

Memorandum of the Regular Meeting of the
Indiana Horse Racing Commission

October 4, 2023

Harrah's Hoosier Park Racing & Casino
4500 Dan Patch Circle,
Anderson, IN 46013

Commission members present: Philip C. Borst, Chairman; William McCarty, member; Bill Estes, member; and Gus Levengood, member.

Commission members absent: George Pillow, member.

Commission Staff members present: Deena Pitman, IHRC Executive Director; David Rothenberg, IHRC General Counsel; Matt Eggiman, IHRC Deputy General Counsel; Jessica Barnes, IHRC Breed Development Director; Wendi Samuelson-Dull, IHRC Chief Financial Officer; Dr. Kerry Peterson, IHRC Equine Medical Director; Tom Linkmeyer, IHRC Assistant Executive Director; Mike Morris, IHRC Director of Investigations.

Speakers from the audience: Brian Elmore, Executive Director of IHBPA; Chris Duke, President of the Quarter Horse Association of Indiana; Pat McGhee, President of the Quarter Horse Racing Association of Indiana; Tony Renz, Executive Director of ISA; Rick Moore, VP and GM of Racing Harrah's Hoosier Park; Eric Halstrom, Vice President and General Manager of Racing at Horseshoe Indianapolis; Joe Morris, Senior Vice President for Ceasars Entertainment; Gene Ciscell, Regional Director IT for Ceasars Entertainment.

I. Call to Order

Chairman Borst called the meeting to order at approximately 10:47 a.m. A quorum was present.

II. Approval of the meeting memorandum and executive session memorandum from the June 22nd, 2023, Commission meeting.

Chairman Borst asked for a motion for approval of the meeting memorandum and executive session memorandum from the June 22nd, 2023, Commission Meeting. The roll call vote was unanimous 4-0 for approval. See IHRC Transcript 10/4/2023 at <https://www.in.gov/hrc/>

III. Agenda

Note: All items on the agenda were transcribed by a court reporter from Stewart Richardson. Transcripts are available at www.in.gov/hrc.

1. Consideration of the ALJ's Recommended Order Dismissing the matter of Brad Cox v. IHRC Staff.

Mr. Rothenberg briefly reviewed the recommended non-final order issued by OALP with the commission, stating that no objections had been filed in this matter and that under IC 4-21.56-3-29(c), the commission was obligated to approve this recommendation.

No questions were asked by the commission. Commissioner Estes moved to accept the recommendation with Commissioner Levengood seconding the movement.

Chairman Borst called for a vote and the recommendation was adopted with a vote of 4-0. *See* IHRC Transcript 10/4/2023 at <https://www.in.gov/hrc/>.

2. Consideration of the ALJ's Recommended Order in the matter of Jamal Williams v. IHRC Staff.

Mr. Rothenberg stated that objections had been filed on the recommendation by the ALJ and the parties needed additional time to brief the matters. This agenda item was moved to the November 30th, 2023, meeting. *See* IHRC Transcript 10/4/2023 at <https://www.in.gov/hrc/>

3. Hearing on 2024 Renewal Application of the Indiana Horsemen's Benevolent & Protective Association.

Brian Elmore, Executive Director of the Indiana Horsemen's Benevolent & Protective Association ("IHBPA") presented on behalf of the association. Mr. Elmore highlighted the fact that the association reaches out, works with, and has an obligation to assist approximately 3,000 people. Many goods and services are purchased by the horsemen, contributing to the \$2 billion impact horseracing has on the state.

Mr. Elmore also highlighted some of the events they offer those they represent, such as fishing days, free State Fair admission, sponsored ice cream days, discounted fresh produce, as well as free transportation to grocery stores.

As to equine benefits, the IHBPA has contributed \$35,000 to New Vocations, which is the largest racehorse adoption program in the county. They have also donated \$40,000 to the Tri State Thoroughbred Rehab and Re-home, with rehabs and re-homes older racehorses. Other donations include those to the University of Kentucky Equine Research center, the Annual Track Superintendent Convention, and the Permanently Disabled Jock Fund.

Spending has increased from \$617,000 two years ago to \$820,000 in providing benevolence to people in the areas of medical, dental, and eye care.

Upon hearing from no other speakers in the audience, Commissioner Borst requested a vote to approve the application. Commissioner McCarty moved for approval with a second from Commissioner Estes. The roll call vote was unanimous 4-0 for approval. *See* IHRC Transcript 10/4/2023 at <https://www.in.gov/hrc/>

4. Hearing on 2024 Renewal Application of the Quarter Horse Racing Association of Indiana.

Chris Duke, president of the Quarter Horse Racing Association of Indiana (“QHRAI”) presented on behalf of the association.

In 2022, the QHRAI focused on six areas, in which improvement was shown in each. Those areas were 1) grow and promote Quarter Horse racing, breeding, and ownership in Indiana; 2) continue the growth of the stakes program to increase the quality and racing and breeding in Indiana; 3) increase the visibility of Indiana racetracks and outstanding Quarter Horses at the tracks; 4) increase support of charitable industry programs and benevolence for jockeys, horsemen, and members; 5) gain more youth involvement ; and 6) encourage and support second career opportunities for Quarter Horses.

The QHAI has made considerable strides in all of these areas through, for example, reaching a record 227 races with an average of nine starters (one of the highest in the country), growing the stakes program to 58 trials, having the SSA Futurity and the Miss Roxie Litte upgraded to Grade 3 races, and supporting several programs which include Strades to Success and Horse Angels among many others. As to youths, the QHAI hosts educational and action-packed days for youth to attend, giving scholarships away as well.

Upon hearing from no other speakers in the audience, Commissioner Borst requested a vote to approve the application. Commissioner Estes moved for approval with a second from Commissioner Levensgood. The roll call vote was unanimous 4-0 for approval. See IHRC Transcript 10/4/2023 at <https://www.in.gov/hrc/>

5. Hearing on 2024 Renewal Application of the Indiana Thoroughbred Owners and Breeders Association.

Pat McGhee, president of the Indiana Thoroughbred Owners and Breeders Association (“ITOBA”) presented on behalf of his organization.

The initial mission for ITOBA has never changed which is to represent and promote the men and women in Indiana who are involved in the Thoroughbred industry as breeders and owners.

To that point, ITOBA has revitalized, expanded, and rejuvenated its position in the equine marketplace through social media at the new ITOBA.com website. ITOBA has been using social media to promote the ITOBA mix sale in partnership with KP Media. The use of various social media outlets has increased the reach to the general population.

ITOBA has made some changes to benefit its constituency, including capping entry into

the October sale at 80 yearlings, instituting a paddock sale to immediately follow the yearling sale, and the addition of an online platform for the sale of weanlings, baby horses, and brood mares.

This year's Champions Day on Saturday, October 28th, will feature both Thoroughbred and Quarter Horses, and will be an amazing day at Horseshoe.

Upon hearing from no other speakers in the audience, Commissioner Borst requested a vote to approve the application. Commissioner Estes moved for approval with a second from Commissioner McCary. The roll call vote was unanimous 4-0 for approval. See IHRC Transcript 10/4/2023 at <https://www.in.gov/hrc/>

6. Hearing on 2024 Renewal Application of the Indiana Standardbred Association.

Tony Renz, executive director for the Indiana Standardbred association ("ISA") presented on behalf of the association. Mr. Renz introduced ISA president John DeLong, ISA director Randy Hatton, and legal counsel Roger Young.

The ISA membership presently has over 800 paid members and represents over 3,000 people associated with Standardbred racing in Indiana. Membership includes dental and optical insurance, accidental insurance for drivers and trainers that participate in the county fair circuit, race bike and jog cart insurance, eligibility to the ISA Elite Series, and an ISA magazine subscription. Many other benefits come with membership as well. Regardless of membership, the ISA provides for spiritual counseling on the backside to everyone.

County fair racing took place at nine different sites this year, with most of them livestreamed by a professional videographer. Additionally, the ISA prints complementary programs for all the fair races.

ISA has partnered with Hoosier Park in several ways to promote racing, including an Owners Night, a Breeders Night, monthly Family Nights, and a Fright Night, just before Halloween. A bowling party, a golf outing, and free meals to those on the backside are among other events offered this year. The ISA helped to celebrate outstanding handle days by partnering with the track to provide free food to the backside.

This year the Breeder's Crown will take place at the track, with the ISA helping to secure sponsorships for the event, currently raising \$330,000 of which \$152,500 will go back to the horsemen's purse account. The Breeder's Crown also looks to raise over \$200,000 for various charities tied to the races.

The ISA looks forward to working with the commission and track to grow, promote, protect and better the Indiana equine program in 2024.

Upon hearing from no other speakers in the audience, Commissioner Borst requested a vote to approve the application. Commissioner Estes moved for approval with a second from Commissioner Levengood. The roll call vote was unanimous 4-0 for approval. *See* IHRC Transcript 10/4/2023 at <https://www.in.gov/hrc/>

7. Approval of 2024 Harrah's Hoosier Park race dates.

Rick Moore outlined the proposed race dates for 2024, which were derived through cooperation between the track and the ISA. There will be 160 racing dates.

Commissioner Borst requested a vote to approve the dates. Commissioner Estes moved for approval with a second from Commissioner McCarty. The roll call vote was unanimous 4-0 for approval. *See* IHRC Transcript 10/4/2023 at <https://www.in.gov/hrc/>

8. Approval of 2024 Horseshoe Indianapolis race dates.

Eric Holstrom outlined the proposed race dates for 2024, which were derived through cooperation between the track, the HPBA and the QHAI. There will be 124 racing dates, including an "Eclipse Day".

Commissioner Borst requested a vote to approve the dates. Commissioner Estes moved for approval with a second from Commissioner Levengood. The roll call vote was unanimous 4-0 for approval. *See* IHRC Transcript 10/4/2023 at <https://www.in.gov/hrc/>

9. Consideration and approval for the Hoosier Park 15-year equipment list for 2024.

Rick Moore outlined the fact that they did not need to purchase as many vehicles as initially projected. However, they would recommend replacing two of the John Deere tractors at the track next year due to wear.

Commissioner Borst requested a vote to approve the substitution. Commissioner McCarty moved for approval with a second from Commissioner Estes. The roll call vote was unanimous 4-0 for approval. *See* IHRC Transcript 10/4/2023 at <https://www.in.gov/hrc/>

10. Review and consideration of the Racing Capital Fund Committee expenditures for 2024.

Joe Morris with Caesars Entertainment Racing presented the plans for the expenditures for Committee, which is made up on the Hoosier Park side of Mr. Morris, Rick Moore, and John DeLong, along with Tony Renz and Ernie Gaskin and on the Horseshoe side by Mr. Morris, Eric Halstrom, Joe Davis, and Chris Duke, with Brian Elmore involved.

On the Hoosier Park side, in 2024, the committee has \$600,000 slated for expenditure. Potential projects include WiFi in the barn area and LED lights for the stalls. Radiant heaters for the paddocks are also planned, as well as large fans for the summertime in the paddocks. Tankless water heaters are also planned. In 2025, the committee is considering more backside paving. Additionally, an upgrade to wastewater disposal is being considered.

On the Horseshoe side, a new video board is requested. Additionally Barn 7 is in need of winterization as well as the addition of surveillance camera on the back stretch.

Finally, the committee has voted to split the three million dollars which were going to be “shared” by the tracks between the tracks and assign 1.5 million to each of the tracks.

Chairman Borst asked about the installation of cameras on the backside of Horseshoe Indianapolis in stalls. Mr. Morris stated that he has the proposal, which comes to 3.8 million and can be done in three phases. Chairman Borst expressed the need for the cameras.

Commissioner Levengood inquired about the Wi-Fi and whether it provided 5G coverage. Gene Ciscell, regional director IT for Caesars Entertainment responded that he has to check whether there are 5G towers in the area to support 5G, which Commissioner Levengood urged.

Commissioner Levengood also commented on the wastewater situation and the original plumbing design. He stated that before undertaking any project, it would be prudent to look into the original design and find the reason why it was done this way.

Commissioner Borst requested a vote to approve the expenditure plan. Commissioner Estes moved for approval with a second from Commissioner McCarty. The roll call vote was unanimous 4-0 for approval. See IHRC Transcript 10/4/2023 at <https://www.in.gov/hrc/>

11. Commission ratification of the Executive Director’ interim approval of Premiere Turf Club, LLC.

Matt Eggiman, of the commission staff, reviewed the acquisition of Premiere Turf by

Fanatics. Mr. Eggiman outlined the details of the deal. There were no questions from the Commission.

Commissioner Borst requested a vote to approve the ratification of the interim approval. Commissioner Estes moved for approval with a second from Commissioner Levensgood. The roll call vote was unanimous 4-0 for approval. *See* IHRC Transcript 10/4/2023 at <https://www.in.gov/hrc/>

12. Commission ratification of the Executive Director's approval of NYRA Bets, LLC updated application transitioning from Amtote to United Tote.

Matt Eggiman, of the commission staff, reviewed the update. Mr. Eggiman outlined the details of the deal. There were no questions from the Commission.

Commissioner Borst requested a vote to approve the ratification of the interim approval. Commissioner Estes moved for approval with a second from Commissioner McCarty. The roll call vote was unanimous 4-0 for approval. *See* IHRC Transcript 10/4/2023 at <https://www.in.gov/hrc/>

13. Review and consideration of Notice of Tenth Subsequent Term pertaining to the Indiana Distribution Agreement.

Matt Eggiman, of the commission staff, outlined the fact that no objections have been registered and under the agreement, if no objections are raised, the term will automatically renew as of January 1. Under the agreement, the horse racing industry will receive 12 percent of racino adjusted gross receipts ("AGR").

Commissioner Borst requested a vote to approve the Tenth Subsequent Term of the Agreement. Commissioner Estes moved for approval with a second from Commissioner McCarty. The roll call vote was unanimous 4-0 for approval. *See* IHRC Transcript 10/4/2023 at <https://www.in.gov/hrc/>

14. Ratification of change of track personnel.

Matt Eggiman, of the commission staff, presented Mackenzie Ainsworth to serve as backup identifier for Harrah's Hoosier Park.

Commissioner Borst requested a vote to ratify the track personnel addition. Commissioner Estes moved for approval with a second from Commissioner McCarty. The roll call vote was unanimous 4-0 for approval. *See* IHRC Transcript 10/4/2023 at <https://www.in.gov/hrc/>

15. Review of regulatory changes.

David Rothenberg, General Counsel for the commission, reviewed some of the regulatory changes that will be taking place due to statutory updates. These include new promulgation requirements for rule, the listing of fines and fees in rule, and the broadcast of commission meetings.

Deena Pitman, Executive Director for the commission, emphasized that emergency rules were no longer allowed under the new legislation, and it would take longer to promulgate new rules. *See* IHRC Transcript 10/4/2023 at <https://www.in.gov/hrc/>

16. Review of current HISA situation.

Matt Eggiman, of the commission staff, gave an update on HISA. This included a review of the anti-doping and medication control rules, and the number of tests being done under the system. Mr. Eggiman also went over the current state of the 2024 voluntary agreement, as its deadline is November 30th. Lastly, Mr. Eggiman reviewed the current federal litigation regarding HISA.

Brian Elmore asked how specials were ordered as well as out of competition testing. Executive Director Pitman indicated that HISA personnel determined the number of specials ordered.

Finally Executive Director Pitman spoke about next year's assessments.

See IHRC Transcript 10/4/2023 at <https://www.in.gov/hrc/>

17. Delegation of authority to the Executive Director to approve any 2023 racing matters prior to the next Commission meeting.

David Rothenberg, General Counsel to the commission requested the commission to delegate the authority to Executive Director Pitman to approve rule readoptions under 71 IAC 2-2-1.

Chairman Borst asked the Commission if there was a motion and a second regarding delegation. Commissioner Estes moved to entertain the motion. Commissioner McCarty seconded. Commissioner Borst requested a vote. The roll call vote was unanimous 4-0 for approval. *See* IHRC Transcript 10/4/2023 at <https://www.in.gov/hrc/>

There was no other new business.

V. Adjournment

The meeting was adjourned at approximately 12:27 p.m.

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