

Minutes of the Regular Meeting of the  
Indiana Horse Racing Commission

**August 25, 2017**

Indiana Grand Racing & Casino

(2<sup>nd</sup> Floor Grandstand)

4200 N. Michigan Rd.

Shelbyville, IN 46176

Commission members present: Philip C. Borst, Chairman; Greg Schenkel, Vice Chairman; George Pillow, member; and Susie Lightle, member. Also present were Mike Smith, IHRC Executive Director; Deena Pitman, IHRC Assistant Executive Director; Lea Ellingwood, IHRC General Counsel; Holly Newell, IHRC Deputy General Counsel; Nicole Schuster, Office of the Indiana Attorney General; John Shanks, Shanks Law Office; Howard Taylor, Howard L. Taylor, LLC.; John McCreary; John S. Keeler, Centaur Vice President and General Counsel; Rick Moore, Vice President and General Manager of Racing, Hoosier Park; Jon Schuster, Vice President and General Manager of Racing, Indiana Grand; Paul Martin, President of QHRAI.

**I. Call to Order**

Chairman Borst called the meeting to order at approximately 9:45 a.m. A quorum was present.

**II. Approval of minutes of the April 17, 2017 meeting.**

Commissioner Lightle moved to accept the minutes of the April 17, 2017 meeting. Vice Chairman Schenkel seconded. The minutes were approved, 4-0.

**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).*

1. Consideration of Recommended Order Granting Default Judgment in the matter of IHRC Staff vs. Duane Wilcox, DVM.

General Counsel Lea Ellingwood presented the Recommended Order Granting Default Judgment in the matter of IHRC Staff vs. Duane Wilcox. Wilcox was not present. Vice Chairman Schenkel moved to approve the recommended order and the motion was seconded by Commissioner Pillow. The Order was approved, 4-0.

2. Consideration of Respondent's Verified Objections to Findings of Fact and Recommended Order Granting Motion for Summary Judgment in the matter of IHRC Staff v. Bruce Lee Walls.

General Counsel presented oral argument for Commission Staff, and Attorney John Shanks presented for Walls.

Vice Chairman Schenkel moved to approve the ALJ's motion for summary judgment and recommended Order against Mr. Bruce Lee Walls. Chairman Borst seconded the motion. The motion carried, 4-0.

3. Consideration of Respondent's Verified Objections to Findings of Fact and Recommended Order Granting Motion for Summary Judgment in the matter of IHRC Staff v. Roy Moore.

This item on the Agenda was stricken from the proceedings.

4. Consideration of Recommended Order Granting Motion for Summary Judgment in the matter of IHRC Staff vs. John McCreary.

Lea Ellingwood presented for Commission Staff, and McCreary represented himself.

Vice Chairman Schenkel moved to alter the penalty to a \$500 fine and return of the purse money, along with a reduction of the suspension from fifteen to seven days.

Commissioner Pillow seconded the motion. The motion was approved, 4-0.

5. Consideration of the Administrative Law Judge's Recommended Findings of Fact, Conclusions of Law, Ultimate Findings of Fact and Recommended Order in the consolidated matters of Dylan Davis and Julian Williams.

Deputy General Counsel Holly Newell represented Commission Staff. Howard Taylor represented the Respondents. Nicole Schuster of the Attorney General's office served as the Commission's attorney in this matter.

Vice Chairman Schenkel moved to approve the recommended order. Commissioner Pillow seconded, and the motion carried, 4-0.

6. Legislation update

General Counsel Ellingwood gave an update and clarification of current and pending legislation.

7. Review of commission rulings – April 1, 2017 through August 13, 2017.

Deputy General Counsel Newell presented the rulings.

8. Consideration of the following IHRC Rules:
  - a) Readoption of administrative rules scheduled to expire;
  - b) Housekeeping clean-up pertaining to Standardbred rule 71 IAC 8-5-12;
  - c) Decoupling racing interests petition (71 IAC 1-1-28, 1.5-1-27, 7-1-13, 7.5-1-4, 7.5-6-2, 9-1-12)

Vice Chairman Schenkel moved to approve the readoption of the administrative rules that were scheduled to expire at the end of the year. Commissioner Lightle seconded the motion. The motion carried, 4-0.

Commissioner Lightle moved to approve the correction to 71 IAC 8-5-12. Commissioner Pillow seconded. A motion was approved, 4-0.

Commissioner Schenkel moved to approve the Decoupling racing interests petition. Commissioner Lightle seconded. The vote carried, 4-0.

9. Consideration of adding an additional Administrative Law Judge – Michael Buker

Commissioner Pillow moved to approve Mr. Buker as a new Administrative Law Judge. Commissioner Lightle seconded. The Commission approved, 4-0.

10. Discussion regarding request from the Quarter Horse Racing Association of Indiana asking the commission to adopt the RCI ‘breed specific’ threshold for clenbuterol.

Executive Director Mike Smith and Paul Martin discussed future plans to require breed specific level of detection for the clenbuterol.

11. Centaur update regarding the following:

- a) The newly completed Administration Building on the backside of Hoosier Park.
- b) The upcoming 2017 Breeders Crown hosted at Hoosier Park, October 27-28, 2017.

Rick Moore, Vice President and General Manager of Racing at Hoosier Park announced the ribbon cutting and open house at the Administrative Building at 4 p.m. October 10.

Rick stated that the Breeders' Crown would be October 27-28, with 6 p.m. post times.

John Keeler, Centaur's Vice President & General Counsel requested a race date change be made to accommodate the Breeders Crown date. Vice Chairman Schenkel moved to approve the change of date from October 28 to October 26. Commissioner Lightle seconded his motion and the vote carried, 4-0.

Keeler requested that Executive Director Smith be given the authority to waive rules during the Breeders Crown. Commissioner Pillow moved to give the Executive Director the authority, and Vice Chairman Schenkel seconded. The motion passed, 4-0.

**I. Old Business**

None.

**II. New Business**

General Counsel Ellingwood presented a required change to be made to correct a typographical error to have certain language reintroduced to legislation; to adopt all as an emergency rule; and to create an addendum to the final order of ISA's 2018 application for slot money.

Commissioner Lightle moved to adopt these changes as an emergency rule. Commissioner Pillow seconded, and the motion passed, 4-0.

**III. Adjournment**

Vice Chairman Schenkel moved to adjourn the meeting. Commissioner Pillow seconded. The motion carried, 4-0, and the meeting was adjourned at 11:33 a.m.