

Memorandum of the Regular Meeting of the
Indiana Horse Racing Commission

November 30, 2023

Horseshoe Indianapolis
4300 N. Michigan Road
Shelbyville, IN

NOTE: Complete transcripts and a link to the video recording of this Commission Meeting can be found at <https://www.in.gov/hrc/meeting-information/>

Commission members present: Philip C. Borst, Chairman; George Pillow (telephonically), member; Bill Estes (telephonically), member; and Gus Levengood, member.

Commission members absent: Bill McCarty, member.

Commission Staff members present: Deena Pitman, IHRC Executive Director; David Rothenberg, IHRC General Counsel; Matt Eggiman, IHRC Deputy General Counsel; Dale Lee Pennycuff, Staff Attorney; Jessica Barnes, IHRC Breed Development Director; Wendi Samuelson-Dull, IHRC Chief Financial Officer; Dr. Kerry Peterson, IHRC Equine Medical Director; Tom Linkmeyer, IHRC Assistant Executive Director; Mike Morris, IHRC Director of Investigations.

Attorney General members present: Clarence Leatherbury

Speakers from the audience: Cameron Trachtman, Counsel for Dr. Cynthia Loomis, Howard Taylor, Counsel for Jamal Williams, Brian Elmore, Executive Director of IHBPA; Rick Moore, Vice President and General Manager of Racing Harrah's Hoosier Park; Eric Halstrom, Vice President and General Manager of Racing at Horseshoe Indianapolis; Joe Morris, Senior Vice President for Caesars Entertainment; Tom Reeg, CEO for Caesar's Entertainment; Emily Gaskin, Race Marketing Manager for Harrah's Hoosier Park Racing and Casino; Jeremy Medley, Director of Marketing for Harrah's Hoosier Park Racing; Tammy Knox, Race Marketing Manager for Horseshoe Indianapolis; Brian Lewis, Director of Marketing for Horseshoe Indianapolis; Ernie Gaskin, Indiana Standardbred Association Director and Hambletonian Society Director; Jeff Hendricks, Assistant General Counsel for Caesar's Entertainment

I. Call to Order

Chairman Borst called the meeting to order at approximately 11:00 a.m. A quorum was present.

II. Approval of the meeting memorandum and executive session memorandum from the October 4th, 2023, Commission meeting.

Chairman Borst asked for a motion for approval of the meeting memorandum and executive session memorandum from the October 4, 2023, commission meeting. The roll call vote was unanimous 4-0 for approval.

III. Agenda

1. Consideration of the Administrative Law Judge Buker's Recommended Order regarding the matter of Dr. Cynthia Loomis v. the Indiana Horse Racing Commission Staff.

For this agenda item, Deputy Attorney General Clarence Leatherbury represented the

Commission, Matt Eggiman represented the Commission Staff, and Cameron Trachtman represented Dr. Cynthia Loomis. Both Mr. Eggiman and Ms. Trachtman made presentations to the Commission regarding the proposed acceptance or denial of Administrative Law Judge Buker's recommendations by the Commission.

Following questions by the Commission, Commissioner Estes moved to accept the recommendation with Commissioner Levensgood seconding the motion. A second motion was made regarding time credited for suspended time already served, which was approved.

Chairman Borst called for a vote and the recommendation was adopted with a vote of 4-0.

2. Consideration of the ALJ's Recommended Order in the matter of Jamal Williams v. IHRC Staff.

For this agenda item, DAG Clarence Leatherbury represented the Commission, Matt Eggiman represented the Commission Staff, and Howard Taylor represented Jamal Williams. Both Mr. Eggiman and Mr. Taylor made presentations to the Commission regarding the proposed acceptance or denial of Administrative Law Judge Buker's recommendations by the Commission.

Following questions by the Commission, Commissioner Levensgood moved to accept the recommendation with Commissioner Estes seconding the movement.

Chairman Borst called for a vote and the recommendation was adopted with a vote of 4-0.

3. Consideration of the ALJ's Recommended Order in the matter of Andy Shetler v. IHRC Staff.

David Rothenberg outlined the recommended order by Administrative Law Judge Buker, including credited time already served on suspension and a reduced fine from \$5,000 to \$3,000. Peter Sacopulos, counsel for Andy Shetler, offered some comments regarding the proposed findings.

Following questions by the Commission, Commissioner Levensgood moved to accept the recommendation with Commissioner Estes seconding the movement.

Chairman Borst called for a vote and the recommendation was adopted with a vote of 4-0.

4. Consideration of the Horseshoe Indianapolis 2024 permit renewal application, as well as their satellite facility in Clarksville, Indiana.

Dale Lee Pennycuff presented the 2024 Horseshoe Indianapolis renewal application. No

other presentation was made.

Chairman Borst requested a vote to approve the application. Commissioner Levensgood moved for approval with a second from Commissioner Pillow. The roll call vote was unanimous 4-0 for approval.

5. Consideration of Harrah's Hoosier Park 2024 permit renewal as well as their satellite facilities for New Haven, Indiana and Indianapolis, Indiana.

Chairman Borst requested a vote to approve the application. Commissioner Estes moved for approval with a second from Commissioner Pillow. The roll call vote was unanimous 4-0 for approval.

6. Ratification of Executive Director's decision to postpone certain 2023 race days due to hazardous weather and atmospheric conditions.

David Rothenberg requested the Commission ratify Executive Director Pitman's decision to postpone certain 2023 race dates due to air quality and excessive heat.

Chairman Borst requested a vote to approve the application. Commissioner Estes moved for approval with a second from Commissioner Pillow. The roll call vote was unanimous 4-0 for approval.

7. Consideration of Caesar's 2024 Operational Plan.

Presentations were made and questions fielded by Caesar's Entertainment staff, the staff from both Harrah's Hoosier Park, Horseshoe Indianapolis, and Ernie Gaskin regarding the 2024 Operation Plan.

Following those presentations, Chairman Borst requested a vote to approve the plan. Commissioner Estes moved for approval with a second from Commissioner Pillow. The roll call vote was unanimous 4-0 for approval.

8. Consideration of renewal applications for secondary pari-mutuel organizations for Churchill Downs Technology Initiatives, Television Game Network, Premier Turf Club, Xpressbet, AmWest Entertainment, New York Racing Association, and PENN ADW, LLC.

Dale Lee Pennycuff reviewed and summarized the applications for the Commission.

Chairman Borst requested a vote to approve the dates. Commissioner Estes moved for approval

with a second from Commissioner Levengood. The roll call vote was unanimous 4-0 for approval.

9. Approval of Caesar's refinancing activity.

David Rothenberg summarized the Caesar's refinancing request for the Commission. Jeff Hendricks, Assistant General Counsel for Caesar's Entertainment answered questions regarding the confidentiality and details of the activity.

Chairman Borst requested a vote to approve the activity. Commissioner Estes moved for approval with a second from Commissioner Pillow. The roll call vote was unanimous 4-0 for approval.

10. Review of the year to date of the track Commission Rulings.

The Commission reviewed the rulings with no questions. No vote was needed on this agenda item.

11. Consideration of the 2024 breed development proposal from the Standardbred Breed Development Advisory Committee.

Jessica Barnes outlined the proposed 2024 breed development program for the standardbred breed. The Commission had no further questions.

Chairman Borst requested a vote to approve the ratification of the interim approval. Commissioner Estes moved for approval with a second from Commissioner Pillow. The roll call vote was unanimous 4-0 for approval.

12. Delegation of authority to the executive director to approve the Standardbred Advisory Board program, the Quarter Horse Breed Development Program, and the Thoroughbred Breed Development Program.

Commission staff requested the Commission delegate the authority to approve these programs to Executive Director Pitman.

Chairman Borst asked the Commission if there was a motion and a second regarding delegation. Commissioner Estes moved to entertain the motion. Commissioner McCarty seconded. Chairman Borst requested a vote. The roll call vote was unanimous 4-0 for approval.

13. Update on track winter training.

Eric Holstrum and Rick Moore presented the winter training plans for Horseshoe Indianapolis and Harrah's Hoosier Park respectively. No vote was needed for this update.

14. Update on rule promulgation

David Rothenberg gave an update on the current situation with rule promulgation. No vote was needed for this update.

15. Review of current HISA situation.

Matt Eggiman and Director Pitman gave an update on HISA. Director Pitman requested for the approval of up to \$389,000 contribution toward HISA in 2023. Brian Elmore expressed his displeasure with the entire HISA operation and set up.

Chairman Borst asked the Commission if there was a motion and a second regarding this approval. Commissioner Estes moved to entertain the motion. Commissioner Levengood seconded. Chairman Borst requested a vote. The roll call vote was unanimous 4-0 for approval.

16. New Business - Delegation of authority to the Executive Director to approve any racing matters prior to the next Commission meeting.

Dale Lee Pennycuff requested the commission to delegate the authority to Executive Director Pitman to approve rule readoptions under 71 IAC 2-2-1.

Chairman Borst asked the Commission if there was a motion and a second regarding delegation. Commissioner Estes moved to entertain the motion. Commissioner Pillow seconded. Chairman Borst requested a vote. The roll call vote was unanimous 4-0 for approval.

There was no other new business.

V. Adjournment

The meeting was adjourned at approximately 2:32 p.m.