

In the Matter Of:

INDIANA HORSE RACING COMMISSION MEETING

Transcript of Proceedings

March 21, 2023

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2
3 INDIANA HORSE RACING COMMISSION MEETING

4 HELD ON

5 MARCH 21, 2023

6 10:50 A.M.

7
8 HARRAH'S HOOSIER PARK RACING & CASINO

9 4500 DAN PATCH CIRCLE

10 ANDERSON, INDIANA

11
12
13 TAKEN BY:

14 ROBIN P. MARTZ, RPR

15 NOTARY PUBLIC

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24 STEWART RICHARDSON & ASSOCIATES
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APPEARANCES

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Philip Borst, DVM, Chairman
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George Pillow
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AGENDA

- | | | |
|----|---|----|
| 1 | | |
| 2 | 1. Consideration of Recommended Order Granting Default Judgment in the matter of Erik N. Esqueda v. IHRC Staff | 6 |
| 3 | | |
| 4 | 2. Consideration of Settlement Agreement between IHRC Staff and Dr. Nicole Wettstein | 10 |
| 5 | | |
| 6 | 3. Consideration of Settlement Agreement between IHRC Staff and Melanie Wrenn | 11 |
| 7 | | |
| 8 | 4. Readoption of administrative rules scheduled to expire | 13 |
| 9 | | |
| 10 | 5. Consideration of emergency rule changes | 16 |
| 11 | | |
| 12 | 6. Review of commission rulings - November 22, 2022 through March 1, 2023 | 17 |
| 13 | | |
| 14 | 7. Presentation of the 2023 Thoroughbred Breed Development Advisory Committee Program | 18 |
| 15 | | |
| 16 | 8. Presentation of the 2023 Quarter Horse Breed Development Advisory Committee Program | 23 |
| 17 | | |
| 18 | 9. Approval of Harrah's Hoosier Park 2023 Standardbred racing official list | 26 |
| 19 | | |
| 20 | 10. Approval of Horseshoe Indianapolis's 2023 Thoroughbred & Quarter Horse racing official list | 28 |
| 21 | | |
| 22 | 11. Ratify Executive Director Pitman's interim approval of Caesars Debt financing activity request | 31 |
| 23 | | |
| 24 | 12. Ratify Executive Director Pitman's interim approval of petition to amend Churchill Downs Technology Initiatives Company d/b/a TwinSpires's SPMO license reflecting the addition of DK Horse as an affiliate | 36 |
| 25 | | |
| | 13. Approval of RMTTC certified split sample laboratories for 2023 and beyond | 38 |
| | | |
| | 14. Consideration of Horseshoe Indianapolis' request to approve the continued takeout of 11.99% on the Pick 5 to stimulate wagering and approve reductions on Pick 4 and Pick 6 wagering as well | 42 |

- 1 15. Consideration of Horseshoe Indianapolis' 2023 race
2 date calendar alteration request to move racing off
3 Tuesday, July 4, 2023 and instead race on Monday, July
4 3, 3023 with a beginning post time of 2:30 p.m. to
5 allow for a drone show marketing opportunity 44
6
- 7 16. Consideration of Harrah's Hoosier Park 2023 first
8 post time change beginning April 8th from 6:15 p.m. to
9 7:00 p.m. on Saturdays and racing 12 races on Saturday
10 rather than 14 47
11
- 12 17. Consideration of Horseshoe Indianapolis' request
13 to amend the expected 2023 Capital Expenditure
14 Equipment Plan and substitute with alternate 2023
15 purchases 49
16
- 17 18. Consideration and discussion of Quarter Horse
18 Racing Association of Indiana board of directors'
19 unanimous vote to support the installation of cameras
20 in the barn/stall area of Horseshoe Indianapolis 54
21
- 22 19. Review of Executive Director's IHRC's request for
23 an exemption from the HISA Lasix prohibition 67
24
- 25 NEW BUSINESS:
- 26 A. ISA and Caesars update on 2023 Breeders Crown
27 activities 70
28
- 29 B. Approve material changes to Xpressbet's Secondary
30 Pari-Mutuel Organization License 83
31
- 32 C. Request the Commission delegate the authority to
33 sign a VIA with HISA regarding federal racetrack
34 safety rules that became effective July 1, 2022, and
35 with the HIWU regarding anti-doping and medication
36 rules scheduled to become effective on March 27, 2023
37 if approved by the Federal Trade Commission 85
38
- 39 D. Request the Commission delegate authority to
40 approve any 2023 race matters prior to the next
41 Commission meeting to the Executive Director 86
42
43
44
45

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

3 CHAIRMAN BORST: Welcome everybody. Second
4 day of spring, how about that. Doesn't feel like
5 it yet, but it will later the week. I want to
6 thank Rick and Hoosier Park for hosting us again.
7 This is a Great setup. We appreciate it. I know
8 it takes a lot of work to figure it out. I think
9 you have it down now because you've done it enough.

10 Also we want to welcome our new counsel, David
11 Rothenberg to the proceedings. I think this is his
12 first meeting. So he's dived in, and he has a good
13 grasp of all that's going on helping Matt and Dale.
14 All three are a pretty good team.

15 With that, I will call to order. Look for a
16 motion and second to approve the memorandum from
17 the December 1 public meeting.

18 COMMISSIONER PILLOW: So moved.

19 COMMISSIONER LEVENGOOD: Second.

20 CHAIRMAN BORST: Been moved and seconded. We
21 have to do our roll call.

22 MR. EGGIMAN: Roll call vote. Chairman Borst?

23 CHAIRMAN BORST: Aye.

24 MR. EGGIMAN: Commissioner McCarty?

25 COMMISSIONER MCCARTY: Aye.

1 MR. EGGIMAN: Commissioner Estes?

2 COMMISSIONER ESTES: Aye.

3 MR. EGGIMAN: Commissioner Pillow?

4 COMMISSIONER PILLOW: Aye.

5 MR. EGGIMAN: Commissioner Levengood?

6 COMMISSIONER LEVENGOOD: Aye.

7 CHAIRMAN BORST: Good, it passes. First on
8 the agenda is consideration of the recommended
9 order granting default judgment in the matter of
10 Erik N. Esqueda -- I'm not sure how you pronounce
11 that -- versus Indiana Horse Racing Commission
12 Staff. Matt, are you going to take that?

13 MR. EGGIMAN: Yes. Thank you, Chairman. All
14 right. Agenda item one is your consideration of
15 the recommended order of default judgment in favor
16 of petitioner IHRC Staff issued by Administrative
17 Law Judge Michael Buker in the matter of Erik
18 Esqueda versus Indiana Horse Racing Commission
19 Staff. For this one, I will act as your counsel.
20 Commission Staff is and has been represented by
21 Dale Pennycuff.

22 Mr. Esqueda, yeah, is not present today, nor
23 is he represented by counsel in the matter. The
24 case evolves from an appeal of Stewards Ruling No.
25 IG-2022-2822 filed on or about September 26, 2022,

1 for a violation of 71IAC 7.5-6-5(f)(9) during the
2 tenth race held on September 22, 2022, setting a
3 penalty of a \$500 fine and a suspension of 12
4 racing days for what was Mr. Esqueda's
5 eighth violation of 71IAC 7.5-6-5(f)(9) during the
6 2022 race meet.

7 The matter was scheduled to be heard by ALJ
8 Buker after Mr. Esqueda had timely filed an appeal.
9 A telephonic prehearing was conducted with parties.
10 ALJ Buker made it abundantly clear to Mr. Esqueda
11 the importance of legal representation in the
12 matter. Mr. Esqueda did not file a request for
13 stay of his suspension despite his awareness of
14 that option from the prehearing. Mr. Esqueda
15 served all 12 days of his suspension with the final
16 day served on November 1, 2022. Because
17 Mr. Esqueda both served his suspension and did not
18 request relief from the \$500 fine, no claim
19 remained for which relief could be granted to
20 Mr. Esqueda.

21 The Administrative Orders and Procedures Act,
22 known as AOPA from the Indiana Code, provides the
23 statutory requirements for conducting
24 administrative law proceedings and contains a
25 section that allows the administrative law judge to

1 issue a proposed default order if one of four
2 events occurs during the proceeding. Mr. Esqueda
3 failed on at least two of these. He failed to
4 attend or participate in a prehearing conference,
5 hearing, or other stated in the proceeding. And he
6 took no action on a matter for a period of 60 days
7 when he was the one responsible for taking the
8 action.

9 ALJ Buker issued a proposed default order on
10 December 20, 2022, one day after a final prehearing
11 was held. Mr. Esqueda did not attend that
12 prehearing. Pursuant to AOPA, Mr. Esqueda had
13 seven days to file a response to the proposed
14 default order, or ALJ Buker was required to issue a
15 final recommended order of default judgment.

16 With no response from Mr. Esqueda on
17 January 20, 2023, ALJ Buker issued the recommended
18 order that you have in front of you for your
19 consideration today. Commissioners, feel free to
20 ask any questions. It must be noted that
21 Mr. Esqueda did not file an objection to ALJ
22 Buker's recommended order of default judgment. In
23 fact, pursuant to statute, he's prohibited from
24 filing an objection anyway due to being in default.
25 Therefore, the Commission really only has one

1 option to affirm the order. Feel free to ask any
2 questions.

3 CHAIRMAN BORST: Are there any questions,
4 Commission Members? Commissioner McCarty and
5 Estes, can you hear okay?

6 COMMISSIONER ESTES: Yeah. We're fine right
7 now.

8 COMMISSIONER MCCARTY: So far.

9 CHAIRMAN BORST: Seeing no other discussion,
10 we'll accept a motion and second to approve the
11 considerations here, the judgment.

12 COMMISSIONER ESTES: So moved.

13 COMMISSIONER MCCARTY: Second.

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

16 MR. EGGIMAN: Chairman Borst?

17 CHAIRMAN BORST: Aye.

18 MR. EGGIMAN: Chairman Pillow?

19 COMMISSIONER PILLOW: Aye.

20 MR. EGGIMAN: I'm sorry, Commissioner Pillow?

21 COMMISSIONER PILLOW: Aye.

22 MR. EGGIMAN: Commissioner Levengood?

23 COMMISSIONER LEVENGOOD: He said Chairman
24 Pillow. Aye.

25 MR. EGGIMAN: Commissioner McCarty?

1 COMMISSIONER MCCARTY: Yeah, aye.

2 MR. EGGIMAN: Commissioner Estes?

3 COMMISSIONER ESTES: Aye.

4 CHAIRMAN BORST: Thank you. Passes

5 unanimately.

6 Second on the agenda is consideration of the
7 settlement agreement between Indiana Horse Racing
8 Commission Staff and Dr. Nicole Wettstein.

9 MR. EGGIMAN: Commissioners, you have in your
10 packet the settlement agreement that was fully
11 executed in February of 2023 between Commission
12 Staff and Dr. Nicole Wettstein. The stewards
13 issued a ruling suspending Dr. Wettstein for a
14 period of 60 days beginning November 7, 2022, and
15 issuing a fine of \$5,000. Dr. Wettstein timely
16 appealed the stewards' ruling and requested a stay.

17 The case was assigned to ALJ Buker. The
18 request for stay was denied by ALJ Buker in an
19 order on December 26, 2022. Counsel for both
20 parties entered into settlement discussions which
21 resulted in the agreement before you today.
22 Dr. Wettstein agreed to serve the 60-day suspension
23 with the time having been served and pay the fine
24 of \$5,000 for the violations charged in the
25 stewards' ruling.

1 At this time, Commission Staff respectfully
2 requests approval of the settlement agreement
3 between Commission Staff and Dr. Wettstein.

4 CHAIRMAN BORST: Any Commissioners have any
5 questions? How about a motion and a second.

6 COMMISSIONER LEVENGOOD: So moved.

7 COMMISSIONER MCCARTY: Second.

8 CHAIRMAN BORST: You guys are slow today. We
9 have to wake everybody up. Been moved and
10 seconded. Roll call vote.

11 MR. EGGIMAN: Chairman Borst?

12 CHAIRMAN BORST: Aye.

13 MR. EGGIMAN: Commissioner Pillow?

14 COMMISSIONER PILLOW: Aye.

15 MR. EGGIMAN: Commissioner Levensgood?

16 COMMISSIONER LEVENGOOD: Aye.

17 MR. EGGIMAN: Commissioner McCarty?

18 COMMISSIONER MCCARTY: Aye.

19 MR. EGGIMAN: Commissioner Estes?

20 COMMISSIONER ESTES: Aye.

21 CHAIRMAN BORST: Next is one more
22 consideration of settlement agreement between
23 Indiana Horse Racing Commission Staff and Melanie
24 Wrenn.

25 MR. EGGIMAN: Commissioners, you have in your

1 packet the settlement agreement that was fully
2 executed in February of 2023 between Commission
3 Staff and Melanie Wrenn. The judges issued a
4 ruling suspending Miss Wrenn for a period of 180
5 days, of which Mr. Wrenn was required to serve 90
6 days with 90 days probation. Miss Wrenn timely
7 appealed the judges' ruling.

8 The case was assigned to ALJ Brian Hahn. The
9 parties entered into settlement discussions, which
10 resulted in the agreement you have before you
11 today. Miss Wrenn agreed to serve a 75-day
12 suspension and to conditions on her 2023 IHRC
13 owner/trainer license for the violations charged in
14 the judges' ruling.

15 At this time, Commission Staff respectfully
16 requests approval of the settlement agreement
17 between Commission Staff and Miss Wrenn.

18 CHAIRMAN BORST: Any questions, Commissioners?
19 Seeing none, I'll entertain a motion and second.

20 COMMISSIONER ESTES: I move.

21 COMMISSIONER PILLOW: Second.

22 CHAIRMAN BORST: Been moved and seconded.

23 Roll call vote.

24 MR. EGGIMAN: Chairman Borst?

25 CHAIRMAN BORST: Aye.

1 MR. EGGIMAN: Commissioner Pillow?

2 COMMISSIONER PILLOW: Aye.

3 MR. EGGIMAN: Commissioner Levengood?

4 COMMISSIONER LEVENGOOD: Aye.

5 MR. EGGIMAN: Commissioner McCarty?

6 COMMISSIONER MCCARTY: Aye.

7 MR. EGGIMAN: Commissioner Estes?

8 COMMISSIONER ESTES: Aye.

9 CHAIRMAN BORST: Next on our agenda is the
10 readoption of administrative rules scheduled to
11 expire. David, do you want to take that one or the
12 next two?

13 MR. ROTHENBERG: Like other administrative
14 agencies, the Commission's administrative rules
15 automatically expire every seven years. However,
16 we are given a chance to readopt these rules so
17 long as the rule language remains identical to what
18 it was prior. There are a number of rules
19 scheduled to expire at the end of the year, each of
20 which is listed in the Notice to Readopt LSA
21 Documents No. 23-17 and 23-91. Both are in your
22 book.

23 The Commission Staff did post the rules with
24 the LSA website as required by statute. This gives
25 the opportunity for members of the general public

1 to ask us any questions considered to the rules
2 that were readopted. So far we've not had any
3 questions come in.

4 We also shared the list of readoption with the
5 horsemen's association and Caesars just for
6 informational purposes to allow them to give us
7 feedback. Due to timing issues, the LSA document
8 23-71 last day for public comment is March 24th,
9 and for 23-91 the last day for public comment is
10 Friday, April 14th. So it falls after this
11 Commission meeting.

12 Pursuant to 71IAC 2-2-1, the Commission may
13 delegate the authority to the Executive Director to
14 implement and execute the duty of regulating each
15 race meeting and persons participating in each race
16 meeting. At this time we respectfully request the
17 delegation of authority to Director Pitman to
18 approve these documents, Nos. 23-71 and 23-91 after
19 the public comment period has expired for each
20 document and to make any changes necessary to
21 comply with the public request to change a rule or
22 readopt as the case may be.

23 CHAIRMAN BORST: So would that be a motion the
24 delegation and the whole?

25 MR. ROTHENBERG: Yes.

1 CHAIRMAN BORST: Two votes.

2 MR. ROTHENBERG: Yes.

3 CHAIRMAN BORST: Everybody understand what
4 Mr. Rothenberg said?

5 MR. ROTHENBERG: It's a timing issue. They
6 weren't posted for them to be up enough time to
7 come before the Commission today.

8 CHAIRMAN BORST: We can pass them. And then
9 we delegate to the Executive Director.

10 MR. ROTHENBERG: Yes.

11 CHAIRMAN BORST: Anybody have a motion and a
12 second as to what David said? You don't have to
13 repeat it.

14 COMMISSIONER PILLOW: So moved.

15 COMMISSIONER ESTES: So moved.

16 COMMISSIONER MCCARTY: Second.

17 CHAIRMAN BORST: Okay. We have a motion and a
18 second. Any questions, Commissioners, any members
19 of the public on these rules? One more chance to
20 speak up. Seeing none, we'll go to the roll call
21 vote.

22 MR. ROTHENBERG: Thank you. Chairman Borst?

23 CHAIRMAN BORST: Aye.

24 MR. ROTHENBERG: Commissioner McCarty?

25 COMMISSIONER MCCARTY: Aye.

1 MR. ROTHENBERG: Commissioner Pillow?

2 COMMISSIONER PILLOW: Aye.

3 MR. ROTHENBERG: Commissioner Estes?

4 COMMISSIONER ESTES: Aye.

5 MR. ROTHENBERG: And Commissioner Levengood?

6 COMMISSIONER LEVENGOOD: Aye.

7 CHAIRMAN BORST: It passed unanimously. Thank
8 you. Next on the agenda is consideration of the
9 following proposed emergency rule changes. David
10 again.

11 MR. ROTHENBERG: So you've got some emergency
12 rules that are proposed, which cover both harness
13 racing and flat racing. The rule packet in your
14 meeting booklet was provided to stakeholders with
15 request for any comments or suggestions. As of
16 now, we've received no comments or suggestions
17 regarding those. The current version of these
18 proposed rules were posted on the horse racing
19 website so the public could also look at those and
20 make comments or suggestions as well.

21 Although the rules are presented on the agenda
22 separately, the Commission typically casts a single
23 vote in favor or opposition of the emergency rules
24 as a single document, which is then sent to LSA.
25 Under the Commission's emergency rulemaking

1 authority, the rules will go into effect as soon as
2 they're filed.

3 At this time we would ask that you vote on
4 them as one document. Although, Commissioners, you
5 can certainly break out those rules if you feel
6 like a certain rule needs to be discussed
7 separately.

8 CHAIRMAN BORST: Are there any questions on
9 any particular rules to pull out? Keep them all
10 together. How about a motion and a second again.

11 COMMISSIONER ESTES: I move to accept.

12 COMMISSIONER PILLOW: Second.

13 COMMISSIONER MCCARTY: Second.

14 CHAIRMAN BORST: Been moved and seconded. Go
15 to the roll call vote.

16 MR. ROTHENBERG: Chairman Borst?

17 CHAIRMAN BORST: Aye.

18 MR. ROTHENBERG: Commissioner McCarty?

19 COMMISSIONER MCCARTY: Aye.

20 MR. ROTHENBERG: Commissioner Pillow?

21 COMMISSIONER PILLOW: Aye.

22 MR. ROTHENBERG: Commissioner Levengood?

23 COMMISSIONER LEVENGOOD: Aye.

24 MR. ROTHENBERG: Commissioner Estes?

25 COMMISSIONER ESTES: Aye.

1 CHAIRMAN BORST: Okay. It's passed.

2 Next on the agenda is the review of Commission
3 rulings November 22, 2022 through March 13th,
4 although there are some in here, I got confused.
5 On the second set there are some that are dated
6 6-27-2019. And I'm not sure how that one got I
7 guess because -- well, that 188 days suspension
8 would be over.

9 MR. PENNYCUFF: I believe the way the original
10 violation may have occurred it gets entered into
11 the database, but the final resolution didn't occur
12 until 2013 so you get those weird dates that show
13 up sometimes.

14 CHAIRMAN BORST: Okay. Just wondered. It
15 makes sense. Anybody have any questions on any of
16 the rules?

17 Seeing none, we'll go next on the agenda is
18 the presentation of the 2023 Thoroughbred Breed
19 Development Advisory Committee program. Jessica
20 Barnes is here to take this one and the next one
21 too.

22 JESSICA BARNES: Good morning. First of all,
23 I'd like to apologize for the late modification
24 that the Commissioners received yesterday
25 afternoon. I'll address that modification in a

1 moment. But first I would like to give a quick
2 overview of the Thoroughbred Breed Development
3 program for 2023.

4 Our program closely mirrors that of 2022 with
5 some small changes in it. We worked closely over
6 the past two years with racetrack management, the
7 HBPA, ITOBA, all the parties were involved to move
8 to create a sliding base purse throughout the meet.
9 This has helped us to meet the needs of the
10 racetrack in regards to the number of Indiana-bred
11 races that they need. For example, last year we
12 started with a \$12,000 base purse. We ended up
13 with a much higher one by the end of the meet.
14 That just allows us to maximum the amount of breed
15 development races based on what the track is
16 putting into an overnight purse.

17 So this year's base purse is starting out at
18 15,000, which overall was the average that we had
19 last year. We're kind of learning from what we're
20 doing and hoping to do that. I would say with the
21 track's help and HBPA and ITOBA and everyone being
22 on board, we have seen tremendous growth in this
23 program. The average payout for the Thoroughbred
24 Breed Development program from 2014 to 2019 was 14
25 to 16 million on an annual basis. And the 2021

1 value of the program was just over \$21 million, and
2 last year it was \$22 million. So we are able to do
3 that with the racetrack's help. I think it's a
4 great thing for our program.

5 The second thing here is the late modification
6 that I sent to the Commissioners yesterday
7 afternoon, which is we discovered Friday afternoon
8 that the HISA regulations considers our breed
9 development program stake races in there as a stake
10 race. We were under the understanding that the
11 Lasix prohibition would only apply to graded stakes
12 or listed stakes. And we found out that they're
13 not.

14 And so after putting our heads together
15 talking with racetrack's management, Commission's
16 equine medical director, Eric Halstrom, and then
17 also my breed development committee members, we
18 really feel that it is in the best interest of our
19 program to modify those races so they're no longer
20 stake races. So the two things that made those,
21 three things that made those races stake races was
22 the word stake in its name, which you will see a
23 modification to remove that reference. We had
24 moved away from actually taking nomination payment
25 on those races several years ago. So we already

1 don't take nominations like a traditional stake
2 race would.

3 And then the third thing is that we have those
4 races set up as added money races. And we're
5 making a change to no longer have added money races
6 so they're not meeting that requirement. This
7 would allow that our Indiana Breed Development
8 horses that have been competing all year, the three
9 year olds and up, on Lasix to still be able to be
10 on Lasix for that race, which we feel is very
11 important to the welfare of the horses in our
12 program.

13 So we did make that modification. We think
14 it's very important especially now as we get under
15 HISA so we have some time to study how this whole
16 thing is going to shake out. That's why you saw
17 the late change.

18 I was not able to hold a breed development
19 meeting. I did talk to all three breed development
20 committee members individually. They are all three
21 on board with this modification to the program. I
22 know that Eric Halstrom has also talked with Brian
23 Elmore of the HBPA and got their input. And they
24 are in favor of the change as well. And I also
25 believe that the racetrack is going to take a

1 similar course of action with the races that they
2 change. I would be happy to answer any questions
3 that you have about that.

4 CHAIRMAN BORST: Sounds like your changes make
5 sense so we can still use the Lasix. As far as
6 voting, are we going to vote on -- are we voting on
7 what was in the book, and we have to amend it, or
8 can we vote on what was sent to us yesterday?

9 MR. PENNYCUFF: You can vote on what was sent
10 to you.

11 CHAIRMAN BORST: We don't have to make an
12 amendment or anything?

13 MR. PENNYCUFF: No, just vote on what was
14 sent.

15 CHAIRMAN BORST: Are there any questions,
16 comments? Any from the public to speak to the
17 program? I guess not. Ready for a motion and a
18 second.

19 COMMISSIONER ESTES: Move to accept.

20 COMMISSIONER PILLOW: Second.

21 CHAIRMAN BORST: Been moved and seconded.
22 Roll call vote.

23 MR. PENNYCUFF: Chairman Borst?

24 CHAIRMAN BORST: Aye.

25 MR. PENNYCUFF: Commissioner McCarty?

1 COMMISSIONER MCCARTY: Aye.

2 MR. PENNYCUFF: Commissioner Pillow?

3 COMMISSIONER PILLOW: Aye.

4 MR. PENNYCUFF: Commissioner Estes?

5 COMMISSIONER ESTES: Aye.

6 MR. PENNYCUFF: Commissioner Levengood?

7 COMMISSIONER LEVENGOOD: Aye.

8 CHAIRMAN BORST: Passes unanimously. Next is
9 presentation of the 2023 Quarter Horse Breed
10 Development Advisory Committee program.

11 JESSICA BARNES: The 2023 Quarter Horse
12 program has a few changes in it from last year's
13 program, which is in the program that was provided
14 to you. The biggest change is we have seen a
15 slight decline in the number of mares being bred
16 and foals being born. So the committee really
17 wanted to take a look at that and see how we could
18 earmark some dollars to try to help that situation.
19 So that's why you see an increase in the percentage
20 that goes to breeder's awards.

21 So and we were able -- I know that Deena asked
22 a question when she initially approved this
23 program. We were able to do that just with some
24 items that have come under budget. There was an
25 adjustment of races. We didn't use as many races

1 as we had scheduled last year. We've adjusted that
2 down a little bit to be more realistic about what
3 we think we can fill.

4 We do change the breeder's award percentage
5 from 12 and a half percent to 17 and a half
6 percent. You've actually already approved the rule
7 change that goes along with that in agenda item
8 five.

9 So overall, the program, other than that,
10 stays the same as it did last year so with some
11 minor adjustments to the budget. We are utilizing
12 a little bit more of the money we have built up in
13 reserves. If nothing changes, we're able to
14 sustain this program, if we don't see any increase
15 in revenue over the next three years, we're able to
16 sustain it for at least three years. We think
17 that's a long enough time to see if it does indeed
18 produce the results we want and encourage people to
19 invest more on the brood mare population and
20 increase the number of foals.

21 CHAIRMAN BORST: Any questions, Commissioner
22 members?

23 COMMISSIONER PILLOW: Jessica, what do you see
24 in three years with this lack of mares? Is that a
25 tough question?

1 JESSICA BARNES: It's tough because it's a
2 two-sided thing. On one hand the number of mares
3 has went down some, but we're also seeing an
4 increase in quality. So you can also equate that
5 to both the Thoroughbred and the Quarter Horse
6 programs. So as people over the years, as
7 competition has gotten tougher, people have, you
8 know, maybe sold -- they had five mares. They sold
9 five mares, and they've gotten three and gotten
10 better ones because they needed to up their ante in
11 order to be able to compete. At the same time we
12 need those foal numbers. So we want to provide
13 some incentive to get people to invest more. It's
14 a delicate balance between quantity and quality
15 when you deal with these breed development
16 programs.

17 COMMISSIONER LEVENGOOD: Just for a point of
18 reference, are you talking about 100 that went down
19 to 90?

20 JESSICA BARNES: No, on average the Quarter
21 Horse program is a fairly small program when you
22 compare it to the Thoroughbred and Standardbred
23 program. So you're looking at about 20 to 30 mares
24 when you're fluctuating.

25 CHAIRMAN BORST: Any questions? Any other

1 questions? Any members of the public have any
2 comments, questions, concerns? Seeing none, I
3 guess we're ready for our -- we have to have our
4 motion and second here, I guess.

5 COMMISSIONER ESTES: Move approval.

6 COMMISSIONER PILLOW: Second.

7 COMMISSIONER MCCARTY: Second.

8 CHAIRMAN BORST: Moved and seconded. Roll
9 call vote.

10 MR. PENNYCUFF: Chairman Borst?

11 CHAIRMAN BORST: Aye.

12 MR. PENNYCUFF: Commissioner McCarty?

13 COMMISSIONER MCCARTY: Aye.

14 MR. PENNYCUFF: Commissioner Pillow?

15 COMMISSIONER PILLOW: Aye.

16 MR. PENNYCUFF: Commissioner Estes?

17 COMMISSIONER ESTES: Aye.

18 MR. PENNYCUFF: Commissioner Levensgood?

19 COMMISSIONER LEVENGOOD: Aye.

20 CHAIRMAN BORST: Passes unanimously.

21 JESSICA BARNES: Thank you.

22 CHAIRMAN BORST: Thank you for all the work
23 putting puzzles together. Next on the agenda is
24 the approval of Harrah's Hoosier Park 2023
25 Standardbred racing official list. And I don't

1 know. I looked at it. I couldn't find mine from
2 last year. I don't know if it's changed any, has
3 the same amount of people. Maybe you and Eric can
4 tell us.

5 RICK MOORE: On Harrah's Hoosier Park side,
6 it's an experienced group of racing officials all
7 who have been previously licensed by the IHRC. We
8 are glad to have everyone back and hopefully get
9 your approval today, Mr. Chairman.

10 CHAIRMAN BORST: So no material changes?

11 RICK MOORE: No, sir.

12 CHAIRMAN BORST: Anybody have any questions on
13 the list? Okay.

14 COMMISSIONER PILLOW: I would like to. Rick,
15 how is the state of horse racing? How is the
16 handle? Has it gone up, down?

17 RICK MOORE: Our handle, we set an all time
18 record handle last year, Mr. Pillow, 117 million is
19 an all time record handle. I'm proud to say that.

20 COMMISSIONER PILLOW: I'm sure Caesars is glad
21 of that. You maintained your position pretty well.

22 RICK MOORE: Well, I think we're all in this
23 together. The ISA, Harrah's Hoosier Park, we're
24 really proud what we're able to produce.

25 COMMISSIONER PILLOW: That's great.

1 Congratulations.

2 RICK MOORE: Thank you, sir.

3 CHAIRMAN BORST: Seeing no further questions,
4 I'll accept a motion and second to approve.

5 COMMISSIONER ESTES: Move approval.

6 COMMISSIONER MCCARTY: Second.

7 CHAIRMAN BORST: Been moved and seconded.

8 Move to the roll call vote.

9 MR. PENNYCUFF: Chairman Borst?

10 CHAIRMAN BORST: Aye.

11 MR. PENNYCUFF: Commissioner McCarty?

12 COMMISSIONER MCCARTY: Aye.

13 MR. PENNYCUFF: Commissioner Pillow?

14 COMMISSIONER PILLOW: Aye.

15 MR. PENNYCUFF: Commissioner Estes?

16 COMMISSIONER ESTES: Aye.

17 MR. PENNYCUFF: Commissioner Levensgood?

18 COMMISSIONER LEVENGOOD: Aye.

19 CHAIRMAN BORST: Thank you. Passes

20 unanimously.

21 RICK MOORE: Thank you chairman.

22 CHAIRMAN BORST: Next on the agenda is the
23 approval of Horseshoe Indianapolis 2023 -- No. 10,
24 I'm lost -- official racing. Same questions, same
25 amount of people?

1 ERIC HALSTROM: Yes, Chairman Borst. We're
2 almost to Rick's, kind of mimicking his. There
3 are a couple of positions that have turned over
4 coming into this next year. That's not uncommon as
5 people kind of come and go and stay south.

6 I will say I'm excited because Chris Polzin,
7 our director of racing here, is continually trying
8 to move the staff forward. You'll see on that list
9 our assistant racing secretary actually left their
10 position at Gulfstream Park in Florida to come work
11 for us, which I think as we keep going forward get
12 an A level racetrack, that's what we want to be at
13 some point. So moving that forward, we're pretty
14 pleased with what we have to offer.

15 Commissioner Pillow, I'm going to answer the
16 question you asked to Rick as well. Last year at
17 Horseshoe Indianapolis, we also set an annual
18 record of 235,000,000 over the course of the year.
19 We're heading for -- we've got a staff incentive.
20 We're trying to make that quarter of a billion this
21 year. We're going to get there, 250 million.

22 COMMISSIONER PILLOW: Congratulations. That's
23 very good.

24 ERIC HALSTROM: Thank you.

25 MR. ROTHENBERG: Chairman, I will note that

1 there are a couple people on the list who are still
2 going through security background checks because
3 they're new to the state. When we ask you to vote,
4 we would actually ask you to be voting contingent
5 upon, on the list contingent upon them subject to
6 them passing their background checks.

7 COMMISSIONER LEVENGOOD: Would you inform us
8 going forward if someone did not, or is that a
9 personal record?

10 MR. ROTHENBERG: Certainly. We'll have to let
11 you know if the list changes because we'll have to
12 get a replacement.

13 CHAIRMAN BORST: If we don't see anything
14 else, we'll know they pass. How about a motion and
15 second on the list for Horseshoe?

16 COMMISSIONER ESTES: So moved.

17 COMMISSIONER PILLOW: Second.

18 CHAIRMAN BORST: Been moved and second. Go to
19 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 Pillow?

25 COMMISSIONER PILLOW: Aye.

1 MR. PENNYCUFF: Commissioner Estes?

2 COMMISSIONER ESTES: Aye.

3 MR. PENNYCUFF: Commissioner Levengood?

4 COMMISSIONER LEVENGOOD: Aye.

5 CHAIRMAN BORST: Passes unanimously. Next on
6 the agenda is the ratification of Executive
7 Director Pitman's interim approval of Caesars debt
8 financing activity request dated January 19, 2023.
9 Matt, are you going to handle that?

10 MR. EGGIMAN: Yes. Thank you, Chairman Borst.
11 Commissioners, pursuant to 71IAC 11-1-12-85, the
12 Commission or the Executive Director must approve
13 any contract between a permit holder and any party
14 that equals or exceeds \$50 million in value. In
15 January, Caesars Entertainment provided notice to
16 the IHRC that it intended to undertake debt
17 financing transactions. Caesars intends to use the
18 proceeds of the potential financing transactions to
19 make strategic business decisions. They are
20 confident that these potential transactions are in
21 the best interest of the company.

22 In accordance with Indiana Code 4-33-4-21, the
23 proposed financing transactions do not result in
24 the lease, hypothecation, or borrowing against
25 Harrah's Hoosier Park Racing and Casino or

1 Horseshoe Indianapolis Racing and Casino. In
2 addition, these new financings do not change the
3 terms of the existing put-call contained in the
4 lease with VICI nor is the Commission being asked
5 to review the put-call at this time.

6 Pursuant to applicable securities in Indiana
7 public access laws, such activities, including the
8 transaction terms and structure were described in
9 detail to the Commission but are kept confidential
10 and not subject to public disclosure. This process
11 to undertake and receive approval for a debt
12 financing transaction is longstanding and utilized
13 not only by Caesars but other Indiana casino
14 owner's licensees.

15 Information concerning the debt activity
16 required pursuant to Indiana Gaming Commission
17 regulations was provided to the IGC and the IHRC.
18 After conducting a review on January 31, 2023, the
19 Indiana Gaming Commission approved of these
20 potential activities, and ratification of the
21 approval was placed on the agenda for March 9, 2023
22 business meeting and was indeed ratified.

23 On January 26, 20203 after consulting with
24 Chairman Borst, Executive Director Pitman issued an
25 interim approval based on the review conducted by

1 the IGC and its confidential report, as well as the
2 IGC's interim approval.

3 Commission Staff respectfully requests the
4 Commission ratify Executive Director Pitman's
5 interim approval concerning the proposed
6 transactions. I know Mr. Jeff Hendricks is here
7 from Caesars to take any questions that you may
8 have.

9 CHAIRMAN BORST: Thank you. Are there any
10 questions from Commission members? I guess I was
11 surprised because I don't deal in the numbers like
12 they do. I was surprised in this day and age there
13 was any chance of doing any refinancing. I guess a
14 little bit of change makes a big difference.

15 JEFF HENDRICKS: It's a great point. Jeff
16 Hendricks, assistant general counsel Caesars
17 Entertainment. I appreciate the opportunity to be
18 in front of you today, Commissioners, Executive
19 Director, Staff.

20 To your point, Chairman Borst, I will make a
21 quick review of this transaction as we were mining
22 credit markets, we have approached for the last
23 several to refinance our debt when we possibly
24 could. And February was a very opportune time to
25 do so. We ended up with great terms on these

1 refinancings. As we sit here in mid March, we're
2 really happy we executed this debt in early
3 February. It's just been a really tumultuous time
4 in all the credit markets.

5 Thank you for everyone's swift and
6 professional review of this. It was
7 transformational for the company. It did find that
8 sweet spot where the markets were instrumental for
9 us.

10 CHAIRMAN BORST: Thank you. Seeing no
11 questions, I guess we'll take a motion.

12 COMMISSIONER PILLOW: You didn't bank in
13 Silicone Valley, did you?

14 JEFF HENDRICKS: We have no holdings in SUV.
15 We are actively monitoring all of our deposits
16 across the country. We didn't have any exposure to
17 any of the banks that dealt with the bankrupts in
18 the past several weeks.

19 I also want to note these financings are
20 ultimately beneficial to all of our properties,
21 including our Indiana racetracks. So what this did
22 is lower our cost of debt across the portfolio and
23 improved financial strength of the company, no
24 detrimental impact to the properties, no
25 incremental debt to the properties or the company.

1 It allowed us to switch out existing money with a
2 sooner maturity with new money at a cheaper rate
3 with a longer maturely. We're thrilled with the
4 outcome. And we're thrilled with where we are
5 currently depositing our money.

6 CHAIRMAN BORST: You weren't in that bank,
7 were you?

8 COMMISSIONER PILLOW: No.

9 CHAIRMAN BORST: Ready for the motion and
10 second.

11 COMMISSIONER ESTES: I move approval.

12 COMMISSIONER PILLOW: I'll second it.

13 CHAIRMAN BORST: Been moved and seconded.
14 We'll go to roll call vote.

15 MR. EGGIMAN: Chairman Borst?

16 CHAIRMAN BORST: Aye.

17 MR. EGGIMAN: Commissioner Pillow?

18 COMMISSIONER PILLOW: Aye.

19 MR. EGGIMAN: Commissioner Levengood?

20 COMMISSIONER LEVENGOOD: Aye.

21 MR. EGGIMAN: Commissioner McCarty?

22 COMMISSIONER MCCARTY: Aye.

23 MR. EGGIMAN: Commissioner Estes?

24 COMMISSIONER ESTES: Aye.

25 COMMISSIONER LEVENGOOD: That's an incredible

1 undertaking, unbelievable.

2 JEFF HENDRICKS: We appreciate that. We
3 worked very hard on that.

4 CHAIRMAN BORST: Thanks for being here to
5 explain it. Appreciate it.

6 Next on the agenda is ratify Executive
7 Director Pitman's interim approval of petition to
8 amend Churchill Downs Technology Initiatives
9 Company d/b/a TwinSpires SPMO license reflecting
10 the addition of DK Horse as an affiliate. Dale,
11 are you going to take that one?

12 MR. PENNYCUFF: Yes. Commissioners on
13 February 2, 2023, the SPMO Churchill Downs
14 Technology Initiatives Company, doing business as
15 TwinSpires or CDTIC, submitted a petition for the
16 addition of New While Label Affiliate along with an
17 updated Plan of Operations Affiliate section.
18 CDTIC requested the approval of the Commission to
19 add DK Horse as an affiliate to their SPMO license
20 through a service agreement. The Oregon Racing
21 Commission approved the Digital Service Agreement
22 on January 23, 2023. The Oregon Racing Commission
23 is the organization that licenses the ADW hubs and
24 has a yearly audit schedule for all hub licensees
25 and keeps a close eye on all their activities.

1 CDTIC's request is similar to NYRA Bets
2 request to add Caesars RaceBook or to TVG's request
3 to add FanDuel to their SPMO license, both of which
4 were previously approved. The goal being to build
5 interest in the horse racing product through a
6 familiar brand. In this case DK Horse is a Draft
7 King operation. The back end of DK Horse is under
8 complete control of CDTIC.

9 Because the addition DK Horse represents a
10 material change to their SPMO license, the
11 application requires Commission approval. And
12 based on the delegation of authority to approve
13 race matters prior to the next Commission meeting,
14 with review of the Commission at this meeting given
15 to Executive Director Pitman on December 1, 2022,
16 Director Pitman gave CDTIC interim approval on
17 March 3, 2023, due to their planned launch date
18 occurring before this meeting.

19 At this time, Commission Staff respectfully
20 requests Commission affirm the interim approval of
21 CDTIC's petition.

22 CHAIRMAN BORST: A lot of A, B, Cs in there,
23 but hopefully we understand they're adding another
24 way of betting is another way of putting it. Any
25 questions by Commission members? Seeing none, I

1 guess we'll take a motion and a second to ratify
2 Executive Director.

3 COMMISSIONER ESTES: I move to ratify.

4 COMMISSIONER PILLOW: Second.

5 CHAIRMAN BORST: Been moved and seconded. Go
6 to roll call vote.

7 MR. PENNYCUFF: Chairman Borst?

8 CHAIRMAN BORST: Aye.

9 MR. PENNYCUFF: Commissioner McCarty?

10 COMMISSIONER MCCARTY: Aye.

11 MR. PENNYCUFF: Commissioner Pillow?

12 COMMISSIONER PILLOW: Aye.

13 MR. PENNYCUFF: Commissioner Estes?

14 COMMISSIONER ESTES: Aye.

15 MR. PENNYCUFF: Commissioner Levengood?

16 COMMISSIONER LEVENGOOD: Aye.

17 CHAIRMAN BORST: Passed unanimously.

18 Next on the agenda is approval of RMTCC
19 certified split sample laboratories for 2023 and
20 beyond. Who wants to take that?

21 MR. PENNYCUFF: I'll be taking that one.

22 Pursuant to our administrative rules, the
23 Commission must approve the list of laboratories
24 that are used as a split laboratory. A split
25 laboratory is a lab that does the test on the

1 portion of the sample not sent to our primary
2 laboratory for testing. A licensee has the right
3 to ask that the split sample be tested if the
4 primary sample returns a positive result. As a
5 reminder, the Racing Medication Testing Consortium,
6 the RMTC, is an association that works closely with
7 the Racing Commissioners International, which is a
8 nationally recognized trade association.

9 Because of a couple of things to do with some
10 of the labs, I'm going to be asking you for three
11 separate motions so bear with me.

12 First, Commission Staff respectfully requests
13 approval of all RMTC accredited laboratories to be
14 approved as split laboratories except for our
15 primary lab, Industrial Laboratory.

16 CHAIRMAN BORST: Do you want to go ahead and
17 do them separately?

18 MR. PENNYCUFF: Yes, do them separately.

19 CHAIRMAN BORST: So is this, I guess, HISA
20 related, or is this?

21 MR. PENNYCUFF: No, this is just standard what
22 we do every year.

23 CHAIRMAN BORST: All of them except
24 Industrial. Anybody have a motion and a second on
25 this one?

1 COMMISSIONER PILLOW: Second.

2 COMMISSIONER LEVENGOOD: We need a first.

3 COMMISSIONER ESTES: Move to approve.

4 CHAIRMAN BORST: And are you still second?

5 COMMISSIONER PILLOW: I'm still second.

6 CHAIRMAN BORST: Any other questions? I guess

7 we'll do the roll call vote.

8 MR. PENNYCUFF: Chairman Borst?

9 CHAIRMAN BORST: Aye.

10 MR. PENNYCUFF: Commissioner McCarty?

11 COMMISSIONER MCCARTY: Aye.

12 MR. PENNYCUFF: Commissioner Pillow?

13 COMMISSIONER PILLOW: Aye.

14 MR. PENNYCUFF: Commissioner Estes?

15 COMMISSIONER ESTES: Aye.

16 MR. PENNYCUFF: Commissioner Levengood?

17 COMMISSIONER LEVENGOOD: Aye.

18 CHAIRMAN BORST: That passes so we'll go to

19 the second one.

20 MR. PENNYCUFF: So next we respectfully

21 request a waiver for the 2023 cobalt laboratories

22 pursuant to 71IAC 8-4-3 and 71IAC 8.5-3-3 because

23 the University of Kentucky Veterinary Diagnostic

24 lab is not an accredited laboratory through the

25 RMTTC for cobalt.

1 CHAIRMAN BORST: Do we have a motion on this
2 waiver and a second?

3 COMMISSIONER ESTES: So moved.

4 COMMISSIONER PILLOW: Second.

5 CHAIRMAN BORST: Been moved and seconded. Go
6 to roll call vote.

7 MR. PENNYCUFF: Chairman Borst?

8 CHAIRMAN BORST: Aye.

9 MR. PENNYCUFF: Commissioner McCarty?

10 COMMISSIONER MCCARTY: Aye.

11 MR. PENNYCUFF: Commissioner Pillow?

12 COMMISSIONER PILLOW: Aye.

13 MR. PENNYCUFF: Commissioner Estes?

14 COMMISSIONER ESTES: Aye.

15 MR. PENNYCUFF: Commissioner Levensgood?

16 COMMISSIONER LEVENGOOD: Aye.

17 CHAIRMAN BORST: That passes also. Now the
18 third vote, the final part.

19 MR. PENNYCUFF: Commissioners, we respectfully
20 request the approval of the University of Kentucky
21 Veterinary Diagnostic Lab as the primarily cobalt
22 laboratory.

23 CHAIRMAN BORST: Okay. That's easy to
24 understand. Any questions on that? Accept a
25 motion and a second.

1 COMMISSIONER ESTES: Move approval.

2 COMMISSIONER MCCARTY: Second.

3 CHAIRMAN BORST: I think we have a motion and
4 a second out of those two. We'll go to roll call
5 vote.

6 MR. PENNYCUFF: Chairman Borst?

7 CHAIRMAN BORST: Aye.

8 MR. PENNYCUFF: Commissioner McCarty?

9 COMMISSIONER MCCARTY: Aye.

10 MR. PENNYCUFF: Commissioner Pillow?

11 COMMISSIONER PILLOW: Aye.

12 MR. PENNYCUFF: Commissioner Estes?

13 COMMISSIONER ESTES: Aye.

14 MR. PENNYCUFF: Commissioner Levensgood?

15 COMMISSIONER LEVENGOOD: Aye.

16 CHAIRMAN BORST: That passes. Does that take
17 care of the whole subject?

18 MR. PENNYCUFF: We're done with that.

19 CHAIRMAN BORST: It's amazing when you look at
20 the fees that the California lab versus the
21 Illinois labs. I guess that's California. Some of
22 them are more than double so I guess people
23 probably will take University of Illinois since
24 it's a lot more reasonable.

25 Okay. Moving on, next is consideration of

1 Horseshoe Indianapolis request to approve the
2 continued takeout of 11.99 percent on the Pick 5 to
3 stimulate wagering and approve reductions on Pick 4
4 and Pick 6 wagering as well. Eric, will you handle
5 that one?

6 ERIC HALSTROM: Chairman Borst, Members of the
7 Commission, really the request is mainly keep the
8 status quo from what we've done for the last two
9 years with this reduced takeout. Commissioner
10 Pillow, I think this has been a legitimate driver
11 of handle for us and looking out for some of our
12 best customers around the country. You'll note
13 that letter comes from, and it needs to by rule, it
14 comes from not just myself but Joe Davis, the
15 president of the HBPA, Paul Martin, president of
16 the QHRAI. We're all in agreement that it's been a
17 very good thing for us. We would like to go
18 forward this year too.

19 CHAIRMAN BORST: Any questions of anyone,
20 Commission members?

21 COMMISSIONER PILLOW: I make the motion we
22 approve.

23 COMMISSIONER ESTES: I second.

24 CHAIRMAN BORST: Good. Been moved and
25 seconded. Go to roll call vote.

1 MR. PENNYCUFF: Chairman Borst?

2 CHAIRMAN BORST: Aye.

3 MR. PENNYCUFF: Commissioner McCarty?

4 COMMISSIONER MCCARTY: Aye.

5 MR. PENNYCUFF: Commissioner Pillow?

6 COMMISSIONER PILLOW: Aye.

7 MR. PENNYCUFF: Commissioner Estes?

8 COMMISSIONER ESTES: Aye.

9 MR. PENNYCUFF: Commissioner Levengood?

10 COMMISSIONER LEVENGOOD: Aye.

11 CHAIRMAN BORST: Passes unanimously also.

12 Next is consideration of Horseshoe Indianapolis
13 2023 race date calendar alteration request to move
14 racing off Tuesday, July 4, 2023, and instead race
15 on Monday, July 3, 2023, with a beginning post time
16 of 2:30 p.m. to allow for the drone show marketing
17 opportunity.

18 ERIC HALSTROM: Yes, Chairman Borst and
19 Members of the Commission. This is one our staff
20 is extremely excited about. I'll tell you -- and
21 she wasn't able to make it today -- but Alicia
22 Mummert, our director of marketing, came up with an
23 opportunity we'd really love to try. Fireworks
24 aren't really a thing. Horsemen don't really want
25 the fireworks around the horses and all that.

1 We're in the same boat.

2 I'm not sure if you saw the Super Bowl several
3 years ago. They did a really, really cool drone
4 show where they synchronized hundreds and hundreds
5 of drones changing colors, flying different
6 directions. One second you're looking at a flag,
7 the next second a silhouette of the state of
8 Indiana, a horse and whatnot.

9 But we really think that we're really prepared
10 to go and race on July 4th, but everybody's
11 working July 5th. So the show needs to be run at
12 night. It will be sometime 9:45, 10 o'clock type
13 thing. With nobody working on the holiday or as a
14 general rule, except for us, we think this is a
15 great opportunity and even in the simulcast market
16 to be one of the few tracks running on that Monday
17 night, the 3rd, and then just pack the place with
18 people who've never seen a drone show, including
19 us.

20 I will tell you my staff is waiting on pins
21 and needles. I've got the text all ready to send
22 them thumbs up or down on this vote. We really
23 think it could be something that draws a lot of
24 people to the track on a day of racing. We do know
25 that once people have something they're coming for,

1 they'll show up early and take advantage of some
2 racing and some music in between while we wait for
3 dusk to get here. This is not a change in the
4 number of race days but just moving from the
5 Tuesday for that Monday night, the 3rd.

6 CHAIRMAN BORST: That's something different, a
7 drone show. Any questions on moving the racing
8 date? Seeing none, I guess we'll accept a motion
9 and a second to approve the change.

10 COMMISSIONER ESTES: I move to accept the
11 change.

12 COMMISSIONER MCCARTY: Second.

13 CHAIRMAN BORST: Been moved and seconded. We
14 will go to 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 Pillow?

20 COMMISSIONER PILLOW: 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. I would imagine you can get a lot of
2 good PR. You can get some TV stations to show up.
3 This is unique.

4 ERIC HALSTROM: Thanks for the approval
5 because now we can really start the marketing. We
6 obviously want to take the right steps, but the
7 staff is really excited about this one.

8 CHAIRMAN BORST: You can push the button on
9 the evening then.

10 Next is the consideration of Harrah's Hoosier
11 Park 2023 first post time change beginning
12 April 8th from 6:15 p.m. to 7 p.m. on Saturdays
13 and racing 12 races on Saturdays rather than 14.
14 Rick's going to handle that.

15 RICK MOORE: Thank you, Mr. Chairman, Members
16 of the Commission. I want to point out before I
17 talk about exactly why we want to do this, but we
18 met with the Indiana Standardbred Association to
19 discuss this. We discussed it at length. They
20 were very much behind this change. So I think I
21 come to you today on behalf of Harrah's Hoosier
22 Park and the ISA to ask for this approval of the
23 post time change.

24 What this will do to move to 7 p.m., if you
25 watch what has happened over the last couple years,

1 the afternoon primarily Thoroughbred tracks are
2 racing later and later into the evening. This will
3 allow us to get away from some of the afternoon
4 tracks to give us a clean start in the evening.
5 Just that 45 minutes will play a big part in
6 getting us away from some of the afternoon tracks.

7 By going from 14 races to 12, we're actually
8 going to save some purse money. This is something
9 else we discussed with ISA. Again, they are very
10 much behind this in that this will help us to
11 safeguard our purse account by racing a couple less
12 races on Saturday. We're going into the season
13 with the first surplus. We want to make sure we
14 maintain that. And by racing a couple less races
15 typically early in the evening don't throw a lot of
16 handle. We will be able to protect that purse
17 account. That's the reason for requesting the post
18 time change starting Saturday, April 8th.

19 CHAIRMAN BORST: Thank you. Any questions
20 about the post time change? Anybody from the
21 public have any comment on that? Seeing none, I
22 guess we're ready for a motion and a second.

23 COMMISSIONER ESTES: I move approval of the
24 time change.

25 COMMISSIONER MCCARTY: Second.

1 CHAIRMAN BORST: Been moved and seconded.

2 We'll go to 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 Pillow?

8 COMMISSIONER PILLOW: Aye.

9 MR. PENNYCUFF: Commissioner Estes?

10 COMMISSIONER ESTES: Aye.

11 MR. PENNYCUFF: Commissioner Levensgood?

12 COMMISSIONER LEVENGOOD: Aye.

13 CHAIRMAN BORST: Passes unanimously.

14 RICK MOORE: Thank you again, Mr. Chairman.

15 CHAIRMAN BORST: Next on the agenda is
16 consideration of Horseshoe Indianapolis request to
17 amend the expected 2023 Capital Expenditure
18 Equipment Plan and substitute with alternate 2023
19 purchases.

20 ERIC HALSTROM: Correct. So Chairman Borst,
21 as you can see the list is rather long. I defer to
22 you for how you'd like to me to address this. I
23 can go through them one by one or if you want to go
24 individually. You tell me.

25 CHAIRMAN BORST: It was just interesting that

1 so much equipment was ordered, so many that you
2 don't need them now. You only need one. That's
3 just what got me, but this was done years ago.

4 ERIC HALSTROM: Yeah.

5 CHAIRMAN BORST: Maybe they thought they would
6 be worn out by now.

7 ERIC HALSTROM: Correct. I can't tell you, as
8 it predates us, myself and Joe. I have understood
9 though that the intention really was more just to
10 put a placeholder for the amounts of money to be
11 spent. We can sure get there. We have plenty of
12 stuff that we can do.

13 EXECUTIVE DIRECTOR PITMAN: No tracks in the
14 US have that many harrows.

15 ERIC HALSTROM: Deena and I were chatting. I
16 said the purchase for this year is supposed to be
17 two rollers, six floats, and 12 harrows. If we
18 started our own track, we couldn't come close to
19 buying that.

20 CHAIRMAN BORST: That's what I was wondering.
21 You had to put a placeholder. I guess a couple
22 questions I had that I'm not sure they fit into
23 this, the upgrade of the paddock area irrigation
24 and then the jogging spot. Those really aren't
25 equipment. I wasn't sure those belonged on here,

1 but you can make a case for those. The rest of
2 them are certainly equipment.

3 ERIC HALSTROM: Sure. No, I understand. I
4 can give you the background for why we need them.
5 I understand your question. Deena and I were
6 talking Friday. I understood the point. Paddock
7 irrigation will make the place obviously look much
8 nicer. You're right. I'm not sure what level of
9 equipment that would be in.

10 The prerace jogging spot is something that's
11 kind of borne out of HISA. We're trying to clean
12 up some of these other things. It's been
13 Dr. Hardy's feeling that having this area will give
14 him a better idea of prerace inspections and making
15 sure every horse is healthy before they hit the
16 racetrack.

17 I will say this, if you think those belong in
18 a different area, you know, Joe is here.
19 Mr. Elmore is here. We can move this to a
20 different spot or at least have a discussion on it.
21 But I will leave that to you, whatever you guys
22 think is the most appropriate way.

23 CHAIRMAN BORST: I think they're both
24 necessary. There's no two ways about it. I just
25 hate to start the precedent of putting things like

1 this in here that really didn't expect that. I
2 don't know. Anybody from the staff have any
3 comments to help us with this?

4 EXECUTIVE DIRECTOR PITMAN: I think my
5 thoughts are that, you know, we just had the
6 conversation about placeholders for the equipment.
7 I think the real thing is that we want to make sure
8 that the improvements that need to be made on the
9 backside don't slide. And these are additional
10 improvements that are necessary that nobody ever
11 really thought about back in the day when this
12 sheet, this Excel sheet was put together.

13 So with HISA coming on board and the
14 additional infrastructure that's needed to
15 basically qualify for certification, I believe,
16 along with the irrigation, which is to me could
17 lead to an equine slipping issue, I think that it
18 might be okay in this instance to go ahead and
19 include those types of things because, number one,
20 they're not huge dollar amounts. And the fact, I
21 believe, Brian -- is Brian here? Yeah. Brian, do
22 you have any comments or thoughts on this?

23 BRIAN ELMORE: Yeah, I think it's a good idea.
24 I would encourage the Commission to approve that.

25 CHAIRMAN BORST: At first blush, it just

1 didn't seem like it was equipment. But you're
2 right, the numbers -- I guess we'll have to watch
3 in the future. I don't want to open the door and
4 have a whole bunch of stuff.

5 EXECUTIVE DIRECTOR PITMAN: Exactly.

6 COMMISSIONER LEVENGOOD: That's really your
7 comment, you want to be sensitive and passing along
8 those tidbits to you gives you a hint of what we
9 would look for or not in the future.

10 ERIC HALSTROM: I think that's a fair point.
11 And we'll keep that noted.

12 CHAIRMAN BORST: He's my spokesman.

13 COMMISSIONER LEVENGOOD: I'm a building guy.
14 Trust me, I get it. But what he's really saying is
15 it fish or fowl. When you're doing this, you
16 really need to be sensitive to those issues because
17 sometimes appearance or even the wording that you
18 put on the line item can affect how people like us
19 judge it.

20 ERIC HALSTROM: Thank you.

21 CHAIRMAN BORST: Any other questions,
22 comments? Anybody from the public? Brian has
23 already put his two cents in. Seeing none, I guess
24 we're ready for a motion and a second.

25 COMMISSIONER ESTES: Move approval.

1 COMMISSIONER PILLOW: Second.

2 COMMISSIONER MCCARTY: Second.

3 CHAIRMAN BORST: Been moved and seconded.

4 Ready for a roll call vote.

5 MR. PENNYCUFF: Chairman Borst?

6 CHAIRMAN BORST: Aye.

7 MR. PENNYCUFF: Commissioner McCarty?

8 COMMISSIONER MCCARTY: Aye.

9 MR. PENNYCUFF: Commissioner Pillow?

10 COMMISSIONER PILLOW: Aye.

11 MR. PENNYCUFF: Commissioner Estes?

12 COMMISSIONER ESTES: Aye.

13 MR. PENNYCUFF: Commissioner Levengood?

14 COMMISSIONER LEVENGOOD: Aye.

15 CHAIRMAN BORST: It passes unanimously.

16 Next on the agenda is consideration and
17 discussion of Quarter Horse Racing Association of
18 Indiana board of directors' unanimous vote to
19 support the installation of cameras in the barn
20 stall area of Horseshoe Indianapolis. I'm not sure
21 if there's anybody.

22 EXECUTIVE DIRECTOR PITMAN: I was under the
23 impression Diane Bennett is.

24 CHAIRMAN BORST: The executive director.
25 Maybe you can give us some background on what

1 started it.

2 DIANE BENNETT: I'm here representing Paul
3 Martin. He just came back from Texas. He is still
4 recovering so he couldn't attend. It was at the
5 February director's meeting, this was brought up in
6 our meeting. And there was lengthy discussion
7 about needing backside cameras to monitor what's
8 going in the barns. If someone is walking by
9 someone's horse, and they throw something in there,
10 we have it on camera so you could tell. Also it
11 would help the integrity of the Quarter Horse
12 racing group.

13 On top of that, we're really concerned about
14 the backside's safety of the grooms. We've had two
15 deaths from drug overdose. We've had thefts
16 reported. We have cars being broken into, and
17 we've even had assaults. If we have these backside
18 cameras set up, maybe that would deter some of this
19 activity. That is one of our main concerns, and we
20 would like you to consider those.

21 CHAIRMAN BORST: Thank you. I realize that's
22 a pretty expensive proposition. Is that something
23 that's in the works at all?

24 EXECUTIVE DIRECTOR PITMAN: Chairman, and,
25 Diane, maybe you can help me with this, but I seem

1 to remember I think it was the December meeting
2 where I think Joe Morris had submitted information
3 related to the committee actions.

4 DIANE BENNETT: Yes.

5 EXECUTIVE DIRECTOR PITMAN: One of the things
6 I noticed was maybe there was a discussion or
7 something on barn cameras that had been tabled. Is
8 that kind of where all of this kind of came from?

9 DIANE BENNETT: Yes, I'm not sure how far in
10 the future that is. I don't recall.

11 EXECUTIVE DIRECTOR PITMAN: As far as I can
12 tell, the committee has already scheduled what they
13 were going to be spending for 2023, correct?

14 DIANE BENNETT: Uh-huh.

15 EXECUTIVE DIRECTOR PITMAN: So anything you
16 want to add to that and how the process works would
17 be helpful.

18 DIANE BENNETT: They were just so concerned
19 because we've had so many problems on the backside.
20 Concern not only for the grooms, trainers, owners,
21 it's something maybe we don't install all of the
22 cameras, just a few key points at the gates or
23 receiving barns. Maybe we could have stopped these
24 two deaths if we knew what was happening.

25 EXECUTIVE DIRECTOR PITMAN: What I do see

1 right now is a commitment to install a few
2 cameras --

3 DIANE BENNETT: Uh-huh.

4 EXECUTIVE DIRECTOR PITMAN: -- in some of
5 those key areas for this year. And I believe it
6 might be on the list for 2024 as well, but that's
7 not near what Hoosier Park has here as far as
8 cameras fully installed in each of the barn areas,
9 correct?

10 DIANE BENNETT: I'm not sure what's exactly
11 installed here.

12 EXECUTIVE DIRECTOR PITMAN: Maybe somebody
13 else could help me out here. Where's Joe?

14 CHAIRMAN BORST: Whose radar do we need to get
15 this? How about the Thoroughbreds, do the
16 Thoroughbreds have the same feeling on this? I
17 would think so.

18 EXECUTIVE DIRECTOR PITMAN: We would need to
19 talk to Brian.

20 JOE MORRIS: Good morning, Joe Morris from
21 Caesars Entertainment Racing. I'm just going to
22 back up here for a second. When the RCFAC funds
23 that Caesars funded for both tracks, 12.5 went to
24 this track, 12.5 went to Horseshoe. We put
25 3 million of it in the middle so there's 11 million

1 at each track to spend. Up here as we analyzed
2 what we needed, we did the cameras in the stalls.
3 There's one camera splitting each stall so you can
4 see one camera to two stalls. We put that in. We
5 changed the lighting this year. We changed all the
6 barn roofing, you know, a number of things like
7 that.

8 Down at Horseshoe when we met with Brian and
9 Joe Davis, who's on the committee, and Paul and
10 Eric Halstrom, we felt we needed stalls. And we
11 felt we needed more grooms quarters. We thought a
12 Eurociser would really help down there. That was
13 almost 8 million, but it got us another 105 stalls,
14 which you'll see are really going to pay off for
15 this year. It got us another 50 dorm rooms.

16 The committee actually has a meeting next
17 week, next Thursday. We meet in March, and we meet
18 in September. We try to keep a two-year rolling
19 schedule going.

20 Cameras have been brought up. It's on the
21 list. We did identify that we didn't have some of
22 the outdoor coverage we wanted around the guard
23 shacks to see who's coming in and out of the guard
24 shack. There was some blind areas around some of
25 the dorms and specifically around the receiving

1 barn where you go on and off the track. So we've
2 set aside, I think, it's \$35,000 a year to be
3 upgrading the outside cameras. The new one is on
4 the list of topics that we'll take up.

5 The project here was around a million three
6 and change. We have 650 stalls here. We have 1150
7 stalls down there. We did this project two years
8 ago. My guess is that means the price has gone up.
9 It hasn't gone down. I haven't priced it out yet.
10 If it's something we're considering, I'll need to
11 at least get a rough price for what that might cost
12 and how we do it. I know we have some fiber issues
13 down there, some conductivity that would have to
14 get fixed as part of the whole thing.

15 On the list we've discussed it certainly for
16 last year's meeting because it was on the sheets
17 that I sent in. We'll meet next week. And we
18 think we can put it on for discussion again.

19 CHAIRMAN BORST: I think that would be a good
20 idea. The question I have, is this one where it's
21 better to go all in, or can you go a little at a
22 time?

23 JOE MORRIS: You could phase it. There's no
24 question you can phase it. I think some of you
25 have gone back with our control room. Just setting

1 that up takes quite a bit, and then you need to get
2 the fiber run, and get the conductivity run. And
3 that's some infrastructure work. You can certainly
4 phase it in over a period of time.

5 As I said earlier, we have spent quite a bit
6 more of that money at Horseshoe with the results we
7 wanted to get out of it. We will have to find the
8 money. It always comes down to the money. We need
9 to find out what the ballpark is for that. I'll
10 investigate that.

11 CHAIRMAN BORST: Maybe you do something like
12 you run the fiber for everything and then
13 eventually the cameras.

14 JOE MORRIS: Identify the control room, get
15 the stuff pulled back around. The good news is the
16 25 million, the 12.5 and 12.5 replenishes itself in
17 ten years, which is six more now. So there'll be
18 another 12.5 there for both tracks as part of
19 Caesars' commitment to capital.

20 CHAIRMAN BORST: I think everybody has to sit
21 down and figure out the priority, I guess. It
22 seems like it has helped here quite a bit. I think
23 it's something that should be done at some point.
24 It's just a matter of how you do it, I guess.

25 JOE MORRIS: Let us take the next step and I

1 can at least ballpark what it might cost.

2 CHAIRMAN BORST: Maybe at the next meeting you
3 can tell us what you find out.

4 Any other comments or questions? Anybody from
5 the public have any comments or questions?

6 COMMISSIONER LEVENGOOD: I do. I know way too
7 much about cameras so I have a couple questions but
8 take it just for what it's worth. Are these all
9 monitored 24-7, or are they just on a recording
10 basis?

11 JOE MORRIS: Joe Morris again. We staff that
12 room 40 hours a week. And there's about a 20-day
13 recording for each stall. So the guy's got a
14 checklist. He comes and makes sure the cameras are
15 all working. Then we have a random system of
16 different stables we look at. We use it more
17 focused on race days so we'll pick a few out.

18 COMMISSIONER LEVENGOOD: Who has access to the
19 storage?

20 JOE MORRIS: Our employee, then state
21 officials upon request.

22 COMMISSIONER LEVENGOOD: Do you have a
23 protocol who can access it?

24 JOE MORRIS: Yes, there's a chain of custody
25 situation. So we keep it with our people. And

1 then your staff is able upon request to come in.
2 And we will have pulled the segment of time they're
3 interested in looking at. Then they get to look at
4 the specific segment. And then during racing,
5 there's another person that will come in and do
6 spot checks also. It's a detention system.
7 They're under 24-7 detention.

8 COMMISSIONER LEVENGOOD: Do you have any
9 cameras that are not known to the general group, be
10 it whoever you're trying to monitor? Do you have
11 cameras?

12 JOE MORRIS: We do not.

13 COMMISSIONER LEVENGOOD: Do you propose -- is
14 there a reason you don't?

15 JOE MORRIS: We just didn't. In transparency
16 working with our horsemen, we told them where we
17 were putting them all. And they're where the
18 horses are.

19 COMMISSIONER LEVENGOOD: So you've been open
20 in saying --

21 JOE MORRIS: Yes.

22 COMMISSIONER LEVENGOOD: -- they're all here.
23 You can tell where they are. There's no hidden
24 ones.

25 JOE MORRIS: Correct, yeah.

1 COMMISSIONER LEVENGOOD: I probably have 20
2 other things, but have a great day.

3 CHAIRMAN BORST: Any other questions? I see
4 Brian coming down. He just can't resist.

5 BRIAN ELMORE: Can't.

6 EXECUTIVE DIRECTOR PITMAN: He's very quiet
7 today.

8 CHAIRMAN BORST: It wouldn't be a meeting
9 without you coming down and saying something.

10 BRIAN ELMORE: Thank you, I think.

11 CHAIRMAN BORST: No, that's positive.

12 BRIAN ELMORE: Brian Elmore, Executive
13 Director of the Indiana HBPA. First, I'd like to
14 say we support 100 percent the proposal that Joe
15 Morris has put out there of the additional cameras
16 on the backside, stable gate, around the dorm area
17 to monitor activity to try and reduce some of the
18 things that Diane talked about. We are not happy
19 about that either.

20 Regarding cameras, I guess we should all rest
21 assured because HISA says they're starting in six
22 days with the medication testing, six days.
23 However, as of today that we learned last Friday,
24 there's only one state they have a contract with to
25 do the testing. That's California. Huh? It's

1 going to get real interesting.

2 Anyhow, as we talked about expense, my father
3 served in the Navy. When I was a young boy, and
4 I'd get my allowance of 50 cents a week, I'd jump
5 on my Schwinn bicycle and went off to the dime
6 store, my 50 cents was gone in a matter of minutes.
7 My dad said that I reminded him of some of his
8 fellow Navy mates as being a drunken sailor.

9 The capital expenditures down at Horseshoe
10 Indianapolis have been new dormitory, great; new
11 Eurociser, great; paving project, great; new barn,
12 great, which is about -- I know you're into
13 building, a custom stall \$22,000 per 12 by 12
14 stall. I know this is not on the table today, but
15 we've spent about 8 million of our 11 and a half in
16 two years and eight months. We've got seven years
17 and four months to go before this is refunded.

18 And what's on our radar -- and I've talked to
19 Joe Morris about it. I've talked to Eric Halstrom
20 about it. I've talked to Steve Jarmus about it --
21 is eventually we would like to build a worship
22 center outside the gate across the street from the
23 race office whereby people in the general area
24 could come. You don't necessarily have to be
25 badged to get in and put in more programs to reach

1 people who may have substance abuse problems, bring
2 in more speakers and try to do more of those
3 things.

4 And I'm going to give this to you,
5 Commissioner Levensgood, if that's all right, so you
6 have an idea of the 40 by 80 building we're looking
7 at. By the way, what does it cost to build a
8 parking lot for 60 cars now? What's it cost? Is
9 it 6,000, 5,000?

10 COMMISSIONER LEVENGOOD: I'll get back to you
11 on that.

12 BRIAN ELMORE: All in, that thing is going to
13 end up costing a million dollars. I think this is
14 on down the road in the future. One thing we want
15 to do is look at serving the backside people and in
16 the best interest of them. I just want to share
17 that. We support Joe's proposal that he's got for
18 cameras this year to go in identified areas
19 100 percent. Thank you.

20 CHAIRMAN BORST: Thanks.

21 COMMISSIONER LEVENGOOD: You need a family
22 restroom in here.

23 BRIAN ELMORE: We have the men's and women's.
24 Should we need the third one?

25 COMMISSIONER LEVENGOOD: Unfortunately, again,

1 I know too much. You probably need a, quote,
2 family restroom.

3 BRIAN ELMORE: Mark my office out and put a
4 bathroom. You just mark that thing up and send it
5 back to me. Thank you. Appreciate it.

6 COMMISSIONER LEVENGOOD: Just giving you a
7 hard time. Thank you.

8 CHAIRMAN BORST: We'll just all come in your
9 office. That's okay.

10 COMMISSIONER LEVENGOOD: This is one of the
11 best blueprints I've ever seen.

12 CHAIRMAN BORST: Anybody have any other
13 comments?

14 COMMISSIONER PILLOW: I'd like to say, I was
15 around when the transfer of ownership happened from
16 local ownership to Caesars. I know we had some
17 issues early on about how things would work from
18 that point on. But I would like to say I think
19 Caesars as a whole, you've done an outstanding job
20 of living up to your commitment that you made when
21 you bought the tracks. I would just like to
22 applaud the entire organization for really doing a
23 great job of making sure you maintained these
24 tracks at the highest of levels.

25 CHAIRMAN BORST: Now with HISA, that's going

1 to be more fun yet.

2 Okay. Next on the agenda is review of the
3 Executive Director's Indiana Horse Racing
4 Commission request for exemption from the HISA
5 Lasix prohibition (also known as HISA Furosemide
6 Exemption Request) with respect to the use of
7 furosemide on covered horses during the three-year
8 period beginning on the program effective date,
9 currently cited as March 27, 2023 ending March 26,
10 2026. This exemption does not apply to
11 two-year-old covered horses and covered horses
12 competing in stakes races. Do you want to take
13 that?

14 MR. EGGIMAN: Yeah, I can take it. This is
15 what triggered Miss Barnes' amendment to the
16 Thoroughbred program.

17 Commissioners, the HISA Act itself bans
18 administration of any foreign substance to a
19 covered racehorse within 48 hours of racing. This
20 includes furosemide, also known as Lasix. However,
21 the Act has carved out an exception for Lasix for a
22 three-year period if a state racing commission so
23 decides to do so, again, except for two-year-old
24 horses and stakes races.

25 Based on the delegation of authority to

1 approve race matters prior to the next meeting
2 given to Executive Director Pitman in the December
3 Commission meeting, Executive Director Pitman
4 requested this exemption on behalf of the
5 Commission from the 48-hour ban for Lasix on
6 March 1, 2023. This gives HISA time to evaluate
7 the request and Commission time to respond to
8 questions from HISA before racing begins at
9 Horseshoe Indianapolis.

10 I know we had at least one or two members of
11 the audience who want to speak to the Lasix
12 exception. I think Dr. Mann, I don't know if you
13 want to come speak to that.

14 DR. MANN: Dr. Michael Mann. Basically, we
15 have used it for years. The other option that they
16 used to use was take horses off hay and feed and
17 water for 24 hours. I definitely don't like this
18 option. I think that Lasix has been proven to be
19 safe over and over again. It's used a fair amount.
20 The side effects are minimal. I have seen horses
21 that have been out training without Lasix. And
22 they will pass out on the track because they bleed
23 or something like that. I think taking the
24 therapeutic medication away that has shown no side
25 effects that anybody has proved to me yet away

1 would be detrimental to the horses and to the
2 betting public if we have a horse coming down the
3 stretch that's got blood gushing out because we
4 made a rule without using scientific evidence
5 behind it.

6 CHAIRMAN BORST: Thank you. Any questions?

7 MR. EGGIMAN: Commissioners, as you can see in
8 your packets from Mr. Elmore, the IHBPA endorses
9 the Lasix exemption as well. So at this time
10 Commission Staff would respectfully request a vote
11 to ratify the HISA Lasix exemption request for
12 three years.

13 CHAIRMAN BORST: Which is in the packet the
14 letter that will be submitted to HISA. Now I think
15 it's good idea too. There has been a zillion
16 studies done. I don't know why they want to do
17 more, but they do. So let them do what they want
18 to do, but at least we buy three more years for
19 Indiana anyway.

20 Any questions, Commission members? Any other
21 members of the public want to speak to the Lasix
22 furosemide issue? Seeing none, I guess we're ready
23 for a motion and a second.

24 COMMISSIONER ESTES: I move acceptance.

25 COMMISSIONER PILLOW: Second.

1 CHAIRMAN BORST: Been moved and seconded. Go
2 to roll call vote.

3 MR. EGGIMAN: Chairman Borst?

4 CHAIRMAN BORST: Aye.

5 MR. EGGIMAN: Commissioner Pillow?

6 COMMISSIONER PILLOW: Aye.

7 MR. EGGIMAN: Commissioner Levensgood?

8 COMMISSIONER LEVENGOOD: Aye.

9 MR. EGGIMAN: Commissioner McCarty?

10 CHAIRMAN BORST: He may have left. He had
11 another meeting.

12 MR. EGGIMAN: Commissioner Estes?

13 COMMISSIONER ESTES: Aye.

14 CHAIRMAN BORST: Okay. It passes. I don't
15 believe we have any old business, but I think we
16 have some news business. So who wants to take new
17 business? Director Pitman.

18 EXECUTIVE DIRECTOR PITMAN: Wanted to take the
19 opportunity under new business to invite maybe Tony
20 from the ISA -- here he comes -- and Joe Morris to
21 give us an update on this year's Breeders Crown
22 event and where the committee is on making their
23 plans for this huge event that's going to take
24 place this fall.

25 TONY RENZ: Good morning to everyone.

1 COMMISSIONER LEVENGOOD: Good afternoon.

2 CHAIRMAN BORST: Tony, if you would identify
3 yourself for the reporter.

4 TONY RENZ: Sure. I'm Tony Renz, the
5 Executive Director of the ISA. You know I'm
6 pleased to be here today to give you an update on
7 our planning for the Breeders Crown. The ISA is
8 very excited to be a part of this Breeders Crown
9 and to be planning and helping Hoosier Park along
10 the way.

11 Our small committee of Emily Dever, Ernie
12 Gaskin, Sarah Conrad, and myself have spent several
13 months meeting with Hoosier Park weekly to plan the
14 event. Even more exciting is that for the first
15 time a portion of the sponsorship money will come
16 back to the horsemen's purses. After a couple
17 months negotiating with Hoosier Park, the split of
18 the sponsorship money will be as follows: Hoosier
19 Park will receive the first 100,000. The ISA
20 horsemen will receive the next 75,000, and
21 everything after that is a 50/50 split.

22 To give you an idea, in 2017, Hoosier Park
23 raised 194,000 in sponsorships. In 2020, Hoosier
24 Park raised 254,000. Currently our total is
25 \$247,500. Of that, the ISA committee has secured

1 the confirmation of 205,000 of that.

2 We have worked extra hard to put the Indiana
3 stamp on this Breeders Crown. We included such
4 sponsors as Victory Hill, Premier Acres, Sugar
5 Valley, and Country Lane.

6 Finally, the most sensational news is the
7 Indiana Breed Development and the ISA collaborated
8 to become the presenting sponsor of the
9 40th edition of the Breeders Crown. We are all
10 proud to be a part of this Breeders Crown.

11 As mentioned, we are working along with
12 Hoosier Park to make sure we put on the best
13 Breeders Crown possible. With our names on the
14 event, it is most important the guests walk away
15 the same way they did in 2017 knowing that Hoosier
16 Park and Indiana are true leaders in the North
17 American Standardbred world.

18 With sponsorships moving along well, now
19 operations begin to be the focus from here out.
20 Seating, staffing, and food options continue to be
21 a concern and have heavy focus as we continue our
22 planning, as much as changed since 2017. The ISA
23 feels with the migration from the northeast
24 Standardbred horsemen and also the horsemen from
25 Florida to the Midwest, this year's attendance is

1 sure to pass 2017. The strength in Indiana's
2 program and the ever growing strength of programs
3 in Ohio and Kentucky, we feel many will attend the
4 Hoosier Park Breeders Crown.

5 Finally, do not forget the Hoosier sale will
6 also be held on Breeder Crown elimination weekend.
7 It is a must that we have enough seating for our
8 owners, sponsors, and fans. And we also need to
9 serve and feed this group.

10 They will arrive with high expectations. We
11 must exceed those expectations. Any level less is
12 not acceptable. We are available here for any
13 questions you have. I am joined by our ISA
14 president John DeLong, ISA director Ernie Gaskin
15 and our counsel Robert Young.

16 CHAIRMAN BORST: Any questions? Date again?

17 TONY RENZ: October 27th and 28th, last
18 weekend of October.

19 CHAIRMAN BORST: Put that on your calendars.
20 It's one heck of an event. Deena will be there
21 probably wearing a hat or something she always
22 wears for the fancy events, of course. Thank you.
23 Appreciate that. Joe, you're going to speak to it
24 also.

25 JOE MORRIS: Joe Morris, Caesars Entertainment

1 Racing. Just want to add to what Tony has said, I
2 know in Indiana we like unique, and we like firsts.
3 And this is the first in my experience, which goes
4 back a little bit, where a track and horsemen share
5 sponsorships, and more important than that, work
6 together to sell and secure them.

7 We've been meeting for a couple months now on
8 it. Tony gave you the splits. Those are all
9 accurate. The crew that he has with Ernie and
10 Emily and Sarah, we fit right in. We're working
11 together, selling the stuff. It's been a first in
12 the industry type of situation where we collaborate
13 and share like that. So we're proud of that.

14 I think we have shown over the last, this will
15 be the fourth meets now with Caesars, but over the
16 last few, we throw a party at Caesars. So this
17 will be a party. You've been to the Indiana Derby
18 over the couple years. You've been to the Dan
19 Patch. This will be on Fox Sports. We're
20 negotiating that deal out. We're actually adding
21 Fox to our Dan Patch Day and Caesars Pacing Derby
22 this year. That's a new for what we're doing.

23 Seating is a question. We went down through
24 it again. We're going to be using Ticketmaster to
25 sell the seats. We've already got the seat plans

1 done through our relationship that Caesars has with
2 them. Right now we're right around 2,150 seats
3 that people can set in. There's always the
4 walkups. We figure walkups probably five to 600.
5 So we've got capacity right now for around 2700.
6 Is that the right number? It's a good starting
7 number, I will tell you that.

8 The sales, the tickets will go on sale in July
9 so we'll be able to monitor that. We'll be able to
10 monitor. A lot of this comes down to, different
11 breed, but is there a Secretariat of the group
12 where everybody has to come and watch this horse.
13 But we're on weekly meetings working with Tony and
14 his crew. And we'll continue to make sure we throw
15 that correct party.

16 So, I mean, as we gauge this thing, there's
17 going to be some number, I'm going to guess 2500 to
18 3,000. There's some in the group that think it
19 might be a little higher, but we're not throwing
20 the party to fail. This will be a well run event.

21 We'll be using some outsourcing of food with
22 that number of people. The staffing, I think,
23 we'll get to but even restaurant capacity won't
24 work as well. So we'll outsource some of the food
25 requirements. And I've got other tracks in the

1 area that are driving distance. So we'll be
2 bringing people in from other tracks to help us
3 with the event also. So we're excited about it and
4 excited working with the horsemen. We think it's
5 going to be a great event.

6 COMMISSIONER LEVENGOOD: I just caution you.
7 Do you do any reserve seating events now?

8 JOE MORRIS: I believe we do for our concert
9 series and other casino events. We don't on the
10 racing side. We use Ticketmaster a lot on global
11 Caesars. We're plugged into that. They've helped
12 negotiate many of their famous charges and stuff
13 away. That's all a part of the bigger picture.

14 COMMISSIONER LEVENGOOD: Who gets what piece.

15 JOE MORRIS: We're calling down a little bit
16 on the Caesars relationship to make sure we don't
17 get hit with that.

18 COMMISSIONER LEVENGOOD: You have somebody on
19 your side that's worked.

20 JOE MORRIS: Right.

21 COMMISSIONER LEVENGOOD: The second thing is
22 the staff -- I'm being technical. But this could
23 be a bust or huge. And believe it or not, marking
24 seats and having your ushers know where it is and
25 what to do, if you're not used to it, you really

1 need to think through that small piece of the
2 customer service experience in a -- even if it's
3 only 2,000 seats because it can go bust.

4 JOE MORRIS: We'll be using an ambassador
5 system. I know Breeders Cup uses it. We've used
6 it some. Working with our committee, us and the
7 ISA, there's probably 10 or 12 people on the
8 committee. But we'll have ambassadors. We'll have
9 ambassador training. They'll have maps. I mean,
10 we have to get you out of the parking lot so you
11 know how to get in.

12 COMMISSIONER LEVENGOOD: Duplicate tickets, go
13 to box office. That whole world, if you're not
14 used to it, you ought to make sure you have a
15 couple of people that have been used to it in
16 attendance. Okay. Enough said.

17 CHAIRMAN BORST: I'm ready. Sign me up.
18 Let's go.

19 EXECUTIVE DIRECTOR PITMAN: Joe, Commission
20 Staff has also been meeting with the ISA
21 committees. And one of the committees that we've
22 been working with are also very involved in the
23 Breeders Crown committee. So when you talk about
24 outsourcing food requirements, what do you mean
25 when you say "outsourcing"?

1 JOE MORRIS: So we will have a tent out on the
2 apron that will hold probably somewhere in the low
3 600 people. We will outsource that food and
4 beverage service, I am told, to the same group that
5 did it in 2017. I wasn't here then, but just in
6 the last week, our head of food and beverage says
7 they have that. There will be a separate kitchen
8 set up behind it, and they will support the tent on
9 the food and beverage side.

10 COMMISSIONER LEVENGOOD: Who's the health
11 care -- who's the administrator from a -- it's the
12 guy that shows up with the inspector and the
13 thermometer, sticks it in and says it's 100, and
14 it's supposed to be 120.

15 JOE MORRIS: If we outsource that to that
16 group, that will fall on them.

17 COMMISSIONER LEVENGOOD: They will have a
18 license.

19 JOE MORRIS: They will be licensed and a
20 vendor that we will have confidence in that will
21 succeed with us and for us.

22 EXECUTIVE DIRECTOR PITMAN: And as the tickets
23 go on sale and you start seeing an uptick in the
24 numbers, and you find out, oh, my gosh, you know,
25 there is a big interest in people coming in to this

1 event, do you have any plan B as far as -- you
2 know, you're planning on, let's just use the tent
3 out here as an example, 600 there. Do you have a
4 plan B so if you need to up that, you can do that?

5 JOE MORRIS: We do. Part of our RCFAC this
6 year is 100,000 in apron improvements. Again,
7 working with that same committee with the ISA, we
8 have a design team coming in to help us with that,
9 but we have space down there for an upscale beer
10 garden. We haven't sold the area in front of Slice
11 and behind that bar. That's an area we prefer to
12 use for walkup, but we have space there. We have
13 space in our simulcast area still. Then we have
14 space in this lower level where we're not selling
15 that we can look at. And then we have the apron
16 where we could do another kind of structure to put
17 more people.

18 The fact of the matter is, you get up towards
19 3,000, we're pretty full here. We'll have to watch
20 that. If we have to cap tickets, you see all the
21 major racing events as of late capping tickets.
22 Belmont gets capped. The Preakness gets capped.
23 We could look at that. I'm not a fan of that. I'd
24 like to have people be able to come, but if it goes
25 to that level, that's another thing we would do.

1 COMMISSIONER LEVENGOOD: Do you currently have
2 a Ticketmaster scanning system where it can go off
3 of phones? That's a whole world.

4 JOE MORRIS: That's all part of the system.
5 We have the seating charts done. They're loaded
6 in. And we are run through. On the steakhouse and
7 the clubhouse, which we'll be able to use to full
8 capacity this year, that's open table so that will
9 be similar to that.

10 COMMISSIONER LEVENGOOD: You can tell I'm
11 nervous for you.

12 JOE MORRIS: We have to get to the size of the
13 events you've done. Behind the buffet area, we're
14 going to open that up. That will have tables and
15 big screen TVs and seating.

16 COMMISSIONER LEVENGOOD: How will you be able
17 to exclude people from the reserve seating area
18 that do not have a ticket to that area? Are you
19 going to rope it off or just use an honor system?

20 JOE MORRIS: The walkups we still like to have
21 be a part of this event. That will be more of an
22 honor system on that. We'll have ushers so to
23 speak in our areas where they're reserved to make
24 sure the right people get in their paid seats.

25 COMMISSIONER LEVENGOOD: Good luck.

1 JOE MORRIS: This is going to be sold. This
2 will be tables. That's a great place to set tables
3 overlooking, which knocks the first few of these
4 rows out unless you're looking at the big screen so
5 that pushes those seats back a little further. So
6 we're going to be using about every inch we have I
7 hope.

8 CHAIRMAN BORST: Sounds good. You'll have to
9 get the bleacher people in.

10 JOE MORRIS: We may have to put bleachers in.
11 The good news is we have time. And nothing can
12 ever get too far out ahead of an event, but we have
13 a good team working on it, good dialogue. We're
14 well ahead of the game as far as the planning. It
15 happens like that though.

16 EXECUTIVE DIRECTOR PITMAN: If you have the
17 numbers that are coming in, then, of course, you
18 will have to respond food wise as well.

19 JOE MORRIS: Absolutely. We can do what we
20 can do in the building. Again, we'll be using
21 other vendors. And we've had to do that at every
22 track I've been that. So maybe we can find some
23 other local restaurants that want to come in.
24 We'll do some themed areas.

25 COMMISSIONER LEVENGOOD: Invite your fire

1 marshal in early. I know enough to be dangerous.
2 In 2011, Jerry Jones in Dallas blew it. It was a
3 disaster. Mike Fox and I went down there ahead of
4 time. We could see it coming. I'm just sharing
5 with you the undertaking you are about to do is a
6 big deal. And I would like you to succeed.

7 JOE MORRIS: That's certainly our full intent.
8 We did a Breeders Cup at Santa Anita in 2016, drew
9 72,000 people and had five different local LA
10 restaurants come in for themed areas. So I'm kind
11 of taking a back page from that playbook.
12 Seventy-two there would be like having four or
13 5,000 people here. It was just a much bigger
14 facility.

15 COMMISSIONER LEVENGOOD: Good luck.

16 JOE MORRIS: We'll be using other properties
17 and other groups within Caesars to help us succeed
18 in the whole thing.

19 COMMISSIONER LEVENGOOD: Exciting.

20 CHAIRMAN BORST: Yes, it is. Okay. Thank you
21 for the update. Do we need to do any delegation
22 type motion to Deena? I know we already did one or
23 two. Are we okay?

24 MR. PENNYCUFF: Not on this particular item
25 but we do have three more new business items to go

1 over. Delegation will be one of those.

2 CHAIRMAN BORST: What else do we have?

3 MR. PENNYCUFF: The first one is to approve
4 material changes to Xpressbet's Secondary
5 Pari-Mutuel Organization License. Xpressbet's
6 addition of a new betting feature Quick Picks
7 through its advance deposit wagering and
8 handicapping product, 1/ST Bet and addition of
9 Plaid as a payment processor vendor. Both of those
10 were sent to you, I think, yesterday as kind of a
11 last minute addition.

12 So, again, Xpressbet will be offering a new
13 feature Quick Picks, which is detailed in the
14 confidential letter through the advance deposit
15 wagering handicapping product 1/ST bet. The
16 feature has been approved by the Oregon Racing
17 Commission on January 18, 2023, and, again, as we
18 discussed previously, kind of set up as the
19 foremost authority on ADW operations, including
20 conducting yearly audits and maintaining strict
21 licensure requirements for all the SPMOs.

22 And the second one is Xpressbet is making a
23 change to its current Plan of Operation with the
24 addition of Plaid to its current list of account
25 funding vendors. The details are in the

1 confidential letter. It's supposed to be a more
2 secure way to transfer payments back and forth for
3 ACH payments. And Plaid has also been approved by
4 the Oregon Racing Commission.

5 So at this time, Commission Staff respectfully
6 requests approval of both changes to Xpressbet's
7 SPMO license or Plan of Operation or both.

8 CHAIRMAN BORST: We do them both at the same
9 time?

10 MR. PENNYCUFF: Yes.

11 CHAIRMAN BORST: Any questions, Commissioners?
12 How about a motion and a second.

13 COMMISSIONER ESTES: Move to accept.

14 COMMISSIONER PILLOW: 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 Pillow?

20 COMMISSIONER PILLOW: Aye.

21 MR. PENNYCUFF: Commissioner Estes?

22 COMMISSIONER ESTES: Aye.

23 MR. PENNYCUFF: Commissioner Levensgood?

24 COMMISSIONER LEVENGOOD: Aye.

25 CHAIRMAN BORST: Passes unanimously. Got

1 another one?

2 MR. PENNYCUFF: The next item of new business
3 is request the Commission delegate authority to
4 sign a Voluntary Implementation Agreement with the
5 Horseracing Integrity and Safety Authority, known
6 as HISA, regarding federal racetrack safety rules
7 that became effective on July 1, 2022, and with the
8 Horseracing Integrity and Welfare Unit, known as
9 HIWU, regarding anti-doping and medication rules
10 scheduled to become effective on March 22, 2023 if
11 approved by the Federal Trade Commission.

12 The current version of the Voluntary
13 Implementation Agreement, or VIA, being written is
14 the result of input from the Indiana Attorney
15 General's Office, Commission Staff, and HISA and
16 HIWU attorneys over many weeks. Indiana's
17 agreement has a strong clause to indemnify the
18 Commission and our state employees. VIA will allow
19 the IHRC to receive credits for IHRC personnel's
20 time spent implementing HISA/HIWU.

21 Administrative Code 71IAC 2-2-1(b) allows the
22 Commission to delegate to the Executive Director
23 all powers and duties necessary to fully implement
24 the purposes of the Pari-Mutuel Wagering Act on
25 Horse Races Act, or the Act. Commission Staff

1 respectfully requests Commission delegate to
2 Director Pitman the authority to approve the VIA
3 and sign for the Commission on the VIA once the
4 final agreement has been negotiated.

5 CHAIRMAN BORST: Thank you. Any questions on
6 the delegation of authority? Seeing none, I guess
7 we are ready for the motion and a second to approve
8 the delegation.

9 COMMISSIONER ESTES: Move to delegate.

10 COMMISSIONER PILLOW: Second.

11 CHAIRMAN BORST: Been moved and seconded.

12 Roll call vote.

13 MR. PENNYCUFF: Chairman Borst?

14 CHAIRMAN BORST: Aye.

15 MR. PENNYCUFF: Commissioner Pillow?

16 COMMISSIONER PILLOW: Aye.

17 MR. PENNYCUFF: Commissioner Estes?

18 COMMISSIONER ESTES: Aye.

19 MR. PENNYCUFF: Commissioner Levengood?

20 COMMISSIONER LEVENGOOD: Aye.

21 CHAIRMAN BORST: The "ayes" have it.

22 MR. PENNYCUFF: One final item, this item is
23 request the Commission delegate authority to
24 approve any 2023 racing matters prior to the next
25 Commission meeting to the Executive Director

1 pursuant to 71IAC 2-2-1. As you know, there are
2 matters that arise in the race meet that require
3 quick turnaround and quick decision making.
4 Because the Commission may not meet often enough
5 for these immediate matters to be handled,
6 Commission routinely requests that the Commission
7 delegate authority to Executive Director Pitman to
8 handle matters that arise between meetings.

9 Pursuant to 71IAC 2-2-1, Commission may
10 delegate authority to the Executive Director to
11 implement and execute the duty of regulating each
12 race meeting, and persons participating in each
13 meeting.

14 At this time, Commission Staff respectfully
15 requests delegation of authority to Director Pitman
16 to make race meet decisions, including but not
17 limited to equipment, race calendars, rule
18 readoptions, and SPMOs that cannot be delayed until
19 the next Commission meeting.

20 CHAIRMAN BORST: Any questions on this
21 delegation? We do this one almost every meeting.
22 If not, accept a motion and second.

23 COMMISSIONER ESTES: Again, move to delegate.

24 COMMISSIONER PILLOW: Second.

25 CHAIRMAN BORST: Been moved and seconded.

1 Roll call vote.

2 MR. PENNYCUFF: Chairman Borst?

3 CHAIRMAN BORST: Aye.

4 MR. PENNYCUFF: Commissioner Pillow?

5 COMMISSIONER PILLOW: Aye.

6 MR. PENNYCUFF: Commissioner Estes?

7 COMMISSIONER ESTES: Aye.

8 MR. PENNYCUFF: Commissioner Levensgood?

9 COMMISSIONER LEVENGOOD: Aye.

10 CHAIRMAN BORST: Also passes unanimously. Any
11 other new business that we know of?

12 MR. PENNYCUFF: I have no other new business,
13 Chairman.

14 CHAIRMAN BORST: Good. No offense, but that's
15 enough. Seeing none, I guess we'll thank you all
16 for coming. Our reporter, are you retiring?

17 COURT REPORTER: Next year.

18 CHAIRMAN BORST: Good. You've got another
19 year. So we don't have to say goodbye to you yet.

20 COMMISSIONER LEVENGOOD: Motion to adjourn.

21 COMMISSIONER PILLOW: Second.

22 CHAIRMAN BORST: All those in favor?

23 THE COMMISSION: Aye.

24 CHAIRMAN BORST: No roll call on that one.

25 (The IHRC meeting adjourned at 12:33 p.m.)

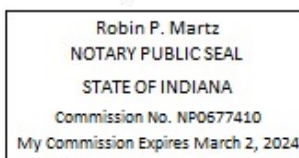
1 STATE OF INDIANA
2 COUNTY OF JOHNSON
3

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 6th day of
16 April, 2023.

17 *Robin P. Martz*



18
19
20 My Commission expires:
21 March 3, 2024

22 Job No. 179768
23
24
25

<hr/> Exhibits <hr/>	18 83:17	235,000,000 29:18
IHRC 3-20-23	180 12:4	24 68:17
<hr/> \$ <hr/>	188 18:7	24-7 61:9 62:7
\$12,000 19:12	19 31:8	24th 14:8
\$21 20:1	194,000 71:23	25 60:16
\$22 20:2	<hr/> 2 <hr/>	250 29:21
\$22,000 64:13	2 36:13	2500 75:17
\$247,500 71:25	2,000 77:3	254,000 71:24
\$35,000 59:2	2,150 75:2	26 10:19 32:23 67:9
\$5,000 10:15,24	2-2-1 14:12 87:1,9	27 67:9
\$50 31:14	2-2-1(b) 85:21	2700 75:5
<hr/> 1 <hr/>	20 25:23 63:1	27th 73:17
1 37:15 68:6 85:7	20-day 61:12	28th 73:17
1/ST 83:8,15	2011 82:2	2:30 44:16
10 28:23 45:12 77:7	2013 18:12	<hr/> 3 <hr/>
100 25:18 63:14 65:19 78:13	2014 19:24	3 37:17 44:15 57:25
100,000 71:19 79:6	2016 82:8	3,000 75:18 79:19
105 58:13	2017 71:22 72:15,22 73:1 78:5	30 25:23
11 57:25 64:15	2019 19:24	31 32:18
11-1-12-85 31:11	2020 71:23	3rd 45:17 46:5
11.99 43:2	20203 32:23	<hr/> 4 <hr/>
1150 59:6	2021 19:25	4 43:3 44:14
117 27:18	2022 10:14,19 18:3 19:4 37:15 85:7	4-33-4-21 31:22
12 24:5 47:13 48:7 50:17 64:13 77:7	2023 10:11 12:2,12 18:18 19:3 23:9,11 26:24 28:23 31:8 32:18, 21 36:13,22 37:17 38:19 40:21 44:13,14,15 47:11 49:17,18 56:13 67:9 68:6 83:17 85:10 86:24	40 61:12 65:6
12.5 57:23,24 60:16,18	2024 57:6	40th 72:9
120 78:14	2026 67:10	45 48:5
12:33 88:25	205,000 72:1	48 67:19
13th 18:3	22 18:3 85:10	48-hour 68:5
14 19:24 47:13 48:7	23 36:22	4th 45:10
14th 14:10	23-17 13:21	<hr/> 5 <hr/>
15,000 19:18	23-71 14:8,18	5 43:2
16 19:25	23-91 13:21 14:9,18	5,000 65:9 82:13
17 24:5		50 58:15 64:4,6

50/50 71:21**5th** 45:11

6

6 43:4**6,000** 65:9**6-27-2019** 18:6**60** 10:14 65:8**60-day** 10:22**600** 75:4 78:3 79:3**650** 59:6**6:15** 47:12

7

7 10:14 47:12,24**711AC** 14:12 31:11 40:22 85:21
87:1,9**72,000** 82:9**75,000** 71:20**75-day** 12:11

8

8 58:13 64:15**8-4-3** 40:22**8.5-3-3** 40:22**80** 65:6**8th** 47:12 48:18

9

9 32:21**90** 12:5,6 25:19**9:45** 45:12

A

Absolutely 81:19**abuse** 65:1**accept** 9:10 17:11 22:19 28:4
41:24 46:8,10 84:13 87:22**acceptable** 73:12**acceptance** 69:24**access** 32:7 61:18,23**accordance** 31:22**account** 48:11,17 83:24**accredited** 39:13 40:24**accurate** 74:9**ACH** 84:3**Acres** 72:4**Act** 67:17,21 85:24,25**action** 22:1**actions** 56:3**actively** 34:15**activities** 32:7,20 36:25**activity** 31:8 32:15 55:19 63:17**add** 36:19 37:2,3 56:16 74:1**added** 21:4,5**adding** 37:23 74:20**addition** 32:2 36:10,16 37:9
83:6,8,11,24**additional** 52:9,14 63:15**address** 18:25 49:22**adjourn** 88:20**adjourned** 88:25**adjusted** 24:1**adjustment** 23:25**adjustments** 24:11**administration** 67:18**administrative** 13:10,13,14
38:22 85:21**administrator** 78:11**advance** 83:7,14**advantage** 46:1**Advisory** 18:19 23:10**ADW** 36:23 83:19**affect** 53:18**affiliate** 36:10,16,17,19**affirm** 9:1 37:20**afternoon** 18:25 20:7 48:1,3,6
71:1**age** 33:12**agencies** 13:14**agenda** 10:6 13:9 16:8,21 18:2,
17 24:7 26:23 28:22 31:6 32:21
36:6 38:18 49:15 54:16 67:2**agreed** 10:22 12:11**agreement** 10:7,10,21 11:2,22
12:1,10,16 36:20,21 43:16 85:4,
13,17 86:4**ahead** 39:16 52:18 81:12,14 82:3**Alicia** 44:21**ALJ** 10:17,18 12:8**allowance** 64:4**allowed** 35:1**alteration** 44:13**alternate** 49:18**amazing** 42:19**ambassador** 77:4,9**ambassadors** 77:8**amend** 22:7 36:8 49:17**amendment** 22:12 67:15**American** 72:17**amount** 19:14 27:3 28:25 68:19**amounts** 50:10 52:20**analyzed** 58:1**Anita** 82:8**annual** 19:25 29:17**ante** 25:10**anti-doping** 85:9**apologize** 18:23**appealed** 10:16 12:7**appearance** 53:17**applaud** 66:22**applicable** 32:6

application 37:11**apply** 20:11 67:10**approached** 33:22**approval** 11:2 12:16 26:5,24
27:9 28:5,23 31:7 32:11,21,25
33:2,5 35:11 36:7,18 37:11,16,20
38:18 39:13 41:20 42:1 47:4,22
48:23 53:25 84:6**approve** 9:10 14:18 28:4 31:12
37:12 38:23 40:3 43:1,3,22 46:9
52:24 68:1 83:3 86:2,7,24**approved** 23:22 24:6 32:19
36:21 37:4 39:14 83:16 84:3
85:11**April** 14:10 47:12 48:18**apron** 78:2 79:6,15**area** 50:23 51:13,18 54:20 63:16
64:23 76:1 79:10,11,13 80:13,17,
18**areas** 57:5,8 58:24 65:18 80:23
81:24 82:10**arise** 87:2,8**arrive** 73:10**assaults** 55:17**assigned** 10:17 12:8**assistant** 29:9 33:16**association** 14:5 39:6,8 47:18
54:17**assured** 63:21**attend** 55:4 73:3**attendance** 72:25 77:16**Attorney** 85:14**attorneys** 85:16**audience** 68:11**audit** 36:24**audits** 83:20**authority** 14:13,17 17:1 37:12
67:25 83:19 85:3,5 86:2,6,23
87:7,10,15**automatically** 13:15**average** 19:18,23 25:20**award** 24:4**awards** 23:20**aye** 9:17,19,21,24 10:1,3 11:12,
14,16,18,20 12:25 13:2,4,6,8
15:23,25 16:2,4,6 17:17,19,21,23,
25 22:24 23:1,3,5,7 26:11,13,15,
17,19 28:10,12,14,16,18 30:21,
23,25 31:2,4 35:16,18,20,22,24
36:25 38:8,10,12,14,16 40:9,11,
13,15,17 41:8,10,12,14,16 42:7,9,
11,13,15 44:2,4,6,8,10 46:16,18,
20,22,24 49:4,6,8,10,12 54:6,8,
10,12,14 70:4,6,8,13 84:18,20,22,
24 86:14,16,18,20 88:3,5,7,9,23**ayes** 86:21

B

back 27:8 37:7 52:11 55:3 57:22
59:25 60:15 65:10 66:5 71:16
74:4 81:5 82:11 84:2**background** 30:2,6 51:4 54:25**backside** 52:9 55:7,17 56:19
63:16 65:15**backside's** 55:14**badged** 64:25**balance** 25:14**ballpark** 60:9 61:1**ban** 68:5**bank** 34:12 35:6**bankrupts** 34:17**banks** 34:17**bans** 67:17**bar** 79:11**barn** 54:19 56:7 57:8 58:6 59:1
64:11**Barnes** 18:20,22 23:11 25:1,20
26:21**Barnes'** 67:15**barns** 55:8 56:23**base** 19:8,12,17**based** 19:15 32:25 37:12 67:25**basically** 52:15 68:14**basis** 19:25 61:10**bathroom** 66:4**bear** 39:11**beer** 79:9**begin** 72:19**beginning** 10:14 44:15 47:11
67:8**begins** 68:8**behalf** 47:21 68:4**Belmont** 79:22**belong** 51:17**belonged** 50:25**beneficial** 34:20**Bennett** 54:23 55:2 56:4,9,14,18
57:3,10**bet** 83:8,15**Bets** 37:1**betting** 37:24 69:2 83:6**beverage** 78:4,6,9**bicycle** 64:5**big** 33:14 48:5 78:25 80:15 81:4
82:6**bigger** 76:13 82:13**biggest** 23:14**billion** 29:20**bit** 24:2,12 33:14 60:1,5,22 74:4
76:15**bleacher** 81:9**bleachers** 81:10**bleed** 68:22**blew** 82:2**blind** 58:24**blood** 69:3**blueprints** 66:11**blush** 52:25**board** 19:22 21:21 52:13 54:18**boat** 45:1**book** 13:22 22:7

booklet 16:14**born** 23:16**borne** 51:11**borrowing** 31:24

Borst 9:3,9,14,16,17 10:4 11:4,8,11,12,21 12:18,22,24,25 13:9 14:23 15:1,3,8,11,17,22,23 16:7 17:8,14,16,17 18:1,14 22:4,11,15,21,23,24 23:8 24:21 25:25 26:8,10,11,20,22 27:10,12 28:3,7,9,10,19,22 29:1 30:13,18,20,21 31:5,10 32:24 33:9,20 34:10 35:6,9,13,15,16 36:4 37:22 38:5,7,8,17 39:16,19,23 40:4,6,8,9,18 41:1,5,7,8,17,23 42:3,6,7,16,19 43:6,19,24 44:1,2,11,18 46:6,13,15,16,25 47:8 48:19 49:1,3,4,13,15,20,25 50:5,20 51:23 52:25 53:12,21 54:3,5,6,15,24 55:21 57:14 59:19 60:11,20 61:2 63:3,8,11 65:20 66:8,12,25 69:6,13 70:1,3,4,10,14 71:2 73:16,19 77:17 81:8 82:20 83:2 84:8,11,15,17,18,25 86:5,11,13,14,21 87:20,25 88:2,3,10,14,18,22,24

bought 66:21**Bowl** 45:2**box** 77:13**boy** 64:3**brand** 37:6**break** 17:5**bred** 23:15

breed 18:18 19:2,14,24 20:8,17 21:7,18,19 23:9 25:15 72:7 75:11

Breeder 73:6**breeder's** 23:20 24:4

Breeders 70:21 71:7,8 72:3,9,10,13 73:4 77:5,23 82:8

Brian 12:8 21:22 52:21,23 53:22 57:19 58:8 63:4,5,10,12 65:12,23 66:3

bring 65:1**bringing** 76:2**broken** 55:16**brood** 24:19**brought** 55:5 58:20**budget** 23:24 24:11**buffet** 80:13**build** 37:4 64:21 65:7**building** 53:13 64:13 65:6 81:20**built** 24:12**Buker** 10:17,18**bunch** 53:4

business 31:19 32:22 36:14 70:15,16,17,19 82:25 85:2 88:11,12

bust 76:23 77:3**button** 47:8**buy** 69:18**buying** 50:19

C

Caesars 14:5 27:20 31:7,15,17 32:13 33:7,16 37:2 57:21,23 66:16,19 73:25 74:15,16,21 75:1 76:11,16 82:17

Caesars' 60:19**calendar** 44:13**calendars** 73:19 87:17**California** 42:20,21 63:25

call 9:15 11:10 12:23 15:20 17:15 22:22 26:9 28:8 30:19 35:14 38:6 40:7 41:6 42:4 43:25 46:14 49:2 54:4 70:2 84:16 86:12 88:1,24

calling 76:15**camera** 55:10 58:3,4

cameras 54:19 55:7,18 56:7,22 57:2,8 58:2,20 59:3 60:13 61:7,14 62:9,11 63:15,20 65:18

cap 79:20**capacity** 75:5,23 80:8**capital** 49:17 60:19 64:9**capped** 79:22**capping** 79:21**care** 42:17 78:11**cars** 55:16 65:8**carved** 67:21**case** 10:17 12:8 14:22 37:6 51:1**casino** 31:25 32:1,13 76:9**casts** 16:22**caution** 76:6**CDTIC** 36:15,18 37:8,16**CDTIC's** 37:1,21**center** 64:22**cents** 53:23 64:4,6**certification** 52:15**certified** 38:19**chain** 61:24

chairman 9:3,9,14,16,17,18,23 10:4 11:4,8,11,12,21 12:18,22,24,25 13:9 14:23 15:1,3,8,11,17,22,23 16:7 17:8,14,16,17 18:1,14 22:4,11,15,21,23,24 23:8 24:21 25:25 26:8,10,11,20,22 27:9,10,12 28:3,7,9,10,19,21,22 29:1,25 30:13,18,20,21 31:5,10 32:24 33:9,20 34:10 35:6,9,13,15,16 36:4 37:22 38:5,7,8,17 39:16,19,23 40:4,6,8,9,18 41:1,5,7,8,17,23 42:3,6,7,16,19 43:6,19,24 44:1,2,11,18 46:6,13,15,16,25 47:8,15 48:19 49:1,3,4,13,14,15,20,25 50:5,20 51:23 52:25 53:12,21 54:3,5,6,15,24 55:21,24 57:14 59:19 60:11,20 61:2 63:3,8,11 65:20 66:8,12,25 69:6,13 70:1,3,4,10,14 71:2 73:16,19 77:17 81:8 82:20 83:2 84:8,11,15,17,18,25 86:5,11,13,14,21 87:20,25 88:2,3,10,13,14,18,22,24

chance 13:16 15:19 33:13

change 14:21 21:5,17,24 22:2 23:14 24:4,7 32:2 33:14 37:10 46:3,9,11 47:11,20,23 48:18,20,24 59:6 83:23

changed 27:2 58:5 72:22**changing** 45:5**charged** 10:24 12:13**charges** 76:12**charts** 80:5

- chatting** 50:15
- cheaper** 35:2
- checklist** 61:14
- checks** 30:2,6 62:6
- Chris** 29:6
- Churchill** 36:8,13
- cited** 67:9
- clause** 85:17
- clean** 48:4 51:11
- close** 36:25 50:18
- closely** 19:4,5 39:6
- clubhouse** 80:7
- cobalt** 40:21,25 41:21
- Code** 31:22 85:21
- collaborate** 74:12
- collaborated** 72:7
- colors** 45:5
- comment** 14:8,9,19 48:21 53:7
- comments** 16:15,16,20 22:16
26:2 52:3,22 53:22 61:4,5 66:13
- commission** 9:4 10:8,11 11:1,3,
23 12:2,15,17 13:23 14:11,12
15:7 16:22 18:2 31:12 32:4,9,16,
19 33:3,4,10 36:18,21,22 37:11,
13,14,19,20,25 38:23 39:12 43:7,
20 44:19 47:16 52:24 67:4,22
68:3,5,7 69:10,20 77:19 83:17
84:4,5 85:3,11,15,18,22,25 86:1,
3,23,25 87:4,6,9,14,19 88:23
- Commission's** 13:14 16:25
20:15
- Commissioner** 9:4,6,8,12,13,
19,20,21,22,23,25 10:1,2,3 11:6,
7,13,14,15,16,17,18,19,20 12:20,
21 13:1,2,3,4,5,6,7,8 15:14,15,16,
24,25 16:1,2,3,4,5,6 17:11,12,13,
18,19,20,21,22,23,24,25 22:19,
20,25 23:1,2,3,4,5,6,7 24:21,23
25:17 26:5,6,7,12,13,14,15,16,17,
18,19 27:14,20,25 28:5,6,11,12,
13,14,15,16,17,18 29:15,22 30:7,
16,17,22,23,24,25 31:1,2,3,4
34:12 35:8,11,12,17,18,19,20,21,
22,23,24,25 38:3,4,9,10,11,12,13,
14,15,16 40:1,2,3,5,10,11,12,13,
14,15,16,17 41:3,4,9,10,11,12,13,
14,15,16 42:1,2,8,9,10,11,12,13,
14,15 43:9,21,23 44:3,4,5,6,7,8,9,
10 46:10,12,17,18,19,20,21,22,
23,24 48:23,25 49:5,6,7,8,9,10,
11,12 53:6,13,25 54:1,2,7,8,9,10,
11,12,13,14 61:6,18,22 62:8,13,
19,22 63:1 65:5,10,21,25 66:6,10,
14 69:24,25 70:5,6,7,8,9,12,13
71:1 76:6,14,18,21 77:12 78:10,
17 80:1,10,16,25 81:25 82:15,19
84:13,14,19,20,21,22,23,24 86:9,
10,15,16,17,18,19,20 87:23,24
88:4,5,6,7,8,9,20,21
- Commissioners** 10:9 11:4,25
12:18 15:18 17:4 18:24 20:6
31:11 33:18 36:12 39:7 41:19
67:17 69:7 84:11
- commitment** 57:1 60:19 66:20
- committee** 18:19 20:17 21:20
23:10,16 56:3,12 58:9,16 70:22
71:11,25 77:6,8,23 79:7
- committees** 77:21
- company** 31:21 34:7,23,25 36:9,
14
- compare** 25:22
- compete** 25:11
- competing** 21:8 67:12
- competition** 25:7
- complete** 37:8
- comply** 14:21
- concern** 56:20 72:21
- concerned** 55:13 56:18
- concerns** 26:2 55:19
- concert** 76:8
- conditions** 12:12
- conducted** 32:25
- conducting** 32:18 83:20
- conductivity** 59:13 60:2
- confidence** 78:20
- confident** 31:20
- confidential** 32:9 33:1 83:14
84:1
- confirmation** 72:1
- confused** 18:4
- Congratulations** 28:1 29:22
- Conrad** 71:12
- consideration** 10:6 11:22 16:8
42:25 44:12 47:10 49:16 54:16
- considerations** 9:11
- considered** 14:1
- considers** 20:8
- Consortium** 39:5
- consulting** 32:23
- contained** 32:3
- contingent** 30:4,5
- continually** 29:7
- continue** 72:20,21 75:14
- continued** 43:2
- contract** 31:13 63:24
- control** 37:8 59:25 60:14
- conversation** 52:6
- cool** 45:3
- correct** 49:20 50:7 56:13 57:9
62:25 75:15
- cost** 34:22 59:11 61:1 65:7,8
- costing** 65:13
- counsel** 10:19 33:16 73:15
- country** 34:16 43:12 72:5
- couple** 29:3 30:1 39:9 47:25
48:11,14 50:21 61:7 71:16 74:7,
18 77:15
- COURT** 88:17
- cover** 16:12
- coverage** 58:22
- covered** 67:7,11,19
- create** 19:8
- credit** 33:22 34:4
- credits** 85:19
- crew** 74:9 75:14
- Crown** 70:21 71:7,8 72:3,9,10,13
73:4,6 77:23

Cs 37:22
Cup 77:5 82:8
current 16:17 83:23,24 85:12
custody 61:24
custom 64:13
customer 77:2
customers 43:12

D

d/b/a 36:9
dad 64:7
Dale 36:10
Dallas 82:2
Dan 74:18,21
dangerous 82:1
database 18:11
date 37:17 44:13 46:8 67:8 73:16
dated 18:5 31:8
dates 18:12
David 13:11 15:12 16:9
Davis 43:14 58:9
day 14:8,9 33:12 45:24 52:11
 63:2 74:21
days 10:14 12:5,6 18:7 46:4
 61:17 63:22
deal 25:15 33:11 74:20 82:6
dealt 34:17
deaths 55:15 56:24
debt 31:7,16 32:11,15 33:23 34:2,
 22,25
December 10:19 37:15 56:1 68:2
decides 67:23
decision 87:3
decisions 31:19 87:16
decline 23:15
Deena 23:21 50:15 51:5 73:20
 82:22
defer 49:21

delayed 87:18
delegate 14:13 15:9 85:3,22
 86:1,9,23 87:7,10,23
delegation 14:17,24 37:12 67:25
 82:21 83:1 86:6,8 87:15,21
delicate 25:14
Delong 73:14
denied 10:18
deposit 83:7,14
depositing 35:5
deposits 34:15
Derby 74:17,21
design 79:8
detail 32:9
detailed 83:13
details 83:25
detention 62:6,7
deter 55:18
detrimental 34:24 69:1
development 18:19 19:2,15,24
 20:9,17 21:7,18,19 23:10 25:15
 72:7
Dever 71:11
Diagnostic 40:23 41:21
dialogue 81:13
Diane 54:23 55:2,25 56:4,9,14,18
 57:3,10 63:18
difference 33:14
Digital 36:21
dime 64:5
directions 45:6
director 14:13,17 15:9 20:16
 29:7 31:7,12 32:24 33:4,19 36:7
 37:15,16 38:2 44:22 50:13 52:4
 53:5 54:22,24 55:24 56:5,11,15,
 25 57:4,12,18 63:6,13 68:2,3
 70:17,18 71:5 73:14 77:19 78:22
 81:16 85:22 86:2,25 87:7,10,15
director's 55:5 67:3
directors' 54:18

disaster 82:3
disclosure 32:10
discovered 20:7
discuss 47:19
discussed 17:6 47:19 48:9
 59:15 83:18
discussion 9:9 51:20 54:17 55:6
 56:6 59:18
discussions 10:20 12:9
distance 76:1
DK 36:10,19 37:6,7,9
document 14:7,20 16:24 17:4
documents 13:21 14:18
dollar 52:20
dollars 23:18 65:13
door 53:3
dorm 58:15 63:16
dormitory 64:10
dorms 58:25
double 42:22
Downs 36:8,13
Draft 37:6
draws 45:23
drew 82:8
driver 43:10
driving 76:1
drone 44:16 45:3,18 46:7
drones 45:5
drug 55:15
drunken 64:8
due 14:7 37:17
Duplicate 77:12
dusk 46:3
duties 85:23
duty 14:14 87:11

E

earlier 60:5
early 34:2 46:1 48:15 66:17 82:1
earmark 23:18
easy 41:23
edition 72:9
effect 17:1
effective 67:8 85:7,10
effects 68:20,25
EGGIMAN 9:16,18,20,22,25
 10:2,9 11:11,13,15,17,19,25
 12:24 13:1,3,5,7 31:10 35:15,17,
 19,21,23 67:14 69:7 70:3,5,7,9,12
elimination 73:6
Elmore 21:23 51:19 52:23 63:5,
 10,12 65:12,23 66:3 69:8
emergency 16:9,11,23,25
Emily 71:11 74:10
employee 61:20
employees 85:18
encourage 24:18 52:24
end 13:19 19:13 37:7 65:13
ended 19:12 33:25
ending 67:9
endorses 69:8
entered 10:20 12:9 18:10
entertain 12:19
Entertainment 31:15 33:17
 57:21 73:25
entire 66:22
equals 31:14
equate 25:4
equine 20:16 52:17
equipment 49:18 50:1,25 51:2,9
 52:6 53:1 87:17
Eric 20:16 21:22 27:3 29:1,24
 43:4,6 44:18 47:4 49:20 50:4,7,15
 51:3 53:10,20 58:10 64:19

Ernie 71:11 73:14 74:9
Estes 9:5,6,12 10:2,3 11:19,20
 12:20 13:7,8 15:15 16:3,4 17:11,
 24,25 22:19 23:4,5 26:5,16,17
 28:5,15,16 30:16 31:1,2 35:11,23,
 24 38:3,13,14 40:3,14,15 41:3,13,
 14 42:1,12,13 43:23 44:7,8 46:10,
 21,22 48:23 49:9,10 53:25 54:11,
 12 69:24 70:12,13 84:13,21,22
 86:9,17,18 87:23 88:6,7
Eurociser 58:12 64:11
evaluate 68:6
evening 47:9 48:2,4,15
event 70:22,23 71:14 72:14 73:20
 75:20 76:3,5 79:1 80:21 81:12
events 73:22 76:7,9 79:21 80:13
eventually 60:13 64:21
everybody's 45:10
everyone's 34:5
evidence 69:4
exceed 73:11
exceeds 31:14
Excel 52:12
exception 67:21 68:12
excited 29:6 44:20 47:7 71:8
 76:3,4
exciting 71:14 82:19
exclude 80:17
execute 14:14 87:11
executed 10:11 12:2 34:2
executive 14:13 15:9 31:6,12
 32:24 33:4,18 36:6 37:15 38:2
 50:13 52:4 53:5 54:22,24 55:24
 56:5,11,15,25 57:4,12,18 63:6,12
 67:3 68:2,3 70:18 71:5 77:19
 78:22 81:16 85:22 86:25 87:7,10
exemption 67:4,6,10 68:4 69:9,
 11
existing 32:3 35:1
expect 52:1
expectations 73:10,11
expected 49:17

Expenditure 49:17
expenditures 64:9
expense 64:2
expensive 55:22
experience 74:3 77:2
experienced 27:6
expire 13:11,15,19
expired 14:19
explain 36:5
exposure 34:16
extra 72:2
extremely 44:20

F

facility 82:14
fact 52:20 79:18
fail 75:20
fair 53:10 68:19
fairly 25:21
fall 70:24 78:16
falls 14:10
familiar 37:6
family 65:21 66:2
famous 76:12
fan 79:23
fancy 73:22
Fanduel 37:3
fans 73:8
father 64:2
favor 16:23 21:24 88:22
feature 83:6,13,16
February 10:11 12:2 33:24 34:3
 36:13 55:5
federal 85:6,11
feed 68:16 73:9
feedback 14:7
feel 9:1 17:5 20:18 21:10 73:3

feeling 51:13 57:16	forget 73:5	70:25 71:1 75:6 80:25 81:8,11,13 82:15 88:14,18
feels 72:23	forward 29:8,11,13 30:8 43:18	goodbye 88:19
fees 42:20	found 20:12	gosh 78:24
fellow 64:8	fourth 74:15	graded 20:11
felt 58:10,11	fowl 53:15	great 20:4 27:25 33:15,25 45:15 63:2 64:10,11,12 66:23 76:5 81:2
fiber 59:12 60:2,12	Fox 74:19,21 82:3	grooms 55:14 56:20 58:11
figure 60:21 75:4	free 9:1	group 27:6 55:12 62:9 73:9 75:11,18 78:4,16
filed 17:2	Friday 14:10 20:7 51:6 63:23	groups 82:17
fill 24:3	front 33:18 79:10	growing 73:2
final 18:11 41:18 86:4,22	full 79:19 80:7 82:7	growth 19:22
Finally 72:6 73:5	fully 10:10 12:1 57:8 85:23	guard 58:22,23
financial 34:23	fun 67:1	guess 18:7 22:17 26:3,4 33:10, 13 34:11 38:1 39:19 40:6 42:21, 22 46:8 48:22 50:21 53:2,23 59:8 60:21,24 63:20 69:22 75:17 86:6 88:15
financing 31:8,17,18,23 32:12	funded 57:23	guests 72:14
financings 32:2 34:19	funding 83:25	Gulfstream 29:10
find 27:1 34:7 60:7,9 61:3 78:24 81:22	funds 57:22	gushing 69:3
fine 9:6 10:15,23	furosemide 67:5,7,20 69:22	guy 53:13 78:12
fire 81:25	future 53:3,9 56:10 65:14	guy's 61:13
fireworks 44:23,25		guys 11:8 51:21
firsts 74:2	<hr/> G <hr/>	
fish 53:15	game 81:14	<hr/> H <hr/>
fit 50:22 74:10	Gaming 32:16,19	Hahn 12:8
fixed 59:14	garden 79:10	half 24:5 64:15
flag 45:6	Gaskin 71:12 73:14	Halstrom 20:16 21:22 29:1,24 43:6 44:18 47:4 49:20 50:4,7,15 51:3 53:10,20 58:10 64:19
flat 16:13	gate 63:16 64:22	hand 25:2
floats 50:17	gates 56:22	handicapping 83:8,15
Florida 29:10 72:25	gauge 75:16	handle 27:16,17,18,19 31:9 43:4, 11 47:14 48:16 87:8
fluctuating 25:24	gave 37:16 74:8	handled 87:5
flying 45:5	general 13:25 33:16 45:14 62:9 64:23	happened 47:25 66:15
foal 25:12	General's 85:15	happening 56:24
foals 23:16 24:20	give 14:6 19:1 48:4 51:4,13 54:25 65:4 70:21 71:6,22	happy 22:2 34:2 63:18
focus 72:19,21	giving 66:6	
focused 61:17	glad 27:8,20	
food 72:20 75:21,24 77:24 78:3, 6,9 81:18	global 76:10	
foreign 67:18	goal 37:4	
foremost 83:19	good 18:22 29:23 43:17,24 47:2 52:23 57:20 59:19 60:15 69:15	

hard 36:3 66:7 72:2**Hardy's** 51:13**harness** 16:12**Harrah's** 26:24 27:5,23 31:25
47:10,21**harrows** 50:14,17**hat** 73:21**hate** 51:25**hay** 68:16**HBPA** 19:7,21 21:23 43:15 63:13**head** 78:6**heading** 29:19**heads** 20:14**health** 78:10**healthy** 51:15**hear** 9:5**heavy** 72:21**heck** 73:20**held** 73:6**helped** 19:9 60:22 76:11**helpful** 56:17**helping** 71:9**Hendricks** 33:6,15,16 34:14 36:2**hidden** 62:23**high** 73:10**higher** 19:13 75:19**highest** 66:24**Hill** 72:4**hint** 53:8**HISA** 20:8 21:15 39:19 51:11
52:13 63:21 66:25 67:4,5,17 68:6,
8 69:11,14 85:6,15**HISA/HIWU** 85:20**hit** 51:15 76:17**HIWU** 85:9,16**hold** 21:18 78:2**holder** 31:13**holdings** 34:14**holiday** 45:13**honor** 80:19,22**Hoosier** 26:24 27:5,23 31:25
47:10,21 57:7 71:9,13,17,18,22,
23 72:12,15 73:4,5**hope** 81:7**hoping** 19:20**horse** 10:7 11:23 16:18 23:9,11
25:5,21 27:15 36:10,19 37:5,6,7,9
45:8 51:15 54:17 55:9,11 67:3
69:2 75:12 85:25**horsemen** 44:24 62:16 71:20
72:24 74:4 76:4**horsemen's** 14:5 71:16**Horseracing** 85:5,8**horses** 21:8,11 44:25 62:18 67:7,
11,24 68:16,20 69:1**Horseshoe** 28:23 29:17 30:15
32:1 43:1 44:12 49:16 54:20
57:24 58:8 60:6 64:9 68:9**hours** 61:12 67:19 68:17**hub** 36:24**hubs** 36:23**huge** 52:20 70:23 76:23**hundreds** 45:4**hypothecation** 31:24

I

idea 51:14 52:23 59:20 65:6
69:15 71:22**identical** 13:17**identified** 65:18**identify** 58:21 60:14 71:2**IGC** 32:17 33:1**IGC's** 33:2**IHBPA** 69:8**IHRC** 12:12 27:7 31:16 32:17
85:19 88:25**Illinois** 42:21,23**imagine** 47:1**impact** 34:24**implement** 14:14 85:23 87:11**Implementation** 85:4,13**implementing** 85:20**important** 21:11,14 72:14 74:5**impression** 54:23**improved** 34:23**improvements** 52:8,10 79:6**incentive** 25:13 29:19**inch** 81:6**include** 52:19**included** 72:3**includes** 67:20**including** 32:7 34:21 45:18
83:19 87:16**increase** 23:19 24:14,20 25:4**incredible** 35:25**incremental** 34:25**indemnify** 85:17**Indiana** 10:7 11:23 21:7 31:22
32:6,13,16,19 34:21 45:8 47:18
54:18 63:13 67:3 69:19 72:2,7,16
74:2,17 85:14**Indiana's** 73:1 85:16**Indiana-bred** 19:10**Indianapolis** 28:23 29:17 32:1
43:1 44:12 49:16 54:20 64:10
68:9**individually** 21:20 49:24**Industrial** 39:15,24**industry** 74:12**inform** 30:7**information** 32:15 56:2**informational** 14:6**infrastructure** 52:14 60:3**initially** 23:22**Initiatives** 36:8,14**input** 21:23 85:14**inspections** 51:14

inspector 78:12
install 56:21 57:1
installation 54:19
installed 57:8,11
instance 52:18
instrumental 34:8
integrity 55:11 85:5,8
intended 31:16
intends 31:17
intent 82:7
intention 50:9
interest 20:18 31:21 37:5 65:16 78:25
interested 62:3
interesting 49:25 64:1
interim 31:7 32:25 33:2,5 36:7 37:16,20
International 39:7
invest 24:19 25:13
investigate 60:10
invite 70:19 81:25
involved 19:7 77:22
irrigation 50:23 51:7 52:16
ISA 27:23 47:22 48:9 70:20 71:5, 7,19,25 72:7,22 73:13,14 77:7,20 79:7
issue 15:5 52:17 69:22
issued 10:13 12:3 32:24
issues 14:7 53:16 59:12 66:17
issuing 10:15
item 24:7 53:18 82:24 85:2 86:22
items 23:24 82:25
ITOBA 19:7,21

J

January 31:8,15 32:18,23 36:22 83:17
Jarmus 64:20

Jeff 33:6,15 34:14 36:2
Jerry 82:2
Jessica 18:19,22 23:11 24:23 25:1,20 26:21
job 66:19,23
Joe 43:14 50:8 51:18 56:2 57:13, 20 58:9 59:23 60:14,25 61:11,20, 24 62:12,15,21,25 63:14 64:19 70:20 73:23,25 76:8,15,20 77:4, 19 78:1,15,19 79:5 80:4,12,20 81:1,10,19 82:7,16
Joe's 65:17
jogging 50:24 51:10
John 73:14
joined 73:13
Jones 82:2
judge 53:19
judges 12:3
judges' 12:7,14
judgment 9:11
July 44:14,15 45:10,11 75:8 85:7
jump 64:4

K

Kentucky 40:23 41:20 73:3
key 56:22 57:5
kind 19:19 29:2,5 51:11 56:8 79:16 82:10 83:10,18
King 37:7
kitchen 78:7
knew 56:24
knocks 81:3
know 21:22 23:21 25:8 27:1,2 30:11,14 33:6 45:24 51:18 52:2,5 58:6 59:12 61:6 64:12,14 66:1,16 68:10,12 69:16 71:5 74:2 76:24 77:5,11 78:24 79:2 82:1,22 87:1 88:11
knowing 72:15

L

LA 82:9
lab 38:25 39:15 40:24 41:21 42:20
Label 36:16
laboratories 38:19,23 39:13,14 40:21
laboratory 38:24,25 39:2,15 40:24 41:22
labs 39:10 42:21
lack 24:24
Lane 72:5
language 13:17
Lasix 20:11 21:9,10 22:5 67:5,20, 21 68:5,11,18,21 69:9,11,21
late 18:23 20:5 21:17 79:21
launch 37:17
laws 32:7
lead 52:17
leaders 72:16
learned 63:23
learning 19:19
lease 31:24 32:4
leave 51:21
left 29:9 70:10
legitimate 43:10
length 47:19
lengthy 55:6
letter 43:13 69:14 83:14 84:1
level 29:12 51:8 73:11 79:14,25
levels 66:24
Levengood 9:22,23 11:6,15,16 13:3,4 16:5,6 17:22,23 23:6,7 25:17 26:18,19 28:17,18 30:7 31:3,4 35:19,20,25 38:15,16 40:2, 16,17 41:15,16 42:14,15 44:9,10 46:23,24 49:11,12 53:6,13 54:13, 14 61:6,18,22 62:8,13,19,22 63:1 65:5,10,21,25 66:6,10 70:7,8 71:1 76:6,14,18,21 77:12 78:10,17

80:1,10,16,25 81:25 82:15,19
84:23,24 86:19,20 88:8,9,20

license 12:13 36:9,19 37:3,10
78:18 83:5 84:7

licensed 27:7 78:19

licensee 39:2

licensees 32:14 36:24

licenses 36:23

licensure 83:21

lighting 58:5

limited 87:17

list 14:4 26:25 27:13 29:8 30:1,5,
11,15 38:23 49:21 57:6 58:21
59:4,15 83:24

listed 13:20 20:12

living 66:20

loaded 80:5

local 66:16 81:23 82:9

long 13:17 24:17 49:21

longer 20:19 21:5 35:3

longstanding 32:12

looked 27:1

lost 28:24

lot 37:22 42:24 45:23 47:1 48:15
65:8 75:10 76:10 77:10

love 44:23

low 78:2

lower 34:22 79:14

LSA 13:20,24 14:7 16:24

luck 80:25 82:15

M

made 20:20,21 52:8 66:20 69:4

main 55:19

maintain 48:14

maintained 27:21 66:23

maintaining 83:20

major 79:21

make 14:20 16:20 21:13 22:4,11
29:20 31:19 33:20 43:21 44:21
48:13 51:1,7 52:7 72:12 75:14
76:16 77:14 80:23 87:16

makes 18:15 33:14 61:14

making 21:5 51:14 66:23 70:22
83:22 87:3

management 19:6 20:15

Mann 68:12,14

maps 77:9

March 14:8 18:3 32:21 34:1
37:17 58:17 67:9 68:6 85:10

mare 24:19

mares 23:15 24:24 25:2,8,9,23

mark 66:3,4

market 45:15

marketing 44:16,22 47:5

markets 33:22 34:4,8

marking 76:23

marshal 82:1

Martin 43:15 55:3

material 27:10 37:10 83:4

mates 64:8

Matt 31:9

matter 60:24 64:6 79:18

matters 37:13 68:1 86:24 87:2,5,
8

maturely 35:3

maturity 35:2

maximum 19:14

Mccarty 9:4,8,13,25 10:1 11:7,
17,18 13:5,6 15:16,24,25 17:13,
18,19 22:25 23:1 26:7,12,13 28:6,
11,12 30:22,23 35:21,22 38:9,10
40:10,11 41:9,10 42:2,8,9 44:3,4
46:12,17,18 48:25 49:5,6 54:2,7,8
70:9

means 59:8

medical 20:16

medication 39:5 63:22 68:24
85:9

meet 19:8,9,13 58:17 59:17 87:2,
4,16

meeting 14:11,15,16 16:14 21:6,
19 32:22 37:13,14,18 55:5,6 56:1
58:16 59:16 61:2 63:8 68:1,3
70:11 71:13 74:7 77:20 86:25
87:12,13,19,21 88:25

meetings 75:13 87:8

meets 74:15

Melanie 11:23 12:3

members 9:4 13:25 15:18 20:17
21:20 24:22 26:1 33:10 37:25
43:6,20 44:19 47:15 68:10 69:20,
21

men's 65:23

mentioned 72:11

met 47:18 58:8

Michael 68:14

mid 34:1

middle 57:25

Midwest 72:25

migration 72:23

Mike 82:3

million 19:25 20:1,2 27:18 29:21
31:14 57:25 58:13 59:5 60:16
64:15 65:13

mimmicking 29:2

mine 27:1

minimal 68:20

mining 33:21

minor 24:11

minute 83:11

minutes 48:5 64:6

mirrors 19:4

Miss 12:4,6,11,17 67:15

modification 18:23,25 20:5,23
21:13,21

modify 20:19

moment 19:1

Monday 44:15 45:16 46:5

money 21:4,5 24:12 35:1,2,5
48:8 50:10 60:6,8 71:15,18

monitor 55:7 62:10 63:17 75:9,
10

monitored 61:9

monitoring 34:15

months 64:16,17 71:13,17 74:7

MOORE 27:5,11,17,22 28:2,21
47:15 49:14

morning 18:22 57:20 70:25

Morris 56:2 57:20 59:23 60:14,25
61:11,20,24 62:12,15,21,25 63:15
64:19 70:20 73:25 76:8,15,20
77:4 78:1,15,19 79:5 80:4,12,20
81:1,10,19 82:7,16

motion 9:10 11:5 12:19 14:23
15:11,17 17:10 22:17 26:4 28:4
30:14 34:11 35:9 38:1 39:24 41:1,
25 42:3 43:21 46:8 48:22 53:24
69:23 82:22 84:12 86:7 87:22
88:20

motions 39:11

move 12:20 17:11 19:7 22:19
26:5 28:5,8 29:8 35:11 38:3 40:3
42:1 44:13 46:10 47:24 48:23
51:19 53:25 69:24 84:13 86:9
87:23

moved 9:12,14 11:6,9 12:22
15:14,15 17:14 20:24 22:21 26:8
28:7 30:16,18 35:13 38:5 41:3,5
43:24 46:13 49:1 54:3 70:1 84:15
86:11 87:25

moving 29:13 42:25 46:4,7 72:18

Mummert 44:22

music 46:2

N

names 72:13

nationally 39:8

Navy 64:3,8

necessarily 64:24

needed 25:10 52:14 58:2,10,11

needing 55:7

needles 45:21

negotiate 76:12

negotiated 86:4

negotiating 71:17 74:20

nervous 80:11

news 60:15 70:16 72:6 81:11

nicer 51:8

Nicole 10:8,12

night 45:12,17 46:5

nomination 20:24

nominations 21:1

North 72:16

northeast 72:23

Nos 14:18

note 29:25 34:19 43:12

noted 53:11

notice 13:20 31:15

noticed 56:6

November 10:14 18:3

number 13:18 19:10 23:15 24:20
25:2 46:4 52:19 58:6 75:6,7,17,22

numbers 25:12 33:11 53:2 78:24
81:17

NYRA 37:1

O

occur 18:11

occurred 18:10

occurring 37:18

October 73:17,18

offense 88:14

offer 29:14

offering 83:12

office 64:23 66:3,9 77:13 85:15

official 26:25 28:24

officials 27:6 61:21

Ohio 73:3

olds 21:9

open 53:3 62:19 80:8,14

operation 37:7 83:23 84:7

operations 36:17 72:19 83:19

opportune 33:24

opportunity 13:25 33:17 44:17,
23 45:15 70:19

opposition 16:23

option 9:1 68:15,18

options 72:20

order 9:1 10:19 25:11

ordered 50:1

Oregon 36:20,22 83:16 84:4

organization 36:23 66:22 83:5

original 18:9

outcome 35:4

outdoor 58:22

outsource 75:24 78:3,15

outsourcing 75:21 77:24,25

outstanding 66:19

overdose 55:15

overlooking 81:3

overnight 19:16

overview 19:2

owner's 32:14

owner/trainer 12:13

owners 56:20 73:8

ownership 66:15,16

P

p.m. 44:16 47:12,24 88:25

Pacing 74:21

pack 45:17

packet 10:10 12:1 16:13 69:13

packets 69:8

paddock 50:23 51:6

paid 80:24

Pari-mutuel 83:5 85:24
Park 26:24 27:5,23 29:10 31:25
 47:11,22 57:7 71:9,13,17,19,22,
 24 72:12,16 73:4
parking 65:8 77:10
part 41:18 48:5 59:14 60:18 71:8
 72:10 76:13 79:5 80:4,21
participating 14:15 87:12
parties 10:20 12:9 19:7
party 31:13 74:16,17 75:15,20
pass 15:8 30:14 68:22 73:1
passed 16:7 18:1 38:17
passes 10:4 23:8 26:20 28:19
 31:5 40:18 41:17 42:16 44:11
 46:25 49:13 54:15 70:14 84:25
 88:10
passing 30:6 53:7
past 19:6 34:18
Patch 74:19,21
Paul 43:15 55:2 58:9
paving 64:11
pay 10:23 58:14
payment 20:24 83:9
payments 84:2,3
payout 19:23
PENNYCUFF 18:9 22:9,13,23,25
 23:2,4,6 26:10,12,14,16,18 28:9,
 11,13,15,17 30:20,22,24 31:1,3
 36:12 38:7,9,11,13,15,21 39:18,
 21 40:8,10,12,14,16,20 41:7,9,11,
 13,15,19 42:6,8,10,12,14,18 44:1,
 3,5,7,9 46:15,17,19,21,23 49:3,5,
 7,9,11 54:5,7,9,11,13 82:24 83:3
 84:10,17,19,21,23 85:2 86:13,15,
 17,19,22 88:2,4,6,8,12
people 24:18 25:6,7,13 27:3
 28:25 29:5 30:1 42:22 45:18,24,
 25 53:18 61:25 64:23 65:1,15
 75:3,22 76:2 77:7,15 78:3,25
 79:17,24 80:17,24 81:9 82:9,13
percent 24:5,6 43:2 63:14 65:19
percentage 23:19 24:4
period 10:14 12:4 14:19 60:4
 67:8,22
permit 31:13
person 62:5
personal 30:9
personnel's 85:19
persons 14:15 87:12
petition 36:7,15 37:21
phase 59:23,24 60:4
phones 80:3
pick 43:2,3,4 61:17
Picks 83:6,13
picture 76:13
piece 76:14 77:1
Pillow 9:18,19,20,21,24 11:13,14
 12:21 13:1,2 15:14 16:1,2 17:12,
 20,21 22:20 23:2,3 24:23 26:6,14,
 15 27:14,18,20,25 28:13,14
 29:15,22 30:17,24,25 34:12 35:8,
 12,17,18 38:4,11,12 40:1,5,12,13
 41:4,11,12 42:10,11 43:10,21
 44:5,6 46:19,20 49:7,8 54:1,9,10
 66:14 69:25 70:5,6 84:14,19,20
 86:10,15,16 87:24 88:4,5,21
pins 45:20
Pitman 14:17 32:24 37:15,16
 50:13 52:4 53:5 54:22 55:24 56:5,
 11,15,25 57:4,12,18 63:6 68:2,3
 70:17,18 77:19 78:22 81:16 86:2
 87:7,15
Pitman's 31:7 33:4 36:7
place 45:17 51:7 70:24 81:2
placeholder 50:10,21
placeholders 52:6
Plaid 83:9,24 84:3
plan 36:17 49:18 71:13 79:1,4
 83:23 84:7
planned 37:17
planning 71:7,9 72:22 79:2
 81:14
plans 70:23 74:25
play 48:5
playbook 82:11
pleased 29:14 71:6
plenty 50:11
plugged 76:11
point 25:17 29:13 33:15,20 47:16
 51:6 53:10 60:23 66:18
points 56:22
Polzin 29:6
population 24:19
portfolio 34:22
portion 39:1 71:15
position 27:21 29:10
positions 29:3
positive 39:4 63:11
possibly 33:23
post 13:23 44:15 47:11,23 48:17,
 20
posted 15:6 16:18
potential 31:18,20 32:20
powers 85:23
PR 47:2
Preakness 79:22
precedent 51:25
predates 50:8
prefer 79:11
Premier 72:4
prepared 45:9
prerace 51:10,14
presentation 18:18 23:9
presented 16:21
presenting 72:8
president 43:15 73:14
pretty 27:21 29:13 55:22 79:19
previously 27:7 37:4 83:18
price 59:8,11
priced 59:9
primarily 41:21 48:1
primary 39:1,4,15
prior 13:18 37:13 68:1 86:24

priority 60:21
probation 12:6
problems 56:19 65:1
proceeds 31:18
process 32:10 56:16
processor 83:9
produce 24:18 27:24
product 37:5 83:8,15
professional 34:6
program 18:19 19:3,4,23,24
 20:1,4,9,19 21:12,21 22:17 23:10,
 12,13,23 24:9,14 25:21,23 67:8,
 16 73:2
programs 25:6,16 64:25 73:2
prohibition 20:11 67:5
project 59:5,7 64:11
properties 34:20,24,25 82:16
proposal 63:14 65:17
propose 62:13
proposed 16:9,12,18 31:23 33:5
proposition 55:22
protect 48:16
protocol 61:23
proud 27:19,24 72:10 74:13
proved 68:25
proven 68:18
provide 25:12
provided 16:14 23:13 31:15
 32:17
public 13:25 14:8,9,19,21 15:19
 16:19 22:16 26:1 32:7,10 48:21
 53:22 61:5 69:2,21
pull 17:9
pulled 60:15 62:2
purchase 50:16
purchases 49:19
purposes 14:6 85:24
purse 19:8,12,16,17 48:8,11,16
purses 71:16

pursuant 14:12 31:11 32:6,16
 38:22 40:22 87:1,9
push 47:8
pushes 81:5
put 50:10,21 52:12 53:18,23
 57:24 58:4 59:18 63:15 64:25
 66:3 72:2,12 73:19 79:16 81:10
put-call 32:3,5
putting 19:16 20:14 26:23 37:24
 51:25 62:17
puzzles 26:23

Q

QHRAI 43:16
qualify 52:15
quality 25:4,14
quantity 25:14
quarter 23:9,11 25:5,20 29:20
 54:17 55:11
quarters 58:11
question 23:22 24:25 29:16 51:5
 59:20,24 74:23
questions 9:2,3 11:5 12:18 14:1,
 3 15:18 17:8 18:15 22:2,15 24:21
 25:25 26:1,2 27:12 28:3,24 33:7,
 10 34:11 37:25 40:6 41:24 43:19
 46:7 48:19 50:22 53:21 61:4,5,7
 63:3 68:8 69:6,20 73:13,16 84:11
 86:5 87:20
quick 19:1 33:21 83:6,13 87:3
quiet 63:6
quo 43:8
quote 66:1

R

race 14:15 20:10 21:2,10 37:13
 44:13,14 45:10 46:4 61:17 64:23
 68:1 87:2,12,16,17
Racebook 37:2
racehorse 67:19
races 19:11,15 20:9,19,20,21,25
 21:4,5 22:1 23:25 47:13 48:7,12,

14 67:12,24 85:25
racetrack 19:6,10 21:25 29:12
 51:16 85:6
racetrack's 20:3,15
racetracks 34:21
racings 10:7 11:23 16:13,18 26:25
 27:6,15 28:24 29:7,9 31:25 32:1
 36:20,22 37:5 39:5,7 44:14 45:24
 46:2,7 47:13 48:2,11,14 54:17
 55:12 57:21 62:4 67:3,19,22 68:8
 74:1 76:10 79:21 83:16 84:4
 86:24
radar 57:14 64:18
raised 71:23,24
random 61:15
rate 35:2
ratification 31:6 32:20
ratified 32:22
ratify 33:4 36:6 38:1,3 69:11
RCFAC 57:22 79:5
reach 64:25
readopt 13:16,20 14:22
readopted 14:2
readoption 13:10 14:4
readoptions 87:18
ready 22:17 26:3 35:9 45:21
 48:22 53:24 54:4 69:22 77:17
 86:7
real 52:7 64:1
realistic 24:2
realize 55:21
reason 48:17 62:14
reasonable 42:24
recall 56:10
receive 32:11 71:19,20 85:19
received 16:16 18:24
receiving 56:23 58:25
recognized 39:8
record 27:18,19 29:18 30:9
recording 61:9,13

recovering 55:4
reduce 63:17
reduced 43:9
reductions 43:3
reference 20:23 25:18
refinance 33:23
refinancing 33:13
refinancings 34:1
reflecting 36:9
refunded 64:17
regulating 14:14 87:11
regulations 20:8 32:17
related 39:20 56:3
relationship 75:1 76:16
remains 13:17
remember 56:1
reminded 64:7
reminder 39:5
remove 20:23
Renz 70:25 71:4 73:17
repeat 15:13
replacement 30:12
replenishes 60:16
report 33:1
reported 55:16
reporter 71:3 88:16,17
representing 55:2
represents 37:9
request 10:18 14:16,21 16:15
31:8 37:1,2 40:21 41:20 43:1,7
44:13 49:16 61:21 62:1 67:4,6
68:7 69:10,11 85:3 86:23
requested 10:16 36:18 68:4
requesting 48:17
requests 11:2 12:16 33:3 37:20
39:12 84:6 86:1 87:6,15
require 87:2
required 12:5 13:24 32:16
requirement 21:6
requirements 75:25 77:24 83:21
requires 37:11
reserve 76:7 80:17
reserved 80:23
reserves 24:13
resist 63:4
resolution 18:11
respect 67:6
respectfully 11:1 12:15 14:16
33:3 37:19 39:12 40:20 41:19
69:10 84:5 86:1 87:14
respond 68:7 81:18
rest 51:1 63:20
restaurant 75:23
restaurants 81:23 82:10
restroom 65:22 66:2
result 31:23 39:4 85:14
resulted 10:21 12:10
results 24:18 60:6
retiring 88:16
returns 39:4
revenue 24:15
review 18:2 32:5,18,25 33:21
34:6 37:14 67:2
Rick 27:5,11,14,17,22 28:2,21
29:16 47:15 49:14
Rick's 29:2 47:14
right 9:6 39:2 47:6 51:8 53:2 57:1
65:5 74:10 75:2,5,6 76:20 80:24
RMTC 38:18 39:6,13 40:25
road 65:14
Robert 73:15
roll 9:15 11:10 12:23 15:20 17:15
22:22 26:8 28:8 30:19 35:14 38:6
40:7 41:6 42:4 43:25 46:14 49:2
54:4 70:2 84:16 86:12 88:1,24
rollers 50:17
rolling 58:18
roofing 58:6
room 59:25 60:14 61:12
rooms 58:15
rope 80:19
Rothenberg 13:13 14:25 15:2,4,
5,10,22,24 16:1,3,5,11 17:16,18,
20,22,24 29:25 30:10
rough 59:11
routinely 87:6
rows 81:4
rule 13:17 14:21 16:9,13 17:6
24:6 43:13 45:14 69:4 87:17
rulemaking 16:25
rules 13:10,14,16,18,23 14:1
15:19 16:12,18,21,23 17:1,5,9
18:16 38:22 85:6,9
ruling 10:13,16,25 12:4,7,14
rulings 18:3
run 45:11 60:2,12 75:20 80:6
running 45:16

S

safe 68:19
safeguard 48:11
safety 55:14 85:5,6
sailor 64:8
sale 73:5 75:8 78:23
sales 75:8
sample 38:19 39:1,3,4
Santa 82:8
Sarah 71:12 74:10
Saturday 48:12,18
Saturdays 47:12,13
save 48:8
scanning 80:2
schedule 36:24 58:19
scheduled 13:10,19 24:1 56:12
85:10
Schwinn 64:5

scientific 69:4
screen 80:15 81:4
season 48:12
seat 74:25
seating 72:20 73:7 74:23 76:7
80:5,15,17
seats 74:25 75:2 76:24 77:3
80:24 81:5
Secondary 83:4
seconded 9:14 11:10 12:22
17:14 22:21 26:8 28:7 35:13 38:5
41:5 43:25 46:13 49:1 54:3 70:1
84:15 86:11 87:25
Secretariat 75:11
secretary 29:9
section 36:17
secure 74:6 84:2
secured 71:25
securities 32:6
security 30:2
segment 62:2,4
sell 74:6,25
selling 74:11 79:14
send 45:21 66:4
sensational 72:6
sense 18:15 22:5
sensitive 53:7,16
separate 39:11 78:7
separately 16:22 17:7 39:17,18
September 58:18
series 76:9
serve 10:22 12:5,11 73:9
served 10:23 64:3
service 36:20,21 77:2 78:4
serving 65:15
set 18:5 21:4 27:17 29:17 55:18
59:2 75:3 78:8 81:2 83:18
setting 59:25
settlement 10:7,10,20 11:2,22
12:1,9,16
Seventy-two 82:12
shack 58:24
shacks 58:23
shake 21:16
share 65:16 74:4,13
shared 14:4
sharing 82:4
sheet 52:12
sheets 59:16
show 18:12 44:16 45:4,11,18
46:1,7 47:2
shown 68:24 74:14
shows 78:12
side 27:5 68:20,24 76:10,19 78:9
sign 77:17 85:4 86:3
silhouette 45:7
Silicone 34:13
similar 22:1 37:1 80:9
simulcast 45:15 79:13
single 16:22,24
sir 27:11 28:2
sit 34:1 60:20
situation 23:18 61:25 74:12
size 80:12
Slice 79:10
slide 52:9
sliding 19:8
slight 23:15
slipping 52:17
slow 11:8
small 19:5 25:21 71:11 77:1
sold 25:8 79:10 81:1
someone's 55:9
sooner 35:2
Sounds 22:4 81:8
south 29:5
space 79:9,12,13,14
speak 15:20 22:16 68:11,13
69:21 73:23 80:23
speakers 65:2
specific 62:4
specifically 58:25
spend 58:1
spending 56:13
spent 50:11 60:5 64:15 71:12
85:20
split 38:19,24 39:3,14 71:17,21
splits 74:8
splitting 58:3
SPMO 36:9,13,19 37:3,10 84:7
SPMOS 83:21 87:18
spokesman 53:12
sponsor 72:8
sponsors 72:4 73:8
sponsorship 71:15,18
sponsorships 71:23 72:18 74:5
Sports 74:19
spot 34:8 50:24 51:10,20 62:6
stable 63:16
stables 61:16
staff 10:8,12 11:1,3,23 12:3,15,17
13:23 29:8,19 33:3,19 37:19
39:12 44:19 45:20 47:7 52:2
61:11 62:1 69:10 76:22 77:20
84:5 85:15,25 87:14
staffing 72:20 75:22
stake 20:9,20,21,22 21:1
stakeholders 16:14
stakes 20:11,12 67:12,24
stall 54:20 58:3 61:13 64:13,14
stalls 58:2,4,10,13 59:6,7
stamp 72:3
standard 39:21
Standardbred 25:22 26:25
47:18 72:17,24

start 47:5 48:4 51:25 78:23
started 19:12 50:18 55:1
starting 19:17 48:18 63:21 75:6
state 27:15 30:3 45:7 61:20 63:24
 67:22 85:18
stations 47:2
status 43:8
statute 13:24
stay 10:16,18 29:5
stays 24:10
steakhouse 80:6
step 60:25
steps 47:6
Steve 64:20
stewards 10:12
stewards' 10:16,25
sticks 78:13
stimulate 43:3
stopped 56:23
storage 61:19
store 64:6
strategic 31:19
street 64:22
strength 34:23 73:1,2
stretch 69:3
strict 83:20
strong 85:17
structure 32:8 79:16
studies 69:16
study 21:15
stuff 50:12 53:4 60:15 74:11
 76:12
subject 30:5 32:10 42:17
submitted 36:15 56:2 69:14
substance 65:1 67:18
substitute 49:18
succeed 78:21 82:6,17

Sugar 72:4
suggestions 16:15,16,20
Super 45:2
support 54:19 63:14 65:17 78:8
supposed 50:16 78:14 84:1
surplus 48:13
surprised 33:11,12
suspending 10:13 12:4
suspension 10:22 12:12 18:7
sustain 24:14,16
SUV 34:14
sweet 34:8
swift 34:5
switch 35:1
synchronized 45:4
system 61:15 62:6 77:5 80:2,4,
 19,22

T

table 64:14 80:8
tabled 56:7
tables 80:14 81:2
takeout 43:2,9
takes 60:1
taking 20:24 38:21 68:23 82:11
talk 21:19 47:17 57:19 77:23
talked 21:22 63:18 64:2,18,19,20
talking 20:15 25:18 51:6
team 79:8 81:13
technical 76:22
Technology 36:8,14
ten 60:17
tent 78:1,8 79:2
terms 32:3,8 33:25
test 38:25
tested 39:3
testing 39:2,5 63:22,25

Texas 55:3
text 45:21
thefts 55:15
themed 81:24 82:10
therapeutic 68:24
there'll 60:17
thermometer 78:13
thing 20:4,5 21:3,16 25:2 43:17
 44:24 45:13 52:7 59:14 65:12,14
 66:4 75:16 76:21 79:25 82:18
things 20:20,21 39:9 51:12,25
 52:19 56:5 58:6 63:2,18 65:3
 66:17
Thoroughbred 18:18 19:2,23
 25:5,22 48:1 67:16
Thoroughbreds 57:15,16
thought 50:5 52:11 58:11
thoughts 52:5,22
three-year 67:7,22
thrilled 35:3,4
throw 48:15 55:9 74:16 75:14
throwing 75:19
thumbs 45:22
Thursday 58:17
ticket 80:18
Ticketmaster 74:24 76:10 80:2
tickets 75:8 77:12 78:22 79:20,
 21
tidbits 53:8
time 10:23 11:1 12:15 14:16 15:6
 17:3 21:15 24:17 25:11 27:17,19
 32:5 33:24 34:3 37:19 44:15
 47:11,23 48:18,20,24 59:22 60:4
 62:2 66:7 68:6,7 69:9 71:15 81:11
 82:4 84:5,9 85:20 87:14
timely 10:15 12:6
timing 14:7 15:5
today 10:21 11:8 12:11 15:7 27:9
 33:18 44:21 47:21 63:7,23 64:14
 71:6
told 62:16 78:4

Tony 70:19,25 71:2,4 73:17 74:1,8 75:13
top 55:13
topics 59:4
total 71:24
tough 24:25 25:1
tougher 25:7
track 19:15 45:24 50:18 57:24 58:1 59:1 68:22 74:4 81:22
track's 19:21
tracks 45:16 48:1,4,6 50:13 57:23 60:18 66:21,24 75:25 76:2
trade 39:8 85:11
traditional 21:1
trainers 56:20
training 68:21 77:9
transaction 32:8,12 33:21
transactions 31:17,18,20,23 33:6
transfer 66:15 84:2
transformational 34:7
transparency 62:15
tremendous 19:22
triggered 67:15
true 72:16
Trust 53:14
Tuesday 44:14 46:5
tumultuous 34:3
turnaround 87:3
turned 29:3
TV 47:2
TVG's 37:2
TVS 80:15
Twinspires 36:9,15
two-sided 25:2
two-year 58:18
two-year-old 67:11,23
type 45:12 74:12 82:22

types 52:19
typically 16:22 48:15

U

Uh-huh 56:14 57:3
ultimately 34:20
unanimous 54:18
unanimously 10:5 16:7 23:8 26:20 28:20 31:5 38:17 44:11 47:1 49:13 54:15 84:25 88:10
unbelievable 36:1
uncommon 29:4
understand 15:3 37:23 41:24 51:3,5
understanding 20:10
understood 50:8 51:6
undertake 31:16 32:11
undertaking 36:1 82:5
unique 47:3 74:2
Unit 85:8
University 40:23 41:20 42:23
update 70:21 71:6 82:21
updated 36:17
upgrade 50:23
upgrading 59:3
upscale 79:9
uptick 78:23
ushers 76:24 80:22
utilized 32:12
utilizing 24:11

V

Valley 34:13 72:5
vendor 78:20 83:9
vendors 81:21 83:25
version 16:17 85:12
versus 42:20

Veterinary 40:23 41:21
VICI 32:4
Victory 72:4
violation 18:10
violations 10:24 12:13
Voluntary 85:4,12
vote 9:15 11:10 12:23 15:21 16:23 17:3,15 22:6,8,9,13,22 26:9 28:8 30:3,19 35:14 38:6 40:7 41:6,18 42:5 43:25 45:22 46:14 49:2 54:4,18 69:10 70:2 84:16 86:12 88:1
votes 15:1
voting 22:6 30:4

W

wagering 43:3,4 83:7,15 85:24
wait 46:2
waiting 45:20
waiver 40:21 41:2
wake 11:9
walk 72:14
walking 55:8
walkup 79:12
walkups 75:4 80:20
wanted 23:17 58:22 60:7 70:18
watch 47:25 53:2 75:12 79:19
water 68:17
ways 51:24
wearing 73:21
wears 73:22
website 13:24 16:19
week 58:17 59:17 61:12 64:4 78:6
weekend 73:6,18
weekly 71:13 75:13
weeks 34:18 85:16
weird 18:12
welfare 21:11 85:8

Wettstein 10:8,12,13,15,22 11:3**whatnot** 45:8**who've** 45:18**wise** 81:18**women's** 65:23**wondered** 18:14**wondering** 50:20**word** 20:22**wording** 53:17**work** 26:22 29:10 60:3 66:17 74:5
75:24**worked** 19:5 36:3 72:2 76:19**working** 45:11,13 61:15 62:16
72:11 74:10 75:13 76:4 77:6,22
79:7 81:13**works** 39:6 55:23 56:16**world** 72:17 77:13 80:3**worn** 50:6**worship** 64:21**worth** 61:8**Wrenn** 11:24 12:3,4,5,6,11,17**written** 85:13

X

Xpressbet 83:12,22**Xpressbet's** 83:4,5 84:6

Y

year 13:19 19:11,19 20:2 21:8,9
24:1,10 27:2,18 29:4,16,18,21
39:22 43:18 50:16 57:5 58:5,15
59:2 65:18 74:22 79:6 80:8 88:17,
19**year's** 19:17 23:12 59:16 70:21
72:25**yearly** 36:24 83:20**years** 13:15 19:6 20:25 24:15,16,
24 25:6 43:9 45:3 47:25 50:3 59:7
60:17 64:16 68:15 69:12,18 74:18**yesterday** 18:24 20:6 22:8 83:10**young** 64:3 73:15

Z

zillion 69:15