



Andy Beshear
GOVERNOR

**FINANCE AND ADMINISTRATION CABINET
LEGAL SERVICES FOR
DEPARTMENT OF REVENUE**

P.O. Box 423
Frankfort, Kentucky 40602-0423
Phone: (502) 564-9581

Holly M. Johnson
SECRETARY

Thomas B. Miller
COMMISSIONER

Barbara Dickens
GENERAL COUNSEL

June 22, 2026

O-26-52R

VIA ELECTRONIC MAIL ONLY - PLEASE CONFIRM RECEIPT

Paul Oliva
The Lexington Times
editor@lexingtonky.news

RE: YOUR OPEN RECORDS REQUEST TO THE KENTUCKY DEPARTMENT OF REVENUE

Dear Mr. Oliva,

The Department of Revenue (the "Department") is in receipt of your Open Records Request, dated and received on Friday, June 12, 2026. Specifically, you requested the following:

Pursuant to the Kentucky Open Records Act, KRS 61.870–61.884, I request copies of the following records concerning the Red Mile Project tax increment financing agreement (KEDFA, KRS 154.30 Commonwealth Participation Program; developer Lexington Trots Breeders Association, LLC; Fayette County). The Cabinet for Economic Development, in its June 12, 2026 response to a related request, referred me to your office for these records, and its production shows that annual increment requests are transmitted to the Department's TIF team (most recently the "Red Mile and Midland Increment requests 2025," transmitted by the Cabinet on May 28, 2026).

1. The Department's verification letters, calculations, and release determinations for each annual incremental-revenue request for the Red Mile Project, calendar years 2015 through 2025 — including the amounts requested, the amounts approved or released, and any adjustments (the Cabinet's production shows the Department adjusted the 2020 and 2021 requests).

2. Records sufficient to show the cumulative incremental revenues released to the project to date against the approved incentive cap.

3. Any Department analysis, determination, or correspondence concerning the treatment

of historical horse racing / "Instant Racing" receipts or wagering-related payroll (e.g., KRM Wagering, LLC withholding) in the increment calculations for this project — including any reassessment after historical horse racing's legal status changed in 2020–2021, and any consideration of the agreement's alternate incentive cap.

I am a member of the news media (The Lexington Times). Electronic delivery (PDF/CSV) to this address is preferred. If any portion is withheld, please cite the specific exemption under KRS 61.878 and release the remainder per KRS 61.878(4). If fees will exceed \$10, please advise before incurring them. Note that I am requesting existing records — the verification letters and release records your office generates in the ordinary course — not the compilation of new data.

Thank you. I look forward to your response within the timeframe provided by KRS 61.880(1).

RESPONSE: The Department is complying with your request. Due to the broad nature of your request, however, spanning more than ten (10) years, the Department needs additional time to search for responsive records from 2015-2019. The Department will provide a final response as to those records no later than July 15, 2026. For the date range of 2020 – the present, responsive records are attached.

Please be advised that some of the documents have been redacted or withheld, as they are exempt from disclosure pursuant to KRS 131.190(1), which is incorporated into the Open Records Act by KRS 61.878(1)(k) and (l). Specifically, we have redacted individual taxpayer identification numbers and any actual taxpayer return document.

Moreover, some documents may have been withheld due to the document's preliminary nature and the lack of a final action by the agency, pursuant to KRS 61.878(1)(i).

Finally, the Department also believes that further records you seek may be under the custody and control of the Cabinet for Economic Development, who is the Custodian of Record pursuant to KRS 61.870(5). Pursuant KRS 61.872(4), the Department is providing their contact information below.

Legal Department
Attn: Open Records Requests
Kentucky Cabinet for Economic Development
500 Mero Street, 5th Floor
Frankfort, KY 40601
CEDOpenRecords@ky.gov

Should you wish to appeal this response, you may do so by filing a complaint with the Attorney General's Office, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601 pursuant to KRS 61.880(2), or by filing an original action in Franklin Circuit Court under KRS 61.882. If you first appeal to the Attorney General, but are dissatisfied with the Attorney General's decision, you may further appeal to Circuit Court, pursuant to KRS 61.880(5).

Should you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,

/s/ B. Leigh Powers

Boyce Leigh Powers, Esq.
Office of Legal Services for Revenue
Finance and Administration Cabinet
286 Mill Creek Park, Bldg. 11, Suite 130
Frankfort, Kentucky 40601
Phone: (502) 564-1322
Facsimile (502) 564-4044
Leigh.Powers@ky.gov