

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

Date: March 19, 2020 at 2:00 PM

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

Members Present: Chairman Franklin S. Kling, Jr.; Vice-Chairman Frank Jones, Jr.; Commissioner James Gatewood Bell, Jr.; Commissioner Stuart E. Brown, II, DVM; Commissioner Kerry T. Cauthen; Commissioner Patrick A. Day; Commissioner Douglas A. Hendrickson; Commissioner Lesley Ann May Howard; Commissioner Kenneth A. Jackson; Commissioner Brereton C. Jones, Jr.; and Commissioner Foster Northrop, DVM; Commissioner Charles O'Connor; Commissioner J. David Richardson, M.D.; and Commissioner Mark Simendinger

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

KHRC Staff Participating/Present: Marc A. Guilfoil, Executive Director; Jennifer Wolsing, General Counsel; Waqas Ahmed, Resource Management Analyst; and Susan Nash, Executive Administrative Secretary

Others Participating: Mike Zeigler, Executive Director of Racing, Churchill Downs; Ted Nicholson, Senior Vice-President and General Manager, Kentucky Downs; Ken Mimmack, Board Manager, Ellis Park

<i>AGENDA ITEM</i>	<i>TRANSCRIPT PAGE NUMBER(S)</i>	<i>DISCUSSION / CONCLUSIONS / RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<b>I. Call to Order and Roll Call</b>	4 – 5	Meeting called to order and roll call performed by Chairman Kling. A quorum was recognized.	No action taken.
<b>II. New Business</b> <b>Tab 1 Proposal for Ordinary Regulation and Emergency Regulation Related to Temporary Unsuitability of Licensed Premises</b>	5 – 10  5 – 7	Chairman Kling requested a motion from the Commission to address the request submitted by Churchill Downs, Inc. to approve the proposed new emergency regulation, 810 KAR 2:090E, and the proposed new ordinary regulation, 810 KAR 2:090. Motion by Vice-Chairman Jones. Second by Commissioner Northrop.  Ms. Wolsing presented Churchill Downs' request as outlined in the agenda materials.	Chairman Kling called for a roll call vote to approve the proposed emergency and ordinary regulation as presented. All Commissioners participating voted "yes." Motion carried

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			with no objections or abstentions.
<p><b>Tab 2. Churchill Downs' Presentation Regarding Proposed Alternate Premises</b></p>	<p>10 – 22</p> <p>10 – 18</p> <p>18</p> <p>18 – 21</p>	<p>Chairman Kling stated that Mike Ziegler has a presentation related to Turfway Park's Proposed Track Extension at the Newport Shopping Center, no action is required by the Commission for the 1<sup>st</sup> part of this agenda item.</p> <p>Mr. Ziegler presented on behalf of Turfway Park as outlined in the agenda materials and answered questions from the Commissioners.</p> <p>Chairman Kling requested a motion from the Commission on the second part of this agenda item to delegate the Commission's authority to Executive Director Guilfoil to address the request submitted by Churchill Downs, Inc. to approve the proposed alternative premises at the Newport Shopping Center. Motion by Vice-Chairman Jones. Second by Commissioner Richardson.</p> <p>Ms. Wolsing presented Churchill's proposal to occupy an alternate facility under 810 KAR 2:090E as outlined in the agenda materials. She noted that although the Commission voted to approve the proposed emergency regulation under Tab 1 above, that the emergency regulation would not become effective until signed by Governor Beshear and Secretary Harvey, and filed with the Legislative Research Commission (LRC).</p> <p>She further noted until the emergency regulation became effective there would be no regulation on the books pursuant to which the Commission could approve or deny Turfway Park's request. Therefore, and Turfway Park would not be able to proceed with their proposed alternative premises. Accordingly, to avoid the necessity of calling another special meeting, the Commission was asked to</p>	<p>Informational item only. No action taken.</p> <p>Chairman Kling called for a roll call vote to approve delegation of the Commission's authority to Executive Director Guilfoil to approve the request as presented. All Commissioners participating voted "yes." Motion carried, with no objections or abstentions.</p>



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III. Adjournment	28 – 30	Chairman Kling requested a motion to adjourn. Motion by Commissioner Cauthen. Second by Commissioner Northrop. Meeting adjourned.	Chairman Kling called for a roll call vote to adjourn. All Commissioners participating voted “yes.” 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.