

Minutes of the Regular Meeting of the
Indiana Horse Racing Commission

December 9, 2015

Indiana State Library, Author's Room 203
315 W. Ohio Street
Indianapolis, IN 46204

Commission members present: Thomas Weatherwax, Chairman; Greg Schenkel, Vice-Chairman, and George Pillow, William McCarty and Susie Lightle, members. Also present were Deena Pitman, Interim IHRC Executive Director; Lea Ellingwood, IHRC General Counsel; Holly Newell, IHRC Deputy General Counsel; Jessica Barnes, IHRC Director of Racing and Breed Development; Paul Martin, Quarter Horse Racing Association of Indiana, Dianne Bennett, Quarter Horse Racing Association of Indiana; Attorney Pete Sacopulos, Sacopulos, Johnson & Sacopulos; Mike Brown, Executive Director, Indiana Horsemen's Benevolent & Protective Association; John Keeler, Vice President & General Counsel of Centaur Gaming; Jim Brown, President and Chief Operating Officer of Centaur Gaming; Jon Schuster, Vice President and General Manager of Racing Indiana Grand Racing & Casino; and Wendy Brown, Chairwoman, Thoroughbred Breed Development Advisory Committee.

I. Call to Order

Chairman Weatherwax called the meeting to order at approximately 9:03 a.m. A quorum was present. Chairman Weatherwax swore in Court Reporter Robin Martz.

II. Approval of minutes of the November 4, 2015 meeting and approval of Executive Session Memoranda.

Vice Chairman Schenkel moved to accept the minutes for the meeting of November 4, 2015 and the Executive Session Memoranda. Commissioner Lightle seconded the motion. The minutes and memoranda were unanimously approved.

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.

1. 2016 Application for Registration of the Quarter Horse Racing Association of Indiana.

Paul Martin and Diane Bennett presented the QHRAI application.

Commissioner Lightle moved that the application be approved subject to the finalization of the insurance binder certificate by December 27, 2015. Vice Chairman Schenkel seconded the motion. The application was approved, 5-0.

2. 2016 Application for Registration of the Indiana Thoroughbred Owners' and Breeders' Association.

Pete Sacopoulos presented the ITOBA application.

Commissioner Pillow moved to approve the application. Commissioner McCarty

seconded. The Commission approved 5-0.

3. 2016 Application for Registration of the Indiana Horsemen's Benevolent & Protective Association, Incorporated.

Mike Brown presented for IHBPA.

Commissioner Lightle moved to approve the application. Vice Chairman Schenkel seconded, and the motion carried, 5-0.

4. 2016 Application for Registration of the Indiana Standardbred Association.

Jack Kieninger presented the application for the ISA.

Commissioner Lightle moved motion to approve the 2016 ISA application, and to approve an amendment to the 2015 application. Commissioner McCarty seconded, and the motion carried, 5-0.

5. IHRC consideration of the ALJ's Proposed Findings of Fact, Conclusions of Law, and Recommended Order for Summary Judgment in the matter of IHRC Staff vs. Roger Cullipher.

General Counsel Ellingwood stated that Agenda Items 5-7 would be argued together due to common facts and pursuant to agreement of counsel for both sides. The Commission heard objections to the ALJ's Recommended Order granting summary judgment in favor of Commission Staff. Deputy Counsel Holly Newell appeared for IHRC Staff. Sacopulos appeared for Cullipher, Roth, and Stohler.

Newell requested that the Commission affirm Judge Pylitt's recommended order. Sacopulos noted his objections.

Commissioner McCarty moved to modify the recommended order, eliminating the 15-day suspension, but maintaining the \$500 fine and purse redistribution in each of the matters. Vice Chairman Schenkel seconded the motion to approve order, as amended. The vote was unanimous, 5-0.

6. IHRC consideration of the ALJ's Proposed Findings of Fact, Conclusions of Law, and Recommended Order for Summary Judgment in the matter of IHRC Staff vs. Mike Roth.

See Agenda Item #5.

7. IHRC consideration of the ALJ's Proposed Findings of Fact, Conclusions of Law, and Recommended Order for Summary Judgment in the matter of IHRC Staff vs. Trent Stohler.

See Agenda Item #5.

8. IHRC's consideration of Settlement Agreement in IHRC Staff vs. Dr. Ross Russell.

Deputy Counsel Newell presented the executed settlement agreement for approval. Vice Chairman Schenkel moved to accept and approve the executed settlement agreement. Commissioner Pillow seconded the motion. The vote carried unanimously, 5-0.

9. Review of Hoosier Park's permit renewal application and consideration of pari-mutuel permits for 2016 in accordance with 71 IAC 11-1-21 and consideration of Hoosier Park's request for live racing dates for 2016 pursuant to IC 4-31-5-9, IC 4-31-5-10 and 71 IAC 11-1-7.

General Counsel Ellingwood presented on Agenda items 9-12 together as requests to approve the applications for the licenses and race permit renewals.

Commissioner Pillow moved to approve the applications for the licenses and race permit renewals as presented. Commissioner McCarty seconded the motion. The motion carried, 5-0.

10. Approval of the renewal of Hoosier Park's satellite facility licenses in New Haven and Indianapolis for 2016 in accordance with 71 IAC 12-1-23 and 71 IAC 12-1-10.

See Agenda Item #9.

11. Review of Indiana Grand's permit renewal application and consideration of pari-mutuel permit for 2016 in accordance with 71 IAC 11-1-21 and consideration of Indiana Grand's request for live racing dates for 2016 pursuant to IC4-31-5-9, IC 4-31-5-10 and 71 IAC 11-1-7.

See Agenda Item #9.

12. Approval of the renewal of Indiana Grand's satellite facility license in Clarksville for 2016 in accordance with 71 IAC 12-1-23 and 71 IAC 12-1-10.

See Agenda Item #9.

13. Review of commission rulings – September 30, 2015 – November 30, 2015

Deputy Counsel Newell presented the rulings for review and discussion.

14. Update on the continuation of the Initial Distribution Agreement of 2013 entered into pursuant to IC 4-35-7-17.

General Counsel Ellingwood notified the Commission that the Initial Distribution Agreement of 2013 would be effective through the end of 2016.

15. Recap of Race Meets

Jim Brown, President and Chief Operating Officer of Centaur Gaming made a presentation touting the completion of successful 2015 race meets, and crediting the successful partnerships among Centaur, the Indiana Horse Racing Commission, the ISA, the IHBPA, ITOBA, and QHRAI.

16. Consideration of the 2016 Thoroughbred Breed Development Program Proposal.

Wendy Brown and Jessica Barnes, IHRC Breed Development Director presented the proposal to the Commission.

Commissioner Pillow moved to accept the 2016 Thoroughbred Breed Development Program Proposal. Vice Chairman Schenkel seconded his motion. The 2016 Thoroughbred Breed Development Program Proposal was approved, 5-0.

IV. Old Business

Chairman Weatherwax acknowledged the success of the first Industry Summit.

V. New Business

Deena Pitman, Interim IHRC Executive Director, introduced some meeting dates and potential locations for 2016.

VI. Adjournment

Chairman Weatherwax adjourned the meeting at 11:45 a.m.