts simulcasting and pari-mutuel wagering on live horse racing in addition to its racing operation. Keeneland is part of a joint-venture agreement with Lexington Trots Breeders Association, LLC to conduct pari-mutuel wagering on historical horse racing. Additionally, Keeneland offers simulcast wagering at a leased facility at The Red Mile when not running a live race meet. Each of the required consent letters for simulcasting has been received from the KHBPA and KTA/KTOB, in accordance with KRS 230.377 and KRS 230.3771. The KHRC staff recommends approval of Keeneland's application.

Kentucky Downs, LLC ("Kentucky Downs")

Kentucky Downs is a thoroughbred racetrack located in Franklin, Kentucky. Kentucky Downs was restructured in 2018 as a limited liability company following a change in ownership. Kentucky Downs is a wholly-owned subsidiary of ECL Entertainment, LLC. ECL Entertainment, LLC is also a principal of ECL Corbin. On October 8, 2021, the KHRC



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staff asked for additional information related to Kentucky Downs' application. Ron W. Winchell, a managing partner of Kentucky Downs, submitted the requested items on October 15, 2021.

Kentucky Downs currently conducts simulcasting, pari-mutuel wagering on live and historical horse racing in addition to its racing operation. Kentucky Downs also plans to operate a hotel at its facility in Franklin, KY. Kentucky Downs has requested to conduct simulcasting and pari-mutuel wagering on historical horse racing at its non-contiguous track facility in Bowling Green. This facility was approved by the KHRC on February 20, 2021, and is expected to launch in December 2021. It is anticipated that this facility will open in December 2021. Each of the required consent letters for simulcasting has been received from the KHBPA and KTA/KTOB, in accordance with KRS 230.377 and KRS 230.3771. The KHRC staff recommends approval of Kentucky Downs' application and its supplemental request to offer pari-mutuel wagering at the aforementioned non-contiguous facility contingent on fulfillment of all requirements set forth in 810 KAR 6:010 Section 4.

WKY Development, LLC ("Oak Grove")

Oak Grove is a harness racetrack located in Oak Grove, Kentucky. Oak Grove was formed in 2017 as a limited liability company and is a wholly-owned subsidiary of Churchill Downs, Inc. Oak Grove currently conducts simulcasting and pari-mutuel wagering on live and historical horse racing in addition to its racing operation. The required consent letter for simulcasting has been received from the KHA, in accordance with KRS 230.377 and KRS 230.3771. The KHRC staff recommends approval of Oak Grove's application.

Lexington Trots Breeders Association, LLC ("The Red Mile")

The Red Mile is a harness racetrack located in Lexington, Kentucky. The Red Mile was restructured in 2000 as a limited liability company. Frank J. Antonacci, George Segal, and Joe R. Thompson share equal shares of 100% of membership interests in The Red Mile. The Red Mile currently conducts simulcasting and pari-mutuel wagering on live racing. Through KRM Wagering, LLC, The Red Mile offers pari-mutuel wagering on historical horse racing as a result of a joint-venture agreement with Keeneland. The Red Mile plans to operate a hotel at its main track facility in Lexington, Kentucky. The required consent letter for simulcasting has been received from the KHHA, in accordance with KRS 230.377 and KRS 230.3771. The KHRC staff recommends approval of The Red Mile's application.

Turfway Park, LLC ("Turfway Park")

Turfway Park is a thoroughbred racetrack located in Florence, Kentucky. Turfway Park was formed as a limited liability company in 1998 and recently went through a change of ownership. Turfway Park is now a wholly-owned subsidiary of Churchill Downs, Inc. Turfway Park conducts its racing operation at the main track facility. Due to the ongoing construction, Turfway Park conducts simulcasting and pari-mutuel wagering on live and historical horse racing at its non-contiguous facility: Newport Racing and Gaming. Each of the required consent letters for simulcasting has been received from the KHBPA and KTA/KTOB, in accordance with KRS 230.377 and KRS 230.3771. The KHRC staff recommends approval of Turfway Park's application contingent on Turfway Park submitting any supplemental information related to the Florence track facility as it becomes available.



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COMMISSION ACTION

_____ APPROVE

_____ DENY

_____ DEFER

Churchill Downs Racetrack, LLC

Month of D..	Day of Date	Weekday of Date	
April	30	Saturday	Race Date
May	3	Tuesday	Race Date
	4	Wednesday	Race Date
	5	Thursday	Race Date
	6	Friday	Race Date
	7	Saturday	Race Date
	11	Wednesday	Optional
	12	Thursday	Race Date
	13	Friday	Race Date
	14	Saturday	Race Date
	15	Sunday	Race Date
	18	Wednesday	Optional
	19	Thursday	Race Date
	20	Friday	Race Date
	21	Saturday	Race Date
	22	Sunday	Race Date
	25	Wednesday	Optional
	26	Thursday	Race Date
	27	Friday	Race Date
	28	Saturday	Race Date
	29	Sunday	Race Date
30	Monday	Race Date	
June	1	Wednesday	Optional
	2	Thursday	Race Date
	3	Friday	Race Date
	4	Saturday	Race Date
	5	Sunday	Race Date
	8	Wednesday	Optional
	9	Thursday	Race Date
	10	Friday	Race Date
	11	Saturday	Race Date
	12	Sunday	Race Date
	15	Wednesday	Optional
	16	Thursday	Race Date
	17	Friday	Race Date
	18	Saturday	Race Date
	19	Sunday	Race Date
22	Wednesday	Optional	
23	Thursday	Race Date	
24	Friday	Race Date	
25	Saturday	Race Date	

Churchill Downs Racetrack, LLC

Month of D..	Day of Date	Weekday of Date	
June	26	Sunday	Race Date
	29	Wednesday	Optional
	30	Thursday	Race Date
July	1	Friday	Race Date
	2	Saturday	Race Date
	3	Sunday	Race Date
	4	Monday	Race Date
September	15	Thursday	Race Date
	16	Friday	Race Date
	17	Saturday	Race Date
	18	Sunday	Race Date
	22	Thursday	Race Date
	23	Friday	Race Date
	24	Saturday	Race Date
	25	Sunday	Race Date
	29	Thursday	Race Date
	30	Friday	Race Date
October	1	Saturday	Race Date
	2	Sunday	Race Date
	30	Sunday	Race Date
November	2	Wednesday	Race Date
	3	Thursday	Race Date
	6	Sunday	Race Date
	9	Wednesday	Race Date
	10	Thursday	Race Date
	11	Friday	Race Date
	12	Saturday	Race Date
	13	Sunday	Race Date
	16	Wednesday	Race Date
	17	Thursday	Race Date
	18	Friday	Race Date
	19	Saturday	Race Date
	20	Sunday	Race Date
	23	Wednesday	Race Date
	24	Thursday	Race Date
25	Friday	Race Date	
26	Saturday	Race Date	
27	Sunday	Race Date	

ECL Corbin, LLC

Month of D..	Day of Date	Weekday of..	
October	16	Sunday	■
	17	Monday	■
	18	Tuesday	■
	23	Sunday	■
	24	Monday	■
	25	Tuesday	■
	30	Sunday	■
	31	Monday	■
November	1	Tuesday	■
	6	Sunday	■
	7	Monday	■
	8	Tuesday	■

Ellis Entertainment, LLC

Month of D..	Day of Date	Weekday of Date		
July	5	Tuesday	Optional	
	6	Wednesday	Optional	
	7	Thursday	Optional	
	8	Friday	Race Date	
	9	Saturday	Race Date	
	10	Sunday	Race Date	
	11	Monday	Optional	
	12	Tuesday	Optional	
	13	Wednesday	Optional	
	14	Thursday	Optional	
	15	Friday	Race Date	
	16	Saturday	Race Date	
	17	Sunday	Race Date	
	18	Monday	Optional	
	19	Tuesday	Optional	
	20	Wednesday	Optional	
	21	Thursday	Optional	
	22	Friday	Race Date	
	23	Saturday	Race Date	
	24	Sunday	Race Date	
	25	Monday	Optional	
	26	Tuesday	Optional	
	27	Wednesday	Optional	
	28	Thursday	Optional	
	29	Friday	Race Date	
	30	Saturday	Race Date	
	31	Sunday	Race Date	
	August	1	Monday	Optional
		2	Tuesday	Optional
		3	Wednesday	Optional
		4	Thursday	Optional
5		Friday	Race Date	
6		Saturday	Race Date	
7		Sunday	Race Date	
8		Monday	Optional	
9		Tuesday	Optional	
10		Wednesday	Optional	
11		Thursday	Optional	
12		Friday	Race Date	
13		Saturday	Race Date	
14		Sunday	Race Date	

Ellis Entertainment, LLC

Month of D..	Day of Date	Weekday of Date	
August	15	Monday	Optional
	16	Tuesday	Optional
	17	Wednesday	Optional
	18	Thursday	Optional
	19	Friday	Race Date
	20	Saturday	Race Date
	21	Sunday	Race Date
	22	Monday	Optional
	23	Tuesday	Optional
	24	Wednesday	Optional
	25	Thursday	Optional
	26	Friday	Race Date
	27	Saturday	Race Date
	28	Sunday	Race Date

Keeneland Association, Inc.

Month of D..	Day of Date	Weekday of Date	
April	8	Friday	Race Date
	9	Saturday	Race Date
	10	Sunday	Race Date
	13	Wednesday	Race Date
	14	Thursday	Race Date
	15	Friday	Race Date
	16	Saturday	Race Date
	20	Wednesday	Race Date
	21	Thursday	Race Date
	22	Friday	Race Date
	23	Saturday	Race Date
	24	Sunday	Race Date
	27	Wednesday	Race Date
	28	Thursday	Race Date
	29	Friday	Race Date
October	7	Friday	Race Date
	8	Saturday	Race Date
	9	Sunday	Race Date
	12	Wednesday	Race Date
	13	Thursday	Race Date
	14	Friday	Race Date
	15	Saturday	Race Date
	16	Sunday	Race Date
	19	Wednesday	Race Date
	20	Thursday	Race Date
	21	Friday	Race Date
	22	Saturday	Race Date
	23	Sunday	Race Date
	26	Wednesday	Race Date
	27	Thursday	Race Date
28	Friday	Race Date	
29	Saturday	Race Date	
November	4	Friday	Race Date
	5	Saturday	Race Date

Kentucky Downs, LLC

Month of D..	Day of Date	Weekday of Date	
September	1	Thursday	Race Date
	3	Saturday	Race Date
	4	Sunday	Race Date
	8	Thursday	Race Date
	10	Saturday	Race Date
	11	Sunday	Race Date
	14	Wednesday	Race Date

Lexington Trots Breeders Association, LLC

Month of D..	Day of Date	Weekday of..	
July	31	Sunday	■
August	1	Monday	■
	2	Tuesday	■
	7	Sunday	■
	8	Monday	■
	9	Tuesday	■
	14	Sunday	■
	15	Monday	■
	16	Tuesday	■
	21	Sunday	■
	22	Monday	■
	23	Tuesday	■
	28	Sunday	■
	29	Monday	■
	30	Tuesday	■
September	4	Sunday	■
	5	Monday	■
	6	Tuesday	■
	11	Sunday	■
	12	Monday	■
	13	Tuesday	■
	18	Sunday	■
	19	Monday	■
	20	Tuesday	■
	30	Friday	■
October	1	Saturday	■
	2	Sunday	■
	7	Friday	■
	8	Saturday	■
	9	Sunday	■

Turfway Park, LLC

Month of D..	Day of Date	Weekday of Date	
January	1	Saturday	Race Date
	2	Sunday	Race Date
	6	Thursday	Optional
	7	Friday	Race Date
	8	Saturday	Race Date
	9	Sunday	Race Date
	13	Thursday	Optional
	14	Friday	Race Date
	15	Saturday	Race Date
	16	Sunday	Race Date
	20	Thursday	Optional
	21	Friday	Race Date
	22	Saturday	Race Date
	23	Sunday	Race Date
	27	Thursday	Optional
28	Friday	Race Date	
29	Saturday	Race Date	
30	Sunday	Race Date	
February	3	Thursday	Optional
	4	Friday	Race Date
	5	Saturday	Race Date
	6	Sunday	Race Date
	10	Thursday	Optional
	11	Friday	Race Date
	12	Saturday	Race Date
	13	Sunday	Race Date
	17	Thursday	Optional
	18	Friday	Race Date
	19	Saturday	Race Date
	20	Sunday	Race Date
	24	Thursday	Optional
	25	Friday	Race Date
	26	Saturday	Race Date
27	Sunday	Race Date	
March	3	Thursday	Optional
	4	Friday	Race Date
	5	Saturday	Race Date
	6	Sunday	Race Date
	10	Thursday	Optional
	11	Friday	Race Date
12	Saturday	Race Date	

Turfway Park, LLC

Month of D..	Day of Date	Weekday of Date	
March	13	Sunday	Race Date
	17	Thursday	Optional
	18	Friday	Race Date
	19	Saturday	Race Date
	20	Sunday	Race Date
	24	Thursday	Optional
	25	Friday	Race Date
	26	Saturday	Race Date
	27	Sunday	Race Date
	31	Thursday	Optional
April	1	Friday	Race Date
	2	Saturday	Race Date
	3	Sunday	Race Date
November	30	Wednesday	Optional
December	1	Thursday	Race Date
	2	Friday	Race Date
	3	Saturday	Race Date
	4	Sunday	Race Date
	7	Wednesday	Optional
	8	Thursday	Race Date
	9	Friday	Race Date
	10	Saturday	Race Date
	11	Sunday	Race Date
	14	Wednesday	Optional
	15	Thursday	Race Date
	16	Friday	Race Date
	17	Saturday	Race Date
	18	Sunday	Race Date
	21	Wednesday	Optional
	22	Thursday	Race Date
	23	Friday	Race Date
	28	Wednesday	Optional
	29	Thursday	Race Date
	30	Friday	Race Date
31	Saturday	Race Date	

WKY Development, LLC

Month of D..	Day of Date	Weekday of..	
May	8	Sunday	■
	9	Monday	■
	15	Sunday	■
	16	Monday	■
	22	Sunday	■
	23	Monday	■
	29	Sunday	■
	30	Monday	■
June	5	Sunday	■
	6	Monday	■
	7	Tuesday	■
	12	Sunday	■
	13	Monday	■
	14	Tuesday	■
	19	Sunday	■
	20	Monday	■
	21	Tuesday	■
	26	Sunday	■
27	Monday	■	
28	Tuesday	■	
July	3	Sunday	■
	4	Monday	■
	5	Tuesday	■
	10	Sunday	■
	11	Monday	■
	12	Tuesday	■
	17	Sunday	■
	18	Monday	■
	19	Tuesday	■
24	Sunday	■	

January 2022						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						<u>1</u> Turfway Park <i>Race Date</i>
<u>2</u> Turfway Park <i>Race Date</i>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u> Turfway Park <i>Optional</i>	<u>7</u> Turfway Park <i>Race Date</i>	<u>8</u> Turfway Park <i>Race Date</i>
<u>9</u> Turfway Park <i>Race Date</i>	<u>10</u>	<u>11</u>	<u>12</u>	<u>13</u> Turfway Park <i>Optional</i>	<u>14</u> Turfway Park <i>Race Date</i>	<u>15</u> Turfway Park <i>Race Date</i>
<u>16</u> Turfway Park <i>Race Date</i>	<u>17</u>	<u>18</u>	<u>19</u>	<u>20</u> Turfway Park <i>Optional</i>	<u>21</u> Turfway Park <i>Race Date</i>	<u>22</u> Turfway Park <i>Race Date</i>
<u>23</u> Turfway Park <i>Race Date</i>	<u>24</u>	<u>25</u>	<u>26</u>	<u>27</u> Turfway Park <i>Optional</i>	<u>28</u> Turfway Park <i>Race Date</i>	<u>29</u> Turfway Park <i>Race Date</i>
<u>30</u> Turfway Park <i>Race Date</i>	<u>31</u>					

Thoroughbred Host Status

 Turfway Park

February 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		<u>1</u>	<u>2</u>	<u>3</u> Turfway Park <i>Optional</i>	<u>4</u> Turfway Park <i>Race Date</i>	<u>5</u> Turfway Park <i>Race Date</i>
<u>6</u> Turfway Park <i>Race Date</i>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u> Turfway Park <i>Optional</i>	<u>11</u> Turfway Park <i>Race Date</i>	<u>12</u> Turfway Park <i>Race Date</i>
<u>13</u> Turfway Park <i>Race Date</i>	<u>14</u>	<u>15</u>	<u>16</u>	<u>17</u> Turfway Park <i>Optional</i>	<u>18</u> Turfway Park <i>Race Date</i>	<u>19</u> Turfway Park <i>Race Date</i>
<u>20</u> Turfway Park <i>Race Date</i>	<u>21</u>	<u>22</u>	<u>23</u>	<u>24</u> Turfway Park <i>Optional</i>	<u>25</u> Turfway Park <i>Race Date</i>	<u>26</u> Turfway Park <i>Race Date</i>
<u>27</u> Turfway Park <i>Race Date</i>	<u>28</u>					

Thoroughbred Host Status

 Turfway Park

March 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		<u>1</u>	<u>2</u>	<u>3</u> Turfway Park <i>Optional</i>	<u>4</u> Turfway Park <i>Race Date</i>	<u>5</u> Turfway Park <i>Race Date</i>
<u>6</u> Turfway Park <i>Race Date</i>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u> Turfway Park <i>Optional</i>	<u>11</u> Turfway Park <i>Race Date</i>	<u>12</u> Turfway Park <i>Race Date</i>
<u>13</u> Turfway Park <i>Race Date</i>	<u>14</u>	<u>15</u>	<u>16</u>	<u>17</u> Turfway Park <i>Optional</i>	<u>18</u> Turfway Park <i>Race Date</i>	<u>19</u> Turfway Park <i>Race Date</i>
<u>20</u> Turfway Park <i>Race Date</i>	<u>21</u>	<u>22</u>	<u>23</u>	<u>24</u> Turfway Park <i>Optional</i>	<u>25</u> Turfway Park <i>Race Date</i>	<u>26</u> Turfway Park <i>Race Date</i>
<u>27</u> Turfway Park <i>Race Date</i>	<u>28</u>	<u>29</u>	<u>30</u>	<u>31</u> Turfway Park <i>Optional</i>		

Thoroughbred Host Status

 Turfway Park

April 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					<u>1</u> Turfway Park <i>Race Date</i>	<u>2</u> Turfway Park <i>Race Date</i>
<u>3</u> Turfway Park <i>Race Date</i>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u> Keeneland <i>Race Date</i>	<u>9</u> Keeneland <i>Race Date</i>
<u>10</u> Keeneland <i>Race Date</i>	<u>11</u>	<u>12</u>	<u>13</u> Keeneland <i>Race Date</i>	<u>14</u> Keeneland <i>Race Date</i>	<u>15</u> Keeneland <i>Race Date</i>	<u>16</u> Keeneland <i>Race Date</i>
<u>17</u> Easter	<u>18</u>	<u>19</u>	<u>20</u> Keeneland <i>Race Date</i>	<u>21</u> Keeneland <i>Race Date</i>	<u>22</u> Keeneland <i>Race Date</i>	<u>23</u> Keeneland <i>Race Date</i>
<u>24</u> Keeneland <i>Race Date</i>	<u>25</u>	<u>26</u>	<u>27</u> Keeneland <i>Race Date</i>	<u>28</u> Keeneland <i>Race Date</i>	<u>29</u> Keeneland <i>Race Date</i>	<u>30</u> Churchill Downs <i>Race Date</i>

Thoroughbred Host Status

■ Turfway Park ■ Keeneland ■ Churchill Downs

May 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<u>1</u>	<u>2</u>	<u>3</u> Churchill Downs <i>Race Date</i>	<u>4</u> Churchill Downs <i>Race Date</i>	<u>5</u> Churchill Downs <i>Race Date</i>	<u>6</u> Kentucky Oaks Churchill Downs <i>Race Date</i>	<u>7</u> Kentucky Derby Churchill Downs <i>Race Date</i>
<u>8</u> Oak Grove <i>Race Date</i>	<u>9</u> Oak Grove <i>Race Date</i>	<u>10</u>	<u>11</u> Churchill Downs <i>Optional</i>	<u>12</u> Churchill Downs <i>Race Date</i>	<u>13</u> Churchill Downs <i>Race Date</i>	<u>14</u> Churchill Downs <i>Race Date</i>
<u>15</u> Churchill Downs <i>Race Date</i> Oak Grove <i>Race Date</i>	<u>16</u> Oak Grove <i>Race Date</i>	<u>17</u>	<u>18</u> Churchill Downs <i>Optional</i>	<u>19</u> Churchill Downs <i>Race Date</i>	<u>20</u> Churchill Downs <i>Race Date</i>	<u>21</u> Churchill Downs <i>Race Date</i>
<u>22</u> Churchill Downs <i>Race Date</i> Oak Grove <i>Race Date</i>	<u>23</u> Oak Grove <i>Race Date</i>	<u>24</u>	<u>25</u> Churchill Downs <i>Optional</i>	<u>26</u> Churchill Downs <i>Race Date</i>	<u>27</u> Churchill Downs <i>Race Date</i>	<u>28</u> Churchill Downs <i>Race Date</i>
<u>29</u> Churchill Downs <i>Race Date</i> Oak Grove <i>Race Date</i>	<u>30</u> Memorial Day Churchill Downs <i>Race Date</i> Oak Grove <i>Race Date</i>	<u>31</u>				

Thoroughbred Host Status

■ Churchill Downs

June 2022						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			<u>1</u> Churchill Downs <i>Optional</i>	<u>2</u> Churchill Downs <i>Race Date</i>	<u>3</u> Churchill Downs <i>Race Date</i>	<u>4</u> Churchill Downs <i>Race Date</i>
<u>5</u> Churchill Downs <i>Race Date</i> Oak Grove <i>Race Date</i>	<u>6</u> Oak Grove <i>Race Date</i>	<u>7</u> Oak Grove <i>Race Date</i>	<u>8</u> Churchill Downs <i>Optional</i>	<u>9</u> Churchill Downs <i>Race Date</i>	<u>10</u> Churchill Downs <i>Race Date</i>	<u>11</u> Churchill Downs <i>Race Date</i>
<u>12</u> Churchill Downs <i>Race Date</i> Oak Grove <i>Race Date</i>	<u>13</u> Oak Grove <i>Race Date</i>	<u>14</u> Oak Grove <i>Race Date</i>	<u>15</u> Churchill Downs <i>Optional</i>	<u>16</u> Churchill Downs <i>Race Date</i>	<u>17</u> Churchill Downs <i>Race Date</i>	<u>18</u> Churchill Downs <i>Race Date</i>
<u>19</u> Churchill Downs <i>Race Date</i> Oak Grove <i>Race Date</i>	<u>20</u> Oak Grove <i>Race Date</i>	<u>21</u> Oak Grove <i>Race Date</i>	<u>22</u> Churchill Downs <i>Optional</i>	<u>23</u> Churchill Downs <i>Race Date</i>	<u>24</u> Churchill Downs <i>Race Date</i>	<u>25</u> Churchill Downs <i>Race Date</i>
<u>26</u> Churchill Downs <i>Race Date</i> Oak Grove <i>Race Date</i>	<u>27</u> Oak Grove <i>Race Date</i>	<u>28</u> Oak Grove <i>Race Date</i>	<u>29</u> Churchill Downs <i>Optional</i>	<u>30</u> Churchill Downs <i>Race Date</i>		

Thoroughbred Host Status

 Churchill Downs

July 2022						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					<u>1</u> Churchill Downs <i>Race Date</i>	<u>2</u> Churchill Downs <i>Race Date</i>
<u>3</u> Churchill Downs <i>Race Date</i> Oak Grove <i>Race Date</i>	Independence Day <u>4</u> Churchill Downs <i>Race Date</i> Oak Grove <i>Race Date</i>	<u>5</u> Ellis Park <i>Optional</i> Oak Grove <i>Race Date</i>	<u>6</u> Ellis Park <i>Optional</i>	<u>7</u> Ellis Park <i>Optional</i>	<u>8</u> Ellis Park <i>Race Date</i>	<u>9</u> Ellis Park <i>Race Date</i>
<u>10</u> Ellis Park <i>Race Date</i> Oak Grove <i>Race Date</i>	<u>11</u> Ellis Park <i>Optional</i> Oak Grove <i>Race Date</i>	<u>12</u> Ellis Park <i>Optional</i> Oak Grove <i>Race Date</i>	<u>13</u> Ellis Park <i>Optional</i>	<u>14</u> Ellis Park <i>Optional</i>	<u>15</u> Ellis Park <i>Race Date</i>	<u>16</u> Ellis Park <i>Race Date</i>
<u>17</u> Ellis Park <i>Race Date</i> Oak Grove <i>Race Date</i>	<u>18</u> Ellis Park <i>Optional</i> Oak Grove <i>Race Date</i>	<u>19</u> Ellis Park <i>Optional</i> Oak Grove <i>Race Date</i>	<u>20</u> Ellis Park <i>Optional</i>	<u>21</u> Ellis Park <i>Optional</i>	<u>22</u> Ellis Park <i>Race Date</i>	<u>23</u> Ellis Park <i>Race Date</i>
<u>24</u> Ellis Park <i>Race Date</i> Oak Grove <i>Race Date</i>	<u>25</u> Ellis Park <i>Optional</i>	<u>26</u> Ellis Park <i>Optional</i>	<u>27</u> Ellis Park <i>Optional</i>	<u>28</u> Ellis Park <i>Optional</i>	<u>29</u> Ellis Park <i>Race Date</i>	<u>30</u> Ellis Park <i>Race Date</i>
<u>31</u> Ellis Park <i>Race Date</i> Red Mile <i>Race Date</i>						

Thoroughbred Host Status

■ Ellis Park
 ■ Churchill Downs

August 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	<u>1</u> Ellis Park <i>Optional</i> Red Mile <i>Race Date</i>	<u>2</u> Ellis Park <i>Optional</i> Red Mile <i>Race Date</i>	<u>3</u> Ellis Park <i>Optional</i>	<u>4</u> Ellis Park <i>Optional</i>	<u>5</u> Ellis Park <i>Race Date</i>	<u>6</u> Ellis Park <i>Race Date</i>
<u>7</u> Ellis Park <i>Race Date</i> Red Mile <i>Race Date</i>	<u>8</u> Ellis Park <i>Optional</i> Red Mile <i>Race Date</i>	<u>9</u> Ellis Park <i>Optional</i> Red Mile <i>Race Date</i>	<u>10</u> Ellis Park <i>Optional</i>	<u>11</u> Ellis Park <i>Optional</i>	<u>12</u> Ellis Park <i>Race Date</i>	<u>13</u> Ellis Park <i>Race Date</i>
<u>14</u> Ellis Park <i>Race Date</i> Red Mile <i>Race Date</i>	<u>15</u> Ellis Park <i>Optional</i> Red Mile <i>Race Date</i>	<u>16</u> Ellis Park <i>Optional</i> Red Mile <i>Race Date</i>	<u>17</u> Ellis Park <i>Optional</i>	<u>18</u> Ellis Park <i>Optional</i>	<u>19</u> Ellis Park <i>Race Date</i>	<u>20</u> Ellis Park <i>Race Date</i>
<u>21</u> Ellis Park <i>Race Date</i> Red Mile <i>Race Date</i>	<u>22</u> Ellis Park <i>Optional</i> Red Mile <i>Race Date</i>	<u>23</u> Ellis Park <i>Optional</i> Red Mile <i>Race Date</i>	<u>24</u> Ellis Park <i>Optional</i>	<u>25</u> Ellis Park <i>Optional</i>	<u>26</u> Ellis Park <i>Race Date</i>	<u>27</u> Ellis Park <i>Race Date</i>
<u>28</u> Ellis Park <i>Race Date</i> Red Mile <i>Race Date</i>	<u>29</u> Red Mile <i>Race Date</i>	<u>30</u> Red Mile <i>Race Date</i>	<u>31</u>			

Thoroughbred Host Status

Kentucky Downs
 Ellis Park

September 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				<u>1</u> Kentucky Downs <i>Race Date</i>	<u>2</u> 	<u>3</u> Kentucky Downs <i>Race Date</i>
<u>4</u> Kentucky Downs <i>Race Date</i> Red Mile <i>Race Date</i>	Labor Day <u>5</u> Red Mile <i>Race Date</i>	<u>6</u> Red Mile <i>Race Date</i>	<u>7</u> 	<u>8</u> Kentucky Downs <i>Race Date</i>	<u>9</u> 	<u>10</u> Kentucky Downs <i>Race Date</i>
<u>11</u> Kentucky Downs <i>Race Date</i> Red Mile <i>Race Date</i>	<u>12</u> Red Mile <i>Race Date</i>	<u>13</u> Red Mile <i>Race Date</i>	<u>14</u> Kentucky Downs <i>Race Date</i>	<u>15</u> Churchill Downs <i>Race Date</i>	<u>16</u> Churchill Downs <i>Race Date</i>	<u>17</u> Churchill Downs <i>Race Date</i>
<u>18</u> Churchill Downs <i>Race Date</i> Red Mile <i>Race Date</i>	<u>19</u> Red Mile <i>Race Date</i>	<u>20</u> Red Mile <i>Race Date</i>	<u>21</u> 	<u>22</u> Churchill Downs <i>Race Date</i>	<u>23</u> Churchill Downs <i>Race Date</i>	<u>24</u> Churchill Downs <i>Race Date</i>
<u>25</u> Churchill Downs <i>Race Date</i>	<u>26</u> 	<u>27</u> 	<u>28</u> 	<u>29</u> Churchill Downs <i>Race Date</i>	<u>30</u> Churchill Downs <i>Race Date</i> Red Mile <i>Race Date</i>	

Thoroughbred Host Status

Kentucky Downs
 Churchill Downs

October 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						<u>1</u> Churchill Downs <i>Race Date</i> Red Mile <i>Race Date</i>
<u>2</u> Churchill Downs <i>Race Date</i> Red Mile <i>Race Date</i>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u> Keeneland <i>Race Date</i> Red Mile <i>Race Date</i>	<u>8</u> Keeneland <i>Race Date</i> Red Mile <i>Race Date</i>
<u>9</u> Keeneland <i>Race Date</i> Red Mile <i>Race Date</i>	<u>10</u>	<u>11</u>	<u>12</u> Keeneland <i>Race Date</i>	<u>13</u> Keeneland <i>Race Date</i>	<u>14</u> Keeneland <i>Race Date</i>	<u>15</u> Keeneland <i>Race Date</i>
<u>16</u> Keeneland <i>Race Date</i> ECL Corbin <i>Race Date Alternate Location</i>	<u>17</u> ECL Corbin <i>Race Date Alternate Location</i>	<u>18</u> ECL Corbin <i>Race Date Alternate Location</i>	<u>19</u> Keeneland <i>Race Date</i>	<u>20</u> Keeneland <i>Race Date</i>	<u>21</u> Keeneland <i>Race Date</i>	<u>22</u> Keeneland <i>Race Date</i>
<u>23</u> Keeneland <i>Race Date</i> ECL Corbin <i>Race Date Alternate Location</i>	<u>24</u> ECL Corbin <i>Race Date Alternate Location</i>	<u>25</u> ECL Corbin <i>Race Date Alternate Location</i>	<u>26</u> Keeneland <i>Race Date</i>	<u>27</u> Keeneland <i>Race Date</i>	<u>28</u> Keeneland <i>Race Date</i>	<u>29</u> Keeneland <i>Race Date</i>
<u>30</u> Churchill Downs <i>Race Date</i> ECL Corbin <i>Race Date Alternate Location</i>	<u>31</u> ECL Corbin <i>Race Date Alternate Location</i>					

Thoroughbred Host Status

■ Keeneland
 ■ Churchill Downs

November 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		<u>1</u> ECL Corbin <i>Race Date Alternate Location</i>	<u>2</u> Churchill Downs <i>Race Date</i>	<u>3</u> Churchill Downs <i>Race Date</i>	Breeders Cup 2022 <u>4</u> Keeneland <i>Race Date</i>	Breeders Cup 2022 <u>5</u> Keeneland <i>Race Date</i>
<u>6</u> Churchill Downs <i>Race Date</i> ECL Corbin <i>Race Date Alternate Location</i>	<u>7</u> ECL Corbin <i>Race Date Alternate Location</i>	<u>8</u> ECL Corbin <i>Race Date Alternate Location</i>	<u>9</u> Churchill Downs <i>Race Date</i>	<u>10</u> Churchill Downs <i>Race Date</i>	<u>11</u> Churchill Downs <i>Race Date</i>	<u>12</u> Churchill Downs <i>Race Date</i>
<u>13</u> Churchill Downs <i>Race Date</i>	<u>14</u>	<u>15</u>	<u>16</u> Churchill Downs <i>Race Date</i>	<u>17</u> Churchill Downs <i>Race Date</i>	<u>18</u> Churchill Downs <i>Race Date</i>	<u>19</u> Churchill Downs <i>Race Date</i>
<u>20</u> Churchill Downs <i>Race Date</i>	<u>21</u>	<u>22</u>	<u>23</u> Churchill Downs <i>Race Date</i>	Thanksgiving Day <u>24</u> Churchill Downs <i>Race Date</i>	<u>25</u> Churchill Downs <i>Race Date</i>	<u>26</u> Churchill Downs <i>Race Date</i>
<u>27</u> Churchill Downs <i>Race Date</i>	<u>28</u>	<u>29</u>	<u>30</u> Turfway Park <i>Optional</i>			

Thoroughbred Host Status

- Turfway Park
- Keeneland
- Churchill Downs

December 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				<u>1</u> Turfway Park <i>Race Date</i>	<u>2</u> Turfway Park <i>Race Date</i>	<u>3</u> Turfway Park <i>Race Date</i>
<u>4</u> Turfway Park <i>Race Date</i>	<u>5</u>	<u>6</u>	<u>7</u> Turfway Park <i>Optional</i>	<u>8</u> Turfway Park <i>Race Date</i>	<u>9</u> Turfway Park <i>Race Date</i>	<u>10</u> Turfway Park <i>Race Date</i>
<u>11</u> Turfway Park <i>Race Date</i>	<u>12</u>	<u>13</u>	<u>14</u> Turfway Park <i>Optional</i>	<u>15</u> Turfway Park <i>Race Date</i>	<u>16</u> Turfway Park <i>Race Date</i>	<u>17</u> Turfway Park <i>Race Date</i>
<u>18</u> Turfway Park <i>Race Date</i>	<u>19</u>	<u>20</u>	<u>21</u> Turfway Park <i>Optional</i>	<u>22</u> Turfway Park <i>Race Date</i>	<u>23</u> Turfway Park <i>Race Date</i>	<u>24</u> Christmas Eve
<u>25</u> Christmas Day	<u>26</u>	<u>27</u>	<u>28</u> Turfway Park <i>Optional</i>	<u>29</u> Turfway Park <i>Race Date</i>	<u>30</u> Turfway Park <i>Race Date</i>	<u>31</u> Turfway Park <i>Race Date</i>

Thoroughbred Host Status

 Turfway Park

Ellis Park

RACING ♦ GAMING

Henderson, Kentucky

LDC / Ellis Entertainment Management Team



Tim Perkins
Ellis Entertainment
Board of Managers
LDC COO



Maxine Velasquez
Ellis Entertainment
Board of Managers
LDC President/CEO



Don Billbrough
Ellis Entertainment
Board of Managers
LDC General Manager



Jeff Inman
General Manager, Ellis Park
Racing & Gaming



Bryan Brammer
Asst. General Manager, Ellis Park
Racing & Gaming / Profit Builder HD



Jeff Hall
Director of Racing Operations,
Ellis Park Racing & Gaming



Dan Bork
Racing Secretary

Ellis Entertainment History



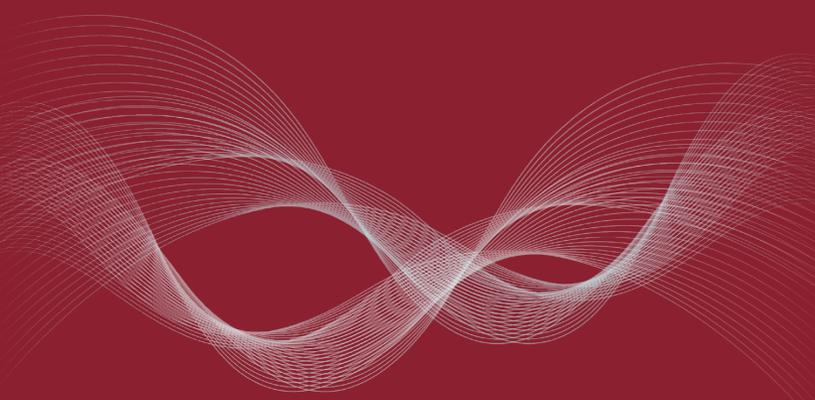
- Acquired Ellis Park June of 2019. An aging racetrack and HHR facility.
- Numerous maintenance and clean-up projects commenced immediately in preparation for the 2019 race meet.
- From 2019 to 2020, the HHR product and gaming area underwent substantial cosmetic improvement.
- The property brand was refreshed with new logo, product positioning and advertising campaign.
- In 2019 Ellis Entertainment commissioned a feasibility study and performed detailed financial analysis on next steps.

Reimagining Ellis Park Racing & Gaming



Ellis
Park
RACING ♦ GAMING

Ellis Park Centennial



In 2022 Ellis Park will celebrate its 100th Anniversary as one of Kentucky's iconic racing venues.

The 2022 race meet will be a summer long celebration of racing and community that reflects the regions multi-generational connection with the racetrack.

Ellis Entertainment will embrace the opportunity to produce a memorable guest experience with racing, gaming, food & beverage, entertainment and promotional events that recognizes Ellis Park's rich history in Kentucky racing.



Meeting Our Commitments

- ✓ Completed Dirt Track Resurfacing
- ✓ Improved and Repaired Drainage
- ✓ Removed Unsafe Barns
- ✓ Repaired Old Interior Barn Walls
- ✓ Cleaned up, Painted and Refurbished Clubhouse and HHR Area
- ✓ Completed Clubhouse Roof Repair
- ✓ Repaired or Replaced HVAC
- ✓ Updated and Upgraded Water System

Post Acquisition Investment

- Life Safety - \$150,000
- Upgrade Water Treatment Facility \$750,000
- Track & Racing - \$400,000
- Updated Technology/Systems – \$220,000
- General Facilities/Cleanup - \$500,000
- Track Lighting (In progress) – \$1.5m



**Ellis Park
Investment to date
\$3.52M**

COVID Impacts on Lending

Despite massive business disruption the past 18 months, Ellis Entertainment is prepared to invest \$30 million in Henderson and Owensboro, Kentucky.

- The pandemic's impact on financial markets and Ellis business conditions created the need for flexibility.
- Ellis Park was closed from March 16, 2020 to June 8, 2020
- New Mexico Casino Closures:
 - Primary Campus: March 18, 2020 to June 27, 2020 / October 24, 2020 to February 11, 2021
 - Secondary Campus: March 18, 2020 to October 10, 2021

Ellis Entertainment Today



- In 2020 Kentucky law was revised to include “track extension.”
- Commissioned updated Economic and Feasibility study on expansion of Ellis and/or new Owensboro development.
- Feasibility study recommended realignment of investment priorities.
- Management has reviewed options and targeted investments in both Ellis Park and Owensboro.

Planned Improvements and Upgrades

- Turf Widening - \$3.25m
 - Project includes an additional 20ft of turf around track and new tote board system. With increase in size a four-acre pond is required for irrigation purposes.
- Horse Wash - \$1.5m
 - EPA project to handle horse wash wastewater.
- Track Lighting - \$2.76m (2022-23)
- Manure Pit Cover – 190K
- HHR & Simulcast Tracking System - \$635k
- Other General Improvements - \$5.83m



Total Investment
Ellis Park
\$14.2M

Ellis Park Main Entrance



Conversion of Gardenia Room to Dade Park Grill



LA+D

Upstairs Pari-mutuel and Bar



LA+D

Ellis Park Owensboro Racing & Gaming

Owensboro, Kentucky



Ellis Park Owensboro

The project meets or exceeds every criteria to achieve success on multiple levels.

Total Investment
Owensboro
\$16.7M



LA+D

Spacious HHR Gaming Area



Racing & Sports Themed Restaurant



LA+D

Adjacent Simulcast Area

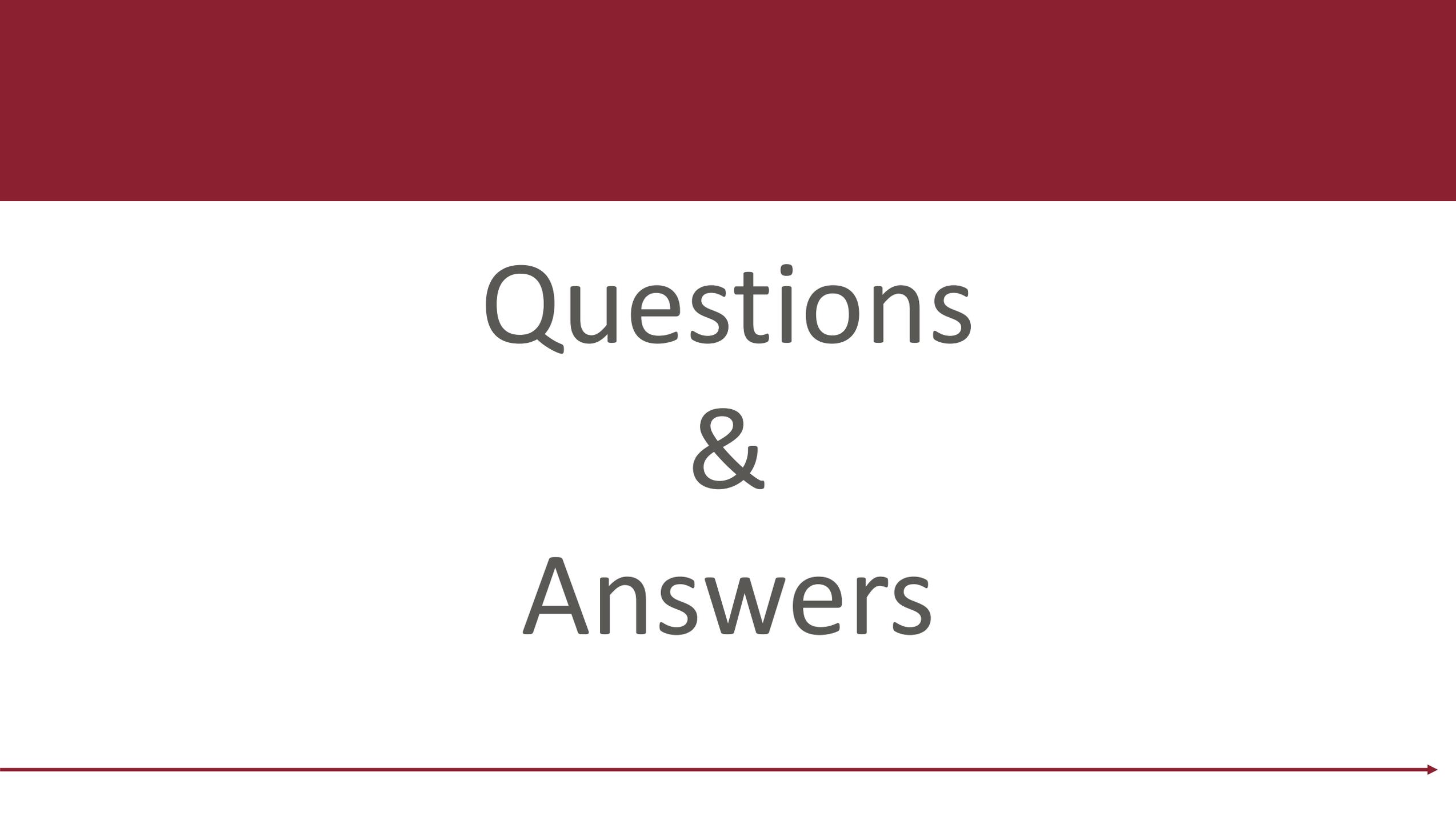


Owensboro Benefits Kentucky

- Adds an estimated \$6 million per year in purses to help improve racing product at Ellis Park.
- Allows for continued Capital Expansion at Ellis.
- Ensures Ellis Park's success to improve and to research capital expansion options at Ellis Park.



Questions & Answers





Andy Beshear
Governor

Public Protection Cabinet
Kentucky Horse Racing Commission
4063 Iron Works Parkway, Building B
Lexington, KY 40511
Telephone: (859) 246-2040
Fax: (859) 246-2039

Ray A. Perry
Secretary

Marc Guilfoil
Executive Director

Jonathan Rabinowitz
Chairman

TO: KENTUCKY HORSE RACING COMMISSION

FROM: Barbara Borden, Chief State Steward

DATE: September 22, 2021

RE: TURFWAY PARK'S PROPOSED 2021 HOLIDAY MEET AND 2022 WINTER MEET OFFICIALS AND DATE PREFERENCE SYSTEM

By letter sent September 20, 2021, Tyler Picklesimer, Racing Secretary at Turfway Park, requests approval of the attached roster of Racing Officials and Date Preference System for their 2021 Holiday Meet and 2022 Winter Race Meet. Please be advised all Stewards have been accredited by ROAP (Racing Officials Accreditation Program) and all officials will be licensed by the meet opening.

Approval is recommended.

COMMISSION ACTION:

_____ Approve

_____ Defer

_____ Deny



September 20, 2021

Mr. Guilfoil:

Turfway Park is nominating the following racing officials for approval by the Kentucky Horse Racing Commission for the 2021 Holiday Meet and 2022 Winter Spring Meet.

Association Steward	Ronald Herbstreit*
Director of Racing and Racing Secretary	Tyler B. Picklesimer*
Assistant Racing Secretary	Tia M. Murphy
Placing Judges / Entry Clerks	Ed Meyer Jackie Herbstreit Randy Wehrman Ron Anthony* Bill Holtman William D. Troilo* Caleb Hays Kathy Lowry Albert Russell Kim Martin Greg Blasi Beth Ann Bungert Melinda A. Vest Peggy Pate James McNerney Darren Piccirillo Aaron Spurlock TBA Jeff Chapman Art Tearl Leslie Roberts Allen Roberts Daniel P. Bork, Vince Cyster
Paddock Judge / Entry Clerk	
Clocker	
Clerk of Scales / Entry Clerk	
Starter	
Jockey Room Custodian	
Outriders	
Claims Clerk / Program Coordinator	
Identifier	
Stall Superintendent	
Announcer	
Director of Security	
Mutuel Manager	
Horsemen's Bookkeeper	
Track Superintendent	
Paddock Blacksmith	
Teletimer and Photo Finish / Entry Clerk	
Alternate Official	
(*Accredited – Stewards Accreditation Program)	

Respectfully submitted,

Tyler B. Picklesimer
Director of Racing / Racing Secretary

Date Preference System

The following date system of preference is used at Turfway Park:

Foal certificates no longer are required to be on file in the racing office to enter or start at Turfway Park; however, foal certificates must be on file to obtain a preference date and to have a horse tattooed.

Each day's overnight will list the dates of horses in and on the also-eligible list to enable trainers to see what dates are getting horses into over-filled races.

1. In over-filled races, preference will be given to horses in order of their assigned preference dates, earliest date first. Horses having identical dates will be chosen by lot; however, where entry and running dates are the same, the horse with the entry date will have preference.
2. All horses intended for racing at Turfway Park will be assigned a preference date. A horse can have only one date at any particular time. Dates assigned will be of two types:

E-Date

This date will correspond to: (a) the date on which a horse's foal papers and name card are submitted to the Identifier (the earliest date being the day when entries are first taken for the meeting). The deadline to submit foal papers/digital foal certificates to receive a date on day of entry is 9:30 a.m. Eastern. (b) The day on which a horse is first entered if his papers are not on file with the Identifier. To qualify for the latter E-Date, a horse must have been excluded from a race that appears on the overnight or he must have been entered in a condition book race that failed to fill through insufficient entries.

R-Date

This date will correspond to the day of a horse's most recent race at Turfway Park. An R-Date will also be assigned to a horse that scratches, providing the foal papers are on file with the identifier.

3. A horse retains his R-Date until he receives a newer R-Date. No horse with an established R-Date may receive an E-Date. A horse whose papers are removed from the Identifier's office will lose his date and must subsequently re-establish a date in order to receive preference. A horse with an E-Date cannot receive a newer E-Date. Horses starting at another racetrack will forfeit any date they may have at Turfway Park. Additionally, horses racing at Turfway Park without foal papers on site will not retain their R-Date.
4. Preference dates are good for any type of race or distance (other than maiden dates).
5. Maiden dates will be kept separately and will not have preference in winners' races.
6. No E-Date will be assigned to the second choice of an un-split same-owner entry.
7. A horse that has been placed on a list (Veterinarian, Steward, Starter, or Paddock Judge) will lose his date and be assigned an R-Date corresponding to the day he is removed from the list.
8. Horses on the Also-Eligible list shall be permitted to draw into races and will be assigned post positions in the order of their dates, earliest dates first.
9. A horse that is a scheduled starter in a canceled race will not receive an R-Date for that race but will retain his previous date.
10. The draw of stake and handicap races is not subject to date preference.
11. Preference dates are transferred through change in ownership and changes in trainer only after the proper transfer procedures have been completed through the Stewards' Office and delivered to the Racing Secretary's Office.
12. Date preference rules will not supersede KHRC rules regarding preference, eligibility, or scratches.



Andy Beshear
Governor

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Chairman

TO: KENTUCKY HORSE RACING COMMISSION

FROM: Barbara Borden, Chief State Steward

DATE: October 11, 2021

RE: CHURCHILL DOWNS' PROPOSED 2021 FALL RACE MEET OFFICIALS AND DATE PREFERENCE SYSTEM

By letter sent October 8, 2021, Ben Huffman, Racing Secretary at Churchill Downs, requests approval of the attached roster of Racing Officials and Date Preference System for their Fall race meet. Please be advised all Stewards have been accredited by ROAP (Racing Officials Accreditation Program) and all officials will be licensed by the meet opening.

Approval is recommended.

COMMISSION ACTION:

_____ Approve

_____ Defer

_____ Deny

October 6, 2021

Mr. Marc Guilfoil
Executive Director
Kentucky Horse Racing Commission
4063 Iron works Parkway
Lexington, KY 40511

Dear Mr. Guilfoil,

As required by the regulations set forth by the Kentucky Horse Racing Commission, attached is the list of officials for the 2021 Churchill Downs Fall Meet, along with the date preference rules, which will be used during this meet, for approval by the Kentucky Horse Racing Commission.

Respectfully submitted,

A handwritten signature in black ink that reads "Ben Huffman". The signature is written in a cursive style with a long, sweeping tail on the "n".

D. Ben Huffman
Racing Secretary

Enclosure

CHURCHILL DOWNS LIST OF OFFICIALS FOR THE 2021 FALL MEET

Association Steward- Tyler Picklesimer

Racing Secretary – Ben Huffman

Asst. Racing Secretary/ Stakes Coordinator – Dan Bork

Horse Identifier – Melinda Vest

Clerk Of Scales – Javier Torres

Jockey Room Custodian – Charlie Woods

Claims Clerk – Beth Bungert

Program Coordinator – Tiffany Bourque

Horsemen's Bookkeeper – Carol Renn

Starter – Scott Jordan

Outriders – Greg Blasi, Lee Lockwood, Shane Hoodenpyle

Director Of Security – Josh Ball

Director of Mutuels – Matt Bonar

Timer – American Teletimer

Clocker – Peter Vestal

Entry Clerks, Paddock and Placing Judges – Steve Obrekaitis, Steve Penrod, Stuart Slagle, Jorie Gorski,
Baley Hare

Announcer- Travis Stone

Stall Manager – Steve Hargrave

DATE PREFERENCE SYSTEM

The Date System of preference will be used at Churchill Downs as described below.

Foal Certificates and digital foal certificates no longer are required to be on file in the racing office to enter or start at Churchill Downs; however, foal certificates and digital foal certificates must be on file to obtain a preference date and to get a horse tattooed.

Each day's overnight will list the dates of horses in and on the also-eligible list to enable trainers to see what dates are getting horses in over-filled races.

1. In over-filled races, preference will be given to horses in order of their assigned preference dates, earliest date first. Horses having identical dates will be chosen by lot, however, where entry and running dates are the same, the horse with the entry date will have preference.
2. All horses intended for racing at Churchill Downs will be assigned a preference date. Dates assigned will be of two types:
3. **FOR A ZERO DATE**, foal papers and digital foal papers must be turned in to the identifier by Sunday, October 31, 2021.

E-Date

This date will correspond to:

- a) The day on which a horse's foal papers or digital foal papers are submitted to the identifier (the earliest date being the day when entries are first taken for the meeting). An unnamed horse will not receive an E-date.
- b) The day on which a horse is first entered if his papers or digital foal papers are not on file with the identifier.

To qualify for the latter E-date, a horse must have been excluded from a race which appears on the overnight or he must have been entered in a condition book race which failed to fill through insufficient entries.

R-Date

This date will correspond to the day of a horse's most recent race at Churchill Downs. An R-Date will also be assigned to a horse which scratches.

4. A horse retains his R-Date until he receives a newer R-Date. No horse with an established R-Date may receive an E-Date. A horse whose papers or digital papers are removed from

the identifier's office will lose his date and must subsequently re-establish a date in order to receive preference. A horse with an E-Date cannot receive a newer E-Date. Horses starting at another race track will forfeit any date they may have at Churchill Downs.

5. Preference dates will consist of two categories: Dirt (D) and Turf (T). Preference dates are good for any type of race or distance.
6. A horse that runs in a race, which has been taken off the turf will retain its turf date. A scratched horse will receive an R-date from the date scratched.
7. When a race is taken off the turf, main track only (MTO) horses will receive an R-Date if they run or scratch. If the race remains on the turf, main track only (MTO) horses will retain their previous date and will not be permitted to start.
8. No E-Date will be assigned to the second choice of an unsplit same-owner entry.
9. A horse which has been placed on a list (veterinarian, steward, starter or paddock judge) will lose their date and be assigned an R-Date corresponding to the day removed from list.
10. A horse which is a scheduled starter in a canceled race will not receive an R-Date for that race but will retain its previous date.
11. The draw of stakes and handicap race is not subject to date preference.
12. Preference dates are transferred through change of ownership and changes in trainer after the proper transfer procedure have been completed through the Steward's office and delivered to the Racing Secretary's office.
13. Date preference rules will not supersede KHRC rules regarding preference, eligibility or scratches.
14. Winners will be preferred in all non-maiden races.

CONDITION PREFERENCE

Horses are preferred by their available conditions in all allowance races beginning with Graded Stakes winners (Grade I-II-III), providing the horse has finished 1st, 2nd, 3rd or 4th for \$40,000 or more since starting for less than \$40,000. In allowance/optional claiming races a horse's preference cannot exceed the condition of the race. Starter races for less than \$25,000 will not be preferred.

WINNERS ARE PREFERRED IN ALL NON-MAIDEN RACES.

Also-eligibles: If there are any scratches in a race with also-eligibles, the also-eligible horses will be permitted to move into the race in the order listed on the overnight.

810 KAR 4:010. HORSES

The stewards may at any time require presentation of a horse's registration certificate, virtual certificate, or racing permit or other proof of ownership.

Upon claim, sale or any other transfer of ownership, the horse's registration certificate or racing permit shall be given to the new owner, and any virtual certificate shall be transferred to the new owner electronically. The new owner shall report the change in ownership to the stewards.

2021 THOROUGHBRED RULINGS

RULING NUMBER	RULING DATE	INFRACTION DATE	ISSUED TO	DETERMINATION	DRUG CLASS	PENALTY OR ACTION	FINE	STATUS
21-0066	8/7/2021	7/31/2021	Deshawn L. Parker	Failure to fulfill riding engagement		Fined	\$ 100	
21-0067	8/7/2021	7/18/2021	German Vasquez, Sr.	Phenylbutazone #E454842	C	Fined	\$ 500	Paid
21-0068	8/7/2021	7/18/2021	German Vasquez, Sr. (owner)	Phenylbutazone #E454842	C	Bow Maker disqualified and purse redistributed. All purse monies must be returned to the association.		DQ and purse redistribution completed
21-0069	8/14/2021	8/13/2021	William J. Pribble	Violated regulation that governs scratches		Fined	\$ 500	
21-0070	8/21/2021	8/20/2021	Rafael J. Bejarano	Careless riding		Suspended 3 days August 28, August 29 and September 3, 2021		Suspension served
21-0071	8/29/2021	8/28/2021	Joseph Talamo	Improper use of riding crop		Fined	\$ 250	Not Paid
21-0072	8/29/2021	8/15/2021	Benjie R. Larue	Disorderly conduct - abusive language and interference with commission employees		Fined	\$ 200	Paid
21-0073	8/29/2021	8/15/2021	Sarah J. Larue	Disorderly conduct - abusive language and interference with commission employees		Fined	\$ 300	Paid
21-0074	9/15/2021	8/1/2021	S. Andriot, S. Vanovich and B Cain (owners)	2-(1-hydroxyethyl) promazine sulfoxide (HEPS) #E454979	B	On Your Mark disqualified and purse redistributed. All purse monies must be returned to the association.		DQ and purse redistribution completed

2021 THOROUGHBRED RULINGS

RULING NUMBER	RULING DATE	INFRACTION DATE	ISSUED TO	DETERMINATION	DRUG CLASS	PENALTY OR ACTION	FINE	STATUS
21-0075	9/24/2021	9/19/2021	Mitchell L. Murrill	Careless riding		Suspended 3 days September 30, October 1 and October 2, 2021		Suspension served
21-0076	9/24/2021	7/9/2021	William J. Pribble	Dexamethasone #E454727	C	Enraged disqualified and purse redistributed. All purse monies must be returned to the association.		DQ and purse redistribution completed
21-0077	9/25/2021	7/4/2018	Destyn L. Wilson	Falsification of license applications 2018, 2019, 2020 and 2021		Suspended pending appearance		Current suspension
21-0078	9/30/2021	9/25/2021	Martin Garcia	Careless riding		Suspended 3 days October 8 through October 10, 2021 (inclusive)		Suspension served
21-0079	9/30/2021	10/11/2020	Steven M. Asmussen	Dexamethasone #E378301	C	Fined	\$ 500	Paid
21-0080	9/30/2021	10/8/2021	Marcus W. Cheney, DVM.	Failure to submit timely and accurate Veterinary Reports of Horses Treated		Fined	\$ 500	Paid
21-0081	10/7/2021	10/3/2021	Eder Hernandez and Armando Hernandez	Filed written protest involving the claim of Army Scout on October 3, 2021		Protest reviewed and denied		No action taken
21-0082	10/8/2021	10/3/2021	Brendan P. Walsh	failed to report correct gender		Fined	\$ 500	Not Paid
21-0083	10/13/2021	6/27/2021	Edwin Vizcarrondo a.k.a. Edwin Vizcarrondo Nieves	Falsification of license applications 2020 and 2021		Suspended pending appearance		Current suspension

2021 TB RULINGS LIST BY CATEGORY (Through October 15, 2021)

MEDICATION VIOLATIONS

<u>Medication Class</u>	<u>Total</u>	<u>Fines</u>	<u>Suspensions</u>	<u>Disqualifications</u>	<u>Appeals</u>	<u>Explanations</u>
Class A	0	0	0	0	0	
Class B	6	6	6	3	5	Levamisole -APPEALED (other 3 horses DQ'd in 2020), 3-Hydroxyliclocaine
Class C	9	9	0	9	0	Betamethasone, Dexamethasone, Phenylbutazone, Tranexamic Acid, Naproxen
Class D	0	0	0	0	0	
NSAIDS	0	0	0	0	0	
Multiple NSAIDS	0	0	0	0	0	
OOB	1	0	0	0	0	Clenbuterol-failure to report treatment by trainer - warning letter
TCO2	0	0	0	0	0	
Subtotal	16	\$8,500				

NON-MEDICATION VIOLATIONS

Jockey Violations

Careless Riding	15	0	15	0	0	Routine riding offenses
Overly Aggressive Riding	0	0	0	0	0	
Other Disciplinary Violations	8	7	1	0	0	Inadvertently struck rival with crop, failure to fulfill riding engagements, misuse of riding crop, formal ejection from Ellis Park
Subtotal	23	\$1,650				

Other Licensee Violations

Misc. violations by licensees	10	10	0	0	0	Violated claiming regulation, Failure to report correct gender, Failure to report veterinary treatment, Violated scratch regulation
Disorderly conduct and formal ejections	10	5	5	0	0	Destruction of property, entered restricted area, physical and emotional impairment, physical altercation, falsification of license application, abusive language to commission employee
Suspended for non payment of fines	0	0	0	0	0	
Subtotal	20	\$12,000				

Other Rulings Issued	24	0	0	0	0	The remaining 24 rulings that have been issued in 2021 are for information only and include purse redistributions, penalty applied after withdrawal of appeal, licensee restored to good standing, written protest denied, license rescinded without prejudice
TOTAL 2021 RULINGS	83	\$22,150				

2021 STANDARD BRED RULINGS

RULING NUMBER	RULING DATE	INFRACTION DATE	ISSUED TO	DETERMINATION	DRUG PENALTY CLASS	FINE OR WRITTEN WARNING	STATUS	PAID	Suspension (days)	COMMENTS
J2021-001	1/22/2021	10/11/2020	Ervin M. Miller	Medication /Drug Violation - Naproxen	C	\$500		paid		Disqualified to last place, purse return ordered
J2021-002	1/22/2021	11/23/2020	Hollis A. Kendrick	Medication /Drug Violation - Dexamethasone	C	\$500		paid		Disqualified to last place, purse return ordered
J2021-003	7/17/2021	7/6/2021	Stephen K. White	Misuse of whip		\$100		not paid		First 2021 Offense
J2021-004	7/17/2021	7/13/2021	Randy D. Crisler	Misuse of whip		\$100		paid		First 2021 Offense
J2021-005	7/17/2021	7/13/2021	James E. Stiltner II	Misuse of whip		\$100		paid		First 2021 Offense
J2021-006	7/19/2021	7/11/2021	Jeremy C. Bobbitt	Interference		\$100		paid		Finished 2nd Placed 8th
J2021-007	7/24/2021	7/11/2021	Tyler G. Shehan	Misuse of whip		\$100		not paid		First 2021 Offense
J2021-008	7/24/2021	7/12/2021	Tyler G. Shehan	Misuse of whip		\$200		not paid		Second 2021 Offense
J2021-009	7/24/2021	7/12/2021	Tyler G. Shehan	Misuse of whip		\$300		not paid		Third 2021 Offense
J2021-010	7/24/2021	7/19/2021	Tyler G. Shehan	Misuse of whip			suspended		7/24/2021-7/27/2021	Fourth 2021 Offense
J2021-011	7/25/2021	7/20/2021	Charles M. Conrad	Misuse of whip		\$200		paid		First 2021 Offense
J2021-012	8/7/2021	8/2/2021	James E. Stiltner II	Misuse of whip		\$200		paid		Second 2021 Offense
J2021-013	8/22/2021	8/8/2021	Mattias Melander	Interference		\$200		paid		Finished 1st place 2nd
J2021-014	8/23/2021	8/23/2021	Domenico Cecere	Late driver change		\$100		not paid		
J2021-015	8/23/2021	8/22/2021	Marcus Melander	Late driver change		\$100		not paid		
J2021-016	8/23/2021	8/22/2021	Jeremy C. Bobbitt	Late driver change		\$150		paid		
J2021-017	8/23/2021	8/16/2021	Chris Page	Failure to drive as programmed		\$400		not paid		8 races
J2021-018	9/13/2021	9/5/2021	Domenico Cecere	Failure to drive as programmed		\$50		not paid		
J2021-019	9/7/2021	8/15/2021	Yannick Gingras	Failure to drive as programmed		\$100		not paid		
J2021-020	9/13/2021	8/15/2021	David Miller	Failure to drive as programmed		\$100		not paid		
J2021-021	9/13/2021	8/30/2021	Domenico Cecere	Failure to drive as programmed		\$50		not paid		
J2021-022	9/13/2021	9/6/2021	Mark E. Evers	Failure to drive as programmed		\$50		not paid		
J2021-023	9/13/2021	8/24/2021	Todd McCarthy	Failure to drive as programmed		\$50		not paid		
J2021-024	9/13/2021	9/6/2021	David Miller	Failure to drive as programmed		\$150		not paid		

KHRC Veterinary Report
Churchill Downs September Meet 2021

Total Starts	945

Post Race Samples	329
tCO ₂	158

Veterinary Scratches	22

Pre-Race	9
On-Track	13
Soundness related	12
Gate/paddock Injury	1

KHRC Veterinary List	39

Scratches	22
Race Injuries/post race lame/test barn lame	15
EIPH	1
Heat Distress	1

Claimed horses	150

Voided Claims	11

Ambulance Runs	9

Racing Fatalities	2

Musculoskeletal	2

Training Fatalities	0

KHRC Veterinary Report

Ellis Park Summer Meet 2021

Total Starts	1710

Post Race Samples	508
tCO ₂	340

Veterinary Scratches	43

Pre-Race	16
On-Track	27

Soundness related	13
Gate/paddock Injury	14

KHRC Veterinary List	74

Scratches	43
Race Injuries/post race lame/test barn lame	26
EIPH	5
Heat Distress	0

Claimed horses	60

Voided Claims	10

Ambulance Runs	14

Racing Fatalities	4

Musculoskeletal	4

Training Fatalities	1

Musculoskeletal	1

KHRC Veterinary Report

Kentucky Downs Meet 2021

Total Starts	654
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Post Race Samples	165
tCO ₂	176
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Veterinary Scratches	16
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Pre-Race	8
On-Track	8
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Soundness related	1
Gate/paddock Injury	7
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KHRC Veterinary List	24
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Scratches	16
Race Injuries/post race lame/test barn lame	7
EIPH	1
Heat Distress	0
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Claimed horses	7
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Voided Claims	2
<hr style="border-top: 1px dashed black;"/>	
Ambulance Runs	5
<hr style="border-top: 1px dashed black;"/>	
Racing Fatalities	2
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Musculoskeletal	2

Occurrence of Thoroughbred race-related fatalities in Kentucky 2007 to present

Year	Category Non-musculoskeletal: EIPH, Sudden Death, Racing Accident	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Starts (Equibase)	Fatalities per 1,000 starts
2007	Musculoskeletal	2	1	5	2	4	3	4	2	2	3	4	5	37	23,180	1.60
	Non-musculoskeletal	0	0	0	0	0	0	0	0	0	1	0	0	1		0.04
	TOTAL	2	1	5	2	4	3	4	2	2	4	4	5	38		1.64
2008	Musculoskeletal	3	0	4	2	3	2	2	2	3	2	4	8	35	22,278	1.57
	Non-musculoskeletal	0	0	0	0	0	0	0	0	0	0	0	0	0		0.00
	TOTAL	3	0	4	2	3	2	2	2	3	2	4	8	35		1.57
2009	Musculoskeletal	3	5	1	2	4	1	2	4	3	3	2	3	33	20,142	1.64
	Non-musculoskeletal	0	0	0	0	0	0	0	0	0	0	0	0	0		0.00
	TOTAL	3	5	1	2	4	1	2	4	3	3	2	3	33		1.64
2010	Musculoskeletal	2	1	2	0	0	2	4	2	1	3	7	1	25	18,167	1.38
	Non-musculoskeletal	0	0	1	1	0	0	0	0	0	0	0	0	2		0.11
	TOTAL	2	1	3	1	0	2	4	2	1	3	7	1	27		1.49
2011	Musculoskeletal	2	2	1	1	2	5	1	3	2	5	3	1	28	18,258	1.53
	Non-musculoskeletal	0	0	0	0	0	0	0	0	1	0	0	0	1		0.05
	TOTAL	2	2	1	1	2	5	1	3	3	5	3	1	29		1.59
2012	Musculoskeletal	0	0	1	2	9	2	0	2	0	3	5	3	27	17,513	1.54
	Non-musculoskeletal	0	0	0	0	0	0	0	0	0	1	0	0	1		0.06
	TOTAL	0	0	1	2	9	2	0	2	0	4	5	3	28		1.60

Year	Category Non-musculoskeletal: EIPH, Sudden Death, Racing Accident	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Starts (Equibase)	Fatalities per 1,000 starts
2013	Musculoskeletal	2	2	0	0	1	2	2	5	3	1	1	3	22	16,242	1.35
	Non-musculoskeletal	0	0	0	0	0	0	0	0	1	0	0	0	1		0.06
	TOTAL	2	2	0	0	1	2	1	5	4	1	1	3	23		1.42
2014	Musculoskeletal	2	2	0	0	3	0	1	1	1	3	3	0	16	14,460	1.11
	Non-musculoskeletal	0	0	0	0	0	0	0	0	0	0	0	0	0		0.00
	TOTAL	2	2	0	0	3	0	1	1	1	3	3	0	16		1.11
2015	Musculoskeletal	3	1	1	0	3	2	1	1	3	3	2	1	21	15,514	1.35
	Non-musculoskeletal	0	0	0	0	0	1	0	1	0	0	0	0	2		0.13
	TOTAL	3	1	1	0	3	3	1	2	3	3	3	1	23		1.48
2016	Musculoskeletal	0	2	0	4	4	3	1	0	1	2	5	1	23	16,495	1.39
	Non-musculoskeletal	0	0	0	0	0	2	1	0	0	0	0	0	3		0.18
	TOTAL	0	2	0	4	4	5	2	0	1	2	5	1	26		1.58
2017	Musculoskeletal	1	2	1	2	1	3	0	1	2	3	2	0	18	15,032	1.20
	Non-musculoskeletal	0	0	0	0	0	2	0	0	0	0	0	0	2		0.13
	TOTAL	1	2	1	2	1	5	0	1	2	3	2	0	20		1.33
2018	Musculoskeletal	2	1	0	4	3	1	6	0	7	1	3	4	32	15,049	2.13
	Non-musculoskeletal	0	0	1	0	1	0	0	1	0	0	1	0	4		0.27
	TOTAL	2	1	1	4	4	1	6	1	7	1	4	4	36		2.39
2019	Musculoskeletal	0	1	1	4	1	0	0	1	1	5	2	3	19	15,456	1.23
	Non-musculoskeletal	0	0	0	0	0	2	0	1	0	0	0	0	3		0.19
	TOTAL	0	1	1	4	1	2	0	2	1	5	2	3	22		1.42

Year	Category Non-musculoskeletal: EIPH, Sudden Death, Racing Accident	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Starts (Equibase)	Fatalities per 1,000 starts
2020	Musculoskeletal	1	0	1	0	1	0	0	3	4	1	4	1	16	13,872	1.15
	Non-musculoskeletal	0	0	3	0	0	0	0	0	0	0	0	0	3		0.22
	TOTAL	1	0	4	0	1	0	0	3	4	1	4	1	19		1.37

2021	Musculoskeletal	2	1	0	0	1	2	1	1	4	1			13	10,307	1.26
	Non-musculoskeletal	0	0	0	0	0	0	0	0	0	0			0		0
	TOTAL	2	1	0	0	1	2	1	1	4	1			13		1.26

THRU CD 4-Oct

Kentucky Historical Horse Racing Report for August, 2021

	August -21	August - 20	% Change	FYTD - 2022	FYTD - 2021	% Change
Total Handle	\$ 515,447,939	\$ 264,872,598	94.6%	\$ 1,064,376,506	\$ 535,595,835	98.7%
Less: Returned to Public	\$ 469,648,223	\$ 242,429,448	93.7%	\$ 970,862,252	\$ 489,497,539	98.3%
Less: Breakage	\$ 73,088	\$ 86,754		\$ 151,140	\$ 172,581	
Less: Change in Pools (Note 6)	\$ 952,732	\$ 30,392		\$ 727,759	\$ 877,033	
Gross Commission	<u>\$ 44,773,896</u>	<u>\$ 22,326,004</u>	100.5%	<u>\$ 92,635,356</u>	<u>\$ 45,048,683</u>	105.6%
TB Development Fund (Note 1)	\$ 3,253,642	\$ 1,821,063	78.7%	\$ 6,706,825	\$ 3,686,203	81.9%
SB Development Fund (Note 2)	\$ 816,290	\$ 220,642	270.0%	\$ 1,701,332	\$ 441,020	285.8%
Equine Industry Program (Note 3)	\$ -	\$ 108,554	-100.0%	\$ 650,000	\$ 650,000	0.0%
Equine Drug Research (Note 4)	\$ -	\$ 49,277	-100.0%	\$ 320,000	\$ 320,000	0.0%
Higher Education Fund (Note 4)	\$ -	\$ 49,277	-100.0%	\$ 320,000	\$ 320,000	0.0%
Kentucky General Fund (Note 5)	\$ 3,661,787	\$ 1,724,277	112.4%	\$ 6,267,491	\$ 2,616,714	139.5%
Total KY Excise Tax (1.5% of Total Handle)	<u>\$ 7,731,719</u>	<u>\$ 3,973,089</u>	94.6%	<u>\$ 15,965,648</u>	<u>\$ 8,033,938</u>	98.7%
% of Gross Commission	17.3%	17.8%		17.2%	17.8%	
Net Commission + Breakage	\$ 37,115,265	\$ 18,439,669	101.3%	\$ 76,820,848	\$ 37,187,326	106.6%
% of Total Handle	7.20%	6.96%		7.22%	6.94%	
Number of HHR Terminals	4,965	1,741	185.2%	4,945	1,786	176.9%
Average Daily Handle	\$ 16,627,353	\$ 8,544,277	94.6%	\$ 17,167,363	\$ 8,638,643	98.7%
Handle/Day/Terminal	\$ 3,349	\$ 4,908	-31.8%	\$ 3,472	\$ 4,838	-28.2%
Gross Commission / Day /Terminal	\$ 291	\$ 414	-29.7%	\$ 302	\$ 407	-25.7%
	August -21	July - 21	% Change	Since Inception		
Total Handle	\$ 515,447,939	\$ 548,928,567	-6.1%	Total Handle		\$ 13,707,659,607
Total Kentucky Excise Tax	\$ 7,731,719	\$ 8,220,018	-5.9%	Total Kentucky Excise Tax		\$ 205,614,894
Average Daily Handle	\$ 16,627,353	\$ 17,707,373	-6.1%	Total KY General Fund		\$ 85,045,710

Note 1: Thoroughbred Development Fund receives .75% of TH at KD, EP, NR and DCG. The rate applies to half of the TH at KRM and OG.

Note 2: The Standardbred Development Fund receives 1.0% of half of the TH at KRM and OG.

Note 3: EIP Fund receives .2% of the TH with a fiscal year cap of \$650,000.

Note 4: EDR and HEF Funds each receive .1% of the TH with a fiscal year cap of \$320,000.

Note 5: Kentucky General Fund receives 1.5% of TH less Notes 1,2,3 and 4.

Note 6: Represents the net change in all wagering pools.

Derby City Gaming Historical Horse Racing Report for August, 2021

	August -21	August - 20	% Change	FYTD - 2022	FYTD - 2021	% Change
Total Handle	\$ 160,399,531	\$ 104,670,380	53.2%	\$ 333,542,236	\$ 208,781,863	59.8%
Less: Returned to Public	\$ 145,704,664	\$ 95,253,590	53.0%	\$ 303,245,894	\$ 189,799,819	59.8%
Less: Breakage	\$ -	\$ -		\$ -	\$ -	
Less: Change in Pools (Note 6)	\$ 323,149	\$ 85,068		\$ 412,951	\$ 366,070	
Gross Commission	<u>\$ 14,371,718</u>	<u>\$ 9,331,722</u>	54.0%	<u>\$ 29,883,391</u>	<u>\$ 18,615,975</u>	60.5%
TB Development Fund (Note 1)	\$ 1,202,996	\$ 785,028	53.2%	\$ 2,501,567	\$ 1,565,864	59.8%
SB Development Fund (Note 2)						
Equine Industry Program (Note 3)	\$ -	\$ 42,276	-100.0%	\$ 204,303	\$ 250,499	-18.4%
Equine Drug Research (Note 4)	\$ -	\$ 19,211	-100.0%	\$ 100,580	\$ 123,322	-18.4%
Higher Education Fund (Note 4)	\$ -	\$ 19,211	-100.0%	\$ 100,580	\$ 123,322	-18.4%
Kentucky General Fund (Note 5)	\$ 1,202,996	\$ 704,330	70.8%	\$ 2,096,104	\$ 1,068,720	96.1%
Total KY Excise Tax (1.5% of Total Handle)	<u>\$ 2,405,993</u>	<u>\$ 1,570,056</u>	53.2%	<u>\$ 5,003,134</u>	<u>\$ 3,131,728</u>	59.8%
% of Gross Commission	16.7%	16.8%		16.7%	16.8%	
Net Commission + Breakage	\$ 11,965,725	\$ 7,761,666	54.2%	\$ 24,880,257	\$ 15,484,247	60.7%
% of Total Handle	7.46%	7.42%		7.46%	7.42%	
Number of HHR Terminals	1,000	655	52.7%	997	655	52.3%
Average Daily Handle	\$ 5,174,178	\$ 3,376,464	53.2%	\$ 5,379,713	\$ 3,367,449	59.8%
Handle/Day/Terminal	\$ 5,174	\$ 5,155	0.4%	\$ 5,380	\$ 5,141	4.6%
Gross Commission / Day /Terminal	\$ 464	\$ 460	0.9%	\$ 482	\$ 458	5.1%
	August -21	July - 21	% Change	Since Inception (September 10, 2018)		
Total Handle	\$ 160,399,531	\$ 173,142,704	-7.36%	Total Handle	\$ 3,421,986,127	
Total Kentucky Excise Tax	\$ 2,405,993	\$ 2,597,141	-7.36%	Total Kentucky Excise Tax	\$ 51,329,792	
Average Daily Handle	\$ 5,174,178	\$ 5,585,249	-7.36%	Total KY General Fund	\$ 24,119,446	

Note 1: Thoroughbred Development Fund receives .75% of TH at KD, EP, NR and DCG. The rate applies to half of the TH at KRM and OG.

Note 2: The Standardbred Development Fund receives 1.0% of half of the TH at KRM and OG.

Note 3: EIP Fund receives .2% of the TH with a fiscal year cap of \$650,000.

Note 4: EDR and HEF Funds each receive .1% of the TH with a fiscal year cap of \$320,000.

Note 5: Kentucky General Fund receives 1.5% of TH less Notes 1,2,3 and 4.

Note 6: Represents the net change in all wagering pools.

Ellis Park Historical Horse Racing Report for August, 2021

	August -21	August - 20	% Change	FYTD - 2022	FYTD - 2021	% Change
Total Handle	\$ 19,024,749	\$ 18,260,040	4.2%	\$ 38,558,849	\$ 37,473,166	2.9%
Less: Returned to Public	\$ 17,394,082	\$ 16,551,449	5.1%	\$ 35,246,314	\$ 33,980,305	3.7%
Less: Breakage	\$ 2,294	\$ 1,974		\$ 4,574	\$ 3,332	
Less: Change in Pools (Note 6)	\$ (16,495)	\$ 109,425		\$ 21,628	\$ 188,659	
Gross Commission	<u>\$ 1,644,867</u>	<u>\$ 1,597,192</u>	3.0%	<u>\$ 3,286,333</u>	<u>\$ 3,300,872</u>	-0.4%
TB Development Fund (Note 1)	\$ 142,686	\$ 136,950	4.2%	\$ 289,191	\$ 281,049	2.9%
SB Development Fund (Note 2)						
Equine Industry Program (Note 3)	\$ -	\$ 7,944	-100.0%	\$ 22,782	\$ 46,371	-50.9%
Equine Drug Research (Note 4)	\$ -	\$ 3,615	-100.0%	\$ 11,216	\$ 22,829	-50.9%
Higher Education Fund (Note 4)	\$ -	\$ 3,615	-100.0%	\$ 11,216	\$ 22,829	-50.9%
Kentucky General Fund (Note 5)	\$ 142,686	\$ 121,775	17.2%	\$ 243,978	\$ 189,021	29.1%
Total KY Excise Tax (1.5% of Total Handle)	<u>\$ 285,371</u>	<u>\$ 273,901</u>	4.2%	<u>\$ 578,383</u>	<u>\$ 562,097</u>	2.9%
% of Gross Commission	17.3%	17.1%		17.6%	17.0%	
Net Commission + Breakage	\$ 1,361,790	\$ 1,325,266	2.8%	\$ 2,712,525	\$ 2,742,106	-1.1%
% of Total Handle	7.16%	7.26%		7.03%	7.32%	
Number of HHR Terminals	316	175	80.6%	316	173	82.4%
Average Daily Handle	\$ 613,702	\$ 589,034	4.2%	\$ 621,917	\$ 604,406	2.9%
Handle/Day/Terminal	\$ 1,942	\$ 3,366	-42.3%	\$ 1,968	\$ 3,454	-43.0%
Gross Commission / Day /Terminal	\$ 168	\$ 294	-43.0%	\$ 168	\$ 304	-44.9%
	August -21	July - 21	% Change	Since Inception (August 31, 2012)		
Total Handle	\$ 19,024,749	\$ 19,534,100	-2.6%	Total Handle	\$ 785,259,655	
Total Kentucky Excise Tax	\$ 285,371	\$ 279,101	2.2%	Total Kentucky Excise Tax	\$ 11,778,895	
Average Daily Handle	\$ 613,702	\$ 630,132	-2.6%	Total KY General Fund	\$ 4,833,006	

Note 1: Thoroughbred Development Fund receives .75% of TH at KD, EP, NR and DCG. The rate applies to half of the TH at KRM and OG.

Note 2: The Standardbred Development Fund receives 1.0% of half of the TH at KRM and OG.

Note 3: EIP Fund receives .2% of the TH with a fiscal year cap of \$650,000.

Note 4: EDR and HEF Funds each receive .1% of the TH with a fiscal year cap of \$320,000.

Note 5: Kentucky General Fund receives 1.5% of TH less Notes 1,2,3 and 4.

Note 6: Represents the net change in all wagering pools.

Kentucky Downs Historical Horse Racing Report for August, 2021

	August -21	August - 20	% Change	FYTD - 2022	FYTD - 2021	% Change
Total Handle	\$ 154,335,184	\$ 97,813,844	57.8%	\$ 313,992,135	\$ 201,136,725	56.1%
Less: Returned to Public	\$ 140,754,078	\$ 90,239,822	56.0%	\$ 287,162,275	\$ 185,063,592	55.2%
Less: Breakage	\$ 10,836	\$ 23,621		\$ 27,387	\$ 45,646	
Less: Change in Pools (Note 6)	\$ 532,667	\$ (358,339)		\$ 67,103	\$ (121,113)	
Gross Commission	<u>\$ 13,037,603</u>	<u>\$ 7,908,740</u>	64.9%	<u>\$ 26,735,369</u>	<u>\$ 16,148,599</u>	65.6%
TB Development Fund (Note 1)	\$ 1,157,514	\$ 733,604	57.8%	\$ 2,354,941	\$ 1,508,525	56.1%
SB Development Fund (Note 2)						
Equine Industry Program (Note 3)	\$ -	\$ 40,271	-100.0%	\$ 191,848	\$ 246,916	-22.3%
Equine Drug Research (Note 4)	\$ -	\$ 18,236	-100.0%	\$ 94,448	\$ 121,559	-22.3%
Higher Education Fund (Note 4)	\$ -	\$ 18,236	-100.0%	\$ 94,448	\$ 121,559	-22.3%
Kentucky General Fund (Note 5)	\$ 1,157,514	\$ 656,861	76.2%	\$ 1,974,197	\$ 1,018,491	93.8%
Total KY Excise Tax (1.5% of Total Handle)	<u>\$ 2,315,028</u>	<u>\$ 1,467,208</u>	57.8%	<u>\$ 4,709,882</u>	<u>\$ 3,017,051</u>	56.1%
% of Gross Commission	17.8%	18.6%		17.6%	18.7%	
Net Commission + Breakage	\$ 10,733,411	\$ 6,465,154	66.0%	\$ 22,052,875	\$ 13,177,194	67.4%
% of Total Handle	6.95%	6.61%		7.02%	6.55%	
Number of HHR Terminals	1,055	473	123.0%	1,055	520	102.9%
Average Daily Handle	\$ 4,978,554	\$ 3,155,285	57.8%	\$ 5,064,389	\$ 3,244,141	56.1%
Handle/Day/Terminal	\$ 4,719	\$ 6,671	-29.3%	\$ 4,800	\$ 6,859	-30.0%
Gross Commission / Day /Terminal	\$ 399	\$ 539	-26.1%	\$ 409	\$ 551	-25.8%
	August -21	July - 21	% Change	Since Inception (September 1, 2011)		
Total Handle	\$ 154,335,184	\$ 159,656,951	-3.3%	Total Handle	\$ 6,284,271,069	
Total Kentucky Excise Tax	\$ 2,315,028	\$ 2,394,854	-3.3%	Total Kentucky Excise Tax	\$ 94,264,066	
Average Daily Handle	\$ 4,978,554	\$ 5,150,224	-3.3%	Total KY General Fund	\$ 38,610,170	

Note 1: Thoroughbred Development Fund receives .75% of TH at KD, EP, NR and DCG. The rate applies to half of the TH at KRM and OG.

Note 2: The Standardbred Development Fund receives 1.0% of half of the TH at KRM and OG.

Note 3: EIP Fund receives .2% of the TH with a fiscal year cap of \$650,000.

Note 4: EDR and HEF Funds each receive .1% of the TH with a fiscal year cap of \$320,000.

Note 5: Kentucky General Fund receives 1.5% of TH less Notes 1,2,3 and 4.

Note 6: Represents the net change in all wagering pools.

KRM Historical Horse Racing Report for August, 2021

	August -21	August - 20	% Change	FYTD - 2022	FYTD - 2021	% Change
Total Handle	\$ 59,917,674	\$ 44,128,334	35.8%	\$ 120,833,553	\$ 88,204,081	37.0%
Less: Returned to Public	\$ 55,030,049	\$ 40,384,587	36.3%	\$ 111,035,126	\$ 80,653,823	37.7%
Less: Breakage	\$ 59,958	\$ 61,159		\$ 119,178	\$ 123,602	
Less: Change in Pools (Note 6)	\$ (62,650)	\$ 194,239		\$ (135,068)	\$ 443,418	
Gross Commission	<u>\$ 4,890,317</u>	<u>\$ 3,488,349</u>	40.2%	<u>\$ 9,814,317</u>	<u>\$ 6,983,238</u>	40.5%
TB Development Fund (Note 1)	\$ 224,691	\$ 165,481	35.8%	\$ 453,126	\$ 330,765	37.0%
SB Development Fund (Note 2)	\$ 299,588	\$ 220,642	35.8%	\$ 604,168	\$ 441,020	37.0%
Equine Industry Program (Note 3)	\$ -	\$ 18,063	-100.0%	\$ 70,536	\$ 106,214	-33.6%
Equine Drug Research (Note 4)	\$ -	\$ 8,214	-100.0%	\$ 34,725	\$ 52,290	-33.6%
Higher Education Fund (Note 4)	\$ -	\$ 8,214	-100.0%	\$ 34,725	\$ 52,290	-33.6%
Kentucky General Fund (Note 5)	\$ 374,485	\$ 241,311	55.2%	\$ 615,223	\$ 340,481	80.7%
Total KY Excise Tax (1.5% of Total Handle)	<u>\$ 898,765</u>	<u>\$ 661,925</u>	35.8%	<u>\$ 1,812,503</u>	<u>\$ 1,323,061</u>	37.0%
% of Gross Commission	18.4%	19.0%		18.5%	18.9%	
Net Commission + Breakage	\$ 4,051,510	\$ 2,887,583	40.3%	\$ 8,120,992	\$ 5,783,779	40.4%
% of Total Handle	6.76%	6.54%		6.72%	6.56%	
Number of HHR Terminals	894	438	104.1%	884	438	101.8%
Average Daily Handle	\$ 1,932,828	\$ 1,423,495	35.8%	\$ 1,948,928	\$ 1,422,646	37.0%
Handle/Day/Terminal	\$ 2,162	\$ 3,250	-33.5%	\$ 2,180	\$ 3,248	-32.9%
Gross Commission / Day /Terminal	\$ 176	\$ 257	-31.3%	\$ 177	\$ 257	-31.1%
	August -21	July - 21	% Change	Since Inception (September 8, 2015)		
Total Handle	\$ 59,917,674	\$ 60,915,879	-1.6%	Total Handle	\$ 2,074,454,713	
Total Kentucky Excise Tax	\$ 898,765	\$ 913,738	-1.6%	Total Kentucky Excise Tax	\$ 31,116,821	
Average Daily Handle	\$ 1,932,828	\$ 1,965,028	-1.6%	Total KY General Fund	\$ 11,190,155	

Note 1: Thoroughbred Development Fund receives .75% of TH at KD, EP, NR and DCG. The rate applies to half of the TH at KRM and OG.

Note 2: The Standardbred Development Fund receives 1.0% of half of the TH at KRM and OG.

Note 3: EIP Fund receives .2% of the TH with a fiscal year cap of \$650,000.

Note 4: EDR and HEF Funds each receive .1% of the TH with a fiscal year cap of \$320,000.

Note 5: Kentucky General Fund receives 1.5% of TH less Notes 1,2,3 and 4.

Note 6: Represents the net change in all wagering pools.

Newport Racing and Gaming Historical Horse Racing Report for August, 2021

	August -21	August - 20	% Change	FYTD - 2022	FYTD - 2021	% Change
Total Handle	\$ 18,430,449	\$ -		\$ 38,016,906	\$ -	
Less: Returned to Public	\$ 16,782,063	\$ -		\$ 34,518,364	\$ -	
Less: Breakage	\$ -	\$ -		\$ -	\$ -	
Less: Change in Pools (Note 6)	\$ (72,921)	\$ -		\$ (47,630)	\$ -	
Gross Commission	<u>\$ 1,721,307</u>	<u>\$ -</u>		<u>\$ 3,546,173</u>	<u>\$ -</u>	
TB Development Fund (Note 1)	\$ 138,228	\$ -		\$ 285,127	\$ -	
SB Development Fund (Note 2)						
Equine Industry Program (Note 3)	\$ -	\$ -		\$ 23,623	\$ -	
Equine Drug Research (Note 4)	\$ -	\$ -		\$ 11,630	\$ -	
Higher Education Fund (Note 4)	\$ -	\$ -		\$ 11,630	\$ -	
Kentucky General Fund (Note 5)	\$ 138,228	\$ -		\$ 238,245	\$ -	
Total KY Excise Tax (1.5% of Total Handle)	<u>\$ 276,457</u>	<u>\$ -</u>		<u>\$ 570,254</u>	<u>\$ -</u>	
% of Gross Commission	16.1%			16.1%		
Net Commission + Breakage	\$ 1,444,850			\$ 2,975,919		
% of Total Handle	7.84%			7.83%		
<hr/>						
Number of HHR Terminals	482			486		
Average Daily Handle	\$ 594,531			\$ 613,176		
Handle/Day/Terminal	\$ 1,233			\$ 1,272		
Gross Commission / Day /Terminal	\$ 115			\$ 119		
<hr/>						
	August -21	July - 21	% Change	Since Inception (September 30, 2020)		
Total Handle	\$ 18,430,449	\$ 19,586,457	-5.9%	Total Handle	\$	191,526,788
Total Kentucky Excise Tax	\$ 276,457	\$ 293,797	-5.9%	Total Kentucky Excise Tax	\$	2,872,902
Average Daily Handle	\$ 594,531	\$ 631,821	-5.9%	Total KY General Fund	\$	1,389,569

Note 1: Thoroughbred Development Fund receives .75% of TH at KD, EP, NR and DCG. The rate applies to half of the TH at KRM and OG.

Note 2: The Standardbred Development Fund receives 1.0% of half of the TH at KRM and OG.

Note 3: EIP Fund receives .2% of the TH with a fiscal year cap of \$650,000.

Note 4: EDR and HEF Funds each receive .1% of the TH with a fiscal year cap of \$320,000.

Note 5: Kentucky General Fund receives 1.5% of TH less Notes 1,2,3 and 4.

Note 6: Represents the net change in all wagering pools.

Oak Grove Historical Horse Racing Report for August, 2021

	August -21	August - 20	% Change	FYTD - 2022	FYTD - 2021	% Change
Total Handle	\$ 103,340,352	\$ -		\$ 219,432,828	\$ -	
Less: Returned to Public	\$ 93,983,287	\$ -		\$ 199,654,280	\$ -	
Less: Breakage	\$ -	\$ -		\$ -	\$ -	
Less: Change in Pools (Note 6)	\$ 248,981	\$ -		\$ 408,775	\$ -	
Gross Commission	<u>\$ 9,108,084</u>	<u>\$ -</u>		<u>\$ 19,369,773</u>	<u>\$ -</u>	
TB Development Fund (Note 1)	\$ 387,526	\$ -		\$ 822,873	\$ -	
SB Development Fund (Note 2)	\$ 516,702	\$ -		\$ 1,097,164	\$ -	
Equine Industry Program (Note 3)	\$ -	\$ -		\$ 136,909	\$ -	
Equine Drug Research (Note 4)	\$ -	\$ -		\$ 67,401	\$ -	
Higher Education Fund (Note 4)	\$ -	\$ -		\$ 67,401	\$ -	
Kentucky General Fund (Note 5)	\$ 645,877	\$ -		\$ 1,099,744	\$ -	
Total KY Excise Tax (1.5% of Total Handle)	<u>\$ 1,550,105</u>	<u>\$ -</u>		<u>\$ 3,291,492</u>	<u>\$ -</u>	
% of Gross Commission	17.0%			17.0%		
Net Commission + Breakage	\$ 7,557,979			\$ 16,078,281		
% of Total Handle	7.31%			7.33%		
<hr/>						
Number of HHR Terminals	1,218			1,208		
Average Daily Handle	\$ 3,333,560			\$ 3,539,239		
Handle/Day/Terminal	\$ 2,737			\$ 2,906		
Gross Commission / Day /Terminal	\$ 241			\$ 256		

	August -21	July - 21	% Change	Since Inception (September 16, 2020)	
Total Handle	\$ 103,340,352	\$ 116,092,476	-11.0%	Total Handle	\$ 950,161,255
Total Kentucky Excise Tax	\$ 1,550,105	\$ 1,741,387	-11.0%	Total Kentucky Excise Tax	\$ 14,252,419
Average Daily Handle	\$ 3,333,560	\$ 3,744,919	-11.0%	Total KY General Fund	\$ 4,903,364

Note 1: Thoroughbred Development Fund receives .75% of TH at KD, EP, NR and DCG. The rate applies to half of the TH at KRM and OG.

Note 2: The Standardbred Development Fund receives 1.0% of half of the TH at KRM and OG.

Note 3: EIP Fund receives .2% of the TH with a fiscal year cap of \$650,000.

Note 4: EDR and HEF Funds each receive .1% of the TH with a fiscal year cap of \$320,000.

Note 5: Kentucky General Fund receives 1.5% of TH less Notes 1,2,3 and 4.

Note 6: Represents the net change in all wagering pools.

Kentucky Historical Horse Racing Report for September, 2021

	September -21	September - 20	% Change	FYTD - 2022	FYTD - 2021	% Change
Total Handle	\$ 515,831,431	\$ 302,706,385	70.4%	\$ 1,580,207,937	\$ 838,302,220	88.5%
Less: Returned to Public	\$ 470,578,258	\$ 275,473,646	70.8%	\$ 1,441,440,509	\$ 764,971,185	88.4%
Less: Breakage	\$ 70,201	\$ 78,217		\$ 221,341	\$ 250,798	
Less: Change in Pools (Note 6)	\$ 246,189	\$ 973,100		\$ 973,948	\$ 1,850,133	
Gross Commission	<u>\$ 44,936,783</u>	<u>\$ 26,181,422</u>	71.6%	<u>\$ 137,572,140</u>	<u>\$ 71,230,105</u>	93.1%
TB Development Fund (Note 1)	\$ 3,248,660	\$ 1,897,062	71.2%	\$ 9,955,485	\$ 5,583,266	78.3%
SB Development Fund (Note 2)	\$ 826,767	\$ 497,648	66.1%	\$ 2,528,099	\$ 938,668	169.3%
Equine Industry Program (Note 3)	\$ -	\$ -		\$ 650,000	\$ 650,000	0.0%
Equine Drug Research (Note 4)	\$ -	\$ -		\$ 320,000	\$ 320,000	0.0%
Higher Education Fund (Note 4)	\$ -	\$ -		\$ 320,000	\$ 320,000	0.0%
Kentucky General Fund (Note 5)	\$ 3,662,044	\$ 2,145,886	70.7%	\$ 9,929,535	\$ 4,762,600	108.5%
Total KY Excise Tax (1.5% of Total Handle)	<u>\$ 7,737,471</u>	<u>\$ 4,540,596</u>	70.4%	<u>\$ 23,703,119</u>	<u>\$ 12,574,533</u>	88.5%
% of Gross Commission	17.2%	17.3%		17.2%	17.7%	
Net Commission + Breakage	\$ 37,269,513	\$ 21,719,043	71.6%	\$ 114,090,361	\$ 58,906,369	93.7%
% of Total Handle	7.23%	7.17%		7.22%	7.03%	
Number of HHR Terminals	4,935	3,546	39.2%	4,941	3,272	51.0%
Average Daily Handle	\$ 17,194,381	\$ 10,090,213	70.4%	\$ 17,176,173	\$ 9,111,981	88.5%
Handle/Day/Terminal	\$ 3,484	\$ 2,846	22.4%	\$ 3,476	\$ 2,785	24.8%
Gross Commission / Day /Terminal	\$ 304	\$ 246	23.3%	\$ 303	\$ 237	27.9%
	September -21	August - 21	% Change	Since Inception		
Total Handle	\$ 515,831,431	\$ 515,447,939	0.1%	Total Handle	\$ 14,223,491,038	
Total Kentucky Excise Tax	\$ 7,737,471	\$ 7,739,359	0.0%	Total Kentucky Excise Tax	\$ 213,352,366	
Average Daily Handle	\$ 17,194,381	\$ 16,627,353	3.4%	Total KY General Fund	\$ 88,707,754	

Note 1: Thoroughbred Development Fund receives .75% of TH at KD, EP, NR and DCG. The rate applies to half of the TH at KRM and OG.

Note 2: The Standardbred Development Fund receives 1.0% of half of the TH at KRM and OG.

Note 3: EIP Fund receives .2% of the TH with a fiscal year cap of \$650,000.

Note 4: EDR and HEF Funds each receive .1% of the TH with a fiscal year cap of \$320,000.

Note 5: Kentucky General Fund receives 1.5% of TH less Notes 1,2,3 and 4.

Note 6: Represents the net change in all wagering pools.

Derby City Gaming Historical Horse Racing Report for September, 2021

	September -21	September - 20	% Change	FYTD - 2022	FYTD - 2021	% Change
Total Handle	\$ 153,798,598	\$ 95,879,857	60.4%	\$ 487,340,833	\$ 304,661,720	60.0%
Less: Returned to Public	\$ 139,661,012	\$ 87,114,039	60.3%	\$ 442,906,906	\$ 276,913,858	59.9%
Less: Breakage	\$ -	\$ -		\$ -	\$ -	
Less: Change in Pools (Note 6)	\$ 249,477	\$ 190,216		\$ 662,428	\$ 556,286	
Gross Commission	<u>\$ 13,888,108</u>	<u>\$ 8,575,602</u>	61.9%	<u>\$ 43,771,499</u>	<u>\$ 27,191,577</u>	61.0%
TB Development Fund (Note 1)	\$ 1,153,489	\$ 719,099	60.4%	\$ 3,655,056	\$ 2,284,963	60.0%
SB Development Fund (Note 2)						
Equine Industry Program (Note 3)	\$ -	\$ -		\$ 204,303	\$ 250,499	-18.4%
Equine Drug Research (Note 4)	\$ -	\$ -		\$ 100,580	\$ 123,322	-18.4%
Higher Education Fund (Note 4)	\$ -	\$ -		\$ 100,580	\$ 123,322	-18.4%
Kentucky General Fund (Note 5)	\$ 1,153,489	\$ 719,099	60.4%	\$ 3,249,594	\$ 1,787,819	81.8%
Total KY Excise Tax (1.5% of Total Handle)	<u>\$ 2,306,979</u>	<u>\$ 1,438,198</u>	60.4%	<u>\$ 7,310,112</u>	<u>\$ 4,569,926</u>	60.0%
% of Gross Commission	16.6%	16.8%		16.7%	16.8%	
Net Commission + Breakage	\$ 11,581,129	\$ 7,137,404	62.3%	\$ 36,461,386	\$ 22,621,651	61.2%
% of Total Handle	7.53%	7.44%		7.48%	7.43%	
Number of HHR Terminals	1,000	743	34.6%	998	684	45.9%
Average Daily Handle	\$ 5,126,620	\$ 3,195,995	60.4%	\$ 5,297,183	\$ 3,311,540	60.0%
Handle/Day/Terminal	\$ 5,127	\$ 4,301	19.2%	\$ 5,297	\$ 4,457	18.9%
Gross Commission / Day /Terminal	\$ 463	\$ 385	20.3%	\$ 476	\$ 398	19.6%
	September -21	August - 21	% Change	<u>Since Inception (September 10, 2018)</u>		
Total Handle	\$ 153,798,598	\$ 160,399,531	-4.12%	Total Handle		\$ 3,575,784,725
Total Kentucky Excise Tax	\$ 2,306,979	\$ 2,405,993	-4.12%	Total Kentucky Excise Tax		\$ 53,636,771
Average Daily Handle	\$ 5,126,620	\$ 5,174,178	-0.92%	Total KY General Fund		\$ 25,272,936

Note 1: Thoroughbred Development Fund receives .75% of TH at KD, EP, NR and DCG. The rate applies to half of the TH at KRM and OG.

Note 2: The Standardbred Development Fund receives 1.0% of half of the TH at KRM and OG.

Note 3: EIP Fund receives .2% of the TH with a fiscal year cap of \$650,000.

Note 4: EDR and HEF Funds each receive .1% of the TH with a fiscal year cap of \$320,000.

Note 5: Kentucky General Fund receives 1.5% of TH less Notes 1,2,3 and 4.

Note 6: Represents the net change in all wagering pools.

Ellis Park Historical Horse Racing Report for September, 2021

	September -21	September - 20	% Change	FYTD - 2022	FYTD - 2021	% Change
Total Handle	\$ 17,491,281	\$ 17,967,724	-2.7%	\$ 56,050,130	\$ 55,440,890	1.1%
Less: Returned to Public	\$ 15,892,031	\$ 16,440,110	-3.3%	\$ 51,138,344	\$ 50,420,415	1.4%
Less: Breakage	\$ 2,641	\$ 2,013		\$ 7,215	\$ 5,345	
Less: Change in Pools (Note 6)	\$ 70,795	\$ (14,969)		\$ 92,422	\$ 173,689	
Gross Commission	<u>\$ 1,525,815</u>	<u>\$ 1,540,571</u>	-1.0%	<u>\$ 4,812,148</u>	<u>\$ 4,841,442</u>	-0.6%
TB Development Fund (Note 1)	\$ 131,185	\$ 134,758	-2.7%	\$ 420,376	\$ 415,807	1.1%
SB Development Fund (Note 2)						
Equine Industry Program (Note 3)	\$ -	\$ -		\$ 22,782	\$ 46,371	-50.9%
Equine Drug Research (Note 4)	\$ -	\$ -		\$ 11,216	\$ 22,829	-50.9%
Higher Education Fund (Note 4)	\$ -	\$ -		\$ 11,216	\$ 22,829	-50.9%
Kentucky General Fund (Note 5)	\$ 131,185	\$ 134,758	-2.7%	\$ 375,163	\$ 323,779	15.9%
Total KY Excise Tax (1.5% of Total Handle)	<u>\$ 262,369</u>	<u>\$ 269,516</u>	-2.7%	<u>\$ 840,752</u>	<u>\$ 831,613</u>	1.1%
% of Gross Commission	17.2%	17.5%		17.5%	17.2%	
Net Commission + Breakage	\$ 1,266,087	\$ 1,273,068	-0.5%	\$ 3,978,611	\$ 4,015,174	-0.9%
% of Total Handle	7.24%	7.09%		7.10%	7.24%	
Number of HHR Terminals	311	176	76.7%	314	174	80.5%
Average Daily Handle	\$ 583,043	\$ 598,924	-2.7%	\$ 609,241	\$ 602,618	1.1%
Handle/Day/Terminal	\$ 1,875	\$ 3,403	-44.9%	\$ 1,959	\$ 3,424	-42.8%
Gross Commission / Day /Terminal	\$ 164	\$ 292	-44.0%	\$ 168	\$ 299	-43.8%
	September -21	August - 21	% Change	Since Inception (August 31, 2012)		
Total Handle	\$ 17,491,281	\$ 19,024,749	-8.1%	Total Handle	\$ 802,750,937	
Total Kentucky Excise Tax	\$ 262,369	\$ 293,011	-10.5%	Total Kentucky Excise Tax	\$ 12,041,264	
Average Daily Handle	\$ 583,043	\$ 613,702	-5.0%	Total KY General Fund	\$ 4,964,191	

Note 1: Thoroughbred Development Fund receives .75% of TH at KD, EP, NR and DCG. The rate applies to half of the TH at KRM and OG.

Note 2: The Standardbred Development Fund receives 1.0% of half of the TH at KRM and OG.

Note 3: EIP Fund receives .2% of the TH with a fiscal year cap of \$650,000.

Note 4: EDR and HEF Funds each receive .1% of the TH with a fiscal year cap of \$320,000.

Note 5: Kentucky General Fund receives 1.5% of TH less Notes 1,2,3 and 4.

Note 6: Represents the net change in all wagering pools.

Kentucky Downs Historical Horse Racing Report for September, 2021

	September -21	September - 20	% Change	FYTD - 2022	FYTD - 2021	% Change
Total Handle	\$ 159,972,556	\$ 115,818,410	38.1%	\$ 473,964,691	\$ 316,955,135	49.5%
Less: Returned to Public	\$ 146,344,601	\$ 105,791,607	38.3%	\$ 433,506,876	\$ 290,855,199	49.0%
Less: Breakage	\$ 14,578	\$ 14,787		\$ 41,966	\$ 60,434	
Less: Change in Pools (Note 6)	\$ 75,788	\$ (29,324)		\$ 142,891	\$ (150,438)	
Gross Commission	<u>\$ 13,537,588</u>	<u>\$ 10,041,340</u>	34.8%	<u>\$ 40,272,958</u>	<u>\$ 26,189,939</u>	53.8%
TB Development Fund (Note 1)	\$ 1,199,794	\$ 868,638	38.1%	\$ 3,554,735	\$ 2,377,164	49.5%
SB Development Fund (Note 2)						
Equine Industry Program (Note 3)	\$ -	\$ -		\$ 191,848	\$ 246,916	-22.3%
Equine Drug Research (Note 4)	\$ -	\$ -		\$ 94,448	\$ 121,559	-22.3%
Higher Education Fund (Note 4)	\$ -	\$ -		\$ 94,448	\$ 121,559	-22.3%
Kentucky General Fund (Note 5)	\$ 1,199,794	\$ 868,638	38.1%	\$ 3,173,992	\$ 1,887,129	68.2%
Total KY Excise Tax (1.5% of Total Handle)	<u>\$ 2,399,588</u>	<u>\$ 1,737,276</u>	38.1%	<u>\$ 7,109,470</u>	<u>\$ 4,754,327</u>	49.5%
% of Gross Commission	17.7%	17.3%		17.7%	18.2%	
Net Commission + Breakage	\$ 11,152,579	\$ 8,318,851	34.1%	\$ 33,205,453	\$ 21,496,045	54.5%
% of Total Handle	6.97%	7.18%		7.01%	6.78%	
Number of HHR Terminals	1,055	819	28.8%	1,055	620	70.3%
Average Daily Handle	\$ 5,332,419	\$ 3,860,614	38.1%	\$ 5,151,790	\$ 3,445,165	49.5%
Handle/Day/Terminal	\$ 5,054	\$ 4,714	7.2%	\$ 4,883	\$ 4,207	16.1%
Gross Commission / Day /Terminal	\$ 428	\$ 409	4.7%	\$ 415	\$ 348	19.4%
	September -21	August - 21	% Change	Since Inception (September 1, 2011)		
Total Handle	\$ 159,972,556	\$ 154,335,184	3.7%	Total Handle	\$ 6,444,243,624	
Total Kentucky Excise Tax	\$ 2,399,588	\$ 2,315,028	3.7%	Total Kentucky Excise Tax	\$ 96,663,654	
Average Daily Handle	\$ 5,332,419	\$ 4,978,554	7.1%	Total KY General Fund	\$ 39,809,964	

Note 1: Thoroughbred Development Fund receives .75% of TH at KD, EP, NR and DCG. The rate applies to half of the TH at KRM and OG.

Note 2: The Standardbred Development Fund receives 1.0% of half of the TH at KRM and OG.

Note 3: EIP Fund receives .2% of the TH with a fiscal year cap of \$650,000.

Note 4: EDR and HEF Funds each receive .1% of the TH with a fiscal year cap of \$320,000.

Note 5: Kentucky General Fund receives 1.5% of TH less Notes 1,2,3 and 4.

Note 6: Represents the net change in all wagering pools.

KRM Historical Horse Racing Report for September, 2021

	September -21	September - 20	% Change	FYTD - 2022	FYTD - 2021	% Change
Total Handle	\$ 59,744,168	\$ 46,334,163	28.9%	\$ 180,577,721	\$ 134,538,244	34.2%
Less: Returned to Public	\$ 55,193,570	\$ 42,189,628	30.8%	\$ 166,228,696	\$ 122,843,452	35.3%
Less: Breakage	\$ 52,982	\$ 61,417		\$ 172,160	\$ 185,019	
Less: Change in Pools (Note 6)	\$ (337,678)	\$ 458,974		\$ (472,746)	\$ 902,392	
Gross Commission	<u>\$ 4,835,295</u>	<u>\$ 3,624,143</u>	33.4%	<u>\$ 14,649,612</u>	<u>\$ 10,607,381</u>	38.1%
TB Development Fund (Note 1)	\$ 224,041	\$ 173,753	28.9%	\$ 677,166	\$ 504,518	34.2%
SB Development Fund (Note 2)	\$ 298,721	\$ 231,671	28.9%	\$ 902,889	\$ 672,691	34.2%
Equine Industry Program (Note 3)	\$ -	\$ -		\$ 70,536	\$ 106,214	-33.6%
Equine Drug Research (Note 4)	\$ -	\$ -		\$ 34,725	\$ 52,290	-33.6%
Higher Education Fund (Note 4)	\$ -	\$ -		\$ 34,725	\$ 52,290	-33.6%
Kentucky General Fund (Note 5)	\$ 373,401	\$ 289,589	28.9%	\$ 988,624	\$ 630,070	56.9%
Total KY Excise Tax (1.5% of Total Handle)	<u>\$ 896,163</u>	<u>\$ 695,012</u>	28.9%	<u>\$ 2,708,666</u>	<u>\$ 2,018,074</u>	34.2%
% of Gross Commission	18.5%	19.2%		18.5%	19.0%	
Net Commission + Breakage	\$ 3,992,114	\$ 2,990,548	33.5%	\$ 12,113,106	\$ 8,774,327	38.1%
% of Total Handle	6.68%	6.45%		6.71%	6.52%	
Number of HHR Terminals	894	459	94.8%	887	445	99.4%
Average Daily Handle	\$ 1,991,472	\$ 1,544,472	28.9%	\$ 1,962,801	\$ 1,462,372	34.2%
Handle/Day/Terminal	\$ 2,228	\$ 3,365	-33.8%	\$ 2,196	\$ 3,186	-31.1%
Gross Commission / Day /Terminal	\$ 180	\$ 263	-31.5%	\$ 178	\$ 251	-29.1%
	September -21	August - 21	% Change	Since Inception (September 8, 2015)		
Total Handle	\$ 59,744,168	\$ 59,917,674	-0.3%	Total Handle	\$ 2,134,198,881	
Total Kentucky Excise Tax	\$ 896,163	\$ 898,765	-0.3%	Total Kentucky Excise Tax	\$ 32,012,983	
Average Daily Handle	\$ 1,991,472	\$ 1,932,828	3.0%	Total KY General Fund	\$ 11,563,556	

Note 1: Thoroughbred Development Fund receives .75% of TH at KD, EP, NR and DCG. The rate applies to half of the TH at KRM and OG.

Note 2: The Standardbred Development Fund receives 1.0% of half of the TH at KRM and OG.

Note 3: EIP Fund receives .2% of the TH with a fiscal year cap of \$650,000.

Note 4: EDR and HEF Funds each receive .1% of the TH with a fiscal year cap of \$320,000.

Note 5: Kentucky General Fund receives 1.5% of TH less Notes 1,2,3 and 4.

Note 6: Represents the net change in all wagering pools.

Newport Racing and Gaming Historical Horse Racing Report for September, 2021

	September -21	September - 20	% Change	FYTD - 2022	FYTD - 2021	% Change
Total Handle	\$ 19,215,579	\$ 108,562		\$ 57,232,485	\$ 108,562	
Less: Returned to Public	\$ 17,225,355	\$ 95,295		\$ 51,743,719	\$ 95,295	
Less: Breakage	\$ -	\$ -		\$ -	\$ -	
Less: Change in Pools (Note 6)	\$ 206,580	\$ 2,960		\$ 158,950	\$ 2,960	
Gross Commission	<u>\$ 1,783,643</u>	<u>\$ 10,307</u>		<u>\$ 5,329,816</u>	<u>\$ 10,307</u>	
TB Development Fund (Note 1)	\$ 144,117	\$ 814		\$ 429,244	\$ 814	
SB Development Fund (Note 2)						
Equine Industry Program (Note 3)	\$ -	\$ -		\$ 23,623	\$ -	
Equine Drug Research (Note 4)	\$ -	\$ -		\$ 11,630	\$ -	
Higher Education Fund (Note 4)	\$ -	\$ -		\$ 11,630	\$ -	
Kentucky General Fund (Note 5)	\$ 144,117	\$ 814		\$ 382,361	\$ 814	
Total KY Excise Tax (1.5% of Total Handle)	<u>\$ 288,234</u>	<u>\$ 1,628</u>		<u>\$ 858,487</u>	<u>\$ 1,628</u>	
% of Gross Commission	16.2%			16.1%		
Net Commission + Breakage	\$ 1,495,410			\$ 4,471,329		
% of Total Handle	7.78%			7.81%		
<hr/>						
Number of HHR Terminals	462	499		478	499	
Average Daily Handle	\$ 640,519	\$ 108,562		\$ 622,092	\$ 108,562	
Handle/Day/Terminal	\$ 1,386	\$ 218		\$ 1,347	\$ 218	
Gross Commission / Day /Terminal	\$ 129	\$ 21		\$ 125	\$ 21	
<hr/>						
	September -21	August - 21	% Change	Since Inception (September 30, 2020)		
Total Handle	\$ 19,215,579	\$ 18,430,449	4.3%	Total Handle	\$	210,742,366
Total Kentucky Excise Tax	\$ 288,234	\$ 276,457	4.3%	Total Kentucky Excise Tax	\$	3,161,135
Average Daily Handle	\$ 640,519	\$ 594,531	7.7%	Total KY General Fund	\$	1,533,686

Note 1: Thoroughbred Development Fund receives .75% of TH at KD, EP, NR and DCG. The rate applies to half of the TH at KRM and OG.

Note 2: The Standardbred Development Fund receives 1.0% of half of the TH at KRM and OG.

Note 3: EIP Fund receives .2% of the TH with a fiscal year cap of \$650,000.

Note 4: EDR and HEF Funds each receive .1% of the TH with a fiscal year cap of \$320,000.

Note 5: Kentucky General Fund receives 1.5% of TH less Notes 1,2,3 and 4.

Note 6: Represents the net change in all wagering pools.

Oak Grove Historical Horse Racing Report for September, 2021

	September -21	September - 20	% Change	FYTD - 2022	FYTD - 2021	% Change
Total Handle	\$ 105,609,250	\$ 26,597,669		\$ 325,042,078	\$ 26,597,669	
Less: Returned to Public	\$ 96,261,689	\$ 23,842,967		\$ 295,915,968	\$ 23,842,967	
Less: Breakage	\$ -	\$ -		\$ -	\$ -	
Less: Change in Pools (Note 6)	\$ (18,773)	\$ 365,244		\$ 390,003	\$ 365,244	
Gross Commission	<u>\$ 9,366,334</u>	<u>\$ 2,389,459</u>		<u>\$ 28,736,107</u>	<u>\$ 2,389,459</u>	
TB Development Fund (Note 1)	\$ 396,035	\$ -		\$ 1,218,908	\$ -	
SB Development Fund (Note 2)	\$ 528,046	\$ 265,977		\$ 1,625,210	\$ 265,977	
Equine Industry Program (Note 3)	\$ -	\$ -		\$ 136,909	\$ -	
Equine Drug Research (Note 4)	\$ -	\$ -		\$ 67,401	\$ -	
Higher Education Fund (Note 4)	\$ -	\$ -		\$ 67,401	\$ -	
Kentucky General Fund (Note 5)	\$ 660,058	\$ 132,988		\$ 1,759,802	\$ 132,988	
Total KY Excise Tax (1.5% of Total Handle)	<u>\$ 1,584,139</u>	<u>\$ 398,965</u>		<u>\$ 4,875,631</u>	<u>\$ 398,965</u>	
% of Gross Commission	16.9%			17.0%		
Net Commission + Breakage	\$ 7,782,195			\$ 23,860,476		
% of Total Handle	7.37%			7.34%		
<hr/>						
Number of HHR Terminals	1,213	850		1,210	850	
Average Daily Handle	\$ 3,520,308	\$ 1,899,834		\$ 3,533,066	\$ 1,899,834	
Handle/Day/Terminal	\$ 2,902	\$ 2,235		\$ 2,913	\$ 2,235	
Gross Commission / Day /Terminal	\$ 257	\$ 201		\$ 258	\$ 201	
<hr/>						
	September -21	August - 21	% Change	Since Inception (September 16, 2020)		
Total Handle	\$ 105,609,250	\$ 103,340,352	2.2%	Total Handle	\$ 1,055,770,505	
Total Kentucky Excise Tax	\$ 1,584,139	\$ 1,550,105	2.2%	Total Kentucky Excise Tax	\$ 15,836,558	
Average Daily Handle	\$ 3,520,308	\$ 3,333,560	5.6%	Total KY General Fund	\$ 5,563,422	

Note 1: Thoroughbred Development Fund receives .75% of TH at KD, EP, NR and DCG. The rate applies to half of the TH at KRM and OG.

Note 2: The Standardbred Development Fund receives 1.0% of half of the TH at KRM and OG.

Note 3: EIP Fund receives .2% of the TH with a fiscal year cap of \$650,000.

Note 4: EDR and HEF Funds each receive .1% of the TH with a fiscal year cap of \$320,000.

Note 5: Kentucky General Fund receives 1.5% of TH less Notes 1,2,3 and 4.

Note 6: Represents the net change in all wagering pools.

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
KENTUCKY HORSE RACING COMMISSION
AGENCY CASE NO. 18-TB-004
*Filed Electronically***

LEE J. ROSSI

APPELLANT

v.

KENTUCKY HORSE RACING COMMISSION

APPELLEE

KENTUCKY HORSE RACING COMMISSION'S FINAL ORDER

Mr. Rossi trained OUR BERNATTETE, who finished fourth in the seventh race at Churchill Downs on November 15, 2017. OUR BERNATTETE subsequently tested positive for dextromethamphetamine during post-race testing. Dextromethamphetamine is “street meth” and is classified as a Class A substance.

On May 17, 2017, the Commission issued Stewards’ Rulings 18-0058 and 18-0059. Those rulings suspended Mr. Rossi for 365 days and imposed a \$10,000.00 fine. The rulings also disqualified OUR BERNATTETE and ordered the forfeiture of the purse money. This appeal followed.

An administrative hearing was held on February 1 and 2, 2021 via Zoom. The appellant, Lee J. Rossi, was represented by Jay Ingle and Chris Hopkins. Appellee Kentucky Horse Racing Commission was represented by Jennifer Wolsing and T. Chad Thompson. Hon. Jim Howard presided as hearing officer.

The hearing officer issued his Recommended Findings of Fact, Conclusions of Law, and Recommended Order on June 17, 2021 (“Recommended Order”). The Racing

Commission's counsel timely filed exceptions on June 22, 2021. Appellant Lee Rossi responded on July 9, 2021.

At its regular meeting on August 17, 2021, the Kentucky Horse Racing Commission considered the record, the Recommended Order, the Commission's exceptions, and Mr. Rossi's response. The Commission also received independent legal advice from Public Protection Cabinet counsel. The Kentucky Horse Racing Commission now issues its Final Order, which adopts, in part and as modified herein, the Findings of Fact, Conclusions of Law, and Recommended Order issued by the hearing officer.

Summary of Evidence

The Commission adopts the Recommended Order's summary of Barbara Borden's testimony. The Commission adds to that summary the following facts:

1. Mr. Rossi suggested at the stewards' hearing that a groom named Mr. Hernandez was responsible for contaminating the horse. The stewards were unable to confirm that theory, despite repeatedly contacting Mr. Rossi for more information following the hearing, and subsequently attempting to locate Mr. Hernandez in order to interview him.
2. There was one reference to Mr. Hernandez urinating in a barn, but this occurred in June of 2017, approximately five (5) months before OUR BENATTETE's race."

The Commission also adopts the Recommended Order's summary of Dr. Bruce Howard's testimony.

The Commission adopts the Recommended Order's summary of Lorie Bishop's testimony, with the following caveats:

1. Ms. Bishop testified that she did not know whether 675 picograms per milliliter is considered to be a large or small amount of dextromethamphetamine in a racehorse.

The Commission adopts the Recommended Order's summary of Petra Hartmann's testimony, with the exception of the testimony about Ms. Hartmann's participation in a scholarly article. This testimony is irrelevant to the matter at hand, and should be ignored. While the article apparently advocates for a minimum regulatory threshold for dextromethamphetamine, the Commission's regulations do not allow for such a threshold. Instead, the Commission's regulations ban horses from racing while carrying any amount of dextromethamphetamine.

The Commission adopts the Recommended Order's summary of Lee Rossi's testimony.

Findings of Fact

The Commission largely adopts the Recommended Order's factual findings. However, the Commission adds the following facts:

1. Neither party could show where the dextromethamphetamine came from, or how it came to be administered to OUR BERNATTETE. This was in part because Mr. Rossi had already moved his entire operation out of state, to Louisiana, before the test results came back. Therefore, no search was done by the KHRC of the barn or other facilities to find any possible source. Likewise,

Mr. Rossi chose not to hire someone to test the barn or other facilities to find a source after his departure. Moreover, Mr. Rossi did not attempt to drug test any of his employees, or to track down any workers who had left his employment. Therefore, Mr. Rossi was unable to show where the drug came from, offering only speculation concerning a groom, Mr. Hernandez.

The Commission also rejects the following facts:

1. The Recommended Order found that Mr. Rossi did not intentionally administer dextromethamphetamine to OUR BERNATTETE, and that OUR BERNATTETE's positive test was the result of "accidental contamination." However, Mr. Rossi did not establish that the dextromethamphetamine found in OUR BERNATTETE was the result of environmental contamination. None of the four witnesses asked to opine on the subject testified that environmental contamination was a certainty—or even a probability. First, when Mr. Rossi's attorney asked Ms. Borden if the level of dextromethamphetamine suggested "environmental contamination," she testified that there was nothing presented to the stewards to make them think that the source of the medication positive was environmental contamination. Likewise, Dr. Howard also testified that he had not been presented with any information that would indicate exposure to OUR BERNATTETE through environmental contamination. Similarly, Ms. Bishop stated that she had not been presented with information that would indicate that OUR BERNATTETE was exposed to environmental contamination. Finally, Ms. Hartmann testified that she had also received no

information that would lead her to conclude that OUR BERNATTETE's positive was the result of environmental contamination.”

Conclusions of Law

The Commission disagrees with the Recommended Order's conclusion that the burden of proof remains with the Commission on all issues. In fact, pursuant to 810 KAR 1:018, Section 2(5), the burden of proof shifted to Petitioner upon the commission laboratory's presentation of a report of positive finding to the commission.

The Commission also disagrees with the Recommended Order's conclusion that the Stewards' Rulings are “disproportionate and unfair.” In short, the Commission is not persuaded by the Petitioner's argument that imposing a one-year suspension in this case is disproportionate and unfair. Petitioner's attempt to compare his case with those of David Vance and Luis Jurado is a false equivalence.

Mr. Vance and Mr. Jurado were trainers whose horses tested positive for dextromethamphetamine. Any similarities to Mr. Rossi's case ends with those facts. As Chief Steward Barbara Borden testified, both Mr. Vance and Mr. Jurado were able to identify “physical evidence” establishing the specific and likely source of their horses' positive tests.

Specifically, Mr. Vance drug tested his employees following his horse's medication positive. This testing process established that the source of the positive was likely a groom, who tested positive for dextromethamphetamine after having had regular, close contact with the horse in question. Mr. Jurado tested various locations

to which his horse had been exposed, which demonstrated that the likely dextromethamphetamine source was a horse trailer, which had transported the horse in question on a daily basis.

In this case, however, no such source was shown. Mr. Rossi admitted that he did not know whether Mr. Hernandez had actually administered or exposed dextromethamphetamine to OUR BERNATTETE. He further acknowledged that he did not even know whether Mr. Hernandez used dextromethamphetamine. In short, Petitioner had presented no evidence whatsoever regarding the source of the dextromethamphetamine positive, other than his own self-serving speculation.

Although the Commission must consider “any mitigating circumstances presented by the trainer,” the 2017 version of Kentucky’s trainer responsibility rule holds that a horse’s trainer is “strictly liable for any drug or medication violation.” *Kentucky Horse Racing Comm’n v. Motion*, 592 S.W.3d 739, 752 (Ky. App. 2019). “[I]t would be virtually impossible to regulate the administering of drugs to race horses if the trainers . . . could not be held accountable for the illicit drugging of their horses or for the failure either to safeguard their horses against such drugging or to identify the person actually at fault.” *Allen v. Kentucky Horse Racing Auth.*, 136 S.W.3d 53, 62 (Ky. App. 2004). Therefore, in this case, as all others before the Commission, it is “really immaterial whether ‘guilt’ should be ascribed either directly or indirectly to the trainer.” *Motion*, 592 S.W.3d at 752.

As such, Mr. Rossi’s denials of administering dextromethamphetamine to OUR BERNATTETE, without further corroborating evidence, cannot constitute an

affirmative defense, lest the exception swallow the rule. “Horse racing, at its best, is difficult to control, and would be practically impossible to regulate if every governing rule and regulation was made dependent for validity upon the knowledge or motives of the person charged with a violation.” *Allen*, 136 S.W.3d at 62. It would be “almost impossible to prove guilty knowledge or intent in [medication violation cases] and the futility of prosecutions under a rule requiring probative evidence of guilty knowledge and intent would eventually leave the public interest and welfare to the mercy of the unscrupulous.” *Id.*

Final Order

Therefore, based upon the foregoing findings of fact and conclusions of law, and pursuant to KRS 13B.120 and 810 KAR 1:018 Section 15 (2017), the Kentucky Horse Racing Commission HEREBY ORDERS AS FOLLOWS:

1. Except as modified herein, the Findings of Fact, Conclusions of Law, and Recommended Order issued by the Hearing Officer on June 17, 2021, and attached hereto, are adopted in full and incorporated by reference into this Final Order.
2. Stewards’ Rulings 18-0058 and 18-0059 are hereby affirmed.
3. OUR BERNATTETE is hereby disqualified and all purse money is forfeited. Pari-mutuel wagering is not affected by this Final Order. All purse monies must be returned to the association. The purse of this race is ordered to be redistributed as set forth in Stewards’ Ruling 18-0059.

4. Petitioner Lee Rossi is hereby suspended THREE HUNDRED SIXTY FIVE (365) days: December 1, 2021 through December 1, 2022 (inclusive) and fined TEN THOUSAND (\$10,000.00) DOLLARS. Entry of all horses owned or trained by Mr. Rossi is denied pending transfer to persons acceptable to the stewards. Upon receipt of this ruling, Mr. Rossi is required within thirty (30) days to pay any and all fines imposed to the Kentucky Horse Racing Commission. Failure to do so will subject him to summary suspension of his license per 810 KAR 1:025 Section 14(cc).

Notice

This is a FINAL AND APPEALABLE ORDER. The effective date of this Order shall be the date reflected on the certificate of service attached to this Order.

A final order of the Kentucky Horse Racing Commission may be appealed pursuant to KRS 13B.140(1), which states:

All final orders of an agency shall be subject to judicial review in accordance with the provisions of this chapter. A party shall institute an appeal by filing a petition in the Circuit Court of venue, as provided in the agency's enabling statutes, within thirty (30) days after the final order of the agency is mailed or delivered by personal service. If venue for appeal is not stated in the enabling statutes, a party may appeal to Franklin Circuit Court or the Circuit Court of the county in which the appealing party resides or operates a place of business. Copies of the petition shall be served by the petitioner upon the agency and all parties of record. The petition shall include the names and addresses of all parties to the proceeding and the agency involved, and a statement of the grounds on which review is requested. The petition shall be accompanied by a copy of the final order.

SO ORDERED this __ day of September, 2021.

Jonathan Rabinowitz, KHRC Chairman

Certificate of Service

This is to certify that a true and correct copy of the foregoing Final order was served via electronic mail on this the __ day of September, 2021 upon the following:

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Hearing Officer

Joanna Ricci, Docket Clerk
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