

Agenda Items # 10 - 12

**(Rulings, Renewal of Initial
Distribution Agreement, QH
Embryo Transfer rule update)**



INDIANA HORSE RACING COMMISSION

Ruling Log

Rulings Issued From 11/1/2018 to 11/28/2018

Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fine	Suspended From	Suspended To	Days Suspended
IG-2018-1605	11/1/18	RICHARD A. BRACHO	TB	10/30/18	Riding/Driving Infraction Violation	\$250			
HP-2018-1606	11/2/18	TRAVIS J. SEEKMAN		10/31/18	Riding/Driving Infraction Violation	\$100			
HP-2018-1607	11/2/18	BRANDON L. BATES	SB	10/31/18	Riding/Driving Infraction Violation	\$200			
IG-2018-1608	11/3/18	FRED L. JACKSON	TB	6/23/18	Medication/Drug Violation (Equine)	\$500	11/6/18	11/5/19	365
IG-2018-1609	11/3/18	ANTONIO MERAZ		11/3/18	Miscellaneous Ruling	\$0			
IG-2018-1610	11/7/18	ANDREW J. VALENZUELA		11/6/18	Financial Responsibility	\$0	11/7/18		
HP-2018-1611	11/7/18	RICHARD L. MACOMBER JR	SB	11/3/18	Whip Violation	\$300			
HP-2018-1612	11/9/18	BRANDON L. BATES	SB	11/7/18	Whip Violation	\$300			
IG-2018-1613	10/16/18	CHRISTINA L. ZEHENDER	QH	10/16/18	Trainer Responsibility	\$100			
HP-2018-1614	11/15/18	SAMUEL D. WIDGER	SB	11/3/18	Whip Violation	\$300			
HP-2018-1615	11/20/18	RICHARD A. REDDER	SB	11/3/18	Medication/Drug Violation (Equine)	\$1,000	3/29/19	4/27/19	30

STATE OF INDIANA
BEFORE THE INDIANA HORSE RACING COMMISSION

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IN RE:)
THE COMMISSION'S APPROVAL OF THE)
PETITION OF CENTAUR HOLDINGS, LLC,)
NEW CENTAUR, LLC, HOOSIER PARK, LLC,)
CENTAUR ACQUISITION, LLC, INDIANA)
HORSEMEN'S BENEVOLENT &)
PROTECTIVE ASSOCIATION, INC.; INDIANA) SS
STANDARD BRED ASSOCIATION, INC, AND)
QUARTER HORSE RACING ASSOCIATION)
OF INDIANA, INC. REQUESTING THAT THE)
COMMISSION APPROVE INITIAL)
DISTRIBUTION AGREEMENT)

INDIANA
HORSE RACING COMMISSION

VERIFIED NOTICE OF FIFTH SUBSEQUENT TERM

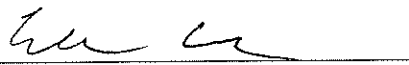
Hoosier Park, LLC and Centaur Acquisition, LLC, by counsel, notify the Indiana Horse Racing Commission (Commission) as follows:

1. Section 2 of the Initial Distribution Agreement between Hoosier Park, LLC, Centaur Acquisition, LLC, Indiana Horsemen's Benevolent & Protective Association, Inc., Indiana Standardbred Association, Inc. and Quarter Horse Racing Association of Indiana, Inc., which was dated September 26, 2013, filed with the Commission on September 27, 2013 and approved by the Commission on December 10, 2013 (IDA) provided for a one (1) year term commencing on January 1, 2014 and ending on December 31, 2014 (Initial Term);
2. Section 2 of the IDA provided for an extended term of an additional seven (7) years if the requirements of Section 4 and the conditions of Section 5 of the IDA were satisfied (Extension Term). To date, neither the requirements of Section 4 nor the conditions of Section 5 have been satisfied;
3. Section 2 of the IDA further provided that if the Initial Term was not extended by the Extension Term then the term of the IDA would be automatically extended for a periods of one (1) year following the Initial Term (Subsequent Term) provided that neither the Negotiating Committee of the licensees or the associations gave written notice of non-renewal prior to September 1st of the Initial Term or a Subsequent Term.

4. On September 9, 2014, John Keeler filed on behalf of the SEA 609 Negotiating Committee (Committee), a Verified Notice of Subsequent Term stating that neither the Negotiating Committee of the licensees nor the associations had given notice of non-renewal prior to September 1, 2014 and therefore the term of the IDA would be automatically extended for a first Subsequent Term until December 1, 2015;
5. On September 18, 2015, John Keeler filed on behalf of the Committee, a Verified Notice of Second Subsequent Term stating that neither the Negotiating Committee of licensees nor the associations had given notice of a non-renewal prior to September 1, 2015, and therefore the term of the IDA would be automatically extended for a second Subsequent Term until December 31, 2016;
6. On September 12, 2016, John Keeler filed on behalf of the Committee, a Verified Notice of Third Subsequent Term stating that neither the Negotiating Committee of the licensees or the associations had given notice of non-renewal prior to September 1, 2016, and therefore the term of the IDA would be automatically extended for a third Subsequent Term until December 31, 2017;
7. On September 28, 2017, John Keeler filed on behalf of the Committee, a Verified Notice of Fourth Subsequent Term stating that neither the Negotiating Committee of the licensees or the associations had given notice of non-renewal prior to September 1, 2017, and therefore the term of the IDA would be automatically extended for a third Subsequent Term until December 31, 2018;
8. As of September 1, 2018, no notice of non-renewal has been given or received by either the licensees' or the associations' Negotiating Committee; and
9. Since no notice of non-renewal has been timely given or received by September 1, 2018, a Fifth Subsequent Term will commence on January 1, 2019, and end on December 31, 2019 without further action by the Commission or parties to the IDA.


I affirm under the penalties for perjury that the foregoing representations are true and correct to the best of my knowledge.

Respectfully Submitted,


Elizabeth K. Cierzniak, #18575-49
Attorney for the Petitioners

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Verified Notice was served upon Noah Jackson, 1302 N. Meridian Street, #175, Indianapolis, IN 46202; Indiana Standardbred Association, 737 W. Green Meadows Drive, Greenfield, IN 46140; Indiana Horsemen's Benevolent & Protective Association, 32 Holloway Boulevard, Brownsburg, IN 46112; and Quarter Horse Racing Association, Inc., P. O. Box 254, Whiteland, IN 46184, by U. S. mail, first class, postage prepaid, this 18th day of October, 2018.



Elizabeth K. Cierzniak

Elizabeth K. Cierzniak
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317-237-1336

SECTION 2. [71 IAC 14.5-2-1.5](#) IS AMENDED TO READ AS FOLLOWS:

71 IAC 14.5-2-1.5 Embryo transfer registration

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 1.5. (a) In order to be eligible to register the following quarter horse embryo transfer foals as Indiana bred:

(1) The foals must be foaled in Indiana.

(2) The donor mare and recipient mare must:

(A) be registered with the commission; and

(B) have entered Indiana by July 1 of each year prior to foaling.

(3) All mares must remain in Indiana continuously until foaling except if the donor mare and recipient mare or mares are registered and reside in the state by July 1, in which case the donor mare may leave the state to flush embryos. The commission must be notified in writing prior to the time the mare leaves.

(b) In the event a mare entered Indiana or is registered with the commission after July 1, the foal (which must be foaled in Indiana) may be eligible to be registered as an Indiana bred. To be eligible:

(1) the donor mare may only be bred back or flushed to a registered Indiana stallion in the year of foaling for the foal or foals to qualify as an Indiana bred;

(2) the stallion must be registered with the commission in the year the foal was conceived. If the donor mare and recipient mare or mares arrive after July 1, the donor mare and recipient mare or mares must reside in the state until June 30th of the foaling year;

(3) if the mare fails to conceive when bred or is unfit to breed due to health reasons, a veterinarian certificate is required from a licensed veterinarian and must be submitted to the commission;

(4) if the mare or recipient mare does not conceive, she must remain:

(A) open for that breeding season in order for the mare's current foal to be eligible to be registered as an Indiana bred; and

(B) in Indiana until June 30th of the foaling year.

(c) In the event there is more than one (1) recipient mare, each recipient mare and foal must be properly registered.

(d) A copy of the donor mare registration papers and all lease agreements must accompany the application for identification and ownership purposes.

(e) The recipient mare must be able to be identified by the following:

(1) Indiana breed development identification form;

(2) American Quarter Horse Association certificate of registration.

(f) The donor mare may leave the state to participate in:

(1) stakes;

(2) medical care; or

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(3) an advertised public sale. A mare leaving the state for an advertised public sale may be gone for the interval of the sale but must return to Indiana within fifteen (15) days of her sale. Written documentation of the sale is required. The director of breed development must be notified in writing within fifteen (15) days of departure and return of the advertised public sale.

(g) The director of breed development may approve requests for a donor mare to leave the state for any reason not provided in subsection (f). A request made to the director of breed development must be made in writing and include the following:

- (1) The requested departure date of the donor mare.
- (2) The reason(s) that the donor mare must leave the state.
- (3) The anticipated date of return of the donor mare to the state.

All written requests shall be made at least fifteen (15) days prior to the requested departure date. Approval is granted at the discretion of the director of breed development, or another commission designee. Conditional approval of a request may be granted, subject to any conditions deemed appropriate. The party requesting to leave the state may be required to provide additional information regarding the reason or reasons for the donor mare to leave the state prior to approval of any request. A response will be issued no later than five (5) days prior to the requested departure date. A request is deemed denied if no formal approval is provided prior to the requested departure date.

(h) All mares in foal must be registered every year.
(Indiana Horse Racing Commission; 71 IAC 14.5-2-1.5; emergency rule filed Jan 24, 2008, 10:58 a.m.: 20080206-IR-071080056ERA, eff Jan 23, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January 24, 2008.]; errata filed Feb 18, 2008, 2:03 p.m.: 20080305-IR-071080056ACA; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; emergency rule filed Feb 25, 2015, 2:55 p.m.: 20150304-IR-071150055ERA; emergency rule filed Nov 15, 2018, 2:47 p.m.: 20181121-IR-071180512ERA)

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(B) written documentation of the sale is required.¶
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