

## **In the Matter Of:**

*INDIANA HORSE RACING COMMISSION MEETING*

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**Transcript of Proceedings {Revised}**

*March 01, 2022*

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1  
2  
3 INDIANA HORSE RACING COMMISSION MEETING

4 HELD ON

5 MARCH 1, 2022

6 10:30 A.M.

7  
8 AT

9 HARRAH'S HOOSIER PARK

10 4500 DAN PATCH CIRCLE

11 ANDERSON, INDIANA

12  
13  
14 TAKEN BY:

15 ROBIN P. MARTZ, RPR

16 NOTARY PUBLIC  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 APPEARANCES

2 Philip Borst, DVM, Chairman  
 3 Bill Estes (Via Phone)  
 4 Gus Levengood  
 5 William McCarty (Via Phone)

6 Deena Pitman, Executive Director  
 7 Tom Linkmeyer, Assistant Executive Director

8 Dale Pennycuff, Esq.  
 INDIANA HORSE RACING COMMISSION  
 9 1302 North Meridian Street, Suite 175  
 10 Indianapolis, IN 46202

11 AGENDA

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1           CHAIRMAN BORST: Let's call this meeting of  
2 the Indiana Horse Racing Commission to order.  
3 First on the order is to swear in our transcriber.

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

6           CHAIRMAN BORST: Number two, we have a new  
7 Commission member I want to introduce, Gus  
8 Levengood. Many of you probably know him. He ran  
9 the Indiana Convention Center, RCA Dome, Lucas Oil  
10 stadium for years and years and year. He knows  
11 facilities. He's a very smart guy and not a bad  
12 guy on top of it. He had to put up with me. I was  
13 on CIB Board for nine years. He had to put up with  
14 me. Now we're back at it again.

15           Next, Rick Moore and crew, thank you for  
16 hosting us here. It's always a great place to be.  
17 As Rick said, we have nice comfortable seats for  
18 everybody to sit in. They are not those old hard  
19 seats that we sit in in the library and all that.  
20 Thank you again. We sure appreciate it.

21           Next, call for approval of the memorandum of  
22 the December 6, 2021 public meeting. And Dale  
23 Pennycuff here will tell us that we have to have a  
24 roll call vote, I'm sure.

25           MR. PENNYCUFF: Thank you. Yes, since we have

1 three commissioners attending electronically, we'll  
2 need to conduct a roll call vote for each agenda  
3 item.

4 For the meeting minutes, Commission Staff  
5 requests the meeting memorandum for December 6,  
6 2001 Commission meeting and Executive Session  
7 memorandum for December 6, 2021 to be approved.

8 There's one item I would like to bring to your  
9 attention. On page eight of the memorandum, when  
10 we were approving the SPMOs last time, the end date  
11 somehow ended up being December 30th. It should  
12 be December 31st. I don't know if you want to  
13 make a motion to rescind that out.

14 CHAIRMAN BORST: Do we have a motion to amend  
15 the memorandum?

16 COMMISSIONER LEVENGOOD: Second.

17 COMMISSIONER ESTES: So moved.

18 CHAIRMAN BORST: Moved and seconded. All  
19 those in favor say "aye." Nevermind, we have to do  
20 a roll call vote.

21 MR. PENNYCUFF: Chairman Borst?

22 CHAIRMAN BORST: Aye.

23 MR. PENNYCUFF: Commissioner McCarty?

24 COMMISSIONER MCCARTY: Aye.

25 MR. PENNYCUFF: Commissioner Estes?

1 COMMISSIONER ESTES: Aye.

2 MR. PENNYCUFF: Commissioner Levengood?

3 COMMISSIONER LEVENGOOD: Aye.

4 CHAIRMAN BORST: It passes. So now you're  
5 ready for a motion for the whole memorandum as  
6 amended?

7 MR. PENNYCUFF: Yes.

8 CHAIRMAN BORST: Do we have such a motion?

9 COMMISSIONER MCCARTY: I move for approval of  
10 the memorandum of the December 6th public meeting  
11 and the memorandum of December 6th Executive  
12 Session meeting as amended.

13 COMMISSIONER ESTES: Second.

14 CHAIRMAN BORST: Been moved and seconded.  
15 Roll call vote.

16 MR. PENNYCUFF: Chairman Borst?

17 CHAIRMAN BORST: Aye.

18 MR. PENNYCUFF: Commissioner McCarty?

19 COMMISSIONER MCCARTY: Aye.

20 MR. PENNYCUFF: Commissioner Estes?

21 COMMISSIONER ESTES: Aye.

22 MR. PENNYCUFF: Commissioner Levengood?

23 COMMISSIONER LEVENGOOD: Aye.

24 CHAIRMAN BORST: Thank you. It passes.

25 Next is the consideration of the following

1 proposed emergency rule changes. Do you want to  
2 run us through those and do them all at once?

3 MR. PENNYCUFF: Yes. Agenda item one is the  
4 proposed emergency rules which cover harness racing  
5 and flat racing. The rule packet in your meeting  
6 booklets was provided to stakeholders with requests  
7 for any comments or suggestions. We received no  
8 public comments. One language change was made  
9 after the rules were sent to stakeholders. That  
10 change was made to 71 IAC 5-1-21(d) in which the  
11 assistant trainer was added to make the rule cover  
12 the same licensees as the flat racing rule, 71 IAC  
13 5-1-21. Other housekeeping language changes  
14 suggested by LSA have been made. The current  
15 version of these proposed rules were posted on the  
16 IHRC website on Friday. There may be one or more  
17 individuals wishing to make a statement this  
18 morning.

19 CHAIRMAN BORST: Anyone who would like to  
20 comment on the rule changes that have been  
21 proposed? Any Commission members have any  
22 questions on the proposed changes? If not, we'll  
23 accept the motion and second to approve the rule  
24 changes. Just do them all at once?

25 MR. PENNYCUFF: Yes, do them all at once.



1 COMMISSIONER ESTES: I move to accept the rule  
2 changes.

3 COMMISSIONER MCCARTY: Second.

4 CHAIRMAN BORST: Been moved and seconded. No  
5 further discussion, roll call vote.

6 MR. PENNYCUFF: Chairman Borst?

7 CHAIRMAN BORST: Aye.

8 MR. PENNYCUFF: Commissioner McCarty?

9 COMMISSIONER MCCARTY: Aye.

10 MR. PENNYCUFF: Commissioner Estes?

11 COMMISSIONER ESTES: Aye.

12 MR. PENNYCUFF: Commissioner Levensgood?

13 COMMISSIONER LEVENGOOD: Aye.

14 CHAIRMAN BORST: Thank you. Passes  
15 unaniously.

16 Next on the agenda is the review of the  
17 Commission rulings. There's no vote on this. It's  
18 just if you looked at any of them. There's not  
19 very many obviously at this time of year. If you  
20 have any questions for staff on any of the rulings,  
21 let us know. If there aren't any...

22 So we'll move on to item three, which is  
23 approval of the RMTTC certified split sample  
24 laboratories for 2022 and beyond pursuant to  
25 Indiana Code. Will you lead us through that one?

1 MR. PENNYCUFF: Yes. Commissioners, pursuant  
2 to our administrative rules, the Commission must  
3 approve the list of laboratories that are used as a  
4 split laboratory. A split laboratory is a  
5 laboratory that does a test on the portion of  
6 sample not sent to the primary lab for testing. A  
7 licensee has the right to ask that the split sample  
8 be tested if the primary sample returns a positive  
9 result. Just as a reminder, the Racing Medication  
10 and Testing Consortium is an association that works  
11 closely with the RCI, which is a nationally  
12 recognized trade association.

13 So Commission Staff respectfully requests; 1.  
14 Approval of all RMTCC accredited laboratories to be  
15 approved as split laboratories, except for our  
16 primary laboratory, Industrial Laboratory; 2.  
17 Approval of the University of Kentucky Veterinary  
18 Diagnostic Lab as the primary cobalt laboratory; 3.  
19 Waiver for the 2022 cobalt laboratories pursuant to  
20 71 IAC 8-4-3 and 8.5-3-3; and 4. Approval of the  
21 University of California-Davis California Animal  
22 Health & Food Safety Laboratory as the cobalt split  
23 laboratory.

24 CHAIRMAN BORST: Do you have any public  
25 comments on the laboratories? This could all

1 change July 1st. We don't know with the new HISA  
2 regulations.

3 EXECUTIVE DIRECTOR PITMAN: At least for  
4 Thoroughbreds.

5 CHAIRMAN BORST: At least for Thoroughbreds.  
6 We will have to see. Any Commission members have  
7 any questions about the split sample lab? Seeing  
8 none, then we will entertain a motion and a second  
9 to accept the labs.

10 COMMISSIONER ESTES: I move.

11 COMMISSIONER MCCARTY: And I second.

12 CHAIRMAN BORST: Thank you. Been moved and  
13 seconded. No further discussion, roll call vote.

14 MR. PENNYCUFF: Chairman Borst?

15 CHAIRMAN BORST: Aye.

16 MR. PENNYCUFF: Commissioner McCarty?

17 COMMISSIONER MCCARTY: Aye.

18 MR. PENNYCUFF: Commissioner Estes?

19 COMMISSIONER ESTES: Aye.

20 MR. PENNYCUFF: Commissioner Levengood?

21 COMMISSIONER LEVENGOOD: Aye.

22 CHAIRMAN BORST: Thank you. All passes  
23 unanimously.

24 Next is the presentation of the 2022  
25 Thoroughbred Breed Development Advisory Committee

1 program. Jessica is going to start us off on that,  
2 the "all knowing, all seeing and puzzle putter  
3 together."

4 JESSICA BARNES: I try to. You have before  
5 you -- this actually, I asked at the December  
6 meeting for the Commission to be able to delegate  
7 to the Executive Director the ability to approve  
8 the Thoroughbred and the Quarter Horse proposal  
9 should timing need that to happen. So we were in  
10 the process of getting this condition book ready  
11 for Thoroughbreds. So the Executive Director has  
12 already approved this proposal, but we also bring  
13 that to the Commission for you guys to take a look  
14 at.

15 Last year was a great year for the  
16 Thoroughbred program. Considering what we came off  
17 of with the COVID year the year before, there was  
18 more money paid to participants in the breed  
19 development program than there has ever been. When  
20 you put in what the track puts into the program,  
21 over 20-plus million dollars went out to program  
22 participants so just a great year.

23 We're seeing the program change over the  
24 years. There has been because of availability from  
25 other racetracks and the open program, there has

1 become a more reliance on Indiana-bred races than  
2 there used to be. So that has made us modify how  
3 we're doing things. So it used to be at the  
4 beginning the year, the track set a base purse what  
5 they were putting per Indiana-bred race into the  
6 program. And then breed development paid a certain  
7 amount over that. So, for instance, the base purse  
8 was typically \$9,000 that came into an overnight  
9 race. And you had a pretty set number of races  
10 that you were going to have.

11 Last year we came to you with the ability to  
12 make some adjustments to that base purse so that we  
13 could adjust the need for Indiana-bred races. So  
14 as the track increases their base purse, what  
15 they're putting in, it has less money from the  
16 breed development program going in per race. And  
17 that allows us the flexibility to add more races  
18 than we originally had approved.

19 So, for instance, when you looked at the 2020  
20 run program, that program started out with about  
21 310 races being scheduled. And we had upwards of  
22 400 races by the end of the meet. That's where we  
23 looked at the base purse started at nine and then  
24 went to a 12, went to a 15 and was all the way up  
25 to a 24 at the end of the meet. That gave the

1 racetrack flexibility to be able to card the races  
2 that they need and us still come out in budget  
3 where we needed to be with the breed development  
4 program.

5 So one of the things that I have done with  
6 this year's program is kind of wrote that into the  
7 program is the ability to move that base purse. So  
8 we have in this program 320-some odd races  
9 scheduled, but we see this as a starting point. So  
10 the race meet will start with a \$12,000 base purse  
11 from the track, and then we will be able to adjust  
12 that as long as at the end of the day we only spend  
13 what's allocated from the breed development  
14 proposal.

15 So you have when you look at what is budgeted  
16 for overnights, for example, you have purse  
17 supplements for overnight races \$7.3 million  
18 budgeted. Plus, we are asking that as money comes  
19 in each month, if money should happen to come in  
20 each month beyond what we budgeted, we've created a  
21 mechanism to kind of allocate that money out to the  
22 budgets so that we don't end up with a bunch of  
23 money in reserves that we're trying to figure out  
24 how to spend down at a later date.

25 This actually gives our program a lot more

1 flexibility than it has in the past and keeps us  
2 from having to come back to you guys every meeting  
3 with changes. It helps us manage the money that's  
4 coming in.

5 CHAIRMAN BORST: Plus the advantage as the  
6 season goes on, you can keep raising the purses so  
7 you can attract more horses. I told you you're the  
8 puzzle putter together.

9 JESSICA BARNES: We try.

10 CHAIRMAN BORST: Any members of the public  
11 have any questions about the program? Any  
12 Commission members? Seeing none, I guess we'll  
13 entertain a motion and second to approve the  
14 program.

15 COMMISSIONER ESTES: I move to approve the  
16 program.

17 COMMISSIONER MCCARTY: Second.

18 CHAIRMAN BORST: A little slow there. Been  
19 moved and seconded. Go to the roll call vote.

20 MR. PENNYCUFF: Chairman Borst?

21 CHAIRMAN BORST: Aye.

22 MR. PENNYCUFF: Commissioner McCarty?

23 COMMISSIONER MCCARTY: Aye.

24 MR. PENNYCUFF: Commissioner Estes?

25 COMMISSIONER ESTES: Aye.

1 MR. PENNYCUFF: Commissioner Levensgood?

2 COMMISSIONER LEVENGOOD: Aye.

3 CHAIRMAN BORST: Good. Passes unanimously.

4 Next is the presentation of the 2022 Quarter  
5 Horse Breed Development Advisory Committee program.  
6 Jessica again.

7 JESSICA BARNES: Yes. Due to the timing of  
8 this program, we weren't quite ready for the  
9 condition book to go to the printers so I have not  
10 asked the Executive Director to approve it  
11 beforehand. So this proposal is fairly identical  
12 to what we did last year.

13 So we came to the Commission in January. And  
14 we had enough money available that we added awards  
15 on trials, which we had not paid in the past. This  
16 proposal now includes those awards on trials. So  
17 this starts out with the same purse structure that  
18 we ended the meet with, roughly the same number of  
19 races, the same award structure.

20 We made some adjustments to the overnight  
21 program. There's been a handicap race that's been  
22 added that we think will be beneficial to horses in  
23 the aged races. But overall it's a great program.  
24 You know, the Quarter Horse program is limited to a  
25 certain number of races per year so it's only ever



1 going to be so big. But with the size that it is,  
2 this offers really a great program for the Quarter  
3 Horse participants.

4 CHAIRMAN BORST: Good. Any questions,  
5 comments from the public? Any Commissioner  
6 questions? Okay. We will accept the motion and  
7 second to approve the Quarter Horse program.

8 COMMISSIONER MCCARTY: I move for approval of  
9 the Quarter Horse Advisory Committee program.

10 COMMISSIONER ESTES: And I second that motion.

11 CHAIRMAN BORST: Been moved and seconded.

12 Roll call vote.

13 MR. PENNYCUFF: Chairman Borst?

14 CHAIRMAN BORST: Aye.

15 MR. PENNYCUFF: Commissioner McCarty?

16 COMMISSIONER MCCARTY: Aye.

17 MR. PENNYCUFF: Commissioner Estes?

18 COMMISSIONER ESTES: Aye.

19 MR. PENNYCUFF: Commissioner Levensgood?

20 COMMISSIONER LEVENGOOD: Aye.

21 CHAIRMAN BORST: Passes unanimously.

22 JESSICA BARNES: Thank you.

23 CHAIRMAN BORST: Thanks, Jessica. Okay. Next  
24 on the agenda is approval of Harrah's Hoosier  
25 Park's 2022 Standardbred racing official list

1 pursuant to Indiana Code. Rick Moore going to fill  
2 us in?

3 RICK MOORE: Mr. Chairman, Members of the  
4 Commission, Staff, thank you for allowing me to be  
5 here this morning. Rick Moore, vice-president  
6 general manager of horse racing here at Harrah's  
7 Hoosier Park. All of the racing officials that you  
8 see on this list have previously been licensed by  
9 the Indiana Horse Racing Commission and all are  
10 seasoned veterans, I'm glad to say. You'll notice  
11 that we identify some backup positions here. We've  
12 done that because the last couple of years we've  
13 done more cross-training with our folks so they can  
14 fill in for others. Rather than if someone takes  
15 off and have to scurry and contact Deena for  
16 emergency approval, we've identified some backup  
17 folks that can serve in various positions. We hope  
18 the Commission will approve our list of racing  
19 officials today.

20 CHAIRMAN BORST: Thank you. Any Commission  
21 questions? Seeing none, we'll entertain a motion  
22 and a second to approve the list.

23 COMMISSIONER MCCARTY: I move for approval of  
24 the official list for Hoosier Park.

25 COMMISSIONER ESTES: And I second.

1 CHAIRMAN BORST: Been moved and seconded.

2 Roll call vote.

3 MR. PENNYCUFF: Chairman Borst?

4 CHAIRMAN BORST: Aye.

5 MR. PENNYCUFF: Commissioner McCarty?

6 COMMISSIONER MCCARTY: Aye.

7 MR. PENNYCUFF: Commissioner Estes.

8 COMMISSIONER ESTES: Aye.

9 MR. PENNYCUFF: Commissioner Levensgood.

10 COMMISSIONER LEVENGOOD: Aye.

11 CHAIRMAN BORST: Thank you.

12 RICK MOORE: Thank you, Chairman.

13 CHAIRMAN BORST: Next on the agenda is the  
14 approval -- it says Indiana Grand, but I know it's  
15 Indianapolis whatever, Horseshoe Indianapolis, I  
16 guess. Standardbred? No. Yes, Standardbred  
17 racing -- wait a minute.

18 EXECUTIVE DIRECTOR PITMAN: Thoroughbred.

19 COMMISSIONER LEVENGOOD: Thoroughbred.

20 CHAIRMAN BORST: Horse racing official list.  
21 Eric, welcome.

22 ERIC HALSTROM: Thank you, Chairman Borst,  
23 Members of the Commission, Eric Halstrom,  
24 vice-president general manager of Horseshoe  
25 Indianapolis. If I got that wrong, Joe will never

1 let me live that one down so I'm glad you stumbled  
2 through it first.

3 You see a list before you as far as racing  
4 officials this year. By and large it's the same  
5 group that's returning from last year. However, I  
6 would like to publicly acknowledge one thing.  
7 We've had three key members of our racing staff in  
8 the past six weeks have passed. They were  
9 different tenures and whatnot. But Bill Wise was a  
10 big part of Roy Smith's track crew. Angela Dudley  
11 was our stall superintendent. And Frank Chambers  
12 was our jock's room facility. We lost them all.  
13 You see we have a TBD by the jock's room facility.  
14 We're still working on that one, but we would like  
15 to publicly acknowledge and tell their family and  
16 friends how much we appreciated having them with us  
17 all during the years.

18 But the list we've got I'm real pleased with.  
19 Chris Polzin does a great job putting together a  
20 world quality and I think horsemen-friendly staff.  
21 It's a great group to get a great season going.

22 CHAIRMAN BORST: Thank you. Any questions,  
23 Commission members? Okay. We'll take a motion and  
24 a second to approve Horseshoe Indianapolis.

25 MR. PENNYCUFF: Chairman Borst, on the list

1 the jockey room custodian is listed as TBD. As  
2 part of the motion, probably want to give the  
3 authority to the Executive Director the ability to  
4 approve the final list when it's done.

5 CHAIRMAN BORST: So should we do that in the  
6 same motion?

7 MR. PENNYCUFF: It can be in the same motion.

8 CHAIRMAN BORST: If somebody would like to  
9 make a motion to approve the list with giving the  
10 Executive Director the ability to okay the jockey  
11 room custodian when it's announced. Somebody got a  
12 motion like that and second?

13 COMMISSIONER ESTES: So moved.

14 COMMISSIONER MCCARTY: Second.

15 CHAIRMAN BORST: Been moved and seconded.  
16 Roll call vote.

17 MR. PENNYCUFF: Chairman Borst?

18 CHAIRMAN BORST: Aye.

19 MR. PENNYCUFF: Commissioner McCarty?

20 COMMISSIONER MCCARTY: Aye.

21 MR. PENNYCUFF: Commissioner Estes?

22 COMMISSIONER ESTES: Aye.

23 MR. PENNYCUFF: Commissioner Levensgood?

24 COMMISSIONER LEVENGOOD: Aye.

25 CHAIRMAN BORST: Thank you. Passes

1 unanimously. Next on the agenda is consideration  
2 of Horseshoe Indianapolis to remove Monday,  
3 November 7, 2022 race date previously approved by  
4 the Commission's regularly scheduled December 6,  
5 2021 Commission meeting and add Veteran's Day  
6 November 11, 2022. Eric, you want to take that?

7 ERIC HALSTROM: Thanks, Chairman Borst. So  
8 this one is a really exciting thing. When we put  
9 our race day requests for 2022, I think we probably  
10 did it somewhere in the August, September range  
11 last year on our assumption that we would run our  
12 normal Monday through Thursday schedule. We had  
13 such a great Veteran's Day in 2021 that this is a  
14 really, really good event. The handle was  
15 fantastic. We raised about \$8400 for Homeless  
16 Veterans and Families. This is a great  
17 Organization down in Indianapolis. Somewhere in  
18 the middle of the card, Mr. Elmore and I said to  
19 each other, well, this has to become tradition that  
20 we're running Veteran's Day at Horseshoe  
21 Indianapolis.

22 So that's a Friday. That was part of the  
23 issue was that we realized we didn't have a  
24 normally scheduled day. So what you see here is  
25 just a simple request to move that Monday racing to

1 Friday, which is the Veteran's Day of 2022. And  
2 pending approval, we've already started some of the  
3 back end of Homeless Veterans and Family playing a  
4 bigger role this year and maybe trying to make it  
5 an even bigger event as we go through the years.  
6 We hit a home run last year for a really great  
7 cause. We appreciate that consideration.

8 CHAIRMAN BORST: Good idea. Makes sense  
9 that's for sure. And it's helping a lot of people  
10 too. Any Commission member questions? How about a  
11 motion and a second to approve the date changes?

12 COMMISSIONER MCCARTY: I move to approve the  
13 removal of November 7 from the race date and add  
14 Veteran's Day, November 11 at Horseshoe  
15 Indianapolis.

16 COMMISSIONER ESTES: I would second that.

17 CHAIRMAN BORST: Thank you. Been moved and  
18 seconded. Roll call vote.

19 MR. PENNYCUFF: Chairman Borst?

20 CHAIRMAN BORST: Aye.

21 MR. PENNYCUFF: Commissioner McCarty?

22 COMMISSIONER MCCARTY: Aye.

23 MR. PENNYCUFF: Commissioner Estes?

24 COMMISSIONER ESTES: Aye.

25 MR. PENNYCUFF: Commissioner Levensgood?

1 COMMISSIONER LEVENGOOD: Aye.

2 CHAIRMAN BORST: Thank you. Passes  
3 unanimately. Next on the agenda is consideration  
4 of the advance deposit wagering allocation request  
5 from the Thoroughbred Owners and Breeders  
6 Association of Indiana.

7 TOM MOSLEY: Good morning, Chairman Borst,  
8 Executive Director Pitman, and Commissioners. My  
9 name is Tom Mosley. I'm the president of the  
10 Indiana Thoroughbred Owners and Breeders  
11 Association.

12 The request we have in front of you, there's  
13 two parts to it. The 66,000 is an amount that will  
14 help fund two different stakes, each one being  
15 \$100,000 each. We're partners with breed  
16 development and the racetrack. This is an amount  
17 that we had approved for last year for the same  
18 stakes.

19 The two stakes are the \$100,000 ITOBA stake  
20 for fillies and \$100,000 ITOBA stake for colts and  
21 geldings. The \$100,000 is probably causing one of  
22 the most exciting things that I'm aware of in  
23 Thoroughbred, Indiana bred and sired Thoroughbred  
24 racing. Last year we went into a partnership with  
25 the racetrack. And we met with HBPA, and they're



1 on board as well.

2 We want our \$100,000 put into the open purse  
3 account. What that's going to allow to happen are  
4 a series of stakes that will be some of the most  
5 prestigious in the country. There will be two,  
6 \$200,000 stakes for Indiana bred, one for Indiana  
7 bred fillies, one for Indiana sired fillies, three  
8 year olds, both, and also help fund two quarter  
9 million dollar stake races, one for Indiana bred  
10 three year olds and one for three year old Indiana  
11 sired colts and geldings.

12 Those series of stakes are some of the highest  
13 level state bred program races in the country. And  
14 we're very proud to be part of it. And the  
15 excitement that it caused all the way back to our  
16 sale last October is really cool. There was a lot  
17 of excitement and buzz about this.

18 We're asking for \$166,000 to be transferred  
19 from our ADW account into the open purse account at  
20 Indiana Grand or Horseshoe.

21 CHAIRMAN BORST: It's going to take us all a  
22 while. All right. Any members of the public have  
23 any questions, concerns, comments? None.  
24 Commission members? Sounds pretty neat.

25 TOM MOSLEY: It's really good.

1 CHAIRMAN BORST: With no further questions or  
2 comments, accept a motion. Or do we need to do  
3 something else? A motion and second?

4 MR. PENNYCUFF: Just a motion.

5 CHAIRMAN BORST: Accept a motion and second to  
6 approve the allocation.

7 TOM MOSLEY: Do you want me to make the  
8 motion?

9 CHAIRMAN BORST: Does somebody have a motion?

10 COMMISSIONER ESTES: I move to approve.  
11 Sorry, we broke up a little. I move to approve.

12 COMMISSIONER MCCARTY: Second.

13 CHAIRMAN BORST: The airwaves are slow today.  
14 Been moved and seconded. Roll call vote.

15 MR. PENNYCUFF: Chairman Borst?

16 CHAIRMAN BORST: Aye.

17 MR. PENNYCUFF: Commissioner McCarty?

18 COMMISSIONER MCCARTY: Aye.

19 MR. PENNYCUFF: Commissioner Estes?

20 COMMISSIONER ESTES: Aye.

21 MR. PENNYCUFF: Commissioner Levengood?

22 COMMISSIONER LEVENGOOD: You almost made me  
23 jump in there. Aye.

24 CHAIRMAN BORST: You can jump in anytime. It  
25 passes unanimously.

1 TOM MOSLEY: Thank you very much.

2 CHAIRMAN BORST: Okay. Next on the agenda is  
3 consideration of Horseshoe Indianapolis' request to  
4 amend the expected 2022 Capital Expenditure  
5 Equipment Plan and substitute alternate 2022  
6 purchases, replace some gators with harrows.

7 ERIC HALSTROM: Yes, Chairman Borst, Member of  
8 the Commission. And Commissioner Levensgood, this  
9 might be new to you here, but we have an approved  
10 maintenance capital plan, a 15-year plan that we're  
11 in year five now I believe it is. Every year there  
12 was a plan to replace equipment.

13 And in 2022, the plan was to replace 16  
14 gators. And the fact of the matter is we don't  
15 need to replace 16 gators. The ones we have out  
16 there are not even quite five years old. But  
17 however with the wintertime training, we're finding  
18 that a lot our regular track equipment is taking a  
19 beating. There's no doubt about that. We're going  
20 to have to think about this as we go down the road.

21 What we would like to do this year is to  
22 substitute four gators that were -- we feel right  
23 now, our current gators are in fine shape and can  
24 make it through at least another year, for what the  
25 cost will be of two harrows that will facilitate

1 some wintertime training making it a little bit  
2 easier and kind of balance the wear on some of that  
3 equipment, which is taking a little bit more wear  
4 than we thought of five years ago.

5 This request is for two harrows, substituting  
6 them for the four gators that were in the original  
7 plan, but the 12 gators we will still need moving  
8 into the fleet.

9 CHAIRMAN BORST: It makes sense to not replace  
10 something that doesn't need to be replaced with  
11 something you need. It's a pretty even swap.

12 Any questions, Commission members? In that  
13 case, we'll accept a motion and a second to approve  
14 the change.

15 COMMISSIONER MCCARTY: I move to approve the  
16 request to amend the capital expenditure plan and  
17 substitute alternate purchases.

18 COMMISSIONER ESTES: I second.

19 CHAIRMAN BORST: Thank you. Been moved and  
20 seconded. Roll call vote.

21 MR. PENNYCUFF: Chairman Borst?

22 CHAIRMAN BORST: Aye.

23 MR. PENNYCUFF: Commissioner McCarty?

24 COMMISSIONER MCCARTY: Aye.

25 MR. PENNYCUFF: Commissioner Estes?

1 COMMISSIONER ESTES: Aye.

2 MR. PENNYCUFF: Commissioner Levengood?

3 COMMISSIONER LEVENGOOD: Aye.

4 CHAIRMAN BORST: Passes unanimously. Thanks.

5 Next on the agenda is review and consideration of  
6 additional expenditure of the already approved  
7 December 6, 2021 RCFAC budgeted expenses. On  
8 December 28, 2021, an overage expense for LED  
9 lights was approved by RCFAC and conditional horse  
10 racing commission executive director approval. So  
11 costs went up.

12 RICK MOORE: Like everything in life,  
13 Chairman. It was two years ago when we received a  
14 proposal, about two years ago, for right around a  
15 million dollars. I thought I was being shrewd and  
16 adding an additional 10 percent when we submitted  
17 the request last year for our capital for our  
18 racing operation plan, which you all kindly  
19 approved the 1.3 million. Well, shortly after  
20 that, we got a little sticker shot that the price  
21 went up to a million 485. But like I said in my  
22 letter to Executive Director Pitman, it's just like  
23 everything else in life right now, the price of  
24 everything is going up.

25 We hope you understand. We can't wait to get

1 this project underway. They just finished the  
2 schematics. It's going to be pretty impressive  
3 when we get this entire racetrack lit up with new  
4 LED lighting.

5 CHAIRMAN BORST: Hopefully the parts will come  
6 in and all the pieces.

7 RICK MOORE: I'm hoping that also.

8 CHAIRMAN BORST: Any Commission member  
9 questions? Seeing none, we will take a motion and  
10 a second to approve the increased amount.

11 COMMISSIONER ESTES: I moved to approve the  
12 increased amount.

13 COMMISSIONER MCCARTY: I second.

14 CHAIRMAN BORST: Been moved and seconded.  
15 Roll call vote.

16 MR. PENNYCUFF: Chairman Borst?

17 CHAIRMAN BORST: Aye.

18 MR. PENNYCUFF: Commissioner McCarty?

19 COMMISSIONER MCCARTY: Aye.

20 MR. PENNYCUFF: Commissioner Estes?

21 COMMISSIONER ESTES: Aye.

22 MR. PENNYCUFF: Commissioner Levengood?

23 COMMISSIONER LEVENGOOD: Aye.

24 CHAIRMAN BORST: Passes unanimously.

25 RICK MOORE: Thank you, Mr. Chairman.

1 CHAIRMAN BORST: Let's hope it works and  
2 everything comes in. Next on the agenda is kind of  
3 a housekeeping thing we usually do is to request  
4 the Indiana Horse Racing Commission delegate  
5 authority to approve any 2022 race matters prior to  
6 next Commission meeting to Executive Director  
7 pursuant to Indiana Code. We do that so we're a  
8 little more nimble. That way if something comes up  
9 during the racing season, and we don't have a  
10 meeting, we can get some results and get some  
11 answers to it and solve problems. So that's what  
12 that is kind of about.

13 Any Commission member questions? Okay. One  
14 more time, a motion and a second.

15 COMMISSIONER MCCARTY: I move that the  
16 Commission approve delegation of authority to  
17 approve 2022 race matters prior to next Commission  
18 meeting and review at the next Commission meeting.

19 COMMISSIONER ESTES: I second.

20 CHAIRMAN BORST: Moved and seconded. Roll  
21 call vote.

22 MR. PENNYCUFF: Chairman Borst?

23 CHAIRMAN BORST: Aye.

24 MR. PENNYCUFF: Commissioner McCarty?

25 COMMISSIONER MCCARTY: Aye.

1 MR. PENNYCUFF: Commissioner Estes?

2 COMMISSIONER ESTES: Aye.

3 MR. PENNYCUFF: Commissioner Levengood?

4 COMMISSIONER LEVENGOOD: Aye.

5 CHAIRMAN BORST: Passes unanimously. It's all  
6 on your shoulders now, Deena.

7 Okay. Do we have any old business? I don't  
8 think we do. Do we have any new business? Any new  
9 business?

10 EXECUTIVE DIRECTOR PITMAN: I would like to  
11 thank Dale.

12 CHAIRMAN BORST: Okay.

13 EXECUTIVE DIRECTOR PITMAN: Commissioners, I  
14 would like to thank Dale Pennycuff for stepping in  
15 in Noah's absence. As some of you may know, Noah  
16 is out of the office for an extended period of  
17 time. If you have anything that you need to  
18 request of Noah or things that would normally go to  
19 Noah, please go ahead and forward those to myself  
20 and to Dale. Currently, we're not sure when Noah  
21 will be coming back or returning. So we're going  
22 to be filling his shoes for the time being, and I  
23 appreciate Dale being here today.

24 CHAIRMAN BORST: We're pulling for him. Okay.  
25 Well, again, thank you all for attending.



1 Thank you Hoosier Park for hosting. It's always  
2 great, and welcome again to Gus Levengood to the  
3 Commission. We have a good group. We have a good  
4 group out here. As I was explaining to him  
5 earlier, we have something that most states don't  
6 have in Indiana. Everybody works together, whether  
7 it's the horse community, the tracks, the staff of  
8 the Commission, Commission members. And we want to  
9 keep it that way. That's how we move forward and  
10 become the best.

11 So with that, one more time, anybody got a  
12 motion to adjourn, or do you want to keep doing  
13 this for a while?

14 COMMISSIONER MCCARTY: I move to adjourn.

15 COMMISSIONER ESTES: Second.

16 CHAIRMAN BORST: Been moved and seconded, all  
17 those in favor -- we don't need a roll call vote on  
18 this one -- say "aye."

19 THE COMMISSION: Aye.

20 CHAIRMAN BORST: Thank you for attending by  
21 phone. We appreciate it. Until our next meeting,  
22 which we don't know when that will be, summer,  
23 fall. Thank you all.

24

25

1           COMMISSIONER MCCARTY: Thank you, Mr. Chairman  
2 and thank you Hoosier Park.

3           COMMISSIONER ESTES: Thank you.

4           (The IHRC meeting adjourned at 11:13 a.m.)

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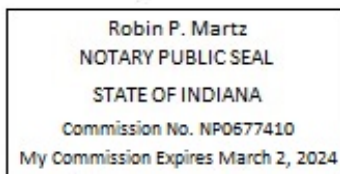
1 STATE OF INDIANA  
2 COUNTY OF JOHNSON  
3

4 I, Robin P. Martz, a Notary Public in and for  
5 said county and state, do hereby certify that the  
6 foregoing matter was taken down in stenograph notes  
7 and afterwards reduced to typewriting under my  
8 direction; and that the typewritten transcript is a  
9 true record of the Indiana Horse Racing Commission  
10 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 March, 2022.

17 *Robin P. Martz*  
18



19  
20 My Commission expires:  
21 March 3, 2024

22 Job No. 170249  
23  
24  
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