

In the Matter Of:

INDIANA HORSE RACING COMMISSION MEETING

Transcript of Proceedings

October 01, 2020

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2
3 INDIANA HORSE RACING COMMISSION MEETING

4 HELD ON

5 OCTOBER 1, 2020

6 10:45 A.M.

7
8 AT THE

9 INDIANA GRAND RACING AND CASINO

10 4100 NORTH MICHIGAN ROAD

11 SHELBYVILLE, IN 46176

12
13
14 TAKEN BY:

15 MICHELE K. GUSTAFSON, CRR-RPR,

16 NOTARY PUBLIC
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APPEARANCES

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Philip Borst, Chairman
Greg Schenkel, Vice-chairman
George Pillow (by telephone)
Bill McCarty (by telephone)
Bill Estes

Deena Pitman, Executive Director
Tom Linkmeyer

Noah Jackson, Esq.
INDIANA HORSE RACING COMMISSION
1302 North Meridian Street, Suite 175
Indianapolis, IN 46202

1 AGENDA

2 I. Call to Order

3 II. Approval of minutes and memorandum from the
4 July 13, 2020; approval of memorandum from
5 July 13, 2020 Executive Session

6 III. Agenda

7 1. Consideration of Settlement Agreement between
8 Indiana Horse Racing Commission Staff and
9 Shane Bowermaster.

10 2. Readoption of administrative rules scheduled
11 to expire. See attached Notice of Intent to
12 Readopt, LSA Document #20-406

13 3. Thoroughbred Breed Development Advisory
14 Committee request to amend the previously
15 approved 2020 Thoroughbred Breed Development
16 Program budget

17 4. Thoroughbred Breed Development Advisory
18 Committee request to renew the Mare Incentive
19 Program.

20 5. Advance deposit wagering (ADW) allocation
21 request from Indiana Horsemen's Benevolent &
22 Protective Association (INHBPA).

23 6. Advance deposit wagering (ADW) request from
24 Indiana Thoroughbred Owners and Breeders
25 Association (ITOBA).

7. Review of commission rulings - July 10, 2020
through September 23, 2020.

8. Consideration of Caesars second request to
amend 2020 preapproved Capital Expenditures
for alternative 2020 purchases as requested
by Harrah's Hoosier Park and Indiana Grand.

9. Caesars presentation of quarterly 2020
Community Giving Report as part of the
required conditions included in the
Commission's July 13, 2020 Final Permit Order
and their assessment of current race meet.

1 10. Horsemen's association representative's
2 assessment of racetrack ownership since
3 permit transfer and current race meet
4 conditions.

4 IV. Old Business

5 V. New Business

6 VI. Adjournment

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1 CHAIRMAN BORST: I'd like to call this meeting
2 of the Indiana Horse Racing Commission to order,
3 October 1, 2020. At this point I will swear in our
4 transcripator.

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

7 CHAIRMAN BORST: She does.

8 On the phone is Commissioner Pillow and
9 Commissioner McCarty and, of course, we all know
10 Commissioner Schenkel. We have a new Commissioner,
11 Bill Estes, and we'd like to welcome him to our
12 group here.

13 COMMISSIONER ESTES: Thank you.

14 (applause)

15 CHAIRMAN BORST: So we're breaking him in easy
16 as we can here, I guess.

17 So going on. We'll take approval of the
18 minutes from the July 13 marathon that we had here
19 hard to believe almost three months ago. Do we
20 have a motion and second for minutes?

21 COMMISSIONER SCHENKEL: I'll move approval.

22 COMMISSIONER ESTES: Second.

23 CHAIRMAN BORST: Been moved and seconded.

24 MR. JACKSON: Excuse me. We're going to have
25 to do a roll call vote. I'll handle that.

1 CHAIRMAN BORST: Roll-call vote. Almost got
2 it.

3 MR. JACKSON: Chairman Borst.

4 CHAIRMAN BORST: Aye.

5 MR. JACKSON: Vice-chairman Schenkel.

6 COMMISSIONER SCHENKEL: Aye.

7 MR. JACKSON: Commissioner Pillow.

8 COMMISSIONER PILLOW: Aye.

9 MR. JACKSON: Commissioner McCarty.

10 COMMISSIONER McCARTY: Aye.

11 MR. JACKSON: And Commissioner Estes.

12 COMMISSIONER ESTES: Aye.

13 MR. JACKSON: Thank you.

14 CHAIRMAN BORST: Got that done.

15 All right. First on the agenda is
16 consideration of settlement agreement between
17 Indiana Horse Racing Commission Staff and
18 Shane Bowermaster. Noah, you going to take that
19 one?

20 MR. JACKSON: Thank you, Mr. Chairman.
21 Commissioners, you have in your packet the
22 settlement agreement that was fully executed in
23 September 2020 between Commission Staff and
24 Shane Bowermaster.

25 Mr. Bowermaster had two horses scheduled to

1 race on July 17. During the pre-race blood gas
2 analysis the instrument indicated high measurements
3 of pH and bicarbonate for both of Mr. Bowermaster's
4 horses. The horses were scratched from competition
5 and a hearing was scheduled for Mr. Bowermaster.

6 At the hearing before the judges
7 Mr. Bowermaster denied taking any action that would
8 cause the high readings. The judges issued two
9 rulings, one for each of Bowermaster's horses.
10 Mr. Bowermaster timely appealed the judges' rulings
11 and the case was assigned to Administrative Law
12 Judge Michael Buker.

13 Counsel for both parties entered into
14 settlement discussions, which resulted in the
15 agreement before you today. Mr. Bowermaster has
16 agreed to serve a 15-day suspension and agreed to
17 one violation of 71 IAC 8-2-2. Mr. Bowermaster was
18 credited with ten days served and per the terms of
19 the agreement will serve the other five days of the
20 suspension.

21 At this time Commission Staff respectfully
22 requests the approval of the settlement agreement
23 between Staff and Shane Bowermaster.

24 CHAIRMAN BORST: Thank you. Any Commissioners
25 have any questions? Seeing none, I'll accept a

1 motion to agree.

2 COMMISSIONER SCHENKEL: I'll move to accept
3 this settlement agreement.

4 COMMISSIONER ESTES: I'll second it.

5 CHAIRMAN BORST: Okay. It's been moved and
6 seconded. Any further discussions?

7 If not, roll call.

8 MR. JACKSON: Thank you. Chairman Borst.

9 CHAIRMAN BORST: Aye.

10 MR. JACKSON: Vice-chairman Schenkel.

11 COMMISSIONER SCHENKEL: Aye.

12 MR. JACKSON: Commissioner Pillow.

13 COMMISSIONER PILLOW: Aye.

14 MR. JACKSON: Commissioner McCarty.

15 COMMISSIONER McCARTY: Aye.

16 MR. JACKSON: And Commissioner Estes.

17 COMMISSIONER ESTES: Aye.

18 MR. JACKSON: Thank you.

19 CHAIRMAN BORST: Thank you all.

20 Next is a procedure that we do quite often is
21 readoption of administrative rules that are
22 scheduled to expire. I believe everybody's had to
23 chance to see those. Noah, you going to take that
24 one too?

25 MR. JACKSON: Yes. Thank you. Like other

1 administrative agencies, the Commission's
2 administrative rules automatically expire every
3 seven years. However, the agency is given the
4 opportunity to readopt the rules so long as the
5 rule language remains identical. There are a
6 number of rules scheduled to expire at the end of
7 the year, each of which is listed in the Notice of
8 Intent to Readopt labeled LSA Document #20-406.

9 Commission Staff posted the rules on the
10 Legislative Service Agency's website as required by
11 statute. This gives an opportunity for members of
12 the public to ask us to consider making changes to
13 the rules or readopt them separately. We did not
14 have any requests to do so.

15 At this time Commission Staff respectfully
16 requests the Commission's approval for these rules
17 to be readopted without change before the end of
18 the year.

19 CHAIRMAN BORST: Thank you. Anybody have any
20 questions on any of the particular rules? There's
21 a lot of them, but they're already in place, we're
22 just readopting them.

23 COMMISSIONER SCHENKEL: I was just going to
24 ask. Noah, there's no substantive changes then,
25 these are pretty perfunctory in terms of

1 restatement and so forth?

2 MR. JACKSON: Yes, sir. So the way the
3 readoption works, we're not allowed to change the
4 language. We would have to pull that rule out
5 separately and change it. So this is just a
6 readoption of the exact same language.

7 COMMISSIONER SCHENKEL: Of existing?

8 MR. JACKSON: Yes.

9 COMMISSIONER SCHENKEL: Just want to make
10 sure. Thank you.

11 CHAIRMAN BORST: Okay. No other questions?
12 Accept a motion to approve. Anybody?

13 COMMISSIONER SCHENKEL: Move approval.

14 COMMISSIONER ESTES: Second.

15 CHAIRMAN BORST: Thank you. It's been moved
16 and seconded. Roll-call vote.

17 MR. JACKSON: Chairman Borst.

18 CHAIRMAN BORST: Aye.

19 MR. JACKSON: Vice-chairman Schenkel.

20 COMMISSIONER SCHENKEL: Aye.

21 MR. JACKSON: Commissioner Pillow.

22 COMMISSIONER PILLOW: Aye.

23 MR. JACKSON: Commissioner McCarty.

24 COMMISSIONER McCARTY: Aye.

25 MR. JACKSON: And Commissioner Estes.

1 COMMISSIONER ESTES: Aye.

2 CHAIRMAN BORST: Thank you.

3 MR. JACKSON: Thank you.

4 CHAIRMAN BORST: Passes unanimously.

5 Next on the agenda is the Thoroughbred Breed
6 Development Advisory Committee request to amend the
7 previously approved 2020 Thoroughbred Breed
8 Development Program budget. Jessica is here.
9 She's trying to work magic on these next two and
10 she's been going crazy here with this racing
11 season. We sure appreciate all your work.

12 MS. BARNES: Change, change, change. That's
13 what describes this year's racing program, and
14 we've all been trying to adapt as we go. One of
15 the things in looking at the thoroughbred breed
16 development number is you can see here that our
17 projected revenue is much higher than what we
18 anticipated in May. When we were putting these
19 numbers together in May, we would have no idea what
20 those numbers were going to be when the casinos
21 opened back up or what type of horse population the
22 track would have.

23 So what we have found is that the numbers have
24 been much better than anticipated and there's been
25 a much greater reliance on the need for

1 Indiana-bred races to fill the racing card. So
2 when you combine those two things together, looking
3 that we do have some excess money and the need to
4 continue the program that's been put in place and
5 keep, you know, the great handle that we've been
6 seeing at the racetracks and all of those things,
7 the committee when working with members of
8 management, ITOBA leaders, HBPA leaders, and the
9 horsemen thought it was best if we could push some
10 of our excess dollars that we've received this year
11 back into purses.

12 So this is what this proposal outlines. It
13 basically takes money in excess that we've gotten,
14 it takes our reserves back to \$2 million at least,
15 because we were going to be below kind of that
16 mandate that the Commission has approved in the
17 past, that we keep \$2 million when we approved the
18 program in May, so this takes it back to \$2 million
19 and then it kind of divvies out the money to cover
20 the different facets of the program.

21 So it puts some money into the purse fund to
22 be used for Indiana-bred races, it covers the
23 breeders awards and stallion awards for those
24 additional races, and then it also takes into
25 account if revenue is at least higher for the

1 months of October and November, then we'll
2 institute a stakes bonus program for this year to
3 kind of go back and help those people in the stakes
4 program where we had to cut that program.

5 And I can answer any questions that you have
6 on this. I can tell you that I have been working
7 closely with Eric Halstrom on a weekly basis.
8 We're kind of, you know, monitoring where we are at
9 races, what is filling, what is needed for the
10 tracks. When you approved the initial program in
11 May, there's kind of a base that the track puts
12 into each breed development race, and we're
13 adjusting that weekly as we go. So we're taking a
14 look at it just to make sure that our final budget
15 numbers are going to end up where they need to be
16 for breed development and for the purse account.

17 CHAIRMAN BORST: Definitely a puzzle.

18 MS. BARNES: It is a big puzzle.

19 CHAIRMAN BORST: You've done a good job.

20 COMMISSIONER SCHENKEL: And I guess I'd point
21 out, Mr. Chairman, to make sure that we all
22 recognize as Commissioners we're delegating to
23 Deena that ability to do that stakes bonus program
24 only if the revenue projections exceed.

25 MS. BARNES: The revenues are where we expect

1 them to be, yes.

2 COMMISSIONER SCHENKEL: Okay.

3 MS. BARNES: I would say right now that I'm,
4 like, 99.9 percent they're going to be there.

5 COMMISSIONER SCHENKEL: But we're giving that
6 authority to Deena so that we don't have to come
7 back and re-look at that. You'll keep an eye on
8 the actual versus the projections.

9 MS. BARNES: Right. And those bonuses would
10 be paid out during the month of December.

11 COMMISSIONER SCHENKEL: And I'd request that
12 you just let us know as that happens, please.

13 CHAIRMAN BORST: Okay. Good. Well, we hope
14 you're 99.9. This day and age we're living day to
15 day here and sometimes hour to hour --

16 MS. BARNES: Nothing will surprise me after
17 this year, so . . .

18 CHAIRMAN BORST: -- what's going on in 2020.

19 So any further questions on the thoroughbred
20 breed development new numbers? If not, accept a
21 motion from someone and a second.

22 COMMISSIONER ESTES: I'll move.

23 COMMISSIONER SCHENKEL: I'll second.

24 CHAIRMAN BORST: Thank you. Been moved and
25 seconded to approve the program.

1 Roll-call vote.

2 MR. JACKSON: Chairman Borst.

3 CHAIRMAN BORST: Aye.

4 MR. JACKSON: Vice-chairman Schenkel.

5 COMMISSIONER SCHENKEL: Aye.

6 MR. JACKSON: Commissioner Pillow.

7 COMMISSIONER PILLOW: Aye.

8 MR. JACKSON: Commissioner McCarty.

9 COMMISSIONER McCARTY: Aye.

10 MR. JACKSON: And Commissioner Estes.

11 COMMISSIONER ESTES: Aye.

12 MR. JACKSON: Thank you.

13 CHAIRMAN BORST: It passes unanimously again.

14 MS. BARNES: Thank you.

15 CHAIRMAN BORST: Then next is Jessica again on
16 the Thoroughbred Breed Advisory Committee request
17 to renew the Mare Incentive Program.

18 MS. BARNES: This is a program we put into
19 place last December to try to attract new mares to
20 the thoroughbred breed development program. So it
21 actually provided a payment to individuals who
22 bought a mare at a sale, a public auction, for a
23 specific price, at least a specific price, and
24 brought that mare to Indiana to foal, resulting in
25 having an Indiana-bred foal, and then also provided

1 an additional incentive for that mare owner to
2 breed that mare back to an Indiana sire and
3 complete the process again.

4 So we had six mares take place in that, so we
5 were happy with that. We didn't know what we would
6 get in implementing something like that. It's a
7 battle each year to get mares into the state.
8 You're vying for other states' programs. You know,
9 every mare that we bring to Indiana has a value to
10 our program. So we're happy with six. We're
11 hoping it'll be more for next year.

12 So in thinking ahead, we wanted to go ahead
13 and get this approved for next year's program so we
14 can go ahead and start advertising it with the
15 sales that are starting up right now or currently
16 going on.

17 CHAIRMAN BORST: Good.

18 COMMISSIONER SCHENKEL: I was going to ask
19 that, Jessica. You said there were only six this
20 year. I saw that in what you gave us. Yet you're
21 asking you think it will not exceed 50,000. That's
22 a lot more than six.

23 MS. BARNES: Right.

24 COMMISSIONER SCHENKEL: Is there some interest
25 in this out there, you think?

1 MS. BARNES: I think there are some interest.
2 You know, you learn from what you do. One of the
3 things we did, we adjusted the purchase price down
4 just a little bit because especially with the COVID
5 scene, we found last year that there were some
6 really good bred mares that were bringing some
7 lower prices at auction just because. And we kind
8 of anticipate that that can happen that year, so
9 that's why we've adjusted that price down.

10 Last year's program there were some mares that
11 would have been eligible but they didn't meet that
12 price cap and so they did not qualify. So we're
13 hoping the fact of that, that we adjusted the price
14 down. We have a little bit more time this year to
15 have this program in place and have people know
16 about that, that that will help with our numbers,
17 you know.

18 Ideally I would love to say, you know, that we
19 get 25 mares take advantage of this. For the
20 little amount that we spend in this program, I
21 think it does a lot of good just introducing new
22 mares to our program and getting new people
23 involved.

24 COMMISSIONER SCHENKEL: Good. Thank you.

25 CHAIRMAN BORST: So did all six mares qualify?

1 MS. BARNES: They qualified for the first one.
2 The second payment doesn't happen until they
3 fulfill some requirements this spring.

4 CHAIRMAN BORST: We won't know until the
5 season?

6 MS. BARNES: So we won't know.

7 CHAIRMAN BORST: All right. Any other
8 questions? Seeing none, do we have a motion to
9 accept the program for next year?

10 COMMISSIONER ESTES: So moved.

11 COMMISSIONER SCHENKEL: Second.

12 CHAIRMAN BORST: You guys, it's like pulling
13 teeth.

14 COMMISSIONER SCHENKEL: I was waiting for one
15 of those guys.

16 CHAIRMAN BORST: Come on, George, Bill. You
17 got to work.

18 COMMISSIONER PILLOW: Every time we say
19 something, somebody else says something.

20 CHAIRMAN BORST: There is a bit of delay on
21 there. I'll acknowledge that.

22 So we have a motion and a second. Guess we're
23 ready for a roll-call vote.

24 MR. JACKSON: Thank you. Chairman Borst.

25 CHAIRMAN BORST: Aye.

1 MR. JACKSON: Vice-chairman Schenkel.

2 COMMISSIONER SCHENKEL: Aye.

3 MR. JACKSON: Commissioner Pillow.

4 COMMISSIONER PILLOW: Aye.

5 MR. JACKSON: Commissioner McCarty.

6 COMMISSIONER McCARTY: Aye.

7 MR. JACKSON: And Commissioner Estes.

8 COMMISSIONER ESTES: Aye.

9 MR. JACKSON: Thank you.

10 CHAIRMAN BORST: Thank you. Thank you,
11 Jessica, for making the magic work here.

12 MS. BARNES: Thank you.

13 CHAIRMAN BORST: Next on the agenda is the
14 advance deposit wagering allocation request from
15 Indiana Horsemen's Benevolent & Protective
16 Association. Noah, you going to handle that one?

17 MR. JACKSON: Thank you. Commissioners, as
18 you're aware, at the December 2019 meeting the IHRC
19 issued licenses to its first group of secondary
20 pari-mutuel operators. This led to each of the
21 horsemen's associations receiving advance deposit
22 wagering funds based upon the agreements between
23 the secondary pari-mutuel operators and the
24 racetracks. Since that time the funds have built
25 up and remain in an escrow account.

1 On September 10, 2020, Brian Elmore, the
2 executive director of the IHBPA, submitted a
3 request for the Commission to approve a limited
4 allocation of the money being held in escrow to the
5 Indiana Grand purse account so as to ensure that
6 this year's pandemic-shortened and
7 pandemic-impacted race meet could continue and
8 afford the horsemen opportunities to try to make up
9 for the abbreviated racing season. IHBPA put this
10 matter before their board and it was unanimously
11 supported.

12 At this time and in consideration of the
13 extraordinary events that were described by Jessica
14 and in the request itself, Commission Staff
15 respectfully requests approval of the limited
16 allocation, specifically monies accumulated as of
17 August 31, 2020, along with funds deposited on
18 September 30, 2020, and October 31, 2020.

19 Commission Staff also respectfully recommends that
20 the Commission order that the funds deposited after
21 the requested October 31, 2020, date be required to
22 be placed in escrow once again until the allocation
23 is approved by the Commission.

24 CHAIRMAN BORST: Thank you. Any Commissioner
25 questions?

1 COMMISSIONER SCHENKEL: Are we going to hear
2 from Mr. Elmore?

3 MR. ELMORE: I don't want to mess this thing
4 up -- it sounds like it's going pretty good -- but
5 I'll be glad to address you.

6 CHAIRMAN BORST: You're more than welcome to.

7 COMMISSIONER SCHENKEL: I've got a question.

8 CHAIRMAN BORST: You won't mess it up.

9 COMMISSIONER SCHENKEL: Go ahead.

10 MR. ELMORE: Brian Elmore, executive director
11 of the Indiana HBPA. Mr. Chairman, Commissioners,
12 Staff, like to welcome Commissioner Estes.

13 COMMISSIONER ESTES: Thank you.

14 MR. ELMORE: I'm going to let you know we're
15 the luckiest people in the world. It's our job to
16 take care of, we have a responsibility to ensure
17 the health and well-being of the animals that race
18 here at Indiana Grand and Hoosier Park, and to us
19 it's the greatest industry in the world. So we'd
20 like to welcome you here.

21 COMMISSIONER ESTES: Thank you.

22 MR. ELMORE: I'd like to thank the Commission,
23 Mr. Chairman, Deena, for arranging this meeting
24 because to give us the opportunity to come before
25 you.

1 Eric Halstrom called me one day and said, I
2 know where our customers are. They're at home.
3 You see, for the period of time that the OTBs were
4 closed and we were closed here and couldn't allow
5 fans, thank God we had ADW and people were sitting
6 at home betting on their ADWs on the races here and
7 across the country and the monies were funneling in
8 and they greatly exceeded expectations. So as the
9 late, great U.S. Representative John Lewis said,
10 Talk about good trouble, we've got good trouble.

11 The good news is revenues are much, much
12 higher than ever anticipated. It's allowed us to
13 once we got started two months late start catching
14 up on races, run more races, ensure our meet. And
15 what we need to do now is just transfer monies
16 that's built up in the ADW to our purse account for
17 this year to ensure that we make it through the
18 November closing date.

19 CHAIRMAN BORST: You got questions?

20 COMMISSIONER SCHENKEL: My question to you,
21 Brian, was -- and maybe you have a number, maybe
22 somebody else does -- that the number you gave us
23 through August, I guess, is almost \$732,000. Any
24 projection as to, given how it's been running, you
25 got two more months, you got September and October?

1 MR. ELMORE: We'll get a new number today and
2 I expect it to be about \$120,000.

3 COMMISSIONER SCHENKEL: For the month of
4 September?

5 MR. ELMORE: Yes.

6 COMMISSIONER SCHENKEL: Okay.

7 MR. ELMORE: So in the end we estimate about
8 \$950,000, \$960,000, and then that stops and it
9 starts accumulating for next year.

10 COMMISSIONER SCHENKEL: Okay. Thank you.

11 MR. ELMORE: So we would ask that you approve
12 that.

13 COMMISSIONER SCHENKEL: That's a good number.

14 MR. ELMORE: Excellent.

15 CHAIRMAN BORST: Any further questions,
16 Commission members? Accept a motion and a second
17 to approve.

18 COMMISSIONER SCHENKEL: Move approval.

19 COMMISSIONER ESTES: Second.

20 CHAIRMAN BORST: Thank you. Been moved and
21 seconded.

22 We'll go to a roll-call vote.

23 MR. JACKSON: Chairman Borst.

24 CHAIRMAN BORST: Aye.

25 MR. JACKSON: Vice-chairman Schenkel.

1 COMMISSIONER SCHENKEL: Aye.

2 MR. JACKSON: Commissioner Pillow.

3 COMMISSIONER PILLOW: Aye.

4 MR. JACKSON: Commissioner McCarty.

5 COMMISSIONER McCARTY: Aye.

6 MR. JACKSON: And Commissioner Estes.

7 COMMISSIONER ESTES: Aye.

8 CHAIRMAN BORST: Passes unanimously. You
9 didn't mess it up. You did good.

10 MR. ELMORE: Thank you so much. Appreciate
11 it.

12 CHAIRMAN BORST: Next on the agenda is advance
13 deposit wagering request from Indiana Thoroughbred
14 Owners and Breeders Association. Noah again?

15 MR. JACKSON: Do you want to do a presentation
16 first or do you want to do mine?

17 CHAIRMAN BORST: We can if you've got one.

18 MR. MOSLEY: I like the way you did that one.

19 MR. JACKSON: I'll go first.

20 CHAIRMAN BORST: Okay.

21 MR. JACKSON: Commissioners, this is a similar
22 request to the previous one from IHBPA. In this
23 case ITOBA is requesting a limited allocation of
24 ADW funds currently held in escrow in order to
25 ensure that the pandemic-impacted 2020 race meet

1 can reach a successful conclusion.

2 As ITOBA points out, the success of the 2020
3 race meet can have a lasting impact beyond just
4 this race meet. The request cites upcoming
5 breeding decisions, the yearling market, and the
6 retention of horses in training that might all be
7 impacted by the level of success of the 2020 race
8 meet. This request was considered and approved and
9 is supported unanimously by the ITOBA directors and
10 officers.

11 At this time Commission Staff would
12 respectfully request Commission approval of the
13 limited allocation of ADW funds as described in
14 your meeting materials. Commission Staff also
15 respectfully recommends that the Commission's
16 approval state that the money deposited after the
17 October 31, 2020, deadline must be deposited in
18 escrow pending Commission approval, as was required
19 of IHBPA.

20 CHAIRMAN BORST: Do you want to mess it up or
21 not?

22 MR. MOSLEY: I'm going to try not to.

23 CHAIRMAN BORST: You won't. Don't worry.

24 MR. MOSLEY: Good morning, Commissioners and
25 Chair, Executive Director Pitman. Thank you very

1 much for giving us the opportunity to consider this
2 matter this morning.

3 My name's Tom Mosley and I'm a director and
4 the chair of the Governmental Affairs Committee for
5 the Indiana Thoroughbred Owners and Breeders
6 Association. And I don't have a lot to add to the
7 letter that we sent in, and the one thing I was
8 going to mention, Noah just kind of stole from me.

9 The lasting effect, people were really
10 impressed at the extraordinary effort that this
11 Commission and legislators and the race
12 associations got together and got us back on the
13 track, and people all around in racing recognize
14 how professionally it was handled. We've got to
15 get through this meet. We've got to get the money
16 back into these people's pockets.

17 And the line that Noah stole, there's a lot of
18 decisions being made right now, how much are they
19 going to invest in, what stallion they're going to
20 breed to, where they're going to foal their mares
21 out. And when they see this hearing and that all
22 of the interested parties got together and doing
23 literally everything we can do to make this happen,
24 it causes a stability and an optimism not just for
25 the rest of this meet but going into the future.

1 I really don't have anything else to add.
2 Thank you very much for your consideration.

3 CHAIRMAN BORST: Thank you for being here.

4 MR. MOSLEY: I'll try to answer any questions
5 that I can.

6 COMMISSIONER SCHENKEL: I have the same
7 question, Tom, that I directed to Brian about just
8 so we've got an idea overall amount. You're asking
9 for \$148,000 roughly in that general purse account.
10 What is that per month for these last two months
11 approximately?

12 MR. MOSLEY: We believe the next two months
13 will be roughly \$30,000. But the forecast detail,
14 the bookkeeper --

15 COMMISSIONER SCHENKEL: I understand. I'm not
16 going to hold you to it. I didn't know if it was
17 \$5 or \$500,000.

18 MR. MOSLEY: When we discussed it in our board
19 meeting and meetings outside of our board meeting,
20 we were assuming it would be in the neighborhood of
21 \$30,000.

22 COMMISSIONER SCHENKEL: Per month?

23 MR. MOSLEY: Per month.

24 COMMISSIONER SCHENKEL: Okay. Thank you.

25 MR. MOSLEY: Uh-huh.

1 CHAIRMAN BORST: Any further questions,
2 Commission members?

3 Thank you, Tom.

4 I guess we'll accept a motion and a second to
5 approve.

6 COMMISSIONER McCARTY: Second.

7 CHAIRMAN BORST: Motion first.

8 COMMISSIONER ESTES: I move to accept.

9 CHAIRMAN BORST: Bill and Bill moved and
10 seconded.

11 Okay. We'll go to a roll-call vote.

12 MR. JACKSON: Thank you. Chairman Borst.

13 CHAIRMAN BORST: Aye.

14 MR. JACKSON: Vice-chairman Schenkel.

15 COMMISSIONER SCHENKEL: Aye.

16 MR. JACKSON: Commissioner Pillow.

17 COMMISSIONER PILLOW: Aye.

18 MR. JACKSON: Commissioner McCarty.

19 COMMISSIONER McCARTY: Aye.

20 MR. JACKSON: And Commissioner Estes.

21 COMMISSIONER ESTES: Aye.

22 MR. JACKSON: Thank you.

23 CHAIRMAN BORST: Passes unanimously. You
24 didn't mess it up either.

25 MR. MOSLEY: I didn't mess it up.

1 CHAIRMAN BORST: No.

2 Next on the agenda is just the review of
3 commission rulings from July 10 through
4 September 23. We don't have to vote on this. If
5 any Commission members have any questions on those
6 rulings on Tab 7 of your booklet.

7 COMMISSIONER SCHENKEL: I just have one
8 second, Mr. Chairman, either Deena or Noah.

9 CHAIRMAN BORST: Okay.

10 COMMISSIONER SCHENKEL: When there are -- and
11 we always have these -- like, for instance, there's
12 a number on here of medication/drug violations and
13 there's no fines or no suspensions or anything, but
14 on those violations aren't there points or
15 something? Isn't there a process there that if
16 it's repeated that -- I seem to remember it but I
17 need to be refreshed on that -- because I saw on
18 here one individual where there's multiples and I
19 just wondered how we keep track of that?

20 MS. PITMAN: It generally depends on what the
21 medication violation is and level of points that
22 are associated with that particular medication.

23 COMMISSIONER SCHENKEL: But there is a point
24 system kept and they're watched?

25 MS. PITMAN: Yes.

1 COMMISSIONER SCHENKEL: Okay. Thanks.

2 CHAIRMAN BORST: Okay. Any other questions on
3 the rulings?

4 COMMISSIONER McCARTY: I do have a question.
5 Commissioner McCarty here.

6 CHAIRMAN BORST: Yes.

7 COMMISSIONER McCARTY: Is this a normal volume
8 of rulings for basically a two and a half-month
9 period? It struck me as that there weren't
10 egregious big violations but it seemed like the
11 number of violations was a little higher than
12 normal. Am I just forgetting last year's or is it
13 high?

14 CHAIRMAN BORST: I think there's a lot more
15 with violations this year. I think that's probably
16 the big one.

17 MS. PITMAN: There are more with violations.
18 Noah, if you want to comment.

19 MR. JACKSON: A number of factors have played
20 into that, and specifically looking at the whip
21 violations which is a significant number of the
22 ones you see. The stewards have been taking an
23 extra interest in that this year and ensuring that
24 the rider is allowing the horse to respond before
25 whipping the horse again. So we've seen an

1 increased interest from our stewes, and specifically
2 because of just equine safety concerns, both here
3 and nationwide, our stewes have taken a particular
4 interest in that and I think a lot of the whipping
5 violations that you see that that's the reason for
6 those and that's part of the reason for the
7 increased number of rulings you see here.

8 CHAIRMAN BORST: Does that answer it, Bill?

9 COMMISSIONER McCARTY: Yes. I appreciate the
10 explanation. I appreciate the thoroughness, the
11 approach really, and that explains the number. I
12 appreciate it. Thank you.

13 CHAIRMAN BORST: Thank you.

14 Next is consideration of Caesars second
15 request to amend the 2020 preapproved
16 Capital Expenditures for alternative 2020 purchases
17 as requested by Harrah's Hoosier Park and
18 Indiana Grand. Deena, do you want to take that
19 one?

20 MS. PITMAN: Yes, Chairman.

21 CHAIRMAN BORST: Do you need a microphone
22 here? We've got one here, I think. We'll need to
23 put it back for them later.

24 MS. PITMAN: Earlier this year both
25 racetracks --

1 CHAIRMAN BORST: We can't hear.

2 COMMISSIONER SCHENKEL: You need to use it.

3 MS. PITMAN: I guess. Earlier this year both
4 racetracks requested changes to the
5 previously-approved capital improvements plan that
6 was a result of the 2018 sale to Caesars. So both
7 requests from each track has resulted in a change
8 in the items that they were scheduled to secure and
9 both of the items that the requests that they sent
10 to us actually detail new purchases that equate to
11 a larger sum of money being spent.

12 So I would recommend approval of this request.

13 CHAIRMAN BORST: Thank you. I don't know if
14 we need any more explanation from either of the
15 tracks. It makes some sense you don't buy stuff
16 just to buy it if you've got something else that's
17 needed and, matter of fact, even a higher amount
18 than the others.

19 Okay, Rick. Welcome.

20 MR. MOORE: Good morning, Mr. Chairman,
21 members of the Commission Staff. Just to maybe
22 give you a little more flavor, a little more detail
23 as to what Deena was talking about. We really
24 thank Deena for her consideration in both these
25 asks this year. Really appreciate it.

1 We found there were two items on the original
2 capital list that was approved by the
3 Racing Commission. One was a generator welder for
4 just over \$10,000 and then there were some
5 modulators for \$20,000. At the end of the day we
6 found out that we really didn't need the welder.
7 We actually had one that still worked and we only
8 use it about once a year. The modulators, we were
9 going to use to expand the DIRECTV Sportsbook
10 presentation beyond the Sportsbook throughout the
11 entire facility. We found out we couldn't do that,
12 so that made the modulator request kind of
13 obsolete.

14 But we did do several other things. We added
15 40 brand-new 49-inch televisions to the grandstand.
16 We purchased a screen for our track aggregate, the
17 material that we put on our track. We got a real
18 nice stone that goes on the track, but there are
19 some stones that are not acceptable, they're too
20 large, so we actually screen those stones out.
21 Kind of interesting. Our track maintenance
22 department does that to make sure the track is as
23 safe as possible for both human and equine
24 athletes. Then we put in new flooring for our
25 track kitchen, just to make it nicer. We did a

1 redo of the track kitchen, but at that time we
2 didn't have money in for new flooring, but then we
3 went back and added new flooring.

4 So we've added about, you know, the trade-off
5 is about \$24,000 additional in capital purchases
6 from what we didn't do and from what we did do. So
7 ran it by president Joe Putnam from the Indiana
8 Standardbred Association. He thought it made a lot
9 of sense and I think Executive Director Deena
10 Pitman did also. So we're asking for hopefully
11 your agreement in this matter.

12 CHAIRMAN BORST: Thank you.

13 MR. MOORE: Thank you.

14 CHAIRMAN BORST: Eric, want to say anything?

15 MR. HALSTROM: Chairman Borst, members of the
16 Commission, much like Rick, our track
17 superintendent Roy Smith is the most spoiled track
18 superintendent in America. I've never seen a track
19 superintendent call and say I don't need to buy
20 something. We had three items that totaled about
21 \$13,000, an aerator, a roller, and then a sprayer.
22 Conversely like that we had some other items that
23 came up, mainly a backflow device for our fire
24 suppression system. We had changed out one of the
25 valves and found out the second valve was actually

1 a problem too. We just can't get it shut off. So
2 the valve is actually a larger purchase than the
3 \$13,000 that we just can't find a way to use, so,
4 like Rick, we request that you make a substitution
5 for that and we'll get that work done immediately.
6 Thanks.

7 CHAIRMAN BORST: Thank you. Any questions,
8 Commission members? Seeing none, I guess then
9 we'll accept a motion to approve.

10 COMMISSIONER ESTES: I move to approve.

11 COMMISSIONER SCHENKEL: Second.

12 CHAIRMAN BORST: Been moved and seconded.

13 I guess we'll go to roll-call vote.

14 MR. JACKSON: Thank you. Chairman Borst.

15 CHAIRMAN BORST: Aye.

16 MR. JACKSON: Vice-chairman Schenkel.

17 COMMISSIONER SCHENKEL: Aye.

18 MR. JACKSON: Commissioner Pillow.

19 COMMISSIONER PILLOW: Aye.

20 MR. JACKSON: Commissioner McCarty.

21 COMMISSIONER McCARTY: Aye.

22 MR. JACKSON: And Commissioner Estes.

23 COMMISSIONER ESTES: Aye.

24 MR. JACKSON: Thank you.

25 CHAIRMAN BORST: Thank you. Passes

1 unanimously.

2 Next on the agenda, the next two things kind
3 of came out of our July 13 meeting where we said
4 that we wanted to be sure things are going smoothly
5 and everybody thinks things are going smoothly. So
6 to start it off, we'll have it's written here
7 Caesars presentation of quarterly 2020
8 Community Giving Report as part of the required
9 conditions included in the Commission's July 13
10 Final Permit Order and their assessment of current
11 race meet. Then after that we'll let the
12 representatives from the horsemen association, if
13 they want to say something they can, if they think
14 things are fine good. If they don't, this is your
15 chance to do it.

16 So I don't know. Is Joe going to give this?

17 MR. MORRIS: Kiersten will do the community
18 giving and then I'll do the assessment.

19 CHAIRMAN BORST: Okay. Thank you for the
20 report. It was a great report.

21 MS. FLINT: Good morning, Chairman,
22 Commissioners, and the Executive Staff. My name is
23 Kiersten Flint and I'm the vice president of
24 marketing for Harrah's Hoosier Park Racing &
25 Casino. Thank you for your time this morning as we

1 review our 2020 Community Giving Report on behalf
2 of both Harrah's Hoosier Park and Indiana Grand
3 Racing & Casino.

4 I've passed out an updated report that's got
5 some minor tweaks to it from the first one. You'll
6 see it's been dated today. This report was
7 originally intended to be a quarterly report, but
8 we have the rest of our 2020 planning strategy
9 lined up for the rest of the year so we've included
10 the entire 2020 giving which will also be included
11 on our 2021 operational plan that we'll present in
12 December.

13 Our mission at Harrah's Hoosier Park and
14 Indiana Grand as it relates to community impact and
15 community giving is to be engaged with our
16 community and ensure meaningful partnerships and
17 contributions and have a spirit of servant
18 leadership in everything that we do. Our teams
19 work together on a lot of cooperative initiatives
20 and are led by myself, Lenny Lisle, vice president
21 of marketing at Indiana Grand Racing & Casino, and
22 our teams.

23 Some important things to note as we review the
24 2020 giving is that these figures include both
25 community-driven sponsorships and donations. What

1 they do not include is volunteer hours, in-kind
2 contributions, Caesars Foundation contributions,
3 and it does not include marketing partnerships like
4 the Indianapolis Colts or Indiana Pacers. So these
5 are apples to apples from 2019 to 2020, and as we
6 work to finalize our 2021 plan we will outline them
7 by quarter as well.

8 In 2020 both Harrah's Hoosier Park and
9 Indiana Grand combined contributed \$953,344, which
10 was a 71.4 percent increase year over year. This
11 figure includes the additional \$250,000 contributed
12 by Caesars Entertainment at the time Eldorado,
13 which divided that money to each of our properties
14 and it came at a perfect time. These funds were
15 very meaningful to many of our organizations who
16 felt increased pressure for fundraising to support
17 unforeseen growing effects from the global
18 pandemic. When a lot of organizations were pulling
19 back their dollars, we were able to come to the
20 table and bring more to the organizations.

21 Of the \$953,000 contributed in 2020, Madison
22 and Shelby Counties combined realized 80 percent
23 increase in year-over-year giving with more than
24 \$256,000 in additional contributions. Of that
25 giving, Harrah's Hoosier Park contributed \$428,344,

1 which was a 90 percent increase year over year. Of
2 that, 11 percent was in quarter 1, 9 percent in
3 quarter 2, 37 percent in quarter 3, and 43 percent
4 in quarter 4. Being closed for a few months pushed
5 a lot of our giving towards the second half of the
6 year, and as we move into 2021 that giving will be
7 evenly disbursed throughout 2021.

8 In Madison County alone we had 125 percent
9 increase year over year with \$152,709. Some
10 notable contributions for Harrah's Hoosier Park
11 will include \$25,000 in additional funds to
12 United Way of Madison County helping provide some
13 relief for COVID funding, \$20,000 to the Anderson
14 Parks & Recreation to build a shelter, \$20,000 to
15 The Christian Center to mitigate extra expenses
16 related to COVID, \$20,000 to The Paramount Theatre
17 to support the arts capital campaign, \$20,000 to
18 Second Harvest Food Bank, which was earmarked
19 specifically for Anderson, and \$20,000 for
20 New Locations Resource Adoption.

21 The \$428,000 figure does not include an
22 additional \$20,000 through the Caesars Foundation
23 which will be given later this year. It does not
24 include our guest initiatives for fundraising, so
25 we will do kicking off this month for The Animal

1 Protection League a give 10 give 10. Last year it
2 raised \$24,000 and we hope to bring that much to
3 the table this year. It also does not include a
4 guest-sponsored charity fundraising event for
5 Madison County organizations around the holidays,
6 which we have a goal of \$7,500 for that. And it
7 does not include a Breeders Crown Charity Challenge
8 that we will be launching this year.

9 In 2019 the track hosted the Breeders Crown
10 raised \$282,000 for local charities, so we are
11 hoping to beat that figure this year. That will be
12 donated to the Hoosier Burn Camp represented by
13 Jeff Saturday, the Tyler Trent Cancer Research
14 Endowment represented by Dan Dakich, Morning Dove
15 Therapeutic Riding represented by Julia Moffitt,
16 and the AWS Foundation represented by
17 Lieutenant Governor Suzanne Crouch.

18 For Indiana Grand of that total figure their
19 giving was \$525,000 versus \$334,340 last year,
20 which is a 93 percent increase. Of that,
21 14 percent in quarter 1, 2 percent in quarter 2,
22 42 percent in quarter 3, and 42 percent in
23 quarter 4. As mentioned, like Hoosier Park, a lot
24 of that giving was shifted to the second half of
25 the year and will be normalized in 2021 across all

1 four quarters.

2 In Shelby County alone we had a 52.7 increase
3 with more than \$100,000 in added funds. Notably,
4 Indiana Grand Racing & Casino contributed \$112,000
5 to Shelby County Early Learning Center, which
6 provides child care for working families in need,
7 \$25,000 to the Blue River Foundation, which
8 completed an alley renovation project just a few
9 weeks ago that provides a wonderful outdoor space
10 for our community, \$20,000 for Special Ellipse,
11 which provides sensory equipment for children with
12 special needs, and \$25,000 respectively to the
13 Boys Club and Girls Inc. of Shelby County. These
14 figures do not include an additional \$20,000
15 through the Caesars Foundation which will be
16 contributed later this year.

17 Both Harrah's Hoosier Park and Indiana Grand
18 partnered on some combined efforts in 2020,
19 including a \$50,000 contribution to the IMPD
20 Mounted Patrol Unit, which is going to help build a
21 new facility for their unit, and \$20,000 for
22 Morning Dove Therapeutic Riding, which is also
23 going to help them build a new training facility.
24 Our teams were fortunate enough earlier in the year
25 prior to closure to go walk both of these grounds

1 and we were very happy to be able to come back and
2 maintain that same level of commitment before we
3 closed our doors. We also contributed \$15,000 to
4 Indiana Coalition Against Domestic Violence --
5 we've been long-time partners with that
6 organization to help battle domestic violence
7 across the state of Indiana -- and we've
8 contributed together \$5,000 for the Indy Pride,
9 which celebrates diversity, equity, and inclusion
10 for LGBTQ+ communities, and \$3,000 for Indiana
11 Careers in Construction Association.

12 As we head into 2021, we are under way in
13 planning our giving strategies and outlining our
14 forecast by quarter, which we will present each
15 quarter to the Racing Commission. Our giving
16 levels remain the same and we will always be
17 looking for new ways to fundraise for our
18 organizations and explore ways that we can engage
19 our guests in those fundraisings as well.

20 With that, I'm happy to address any questions
21 and appreciate your time.

22 CHAIRMAN BORST: Any questions? This was a
23 very well put together report.

24 COMMISSIONER SCHENKEL: Well done.

25 CHAIRMAN BORST: Thank you.

1 COMMISSIONER SCHENKEL: I would make a couple
2 general comments. First of all, thank you. You
3 all definitely heard our concerns from a number of
4 months ago and this is a much improved report but
5 it also shows a real commitment to those
6 communities and we thank you for that. You're too
7 young to know this, but Commissioner McCarty
8 probably particularly appreciates the one thing
9 that you contributed to. You mentioned a \$20,000
10 contribution to the Parks & Recreation in Anderson
11 of which Commissioner McCarty used to be the
12 director.

13 Isn't that right, Bill?

14 COMMISSIONER McCARTY: Yes, yes, and I still
15 get a commission on all the revenue.

16 COMMISSIONER SCHENKEL: I wanted to make sure
17 he hadn't fallen asleep and that he'd heard that.
18 Thank you.

19 COMMISSIONER McCARTY: And I certainly
20 appreciate the commitment I see here indeed.

21 MS. FLINT: It's our pleasure.

22 COMMISSIONER SCHENKEL: The other comment I
23 would make to you, too, the very last page of your
24 report refers to your continued support of the
25 Equine Specialty Hospital.

1 MS. FLINT: Yes.

2 COMMISSIONER SCHENKEL: I don't think you're
3 taking enough credit in a way for that because that
4 is over and above all those contributions that you
5 just outlined.

6 MS. FLINT: Yes.

7 COMMISSIONER SCHENKEL: So the overall total
8 is very impressive and it shows a continuing
9 commitment and we thank you and trust that that
10 will continue.

11 I thought I had one more. Go ahead. I'll see
12 if I . . . I think that's it. Thank you.

13 CHAIRMAN BORST: Any other questions,
14 Commissioners?

15 COMMISSIONER ESTES: No.

16 CHAIRMAN BORST: Thank you very much.

17 MS. FLINT: Thank you for your time.

18 CHAIRMAN BORST: Okay. Joe Morris to tell us
19 your assessment of how things are going.

20 MR. MORRIS: Good morning, everybody. I just
21 wanted to hit on Kiersten's report. We've put that
22 into the whole year for this year. We know it's a
23 quarterly report but we thought it was important to
24 capture all of 2020 there and we're very proud of
25 Caesars and our charitable contributions in working

1 with our local community.

2 Two and a half months later, it was a quick
3 two and a half months. We've been busy here. As
4 promised, I did purchase a camper from Elkhart,
5 Indiana, the camper capital of the world, and it is
6 parked up at Hoosier and I've spent four or five
7 days a week up here every week since probably, you
8 know, March or April. So the effort has been here
9 on our side.

10 We meet with our horsemen weekly. We do some
11 formally on a monthly basis but we're talking to
12 our horsemen. Every week we're up here working
13 with them as the partners that they are to us.

14 We have our racing schedules, they're set for
15 next year. We've already worked that through with
16 them. We know what we want to race for days and
17 we're in agreement on that.

18 Our horsemen agreements, the standardbred
19 one's signed, that one's in place. The
20 thoroughbred and quarter horse are substantially
21 agreed to and we'll have those done within probably
22 the next week or two. So we're working through
23 those with them.

24 Good news on the racing front. Our biggest
25 measuring stick is handle. And at Indiana Grand,

1 you know, we changed our schedule. We found our
2 hole. It's Monday to Thursday. Really works well
3 for us with the special Saturdays for the quarters.
4 Our handle on the thoroughbreds at Indiana Grand is
5 up approximately 60 percent this year. Quarters,
6 very similar, we're up about 55 percent with them.
7 And we have a quarter horse this Saturday, so
8 that's going really well for us.

9 At Hoosier our two big days to date we've been
10 at over a million dollar handle on both of them,
11 beating the year before. We're up about 25 percent
12 at Hoosier. You know, just so great working with
13 these horsemen's groups up here, the attitude.
14 They want to race and we want to race with them, so
15 that's working out really well for us.

16 We had the \$25 million capital fund, so we
17 formed more initials in our industry, the RCFAC
18 committee. The Racing Capital Fund Advisory
19 Committee, that's formed. We've written policy and
20 guidelines. Those have been voted in and adopted.
21 We have agreed working with our horsemen and
22 Commission Staff on what we'd like to do for
23 2020-2021 capital projects at both, and I think
24 we're going to deal with one of those a little bit
25 later in new business. We know what we want to do.

1 By April of 2022 is the deadline to have the next
2 year set for that. We're going to try to keep two
3 years rolling on that capital fund.

4 On our 2021 racing plan, working through draft
5 number six right now. We've met with the horsemen
6 on that also regularly at each draft as we go
7 along, with our facility GMs, with our racing GMs,
8 with Commission Staff, and we should have drafts
9 hopefully by the end of the week, beginning of next
10 week for Deena to be able to review. And we look
11 forward to that December presentation to go over
12 the 2021 plan. We're really excited about our 2021
13 plan.

14 The last thing I want to hit on is
15 Breeders Crown. With our social distancing
16 guidelines we have, we're doing an invite system.
17 We'll have 597 fans. That's what our plan permits.
18 Good news on that front. Three years ago
19 non-corona we did about \$190,000 in sponsorships.
20 We're at about \$230,000 right now. So it gives you
21 some good support for the harness racing. We're
22 ahead of that and we're still selling on that. Our
23 sponsorship guy, Tony Renz, is just relentless,
24 just really goes after that.

25 The only other thing I want to mention, we

1 have Tom Reeg with us here today and
2 Anthony Carano. Both came to join their racing
3 teams here in Indiana and they're available for
4 comment and questions also. That's all I had.
5 Things are good.

6 CHAIRMAN BORST: That's it? That's all you've
7 been doing?

8 MR. MORRIS: That's all we've been doing.

9 CHAIRMAN BORST: One question. If it's
10 possible, could we see the policy and things come
11 up with?

12 MR. MORRIS: Absolutely. I'll give you a copy
13 of it today.

14 CHAIRMAN BORST: Just give it to Deena or
15 whatever.

16 MR. MORRIS: Absolutely.

17 CHAIRMAN BORST: Thank you.

18 MR. MORRIS: Thank you.

19 COMMISSIONER SCHENKEL: Mr. Chairman, I don't
20 know if this is a question for you, Joe, or
21 Kiersten again. The other thought I had on the
22 charitable giving and community activities, you
23 mentioned that this does not include any kind of
24 contributions from the Caesars Foundation. I
25 assume that's a foundation that makes contributions

1 nationwide, but then you mentioned that there was a
2 Caesars Foundation contribution, I think, coming up
3 in Shelbyville. Will you total those in at some
4 point too? I guess I want to make sure you get
5 credit for all those. I was not clear why one
6 foundation's contributions wouldn't be included.

7 MS. FLINT: Yes. What we'll do is when we get
8 to the very end of the year and do the entire recap
9 of all of our guest fundraising stuff, we'll
10 outline what those were with the total and then
11 break them out by cash contributions. We'll
12 outline our hero hours to include all of that so
13 you'll have a full look at all of that. So
14 absolutely.

15 COMMISSIONER SCHENKEL: Good. I just want to
16 make sure you get credit where it's due. Thank
17 you.

18 MS. FLINT: We will. Thank you.

19 CHAIRMAN BORST: Would you gentlemen like to
20 say a word real quick?

21 MR. REEG: Sure.

22 CHAIRMAN BORST: How things are going from
23 your point of view.

24 MR. REEG: It's good to be back in front of
25 you. As Joe just went through, Joe's been a

1 tremendous addition to racing for Eldorado, and
2 numbers like that are up at Scioto as well. So
3 we're extremely pleased with what's going on in
4 racing. We met with Mike and Dan Nita this morning
5 to talk about moving forward on the expansion and
6 adding additional table games and slots at both
7 Hoosier Park and Indiana Grand, which should allow
8 us to increase our revenue, which increases the
9 revenue available to the horsemen. You may have
10 noticed this week that we announced that we're
11 buying William Hill company, so all of our sports
12 betting will be consolidated under the Caesars
13 brand. Then finally I'm making my plans to come
14 back for the Breeders Crown.

15 COMMISSIONER SCHENKEL: Great.

16 CHAIRMAN BORST: Good. Anthony, you got
17 anything? Now's your chance. You made the trip
18 all the way out.

19 MR. CARANO: It's great to be in front of you
20 again today. Welcome to the Commission, Mr. Estes.
21 I would just say it's been tremendous to watch this
22 team here work with the horsemen and with Staff
23 just do an incredible job in just incredibly poor
24 operating conditions as we moved through COVID, got
25 the barns open and we got the track back open.

1 It's been a lot of fun to watch and see the success
2 that they've had. As you know, it hasn't been
3 replicated throughout the country. They've done an
4 incredible job here and just it's a testament to
5 this Commission and to everybody involved and we're
6 just very proud to be a partner in this and thank
7 everybody that's had so much to do with it.

8 Looking forward to finishing strong in this meet
9 and having a great 2021.

10 CHAIRMAN BORST: Thank you.

11 MR. CARANO: Thank you.

12 CHAIRMAN BORST: You mentioned it was a team
13 effort between everybody, but I tell you
14 Deena Pitman deserves a ton of credit. I don't
15 think people know what she's gone through to make
16 sure through state government and so forth that
17 racing could start when it did. Didn't quite start
18 the way we wanted with owners couldn't be there and
19 things, but just did the best she could and we all
20 could. So thank you, Deena, because she pushed and
21 pushed and she got things going from the state
22 level so that's a good thing.

23 MS. PITMAN: Thank you.

24 CHAIRMAN BORST: We appreciate it.

25 Okay. Next on the agenda is the horsemen

1 associations' assessment. If you've got anything
2 fine, if you don't that's fine too. Now's your
3 chance if you want to say how you think things are
4 going.

5 MR. MARTIN: My name is Paul Martin. I'm
6 president of the Quarter Horse Racing Association
7 of Indiana. Didn't come with a prepared statement,
8 just rather a few comments. I can tell you that
9 since implementing the team with Eric Halstrom and
10 Mike Rich and Joe Morris, the communication has
11 been great, it's never been better, and we want to
12 thank them for that. Want to thank the Commission
13 and the Staff for getting us into racing. First
14 when we started out this year I didn't think we
15 were going to have any, and it's been great to get
16 what we've got. Working with the management team
17 here, every reasonable request that we've asked for
18 through Eric and Mike has been met with a positive
19 yes. And as recently as today right before the
20 meeting I made a request to Eric and it was another
21 yes.

22 So we just wanted to stand up and say that,
23 you know, we feel great with this team and for the
24 first time since I've been president I feel like
25 that the quarter horse program really does matter.

1 So those are the comments that we have for today.
2 Thank you.

3 CHAIRMAN BORST: Thank you. Brian, I guess
4 you get to go next.

5 MR. ELMORE: I don't want to miss an
6 opportunity.

7 CHAIRMAN BORST: You've got two now, so this
8 is it.

9 MR. ELMORE: I know. But this is it. This is
10 going to be the big one.

11 CHAIRMAN BORST: This is it.

12 MR. ELMORE: We're just about two and a half
13 months into our marriage with this group. We're
14 still in the honeymoon phase. I appreciate getting
15 to make comments today, but ask me again in about
16 three or four months if you want to.

17 CHAIRMAN BORST: We will.

18 MR. ELMORE: Senior vice president of racing
19 for Eldorado Joe Morris, Joe's the right man for
20 the job. Vice president and general manager of
21 Indiana Grand Eric Halstrom, Eric Halstrom's the
22 right man for the job. Gary Carano, Tom Reeg,
23 Anthony Carano, Dan Nita, Mike Ridge, I would not
24 trade this executive management team for any other
25 racing company in the United States. Couldn't be

1 more pleased. Glad to have them. Thank you for
2 allowing me to share a few comments.

3 CHAIRMAN BORST: Thank you. Well, how about
4 that, huh? That's pretty big.

5 MR. PUTNAM: Good morning, Commissioners.
6 Joe Putnam representing the Indiana Standardbred
7 Association. Everything's been said, and we
8 couldn't agree more with everything. The one thing
9 I'd like to say is from the standardbred industry
10 we've gotten back to 2019 levels, maybe even a
11 little bit above, which isn't necessarily the case
12 nationwide in the horse racing game right now. So
13 out here in the Midwest, Indiana, Ohio,
14 everything's going really good and we couldn't be
15 more pleased. So that's all I wanted to add to
16 that but everything's going really good, so
17 thankful.

18 CHAIRMAN BORST: Thank you.

19 COMMISSIONER SCHENKEL: Joe, while you're
20 there, I'd like to take the opportunity to
21 compliment you and the Association and
22 Mike McDaniel for putting together the
23 Governors Cup series that you came up with and I
24 know it got slowed a little bit by the COVID
25 situation but I think that's a really good idea and

1 a really good program that'll, I hope, continue to
2 build interest and visibility for standardbred. So
3 thank you all for doing that. I think that's
4 great.

5 MR. PUTNAM: Thanks.

6 COMMISSIONER PILLOW: Greg, I was there
7 handing out trophies. That really was great.

8 MR. PUTNAM: Mr. Pillow was there.

9 COMMISSIONER SCHENKEL: You look good in those
10 pictures, George.

11 COMMISSIONER PILLOW: Thank you very much. I
12 worked really hard on that.

13 MR. PUTNAM: Hopefully going forward we can,
14 you know, expand that, get the Governor out. Get
15 the fans back, that's the most important thing.

16 COMMISSIONER SCHENKEL: Shows a good level of
17 recognition from the State too, I think. That's
18 great.

19 MR. PUTNAM: Yes. Thank you.

20 COMMISSIONER SCHENKEL: Thank you.

21 CHAIRMAN BORST: Okay. Anybody else? You
22 will get a chance in months to do it again. Don't
23 worry. We want to make sure this works and we want
24 to make sure everybody has a chance to put their
25 two cents in. That way you get a good team effort.

1 Do we have any old business? I don't think
2 so.

3 New business, we've got a couple items that
4 kind of just popped up. I think, Joe, are you
5 going to handle the indoor walker?

6 MR. MORRIS: I'll do the walker and Eric will
7 do the days.

8 CHAIRMAN BORST: Okay.

9 MR. MORRIS: Joe Morris with Caesars Racing.
10 As part of the \$25 million, one of the things we're
11 looking to do is winterize our barns. So that
12 part's going to be fairly easy. We just need to
13 put some water lines underground. The second piece
14 that goes with the winterized training is a the
15 brand name would be EuroXciser. It's a horse
16 walker. There's going to be days we're not going
17 to be able to use this track out here. It's too
18 wet and freezes up. It's very important that
19 horses are able to move every day. They have to
20 have their exercise.

21 So there's a company out there called
22 Kraft Horse Walkers. They're worldwide -- they've
23 got a division in Germany and one down in
24 Winchester, Kentucky -- and they build these big
25 horse walkers. They're electric. They're under a

1 roof. It's a 5,000 square foot roof. It's about
2 an 8-foot path around a 72-foot-wide indoor arena,
3 like a round pen. We'd have an attendant there.
4 You can put eight into a time. They work about
5 twenty minutes. They can go to a light gallop so
6 that they can exercise.

7 It's important for our winter program so that
8 we can keep the horses moving, and then they'll be
9 able to use it to cool horses out, they'll be able
10 to use it to lunge line a horse on the inside or
11 tack a horse that might need a little extra time.
12 We need to get that ordered because if we ordered
13 it today we could get it here by Christmas. So
14 we're right kind of up against the winter training
15 side of things we're trying to do.

16 We bid it out. We've got the best price with
17 the best company in the world that makes these
18 things. They place about five a week in the world.
19 We went down to Kentucky with Brian Elmore and
20 Joe Davis met myself and Gabe Prewitt down there
21 and we went to WinStar Farm -- that's a tough
22 assignment to go look at that place -- but they
23 have about eight of them there and then we went to
24 Margaux Farm and they have seven of them there but
25 one of them is the exact one that we want to put

1 into here.

2 Horsemen are completely in favor of it. It's
3 the right thing. If we're going to do winter
4 training, we really need this piece of equipment.
5 Just on a timing issue I need to get it ordered so
6 we can get it in for winter. That \$25 million fund
7 actually funds on January 1, so we want to pay for
8 that out of here and then replace that money when
9 January 1 that fund was funded.

10 So that's the request on that, an important
11 part of our winter program.

12 COMMISSIONER SCHENKEL: It makes a lot of
13 sense, Joe, and I guess one of the things that I
14 wondered when we saw this. As one of the
15 conditions -- and maybe it's one of the other
16 gentlemen that need to answer this -- the
17 \$25 million fund, it was required that it be
18 monetized with a third-party fiduciary. And I'm
19 assuming that that's been done, but have we got --

20 MR. REEG: It has been.

21 COMMISSIONER SCHENKEL: -- will we get
22 verification of that and so forth?

23 MR. REEG: Absolutely.

24 CHAIRMAN BORST: That's what I asked for with
25 their policy and how they're going to spend their

1 money.

2 MR. MORRIS: I'll get that piece and put it in
3 with the policy and guidelines.

4 COMMISSIONER SCHENKEL: Thanks.

5 MR. MORRIS: Thank you.

6 CHAIRMAN BORST: On this still the only thing
7 we have to remember, though, is -- and we didn't
8 say that it has to be \$125,000 each track each year
9 or \$250,000 necessarily, it's kind of up in the
10 air -- but we just have to make sure Hoosier Park
11 gets their share too and it may be next year or the
12 year after.

13 MR. MORRIS: So we're going to have -- and you
14 need to approve anything over \$50,000 -- going to
15 have about three and a half million here that we're
16 going to bring to you for the next meeting. This
17 walker I just need to get ahead of it so I can
18 order it and we're going to have two and a half to
19 three million at Hoosier for next year. So I've
20 just got to get drawings done and other things done
21 on those, but we're spending two and a half to
22 three million at both properties for the first year
23 of that fund.

24 CHAIRMAN BORST: Way to use it all up.

25 MR. MORRIS: We're going to go get it.

1 CHAIRMAN BORST: Got to make it last.

2 MR. MORRIS: We're going to build a 100-horse
3 stall, barn, so we need to do that, the
4 winterizing, the walker here. At Hoosier we want
5 to put our barn area under surveillance, something
6 I did at a thoroughbred track years ago. We'd be
7 the only harness track in North America that had
8 every stall under surveillance. We think that's a
9 game changer. That's a gold standard. There's a
10 price that goes with that, but it would be state of
11 the art. We want to add 60 more stalls there.
12 We've got one barn that doesn't have any stalls in
13 it, so we'll put the 60 in. Good news is there
14 we've never had as many horses this time of year as
15 we have right now at Hoosier, which is a testament
16 to our racing program up there.

17 So we've got the list agreed to. I just got
18 to get drawings and better quotes to bring to you
19 to get them approved.

20 CHAIRMAN BORST: So while we're on this, I
21 guess this is a separate item so I guess we should
22 probably consider this separately. Noah, I guess
23 we would need a motion to approve the project?

24 MR. JACKSON: Take a motion to approve the
25 project, just the walker only at this point.

1 CHAIRMAN BORST: Right.

2 MR. JACKSON: Yes, motion and a second.

3 MR. MORRIS: It's the walker. Then we want to
4 go with a synthetic footing, so we'll buy that.
5 It's more dust free. It's a little less
6 maintenance. So that's about \$27,000 for the
7 footing of both and we'd buy a little extra so we
8 had that. That's the electric that goes to it,
9 it's the water that goes to it so we can keep it
10 clean and keep the screens clean on it, and it's
11 the ground work that goes with it. We think it'll
12 come in around \$225,000.

13 CHAIRMAN BORST: So are we approving the
14 \$225,000 or the project?

15 MR. JACKSON: Yes. And I guess with the
16 understanding that you're paying now and
17 reimbursing?

18 MR. MORRIS: Right.

19 CHAIRMAN BORST: January 1.

20 MR. MORRIS: Yes. Thank you.

21 CHAIRMAN BORST: I think we have a motion by
22 Commissioner Estes. Do we have a second?

23 COMMISSIONER McCARTY: Second.

24 CHAIRMAN BORST: Are there any other questions
25 on the walker program?

1 Seeing none, I guess we'll go to roll-call
2 vote.

3 MR. JACKSON: Sorry. Did Eric Halstrom have
4 an additional?

5 CHAIRMAN BORST: I think he's here for the
6 next one.

7 MR. JACKSON: I apologize. Chairman Borst.

8 CHAIRMAN BORST: Aye.

9 MR. JACKSON: Vice-chairman Schenkel.

10 COMMISSIONER SCHENKEL: Aye.

11 MR. JACKSON: Commissioner Pillow.

12 COMMISSIONER PILLOW: Aye.

13 MR. JACKSON: Commissioner McCarty.

14 COMMISSIONER McCARTY: Aye.

15 MR. JACKSON: Commissioner Estes.

16 COMMISSIONER ESTES: Aye.

17 MR. JACKSON: Thank you.

18 CHAIRMAN BORST: Thank you. Passes
19 unanimately. So you can keep us up to date on how
20 it's going.

21 MR. MORRIS: Will do. Thank you.

22 CHAIRMAN BORST: Okay. Eric Halstrom has got
23 some good news, I think, here.

24 MR. HALSTROM: I do. We're going to end the
25 meeting on some real positive vibes here,

1 Chairman Borst and Commissioners.

2 CHAIRMAN BORST: I think so.

3 MR. HALSTROM: So as Mr. Morris mentioned,
4 we're having a heck of a meet. It's time you
5 mentioned Deena and Commission Staff. I got to
6 echo that and let you know that without that
7 support and guidance here I'm not sure we'd have
8 gotten to where we are today.

9 Before the meet came in, one of the things we
10 talked about is if business was good enough we
11 wanted to add races. Figured that we would know
12 pretty quickly into the meet, give it a month, six
13 weeks, whether we could do that, and the answer was
14 yes. Six weeks into the meet we started adding
15 some thoroughbred races, started to try to split
16 some quarter horse races and whatnot.

17 The second pledge we gave to the horsemen was
18 to try to add race dates if we could, and I'm here
19 to tell you that after meeting this morning with
20 Ms. Barnes, Mr. Elmore, Mr. Davis, we're in good
21 shape in our purses and we would like to request
22 adding two days in November. Our closing week was
23 supposed to be Tuesday and Wednesday close. We're
24 going to add Monday, the 16th, and Thursday,
25 the 19th, which would give us 92 mixed days to go

1 along as we go here. We've got the purse funds to
2 do it. The business is so good that, as I
3 mentioned this morning, even though we're paying
4 out, the revenue coming in on those days is
5 offsetting more than we would have expected before
6 the meet started.

7 So I would respectfully request that that
8 could get our Staff to start marketing and sending
9 out the proper notice to racetracks and ADWs around
10 the country and add a couple days and give our
11 horsemen some more opportunity as well.

12 CHAIRMAN BORST: Good. That's good news.

13 So I guess we'll need a motion then to approve
14 the extra two days of the racing program?

15 MR. JACKSON: Correct.

16 COMMISSIONER SCHENKEL: I would move approval.
17 And assume, I guess, a question with that that you
18 have adequate staff and you're all set?

19 MR. HALSTROM: Yes, sir.

20 COMMISSIONER SCHENKEL: Since you were already
21 planning to race that week, it's just two more
22 days.

23 MR. HALSTROM: It works out very well because
24 we'll have all our people here, and more
25 opportunity for our own people to work too.

1 COMMISSIONER SCHENKEL: Move acceptance.

2 CHAIRMAN BORST: It's been moved and?

3 COMMISSIONER ESTES: Second.

4 CHAIRMAN BORST: Thank you. So no more
5 questions?

6 I guess we'll go to the roll-call vote.

7 MR. JACKSON: Thank you. Chairman Borst.

8 CHAIRMAN BORST: Aye.

9 MR. JACKSON: Vice-chairman Schenkel.

10 COMMISSIONER SCHENKEL: Aye.

11 MR. JACKSON: Commissioner Pillow.

12 COMMISSIONER PILLOW: Aye.

13 MR. JACKSON: Commissioner McCarty.

14 COMMISSIONER McCARTY: Aye.

15 MR. JACKSON: And Commissioner Estes.

16 COMMISSIONER ESTES: Aye.

17 MR. JACKSON: Thank you.

18 CHAIRMAN BORST: Passes unanimously.

19 MR. HALSTROM: Thank you.

20 CHAIRMAN BORST: Thank you. That's all that I
21 have on the agenda. I want to thank again
22 Indiana Grand for facilitating this. We still
23 can't get in the government buildings yet. Maybe
24 by December we will. We don't know. As we all
25 know, we're taking this a day at a time. Thank

1 you, Indiana Grand and Caesars, for providing the
2 meeting space so people could space out and wear
3 masks and wash our hands. I guess that's what
4 we're supposed to do.

5 How about a motion to adjourn?

6 COMMISSIONER ESTES: So moved.

7 COMMISSIONER SCHENKEL: Second.

8 CHAIRMAN BORST: It's been moved and seconded.
9 All those in favor say aye.

10 THE COMMISSION: "Aye".

11 CHAIRMAN BORST: Thank you guys for being on
12 the phone too. We'll let you go now. We'll figure
13 out how to hang this thing up. See you, George.
14 See you, Bill.

15 COMMISSIONER PILLOW: Thank you.

16 COMMISSIONER McCARTY: Thanks guys.

17
18 (The meeting of the Indiana Horse Racing
19 Commission adjourned at 11:55 a.m.)
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1 STATE OF INDIANA

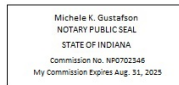
2 COUNTY OF MARION

3
4 I, Michele K. Gustafson, CRR-RPR, a
5 Notary Public in and for said county and state, do
6 hereby certify that the foregoing matter was taken
7 down in stenograph notes and afterwards reduced to
8 typewriting under my direction; and that the
9 typewritten transcript is a true record of the
10 Indiana Horse Racing Commission 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 14th day of
16 October, 2020.

17
18 



19
20
21 My Commission expires:
22 August 31, 2025

23 Job No. 156582
24
25

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