

Trainer's Newsletter

Thoroughbred & Quarter Horse

Medication Changes for 2012

Director's Letter

Dear Trainer,

Welcome to the 2012 racing season.

I have written this newsletter with you in mind. Whether you are a lifelong Hoosier racing primarily in Indiana or an out-of-state trainer shipping in for a few races - the content of this newsletter will be helpful to you.



Inside you will find information on Commission rules and policies that have changed since last year. I will also introduce you to some new

faces on the Commission staff.

You know, as well as I do, how rules and policies vary from state to state. My goal in providing this newsletter is to make sure you know what is expected of you from a regulatory perspective in Indiana.

I wish you the best of luck.

Joe Gorajec
Executive Director

Bute Threshold Levels Reduced

Consistent with national efforts to bring uniformity to the horse racing industry, the Indiana Horse Racing Commission (IHRC) unanimously voted to reduce the threshold of phenylbutazone allowable in post-race samples from 5 micrograms per milliliter of serum to 2 micrograms per milliliter of serum. This change comes one full year after extensive debate by regulatory veterinarians, the Association of Racing Commissioners International (RCI), and the Racing Medication and Testing Consortium (RMTC).

The withdrawal time for phenylbutazone will remain at 24 hours; however, trainers should exercise caution in order to keep from getting an overage of this drug.

Trainers should keep in mind that, with most medications, the current withdrawal times are based on a small subset of

horses receiving a single intravenous injection of the drug dependent on the horse's weight and labeled dose. When the label has a range of doses, the withdrawal times are often based on the low dose of treatment. As with any drug, care should be taken to increase the withdrawal time if a drug is given at a high dose for multiple days. With oral medication, ensure that feed buckets are washed thoroughly, as some drugs may produce a positive from the powdered residue left in a feed bucket.

Calcium and B1 Eliminated

The new national model rule permits furosemide (salix) as the only drug to be administered on race day. Thus, any other medications, including bleeder adjuncts, are prohibited. Accordingly, the IHRC has decided to prohibit the administration of calcium and vitamin B1.

Inside.....

Use of the I-9 Form	2	Continuing Education	4
Worker's Comp Requirements	2	Veterinarian Suspended	4
Legal Department	3	Signature Stakes	5
Out of Competition Positives	3	Open Company Advantages	5

Commission to Verify Form I-9 Compliance

Beginning in 2012, the IHRC will be requiring that trainers demonstrate they are in compliance with federal Form I-9 requirements. As you are aware, all U.S. employers must complete and retain a Form I-9 for each individual they hire for employment in the United States. This includes citizens and non-citizens. The purpose of our policy is for the IHRC to exercise its due diligence in licensing individuals whose status permits them to work in the U.S.

On the Form I-9, the employer must examine the employment eligibility and identification document(s) an employee presents, to determine whether the documents reasonably appear to be genuine and relate to the individual, and record the information on the Form I-9. The list of acceptable documents can be found on the last page of the form.

Prior to licensure of any employees, the Commission will require the trainer to sign an affidavit indicating that he or she has fulfilled his or her obligation by completing the I-9 for each employee. In order to make this process as simple as possible, the Commission will provide the affidavit for signature at the time the trainer is licensed.

To verify compliance, the Commission will require trainers to produce the completed I-9's for inspection when a written complaint has been filed or as otherwise appropriate.

I-9's are available at the Indiana Horse Racing Commission licensing offices at Indiana Downs and Hoosier Park, the Indiana HBPA office, www.qhrai.net and at www.uscis.gov/files/form/i-9.pdf.

Proof of Worker's Compensation Insurance Required

Beginning July 15, 2012, trainers must provide a certificate of insurance in order to show that his or her employees are covered by worker's compensation insurance. Such insurance must be current at all times while participating in racing in Indiana.

The certificate must include the Indiana Horse Racing Commission as a certificate holder. The Certificate of Insurance can be provided in person at the time of licensure or by mail prior to licensure. If provided by mail, it is suggested that the certificate be on file at the racetrack commission office (*see address below*) at least seven days prior to your first start.

Trainers who have purchased coverage out-of-state should confirm their coverage extends to employees working in Indiana. Trainers without employees will be asked to sign an affidavit attesting that they have no employees requiring coverage. Those trainers may be

required to provide a State of Indiana Worker's Compensation "Clearance Certificate" for each worker who does not require coverage. Applications for a clearance certificate and applicable instructions are available online at www.in.gov/wcb/2328.htm

It is the responsibility of the trainer/employer, not of the Worker's Compensation Board or the IHRC, to determine whether a given employment relationship must be covered in Indiana. An assessment of responsibility and/or potential liability may be made by an attorney or an insurance expert.

For further information, please contact your private insurance carrier/agent. Should you wish to speak with a representative from the Indiana Worker's Compensation Board, please feel free to contact them at (317) 232-3808 or at www.in.gov/wcb.

Mail Certificates To:

Indiana Horse Racing Commission
c/o Indiana Downs
4425 N 200 W
Shelbyville, IN 46176
INHorsereading@hrc.IN.gov

Commission Establishes Legal Department

The IHRC has hired Lea Ellingwood as General Counsel and Holly Newell as Deputy Counsel.

Ms. Ellingwood, a graduate of Indiana University School of Law, comes to the IHRC from the Indiana Gaming Commission where she served as Deputy Counsel. In that position, she has had extensive administrative law experience while prosecuting casinos and occupational licensees for violations of Gaming Commission regulations. Lea has also prosecuted mixed-martial arts fighters, boxers and charity gaming license holders.

Holly Newell, a graduate of the University of South Carolina, has been working as a Deputy Attorney General since 2006. She has been responsible for enforcing Indiana's Telephone Privacy Act and Unsolicited Facsimile Advertisement law.

The in-house legal department will take over for the law firm Bingham Greenbaum Doll LLP (formally Bingham McHale LLP) which has represented the IHRC for more than twenty years. The outside law firm leaves an extraordinary legacy, especially in the area of administrative and civil litigation.



Lea Ellingwood

“Two full-time attorneys means more energy can be expended to vigorously prosecute rule violations,” said Joe Gorajec.



Holly Newell

Commission Imposes Out of Competition Penalties

The Indiana Horse Racing Commission issued a suspension of three and one-half years to trainer Jesus Gonzales and a suspension of eighteen months to trainer James Garrison for positive tests of the drug zilpaterol. The decisions were made at the Commission's public meeting on Wednesday, March 7, 2012.

Horses trained by Mr. Gonzales and Mr. Garrison were sampled at a training center outside Indianapolis in May of 2011. Three horses in Mr. Gonzales' stable and one of Mr. Garrison's horses, all Quarter Horses, tested positive for zilpaterol.

Zilpaterol hydrochloride is a Beta-2 agonist drug licensed in Mexico and South Africa as a feed additive for cattle of slaughter age.

According to the Association of Racing Commissioners International's (RCI) ruling database, the two Indiana

suspensions are the longest ever imposed for a Beta-2 agonist. It is also the first zilpaterol suspension in North America that conforms to the RCI's recently reclassified penalty guideline of a minimum one year suspension.

Indiana has one of the most extensive out of competition testing programs in the U.S. and routinely tests horses stabled at its two race tracks, and at off-track training centers and farms. While some states limit testing to blood doping agents such as epogen, Indiana also tests for Beta-2 agonist, such as ractopamine and zilpaterol, and anabolic steroids that are not FDA approved for use in equines.

Testing was conducted on more horses in Indiana during 2011 than all of its neighboring states – Illinois, Michigan, Ohio and Kentucky – combined.

Continuing Education Requirement

During 2011, 82 trainers representing 52.6% of thoroughbred starters in Indiana attended continuing education programs sponsored by the Indiana Horsemen's Benevolent and Protective Association. Although the turnout of Indiana trainers has been excellent, unfortunately, many out-of-state trainers did not participate in either seminar.

The Commission has extended the continuing education

requirement for licensure until 2013. The full text of the regulation is provided below. Two seminars will be given in 2012. One during each of the Indiana Downs and Hoosier Park race meets.

Notices and agendas for upcoming seminars will be provided when available on the Commission's website at www.in.gov/hrc.

Continuing Education Requirement

71 IAC 5.5-3-1(h)

Beginning in 2013, trainers must demonstrate, prior to licensure, that they have attended a four (4) hour continuing education course approved by the commission within the past two (2) calendar years. Trainers completing an approved continuing education course in 2011 or 2012 will have met this requirement through the 2014 racing season. The continuing education requirement does not apply to trainers who have started horses six (6) or fewer times in Indiana the previous year. Such trainers may start up to six (6) horses in a year before he or she must fulfill the continuing education requirement.

Commission Suspends Veterinarian for Four Years

The Indiana Horse Racing Commission issued a four year suspension to Veterinarian Jerrilee Cave. The decision was made at the Commission's public meeting on March 7, 2012.

The suspension stems from an incident in 2009 in which Dr.

"We have always taken very seriously any intentional violations of race day medication rules," said Joe Gorajec.

Cave furnished a loaded syringe and needle containing a non-salix diuretic commonly referred to as "clotol" to a licensed trainer. The drug was provided within the secured stable area at Hoosier Park so that it could be administered on race day.

The horse died at the track immediately after the drug was administered by the groom.

"We have always taken very seriously any intentional violations of race day medication rules," said Joe Gorajec, Commission Executive Director. "The death of the horse was certainly an aggravating factor in determining the penalty."

Dr. Cave has been excluded from all properties under the jurisdiction of the Commission since shortly after the incident. She shall remain suspended and ineligible for licensure through July 8, 2013.

Trainers are responsible for complying with the Commission regulation which prohibits dealing with suspended or excluded veterinarians.

Trainer Responsibility - Veterinarians

71 IAC 5.5-3-3(9)

No trainer shall permit a veterinarian whose license is suspended in any jurisdiction or who is excluded from the stable area of tracks under the jurisdiction of the Commission to treat any horse, regardless of its location, that has or will be actively participating in racing in Indiana during a given calendar year.

Thoroughbred Signature Stakes

The Signature Stakes Program makes its debut in 2012, offering four \$200,000 stake races for Indiana bred horses. These Signature Stakes replace four existing races in the Thoroughbred Breed Development Program, boosting their purses from \$84,000 to \$200,000. "These races provide an opportunity to showcase outstanding Indiana bred horses, as well as giving breeders and owners a premier stake to aim for," said Thoroughbred Breed Development Advisory Committee Chairman Wendy Brown.

Breeder awards amounting to 20% of total purse and stallion owner awards amounting to 10% of total purse, are available on these events as well as an additional 25% supplement to be paid to the owner of any Indiana Sired horse finishing first, second or third in any one of the four Signature Races.

For additional information regarding the Thoroughbred Breed Development Program, including the stakes schedule, please visit our website at www.in.gov/hrc/tb.

Indiana Downs			
July 11, 2012			
The First Lady	3 YR Old Fillies	1 MI 70 YDS	\$200,000
The Governors	3 YR Old Open	1 MI 70 YDS	\$200,000

Hoosier Park			
October 27, 2012			
Francis Slocum	3 YR Old & Up F/M	1 1/16 MI	\$200,000
Too Much Coffee	3 YR Old & Up Open	1 1/16 MI	\$200,000

Advantages of Indiana Breds Competing in Open Company

Indiana Bred Quarter Horses and Thoroughbreds can earn additional money when they compete in open races. For Thoroughbreds, a 40% purse supplement is available to any registered Indiana Bred that finishes first, second or third in any open race, except for claiming races with a claiming price of less than \$10,000. There is a \$15,000 purse supplement available to registered Indiana Bred Quarter Horses on any open overnight race, excluding trials and claiming races. Both supplements are paid in the same manner and percentage in which purses are paid. When earned, these supplements also boost the amount of award that the breeder and stallion owner receive.

In addition, both the Thoroughbred and Quarter Horse

Breed Development programs have rules in which a registered Indiana Bred that enters or races in an open race retains its previous Indiana Bred preference date when returning to a restricted Indiana bred race.

The Quarter Horse Breed Development Program also offers an Open Stakes Bonus. This is an incentive for registered Indiana Bred Quarter Horses which qualify for a final of an open stake, including the Stallion Auction Futurity and Derby. In order for the bonus to be awarded, the stake must have held trials. The award amount is \$10,000 per horse if there are less than four (4) registered Indiana Bred qualifiers for a stake. If there are four (4) or more registered Indiana Bred qualifiers for a stake, \$30,000 will be divided among those qualified.

Thoroughbred Supplement	
Maiden Purse	\$34,000
Winner's Share	\$20,400
40% Supplement	\$8,160
Total IB Earnings	\$28,560

Quarter Horse Supplement	
Maiden Purse	\$11,000
Winner's Share	\$6,050
Supplement	\$8,250
Total IB Earnings	\$14,300