

## **In the Matter Of:**

*INDIANA HORSE RACING COMMISSION MEETING*

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### **Transcript of Proceedings**

*March 26, 2024*

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2  
3 INDIANA HORSE RACING COMMISSION MEETING

4 HELD ON

5 MARCH 26, 2024

6 11:00 A.M.

7  
8 HARRAH'S HOOSIER PARK RACING AND CASINO

9 4500 DAN PATCH CIRCLE

10 ANDERSON, INDIANA

11  
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16 TAKEN BY:

17 ROBIN P. MARTZ, RPR

18 NOTARY PUBLIC

19  
20  
21  
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23  
24 STEWART RICHARDSON & ASSOCIATES  
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APPEARANCES

Philip Borst, DVM, Chairman  
Gus Levengood  
Becca McCuaig  
William McCarty

Deena Pitman, Executive Director

Matthew Eggiman, Esq.  
David Rothenberg, Esq.  
Dale Pennycuff, Esq.

INDIANA HORSE RACING COMMISSION  
1302 North Meridian Street, Suite 175  
Indianapolis, IN 46202

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1 CHAIRMAN BORST: Welcome to the March 26th  
2 Indiana Horse Racing Commission meeting. I'm going  
3 to start by swearing in our reporter.

4 (At this time the oath was administered to the  
5 court reporter by Chairman Borst.)

6 CHAIRMAN BORST: Again, we want to thank  
7 Hoosier Park, Rick Moore for hosting us. It works  
8 out very nicely to be here. Also I want to  
9 introduce, we have a new commission member. Becca  
10 McCuaig is here. And we're trying to indoctrinate  
11 her to learn all there is about the sport, and  
12 there's a lot to learn as you know. So welcome to  
13 you.

14 COMMISSIONER MCCUAIG: Thank you.

15 CHAIRMAN BORST: We have four commissioners  
16 here. Commissioner Estes could not be here so it's  
17 just the four of us.

18 First is for approval of the memorandum from  
19 the November 30, 2023, meeting and executive  
20 session. Do we have a motion and second?

21 COMMISSIONER LEVENGOOD: So moved.

22 COMMISSIONER MCCARTY: Second.

23 CHAIRMAN BORST: Moved and seconded. All  
24 those in favor say "aye."

25 THE COMMISSION: Aye.

1 CHAIRMAN BORST: Okay. Moving on to agenda  
2 item, Consideration of Settlement Agreement between  
3 Indiana Horse Racing Commission Staff and Marvin A.  
4 Johnson. Matt, are you going to take that?

5 MR. EGGIMAN: Thank you, Chairman Borst.  
6 Commissioners, you have in your packet the  
7 settlement agreement that was fully executed last  
8 month between Commission Staff and trainer Marvin  
9 Johnson. After initially summarily suspending  
10 Mr. Johnson on July 4th of 2022 and then holding an  
11 evidentiary hearing later that year, the stewards  
12 at Horseshoe Indianapolis issued a ruling  
13 suspending Mr. Johnson for a period of one year  
14 beginning July 4th of 2022 and a fine of \$5,000.

15 Mr. Johnson timely appealed the stewards'  
16 ruling. Counsel for both parties then entered into  
17 settlement discussions which resulted in the  
18 agreement before you today. Mr. Johnson agreed to  
19 serve the one-year suspension with the time already  
20 having been served and pay a fine of \$1,000 for the  
21 violation charged in the stewards' ruling.

22 At this time Commission Staff respectfully  
23 requests approval of the settlement agreement  
24 between Commission Staff and Mr. Marvin Johnson.

25 COMMISSIONER LEVENGOOD: So moved.

1 COMMISSIONER MCCUAIG: Second.

2 CHAIRMAN BORST: Been moved and seconded. Any  
3 Commissioners questions or comments? Seeing none,  
4 all those in favor say "aye."

5 THE COMMISSION: Aye.

6 CHAIRMAN BORST: Opposed?

7 (No response.)

8 CHAIRMAN BORST: The ayes have it. Number  
9 two, Consideration of Agreement between horse  
10 racing commission staff and Christy R. Johnson.

11 MR. EGGIMAN: Thank you, Chairman Borst.  
12 Again, in your packet you will have the settlement  
13 agreement that was fully executed last month  
14 between Commission Staff and assistant trainer  
15 Christy Johnson. After two separate hearings in  
16 October of 2022 involving two separate violations,  
17 the stewards at Horseshoe Indianapolis issued two  
18 rulings; one was a ruling suspending Ms. Johnson  
19 for a period of one year beginning October 4, 2022,  
20 and a fine of \$5,000. The second ruling suspended  
21 Miss Johnson for 90 days, also beginning October 4,  
22 2022.

23 Miss Johnson timely appealed the stewards'  
24 rulings. Counsel for both parties then entered  
25 into settlement discussions, which resulted in the



1 settlement agreement you have before you. Miss  
2 Johnson agreed to serve the one-year suspension and  
3 the 90-day suspension with the time already having  
4 been served and pay a fine of \$1,000 for the  
5 violation charged in the stewards' rulings.

6 At this time Commission Staff respectfully  
7 requests approval of the settlement agreement  
8 between Commission Staff and Miss Christy Johnson.

9 COMMISSIONER LEVENGOOD: So moved.

10 COMMISSIONER MCCUAIG: Second.

11 CHAIRMAN BORST: Been moved and seconded. Any  
12 further Commission comments, questions? Seeing  
13 none, all those in favor say "aye."

14 THE COMMISSION: Aye.

15 CHAIRMAN BORST: Opposed?

16 (No response.)

17 CHAIRMAN BORST: The ayes have it. Next is  
18 review of 2024 year-to-date Commission rulings as  
19 of March 1, 2024. We don't need to take any action  
20 on it. It's there in case any Commission members  
21 have any questions or comments.

22 COMMISSIONER LEVENGOOD: None.

23 CHAIRMAN BORST: Seeing none, we will move on  
24 to number four, Consideration and ratification of  
25 the 2024 breed development committee programs.

1 Jessica will come down for that. We're going to do  
2 the ratification of Executive Director Pitman's  
3 approval of the 2024 Thoroughbred Breed  
4 Development, ratification of Executive Director  
5 Pitman's approval of the 2024 Quarter Horse Breed  
6 Development, and then the new one that we will vote  
7 on is the consideration and approval of the 2024  
8 Standardbred Advisory Board's County Fair Harness  
9 Racing program. Jessica. It's hard to see you. I  
10 hope it's you.

11 JESSICA BARNES: Good morning, Commissioners.  
12 It is me.

13 CHAIRMAN BORST: I feel like we're on stage  
14 here. We should dance or sing or do something.  
15 Welcome, Jessica.

16 JESSICA BARNES: Good morning. If you'll  
17 remember at the November meeting, the Thoroughbred  
18 and Quarter Horse breed development programs as  
19 well as the Standardbred Advisory Board programs  
20 were not yet finalized due to figuring purse  
21 numbers and information that we needed to work with  
22 for the tracks. So I asked at that meeting the  
23 Commission to delegate to the executive director  
24 the ability to approve those programs when they  
25 were done.

1           So the Thoroughbred Breed Development  
2 committee met with the track in January, and we  
3 finalized our program. The program is very similar  
4 to last year's program. We've change a couple of  
5 names. So we changed the Brickyard to the Nobody  
6 Listens. And with input from the horsemen's  
7 groups, we changed a distance of the Hoosier  
8 Sophomore Breeders and Hoosier Sophomore Breeders  
9 Filly race. But other than that, the program  
10 pretty much mirrors the program that we had the  
11 year before.

12           We worked closely with the racetrack with Eric  
13 Halstrom, the HBPA, and ITOBA throughout the year  
14 to have the ability for the track to adjust the  
15 base purse. As racing opportunities are needed for  
16 the racetrack, and it becomes necessary to fill  
17 more Indiana-bred races, that ability to adjust the  
18 base purse allows us to make adjustments to the  
19 program that are needed throughout the year.

20           So I respectfully ask the Commission to  
21 approve the Thoroughbred Breed Development, to  
22 approve the Executive Director's approval of the  
23 Thoroughbred Breed Development program. And I  
24 would also be happy to answer any questions you  
25 have.

1 CHAIRMAN BORST: Do we have any?

2 COMMISSIONER LEVENGOOD: Are you going to take  
3 them as a total or individually?

4 CHAIRMAN BORST: Probably should do them  
5 individually, shouldn't we?

6 MR. EGGIMAN: Yes, do it as individual.

7 CHAIRMAN BORST: Okay. I'll take a motion for  
8 the Thoroughbred Breed Development program.

9 COMMISSIONER LEVENGOOD: So moved.

10 COMMISSIONER MCCARTY: Second.

11 CHAIRMAN BORST: Second. Moved and seconded.

12 Any questions on the program for Jessica? Seeing  
13 none, all those in favor say "aye."

14 THE COMMISSION: Aye.

15 CHAIRMAN BORST: Opposed?

16 (No response.)

17 CHAIRMAN BORST: The "ayes" have it.

18 JESSICA BARNES: Next up is the Quarter Horse  
19 Breed Development proposal. Again, we made a few  
20 minor modifications with input from the racetrack  
21 and from QHRAI, the horsemen, which was to modify  
22 the distance of the Gordon Mobley and Jaguar Rocket  
23 from 300 yards to 350 yards. That will give those  
24 races an opportunity for better national  
25 recognition in the long run having that distance

1 changed. And then also they wanted to put in there  
2 to modify the distance of the Miss Roxy Little for  
3 next year's program just so we could give horsemen  
4 a heads up that that is coming.

5 And we made some increase to the entry fees  
6 for a couple of the races. They thought that was  
7 in the best interest of the program. Having people  
8 pay a little bit more to get in, that in turn is  
9 going to boost those purses for those stakes races  
10 at the racetrack. But other than that, the program  
11 pretty much mirrors the program that we had the  
12 year before.

13 So I would respectfully ask the Commission's  
14 approval of the Executive Director's approval of  
15 the Quarter Horse Breed Development program.

16 CHAIRMAN BORST: Do I have a motion?

17 COMMISSIONER MCCARTY: I move for approval of  
18 the Executive Director's recommendation or her  
19 approval.

20 COMMISSIONER MCCUAIG: I'll second that.

21 CHAIRMAN BORST: Been moved and seconded. Any  
22 questions for Jessica on the program? Seeing none,  
23 all those in favor say "aye."

24 THE COMMISSION: Aye.

25 CHAIRMAN BORST: Opposed?

1 (No response.)

2 CHAIRMAN BORST: The "ayes" have it.

3 JESSICA BARNES: The last one is the Indiana  
4 Standardbred Advisory Board's program. And this is  
5 the, the Standardbred Advisory Board is the board  
6 that came over years ago from Office of Commission  
7 of Agriculture that used to be the Standardbred  
8 Board of Regulations that primarily deals with the  
9 county fair program.

10 So they receive an appropriation from actually  
11 the horse racing commission's budget. And those  
12 dollars are used primarily to fund the drug testing  
13 program at the county fairs and the staff that goes  
14 along with that. There's also ADW money that is  
15 earmarked for promotion of the county and state  
16 fair that is utilized by this board to help with  
17 operational and promotional costs at the county  
18 fair.

19 So their program is fairly similar to last  
20 year's. Last year, if you'll remember, we had a  
21 fair program out here at Hoosier Park that we  
22 thought went over pretty well. It was two nights  
23 of racing where those horses that typically would  
24 race at the county fairs wouldn't have the  
25 opportunity to race here, and it had those horses

1 have an opportunity to start. We had some pretty  
2 nice handle those nights so it was received well.  
3 And we will continue that for this year.

4 So this not been approved by the executive  
5 director. So I'm requesting Commission approval  
6 for this program.

7 CHAIRMAN BORST: Any? Do we have a motion and  
8 a second?

9 COMMISSIONER MCCARTY: I move to approve the,  
10 to consider and approve the Standardbred program.

11 COMMISSIONER LEVENGOOD: Second.

12 CHAIRMAN BORST: Been moved and seconded. Any  
13 questions by Commission members? Seeing none, all  
14 those in favor say "aye."

15 THE COMMISSION: Aye.

16 CHAIRMAN BORST: Opposed?

17 (No response.)

18 CHAIRMAN BORST: The "ayes" have it.

19 JESSICA BARNES: Thank you.

20 CHAIRMAN BORST: Thank you. I'm glad you got  
21 them all together and ready to roll.

22 Next is the approval of the RMTTC certified  
23 split sample laboratories for twenty-twenty -- it  
24 says 2023 and beyond. Is that right?

25 EXECUTIVE DIRECTOR PITMAN: No, it's 2024.

1           CHAIRMAN BORST: I was going to say. We  
2 already did that last year. Dr. Peterson is going  
3 to -- we're down to two labs.

4           DR. PETERSON: Good morning, Mr. Chairman,  
5 Commissioners. Before you, you have the split  
6 sample laboratory fact sheet. It's got the two  
7 laboratories that will provide split sample testing  
8 for 2024. We are in the process of looking for a  
9 third laboratory. Unfortunately, in November of  
10 2023, Texas A & M decided to step aside from the  
11 RMTTC accreditation program so they would no longer  
12 accept split samples.

13           To date, there are only six RMTTC accredited  
14 laboratories in the United States, and we use three  
15 of them currently; Industrial Lab is our primary  
16 testing laboratory and then the UC Davis and  
17 University of Illinois Chicago. So we've got three  
18 other options, one of which we used in the past  
19 Pennsylvania, but unfortunately they don't allow us  
20 to do billing appropriately through the state.  
21 Then the other two are New York and Ohio.

22           So I'll be doing some phone calls and seeing  
23 if we can get a third laboratory. If that happens,  
24 we'll have that for potentially the next Commission  
25 meeting or Executive Director Pitman can approve in



1 the interim.

2 CHAIRMAN BORST: Okay. There's certainly a  
3 big difference between these two labs and what they  
4 charge.

5 DR. PETERSON: Oh, absolutely.

6 CHAIRMAN BORST: California is double.

7 DR. PETERSON: Everything is doubled in  
8 California.

9 CHAIRMAN BORST: You're right. Do we have a  
10 motion to approve these labs?

11 COMMISSIONER LEVENGOOD: So moved.

12 COMMISSIONER MCCUAIG: Second.

13 CHAIRMAN BORST: Moved and seconded. Any  
14 questions for Dr. Peterson on any of the labs?  
15 Seeing none, all those in favor say "aye."

16 THE COMMISSION: Aye.

17 CHAIRMAN BORST: Opposed?

18 (No response.)

19 CHAIRMAN BORST: The "ayes" have it. I hope  
20 you can get another lab on there.

21 Next is consideration and request from the  
22 Indiana Thoroughbred Owners and Breeders  
23 Association to transfer the ADW funds. Who's going  
24 to?

25 PAT MCGHEE: Good morning, Pat McGhee,

1 president of ITOBA. Yeah, we're asking in  
2 cooperation with breed development, HBPA, and the  
3 track to move \$176,000 from our ADW account to  
4 Horseshoe Indianapolis in support of this year's  
5 signature elevated handicapped races. I guess they  
6 still want to call them stakes races, but we are  
7 not allowed to do that.

8 We are using our funds to support six of those  
9 races, which we worked together on purses including  
10 our \$250,000 signature race for Indiana-sired colts  
11 and breds, as well as \$200,000 races for the  
12 Indiana fillies sired and breds. In addition we,  
13 do spend about 10,000 of that 176,000 to offer some  
14 owner bonuses who enter the ITOBA stakes to race in  
15 an open race for our top three sired finishers.

16 So on behalf of HBPA and Quarter Horse and  
17 Standardbred, we've all worked together to put  
18 together a great program this year. We  
19 respectfully request your approval of our ADW  
20 monies being moved.

21 CHAIRMAN BORST: Do we have a motion and  
22 second?

23 COMMISSIONER LEVENGOOD: So moved.

24 COMMISSIONER MCCARTY: Second.

25 CHAIRMAN BORST: Been moved and seconded. Any

1 questions at all for Pat? I guess not. All those  
2 in favor say "aye".

3 THE COMMISSION: Aye.

4 CHAIRMAN BORST: Opposed?

5 (No response.)

6 CHAIRMAN BORST: The "ayes" have it. Thank  
7 you. Thank you for the good explanation. That  
8 helps to know where it all is going.

9 Next is review of ISA and HBPA agreements. Do  
10 you want to start that, David?

11 MR. ROTHENBERG: Yes. Back in November you  
12 approved the tracks contingent upon these  
13 agreements being signed and reviewed. And they  
14 have these agreements. They are in your books.

15 I would ask: Is Tony here? Or John, either  
16 person or both, who knows, to come up and maybe  
17 just give a real quick overview of the agreement or  
18 answer any questions you might have over the ISA.

19 TONY RENZ: Sure. Good morning, Chairman,  
20 Commissioners, Tony Renz, executive director for  
21 the Indiana Standardbred Association. In speaking  
22 on the agreement with Hoosier Park, after having  
23 five amendments to the original, the Indiana  
24 Standardbred Association Board of Directors, along  
25 with Hoosier Park management, updated and made

1 several changes to the 2024 horsemen's agreement.  
2 All spent several months honing through this  
3 agreement prior to it being fully executed on  
4 February 26, 2024. A few changes we did make, we  
5 made the agreement to require signatures and review  
6 annually at the end of each year after the meets is  
7 complete.

8 We added the language racing to occur annually  
9 between 160 and 180 days just to match the statute.  
10 We had clarification that no stall rent nor  
11 dormitory rent shall be charged to horsemen during  
12 live racing and winter training at any time.  
13 Hoosier Park increased the accidental medical  
14 expense to 250,000. And due to the race meet  
15 stopping in November versus December, the daily  
16 race fees charged to the purse account went from  
17 330,000 to 272,000.

18 As you can see many of the changes were simply  
19 cleaning up the aged agreement and clarifying some  
20 of the language. The ISA appreciates Joe Morris  
21 and Rick Moore for methodically working through the  
22 process with us. We look forward to a successful  
23 2024 meet. We encourage everyone to come to the  
24 track. That is our goal this year is to bring  
25 people back to the track. Our expectations are to

1 reopen everything. I'm available for any  
2 questions.

3 CHAIRMAN BORST: Any questions for Tony and  
4 Standardbred? No.

5 TONY RENZ: Thank you.

6 CHAIRMAN BORST: So who's going to do the  
7 HBPA?

8 MR. ROTHENBERG: I think Brian is going to  
9 come up from HBPA.

10 CHAIRMAN BORST: Brian's still ticking, still  
11 going.

12 MR. ROTHENBERG: Yeah, still going.

13 BRIAN ELMORE: Good morning, Mr. Chairman,  
14 Brian Elmore, employee of HBPA.

15 CHAIRMAN BORST: Employee, when I saw that  
16 signature it said employee, I had to laugh a little  
17 bit.

18 BRIAN ELMORE: Commissioners, Staff, personal  
19 welcome Commissioner McCuaig to our industry. I  
20 hope you enjoy it. It's exciting. It's fun. It's  
21 our passion. We love it.

22 Regarding the HBPA contract, this was before  
23 Executive Director Glyshaw started so I was  
24 involved in that. And there were three items that  
25 we wanted to talk about with management, general

1 manager and vice president of racing Eric Halstrom  
2 and racing secretary Chris Polzin. We had  
3 difficulty getting our schedules together a little  
4 bit. First of all, it was imperative to us as we  
5 look forward to maintain, maintain first of all our  
6 Indiana Thoroughbred breed development program in  
7 the number of races that we run and the purse money  
8 we run for with the purses.

9 Secondly, there was some suggestions that we  
10 wanted to make about the condition book. And Chris  
11 Polzin was very receptive to that and made some  
12 modifications. That made us feel very much more  
13 comfortable.

14 Thirdly is this, for the horsemen their  
15 biggest question they want to know is how much  
16 money do we have, how much money is in the purse  
17 account. It's no different than any of you in the  
18 job you're taking, what am I going to make.

19 So Mr. Halstrom has assured us he is going to  
20 get us very timely updated information. He's going  
21 to do projections, and he's going to come back with  
22 actuals, which may be 30 days in arrears but to  
23 really give us a good snapshot to know where we're  
24 going and if we're trending up or trending down a  
25 little bit.

1           So once those issues were resolved, our HBPA  
2 voted unanimously to accept this contract. Any  
3 questions?

4           CHAIRMAN BORST: Any questions for Brian?  
5 Seeing none, I'll accept a motion. Any second.

6           COMMISSIONER LEVENGOOD: So moved.

7           COMMISSIONER MCCARTY: Second.

8           CHAIRMAN BORST: Been moved and seconded. Do  
9 we need to do them separately?

10          MR. ROTHENBERG: Chairman, you don't even  
11 really need to vote on it because you accepted it  
12 contingent upon these being submitted. This was  
13 more questions.

14          COMMISSIONER LEVENGOOD: So I withdraw my  
15 motion.

16          MR. ROTHENBERG: Save it for later.

17          CHAIRMAN BORST: We'll be supportive. Thank  
18 you. Next is consideration and approval of  
19 Horseshoe Indianapolis's 2024 Thoroughbred and  
20 Quarter Horse racing official list.

21          MR. ROTHENBERG: So Commissioners, pursuant to  
22 71 IAC 3.5-1-3, Horseshoe Indianapolis is required  
23 to submit its list of racing officials for  
24 Commission approval. Horseshoe Indianapolis has  
25 indeed submitted its flat racing official list for

1 2024 race meet. Eric Halstrom is here, and he'll  
2 make a few comments and answer any questions you  
3 might have. Afterwards a vote is required.

4 CHAIRMAN BORST: Okay. Eric.

5 ERIC HALSTROM: Thank you. Eric Halstrom,  
6 vice president general manager of Horseshoe  
7 Indianapolis. Mr. Rothenberg stole my thunder  
8 there. This is our annual request for the  
9 employees that run our program, racing officials  
10 and whatnot. I've spoken with Miss Pitman a week  
11 or so ago. This tends to be kind of fluid  
12 throughout the year. People come. People go  
13 especially when you're running for seven months  
14 like that. But this is the group that we think  
15 will start.

16 There have been some changes. You can see the  
17 notation on the request. As always, when somebody  
18 does come or someone goes, I work with Eric Smith  
19 and the stewards as far as making sure that their  
20 replacements are suitable for IHRC standards.

21 CHAIRMAN BORST: I see it looks like there's  
22 about four changes there with a little red  
23 asterisk. That helps. Any questions for Eric on  
24 the official list? Seeing none, I'll accept a  
25 motion and second.



1 COMMISSIONER LEVENGOOD: I get to use the old  
2 one. So moved.

3 COMMISSIONER MCCARTY: And my second.

4 CHAIRMAN BORST: Been moved and seconded. If  
5 there are no questions, all those in favor say  
6 "aye."

7 THE COMMISSION: Aye.

8 CHAIRMAN BORST: Opposed?

9 (No response.)

10 CHAIRMAN BORST: The "ayes" have it.

11 Next is the consideration of Horseshoe  
12 Indianapolis's request to amend the expected 2023  
13 capital -- why does that say 2023?

14 EXECUTIVE DIRECTOR PITMAN: It's '24.

15 MR. ROTHENBERG: Living in the past.

16 CHAIRMAN BORST: I'm on the old agenda.

17 EXECUTIVE DIRECTOR PITMAN: We have the new  
18 one out there.

19 CHAIRMAN BORST: Anyway, expected 2024 Capital  
20 Expenditures Equipment Plan and substitute with  
21 alternate 2024 purchases. Eric again.

22 ERIC HALSTROM: Commissioners, so you have a  
23 list in front of you. This is a -- the rolling  
24 capital list here now is about six years old. In  
25 the conversation Miss Pitman and I had last week

1 trying to explain a little bit of there was an  
2 escalator in pricing and different equipment that  
3 we thought six years ago would need to be  
4 purchased. It's really hard to hit that right on  
5 the button at this point.

6 This was a year where most of the capital that  
7 was in there, we needed. We had some vehicles that  
8 needed to be replaced. We also had several  
9 slightly less used vehicles that we planned on  
10 keeping and moving into less critical positions.

11 As but as every year, you know, the shock  
12 factor, I went through this and explained to Miss  
13 Pitman the escalating of the percentage that we  
14 assumed from 2018 to 2024 is just not even in the  
15 realm of -- we all know that. So a lot of these  
16 vehicles are far more expensive. We kind of  
17 economized and tried to get a real good assessment  
18 of what we've got and then had a little bit left  
19 over to try to buy some things we need.

20 We're seeing with the year-round training, one  
21 thing that we're going to come back with a lot are  
22 these harrows. They have really taken a beating  
23 over the winter. We have a request for three of  
24 those in there. Some snow pushers, which this  
25 winter we got through without much trouble but you

1 know darn well we'll need them at some point.

2 Then we've had a couple other things, a gator.  
3 We've got some HISA requirements that have made  
4 some issues with getting people around our facility  
5 and whatnot. But normal things that I think we  
6 have come to this and let you know at least our  
7 staff tried to do a thorough process of getting new  
8 vehicles in, keeping the good ones, and then  
9 filling in what else we need for right now.

10 CHAIRMAN BORST: So the spend is about 15 and  
11 a half thousand more than the program.

12 ERIC HALSTROM: Correct.

13 CHAIRMAN BORST: Getting stuff you need as  
14 opposed to just buying stuff.

15 ERIC HALSTROM: Yes, Mr. Chairman.

16 CHAIRMAN BORST: Any questions for Eric on  
17 capital maintenance?

18 COMMISSIONER MCCUAIG: With the harrows, you  
19 said it's due to the wear and tear that you're  
20 asking for three. Can you explain that a little  
21 more.

22 ERIC HALSTROM: Sure. We've gone, this is our  
23 third year of wintertime training. We're seeing  
24 that the colder surfaces in the winter just take  
25 more wear and tear on the harrows. The harrows are

1 the ones that scratch the surface and whatnot. We  
2 actually got a harrow last year too. So we're  
3 going through them pretty quickly here. I would  
4 think that three and the one we got the year before  
5 probably not going to need one next year. However,  
6 there is no question having them out there 365 days  
7 year or six days a week the entire year is starting  
8 to take a toll on that equipment.

9 COMMISSIONER MCCUAIG: Thank you.

10 CHAIRMAN BORST: Any other questions? Okay.  
11 How about a motion?

12 COMMISSIONER LEVENGOOD: So moved.

13 COMMISSIONER MCCUAIG: Second.

14 CHAIRMAN BORST: Moved and seconded. Any  
15 questions? All those in favor say "aye."

16 THE COMMISSION: Aye.

17 CHAIRMAN BORST: Opposed?

18 (No response.)

19 CHAIRMAN BORST: The "ayes" have it.

20 Next is consideration of Horseshoe  
21 Indianapolis request to continue the reduced  
22 takeout for 2024.

23 ERIC HALSTROM: Okay. Chairman Borst, Members  
24 of the Commission, this also has become an annual  
25 request. It's our third year making this request

1 on some of these pick wagers, pick fours, pick  
2 fives. You see them in the request. This has Joe  
3 Davis and Chris Duke's signature with it. We all  
4 feel like it's been a good part of the reason why  
5 our handle has increased like it has. We've got  
6 really good marketing skin that comes along with  
7 these reduced takeouts on these certain wagers, not  
8 just the select ones that you see there. So repeat  
9 this request again. We have the support of our  
10 horsemen on this too.

11 CHAIRMAN BORST: I'll accept a motion and  
12 second to approve.

13 COMMISSIONER LEVENGOOD: So moved.

14 COMMISSIONER MCCARTY: Second.

15 CHAIRMAN BORST: Been moved and seconded. Any  
16 questions? Seeing none, all those signify by  
17 saying "aye."

18 THE COMMISSION: Aye.

19 CHAIRMAN BORST: Opposed?

20 (No response.)

21 CHAIRMAN BORST: The "ayes" have it.  
22 Continuing with Eric here, consideration and  
23 approval of export location for Horseshoe  
24 Indianapolis for 2024.

25 ERIC HALSTROM: Yes, Chairman Borst, Members

1 of the Commission, this is something we do. We've  
2 had a good upswing from this segment of our  
3 business. Our buy and sell of our signal, Monarch  
4 is the one that puts this group together. These  
5 are the locations outside of our racetrack who will  
6 at some point likely wager on our races. We get  
7 them all on there, try to get approval for  
8 everything. If they show up, that's great. Most  
9 of them are.

10 You'll see in that request that there's still  
11 an issue with the racetracks in New Mexico that the  
12 HBPA is trying to work out. We respect their right  
13 to be able to withhold any type of other places  
14 from coming into our pools. I'm told they're  
15 working on that. And there has been some dialogue  
16 between them. If you have any questions on that, I  
17 will leave for Mr. Elmore and go from there, but we  
18 respect what the HBPA, the national HBPA is trying  
19 to work out with New Mexico.

20 CHAIRMAN BORST: So roughly how many locations  
21 are there?

22 ERIC HALSTROM: I think there's four  
23 racetracks.

24 CHAIRMAN BORST: How many roughly do you have  
25 of locations that we're going to approve?

1           ERIC HALSTROM: Yes, I think it's up to around  
2 400. So we're talking about a very small number.  
3 Hopefully, it works out because we want everybody  
4 to be able to participate. That is a small  
5 percentage of the handle that comes in every day,  
6 very small.

7           CHAIRMAN BORST: I'll accept a motion for  
8 approval for export locations for Horseshoe.

9           COMMISSIONER MCCARTY: I move to approve.

10          COMMISSIONER MCCUAIG: Second.

11          CHAIRMAN BORST: Any questions? All those in  
12 favor say "aye."

13          THE COMMISSION: Aye.

14          CHAIRMAN BORST: Opposed?

15          (No response.)

16          CHAIRMAN BORST: The "ayes" have it.

17          Okay. A big one, update on Eclipse Day at  
18 Horseshoe Indianapolis taking place on April 8th.

19          ERIC HALSTROM: I've lost even more hair since  
20 we made the decision to try to run on that day, but  
21 we're really excited about what we think we can do  
22 on Monday, April 8th. We'll see what happens. I  
23 told Jessica in the meeting yesterday, told her to  
24 expect somewhere between 500 people and 50,000.  
25 And we're not sure which. One of them will be able

1 to serve us better than the other. This is  
2 something we've got to try. We're all Googling the  
3 next time we get to do this. And pretty much  
4 Google says none of you will be here. So let's  
5 give this a try.

6 CHAIRMAN BORST: Seven hundred and forty-four  
7 years. I don't think we'll be here.

8 ERIC HALSTROM: We are all set for stuff.  
9 We've got food trucks. We've got entertainment.  
10 We've got bands that will play through. We've got  
11 a good schedule we've set up with our horsemen.  
12 We've got six Thoroughbred races that day. We'll  
13 start at noon and run to about 2:30.

14 The height of the eclipse is 3:06. So we'll  
15 take a break from 2:30 until, let's say, 3:45ish.  
16 We'll give little more time at the end. We have  
17 lights so if we need to and it gets a little bit  
18 dark before the race is done, we can turn the  
19 lights on. That's no problem and turn them back  
20 off for the effect of the eclipse. I think we've  
21 got good cooperation. We understand and work with  
22 our horsemen on making sure we get horses in.  
23 We're asking the horsemen to bring them to the  
24 racetrack the day before.

25 The biggest fear and not surprisingly is



1 gridlock. If we end up in the spot where just the  
2 interstates are a mess and whatnot, then it might  
3 be tough. It might be more difficult to get people  
4 in. However, we've done everything we could.

5       Actually in my bag, I've got 20, for the  
6 Commission Staff, 20 of the eclipse glasses that  
7 we'll be handing out that day. Yes, they are ISO  
8 approved and FDA certified. I tested them  
9 yesterday on the brightest light I could find.  
10 Stood about two feet from it, and I could barely  
11 tell there is light out there. These things were  
12 good to go. If you're not able to get out, at  
13 least you've got something 700 years ago we'll  
14 remember that we all shared the eclipse day  
15 together.

16       COMMISSIONER LEVENGOOD: Are they logo'd?

17       ERIC HALSTROM: They have our stuff on them.  
18 At some point they'll end up on eBay, I guess.

19       CHAIRMAN BORST: Good marketing.

20       MR. ROTHENBERG: I did notice that you are  
21 advertising on TV. When I scanned the QR code for  
22 the racing for the Star Sweepstakes or something.

23       ERIC HALSTROM: Yeah, we've got a lot of  
24 promotions that day. Tammy Knox and her staff,  
25 we've got a pretty good solid handicapping contest

1 that day. We're not going to forget about business  
2 completely. This is for non-track experience. We  
3 wouldn't normally only have eight races. We have  
4 more than that every day. We've got Thoroughbreds  
5 and Quarter Horses, but it's mostly what we're  
6 doing on track. While we're at it might as well  
7 see the rest of country, we put it out to the  
8 simulcast world, watch our signal, the things we  
9 will do during that down period when there's no  
10 daylight and try to make it a good show out of what  
11 happens. In the end, we had to try this.

12 COMMISSIONER LEVENGOOD: So the guy from the  
13 old promotion days, do you have a filter for your  
14 cameras that you're going to put up on the screen?

15 ERIC HALSTROM: So we actually have looked  
16 into that heavily. That one is more of a struggle.

17 COMMISSIONER LEVENGOOD: Oh, yeah, it's a big  
18 deal.

19 ERIC HALSTROM: It is. There's an expense to  
20 it that we kind of choked on far as some of that.  
21 However, we've got some different ideas with some  
22 other camera stuff. We don't want to ruin that HD  
23 camera.

24 COMMISSIONER LEVENGOOD: No, no. So as a guy  
25 who does stuff like this, so the other way to do

1 it -- we'll talk later -- not that I'm promoting an  
2 iPhone, but an iPhone you can filter very easily  
3 and broadcast that. It's not going to be your HD  
4 quality, but you'll be able to put it up on the  
5 screen that. That filter is really expensive.

6 ERIC HALSTROM: Yeah, our TV folks, including  
7 Rachel, have some thoughts on the iPhone being a  
8 part of the show that day instead of our regular  
9 cameras.

10 COMMISSIONER LEVENGOOD: That little iPhone. I  
11 have an android for what it's worth. It will work.  
12 We'll chat.

13 CHAIRMAN BORST: Any other questions?

14 COMMISSIONER MCCUAIG: More of a comment as  
15 opposed to a question, but I really appreciate any  
16 coordination with the community as well. I think  
17 with the public safety and mayor and everyone  
18 that's part of the community, I think this is  
19 really a community wide effort. So appreciate that  
20 coordination working with them. So thank you for  
21 that.

22 ERIC HALSTROM: Thank you.

23 CHAIRMAN BORST: Okay. No other questions, I  
24 guess we'll move on. You are off the hook for now.

25 Next is ratification of Executive Director

1 Pitman's approval of export locations for Hoosier  
2 Park 2024. Rick Moore.

3 RICK MOORE: Good morning, Mr. Chairman,  
4 Members of the Commission Staff. Rick Moore, vice  
5 president general manager of racing at Harrah's  
6 Hoosier Park.

7 I was here a few years ago, a short few years  
8 ago. And I was proud to tell you that our signal  
9 was going to over 500 locations. I'm more pleased  
10 today to tell you we're at 859 locations this year  
11 with 165 new locations. Now, there's a lot of  
12 small, very small locations, a machine in a sports  
13 bar, a lot of those type. But still our signal is  
14 getting out there throughout North America into the  
15 Caribbean down to Australia. So I'm very, very  
16 pleased that Harrah's Hoosier Park harness signal  
17 is being well received.

18 I want to give NYRA content management a lot  
19 of kudos for the way they've been able to  
20 distribute our signal. Executive Director Pitman  
21 has given her approval. I hope you are pleased  
22 with what you see as far as the number of outlets  
23 receiving our signal, and we're very proud of it.  
24 Thank you.

25 CHAIRMAN BORST: Any questions for Mr. Moore?

1 Yeah, I noticed how many there were. Gosh, that's  
2 a lot.

3 RICK MOORE: Come a long way.

4 CHAIRMAN BORST: It sure has. Big changes.  
5 How about a motion to approve the ratification of  
6 Executive Director.

7 COMMISSIONER MCCARTY: I move for approval of  
8 this and the ratification of Director Pitman's  
9 approval.

10 CHAIRMAN BORST: Second?

11 COMMISSIONER LEVENGOOD: Second.

12 CHAIRMAN BORST: Been moved and seconded. Any  
13 further questions? Seeing none, all those in favor  
14 say "aye."

15 THE COMMISSION: Aye.

16 CHAIRMAN BORST: Opposed?

17 (No response.)

18 CHAIRMAN BORST: The "ayes" have it.

19 Next is the consideration and approval of  
20 Harrah's Hoosier Park 2024 Standardbred racing  
21 official list.

22 RICK MOORE: Again, I'm pleased to let you  
23 know that all of our folks on this list are  
24 returning. They were all previously licensed  
25 except we've got one addition, a young lady by the

1 name of Gina Parisi, who's the backup charter and  
2 program director.

3 We've also added a number of backup positions,  
4 as we did last year, so we're not scrambling coming  
5 to Deena to ask for approval on a specific day when  
6 we need someone to fill in. The good news is  
7 everyone has been licensed in their capacity  
8 before, except for one person. We've got a very  
9 experienced crew that does a great job each and  
10 every day.

11 CHAIRMAN BORST: Good. We'll have a motion  
12 and a second to approve the official list of  
13 Hoosier Park.

14 COMMISSIONER LEVENGOOD: So moved.

15 COMMISSIONER MCCARTY: Second.

16 CHAIRMAN BORST: Been moved and seconded. Any  
17 questions? Seeing none, all those in favor say  
18 "aye."

19 THE COMMISSION: Aye.

20 CHAIRMAN BORST: Opposed?

21 (No response.)

22 CHAIRMAN BORST: The "ayes" have it.

23 Next is the rulemaking update. David, I guess  
24 you're going to tell us where we're at on that.

25 MR. ROTHENBERG: Yeah, just a very brief

1 update, to let you know the legislative session  
2 ended. And we were trying to get some legislation  
3 passed which would allow for certain references in  
4 our standing rules to continue. Because it didn't  
5 pass, I am going to have to change, make a few rule  
6 changes to update references to the ARCI model  
7 rules and penalties. So there will be a few more  
8 rules that I'm going to ask to get passed. It's  
9 nothing big, again, just updating. It doesn't  
10 change anything, just updates the references.

11 As far as the readoption of rules, I'm  
12 probably going to wait until -- they need to be  
13 readopted this year. So I'm probably going to wait  
14 until I get these other rules passed before going  
15 through the readoption process, which we've  
16 outlined before.

17 CHAIRMAN BORST: Okay. Any questions?

18 COMMISSIONER MCCARTY: Question.

19 CHAIRMAN BORST: Question.

20 COMMISSIONER MCCARTY: How long will the  
21 readoption last? Is this an annual thing?

22 MR. ROTHENBERG: Readoptions are now every  
23 five years.

24 COMMISSIONER MCCARTY: Every five years.

25 MR. ROTHENBERG: But we have quite a number of

1 rules so I'm going to be readopting them 20 percent  
2 at a time every year so we're not adopting all the  
3 rules in one year.

4 COMMISSIONER MCCARTY: How much additional  
5 time is put in for this? How much extra do we now  
6 have to do because of this requirement?

7 MR. ROTHENBERG: It's a little bit different  
8 because we used to have emergency rulemaking  
9 ability, which we no longer have. The last  
10 legislature removed that. So it takes a little bit  
11 over probably maybe 200 days to get a rule passed  
12 now. Where in the past, we would circulate it  
13 among the horsemen, the tracks, and everybody, get  
14 feedback, and then we would just vote on it here.  
15 It will take a little more of our time since this  
16 is the first time really going through it. I don't  
17 have an estimate, but I know it's already taken a  
18 lot more time than it has in the past.

19 COMMISSIONER MCCARTY: I hope you'll keep  
20 track of the time that this requires. Thank you.

21 COMMISSIONER LEVENGOOD: It's job security for  
22 that end of the table.

23 CHAIRMAN BORST: Next is a HISA update and  
24 ratification of Executive Director Pitman's  
25 approval of the First Addendum to the Voluntary



1 Implementation Agreement.

2 MR. EGGIMAN: I can start on that, Chairman  
3 Borst. We have discussed a bit in these meetings  
4 previously about the federal litigation involving  
5 HISA and its constitutionality, including a  
6 potential lack of oversight by the federal agency  
7 charged with the oversight, which is the Federal  
8 Trade Commission. I discussed in the Commission  
9 meeting a year ago an amendment to the HISA  
10 legislation passed in December of 2022 that  
11 strengthens the FTC's oversight of HISA.

12 In your booklets I've included a couple of  
13 documents that reflect just that, that the FTC  
14 seems to be indeed taking its oversight of HISA  
15 seriously. The December 2022 amendment permitted  
16 the FTC to not only accept or reject regulations  
17 proposed by HISA, as the act had originally  
18 allowed, but the FTC could now add to and modify  
19 those regulations.

20 So the last excerpt in your booklet is a four  
21 page, four pages from the Federal Register that  
22 shows where the FTC both added to and modified  
23 HISA's budget rules essentially in part to try to  
24 get the budget published for comment and eventually  
25 approved in a more timely manner. That seemed to

1 be an issue in 2023 and 2024 for HISA in their  
2 budgets.

3 I'll paraphrase from that Federal Register.  
4 The FTC's approval of HISA's budget will happen  
5 only after the FTC is satisfied that the budget is  
6 consistent with and serves the goals of the act in  
7 a prudent and cost effective manner. We can only  
8 hope that that's the case. And we look for that to  
9 be the case with the new rules promulgated by HISA.

10 The second document, the longer document from  
11 ARCI, that was sent to us from ARCI includes the  
12 proposed rules by the FTC that would require HISA  
13 to submit certain financial and performance  
14 information to the FTC and would encourage HISA to  
15 promote accountability and transparency of  
16 operations.

17 ARCI sees this as a step in the right  
18 direction. And Commission Staff agrees. We  
19 certainly all sought increased transparency with  
20 HISA, especially financial transparency. And we  
21 hope that these proposed rules would help get  
22 there.

23 In November of 2023, HISA submitted 388 pages  
24 worth of rule changes to the FTC regarding  
25 medication. Two months earlier, they submitted 62

1 pages worth of rule changes to the FTC on racetrack  
2 safety. So to date, none of those have actually  
3 been promulgated yet by the FTC, but that is 450  
4 pages worth of rule changes so we're expecting that  
5 to take some time for approval.

6 Now we can get to ratification of Executive  
7 Director Pitman's approval of the First Addendum to  
8 the Voluntary Implementation Agreement between the  
9 IHRC, HISA and HIWU that was executed on  
10 February 16, 2024. And that extends the Voluntary  
11 Implementation Agreement that was signed on May 17,  
12 2023, through and including December 31, 2024.

13 The addendum itself focuses primarily on two  
14 subjects. The first subject relates to those 62  
15 pages worth of proposed rule changes regarding  
16 racetrack safety that are awaiting FTC approval.  
17 Some of those proposed rule changes affect the  
18 current agreement, for instance, roles and  
19 responsibility for our staff at the track. The  
20 addendum in your booklet will automatically update  
21 the agreement with the effective rules once they  
22 are promulgated. So it makes for a smoother  
23 transition once those rules are in place. The  
24 second thing with the addendum really is just  
25 updating some names of those who will fill certain

1 roles and responsibilities from the 2023 agreement.

2 So having reviewed this document, Commission  
3 Staff recommends ratification. I'm certainly happy  
4 to answer any questions. And I know Deena had some  
5 updates as well. If you want to do a vote first.

6 EXECUTIVE DIRECTOR PITMAN: Let's do a vote  
7 first.

8 CHAIRMAN BORST: So we need a motion to ratify  
9 Executive Director Pitman's approval of this First  
10 Addendum. Anybody have a motion and a second?

11 COMMISSIONER LEVENGOOD: So moved.

12 COMMISSIONER MCCARTY: Second.

13 CHAIRMAN BORST: Moved and seconded. Any  
14 questions before we vote for Matt at all?

15 COMMISSIONER LEVENGOOD: When do you  
16 anticipate, which is hard, but when do you  
17 anticipate that? Do you anticipate it before the  
18 end of this year?

19 MR. EGGIMAN: Honestly, in looking at how the  
20 FTC approves rules in the past and just the sheer  
21 volume of these rules, I have no idea. And people  
22 that I've talked to in the industry have no idea.

23 COMMISSIONER LEVENGOOD: So for the record,  
24 you don't know, they don't know.

25 MR. EGGIMAN: Right.

1 CHAIRMAN BORST: I imagine it's going to take  
2 a while.

3 COMMISSIONER LEVENGOOD: Yeah.

4 CHAIRMAN BORST: It could take a couple years.  
5 Okay. Any other questions? Seeing none, all those  
6 in favor of the ratification say "aye."

7 THE COMMISSION: Aye.

8 CHAIRMAN BORST: Opposed?

9 (No response.)

10 CHAIRMAN BORST: The "ayes" have it. Further  
11 update.

12 EXECUTIVE DIRECTOR PITMAN: Yes,  
13 Commissioners, I thought it might be a good idea,  
14 the Chair and I were speaking not long ago, and  
15 HISA came up. One of the things that I thought it  
16 would be nice to go over, especially considering  
17 what Matt just went over with their efforts  
18 towards, the FTC's efforts towards transparency,  
19 was to go over the assessments, the credits, the  
20 true-up, and then the contribution by the  
21 Commission.

22 So in 2022, they just, we had the first arm of  
23 the authority, and that was the safety rules that  
24 came into effect. That was for half a year. So  
25 the assessment for that year was \$412,000. That

1 was the total. There were no credits, no true-ups.  
2 The IHRC contributed approximately 137,500.

3 In 2023, the assessment went to 1,862,000.  
4 With using our own staff out in the test barn, we  
5 received a credit of 450,000 and an actual true-up  
6 came in a little bit later of \$23,608, which pulled  
7 the invoice or the assessment down to approximately  
8 1.389. The IHRC contributed at that point 389,000.

9 For 2024, this year, the assessment came in at  
10 2.395 million. They're estimating a credit to the  
11 Commission of 490,000 for using, again, our test  
12 barn employees to collect samples. So that would  
13 be a total due of approximately 1.9 million. We  
14 don't know yet what our contribution for 2024 will  
15 be. There's a potential for an additional \$500,000  
16 credit for out-of-competition testing, and that  
17 would also bring that dollar figure down.

18 I do want to mention in 2023, the IHRC  
19 incurred additional expenses for test barn contract  
20 vets at \$47,500 and program administration by the  
21 equine medical director and deputy general counsel.  
22 Those are numbers for the equine medical director  
23 and our attorneys that we don't have an actual  
24 dollar amount on, but that's part of what we do on  
25 our end to help facilitate HISA regulation out at

1 the racetracks.

2 CHAIRMAN BORST: It just keeps climbing, and  
3 we have no control.

4 EXECUTIVE DIRECTOR PITMAN: It does.

5 CHAIRMAN BORST: Unfortunate. Any questions?

6 COMMISSIONER LEVENGOOD: I don't want to throw  
7 a bomb, but if that's a trend line, whoa.

8 EXECUTIVE DIRECTOR PITMAN: Whoa is right.

9 COMMISSIONER LEVENGOOD: That was an official  
10 comment, whoa.

11 CHAIRMAN BORST: It's for stuff we've already  
12 been doing. That's what the shame of it is, extra  
13 costs. Any other questions?

14 COMMISSIONER MCCARTY: I have a request.  
15 Deena, could you maybe put that summary of the  
16 current experience from the beginning through what  
17 you just, in a printed version and just email it to  
18 us, something hard copy that you can create.

19 EXECUTIVE DIRECTOR PITMAN: Yes.

20 COMMISSIONER MCCARTY: And what is the  
21 explanation for the increase in cost, more  
22 regulation? Does this involve personnel as well?

23 EXECUTIVE DIRECTOR PITMAN: We're hoping for  
24 some transparency on that, but I would have to  
25 guess it's them adding personnel so that they can

1 go through and continue to regulate the things that  
2 they feel like they need to regulate. Also  
3 additional maybe educational programs, building  
4 their IT systems, legal fees for the suits that are  
5 being filed.

6 COMMISSIONER MCCARTY: Yes. And so where does  
7 it end? Where do we cap it at some point?

8 EXECUTIVE DIRECTOR PITMAN: Right.

9 CHAIRMAN BORST: We don't know. They're still  
10 trying to figure out what they're doing. Okay.  
11 Hope the transparency works so we'll get to see  
12 budgets and at least somebody is going to review  
13 them. That's the important thing. In the past  
14 they've done their own thing, and nobody has  
15 reviewed them. Anything else? Any other  
16 questions?

17 Okay. Moving on, consideration of request  
18 from IHBPA to transfer ADW funds to supplement  
19 Thoroughbred purse account.

20 TIM GLYSHAW: Good morning. Tim Glyshaw,  
21 executive director of the Indiana HBPA. On  
22 March 14th our Indiana HBPA board unanimously  
23 agreed to transfer our ADW funds to purses so that  
24 it may benefit both Thoroughbred owners and  
25 trainers. The Indiana HBPA greatly appreciates the



1 Commission to approve this matter.

2 COMMISSIONER LEVENGOOD: What was the amount?

3 TIM GLYSHAW: I do not have the total amount  
4 with me.

5 COMMISSIONER LEVENGOOD: Can you put a  
6 ballpark. There you go.

7 BRIAN ELMORE: Approximately \$800,000.

8 COMMISSIONER LEVENGOOD: That's perfect.

9 Thank you.

10 TIM GLYSHAW: Thank you.

11 CHAIRMAN BORST: Any other questions for Tim?

12 Welcome, by the way.

13 TIM GLYSHAW: Thank you very much.

14 CHAIRMAN BORST: You've got that other guy  
15 kind of hanging around.

16 TIM GLYSHAW: He's helping, very helpful.

17 CHAIRMAN BORST: I'll accept a motion to  
18 approve the transfer.

19 COMMISSIONER LEVENGOOD: So moved.

20 COMMISSIONER MCCARTY: Second.

21 CHAIRMAN BORST: Moved and seconded. Any  
22 questions? Seeing none, all those in favor say  
23 "aye."

24 THE COMMISSION: Aye.

25 CHAIRMAN BORST: Opposed?

1 (No response.)

2 CHAIRMAN BORST: The "ayes" have it.

3 Next on the agenda is review and consideration  
4 of the Racing Capital Fund Committee expenditures  
5 approved and submitted by the Fund committee  
6 members.

7 MR. ROTHENBERG: I think we'll just go with  
8 Joe on that.

9 CHAIRMAN BORST: Joe going to start off.

10 MR. ROTHENBERG: And then he may follow other  
11 people. I don't know.

12 JOE MORRIS: Looking at the clock. Good  
13 morning, Commissioners. We've got a couple minutes  
14 left. Joe Morris, Caesars Racing here as the  
15 chairman of the RCFAC.

16 I did want to throw one comment into the HISA  
17 side of it. We greatly appreciate what the  
18 Commission has put in on that. This year in the  
19 split between the HBPA and Horseshoe Indianapolis,  
20 our shares are over \$900,000 each, straight out of  
21 purses. And where it stops, nobody knows. And  
22 it's lawsuits. It's more personnel. It's  
23 technology. And as the Chair had said earlier,  
24 that track was probably 95 percent HISA safety  
25 compliant, and we've got all that additional

1 expense. We could go on and on about that.

2 I'm here to talk about RCFAC and specifics for  
3 Horseshoe Indianapolis. Hoosier we're still going  
4 with the approvals that we got last fall. And  
5 we'll have some updates on that for the next  
6 meeting.

7 Horseshoe, as we all know, we came out of the  
8 shoot firing there in year one. It's a ten-year  
9 fund. We're at year four right now. Left to make  
10 the same decisions going back to year one, we would  
11 have still built the barn. We would have still  
12 built the dormitories. We would have built the  
13 Eurociser. We've had great results out of those  
14 investments.

15 For this year, we have 2.5 million in the  
16 queue. Some of it you've already approved. Some  
17 of it we're putting in now. I can't wait on  
18 April 8th to show you our new video board. That  
19 was an \$800,000 investment. And it's special.  
20 It's got the wow factor that the fans will really  
21 like with that. That was already billed.

22 We have the 30,000 for the surveillance  
23 cameras on the back stretch. We're in the middle  
24 of about a hundred thousand dollar project on that  
25 right now with coverage in outdoor areas around

1 dorms and the laundromats, around the guard shack,  
2 the area where horses come on and off out of the  
3 receiving barn. That will help us our situation  
4 out there.

5 The big one, and I'll come back to it at the  
6 end of this, is the backstretch community center.  
7 That's plugged in at 1.3 million. We winterized  
8 Barn 7. That was our Quarter Horse barn. We'll  
9 have a few more of them in. We housed about 600  
10 horses there this year over the winter. It's the  
11 most we've had to date. We winterized that barn at  
12 109,000.

13 We've done more grading. That backstretch  
14 really had a lot of drainage issues. We've been  
15 fixing them over the four years. That is the last  
16 one that we think we have. That was another almost  
17 16,000 footing and drainage for the turf course.  
18 Air conditioning for the jock's quarters, more  
19 speakers. We still have some sound issues we're  
20 fixing. Heaters for dorms. We've got the dorms.  
21 We need some extras sitting around so if one goes  
22 bad, you can take it out and put it in. Steam  
23 room, receiving barn mats. High traffic areas in  
24 the receiving barn it's used about every day when  
25 we're racing. We need to re-mat that for safety.

1 You can't have uneven footing for a horse where  
2 they step. Never mind the people leading them.

3 Track kitchen, we have some exciting news  
4 there. A guy who has done the HBPA fish fries and  
5 other backstretch events is taking over the  
6 kitchen. Mel is his name. I think we're going to  
7 have to call it Mel's Diner, but Mel is great in  
8 working with the HBPA. We're hoping to have some  
9 guarantees of subsidies for dorm workers and the  
10 like. A dorm liver shouldn't have to pay \$7 for  
11 some eggs. We ought to be able to help from  
12 in-between to get that. We're really happy to have  
13 Mel there.

14 We're going to put a shelter out by the gate  
15 crew. There was one there years ago. So on a  
16 rainy day, we've got a crew out there working  
17 horses through the gate. In-between sets they can  
18 stand in and get under. I've actually asked them  
19 to look for one for the horse too. At other  
20 tracks, I've had them where you can back that horse  
21 into the shelter on a rainy day, and they can still  
22 see the track.

23 So that's what we're looking at for this year.  
24 In year five with that spent and where we're at, we  
25 would probably just come in with 50,000. So

1 through the halfway mark assuming we do 50 next  
2 year, we would be at 10.5 million of the 12.5,  
3 which would give us just under 400,000 a year for  
4 the last five years.

5 And then as we all know, that fund then  
6 re-funds itself so there is another ten years where  
7 Caesars puts another 25 million into that pot that  
8 goes 12-5 to this track and 12-5 to down there.

9 That's the overview of it. Take a break here  
10 and take questions. I did want to talk -- I'm sure  
11 there will be some on the community center so I did  
12 want to go down through that from the chair I sit  
13 in and then hand it over to the chaplains and the  
14 HBPA head and the Quarter Horse head and then have  
15 Brian come up and talk about it. It's a need from  
16 the RCFAC that we think is needed there.

17 We've looked at other spots as directed by the  
18 chair. We couldn't find one that we thought was  
19 suitable at the track that's already built.  
20 Caesars would put the land. It's right across the  
21 street from the entrance to the barn area so that's  
22 a convenient place for the people who live in the  
23 barn area. At other tracks I've been at -- and  
24 they do a great job there, but they're somewhat  
25 handicapped to the size of that trailer, one, and,

1 two, the fact that it is in our licensed area.

2 At other tracks, I've had those community  
3 centers just outside the gate. Now spouses that  
4 might not have a license can use it, family  
5 members, children, cousins, others in the community  
6 can also use it if it's outside the gate.

7 Worship is important on the backstretch. And  
8 currently in that trailer, there's the meeting  
9 table we sit at. And people have to stand up  
10 against the wall all the way around it because it  
11 fits 20, 25 people. We'd like to be able to expand  
12 that.

13 More important and in areas that I think we  
14 could do more, and they try hard there. And they  
15 touch on a lot of these. They just don't have the  
16 facility to put it in as efficient as it could but  
17 language classes. We have a very Hispanic  
18 population that works in horses. We've always run  
19 more language classes, not only for the  
20 participants that are licensed but for their family  
21 members. It helps. It helps them fit into our  
22 communities better if they can speak the language.

23 Accounting classes, developing accounting,  
24 well, they say accounting but, like, checkbooks.  
25 Amazing how many of these workers are sending money

1 back to Mexico, Guatemala, Honduras. They don't  
2 always know how to do that. I've seen them taken  
3 advantage of at times in those areas and even in  
4 their check cashing where they get an exorbitant  
5 fee to cash a check. So in the accounting side we  
6 do could more.

7 Immigration classes, how do we get them legal.  
8 We could bring in lawyers and experts to help them.  
9 The more of them that are legal, the better off we  
10 are. But, again, the person working at the track  
11 may have that status, but they may have family  
12 members that don't. And that's a scary place for  
13 your workers to be at. We can do more there.

14 Substance abuse services, there's more we  
15 could do there. Mental health services, there's  
16 more we could do there. Family services, we can  
17 certainly do more with the kids and some of the  
18 family. In this community center it gives the  
19 chaplains more of a chance to reach out into the  
20 community and do more for them.

21 That's kind of how we look at it. I would  
22 like to have you -- I know some of you know Otto  
23 and Mickey and then Joe Davis and Miss Myers and  
24 then Brian. But I would like to bring them up and  
25 let you get their perspective on it also.



1           The rubber meets the road with Otto and  
2 Mickey. They're the ones out there talking and  
3 working with these people every day. And they want  
4 to do more. They could do more if they had the  
5 facility to do it. Why don't we have Otto come up.  
6 If there's more questions, I'm happy to answer.

7           CHAIRMAN BORST: I've got one, I guess. How  
8 do we distinguish between on some of these like the  
9 AC stuff and the floors, how do we put that in this  
10 capital fund as opposed to Caesars doing it? Why  
11 isn't that normal?

12          JOE MORRIS: My first comment would be this  
13 fund is funded by Caesars.

14          CHAIRMAN BORST: I know it.

15          JOE MORRIS: It's 25 million that came out of  
16 our checkbook.

17          CHAIRMAN BORST: But normal maintenance,  
18 normal stuff, why --

19          JOE MORRIS: It's used in areas that are  
20 touched by our horsemen. So, I mean, that would be  
21 a decision for you. We think they're good.  
22 They're part of the overall backstretch upkeep a  
23 lot of it. They benefit jockeys. They benefit the  
24 trainers.

25          CHAIRMAN BORST: I'm not questioning that.

1 I'm just questioning why wouldn't Caesars do that.  
2 Why isn't that a normal maintenance that should be  
3 done every year.

4 JOE MORRIS: Maintenance we do. These are  
5 replacements. So the replacements I think meet the  
6 capital requirements. Maintenance we do. I  
7 consider these replacements. And on replacements,  
8 I think those go to the capital when you're  
9 replacing a whole air conditioning system, or in  
10 this barn we're replacing a however many year old  
11 footing system actually with a better system than  
12 the one that is there.

13 CHAIRMAN BORST: I don't know how you  
14 distinguish that. What if the AC goes out to here,  
15 would that be the capital fund or does that go --  
16 how do you figure it out.

17 JOE MORRIS: We go through the committee. We  
18 vote at the committee level. We try to look at  
19 benefits for backstretch, you know, customers,  
20 horsemen, gamblers that we think are all fair game  
21 in what we're trying to spend that money on.

22 CHAIRMAN BORST: I'm just trying to figure out  
23 the difference. Like if this went out here, surely  
24 you wouldn't go to that capital fund to replace  
25 this, I wouldn't think.

1           JOE MORRIS: We haven't ever done that so I  
2 would say that's probably correct.

3           CHAIRMAN BORST: That's what I was trying to  
4 figure out why that's any different from the  
5 backstretch to here. I'm not saying it doesn't  
6 need to be done. It does. You want the comfort.  
7 That's for sure.

8           EXECUTIVE DIRECTOR PITMAN: I can comment that  
9 I think a year or two ago we had an air conditioner  
10 go out in the test barn. And I don't think that  
11 replacement of that air conditioner in the test  
12 barn came out of this fund.

13          JOE MORRIS: Repairs certainly don't. It's a  
14 capital fund so repairs do not come out of it, but  
15 legitimate capital is considered and voted on with  
16 the group.

17          CHAIRMAN BORST: Okay. I guess it just  
18 depends.

19          COMMISSIONER LEVENGOOD: Do you mind if I?  
20 Don't ask me why I know this, but when you increase  
21 the camera count and more importantly how often  
22 they're recording, have you also increased the  
23 capacity for storage?

24          JOE MORRIS: Yeah, I didn't do the design on  
25 it, but I'm sure it has. When they come in, we

1 usually get about 20 days storage.

2 COMMISSIONER LEVENGOOD: That was my next  
3 question. Since we use those cameras in our  
4 enforcement in some cases -- is that accurate?  
5 Those are important to us. And it would be nice  
6 maybe offline to know the number of cameras you  
7 have, the capacity you have, and if there's  
8 sufficient time for us. And when do we make the  
9 call to you saying there's a potential and that you  
10 have the ability to download that before it's --  
11 I'm assuming it gets recorded over.

12 JOE MORRIS: Yes, and as I said, it holds for  
13 roughly 20 days, three weeks roughly.

14 COMMISSIONER LEVENGOOD: That's the roughly  
15 because sometimes it could be ten. So I'm just  
16 urging staff and you all to make sure that you know  
17 those capacities, particularly with the increase in  
18 cameras and if they pan and zoom and kicking off  
19 and motion detectors. It will bite you.

20 JOE MORRIS: We'll have Otto come up.

21 OTTO THORWARTH: Good afternoon. I'm Chaplain  
22 Otto Thorwarth. As one of our chaplains at  
23 Horseshoe Indianapolis, our main objective is to  
24 serve the needs of the backside workers at  
25 Horseshoe. This is not only limited to the

1 horsemen but also extends to security, maintenance,  
2 even into the marketing and management. We really  
3 are a large family. And it is my pleasure to serve  
4 as the chaplain there.

5 As you know, Horseshoe is located well outside  
6 of town. And most of our backside employees do not  
7 have their own personal transportation. This  
8 community center would give them a place to be  
9 counseled, entertained, and disciplined. Back in the  
10 biblical times early church met in houses, upper  
11 rooms, and hillsides, but the evolution of modern  
12 churches has conditioned people to feel the need  
13 for a building before it's considered a church.

14 I got to see this firsthand in Oaklawn Park  
15 back in the '90s while riding as a jockey there in  
16 Oaklawn. And I attended the weekly service that  
17 the chaplain held in the track kitchen. We would  
18 have anywhere from five to ten people a week show  
19 up at this service.

20 Shortly after that, Oaklawn decided to build a  
21 community center just like we are proposing. And  
22 the service attendance quickly grew from a handful  
23 of people to 30 to 40 people a week. Now, as I was  
24 just home last weekend, their attendance is ranging  
25 around 80 people a week on the service at the

1 track. I believe this comes from a feeling of  
2 ownership within the backside employees feeling  
3 that they have a place of their own to be a part  
4 of.

5 This building will give us an opportunity to  
6 minister to the backside at Horseshoe in a variety  
7 of ways. I would now like to introduced my  
8 associate chaplain Mickey Sajche to discuss what  
9 some of those ways would be.

10 CHAIRMAN BORST: Welcome.

11 MICKEY SAJCHE: Thanks so much. I want to  
12 thank everyone for the opportunity to be here  
13 today. I want to talk about the community center.  
14 It will be a great place for all community on the  
15 backside. We have families who work there and  
16 peoples at the same time. I think it we will be a  
17 good place to get together with them. We believe  
18 in families and the unit of families. Many people  
19 have left their countries and family for a better  
20 future.

21 The place has given opportunity to be with  
22 this family. At the same time many have gone to  
23 their own way to the drugs, alcohol and other  
24 things, which is available to this community  
25 building will be great for using backside community

1 because I will be serving in, I need to follow  
2 these good ways to work in it. I have been able to  
3 see many young peoples that work here and go to  
4 college and follow the career on track side like  
5 trainers, owners or something like that. Have good  
6 ideas for them.

7 Having the community building, I promise to  
8 offer to young peoples to change from going to the  
9 wrong way. We believe we've got very good things  
10 for community. Otto and me have became to teaching  
11 to walk in and develop things to stay involved out  
12 to the drugs and alcohol and helping these guys to  
13 working on their life. I'll help with these guys  
14 to a better future.

15 I have always believed in God. And this is  
16 good opportunity to helping communities. It's not  
17 only in Shelbyville. It's in backside. It's good  
18 peoples there. And that's opportunities, and this  
19 is opportunity to help, Otto and me in all these  
20 things. It is my pleasure to serving the community  
21 on the backside.

22 CHAIRMAN BORST: Thank you, Mickey. Who else  
23 have we got? With the lights, we just can't see  
24 very well.

25 JOE DAVIS: Joe Davis, president of the

1 Indiana HBPA. As president, I see a greet need for  
2 this.

3 EXECUTIVE DIRECTOR PITMAN: Joe, can you move  
4 that mic.

5 JOE DAVIS: I'm not quite as short as Otto.  
6 And it has the board and the HBPA's complete  
7 support. So I will give it to Miss Myers.

8 CHAIRMAN BORST: Thank you. Welcome.

9 TERESA MYERS: Thank you. Good afternoon.  
10 I'm Teresa Myers. I'm the Executive Director of  
11 the Quarter Horse Racing Association of Indiana.  
12 We also as horsemen and also as a board, we are  
13 100 percent in support of the community center  
14 basically for all the reasons they have stated. I  
15 will turn it over to Brian.

16 CHAIRMAN BORST: We'll see if he's as brief as  
17 you two.

18 BRIAN ELMORE: You know better than that.  
19 Brian Elmore, Indiana HBPA. Not to get off track  
20 of what the subject matter is, I do appreciate,  
21 Chairman Borst, your question of the monies and  
22 how they're spent with the company. About two  
23 years ago I stood in this very room at this very  
24 platform and asked this Commission if we could get  
25 some kind of description of how is this done. I



1 bring this up only because I know the two casino  
2 general managers, Trent and Colin, are both here  
3 today. I don't want them to get any ideas, okay,  
4 on the horse-related matters.

5 This item is probably the most important item  
6 on your agenda today. Commissioner McCuaig, so you  
7 know, we have about 150 dorm rooms at Horseshoe  
8 Indianapolis. A hundred of them are ten by ten,  
9 concrete block rooms, concrete floor, and we have  
10 50 that are 12 by 12. And for 225 people for eight  
11 months out of the season, this is their home. This  
12 is what they have to live in.

13 Now, some of those ten by tens are shared by  
14 two people. If you want to look at the square  
15 footage, they get 50 square feet. State prison you  
16 get a six by eight room, which is 48 square feet,  
17 but you have the luxury of a toilet. The thing  
18 about this is that nobody is complaining about  
19 this. Everything that's been done has been done  
20 right. I'm very thankful to where we've gotten.

21 I'm thankful for both Otto and Mickey and  
22 their commitment to ministering all. I'm sure you  
23 know or may not know, but Otto is a movie star. He  
24 starred in the Disney movie Secretariat. He's also  
25 an author. Mickey comes to us by way of Guatemala.

1 They both do an outstanding job. I'm very, very  
2 thankful for them.

3 I'm thankful for the sport and the QHRAI and  
4 HBPA Board of Directors. Thus far, the RCFAC  
5 monies have been spent wisely and benefited the  
6 horsemen, their guests, and Caesars' staff.

7 My favorite holiday will be celebrated this  
8 coming Sunday. I spoke with many in this room who  
9 will be attending services at their church or  
10 synagogue. We're hoping next year in 2025, we'll  
11 be able to offer Easter services at our facility in  
12 the community worship building out at Horseshoe  
13 Indianapolis.

14 In closing, I know this board is an appointed  
15 board. Thank God, you're not elected officials.  
16 We wouldn't want you to have to do that. You are  
17 appointed by people in government.

18 I just happen to have a dollar bill and a  
19 quarter in my pocket of which is issued by the  
20 government. On the back of the dollar bill it says  
21 "In God We Trust." Right under George Washington's  
22 chin, it says "In God We Trust." The people that  
23 you've heard today speak, that's what we believe.  
24 We're asking you to trust us to be able to build  
25 this facility to benefit the livelihood of the

1 people that work and live at Horseshoe  
2 Indianapolis. I'm glad to answer any questions.  
3 I'll turn it back over to Joe Morris. Thank you  
4 for considering this.

5 CHAIRMAN BORST: Any questions for Brian? I  
6 guess it would be nice to have a little more backup  
7 on this, a million three with no backup. I heard  
8 what they said. It sounds like all those things  
9 are good, maybe a little more about what kind of  
10 building we're talking about, is that equipment, is  
11 that just structure.

12 BRIAN ELMORE: I'll have Joe Morris address  
13 that question.

14 CHAIRMAN BORST: That's really the only thing  
15 on here I'm leery of as well.

16 EXECUTIVE DIRECTOR PITMAN: Chairman, I have a  
17 question as well.

18 CHAIRMAN BORST: Deena has a question. For  
19 Brian or Joe?

20 EXECUTIVE DIRECTOR PITMAN: Joe.

21 CHAIRMAN BORST: Okay. You're off the hook.

22 EXECUTIVE DIRECTOR PITMAN: Can you  
23 describe -- I know that there was conversation  
24 previously about doing something like this. And  
25 there was, I think, the committee or you and some

1 other individuals were going to be looking at other  
2 locations on the property to see if those could  
3 fulfill the need for now. And then as things grew,  
4 then there would be a larger need to build a  
5 separate structure.

6           JOE MORRIS: Yes, instructed from a meeting  
7 like this when we talked about it, we convened a  
8 meeting, a bunch of us. One spot we had in our  
9 thoughts was, I call it Grandstand West. So if you  
10 are standing in front of the grandstand building,  
11 you have the main area where we do simulcasting,  
12 and then you have the other room down there.

13           We couldn't possibly do it there. The  
14 challenge is getting to it. There's no parking  
15 near it. And then there are times during the year  
16 when we need the space for racing, Kentucky Derby  
17 coming up, opening day, super days, that type of  
18 thing where we still need to have that space for  
19 our racing program.

20           So the committee's thoughts at that time was  
21 look at the whole property. Then we walked down to  
22 the paved area on the backside where we built the  
23 new barn, couldn't really get in there well and  
24 couldn't figure it out. It just kept coming back  
25 to that soccer field right across the street from

1 the entrance to the barn area right across from the  
2 track kitchen, your offices, the racing office.  
3 And we just kept thinking that was the best spot.

4 Caesars then said, okay, you can do that. So  
5 there's no land cost in the million three. It's  
6 Caesars. That would go there. We do have some  
7 rough drawings that have been priced out on. And  
8 I've got just rough figures on what the, getting  
9 the utilities in and what not.

10 So we still need to go to the architectural  
11 office to draw it. We have to get the grades for  
12 parking and drainage and where the water comes. So  
13 there's still more work to do, but we think the  
14 million three is a good number from talking to the  
15 people we've talked to so far.

16 EXECUTIVE DIRECTOR PITMAN: You don't think  
17 there's any need to kind of start smaller and then  
18 grow?

19 JOE MORRIS: In looking at it, we just think  
20 if we can get to this building and start it that  
21 way, it's the best chance. Again, I go back to the  
22 grandstand spot. It's a long walk to get in there.  
23 I mean, if you park, you're probably on the other  
24 side of the parking garages and trying to walk in  
25 through with what we're trying to use for services

1 there. And then if you live in one of our dorms  
2 that Brian just talked about, we have a couple  
3 hundred people living out there, long walk from the  
4 dorms to be able to get up there when they're just  
5 walking out the front gate and across the street.

6 EXECUTIVE DIRECTOR PITMAN: And speaking of  
7 the dorms, are the dorms fully occupied?

8 JOE MORRIS: They're not at this time, but our  
9 barn area is.

10 EXECUTIVE DIRECTOR PITMAN: During the race  
11 meet?

12 JOE MORRIS: It's like a hotel. If you're  
13 90-something percent occupied, you're occupied. We  
14 get to that level. We still need Oaklawn and Tampa  
15 Bay to close before we get our final load in for  
16 our summer racing. They get to within the  
17 90 percent level of being full.

18 CHAIRMAN BORST: Thank you. Any other  
19 questions?

20 JOE MORRIS: We'll provide, you know, once we  
21 get to the drawings and the others, we can  
22 certainly be providing that information. And as  
23 you know, you never know what your price is until  
24 it goes out to bid. We've got those works and bid  
25 documents and things like that that are going to

1 happen.

2 COMMISSIONER LEVENGOOD: So you're looking at  
3 1.3 all project, all in, all acquisitions,  
4 utilities?

5 JOE MORRIS: Yeah, the acquisition, you know,  
6 it's a Caesars' property. There won't be a price  
7 for the property.

8 COMMISSIONER LEVENGOOD: Who pays for the  
9 operating, HVAC, the maintenance, all those things  
10 that we pay just to keep something running?

11 JOE MORRIS: It will be a Caesars' property so  
12 it will be falling into that.

13 COMMISSIONER LEVENGOOD: So you're taking it  
14 out of capital. You're building it. It's all-in  
15 project. You've got a contingency number in there.  
16 And if we approve -- are we approving this? If we  
17 approve it, does it come back? If it goes over  
18 budget, how do you?

19 JOE MORRIS: Within the rules of the RCFAC, we  
20 can go over by less than 10 percent without another  
21 approval from the board.

22 COMMISSIONER LEVENGOOD: So a million-three  
23 plus 130.

24 JOE MORRIS: If it goes over by 10 percent, we  
25 would need your approval.

1           COMMISSIONER LEVENGOOD: By that time you're  
2 pregnant. Okay.

3           JOE MORRIS: There's a lot more work that has  
4 to be done before we put a shovel in the ground. I  
5 can tell you that much. We have to firm up the  
6 drawings, get the thing to bid so that then we can  
7 verify our budget numbers.

8           COMMISSIONER LEVENGOOD: So are you going to  
9 carry a contingency within the one-three and the  
10 130 on top of that?

11          JOE MORRIS: There will be a contingency.

12          COMMISSIONER LEVENGOOD: Within the one-three?

13          JOE MORRIS: Yes.

14          COMMISSIONER LEVENGOOD: By 10 percent, 15  
15 percent?

16          JOE MORRIS: We're building a track in  
17 Nebraska or building in Sciota. It's, you know, a  
18 couple hundred thousand.

19          COMMISSIONER LEVENGOOD: Fifteen. All right.  
20 Gotcha.

21          CHAIRMAN BORST: Any other questions?

22          COMMISSIONER MCCUAIG: Where the building  
23 would occupy, what is that space used for right  
24 now? It sounds like you said a soccer field. Is  
25 it already a purpose?



1           JOE MORRIS: It's a groom's soccer. They get  
2 a day off. It's good for them get out, get some  
3 fresh air, run around. It's a big piece of  
4 property. So the soccer fields will either move  
5 behind it or down to the right of it. We'll put  
6 the goals back up so they can still play soccer.  
7 And it's got a little family area. There's a  
8 little gazebo in the back so picnics and different  
9 things like that can happen.

10          COMMISSIONER MCCUAIG: And when was the 1.3  
11 projected, because obviously the building costs  
12 have shot up?

13          JOE MORRIS: You know, it's a number that's  
14 stuck surprisingly because in construction I don't  
15 have many to do anymore. We've been working. The  
16 head of the Quarter Horse, Chris Duke, is a builder  
17 and does different buildings. So he's been helping  
18 us on this immensely so we're going off a lot of  
19 him. That's his day job. That's what he does for  
20 a living.

21          EXECUTIVE DIRECTOR PITMAN: When's the last  
22 time he gave you that 1.3?

23          JOE MORRIS: That 1.3 was good. That number  
24 was voted on by RCFAC I would say three weeks ago  
25 when we had our meeting.

1 CHAIRMAN BORST: Any other questions?

2 JOE MORRIS: And as I said, if it goes to bid,  
3 and it's higher, we can do 10 percent more. We  
4 can't go more than that without your approval. So  
5 as we gather the stuff up, we'll make sure the  
6 staff sees it.

7 EXECUTIVE DIRECTOR PITMAN: Do you have off  
8 the top of your head the square footage of this  
9 building?

10 BRIAN ELMORE: Fifty thousand.

11 JOE MORRIS: Yeah, I was going to say 50,000.

12 BRIAN ELMORE: A hundred by 50.

13 COMMISSIONER LEVENGOOD: That's not 50.

14 BRIAN ELMORE: 120 by 50.

15 COMMISSIONER LEVENGOOD: I was going to say,  
16 you build 50,000 for one-three, I'm coming to you.

17 CHAIRMAN BORST: This is a tough one. I wish  
18 we had a little more to go on. I wish we could  
19 figure out a way to have a win-win here. If we  
20 could approve it contingent on something. I don't  
21 know what that would be. I'm just a little  
22 uncomfortable turning that loose without more  
23 information.

24 EXECUTIVE DIRECTOR PITMAN: Do you want to  
25 take that portion of it out and approve the other

1 and then wait for additional information?

2 CHAIRMAN BORST: How soon do you think you  
3 could pull stuff together?

4 JOE MORRIS: We could certainly have it  
5 together, assuming your next meeting is in June  
6 thereabouts, we could have it ready for that. And  
7 we would entertain a contingent upon getting the  
8 paperwork in, but we would kind of like to know the  
9 concept is good and approved if we could get that  
10 approval today.

11 CHAIRMAN BORST: I think the concept is good.  
12 Maybe, it's going to take you a while anyway to  
13 pull all the stuff and get the right numbers.  
14 Maybe we could put this part off until June and do  
15 the rest of it, the 272,000. That's not going to  
16 affect time or anything because you have to do your  
17 due diligence between now and then. I don't know.  
18 Somebody have any thoughts on that? I'd just feel  
19 a little more comfortable with a little more.

20 COMMISSIONER MCCUAIG: I definitely appreciate  
21 the project. I can't say enough how supportive I  
22 am of that. I think some of the questions that are  
23 just unanswered and just hearing kind of the scope  
24 of how it evolved, you know, if it starts small and  
25 then it grows bigger. I know it sounds like it's a

1 little bit inconvenient, but if it can start out  
2 while we're getting the paperwork together, that  
3 might be helpful.

4 CHAIRMAN BORST: Okay.

5 JOE MORRIS: One challenge with that is, I  
6 mean, we will incur expenses on design and  
7 architecture and all of that to be able to get to  
8 be able to bid it out. That's the part that gives  
9 me a little bit of heartburn because that, you  
10 know, somebody will have to pay for those expenses  
11 if this doesn't come.

12 CHAIRMAN BORST: When would that happen  
13 probably?

14 JOE MORRIS: We'd be going right straight out  
15 for it. Over the next bit, we would be getting  
16 this thing drawn. We have rough conceptual now,  
17 but, as you know, we have to get architects. It  
18 has to be certified. We have to go to the towns  
19 and start to have the meetings on the permits that  
20 we'll need, and the different types of drainage  
21 work that we'll need. That's what really starts  
22 the clock on the project as far as having bills to  
23 pay.

24 CHAIRMAN BORST: I just wish you had what  
25 you're going to do with that to us today. That

1 would have been nice. If you're already ready to  
2 go, I wish you would have had it today.

3 EXECUTIVE DIRECTOR PITMAN: Does it work to  
4 just pass a set number. Maybe it's 100,000, maybe  
5 it's 200,000 just to allow them to go through and  
6 do the back work and be able to pay for it out of  
7 the fund? I don't know.

8 CHAIRMAN BORST: What would you think that  
9 number would be and then do the rest later? That  
10 way nobody is holding the bag.

11 JOE MORRIS: Would you have a ballpark on  
12 that, Chris?

13 COMMISSIONER LEVENGOOD: You're going to want  
14 to construction manage your budget. You're going  
15 to want permits. You are going to -- do you have a  
16 program, do you have a written program? Do you  
17 have schematic designs or not?

18 CHAIRMAN BORST: I think they said they had  
19 some roughs.

20 COMMISSIONER LEVENGOOD: Yeah, that's not  
21 schematics nor a program. Is this your builder? I  
22 know enough to be dangerous. That's the problem.

23 CHRIS DUKE: Hi, Chris Duke, president of  
24 Quarter Horse Racing Association. They had reached  
25 out to me. We actually looked at a few buildings

1 last year, a few other builders. And so when the  
2 budget was put together, we kind of put a design  
3 together square footage wise. I think square  
4 footage wise, it would probably be around 8,000  
5 square foot.

6 As far as the cost to getting the land  
7 together, get everything prepped, storm sewer,  
8 everything in there, you're probably talking about  
9 \$200,000. That was looked at through what was  
10 already proposed is there in place from the track.

11 EXECUTIVE DIRECTOR PITMAN: That would cover,  
12 like, county permits and that type of thing?

13 JOE MORRIS: To me, it would be the design  
14 work up to the bid process. That's kind of what  
15 we're looking at, design up to bid.

16 CHRIS DUKE: You're probably 50,000.

17 CHAIRMAN BORST: So what do we have? Is a  
18 hundred thousand good or not? Does a hundred  
19 thousand get you the right start you need?

20 JOE MORRIS: I think it would.

21 COMMISSIONER LEVENGOOD: Again, I want to be  
22 careful. Are you talking about schematic design,  
23 design development, full construction documents,  
24 biddable documents?

25 JOE MORRIS: I would say we're design to the

1 bid documents.

2 COMMISSIONER LEVENGOOD: Okay. Construction  
3 documents.

4 JOE MORRIS: Yeah.

5 CHAIRMAN BORST: Like I say, I'm looking for a  
6 win-win here. If we could maybe do partial of it  
7 and consider the rest of it next time, that way  
8 you'll have a lot more information. The concept is  
9 definitely solid. It will do a lot of good for a  
10 lot of good people.

11 So we need a motion of some kind. I guess the  
12 rest of the project for 272,000, and if we take  
13 another hundred thousand, I guess it would have to  
14 be amended down to 372,000. Does that sound right?  
15 Am I the only Purdue guy here that can do the math?  
16 Come on guys.

17 COMMISSIONER LEVENGOOD: There's a lot of  
18 construction managers, good construction managers  
19 from Purdue. I'm going to try to help you with  
20 this motion.

21 CHAIRMAN BORST: Thank you. I need all the  
22 help I can get.

23 COMMISSIONER LEVENGOOD: So I move that we  
24 accept the program as presented with the  
25 modification of this particular community center

1 have an allocated budget of \$200,000 so that you  
2 can come back to the Commission and give us some  
3 assurances that you can build what you're talking  
4 about within the budget that you suggested.

5 CHAIRMAN BORST: So the total amount would be  
6 472,000, correct, the 272 plus two?

7 EXECUTIVE DIRECTOR PITMAN: Are you adding in  
8 the 2025 projects?

9 CHAIRMAN BORST: No.

10 COMMISSIONER LEVENGOOD: To try this again,  
11 what I'm trying to do is allocate of their request  
12 for a million-three only 200,000 of that  
13 million-three. Within that 200,000, they need to  
14 go get -- and I could spend an hour with you on it.  
15 But you need to go get an architect, construction  
16 manager, get your drawings, get a program. And I  
17 wouldn't -- I'm not going to tell what you to do,  
18 but I probably wouldn't take it all the way to  
19 construction documents. I'd get SDs and then go  
20 get a price because you'll be able to tell by that  
21 time if you're way over or not.

22 Then you've got, you know, there's a fancy  
23 word called value engineering, which means cut  
24 costs so instead of having \$50 a yard carpet,  
25 you'll get \$30 a yard carpet. You know what I'm



1 speaking about. So that's what I'm telling you  
2 you're going to get \$200,000 to go get that done  
3 and come back and assure the Commission that you  
4 can build what you think you're going to build for  
5 the money that you've set.

6 MR. ROTHENBERG: So I believe it's 472,000.

7 COMMISSIONER LEVENGOOD: Perfect. If that's  
8 the number, I say move it.

9 CHAIRMAN BORST: So 1.3 becomes 200,000. So  
10 there's a motion to make it 472,000 by cutting 1.3  
11 down to 200,000. Is there a second on that?

12 COMMISSIONER MCCARTY: Second.

13 CHAIRMAN BORST: Any other questions?  
14 Hopefully this is a good middle ground. Okay.

15 Seeing no further questions, all those in  
16 favor say "aye."

17 THE COMMISSION: Aye.

18 CHAIRMAN BORST: Opposed?

19 (No response.)

20 CHAIRMAN BORST: The "ayes" have it.

21 Next on the agenda is the delegation of  
22 authority to conduct racing business to Executive  
23 Director Pitman. This is kind of a technical  
24 thing. Dale, do you want to take that?

25 MR. PENNYCUFF: Yes. Chairman, Commissioners,

1 each year there are matters that arise during the  
2 race meet that require quick turnaround and quick  
3 decision making. Because the Commission may not  
4 meet often enough for those immediate matters to be  
5 handled, Commission Staff routinely requests the  
6 Commission delegate authority to Executive Director  
7 Pitman to handle matters that arise between  
8 commission meetings.

9 CHAIRMAN BORST: Okay. Any questions? All  
10 those in favor say "aye."

11 COMMISSIONER LEVENGOOD: I'm going to give you  
12 a motion.

13 CHAIRMAN BORST: How about a motion? I'm  
14 moving along too fast.

15 COMMISSIONER LEVENGOOD: So moved.

16 COMMISSIONER MCCUAIG: Second.

17 CHAIRMAN BORST: All right. Now no questions,  
18 all those in favor say "aye."

19 THE COMMISSION: Aye.

20 CHAIRMAN BORST: Opposed?

21 (No response.)

22 CHAIRMAN BORST: The "ayes" have it. We have  
23 no old business, no new business. Ready for  
24 adjournment.

25 COMMISSIONER MCCARTY: I just want to make a

1 point. Since I intend to be here for the next full  
2 eclipse of the sun, I'd like to have a follow-up  
3 report after the event from Horseshoe Indianapolis  
4 so we can see what was successful and what was not  
5 and make plans for the next one.

6 CHAIRMAN BORST: There you go.

7 COMMISSIONER LEVENGOOD: I know it's  
8 difficult, but if you can do, even if it's this, do  
9 a guesstimate on the number of attendees. Okay.

10 JOE MORRIS: The neat thing is the drone. So  
11 we'll be able to fly that drone out and around and  
12 get shots.

13 COMMISSIONER LEVENGOOD: Just a number.

14 CHAIRMAN BORST: Motion to adjourn.

15 COMMISSIONER LEVENGOOD: My biggest thing of  
16 the day is motion to adjourn.

17 COMMISSIONER MCCARTY: Second.

18 CHAIRMAN BORST: Been moved and seconded. We  
19 are adjourned. Thank you all for being here and  
20 participating, and we'll see what the eclipse does.

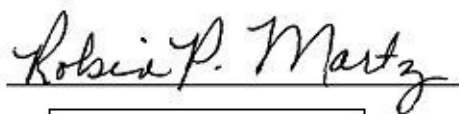
21  
22 (The meeting of the Indiana Horse Racing  
23 Commission was adjourned at 12:39 p.m.)  
24  
25

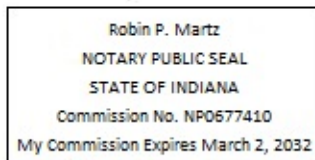
1 STATE OF INDIANA  
2 COUNTY OF JOHNSON  
3

4 I, Robin P. Martz, a Notary Public in and for  
5 said county and state, do hereby certify that the  
6 foregoing matter was taken down in stenograph notes  
7 and afterwards reduced to typewriting under my  
8 direction; and that the typewritten transcript is a  
9 true record of the Indiana Horse Racing Commission  
10 meeting;

11 I do further certify that I am a disinterested  
12 person in this; that I am not a relative of the  
13 attorneys for any of the parties.

14 IN WITNESS WHEREOF, I have hereunto set my  
15 hand and affixed my notarial seal this 10th day of  
16 April, 2024.

17  
18 



19  
20  
21 My Commission expires:  
22 March 2, 2032

23 Job No. 189882  
24  
25

<hr/> <b>Exhibits</b> <hr/>	<b>120</b> 73:14	<b>2:30</b> 31:13,15
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