

In the Matter Of:

INDIANA HORSE RACING COMMISSION MEETING

Transcript of Proceedings

October 04, 2023

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3 INDIANA HORSE RACING COMMISSION MEETING

4 HELD ON

5 OCTOBER 4, 2023

6 10:47 A.M.

7 AT:

8 HARRAH'S HOOSIER PARK RACING & CASINO

9 4500 DAN PATCH CIRCLE

10 ANDERSON, INDIANA

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14
15
16 TAKEN BY:

17 ROBIN P. MARTZ, RPR

18 NOTARY PUBLIC

19
20
21
22
23
24 STEWART RICHARDSON & ASSOCIATES
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APPEARANCES

Philip Borst, DVM, Chairman
William McCarty - via telephone

Bill Estes
Gus Levengood

Deena Pitman, Executive Director

Matthew Eggiman, Esq.

David Rothenberg, Esq.

INDIANA HORSE RACING COMMISSION
1302 North Meridian Street, Suite 175
Indianapolis, IN 46202

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1 CHAIRMAN BORST: Okay. I think we've got
2 everybody. We will call this meeting of the
3 Indiana Horse Racing Commission to order. First,
4 we'll swear in Robin.

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

7 CHAIRMAN BORST: Next, all those who are going
8 to speak to the applications, we're going to swear
9 you in. If you would just stand up and raise your
10 right hand.

11 (At this time the oath was administered to all
12 witnesses by Chairman Borst).

13 CHAIRMAN BORST: Thank you. I want to thank
14 Rick for hosting us again. We all feel a little, I
15 don't know what, underwhelmed or something because
16 we've got these lights. We think we should have a
17 chorus, or we should sing, dance. I'm not sure.
18 But it probably would ruin the meeting if we did.

19 So first on the agenda is approval of the
20 Memorandum from the June 22, 2023 meeting and
21 Executive Session. David, do you have anything to
22 add to that? We have an amended, don't we?

23 MR. ROTHENBERG: We do, but before that, I
24 think Matt has to do a little caveat since we do
25 have a commissioner on the phone.

1 MR. EGGIMAN: Chairman Borst, we will need to
2 do a roll call vote for each of the agenda items
3 today.

4 CHAIRMAN BORST: I wrote that on my agenda so
5 I wouldn't forget, but I probably will.

6 MR. ROTHENBERG: Yes, we would just request
7 that the meeting memoranda for the June 22, 2023,
8 Executive Session meeting memoranda with the
9 Commission be approved.

10 COMMISSIONER LEVENGOOD: So moved.

11 COMMISSIONER ESTES: Second.

12 COMMISSIONER MCCARTY: Second.

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

15 MR. EGGIMAN: Chairman Borst?

16 CHAIRMAN BORST: Aye.

17 MR. EGGIMAN: Commissioner McCarty?

18 COMMISSIONER MCCARTY: Aye.

19 MR. EGGIMAN: Commissioner Estes?

20 COMMISSIONER ESTES: Aye.

21 MR. EGGIMAN: Commissioner Levengood?

22 COMMISSIONER LEVENGOOD: Aye.

23 CHAIRMAN BORST: Thank you all. Next is
24 consideration of the Administrative Law Judge's
25 Recommended Order dismissing the matter of Brad Cox

1 versus IHRC Staff. David, do you want to take that
2 one?

3 MR. ROTHENBERG: Sure. Again, the order to
4 dismiss, this is a non-final order issued by OALP.
5 Judge Michael Bucher, who is here and can answer
6 any questions that you have concerning that
7 recommendation. I don't believe Mr. Cox is here
8 nor his attorney.

9 Pursuant to 4-21.5-3-29c, since no written
10 exceptions are filed, the Commission is obligated
11 to take those recommendations. The recommendation
12 is to dismiss this case based on the excess of 180
13 days statutory time period in issuing a
14 consequence, let's say. And we would just ask you
15 to adopt those or make those a final, make those a
16 final order.

17 CHAIRMAN BORST: Are there any questions,
18 Commission Members? You've had a chance to read it
19 over. Seeing none, accept a motion.

20 COMMISSIONER ESTES: So moved.

21 COMMISSIONER LEVENGOOD: Second.

22 CHAIRMAN BORST: Been moved and seconded. No
23 further discussion, roll call.

24 MR. EGGIMAN: Chairman Borst?

25 CHAIRMAN BORST: Aye.

1 MR. EGGIMAN: Commissioner McCarty?

2 COMMISSIONER MCCARTY: Aye.

3 MR. EGGIMAN: Commissioner Estes?

4 COMMISSIONER ESTES: Aye.

5 MR. EGGIMAN: Commissioner Levengood?

6 COMMISSIONER LEVENGOOD: Aye.

7 CHAIRMAN BORST: Passes unanimously. Next is
8 consideration of Administrative Law Judge's
9 Recommended Order in the matter of Jamal Williams
10 versus IHRC staff. Do you want to take that,
11 David?

12 MR. ROTHENBERG: Yes, Chairman. This is very
13 similar to the first, although the conclusion was
14 different. Because objections were indeed filed in
15 this case, the recommendation -- and I believe the
16 Commission is going to give time for both parties
17 to brief the objections that were filed -- we would
18 ask this be moved to the November 30th agenda.

19 CHAIRMAN BORST: Do we need a motion?

20 MR. ROTHENBERG: You don't need a motion.

21 CHAIRMAN BORST: We just put it on the agenda.

22 MR. ROTHENBERG: Correct.

23 CHAIRMAN BORST: Now we get into the fun
24 stuff. Hearing on 2024 Renewal Application of the
25 Indiana Horsemen's Benevolent & Protective

1 Association for approval as a registered horsemen's
2 association. Brian Elmore, I presume. I can't
3 really see people very well so you guys can make
4 all the faces you want, and we can't see.

5 BRIAN ELMORE: Brian Elmore, Executive
6 Director of the Indiana Horsemen's Benevolent &
7 Protective Association. So I guess from the
8 Chairman's comments, we're not going to have any
9 disco, no Bee Gee's music today.

10 Mr. Chairman, Commissioners, Commission Staff,
11 appreciate the time to be able to be here today to
12 make this presentation. I'll keep this brief. I
13 know you have the material, and you've pretty well
14 read through it. I just want to highlight a couple
15 things.

16 The Indiana HBPA represents about 2,000
17 dues-paying members. When you include their staff
18 of grooms and hot walkers and assistant trainers
19 and things like that, it's about 3,000 people that
20 we reach out to and work with and have an
21 obligation to assist. The Indiana HBPA is
22 committed to the future of horse racing. We are
23 horsemen all focused on a common good, the
24 betterment of racing in Indiana.

25 We purchase a lot of goods and services here

1 in Indiana, employ many people and pay a lot of
2 taxes. Our state contribution has become annually
3 amongst our industry an almost \$2 billion annual
4 economic impact to the state of Indiana that
5 reaches all 92 counties.

6 We have articles in the Horsemen's Journal
7 quarterly, updates, activities, information, things
8 that are going on here in Indiana. We communicate
9 our information about the Indiana HBPA programs and
10 activities of horse racing to our backside
11 personnel through our trailers we have back there,
12 our offices, and mainly a lot through our social
13 media outlets.

14 A few things that we hold for our backside
15 people is we have fishing days. Once again this
16 year, we purchased 350 free admission State Fair
17 tickets so the backside people can take their
18 families to the State Fair and enjoy that. We've
19 had two ice cream days. The Vanilla Beanery out of
20 Elkhart, Indiana, which is Sharon and Maynard
21 Miller, who's well known to the Standardbred
22 industry here. It's the best ice cream I ever ate
23 and believe me, I've ate a lot of ice cream.

24 We continued our partnership with Schwier
25 Produce to bring fresh produce to the backside once

1 a week. They sell it to the backside people at
2 half price, and the HBPA picks up the difference.
3 It allows the backside community to have access to
4 fresh produce. We also use the shuttle bus donated
5 by Horseshoe Indianapolis to provide transportation
6 to local grocery stores twice a week. We average
7 10 to 12 people and have consistent transportation
8 for basic necessities for those who otherwise would
9 not have it.

10 One of the major things we do and we're tasked
11 to it, and we take this responsibility greatly, is
12 doing things for our racehorses for second career
13 chances. This year updating from what we've had
14 here, we've had a board meeting since, to New
15 Vocations, which is the largest racehorse adoption
16 program in the United States, we have donated
17 \$35,000. To Tri State Thoroughbred Rehab and
18 Re-home, a smaller operation that takes the
19 majority of the Indiana horses, we made a
20 contribution of \$40,000. These two organizations
21 spend a lot of time in re-homing, getting horses
22 ready to be rode for pleasure, for dressage, for
23 trail riding, things of that nature, and they put
24 them back out for adoption.

25 We've also made a \$2,000 donation to the

1 University of Kentucky Equine Research Center, a
2 \$2500 donation to the Annual Track Superintendent
3 Convention held this year at Horseshoe
4 Indianapolis. We also donate \$25,000 to the
5 Permanently Disabled Jockey Fund through the
6 Jockeys and Jeans, which was held June 24th at
7 Caesars Palace in Las Vegas. And I want to say
8 this about the folks at Caesars Palace: They did
9 it right. It was worthy of an Academy Awards
10 production. I've never seen anything like it, and
11 it was very well received. And we raised a record
12 \$424,000 for the 60-some permanently disabled
13 jockeys. And I think that's very important.

14 I myself and Joe Morris both served as
15 ambassadors for that organization. And what we do
16 is we use our platforms to raise awareness of the
17 need of these athletes, our human athletes because
18 often they're forgotten when they get injured. It
19 troubled me a little bit that our industry has not
20 found a way, whether it be a little bit of a
21 simulcasting tax -- we can pass a federal bill and
22 spend \$73 million on a federal organization called
23 HISA that does not do or provide the job that these
24 people here do. And they're going to get a
25 13 percent increase next year. They need \$82

1 million next year. And we can't find a means, a
2 stipend for these people. I think it's shame on us
3 as an industry.

4 The programs we provide are very important to
5 our backside people. We have a medical clinic two
6 days a week. Our chaplains have many programs.
7 Otto Thorwarth is one of our chaplains and Mickey
8 Sajche is our Spanish-speaking chaplain. They
9 spend a lot of time with these people on the
10 backside. They walk the barns every day. They
11 help get these people to medical, dental, and eye
12 appointments that need transportation. They stay
13 really busy.

14 We have a translator that helps us, Julio
15 Rubio. And he works with visas and immigration
16 assistance to help get enough work on the backside.

17 I think the one thing I'm most proud of this
18 year is the amount of money we are spending in our
19 benevolence program. Part of this is inflation the
20 cost is going up. But the past two years we've
21 gone from providing benevolence -- and that's
22 medical, dental, and eye -- for 200 people to this
23 year 260 people. Our spend on those three items
24 two years ago was 617,000. And this year we
25 project it to be 820,000. So I think we're putting

1 the money to good worth. We are good stewards of
2 the money which you allow us to use.

3 One thing I would like to say in closing is
4 this: As I look at the chaos in Washington D.C.,
5 and I look at the divide across this country, and
6 we are a divided country, I want you to know I got
7 the opportunity 29 years ago to come back home to
8 Indiana to be in the Indiana program. I got a call
9 from a young general manager at Hoosier Park by the
10 name of Rick Moore. Become one of my best friends.
11 And it gave me an opportunity to come back home.
12 This is my 29th year.

13 And the one thing I can say is this: We're
14 very fortunate to have people like Chris Duke,
15 president QHRAI; Pat McGhee, president ITOBA; John
16 DeLong president of ISA; and Joe Davis, president
17 of the HBPA. And those four gentlemen and their
18 membership and their boards, we're all in lockstep.
19 Our arms are locked. We are all together. We work
20 together. We want to do what's in the best
21 interest of horse racing in the state of Indiana.
22 And I have never seen a time in our brief history
23 of horse racing in Indiana that all four
24 associations have been so focused and aligned so
25 much together. I think that's something to be very

1 proud of.

2 This concludes my presentation. And the
3 Indiana HBPA respectfully requests approval of
4 this.

5 CHAIRMAN BORST: Thank you, Brian. Are there
6 any questions of staff? I know you guys looked it
7 over also.

8 MR. ROTHENBERG: No questions from staff.

9 CHAIRMAN BORST: Any interested parties here
10 who would like to speak to the application? You
11 must have done a great.

12 BRIAN ELMORE: I don't know.

13 CHAIRMAN BORST: As you always do.

14 BRIAN ELMORE: Thank you, sir.

15 CHAIRMAN BORST: Are there any questions by
16 Commission Members at all about the application?
17 You had a chance to look at it. Seeing none, I
18 guess we'll accept a motion.

19 COMMISSIONER ESTES: So moved.

20 COMMISSIONER MCCARTY: I move for approval.

21 COMMISSIONER ESTES: I'll second.

22 CHAIRMAN BORST: There you go. Been moved and
23 seconded. If no further discussion, roll call
24 vote.

25 MR. EGGIMAN: Chairman Borst?

1 CHAIRMAN BORST: Aye.

2 MR. EGGIMAN: Commissioner McCarty?

3 COMMISSIONER MCCARTY: Aye.

4 MR. EGGIMAN: Commissioner Estes?

5 COMMISSIONER ESTES: Aye.

6 MR. EGGIMAN: Commissioner Levengood?

7 COMMISSIONER LEVENGOOD: Aye.

8 CHAIRMAN BORST: Thank you. Passes

9 unanimately. Next is the hearing on the 2024
10 Renewal Application of Quarter Horse Racing
11 Association of Indiana for approval as a registered
12 horsemen's association. Chris.

13 CHRIS DUKE: Thank you, Chairman Borst and all
14 members of the Commission for allowing me to speak
15 today. I'm Chris Duke, president of the Quarter
16 Horse Racing Association of Indiana. I am here
17 today due to the loss of our past president, Paul
18 Martin, who lost his hard fought battle with cancer
19 this summer. Paul's shoes will be very difficult
20 to fill. So collectively with a great board of
21 directors and my experience as a past president, we
22 will do our best to move forward with the vision
23 Paul had to make Quarter Horse racing in Indiana
24 the best in the country.

25 With that being said, I would like to go over

1 with you today six main areas we focused on in 2022
2 to reach our goal; one, grow and promote Quarter
3 Horse racing, breeding, and ownership in Indiana;
4 two, continue the growth of our stakes program to
5 increase the quality of racing and breeding in
6 Indiana; three, increase the visibility of our
7 Indiana racetracks and outstanding Quarter Horses
8 running here today; four, increase the support of
9 charitable industry programs and benevolence for
10 our jockeys, horsemen, and members; five, gain more
11 youth involvement in Indiana Quarter Horse racing
12 to ensure a continued and bright future for our
13 program; and six, encourage and support second
14 career opportunities for our racing Quarter Horses.

15 The growth of our industry and results of our
16 promotion of Quarter Horse racing, breeding, and
17 ownership in Indiana can be seen clearly by looking
18 at statistics to see our growth for 2022. We are
19 actually exceeding these expectations. Our program
20 started with three races in its first year. And it
21 has reached a record 227 races in 2022 with an
22 average of nine starters per race, which is one of
23 the highest numbers in the country; plus, the
24 growing interest for racing in Indiana and the
25 number of followers of Horseshoe Indianapolis has

1 set records to Quarter Horse handle and all flat
2 racing for 2022 as well.

3 We also had a fantastic stakes program growing
4 from 47 trials to 58 trials in 2022. Some
5 interesting history to our stakes program is in
6 1978, QHRAI created a stake race called the SSA
7 Futurity, which was ran all over the Midwest at
8 host tracks. But in 1998, it was held at Hoosier
9 Park with a purse of 40,000. At that time, 40,000
10 seemed like a million dollars. Every year since,
11 it's been held in Indiana in 2022 with a purse of
12 nearly 200,000.

13 Because of the stability and growth of Quarter
14 Horse racing in Indiana over the past 20 years, I'm
15 excited to announce in 2024, the AQHA has announced
16 the SSA Futurity will become a Grade 3 race, as
17 well as our Miss Roxie Little will become a Grade 3
18 race, which is solely for Indiana bred.

19 Our program is very proud of this recognition.
20 We would like to thank you for your support along
21 with all involved at the racetrack that has had a
22 hand in QHRAI's success.

23 In 2022, AQHA and Horseshoe Indianapolis
24 partnered to have the Challenge Championship here
25 in Indiana. This has brought recognition to

1 Indiana and is something our association is very
2 proud of. Because of this, this has really helped
3 increase the visibility of our Indiana program.
4 For many of our leaders, it was the first time to
5 ever visit an Indiana racetrack. These industry
6 leaders were impressed with Indiana from the first
7 class facility to the overall professionalism at
8 Horseshoe Indianapolis. I have always believed
9 that Indiana was the best kept secret in Quarter
10 Horse racing, but after 2022, it's not a secret
11 anymore.

12 We have two world champions here. AQHA Horse
13 of the Year Danger, which competed in the Challenge
14 Championships and won the big race. Along with a
15 world champion trainer Jason Olmstead, who brought
16 a stable for the Champions Day as well. Hosting a
17 championship has opened eyes on a new group of
18 racing professionals and enthusiasts who will no
19 doubt continue to watch, support, train, and enter
20 their Quarter Horse racing athletes here in
21 Indiana. We would like to thank Joe Morris, Eric
22 Halstrom, Chris Olson, Tammy Knox, and everyone
23 involved to make this special day happen for
24 Indiana Quarter Horse racing and our horsemen.

25 QHRAI is very active in helping support

1 several programs including Strides to Success,
2 Horse Angels, Jockeys and Jeans Foundation to
3 mention a few. Our benevolence program for many of
4 our members is the only form of medical, dental,
5 and vision care coverage available to them. We are
6 proud to report this program is still very
7 successful and beneficial to many of our members.
8 QHRAI would like to give a special thank you to
9 Otto Thorwarth, our racetrack chaplain as well for
10 everything he does on the backside to help us do
11 the race season. His support and dedication are
12 invaluable to our association.

13 Another important aspect of our program is
14 educating and gaining youth involvement in Indiana
15 Quarter Horse racing. We continue to host an
16 educational and action packed day for our young
17 people to attend and learn all aspects of the day
18 from the front side to the backside. For those who
19 excel in our youth day and are outstanding and
20 upstanding Indiana youth, we reward \$3,000 in
21 scholarships to help advance their education and
22 hopefully their interest in Quarter Horse racing in
23 Indiana. We also have a separate opportunity for
24 our youth to obtain \$11,000 in scholarship awards
25 through submitting an application. This program

1 will help recipients to advance into an equine
2 field.

3 Lastly, QHRAI is also highly involved in
4 supporting the second career of racehorses. We
5 support and help inform multiple 4H programs, as
6 well as provide incentives of barrel races for
7 certified Indiana bred racehorses in their second
8 career. Many barrel racing competitors look
9 specifically to buy Indiana bred racehorses because
10 of these second career incentives. It is great to
11 see so many ex-racehorses competing and doing well
12 in these events.

13 In conclusion, our association is looking
14 forward to a bright future of continued growth in
15 all areas of our racing program with your support.
16 Thank you for your time. I would be happy to
17 answer any questions.

18 CHAIRMAN BORST: Thank you, Chris. Does staff
19 have any questions on that?

20 MR. ROTHENBERG: No questions.

21 CHAIRMAN BORST: No questions. Commission
22 members? Any interested parties any comments?

23 See, you did a great job. You'll do fine.
24 Okay.

25 Seeing no further questions, how about a

1 motion.

2 COMMISSIONER ESTES: So moved.

3 COMMISSIONER LEVENGOOD: Second.

4 CHAIRMAN BORST: Like pulling teeth here.

5 Seeing no further discussion, we will have a roll
6 call vote.

7 MR. EGGIMAN: Chairman Borst?

8 CHAIRMAN BORST: Aye.

9 MR. EGGIMAN: Commissioner McCarty?

10 COMMISSIONER MCCARTY: Aye.

11 MR. EGGIMAN: Commissioner Estes?

12 COMMISSIONER ESTES: Aye.

13 MR. EGGIMAN: Commissioner Levengood?

14 COMMISSIONER LEVENGOOD: Aye.

15 CHAIRMAN BORST: Passes unanimously. Thank
16 you. Next on the agenda is renewal application of
17 the Indiana Thoroughbred Owners and Breeders
18 Association for approval of a registered horsemen's
19 association. Pat.

20 PAT MCGHEE: Thank you, Chairman Borst and
21 Members of the Commission, Director Pitman, and
22 IHRC staff for the opportunity to share some
23 updates on ITOBA. My name is Pat McGhee. I'm the
24 president of ITOBA. It is my privilege to speak
25 with you today.

1 ITOBA has a long and honored history in
2 Indiana. It goes back to 1982. So for the past
3 40-plus years, our mission has been to represent
4 and promote the men and women in Indiana who are
5 involved in the Thoroughbred industry as breeders
6 and owners. That initial mission remains the same,
7 but as many things have changed, so too has ITOBA
8 in the past few years.

9 I would like to share a few ideas or a few
10 thoughts on some of the ideas that we have evolved
11 with in the past. First, ITOBA has revitalized,
12 expanded, and rejuvenated its position in the
13 equine marketplace through social media. In 2022,
14 we launched our new ITOBA.com website. That
15 platform allows us to share current and realtime
16 information on a host of events, many of which are
17 occurring at the same time. Our bylaws are
18 published there. Information on the Liken
19 scholarship is kept there. All event information
20 is in one place.

21 We are truly making a conscious effort to try
22 and reach a younger, more diverse demographic.
23 It's the critical to the equine industry in all
24 states but particularly in Indiana.

25 We are committed and focused on reaching a

1 wider audience to share the great opportunities
2 that are present here. Toward that goal, we
3 launched an active social media campaign for the
4 ITOBA mix sale this October in partnership with KPB
5 Media to promote and educate people on the
6 revitalized sale.

7 We're using multiple social media platforms
8 such as Facebook, X, Twitter, Instagram. I have no
9 idea how to use them. I know we need to talk
10 people through them. I don't pretend to know
11 anything about them to be honest. I know that the
12 numbers tell me that this social media campaign
13 started in June has really reached a new audience.
14 We have reached over 40,000 more people on
15 Facebook, a 284 percent increase in usage since
16 June and 100-plus new followers.

17 We have started a brand new Instagram account,
18 reached 1800 profiles there since June. In our X
19 or Twitter account, which is brand new and measured
20 over the last 28 days, we've seen 139 percent
21 increase in our reach.

22 I truly don't ask questions about how or what
23 that means. What it does tell me though is we are
24 reaching people that we weren't talking to
25 previously and specifically about our sale. That's

1 exciting for us because our mix sale has struggled
2 in 2022, too many horses, not enough stalls. We
3 faced some challenges.

4 But I'm pleased to tell you that the ITOBA
5 board has initiated some changes. And here's our
6 success story going into our October 14th sale:
7 Part one of the sales are the live yearling auction
8 to support our breeders. We capped our entries at
9 80 yearlings. I'm pleased to tell you that we sold
10 out. The Indiana breeders really stepped forward
11 to help us get our sale on track. Immediately
12 following the yearling sale, we'll have a paddock
13 sale where trainers and owners can auction any
14 active racehorses to make room for the yearlings
15 and two year olds that they're developing. We
16 expect 15 to 20 horses to be passed through the
17 sales ring in the paddock sales. Those are great
18 numbers.

19 What's more exciting is we've added an online
20 digital sale for weanlings, baby horses, brood
21 mares through our partnership with Horse Auctions
22 USA. This allows us to sell all types of horses,
23 whatever type of racehorse enrolled or in
24 currently. I think it really helps our breeders
25 and owners in Indiana.

1 Today we have 27 brood mares and weanlings
2 that will be sold the following week online without
3 having to leave their farm. We will also be taking
4 live bids showing the sale live on the 14th. And
5 any registered bidder in any state and Canada can
6 bid on the horses in Indiana.

7 We think we're, again, reaching a wider,
8 broader audience through these efforts of
9 technology and social media. If you haven't been
10 to a live auction, please come join us
11 October 14th at one o'clock at Horseshoe and
12 check out our live yearling sale.

13 While we host and run many events, we are
14 extremely proud of the partnership with HBPA,
15 Quarter Horse Association, and Horseshoe
16 Indianapolis for our working together to present
17 Indiana Champions Day on Saturday, October 28th.
18 This is our day to celebrate and recognize the
19 outstanding equine athletes bred in Indiana, the
20 jockeys and owners who have provided the fans of
21 Horseshoe Indianapolis racing a record setting
22 year.

23 We'll have outstanding Thoroughbred races
24 including four handicap races highlighted by our
25 three year old stakes races for \$200,000 purse for

1 fillies and \$250,000 for colts and geldings.
2 Champions Day is a day to celebrate the best of the
3 best in Indiana racing. Our Quarter Horse partners
4 will follow with their stakes races to make this an
5 amazing day of racing in Shelbyville. With the new
6 awning being installed, we'll be ready for the day
7 regardless of the weather, which we don't know if
8 it will be sunny or snowy.

9 I've shared a few highlights of how ITOBA has
10 evolved from the past and continues to be a
11 positive difference maker in the equine community.
12 ITOBA's all volunteer board of directors and its
13 members are dedicated to making sure we continue to
14 fulfill the mission set forth back in 1982 to
15 support and promote the Thoroughbred industry in
16 Indiana.

17 We ask for your support and approval of our
18 application for 2024 so we can continue the good
19 work we have started in the past few years and
20 continue to expand our efforts. Thank you.

21 CHAIRMAN BORST: Thank you. Appreciate it,
22 Pat. Any other questions, staff members?

23 MR. ROTHENBERG: No questions.

24 CHAIRMAN BORST: Commission members? Any
25 interested parties like to speak to the

1 application? Another good job. In that case, I
2 guess we'll accept a motion.

3 COMMISSIONER ESTES: Move to approve.

4 COMMISSIONER MCCARTY: Second.

5 CHAIRMAN BORST: Been moved and seconded.

6 Roll call vote.

7 MR. EGGIMAN: Chairman Borst?

8 CHAIRMAN BORST: Aye.

9 MR. EGGIMAN: Commissioner McCarty?

10 COMMISSIONER MCCARTY: Aye.

11 MR. EGGIMAN: Commissioner Estes?

12 COMMISSIONER ESTES: Aye.

13 MR. EGGIMAN: Commissioner Levensgood?

14 COMMISSIONER LEVENGOOD: Aye.

15 CHAIRMAN BORST: Good. It's unanimous.

16 Passes.

17 Next on the agenda is the hearing on the 2024
18 renewal application of the Indiana Standardbred
19 Association for approval as a registered horsemen's
20 association. I guess we have Tony.

21 TONY RENZ: Good morning. Tony Renz, the
22 executive director of the Indiana Standardbred
23 Association. Good morning, Mr. Chairman,
24 Commissioners, Executive Director Deena Pitman,
25 Commission Staff. Thank you for the time today to

1 be able to present the Indiana Standardbred
2 Association's renewal application. I'm going to
3 try to stay on script, but I have a lot to say
4 today. So if I digress, someone just wave me off.

5 CHAIRMAN BORST: We don't know what your
6 script is anyway. How would we know?

7 TONY RENZ: There you go. I'm joined today by
8 our ISA president John DeLong, ISA director Randy
9 Hatton, and our legal counsel, Roger Young, who are
10 all available for questions if you have any at the
11 end of my presentation.

12 We're proud to be here today at the hearing of
13 the ISA renewal application for 2024. Over the
14 last 18 months, I've had the privilege of working
15 for the ISA and with its board of directors and
16 with its members closely.

17 The purpose of the ISA is to promote and
18 increase interest in harness racing and in horses,
19 in breeding, in training. To sponsor and promote
20 Standardbred racing, breeding, training and
21 development programs in the state of Indiana to
22 represent horsemen and horse women in negotiations
23 with track operations, to promote the integrity of
24 the sport to take other actions in furtherance of
25 the Standardbred racing industry in the state of

1 Indiana.

2 Additionally, we are very proud of our county
3 fair racing. That is really the grass roots of
4 where the Standardbred program began in Indiana.
5 The ISA has over 800 paid members, and we represent
6 over 3,000 people associated with Standardbred
7 racing in Indiana. Membership carries the
8 following benefits: Dental and optical insurance,
9 accidental insurance for drivers and trainers that
10 participate in the county fair circuit, race bike
11 and jog cart insurance, eligibility to the ISA
12 Elite Series; the ISA magazine subscription --
13 which I would go out on a limb and say it's
14 probably one of the best magazines I've seen to
15 date. If you guys receive it, definitely read it
16 cover to cover. I put it up against my golf
17 magazines that I get. I think it's better than
18 those -- voting privileges for election for ISA
19 directors; on-site track representation at HP, and
20 a text message service. All of this for \$50 a
21 year. You can't beat that.

22 So some additional benefits, the ISA provides
23 up to \$3,000 to members for emergency medical and
24 funeral expenses that have been reviewed and
25 approved by the ISA board. The ISA provides

1 scholarship assistance to qualified students whose
2 parents, grandparents, or guardians are members of
3 the ISA and hold an IHRC license. Other support
4 can be found as the ISA pays for the health clinic
5 located on the backside of Hoosier Park. That is
6 probably one of the nicest clinics. It's open two
7 days a week, Tuesday and Fridays. The ladies that
8 run that clinic are fantastic. They provide a
9 great service for our horsemen and women.

10 The ISA contracts a minister for spiritual
11 counseling on the backside for everyone. Finally,
12 the ISA contracts a horsemen's rep and a golf cart
13 driver during the live meet. The ISA's support of
14 the horsemen and women on the backside is always
15 ongoing and very sincere.

16 County fair races we hold at nine different
17 sites from June until October. The majority of
18 those county fair races are live streamed by a
19 company called Mark the Spot, which is a very
20 professional videographer. If you've not had a
21 chance to see that, definitely take the time. The
22 ISA sends out a text alert with that link on there
23 for you to be able to watch the county fair races.
24 I believe we have done all of them this year except
25 for one in Shelbyville where he was working with

1 the yearling sales and could not do that. Again,
2 it's a great program out there that takes our
3 program out to the masses.

4 Additionally, the ISA prints complimentary
5 programs for each of the county fair races. Thanks
6 to Lisa Krise and Kristi Collett down at the
7 Indiana Standardbred Association office, they work
8 very hard to do that. And it's in a short
9 turnaround what they're doing.

10 This year similar to what Pat talked about, we
11 kind of ventured into social media. We hired
12 Larison Media out of Kokomo, Kokomo-Converse area
13 to try to increase our social media out there.
14 That's something we saw a need for. We've seen
15 much success on that.

16 At the end of the year we'll have numbers for
17 that to be able to review, but we're seeing a
18 growth definitely in Facebook. We're trying to get
19 that growth in Instagram. Next year we will
20 probably look at switching that over to Twitter.

21 The race meet at Hoosier Park, the pari-mutuel
22 race meet began on March 24th and runs until
23 December 9th. Much of that meet saw five day a
24 week racing, some with three and some with four.
25 It's a long meet. Last year was my first year in

1 this position. And it whizzed by. This year it's
2 going fast, but it's a very long meet. We are in,
3 I think, 135th day of the meet right now. And
4 we're definitely starting to see the wear and tear
5 on the horsemen, the horses, the property and so
6 forth.

7 The ISA has partnered with Hoosier Park in
8 several different ways to promote racing. This
9 past year we held an owners night, an ISA night new
10 to the program, a breeders night just a couple
11 weeks ago that was very successful. We do monthly
12 family nights with Hoosier Park. We'll come up on
13 Fright Night just before the Breeder's Crown coming
14 up.

15 Other events we have partnered with Hoosier
16 Park with is our annual bowling party to kick off
17 the meet, a golf outing at Grandview Golf Course,
18 and we will end the meet with a bowling party.
19 Additionally, we purchased meals for the backside.
20 We've done that twice with Art's Pizza. In the
21 past I believe they used a lesser pizza. We
22 brought Art's back there, and you want to talk
23 about an excited back stretch back there. They
24 were very excited about that.

25 We celebrated with Hoosier Park. They brought

1 the idea to celebrate million dollar days. We had
2 several million dollar handle days. We partnered
3 with Hoosier Park and bought the entire backside
4 lunch and dinner.

5 A couple areas that you won't really see in
6 our application is the significance that the ISA
7 has had in developing The Hop, which you see out
8 here, which is a patio gathering space that we used
9 our RCFAC money for. And we're seeing that really
10 gain some attraction. It's state of the art unlike
11 anything I've ever seen at any racetrack. We are
12 very excited about that. We're excited that
13 Hoosier Park embraced that with music, with food,
14 with beverage, with racing. We look to continue
15 that development.

16 Another area is the Breeder's Crown. The
17 Breeder's Crown is coming October 27, 28. It's not
18 just two days. The Breeder's Crown begins really
19 the festivities October 19th with eliminations
20 and run all the way to the 28th. However, the
21 planning for this Breeder's Crown began last
22 October.

23 The ISA in the past two Breeder's Crown played
24 a role. However in this Breeder's Crown we feel
25 like we've elevated the ISA role in helping Hoosier

1 Park plan that; whether it's sponsorships, which we
2 are currently at 330,000, which sets a record for
3 Hoosier Park. The great thing about that is the
4 horsemen get a portion of that this year.
5 Currently the 330,000, the horsemen will receive
6 152,500 back to the horsemen's purse account. And
7 Hoosier Park will receive 177,500. We feel very
8 fortunate to work with Hoosier Park and Caesars on
9 that.

10 Additionally, the sponsors you see a very
11 strong influence of Indiana breeders, Victory Hill,
12 who has always been with the Breeder's Crown here,
13 but this year we add Country Lane, Premier Acres.
14 These are all Indiana breeders that are coming to
15 the table as major sponsors of the Breeder's Crown
16 championship races. My hope is that you go to
17 Champions Day down at Horseshoe on October 28th.
18 And once that's complete, you come up here to
19 Hoosier Park for the Breeder's Crown eight race
20 championship that night. Four will be on Friday
21 night. I do believe that will be probably the
22 richest racing ever held in the state of Indiana
23 for our programs.

24 Finally, on the Breeder's Crown, we have
25 elevated the Breeder's Crown charity challenge.

1 Along with the Commission Staff, Hoosier Park, the
2 Hamiltonian Society, the ISA has elevated that
3 program which started in '19, and we had it in '20.
4 We did a great job in '20. We raised 126,000 to
5 distribute over four different charities. This
6 year we're currently at right now 176,000. And we
7 look to cross 200,000. That becomes a contest.
8 It's been going on since Dan Patch. It concludes
9 on the Friday of Breeder's Crown.

10 Those charities include Teachers Treasures,
11 New Vocations, Indiana Center for Child Abuse and
12 Suicide, and helping veterans and families. The
13 winner will be announced on Friday at Breeder's
14 Crown. That winner will receive 40 percent, and
15 then 30, 20, and 10. It's a great night. If you
16 can be at both Breeder's Crown, I encourage you to
17 do that. Both of them are very special.

18 I'm glad to hear Brian, Pat, and Chris talk
19 about the relationship that we have with the other
20 associations. We're at a time period in the
21 Indiana equine industry that is very important that
22 we stay together as we go through the next year.
23 The next year there could be a lot of changes.
24 You've got discussion of high game. You've got
25 discussion of Vici coming in. And it's very

1 important that Indiana Standardbred Association and
2 all the associations stand together and make sure
3 that horse racing is protected, promoted and taken
4 care of.

5 We continue to promote our \$2 billion impact
6 study that was completed and released earlier this
7 year. We are proud to be a part of the Indiana
8 equine industry. We look forward to working with
9 Hoosier Park, Commission Staff in 2024 to continue
10 to grow, promote, and protect and to better the
11 Indiana equine program.

12 The men and women of the Indiana Standardbred
13 program are the hardest working group I have ever
14 come across. I've told several of you. I come
15 from the casino industry for 26 years. I used to
16 think casino people were the hardest working
17 people. It's a 24-7 business. They can't hold to
18 a candle to horsemen. They are truly the hardest
19 working people I've ever seen. I invite you to
20 come to the backside one night, spend a night back
21 there and see what occurs and how hard that work is
22 and how passionate those people are.

23 That concludes my presentation. I'm available
24 for any questions. And I appreciate the time again
25 today.

1 CHAIRMAN BORST: Thank you, tony. Staff
2 questions?

3 MR. ROTHENBERG: No questions.

4 CHAIRMAN BORST: Any Commission Member
5 questions, comments? Any interested parties like
6 to speak to the application? No. See, Tony, you
7 did another good job also.

8 TONY RENZ: Thank you, guys. Have a great
9 day.

10 CHAIRMAN BORST: In that case, I will accept a
11 motion for approval.

12 COMMISSIONER ESTES: Move to accept.

13 COMMISSIONER LEVENGOOD: Second.

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

16 MR. EGGIMAN: Chairman Borst?

17 CHAIRMAN BORST: Aye.

18 MR. EGGIMAN: Commissioner McCarty?

19 COMMISSIONER MCCARTY: Aye.

20 MR. EGGIMAN: Commissioner Estes?

21 COMMISSIONER ESTES: Aye.

22 MR. EGGIMAN: Commissioner Levengood?

23 COMMISSIONER LEVENGOOD: Aye.

24 CHAIRMAN BORST: Passes unanimously. Thank
25 you all. Great presentations.

1 In the veterinary profession, one of the
2 things that we talk about is one health. And you
3 guys are living it with human and animal health.
4 And appreciate that because you've taken care of
5 people as well as the horses. That's a big deal.
6 So congratulations to you for doing that.

7 COMMISSIONER ESTES: Well said.

8 CHAIRMAN BORST: Next is consideration is
9 approval of Harrah's Hoosier Park 2024 racing
10 dates. Rick's going to handle that one probably.
11 We're talking '24. Hard to believe.

12 RICK MOORE: Already hard to believe. Thank
13 you, Mr. Chairman, Members of the Commission,
14 Staff. Appreciate the opportunity to talk about
15 our race dates for 2024. And the first thing I
16 would like to mention is this is a collaboration.
17 I'm presenting it, but it's collectively on behalf
18 of the Indiana Standardbred Association and
19 Harrah's Hoosier Park. We met to discuss. We
20 like, for the most part we really like where we're
21 at this year.

22 The ISA did come to us and say we would rather
23 not race into December in 2024. We said fine. If
24 that's your wishes, we will certainly abide by
25 that. So we added a few more days to November.

1 We'll again open the third week in March.
2 We'll go to our two day a weeks the first couple
3 weeks. Then we get into April, and we'll go to
4 four. And then we get into June, we'll go into
5 our, last week of June, we'll go to our five day a
6 weeks through October. Really we'll mimic what
7 we've set out this year as far as race dates are
8 concerned.

9 We'll go with the 6:15 post time if approved
10 by the IHRC. We'll go with seven o'clock on
11 Saturday, 7:20 on the Triple Crown days. And on
12 days where we do have a concert, we have one this
13 Friday as a matter of fact, we'll ask for a 4 p.m.
14 post time. Other than that, things will stay
15 relatively the same if approved. I hope you will
16 approve our race dates for 2024.

17 CHAIRMAN BORST: Good quick question: How
18 many racing dates will there be?

19 RICK MOORE: One hundred sixty, Mr. Chairman.

20 CHAIRMAN BORST: I didn't want to add them all
21 up so I figured I would ask.

22 Any questions Commission Members have?

23 MR. ROTHENBERG: No.

24 CHAIRMAN BORST: Or staff? Any members of the
25 public to speak to the schedule? I guess not. In

1 that case, I guess we'll accept a motion.

2 COMMISSIONER ESTES: Move to approve.

3 COMMISSIONER MCCARTY: Second.

4 CHAIRMAN BORST: Been moved and seconded.

5 Roll call vote.

6 MR. EGGIMAN: Chairman Borst?

7 CHAIRMAN BORST: Aye.

8 MR. EGGIMAN: Commissioner McCarty?

9 COMMISSIONER MCCARTY: Aye.

10 MR. EGGIMAN: Commissioner Estes?

11 COMMISSIONER ESTES: Aye.

12 MR. EGGIMAN: Commissioner Levengood?

13 COMMISSIONER LEVENGOOD: Aye.

14 CHAIRMAN BORST: Passes unanimously. Next is
15 consideration of Horseshoe Indianapolis 2024 racing
16 dates. Eric will be doing that.

17 ERIC HALSTROM: Chairman Borst, Members of the
18 Commission, good morning. Eric Halstrom, general
19 manager of racing at Horseshoe Indianapolis.

20 Much like Rick, we met with our HBPA and
21 Quarter Horse Association. Frankly just didn't
22 want to get too cute next year. We've got a pretty
23 good thing going right now. Business has been
24 really good. Looking at handle, approaching handle
25 records that were never in sight before. So the

1 idea of changing a whole lot up here did not seem
2 to make a ton of sense.

3 A couple of highlights of what you have in
4 your packet very quickly, you know, we're coming to
5 realization that we're a Monday to Thursday
6 racetrack and try to find some Saturdays that can
7 really work. We dabbled with every Saturdays
8 during the summer with some success. We also found
9 a couple that maybe it was just a tough time of the
10 year, whether there was other things happening in
11 the community or around the state and also in the
12 simulcasting market.

13 I can actually tell you that our -- these
14 reports keep coming in, but our international
15 presence has exploded. It's a really cool thing,
16 especially over in Europe and in Turkey and in
17 different places like that. The handles from
18 Monday to Thursday have become \$600,000 a day,
19 which is just a great number. Taking Monday to
20 Thursday handle is over \$3 million-dollar a day if
21 we add them up at the end of year. On Saturdays
22 they don't wager on us. There's just too much
23 other competition. We're still trying to make our
24 way in over there.

25 We were strategic in this dealing with Brian,

1 Joe, and Chris Duke and just making sure we were
2 running the right days. We've got six Quarter
3 Horse days that seem to fall chronologically where
4 they belong over the course of the years have gone
5 by. Those days have remained very good. We have a
6 great day coming up this Saturday if you have a
7 chance to come out. Thirteen trials for our
8 biggest finals that will be on Champions Day.

9 Last year in 2023, we had 123 days. This
10 calendar shows 124. I'll just point out one thing
11 before we go there. But I'm not sure if you're
12 aware, because I wasn't until somebody brought it
13 up, that the solar eclipse is coming through
14 Monday, April 8th of next year. I'm no
15 astronomer, but the Fairland area apparently is one
16 of the epicenters across the swath of land that is
17 best viewing in the country, which that's right
18 across the street from our facility.

19 Talked to HBPA and Quarter Horse Association.
20 Since this isn't likely to happen for another 40
21 years, we all want to give it a shot and see what
22 we can do. Hotels in Shelbyville are at \$800 a
23 night for the three Friday, Saturday, Sunday
24 commitment. When's the next time we're going to
25 get 250 or 300,000 people in our back yard? Let's

1 see what we can do.

2 So there's one additional day for next year
3 and give our horsemen a chance to get some of those
4 horses out of the barn that have been training with
5 us all winter and give them another opportunity
6 they might not have had.

7 On behalf of Horseshoe Indianapolis and our
8 horsemen, we respectfully request the approval for
9 the 2024 dates.

10 CHAIRMAN BORST: Thank you, Eric. I saw that
11 solar eclipse day. I thought you probably ought to
12 bring people's RVs and campers and charge them a
13 thousand dollars a night, and you could really make
14 good money.

15 ERIC HALSTROM: Trent is sitting right there,
16 and I know right now his mind is racing.

17 CHAIRMAN BORST: Besides the racing, there's
18 got to be another way. It is amazing what we're
19 expecting to come to Indiana, I guess.

20 COMMISSIONER LEVENGOD: Sponsor the glasses.

21 CHAIRMAN BORST: Get the glasses to them, the
22 special ones to look at the eclipse.

23 Any Staff questions? No. Any Commissioner
24 questions? Any public questions on the schedule?
25 Seeing none, I guess we'll accept a motion.

1 COMMISSIONER ESTES: I move to approve.

2 COMMISSIONER LEVENGOOD: Second.

3 CHAIRMAN BORST: Been moved and seconded.

4 Roll call vote.

5 MR. EGGIMAN: Chairman Borst?

6 CHAIRMAN BORST: Aye.

7 MR. EGGIMAN: Commissioner McCarty?

8 COMMISSIONER MCCARTY: Aye.

9 MR. EGGIMAN: Commissioner Estes?

10 COMMISSIONER ESTES: Aye.

11 MR. EGGIMAN: Commissioner Levengood?

12 COMMISSIONER LEVENGOOD: Aye.

13 CHAIRMAN BORST: Passes unanimously. Thank
14 you.

15 Next is consideration and approval of the
16 Hoosier Park 15-year equipment list for 2024.
17 Staff have questions or comments first?

18 MR. ROTHENBERG: Chairman, we're going to ask
19 Rick to come up and speak to that. It does require
20 your approval. I will say that Horseshoe
21 Indianapolis will be coming before us I believe in
22 March to give their request for deviations. So
23 that's why we're only checking out one track today.

24 COMMISSIONER LEVENGOOD: If they come in
25 March, they don't spend until they do.

1 MR. ROTHENBERG: They can't spend. They can't
2 really deviate until they get the approval, that's
3 true. But that's what they requested.

4 CHAIRMAN BORST: Okay. Rick.

5 RICK MOORE: Thank you again for allowing me
6 to be here. Maybe a little background in why we're
7 suggesting what we're suggesting. Next year's 2024
8 15-year capital list calls for 17 new vehicles;
9 Ford F250s, shuttle vans, crew cabs, a lot of
10 different backside-type vehicles. Well, we just
11 purchased all new vehicles in 2019. And a number
12 of those are really in good shape and low mileage.
13 We'd really like to get to the point where we're
14 staggering the purchase of our backside vehicles so
15 that we're not buying all new at one time.

16 I think what we're proposing makes a lot of
17 sense. We'll be purchasing eight out of the 17,
18 but we've identified a lot of other more pressing
19 needs, I guess you would say.

20 Couple of big ticket items, you know, two John
21 Deere tractors. Now with us now going 12 months a
22 year racing and training, those tractors are really
23 racking up a lot of hours. They're to the point
24 where we really need to trade some of those in. We
25 have two on order for this year. We'd like to get

1 two more next year. That's something that really
2 benefits us and the horsemen.

3 Let me say, we sat down with John DeLong and
4 Tony Renz and explained our thinking on the
5 substitution items. We answered their questions.
6 I think I can represent that they are on board with
7 what we propose here today. So just a lot of
8 backside type of equipment that we can really use
9 on a day-in and day-out basis. Put our purchase of
10 vehicles on a staggered basis so we're always
11 buying new vehicles every several years rather than
12 every five years. We'll be replacing the ones with
13 the highest mileage on them and wear and tear. I
14 think it will serve us better to put our vehicles
15 on a staggered purchase basis rather than all at
16 one time.

17 That's the reason for our substitution
18 request. We're not looking to save any money for
19 sure. We're looking to spend at least that and
20 more depending on what prices are now. Everything
21 keeps going up. These tractors are getting higher
22 and higher and higher. We're not looking to save
23 any money. We're just trying to purchase equipment
24 that will really help us and help our horsemen.

25 CHAIRMAN BORST: Thank you. Any questions,

1 Staff, Commission Members? Makes sense. You don't
2 want to buy it just to buy it, especially if you
3 don't need it. Seeing no further questions, accept
4 a motion.

5 COMMISSIONER MCCARTY: Motion to approve the
6 Harrah's revised equipment list.

7 COMMISSIONER ESTES: Second.

8 CHAIRMAN BORST: Been moved and seconded.
9 Roll call vote.

10 MR. EGGIMAN: Chairman Borst?

11 CHAIRMAN BORST: Aye.

12 MR. EGGIMAN: Commissioner McCarty?

13 COMMISSIONER MCCARTY: Aye.

14 MR. EGGIMAN: Commissioner Estes?

15 COMMISSIONER ESTES: Aye.

16 MR. EGGIMAN: Commissioner Levengood?

17 COMMISSIONER LEVENGOOD: Aye.

18 CHAIRMAN BORST: It passes unanimously.

19 RICK MOORE: Again, I want to thank you,
20 Mr. Chairman and Commission. Appreciate it very
21 much.

22 CHAIRMAN BORST: Thanks for working with the
23 horsemen and explain what the changes are. That's
24 good.

25 RICK MOORE: Absolutely.

1 CHAIRMAN BORST: Next is review and
2 consideration of Racing Capital Fund Committee
3 expenditures approved and submitted by the Fund
4 committee members. I think Joe is going to handle
5 that one. Any Staff comments first? No, not yet.

6 JOE MORRIS: Good morning, everybody. Joe
7 Morris with Caesars Entertainment Racing. I'll
8 start with the Hoosier side. This is year three of
9 the ten year -- 2023 is the third year of this
10 fund, and it's a ten-year fund. We try to stay two
11 years out to a time. So we're going to ask if we
12 could today for the 2024 vote and then just present
13 our 2025 ideas that we're still running pricing
14 down on.

15 The committee for Hoosier Park is made up of
16 myself, Rick, and John DeLong. Tony Renz is in the
17 meetings also. Ernie Gaskin has been in many of
18 the meetings. We keep their board involved. On
19 the Thoroughbred side it's me, Eric, Joe Davis, and
20 Chris Duke. And Brian Elmore is involved and some
21 others down there.

22 We generally meet with this committee up here.
23 Then we meet for the Thoroughbred and Quarters down
24 below for that smaller committee. And then once or
25 twice a year we bring the whole committee together

1 so everybody can see what's going on as a group and
2 we can discuss other ideas with the whole thing.

3 So for year four, 2024 we have a \$600,000
4 total. WiFi in the barn area requests we're trying
5 to work through. Neither track is WiFi'd very
6 well. LED lights for the stalls. We did the
7 shedrows. And it's just a better lighting system.

8 At Horseshoe we've done them above the stalls.
9 That's how they would like it done up here. It's a
10 little dark in the stalls, not great light. You
11 need to see in the stalls. Overhead barn door
12 openers, that's at the paddock. It gets a little
13 cold at the beginning of the year and end of the
14 year. This would enable us to close those doors
15 and automatically lift them in between races as
16 needed.

17 Radiant heaters for the paddock. We put some
18 of those in last year at the front that the
19 horsemen would like them down at the other doors
20 also to provide better heat in all parts of the
21 year.

22 The fans for the paddock barn, the days we had
23 the real hot weather here, we went out and rented
24 some great big floor round fans. We don't want to
25 rent them. We want to buy them. They really move

1 the air well there. We want to add those in.

2 We also want to also get some tankless water
3 heaters. We do run out of hot water. It's better
4 technology than having the water heaters. They
5 last longer. A couple of our satellite farms have
6 used those and brought that idea up to us. We
7 would like to vote that for next year.

8 For year five, we need some more backside
9 paving. It's been a long time since it's been
10 completely paved. We've done a couple of smaller
11 jobs and some manhole covers around it, more
12 radiant heating for the paddocks to finish that
13 off.

14 And then other big one -- we have a million
15 dollars down for this right now. We're not sure
16 what the price will be. We have a one-of-a-kind
17 waste water system here. I have never seen it in
18 any other backside in America where our waste water
19 goes into a pit. It's pumped into plastic
20 containers. And then we have to empty the plastic
21 containers into the sewer system on a daily basis.

22 It's labor intensive. It's just not a very
23 good system. It works, but it's not as good as it
24 could be. We want to look at plumbing those drains
25 from the wash bays right straight into the city so

1 we do not have to handle those every day. Not
2 looking for a vote on that. We will get the
3 pricing on it and the design, but that's what we're
4 looking at for the second year of our two year.

5 At the end of year five, so if we do the
6 million 330 in year five, we would have spent just
7 under 9 million. And the other thing we would like
8 to do today is of the 25 million in the fund, 12-5
9 was going to Hoosier, and 12-5 was going to
10 Horseshoe. When we started the whole committee
11 decided let's put \$3 million in the middle we call
12 it. So there was 11 for Hoosier, 11 for Horseshoe,
13 and we put three into the middle to decide what to
14 do with.

15 The full board has voted now. And we would
16 like to move that 3 million, a million five to
17 Horseshoe and a million five to Hoosier so that we
18 go back to the original 12-5 on both sides. If we
19 do that after year five, the last five years for
20 Hoosier, we would have 3,562,000, which is 712,000
21 a year for the last five years. That's the Hoosier
22 side.

23 CHAIRMAN BORST: We vote on all this at once,
24 correct?

25 MR. ROTHENBERG: Yes, Chairman.

1 CHAIRMAN BORST: Go ahead.

2 JOE MORRIS: Now, on the Horseshoe side, on
3 year four, we voted \$2.3 million through for year
4 four. Since then for this meeting after
5 discussions with the director, we pulled a project
6 we called the Backside Community Center from that
7 list. It's been voted as unanimously to be
8 considered. We don't want to consider it for this
9 meeting. We want to look at a couple of other
10 things before we bring that back. So we've moved
11 that to the side.

12 So that would make year four a million dollar
13 ask. Eight hundred thousand of that is a new video
14 board. We had previously approved 350,000. And
15 this is a state of the art system board out there.
16 It's a 10-millimeter board in the middle, 10
17 millimeter wings. We would end up getting rid of
18 the old tote board that we have. The video board
19 there itself is at least a decade old, if not
20 older. Can't get parts for it anymore. And
21 starting to get the little squares that you can see
22 nothing in.

23 We would like to go with this new board. It
24 is state of the art and would keep the presentation
25 the industry has really grown to expect out of

1 Horseshoe. That's a track that -- this our fourth
2 season there. If you go back to the first season
3 we have over doubled the handle there, not
4 including the international handle. We'd like to
5 go with this board. You see this down at the
6 Fairgrounds. They have put that in last year. We
7 think it's important to go with that for our
8 presentation.

9 Surveillance cameras on the back stretch is
10 30,000. Barn 7 is our Quarter Horse barn. We never
11 winterized that. So the Quarter Horse guys haven't
12 been there in the winter. They leave. We would
13 like to winterize that barn. We have 150,000 in
14 for that. We've been working with Chris Duke.
15 That area is his day job. He knows a lot about
16 construction and building. So he's been very
17 helpful in a number of our projects. But we put
18 150 in for that. We think it will probably come
19 under.

20 If we have that million in, and then next year
21 we would do more with the outdoor surveillance
22 cameras and footing with the community center in,
23 if that is granted at a future meeting, we would
24 have 425,000 a year for our last five years. With
25 that out, we would have 684,000 a year for our last

1 five years.

2 So you remember at Horseshoe we thought, and
3 we still think -- we actually if we had to vote it
4 again day, I think we would vote it again today.
5 We needed those 105 stalls we built. We needed
6 those dorm rooms we built. We needed the
7 Eurociser. We front loaded it to be able to, I
8 call it, control our own destiny a little bit more
9 by having those extra stalls so we could get more
10 runners per race and more races on, which we've
11 done both of.

12 In recap, we would like to vote year four for
13 both properties.

14 CHAIRMAN BORST: Any staff comments,
15 questions?

16 MR. ROTHENBERG: No, Chairman.

17 CHAIRMAN BORST: I'm glad you went to those
18 running totals because I get a little worried.
19 Next year is year four, and we're running out.
20 Where are we on the cameras in the stalls?

21 JOE MORRIS: I brought the proposal. It's
22 right up there. I can drop that off with you
23 today. That proposal came in at \$3.8 million. It
24 might be the most comprehensive proposal I've ever
25 seen. It really lays it out, three stages but

1 stage by stage by stage including the back end room
2 that we have to create and run the fiber to and
3 then the outdoor cameras, the indoor cameras, the
4 DVRs.

5 I've got the proposal, and I will drop it
6 offer with the director today so you can study it.
7 I'm happy to have our, two of our internal people
8 at Horseshoe ran that project down for us. I'm
9 happy to set up a side meeting for them to go into
10 more detail.

11 CHAIRMAN BORST: That can be done in stages?

12 JOE MORRIS: There's three phases the way they
13 did it, but without the three phases, you don't
14 have the system.

15 CHAIRMAN BORST: I didn't know if you could
16 do -- because we're running out of money. To me
17 that's probably one the most important projects
18 there could possibly be out of all this money.
19 We're running out of it. So we may have to think
20 that through.

21 JOE MORRIS: The fund, as I think everybody
22 knows, at the end of ten years, there's another
23 25 million that goes in for another ten years.

24 CHAIRMAN BORST: We've got six more years to
25 get to that.

1 JOE MORRIS: We have six more years to get
2 there. But as I said, we've got the proposal. We
3 can drop it to staff.

4 CHAIRMAN BORST: It would be interesting to
5 see. I wish there was a way we could cobble this
6 and this and this together to get what it takes. I
7 don't know if still needs to be value engineered or
8 may be some way to do a little less.

9 JOE MORRIS: In the meantime we'll be doing
10 the 30,000 a year. So we have 90 saved up that's
11 been approved. And we have the first ideas of
12 where we'll put that. I got that today. I will
13 share that with staff also.

14 It starts in the building that has the
15 Commission in it, the racing office in it, the
16 track kitchen in it to get that some coverage and
17 then areas out in the barn. Mostly outdoor areas
18 around dorms, around some maintenance areas where
19 we can catch different angles that are just black
20 spots. There's no coverage at all.

21 CHAIRMAN BORST: I hope we keep that in the
22 forefront because that technology is pretty
23 valuable and can be used to keep things honest.
24 Okay. I guess no further questions.

25 COMMISSIONER LEVENGOOD: I have a question.

1 CHAIRMAN BORST: Yeah.

2 COMMISSIONER LEVENGOOD: Under your WiFi, do
3 you get 5G coverage? Have you talked to the
4 carriers and what's happening in your backside as
5 it relates to their coverage?

6 JOE MORRIS: I would have to defer that to one
7 of our IT people. And I don't think there's any
8 there, but I'm happy to report back on that.

9 COMMISSIONER LEVENGOOD: Could you.

10 JOE MORRIS: I know on my own phone some
11 really bad, no coverage areas.

12 COMMISSIONER LEVENGOOD: The issue is
13 sometimes you just have to bring it to their
14 attention and get the right call to the right
15 person and all of a sudden you've got more than you
16 had before.

17 JOE MORRIS: We'll get Gene Ciscell. He's our
18 director.

19 COMMISSIONER LEVENGOOD: Speaking from
20 experience.

21 JOE MORRIS: There's Gene right there.

22 CHAIRMAN BORST: He heard his name so he
23 showed up.

24 GENE CISCELL: Hello. Gene Ciscell, regional
25 director IT for Caesars Entertainment. So the

1 question around 5G and WiFi, this WiFi project with
2 access points and fiberoptics are with a limited
3 scope. We are just doing a few of the common
4 areas, but it would allow you to have your computer
5 and phone. As far as 5G goes, I'm not sure if we
6 have any 5G towers that feed that area. You can
7 always do, like, a DAB with your own 5G. And
8 you're talking about hundreds of thousands of
9 dollars for that.

10 We would have to check with Verizon, AT&T and
11 see where the 5G tower is. I haven't seen the
12 towers go up on that road on that backside.
13 Usually 5G is a smaller tower. I haven't seen
14 anything going up.

15 COMMISSIONER LEVENGOOD: I guess I would urge
16 you to do that, contact them. To some extent you
17 may actually -- in our case it was a revenue
18 source. But since you're not getting good coverage
19 and you're looking for that, you may be able to
20 deal with a trade-off. I'm just asking you to
21 press you on that.

22 GENE CISCELL: Sure. We get good cell phone
23 coverage, but there's no data and WiFi back there.
24 So people don't want to use their cell phone
25 coverage data. They don't have any connection.

1 COMMISSIONER LEVENGOOD: You know you're
2 sharing the WiFi system.

3 GENE CISCELL: I know what you're saying.
4 This is more for the computer and phone so they
5 don't have to use their cell service. There is
6 technology of 5G, and the carriers aren't doing it.
7 There's not many carriers that used to do it years
8 ago. It's a very hard sell now to get the carriers
9 to jump on to the 5G data. We've had some success
10 with that with some of our larger properties.

11 COMMISSIONER LEVENGOOD: I'd urge you to push.
12 Two -- I'm done with you. Back to the plumbing,
13 there had to be -- you can go back to the original
14 design and/or the programming to understand why
15 they did that. That would be important. Clearly,
16 was there a code issue? I don't know. Before I
17 would want to vote, I would want to hear all that
18 on the side or up front because there was a reason
19 for it to be done.

20 Then at the end of the day, all of these, are
21 you building in a contingency? Are you putting in
22 a 5, 10 percent contingency in your budget or not?

23 JOE MORRIS: On the 25, those are rough
24 numbers estimates. So we haven't taken those out
25 to bid yet. The other ones are generally bid, and

1 we try to get two or three bids for each and then
2 pick the one that fits us.

3 COMMISSIONER LEVENGOOD: Once you issue the
4 bid, do you yourself? An owners contingency is
5 what I'm looking for.

6 JOE MORRIS: No.

7 COMMISSIONER LEVENGOOD: Thank you.

8 CHAIRMAN BORST: Thank you, Joe. No more
9 questions, Commission members? I will accept a
10 motion on the consideration and approval of the
11 Racing Capital Fund Committee expenditures.

12 COMMISSIONER ESTES: I move approval.

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: Commissioner McCarty?

19 COMMISSIONER MCCARTY: Aye.

20 MR. EGGIMAN: Commissioner Estes?

21 COMMISSIONER ESTES: Aye.

22 MR. EGGIMAN: Commissioner Levengood?

23 COMMISSIONER LEVENGOOD: Aye.

24 CHAIRMAN BORST: Passes unanimously. Next on
25 the agenda is ratification of the Executive

1 Director's interim approval of Premier Turf Club,
2 LLC operating as PointsBet Racing updated
3 application due to acquisition, and now it's
4 operating as Fanatics. It's amazing how all these
5 are merging together. Matt, do you want to take
6 that one?

7 MR. EGGIMAN: I can, yes. Thank you, Chairman
8 Borst.

9 Because this acquisition by Fanatics
10 represents a material change to the ADW SPMO
11 license application of Premier Turf Club, it does
12 require Commission approval. Based on the
13 delegation of authority to approve race matters
14 that was given to Executive Director Pitman back in
15 the June meeting, Executive Director Pitman did
16 give PointsBet acquisition by Fanatics interim
17 approval on September 1, 2023.

18 I will say that the authority in these ADW and
19 SPMO sites, the Oregon Racing Commission, they do
20 yearly audits of them. So any real change to a hub
21 license if their commission approves it, then that
22 tends to get the recommendation from Commission
23 Staff. So they had approved that back in July.

24 At this time, Commission Staff would
25 respectfully request affirmation of the interim

1 approval of Executive Director Pitman's approval of
2 Premier Turf Club's request.

3 CHAIRMAN BORST: Any Commission Member
4 questions? If not, accept a motion.

5 COMMISSIONER ESTES: So moved.

6 COMMISSIONER LEVENGOOD: Second.

7 CHAIRMAN BORST: Been moved and seconded. Go
8 to roll call vote.

9 MR. EGGIMAN: Chairman Borst?

10 CHAIRMAN BORST: Aye.

11 MR. EGGIMAN: Commissioner McCarty?

12 COMMISSIONER MCCARTY: Aye.

13 MR. EGGIMAN: Commissioner Estes?

14 COMMISSIONER ESTES: Aye.

15 MR. EGGIMAN: Commissioner Levengood?

16 COMMISSIONER LEVENGOOD: Aye.

17 CHAIRMAN BORST: It passes unanimously. Next
18 is ratification of Executive Director's interim
19 approval of NYRA Bets, LLC updated application
20 transitioning from Amtote to United Tote.

21 MR. EGGIMAN: Yes. Thank you, Mr. Chairman.
22 Sort of the same speech as the previous one. This
23 switch represents a material change to NYRA Bets
24 license application. Again, Oregon Racing
25 Commission approved the transition from Amtote to

1 United Tote. So on September 6th of 2023,
2 Executive Director Pitman had given NYRA Bets
3 interim approval for that change.

4 At this time, Commission Staff respectfully
5 requests the Commission affirm the interim approval
6 of NYRA Bets petition.

7 CHAIRMAN BORST: Thank you. Any Commissioner
8 questions? Seeing none, accept a motion.

9 COMMISSIONER ESTES: So moved.

10 COMMISSIONER MCCARTY: Second.

11 CHAIRMAN BORST: Been moved and seconded.

12 Roll call vote.

13 MR. EGGIMAN: Chairman Borst?

14 CHAIRMAN BORST: Aye.

15 MR. EGGIMAN: Commissioner McCarty?

16 COMMISSIONER MCCARTY: Aye.

17 MR. EGGIMAN: Commissioner Estes?

18 COMMISSIONER ESTES: Aye.

19 MR. EGGIMAN: Commissioner Levengood?

20 COMMISSIONER LEVENGOOD: Aye.

21 CHAIRMAN BORST: Next is review and
22 consideration of Notice of Tenth Subsequent Term
23 pertaining to the Initial Distribution Agreement.
24 So we'll keep it going. Matt.

25 MR. EGGIMAN: The Senate Rule Act 609

1 committee came together to negotiate what
2 percentage of slot revenue would be allocated to
3 the horse racing industry. The initial agreement
4 was in 2013. It had a provision that if no party
5 objects, it will automatically renew for the
6 subsequent year. Since we received no notice of
7 nonrenewal that's been received by any of the
8 parties by the deadline of September 1, 2023, the
9 automatic renewal will occur on January 1st of
10 2024.

11 The agreement will be in effect for one more
12 year. And the horse racing industry will receive
13 12 percent of racinos adjusted gross receipts.
14 Additionally, Caesars agreed to continue to
15 dedicate 12 percent of AGR of horse racing through
16 2033 with a subsequent ten-year renewal of the
17 covenant through 2044 subject to Commission
18 approval.

19 At this time, Commission Staff respectfully
20 requests approval of the tenth subsequent renewal
21 of the distribution agreement.

22 CHAIRMAN BORST: Thank you. Any Commissioner
23 questions? Hard to believe we're at ten now.
24 Seeing none, we will accept a motion.

25 COMMISSIONER ESTES: So moved.

1 COMMISSIONER MCCARTY: Second.

2 CHAIRMAN BORST: Thank you. Been moved and
3 seconded. Roll call vote.

4 MR. EGGIMAN: Chairman Borst?

5 CHAIRMAN BORST: Aye.

6 MR. EGGIMAN: Commissioner McCarty?

7 COMMISSIONER MCCARTY: Aye.

8 MR. EGGIMAN: Commissioner Estes?

9 COMMISSIONER ESTES: Aye.

10 MR. EGGIMAN: Commissioner Levengood?

11 COMMISSIONER LEVENGOOD: Aye.

12 CHAIRMAN BORST: Passes unanimously. Next is
13 ratification of change of track personnel for a
14 backup identifier. Matt?

15 MR. EGGIMAN: I can take that. Based on
16 delegation of authority to approve 2023 race
17 matters prior to the next commission meeting was
18 given to Executive Director Pitman at the last
19 meeting in June, on August 6th of 2023, Executive
20 Director Pitman gave Harrah's Hoosier Park interim
21 approval for Mackenzie Ainsworth to serve as a
22 backup identifier in the event there's an emergency
23 need to fill that position.

24 Commission staff at this time respectfully
25 requests Commission affirm the interim approval of

1 this person as the backup identifier.

2 CHAIRMAN BORST: Any Commission questions?

3 Seeing none, accept a motion.

4 COMMISSIONER MCCARTY: So moved.

5 COMMISSIONER ESTES: Second.

6 CHAIRMAN BORST: Different combination. Been
7 moved and seconded. Roll call vote.

8 MR. EGGIMAN: Chairman Borst?

9 CHAIRMAN BORST: Aye.

10 MR. EGGIMAN: Commissioner McCarty?

11 COMMISSIONER MCCARTY: Aye.

12 MR. EGGIMAN: Commissioner Estes?

13 COMMISSIONER ESTES: Aye.

14 MR. EGGIMAN: Commissioner Levensgood?

15 COMMISSIONER LEVENGOOD: Aye.

16 CHAIRMAN BORST: Passes unanimously. Next is
17 the review of Commission rulings. No votes needed
18 just if you have any questions. There's quite a
19 few throughout the summer. Any Commissioner have a
20 question about anything?

21 If not, we'll move on to review of changes to
22 regulatory rule procedure. David is going to take
23 that one.

24 MR. ROTHENBERG: Thank you, Chairman. I just
25 want to spend a minute or two outlining to the

1 Commission, as well as the associations and the
2 general audience the effects of House Bill 1623,
3 which has to do with administrative law. There are
4 many things contained in this enrolled act, but it
5 really impacts our Commission in two ways. The
6 first way is procedural changes to the rulemaking.
7 Up until this point, we have had the ability to
8 pass emergency rules and have them never expire.
9 That was at statute.

10 So our procedure was always to put a rule out
11 there that we were going to pass, get comments from
12 the public and just vote on it at the Commission
13 meeting. It then becomes a rule, regulation, and
14 it never expired. That 1623 has curtailed that
15 ability.

16 Now we will be passing rules in accordance
17 with the regular rulemaking promulgation process.
18 Some rules can take between nine months to a year
19 to pass because of a lot of different things we
20 have to do procedure wise.

21 There is an ability to pass what they call an
22 interim rule, which is like an emergency rule that
23 would last 180 days, and then it would go away. So
24 no longer will we be able to pass the emergency
25 rules in the ways that we did before.

1 I don't think that anything will change as far
2 as the Commission or the general public or the
3 associations because we always did a good job of
4 circulating those to begin with before we passed
5 them as emergency rules. So a lot of this is
6 internal things we have to do as Commission Staff.

7 The second part is a requirement listing, a
8 requirement for us to list all of our fees and
9 fines in regulation in the Indiana Administrative
10 Code. So we are going to be passing, or we are
11 going to be promulgating a rule or two rules
12 actually; one for fees, one for fines, that
13 outlines those.

14 So there are no changes in fees or fines.
15 It's going to be as they have always been. It's
16 just now going to be down on paper. For instance,
17 I don't know, maybe to get a replacement badge,
18 let's say, \$5. That's not listed anywhere, but now
19 it's required to be listed. That's going to be
20 inserted into our rules.

21 So you will be seeing that in the near future.
22 Probably three or four months from now, we will be
23 putting that through. So those are the two big
24 differences that House Bill 1623 has affected us.

25 Also, not the same part of the bill but there

1 was another bill that requires any public hearings
2 to be streamed and/or recorded. So I think we're
3 doing that today sort of as a test run and probably
4 being streamed I think on our YouTube channel.

5 EXECUTIVE DIRECTOR PITMAN: Might be theirs
6 for now.

7 MR. ROTHENBERG: Yeah, it might be theirs.
8 Again, we are not at the deadline where it's
9 statutorily required, but I think we want a few
10 Commission meetings to test it out to make sure
11 it's working correctly.

12 COMMISSIONER LEVENGOOD: Do you have to give
13 the public notice of where it is located?

14 MR. ROTHENBERG: It will be listed on the
15 website so yes.

16 COMMISSIONER LEVENGOOD: Where it will be
17 streaming?

18 EXECUTIVE DIRECTOR PITMAN: Yes.

19 MR. ROTHENBERG: Yes.

20 COMMISSIONER LEVENGOOD: Will the fees and
21 fines also be on the website?

22 EXECUTIVE DIRECTOR PITMAN: Our license types
23 and fines are out there right now. We currently
24 have a place on our website where the license fees
25 are posted. And once we get the other fees put

1 together, then they will go in the same area on the
2 website.

3 COMMISSIONER LEVENGOOD: And you'll create a
4 place for fines also to be on your website?

5 EXECUTIVE DIRECTOR PITMAN: Yes.

6 MR. ROTHENBERG: It won't only be on the
7 website but in the actual administrative rules.
8 That's really what this requirement is.

9 COMMISSIONER LEVENGOOD: Are the rules
10 available to the public on the website?

11 MR. ROTHENBERG: The link to the rules are
12 available. The official rules are on the Indiana
13 Register.

14 COMMISSIONER LEVENGOOD: That's really the
15 spirit of 1623.

16 MR. ROTHENBERG: Yeah. That's really all. If
17 you have any questions over any of that.

18 EXECUTIVE DIRECTOR PITMAN: David, I just want
19 to make sure that the horsemen understand that what
20 we might have been able to do in the past as our
21 using our emergency rulemaking authority we no
22 longer can, which means that any proposed rules
23 will take that long whether it's six months, nine
24 months, or 12 months to get through unlike what we
25 had. I just want to make sure everybody is clear

1 on that.

2 CHAIRMAN BORST: You mention an internal rule
3 though.

4 MR. ROTHENBERG: An interim rule, which that
5 requires 30 days of public comments, and then the
6 rule can be passed. And it's only good for 180
7 days, which might not last a whole meet. Usually
8 those rules go into place while you're promulgating
9 the actual rule so that there's something in place.

10 COMMISSIONER LEVENGOOD: Do you have two bites
11 at the apple with two 180s or once?

12 MR. ROTHENBERG: I think it's once.

13 CHAIRMAN BORST: It's going to take a lot of
14 work and time obviously over the years to get them
15 all done. We'll just take them off a little at a
16 time, I guess.

17 Next then on the -- any other questions on?
18 That's going to be a complicated one, but David
19 will oversimplify it for us hopefully.

20 Next is everybody's favorite subject, review
21 of changes to the regulatory rule, no, HISA update.
22 Everybody's favorite HISA.

23 MR. EGGIMAN: Thank you, Chairman Borst. I'll
24 just give a quick update here. We'll start with
25 the anti-doping and medication control program and

1 some of the testing that's gone on. We are
2 four-plus months into the promulgation of the
3 anti-doping and medications control rules for HISA
4 and HIWU, which is the medication offshoot of HISA.

5 As of near the end of September, HIWU had
6 tested in the US, total in the US, they tested over
7 30,000 horses. In Indiana HIWU has tested
8 approximately 900 post-race samples so far and
9 approximately 40 out of competition and 70 on the
10 vet's list.

11 Compare that in 2022, the IHRC total for the
12 entire meet had tested roughly 1400 horses post
13 race. So it's fairly comparable to the number of
14 post-race tests. It seems like there are several
15 more what are called specials that are being tested
16 by HIWU. So that would be -- and Dr. Peterson can
17 correct me if I'm wrong. Those are race days but
18 not necessarily the winner, right. So it's
19 somebody who the stewards consider to be a test
20 based on for a special reason. Right.

21 So HIWU tends to be doing more of those than
22 we've done in the past. Last year we had nine
23 positive tests for Thoroughbreds amongst those 1400
24 tests. So far, HIWU has four positives of the
25 testing that they've done. Three of those were for

1 banned substances, and one of those was for a
2 controlled substance.

3 Now as far as in totals in the US, I don't
4 know how many positives they've had, but I do know
5 sanctions have ranged anywhere nationally from a
6 small fine and penalty points, right, that would
7 accrue to the biggest I've seen so far has been 12
8 year, I guess, suspension and \$100,000 penalty for
9 I think that was several banned substances that
10 were found in several horses.

11 It seems to be that sort of the going rate for
12 a banned substance is a year and a half suspension
13 per violation and a \$12,500 fine. In Indiana, and
14 I know this was covered in the last meeting by Dr.
15 Peterson, we have the same primary lab that we used
16 for HIWU, Industrial Laboratories that we used in
17 the past.

18 And HIWU has announced that they will publish
19 an end of the year report for all of their testing
20 in 2023 that will detail and break down the numbers
21 of tests by state. Next year they say they hope to
22 do that quarterly.

23 It's been a little difficult for us to get
24 numbers from them. We kind of had to do our own
25 math on testing, but they have announced that they

1 are going to try to do quarterly reports for us.

2 We do see now here in the last month or so to
3 get test clearances and results a little bit faster
4 from HIWU and HISA than we had earlier in the year.
5 So they seem to be getting a little bit better
6 about that so we can pay purses more timely.

7 Regarding the voluntary agreement, the
8 deadline to extend the 2023 agreement for 2024 is
9 November 30th. Basically that would occur by
10 written, in writing amongst HISA, HIWU, and the
11 IHRC. Commission Staff will be spending the next
12 several weeks going over the agreement with a fine
13 tooth comb to see what went well, what did not, and
14 what can be adjusted or amended in the agreement to
15 ensure that horse racing in Indiana will continue
16 to be conducted with the highest level of standards
17 and the greatest level of integrity.

18 Finally, just a quick update on the litigation
19 that's out there challenging the constitutionality
20 of HISA. I think originally we had five cases.
21 One of those -- two of those got consolidated into
22 one. One was dismissed by all parties so we're
23 down to three. And one of them actually, a Fifth
24 Circuit case, ironically has oral argument today in
25 front of the Fifth Circuit Court of Appeals on the

1 plaintiff's appeal where the circuit court found
2 that HISA was indeed constitutional.

3 CHAIRMAN BORST: Okay. Any questions out of
4 all that? Essentially, we're getting the same
5 results slower and spending more money. Makes a
6 lot of sense.

7 BRIAN ELMORE: Mr. Chairman, may I ask a
8 question?

9 CHAIRMAN BORST: Yes, sir. Brian.

10 BRIAN ELMORE: I'll speak loud enough. Matt
11 or maybe Deena, can you tell me who determines the
12 specials, orders the specials or the
13 out-of-competition testing?

14 EXECUTIVE DIRECTOR PITMAN: HISA personnel.

15 BRIAN ELMORE: HISA personnel. Thank you.

16 CHAIRMAN BORST: Okay.

17 EXECUTIVE DIRECTOR PITMAN: I did want to
18 bring up one conversation that we've not had this
19 year is related to the assessment fees. First off,
20 Brian, I don't know if you've heard anything. I
21 have not heard anything from anyone regarding the
22 upcoming assessment. Have you seen anything?

23 BRIAN ELMORE: Not in formal writing. I know
24 there may be a track or two dropping out, which may
25 make everybody have to pay more besides the

1 potential increase, but, no, I don't know.

2 EXECUTIVE DIRECTOR PITMAN: I haven't seen
3 anything either. Just to remind people, the
4 assessment for this year came in at 1.8 million.
5 And then there was a true-up of 23,000. And then
6 HIWU credits that HISA credited Indiana of 450,000.
7 That particular credit was given to us because we
8 continued to use our test barn staff. So at the
9 end of the day, the net assessment was 1.389.

10 So last year we split the HISA assessment
11 almost in thirds between the Commission -- because
12 we were paying the drug testing already anyway --
13 between what the Commission contributed and what
14 came from the racetrack and from the horsemen.

15 So this year, I just want to put it out
16 there -- and whether or not the Commission wants to
17 take a vote on it is up to you guys. But we would
18 probably have the same ability to split it. It
19 wouldn't be quite as much as in a third, but we
20 could come up with the money that we had set aside
21 for drug testing for 2023 in addition to what we
22 have paid for veterinarian coverage -- which that's
23 not included anywhere. It's out of our pocket --
24 and other available funds to, you know, give
25 approximately 389,000 as our contribution for this

1 year if the Commission is wanting to do that. We
2 can certainly go back and look at more numbers if
3 you would like for us to do that.

4 CHAIRMAN BORST: I think we ought to pursue
5 it. Let's get the numbers first and maybe see what
6 our numbers end up being and the credits. The
7 credits of 450,000 is that for the whole year?

8 EXECUTIVE DIRECTOR PITMAN: That's for the
9 year.

10 CHAIRMAN BORST: The year's not over yet.

11 EXECUTIVE DIRECTOR PITMAN: It's not. So what
12 will happen is there will be a true-up that will
13 come with the new assessment which will decrease
14 next year's assessment.

15 CHAIRMAN BORST: Let's work on the numbers and
16 maybe you guys can somehow figure out what it might
17 be going up. Surely there's a rumor somewhere that
18 it's going to go up 10 percent, 20, or whatever,
19 and we can look at it. I think we ought to look at
20 the numbers. If we can help out, I think we
21 should.

22 EXECUTIVE DIRECTOR PITMAN: Matt, is there a
23 set timeline when they're required to get
24 assessments out?

25 MR. EGGIMAN: There is. I think it's

1 November. I just don't know which, first or third.

2 EXECUTIVE DIRECTOR PITMAN: I thought it was
3 November 1, but I may be incorrect.

4 CHAIRMAN BORST: November. Let's look into
5 all that and see if we can do it. Do we have my
6 old business? Do you have any new business?

7 MR. ROTHENBERG: We do have one matter.

8 CHAIRMAN BORST: Okay.

9 MR. ROTHENBERG: Commissioners, each year
10 there are matters that arise during the race meet
11 that require quick turnaround and quick decision
12 making. Because the Commission may not meet often
13 enough to take these immediate matters and handle
14 these immediate matters, Commission Staff routinely
15 requests that the Commission delegate authority to
16 the Executive Director to handle matters that arise
17 between Commission meetings. Pursuant to 71
18 IAC2-2-1, the Commission may delegate authority to
19 the Executive Director to implement and execute the
20 duty of regulating each race meet and persons
21 participating in each meeting.

22 At this time, the Commission Staff
23 respectfully requests delegation of authority to
24 Executive Director Pitman to make race meet
25 decisions as required which cannot be delayed until

1 the next Commission meeting.

2 CHAIRMAN BORST: That's a long way of saying.
3 I guess that's the legal attorney way. Basically
4 we will have a motion hopefully to give Deena
5 emergency powers to rule on things that need to be
6 done, and we'll go ahead and affirm them the next
7 meeting.

8 COMMISSIONER ESTES: I would make that motion.

9 COMMISSIONER MCCARTY: Second.

10 CHAIRMAN BORST: Been moved and seconded. I
11 guess another roll call vote.

12 MR. EGGIMAN: Chairman Borst?

13 CHAIRMAN BORST: Aye.

14 MR. EGGIMAN: Commissioner McCarty?

15 COMMISSIONER MCCARTY: Aye.

16 MR. EGGIMAN: Commissioner Estes?

17 COMMISSIONER ESTES: Aye.

18 MR. EGGIMAN: Commissioner Levengood?

19 COMMISSIONER LEVENGOOD: Aye.

20 CHAIRMAN BORST: Passes unanimously so use it
21 judiciously. You will. I believe that's the end
22 of our meeting. Again, thank you to Caesars and
23 Hoosier Park and Joe and Rick for this nice setup
24 here. It really is nice. How about a motion to
25 adjourn.

1 COMMISSIONER ESTES: So moved.

2 COMMISSIONER MCCARTY: I move to adjourn.

3 CHAIRMAN BORST: We've got a lot of movement
4 there. I think we're adjourned. Thank you all for
5 coming today and participating.

6

7 (The Indiana Horse Racing Commission meeting
8 adjourned at 12:27 p.m.)

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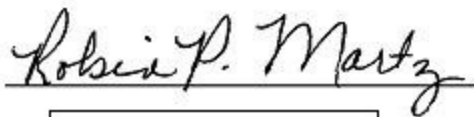
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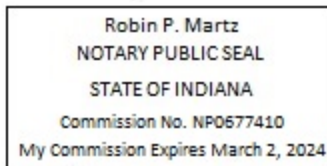
1 STATE OF INDIANA
2 COUNTY OF JOHNSON
3

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

11 I do further certify that I am a disinterested
12 person in this; that I am not a relative of the
13 attorneys for any of the parties.

14 IN WITNESS WHEREOF, I have hereunto set my
15 hand and affixed my notarial seal this 18th day of
16 October, 2023.

17
18 



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

23 Job No. 185197
24
25

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