

Memorandum of the Regular Meeting of the  
Indiana Horse Racing Commission

**March 12, 2019**

The Indiana State Museum – Museum Conference Room  
650 West Washington Street  
Indianapolis, IN 46204

Commission members present: Philip C. Borst, Chairman; Greg Schenkel (via telephone), Vice Chairman; George Pillow, member; Susie Lightle, member; and William McCarty (via telephone), member.

Commission Staff members present: Mike Smith, IHRC Executive Director; Deena Pitman, IHRC Assistant Executive Director; Dale Lee Pennycuff, IHRC Counsel; Noah Jackson, IHRC Deputy General Counsel; Jessica Barnes, IHRC Breed Development Director; Wendi Samuelson-Dull, IHRC Controller; and Megan Arszman, Communications Coordinator.

Speakers from the audience: Jon Schuster, Vice President and General Manager of Racing at Indiana Grand and Rick Moore, Vice President and General Manager of Racing, Hoosier Park.

### **I. Call to Order**

Chairman Borst called the meeting to order at approximately 1:35 p.m. A quorum was present.

### **II. Approval of minutes from the December 5, 2018, meeting.**

Chairman Borst asked for a motion for approval of the December 5, 2018, minutes.

Commissioner Lightle moved to approve the minutes. Commissioner McCarty seconded the motion. The vote, by roll call, was unanimous 5-0 for approval of the December 5, 2018, minutes.

### **III. Agenda**

*Note: All items on the agenda were transcribed by a court reporter from Stewart Richardson. Transcripts are available at [www.in.gov/hrc](http://www.in.gov/hrc).*

Deputy General Counsel Noah Jackson noted that rule 71 IAC 9-1-13, listed under the Standardbred rules on the agenda, applied to all breeds.

#### **1. Consideration of proposed emergency rule changes:**

Deputy General Counsel Jackson stated the proposed rule changes had been reviewed by the stakeholders and the rule changes had stakeholder support. He noted there were new rules for the prohibition of albuterol in Quarter Horses and the nose ring rule for Standardbreds. Further each would be voted by breed and he requested the Commission adopt the rules and amendments under its emergency rule adoption procedure.

#### **Standardbred**

- a. 71 IAC 3-2-9 Judge's list
- b. 71 IAC 6-1-1 General provisions
- c. 71 IAC 6-1-3 Claiming procedure
- d. 71 IAC 6-3-1 General provisions
- e. 71 IAC 7-1-15 Horses ineligible to be entered

- f. 71 IAC 7-1-37.5 Nose rings
- g. 71 IAC 7-2-3.5 Fair start pole
- h. 71 IAC 7-3-7 Driving rules
- i. 71 IAC 7-3-23 Wheel disk; mud fenders and aprons
- j. 71 IAC 8-1-5.5 Bleeding from nostrils
- k. 71 IAC 8-3-5 Out of competition testing
- l. 71 IAC 8-4-3 Administrative procedures prior to split sample testing

Chairman Borst asked for a motion to approve the Standardbred rules. Commissioner Lightle moved to approve the Standardbred rules. Commissioner Pillow seconded the motion. The vote, by roll call, was unanimous 5-0 for approval.

#### Thoroughbred/Quarter Horse

- a. 71 IAC 6.5-1-3 Claim certificate
- b. 71 IAC 7.5-2-2 Scratches
- c. 71 IAC 7.5-6-1 Equipment
- d. 71 IAC 8.5-1-2.2 Albuterol prohibited in quarter horses
- e. 71 IAC 8.5-1-4.2 Threshold levels
- f. 71 IAC 8.5-1-5.5 Bleeding from nostrils
- g. 71 IAC 8.5-2-5 Out of competition testing
- h. 71 IAC 8.5-3-3 Administrative procedures prior to split sample testing

Chairman Borst asked for a motion to approve the Thoroughbred/Quarter Horse rules. Vice Chairman Schenkel moved to approve the Thoroughbred/Quarter Horse rules. Commissioner Lightle seconded the motion. The vote, by roll call, was unanimous 5-0 for approval.

#### All breeds

- a. 71 IAC 9-1-13 Pools dependent on betting interests

Chairman Borst asked for a motion to approve 71 IAC 9-1-13 for all breeds. Commissioner Pillow moved to approve 71 IAC 9-1-13 for all breeds. Commissioner Lightle seconded the motion. The vote, by roll call, was unanimous 5-0 for approval.

2. Review of commission rulings – November 28, 2018 through March 4, 2019.

During the review of the Commission rulings, Chairman Borst asked if there were any Commissioner questions. There were none. No vote was required.

3. Approval of Hoosier Park's 2019 Standardbred racing official list pursuant to 71 IAC 3-

1-2.1.

The Commission was asked to approve Hoosier Park's 2019 Standardbred racing official list pursuant to 71 IAC 3-1-2.1 and to grant the Executive Direct authority to approve any changes made to the list during the 2019 race meet.

Chairman Borst asked for a motion to approve. Commissioner McCarty moved to approve the list. Commissioner Pillow seconded the motion. The vote, by roll call, was unanimous 5-0 for approval of Hoosier Park's 2019 Standardbred racing official list pursuant to 71 IAC 3-1-2.1 and to grant the Executive Direct authority to approve any changes made to the list during the 2019 race meet.

4. Approval of Indiana Grand's 2019 Thoroughbred & Quarter Horse racing official list pursuant to 71 IAC 3.5-1-3.

Since the jock's room custodian position was listed as TBA, the Commission was asked to grant the Executive Direction the authority to approve the Hoosier Park's 2019 Standardbred racing official list pursuant to 71 IAC 3-1-2.1 once the name of the jock's room custodian was received and to grant the Executive Direct authority to approve any changes made to the list during the 2019 race meet.

Chairman Borst asked for a motion to approve. Commissioner Pillow moved to approve. Commissioner Lightle seconded the motion. The vote, by roll call, was unanimous 5-0 to grant the Executive Direction the authority to approve the Hoosier Park's 2019 Standardbred racing official list pursuant to 71 IAC 3-1-2.1 once the name of the jock's room custodian was received and to grant the Executive Direct authority to approve any changes made to the list during the 2019 race meet.

5. Approval of Indiana Grand's request to change 2019 live racing post times previously approved at the Commission's regularly scheduled December 5, 2018 commission meeting.

The request was to change the 2019 live racing post times from the previously approved 2:05 p.m. on weekdays and 6:05 p.m. on Saturdays to 2:15 p.m. on weekdays and 6:15 p.m. on Saturdays. Commission Staff recommended approval. In response to Commissioner Pillow's question, Jon Schuster explained the time change would allow Indiana Grand to not be indirect competition for simulcast viewers with other large tracks, notably Saratoga. It also has the potential to increase handle.

Chairman Borst asked for a motion to approve. Commissioner Lightle moved to

approve. Commissioner Pillow seconded the motion. The vote, by roll call, was unanimous 5-0 to approve Indiana Grand's request to change 2019 live racing post times.

6. Update by Indiana Grand in reference to Jon Schuster's email dated February 19, 2019 concerning their racetrack surface.

Jon Schuster gave an update on the progress of resurfacing the track at Indiana Grand. The base work was completed in November and December. The final layer of material has been delayed due to the freezing weather. Depending on the weather, the track could be ready for training at the end of March. Executive Director Smith noted all of the hard work Jon and his crew have done on the project. No vote was required.

7. Approval of RMTC certified split sample laboratories for 2019 and beyond pursuant to 71 IAC 8-4-3 and 8.5-3-3.

Commission Staff requested blanket approval of all RMTC accredited laboratories to be approved as split sample laboratories with the exception of Industrial Laboratories, which is the Commission's primary testing laboratory.

Chairman Borst asked for a motion to approve. Commissioner McCarty moved to approve the list. Commissioner Lightle seconded the motion. The vote, by roll call, was unanimous 5-0 for approval of all RMTC accredited laboratories to be approved as split sample laboratories with the exception of Industrial Laboratories.

Commission Staff requested approval of all RMTC accredited laboratories that offer cobalt testing to be approved as cobalt testing laboratories with a waiver of the rule that they must be RMTC accredited for cobalt.

Chairman Borst asked for a motion to approve. Vice Chairman Schenkel moved to approve the request for cobalt testing laboratories. Commissioner Pillow seconded the motion. The vote, by roll call, was unanimous 5-0 for approval of all RMTC accredited laboratories that offer cobalt testing to be approved as cobalt testing laboratories with a waiver of the rule that they must be RMTC accredited for cobalt.

8. Request IHRC commission delegate authority to approve any outstanding 2019 Horsemen's contracts to Executive Director pursuant to 71 IAC 11-1-12 that were not part of Caesar's 2019 Operational Plan approved by the Commission at their December 5, 2018 commission meeting.

Since signed versions of the agreements for IHBPA and QHRAI were not available when



Caesar's 2019 Operation Plan was approved, and given that the race meets are very close to being underway, the Commission Staff requested the Commission grant the Executive Director authority to approve the 2019 horsemen's contracts once they've been reviewed.

Chairman Borst asked for a motion to approve. Commissioner Lightle moved to approve the request. Commissioner Pillow seconded the motion. The vote, by roll call, was unanimous 5-0 for approval to grant the Executive Director authority to approve the 2019 horsemen's contracts for IHBPA and QHRAI once they've been reviewed.

9. Request IHRC commission delegate authority to review and approve applications for secondary pari-mutuel organizations to conduct advance deposit wagering in Indiana pursuant to 71 IAC 9-2-2.3 and 71 IAC 9-2-2.4.

Commission Staff noted that, at this time, no applications for SPMO's have been submitted. Commission Staff believes any application submitted will contain a large amount of information and require some time to review. In light of that and given the next Commission meeting may be several months away, Commission Staff requested the Executive Director be delegated the authority to approve SPMO applications that are submitted for 2019.

Chairman Borst asked for a motion to approve. Commissioner Lightle moved to approve the request. Vice Chairman Schenkel seconded the motion. Chairman Borst ask where we were at on advance deposit wagering contracts. Rick Moore explained Caesar's was making progress and had a verbal agreement with one of the largest ADW operators. Vice Chairman Schenkel questioned Mr. Moore about the amount of time it was taking to get contracts in place. Mr. Moore indicated Caesar's took the responsibility seriously and would do their absolute best to complete the contracts as soon as possible. The vote, by roll call, was unanimous 5-0 for approval to grant the Executive Director authority to approve SPMO applications that are submitted for 2019.

### **III. Old Business**

There was no old business.

### **IV. New Business**

No new business was brought before the Commission.

### **V. Adjournment**

The meeting was adjourned at 2:22 p.m.

Memorandum of the Executive Session  
of the Indiana Horse Racing Commission

**March 12, 2019**

The Indiana State Museum – Museum Conference Room  
650 West Washington Street  
Indianapolis, IN 46204

Pursuant to public notice issued in compliance with IC 5-14-1.5-1 et seq., the Indiana Horse Racing Commission (the “Commission”) met in executive session at 1:00 p.m. on Tuesday, March 12, 2019, in the Museum Conference Room of the Indiana State Museum located at 650 West Washington Street, Indianapolis, IN 46204. Commission members present were Philip C. Borst, Chairman; Greg Schenkel, Vice Chairman (by telephone); George Pillow, member; Susie Lightle, member; Bill McCarty, member (by telephone); and Mike Smith, Executive Director. The Commissioners met pursuant to IC 5-14-1.5-6.1(b)(9).

No subject other than that authorized by IC 5-14-1.5-6.1 was discussed during the executive session.

Memorandum of the Executive Session  
of the Indiana Horse Racing Commission

**April 11, 2019**

The Hoosier Lottery Building – Weliever Conference Room  
1302 N. Meridian Street  
Indianapolis, IN 46202

Pursuant to public notice issued in compliance with IC 5-14-1.5-1 et seq., the Indiana Horse Racing Commission (the “Commission”) met in executive session at 10:00 a.m. on Thursday, April 11, 2019, in the Weliever Conference Room of the Hoosier Lottery Building located at 1302 N. Meridian Street, Indianapolis, IN 46202. Commission members present were Philip C. Borst, Chairman; Greg Schenkel, Vice Chairman; George Pillow, member; Susie Lightle, member; Bill McCarty, member; and Mike Smith, Executive Director. The Commissioners met pursuant to IC 5-14-1.5-6.1(b)(5).

No subject other than that authorized by IC 5-14-1.5-6.1 was discussed during the executive session.

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Memorandum of the Executive Session  
of the Indiana Horse Racing Commission

**August 8, 2019**

The Hoosier Lottery Building – Weliever Conference Room  
1302 N. Meridian Street  
Indianapolis, IN 46202

Pursuant to public notice issued in compliance with IC 5-14-1.5-1 et seq., the Indiana Horse Racing Commission (the “Commission”) met in executive session at 3:30 p.m. on Thursday, August 8, 2019, in the Weliever Conference Room of the Hoosier Lottery Building located at 1302 N. Meridian Street, Indianapolis, IN 46202. Commission members present were Philip C. Borst, Chairman; Greg Schenkel, Vice Chairman; Susie Lightle (via telephone), member; Bill McCarty, member; and Mike Smith, Executive Director. The Commissioners met pursuant to IC 5-14-1.5-6.1(b)(5).

No subject other than that authorized by IC 5-14-1.5-6.1 and identified in the public notice was discussed during the executive session.