

In the Matter Of:

INDIANA HORSE RACING COMMISSION MEETING

Meeting

December 20, 2016



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INDIANA HORSE RACING COMMISSION
MEETING

HELD ON
DECEMBER 20, 2016
10:30 A.M.

INDIANA STATE FAIRGROUNDS
FARM BUREAU BUILDING
INDIANAPOLIS, INDIANA

TAKEN BY:
ROBIN P. MARTZ, RPR
NOTARY PUBLIC

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APPEARANCES

Thomas Weatherwax, Chairman
Greg Schenkel
George Pillow
William McCarty

Mike Smith, Executive Director
Deena Pitman

Lea Ellingwood, Esq.
Holly Newell, Esq.
INDIANA HORSE RACING COMMISSION
1302 North Meridian Street, Suite 175
Indianapolis, IN 46202

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1 CHAIRMAN WEATHERWAX: Welcome and Merry
2 Christmas to everybody. I need to swear in Robin.

3 (At this time, the oath was administered to
4 the court reporter by Chairman Weatherwax.)

5 CHAIRMAN WEATHERWAX: First thing, everybody
6 may not know everybody; Greg Schenkel, vice
7 chairman, George Pillow, Bill McCarty. Susie
8 Lightle couldn't make it today because there's five
9 of us. But she says she'll be back with us in the
10 future. We are looking forward to that.

11 First item on the agenda is approval of the
12 minutes. Of course, we've all received these. I
13 think they're online, but do I have a motion to
14 accept the minutes or questions, I should say, if
15 there's any questions.

16 COMMISSIONER SCHENKEL: So moved.

17 COMMISSIONER MCCARTY: Second.

18 CHAIRMAN WEATHERWAX: Motion and second. All
19 those in favor say "aye."

20 THE COMMISSION: "Aye."

21 CHAIRMAN WEATHERWAX: First item on the
22 agenda, in fact, we wanted to allow Lea to maybe
23 swear in everybody at the same time.

24 MS. ELLINGWOOD: I will have you swear them
25 in, but, yes, the first housekeeping item would be

1 to make sure that everybody who is going to be
2 testifying on behalf of the association stand,
3 raise your right hand, and be sworn in by the
4 Chairman. To the extent, Chairman, we see anybody
5 else come in the door after the initial group is
6 sworn in, we'll want to make sure they are sworn in
7 before they testify.

8 CHAIRMAN WEATHERWAX: We can do that and give
9 the names of each person to Robin?

10 MS. ELLINGWOOD: No.

11 CHAIRMAN WEATHERWAX: They'll each speak their
12 own name, swear you in at one time for your
13 testimony. Okay. Those that are going to be
14 speaking on behalf of the Indiana Horsemen's
15 Benevolent Association. Is that you, Jack?

16 MS. ELLINGWOOD: We'll want to swear everybody
17 in, Chairman, not just the HBPA.

18 CHAIRMAN WEATHERWAX: Everyone all at once.

19 MS. ELLINGWOOD: Right, Quarter Horse
20 Association.

21 CHAIRMAN WEATHERWAX: Raise your right hand.
22 State your name.

23 (At this time all witnesses stated their name
24 for the record.)

25 CHAIRMAN WEATHERWAX: Your association.

1 (At this time all witnesses stated their
2 association.)

3 CHAIRMAN WEATHERWAX: Okay. You are so sworn
4 in. Thank you.

5 First item is the agenda for the Horsemen's
6 Benevolent Protective Association.

7 MS. ELLINGWOOD: Sorry, Chairman. We'll need
8 to have each of the members swear to tell the
9 truth, the whole truth, and nothing but the truth
10 with respect to the testimony they are going to
11 provide.

12 CHAIRMAN WEATHERWAX: Please stand again.
13 Raise your right hand and state your name.

14 (At this time all witnesses stated their
15 names.)

16 CHAIRMAN WEATHERWAX: You're going to tell the
17 truth, the whole truth, and nothing but the truth
18 in all of your testimony you're giving us today so
19 help you God.

20 (All witnesses answered in the affirmative.)

21 CHAIRMAN WEATHERWAX: Now, Lea, do you want to
22 start with the questions or the presentation?

23 MS. ELLINGWOOD: Sure. Just a couple of other
24 minor details I want to make sure we cover. You're
25 going to be receiving testimony from each of the

1 association representatives. At the conclusion of
2 that testimony for each association, you're going
3 to have the opportunity to deliberate, ask the
4 representative any questions that you may have.
5 Once you have begun deliberations, the time for
6 receiving testimony has ended. So you guys will be
7 the only ones talking and asking questions at that
8 point.

9 I just wanted to point out for the record that
10 the associations' previous applications have been
11 submitted as part of the record, as is all the
12 information that I requested from the association
13 subsequent to their September 30th filing. And I
14 think that is it.

15 CHAIRMAN WEATHERWAX: So who do I have first?
16 Mike.

17 MIKE BROWN: Do we get extra credit for under
18 ten minutes?

19 COMMISSIONER SCHENKEL: Under five would be
20 even better. I'm kidding. Take as much as you
21 need.

22 MIKE BROWN: Mr. Chairman, Commissioners,
23 members of the staff, my name is Michael Brown,
24 B-r-o-w-n. I'm the executive director of the
25 Indiana HBPA. I would like to talk with you for a

1 few minutes about my organization. I'm proud of
2 the work we do, the people we serve, the role we
3 play in Thoroughbred racing in Indiana.

4 We represent all Thoroughbred owners and
5 trainers who've entered races in Indiana, and the
6 horse men and women who work for them. We work on
7 their behalf with our track partners. I say work.
8 It's not really work to work with Centaur and
9 Indiana Grand. They do a marvelous job and are
10 very easy to work with. We are lucky to have them
11 as track partners.

12 In addition, we represent our members before
13 this commission. We're their voice. We try to
14 make sure that voice contributes to policies in
15 building a successful and productive racing program
16 in the state, and it's working.

17 Also, we work to educate the members of the
18 Indiana General Assembly and the executive branch
19 of state government about its needs, its
20 contributions to the state. By statute, the
21 industry receives funds that get specific areas of
22 concern, in addition to monies directed for purse
23 support.

24 I would like to talk about what we do with a
25 couple of those dedicated revenue streams. The

1 Indiana General Assembly was wise with dedicated
2 portions of slot revenues appropriated to racing in
3 areas of equine welfare and promotion. Horsemen
4 have a responsibility to help build this industry
5 in partnership with the track. In addition, we
6 must ensure the safety of our equine athletes, both
7 during their racing careers and after.

8 In recent years, we've participated with the
9 Quarter Horses and the track to resurface areas in
10 the receiving barn. We've participated with the
11 same partners to bring in a new trailer for our
12 horses that are injured on the track. We're
13 currently participating by paying a share of the
14 2015 installation of Trakus, the simulcasting
15 system at Indiana Grand. In addition, we've helped
16 pay for special promotions through TVG to promote
17 our Thoroughbred broadcast.

18 This year we worked with track partners to try
19 to build attendance in appreciation of racing at
20 Indiana Grand through several programs. We've
21 listed those in our application so I won't spend a
22 lot of time reiterating details.

23 The bottom line is simple. If we can get
24 people out to the track, they'll understand the
25 beauty and excitement of Thoroughbred racing as we

1 do.

2 While our horses are racing, it's important
3 that they're treated in accordance with best
4 practices established by solid research and
5 well-supported medication and exercise regimens.
6 When their racing careers are over, it's everyone's
7 responsibility to see that our horses have a place
8 to go; in some cases for retraining; in other cases
9 for adoption and retirement. We take that
10 responsibility very seriously.

11 2016 we've written checks for grants totaling
12 more than \$98,000. This commitment came after
13 distributing nearly 65,000 in 2015, 90,000 in 2014,
14 and 87,500 in 2013. We listed the recipients of
15 these grants in our 2017 application so in an
16 interest of brevity, such as has been so far, I
17 won't repeat those descriptions. Our support
18 included national, regional, and state-based
19 organizations.

20 To meet what will continue to be extensive
21 funding demands on equine welfare and promotion,
22 the Indiana HBPA again is asking the Commission for
23 approval to use no more than 20 percent of funds
24 allocated for backside benevolence for purposes of
25 equine welfare. And that's in our application

1 also.

2 In the area of benevolence, our Indiana HBPA
3 program has grown exponentially over the years and
4 continues to evolve. I'm proud of it with good
5 reason. We have two trailers on the backside of
6 the track at Indiana Grand through which we can
7 deliver our health care in the form of an on-site
8 clinic, visiting physician, and staff from Major
9 Hospital, and spiritual and recreational care for
10 our members and many horse men and women who work
11 with them. When our members are away from the
12 track, they can access needed health services where
13 they are, and they're covered by our program.

14 We provide chaplaincy services, recreational
15 activities, educational programs, translation
16 services, and events during the meet. In addition
17 as needed, we provide access to daycare through
18 working arrangements with facilities in the
19 Shelbyville area and the surrounding area. And we
20 provide access to substance abuse counseling,
21 treatment, mental health counseling when
22 appropriate. In the event of death, hardship, or
23 emergency, we provide program assistance for our
24 members and their families.

25 In the course of the racing season, we hold

1 multiple backside meetings, recreational and social
2 events for our horsemen, including two picnics, a
3 welcome-back event before the meet gets going, and
4 at least four additional days in conjunction with
5 our track partners. In addition this year, we
6 staged a horsemen's day at the State Fair, which we
7 distributed more than 200 tickets to our horsemen
8 on the backside. And Indiana Grand helped us by
9 providing the transportation for those who needed
10 it.

11 We make it a focus of our efforts to make sure
12 our members are informed about our programs, what's
13 going on in the track. We include information
14 pages, newsletters and programs we distribute in
15 the trailer, not just about benevolence but also
16 whatever else is going on with the track and within
17 HBPA.

18 We put HBPA news in the national publication
19 horsemen's journal and on our website. In addition
20 this year we established the Indiana HBPA Facebook
21 page where we get our news out to our horse men and
22 women. Issue social media still needs some work,
23 but we're learning just about as fast as this
24 particular old dog can learn new tricks.

25 In 2016, we hired Ailsa Calderone to lead our

1 chaplaincy efforts. Ailsa grew up in Costa Rica.
2 She and her husband have a church on the east side
3 of Indianapolis focusing on the spiritual needs of
4 both the Hispanic and the Anglo communities there.

5 With the concentration of Hispanic workers at
6 our track, Ailsa has been, no pun intended, a God
7 send. She holds chapel services every Monday
8 night, in addition to shuttling those interested in
9 attending her services on a Sunday in Indianapolis.
10 The church community has come to the track for
11 special events. She has regular office hours for
12 counseling, conversation at the trailer.

13 She walks the barns to see and talk with the
14 workers. Through the course of the year, she has
15 built a remarkable connection with the horse men
16 and women that work and in some cases live at
17 Indiana Grand. We've always had a part-time
18 Hispanic coordinator to help with translation and
19 immigration issues. And he continues to work with
20 us on weekends.

21 In addition, we've hired bilingual office
22 staff, and we maintain our food and hospitality
23 services in the trailer. Having a linguistic and
24 cultural touchtone at the track every day is making
25 an important difference in the lives of our people.

1 The HBPA benevolence program is governed by a
2 ten person board of directors in accordance with
3 rules and guidelines established annually. Those
4 rules are available in translation and are posted
5 online, as is the benevolence application
6 paperwork.

7 In 2016, we expanded the cost of service cap
8 from 5,000 to 6,000 per eligible member as a way of
9 trying to address the rising costs of health care.
10 In addition, we raised the income eligibility cap
11 to 50,000 per eligible individual and 100,000 for a
12 couple, which should allow us to serve more of our
13 members. Over the past couple of years we've
14 expanded the universe of those who are eligible.

15 As of December 14th, we've delivered more
16 than 1800 payments for benevolence services to 207
17 recipients totaling more than \$622,000 this year.
18 Since 2009, we've handled more than 17,000
19 transactions distributing more than 5.2 million to
20 the health care portion of our benevolence program.
21 Through our benevolence program, and in all we do,
22 we try to live up to the model, horsemen helping
23 horsemen.

24 So to close -- I know you've been waiting for
25 that -- the Indiana HBPA has followed all the

1 directives of the Commission. We've lived up to
2 all the promises that we've made to the Commission.
3 We recognize both the responsibility and the
4 privilege of administering funds to Thoroughbred
5 racing. We ask that you approve our application to
6 do so again in 2017.

7 Before I'm seated, I would be happy to attempt
8 to answer any questions you might have.

9 CHAIRMAN WEATHERWAX: Any questions from the
10 Commissioners to Mike? Well, I have one, Mike,
11 because I know we've been on the backside. We've
12 seen the tremendous investment that the track has
13 made to make the quality of life of these jockeys
14 and the owners and trainers, I should say,
15 beautiful.

16 Do you find the jockeys receptive to some of
17 these programs that you're trying to put in front
18 of them, such as substance abuse or alcoholism or
19 things like that? Because there are so many things
20 you're doing for these people that I just don't
21 know as everybody -- this is kind of a new approach
22 to how far you're going with the quality of life
23 for these people.

24 MIKE BROWN: A lot of what we do is really
25 geared towards the workers back there as opposed to

1 the jockeys. I think they have their own
2 counseling systems. There are certain, I guess,
3 cultural barriers that we have to get over to
4 deliver these services to them. But in addition to
5 that, we have to -- and we haven't gotten there
6 yet -- but we have to try to create an atmosphere
7 that gives them something to do beyond substance
8 abuse back there. We're working on that.

9 This first year that Ailsa has been there was
10 really a breakthrough year for her. We haven't had
11 a female chaplain back there. And we haven't had a
12 Hispanic chaplain back there. It's really going to
13 make a big difference. I think she's established a
14 rapport and a relationship with workers that's
15 going to pay off moving forward. We, in turn, have
16 to come up with some more activities for them to do
17 back there.

18 CHAIRMAN WEATHERWAX: George, did you have a
19 question?

20 COMMISSIONER PILLOW: Just to follow up on
21 Tom's a little bit. So this is the first year
22 you've had someone back on the background for the
23 Hispanic?

24 MIKE BROWN: Well, we've had a chaplain
25 before, but that chaplain didn't speak Spanish so

1 there was a barrier there from the get-go, but we
2 also had a Hispanic coordinator who we brought in
3 two days a week. We still do that. And he helps a
4 lot with the paperwork issues, the immigration
5 issues. That doesn't really meet their needs
6 during the course of a racing season or during the
7 week.

8 So with Ailsa back there, she's getting around
9 the barns. She's seeing people. She's talking to
10 them. I think they're beginning to want to work
11 with her. And in turn, we're beginning to figure
12 out what works and what doesn't. And that rapport
13 is going to be the big difference moving forward.

14 COMMISSIONER PILLOW: You know, I'd like to
15 see you guys put some metrics to that so maybe next
16 year when you apply, you can give us here's where
17 we were and here's where we're at type of process.

18 MIKE BROWN: We can try to do that. One area
19 they would certainly lend itself to that is
20 counseling for substance abuse. As it is right
21 now, we help people get to the programs when we can
22 find them when the stewards refer them to us. But
23 I would like to bring in an AA program, for
24 example, at the track itself to meet in that
25 trailer and begin to work with people on site.

1 As it is, we've worked with the stewards. And
2 now when they refer somebody to counseling, they
3 also have a component that requires her to sign off
4 on their counseling. That way it's not just maybe
5 they show up, maybe they don't. They recognize
6 they have to do that. So we're getting there.

7 COMMISSIONER PILLOW: Thank you.

8 COMMISSIONER SCHENKEL: A question, Mike. In
9 a couple places, in at least two places in the
10 application on page two and on page 11, it speaks
11 to you're seeking permission from the Commission to
12 use any surplus of benevolence funds but not more
13 than 20 percent. But I'm not smart enough to
14 figure that out whether it was in your budget and
15 so forth.

16 Is that just a rolling arbitrary thing that's
17 out there that if it's needed, you use up to
18 20 percent? I mean, are we approving -- I guess
19 I'm asking, what are you asking permission to do
20 because I didn't see it show up in the budget per
21 se. I know it's coming out of reserves, and it's
22 mentioned in two different places. I guess the
23 second part of the question is is it for the same
24 thing or are there two 20 percents?

25 MIKE BROWN: No, it's only one.

1 COMMISSIONER SCHENKEL: It was mentioned two
2 separate places. That's what confused me.

3 MIKE BROWN: We recognize because when the
4 original legislation was put in place, equine
5 promotion was linked with equine welfare. They
6 both were pressing needs. So we came before the
7 Commission last year and asked for permission to do
8 this.

9 COMMISSIONER SCHENKEL: I think it's a worthy
10 thing. I was just confused by the, I didn't know
11 if you were talking 20 percent or 40 percent. And
12 so it's not a budgeted item per se. That's just
13 the policy. You're asking for us to approve your
14 policy as an association to have the ability to
15 spend up to 20 percent of those reserves --

16 MIKE BROWN: Right.

17 COMMISSIONER SCHENKEL: -- if you deem
18 appropriate.

19 MIKE BROWN: Exactly so. That way --

20 COMMISSIONER SCHENKEL: That's the way I
21 thought it was.

22 MIKE BROWN: And also to the equine welfare.

23 MS. ELLINGWOOD: Commissioners, I would like
24 to piggyback on something that Mike said. They did
25 bring this request to you last year, and you

1 approved it. One of the requirements though is
2 that to the extent that backside benevolence money
3 is used for equine welfare expenditure, that the
4 expenditure must also qualify as an equine welfare
5 expenditure. Just to be clear, that the money is
6 not being used for an inappropriate purpose.

7 COMMISSIONER SCHENKEL: Yeah, I trust them to
8 do that. I recall we had a similar discussion last
9 year.

10 CHAIRMAN WEATHERWAX: Very good. Any other
11 questions? Thank you.

12 MIKE BROWN: Thank you.

13 CHAIRMAN WEATHERWAX: Now, we have the
14 Standardbred association.

15 MS. ELLINGWOOD: Chairman, let's go ahead and
16 if you don't need any additional information, if
17 you are satisfied with the application as it's been
18 submitted, then you will want to vote either to
19 deny or to approve the association's application
20 for recognition as the appropriate applicant to
21 receive slot funds under Indiana Code 4-35-7-12
22 contingent upon their continued suitability through
23 2017.

24 COMMISSIONER SCHENKEL: I would just ask our
25 director and counsel are there any other, because I

1 know there were some questions. All the questions
2 that you had have been addressed it looks like, but
3 I want to make sure of that.

4 MS. ELLINGWOOD: Yes, they have. The HBPA was
5 actually the first association to submit all of
6 their information to us. And we've resolved any
7 questions we had, and it's legally sufficient. We
8 don't have any concerns.

9 COMMISSIONER SCHENKEL: In that case I'd move
10 approval, Mr. Chairman.

11 COMMISSIONER PILLOW: Second.

12 CHAIRMAN WEATHERWAX: We have a motion and a
13 second to approve the association's presentation as
14 made. All those in favor say "aye."

15 THE COMMISSION: "Aye."

16 CHAIRMAN WEATHERWAX: Thank you, Mike. Now we
17 have Standardbred association for their annual
18 license and application. Jack.

19 JACK KIENINGER: Good morning, Chairman,
20 Commissioners, staff, Executive Director. My name
21 is Jack Kieninger, I'm president of the Indiana
22 Standardbred Association. We had another stellar
23 year. Our horses are doing good. The track is
24 making money. They're happy. We're happy. All
25 the programs that we had in our past years, we've

1 kept. We've partnered with the racetrack on a
2 couple different things to try and increase the
3 handle at the racetrack just to try to see if they
4 would work, guaranteed pick five and dropped some
5 takeouts on a couple races to see if that would
6 stimulate any betting. And I'm sure that Jim Brown
7 will probably get into all of that so I won't bore
8 you to death with that.

9 This year we continue to do all of our medical
10 trailer. We continue with our health insurance and
11 our, not health insurance, our insurance for the
12 county fairs. We still carry our third-party
13 liability with HHI.

14 It really looks like we're going to have an
15 Indiana-sired horse of the year in the nation this
16 year. There's a meeting in Las Vegas in February
17 that they pick that. And 99.9 percent chance that
18 it's going to be an Indiana-sired horse, which is
19 really good for our breeding program.

20 Really, this year has just been exceptional.
21 We look forward to next year. And I would be glad
22 to answer any questions you have on the
23 application.

24 The only problem we had, we had to have some
25 new conflict of interest. And one of my directors

1 is out of the country so as soon as he gets back,
2 we'll have that to you. I think everything else is
3 up to par. Be glad to answer any questions anybody
4 has.

5 CHAIRMAN WEATHERWAX: Thank you, Jack. Lea
6 has pointed out to us that that's the one part
7 that's missing. So if we approve everything else,
8 I guess that would be contingent upon receiving
9 that?

10 MS. ELLINGWOOD: Yeah, assuming that you're
11 satisfied with the substance of the rest of the
12 application, then you would recognize the
13 association as the appropriate applicant to receive
14 funds contingent upon their continued suitability
15 through next year and their submission of the one
16 remaining conflict of interest statement.

17 So Lisa and Jack have both been great to work
18 with and have been very prompt so I trust we won't
19 have an issue getting that. Once we get that,
20 you'll be good to go.

21 CHAIRMAN WEATHERWAX: Commissioners, do you
22 have any questions after reviewing their
23 application that you would like to discuss or you
24 have questions about? I don't have any questions.

25 COMMISSIONER MCCARTY: I move to approve the

1 application for registration of the Standardbred
2 association subject to the successful filing of the
3 outstanding conflict of interest statement, which
4 we understand is one at this point. Subject to
5 that condition, I would move approval.

6 CHAIRMAN WEATHERWAX: We have a motion to
7 accept with that one condition and caveat. Do I
8 hear a second?

9 COMMISSIONER SCHENKEL: Second.

10 CHAIRMAN WEATHERWAX: All those in favor say
11 "aye."

12 THE COMMISSION: "Aye."

13 CHAIRMAN WEATHERWAX: Well done, Jack.

14 JACK KIENINGER: Thank you.

15 CHAIRMAN WEATHERWAX: Thoroughbred Owners and
16 Breeders. Herb.

17 HERB LIKENS: Herbert Likens, Chairman of the
18 Indiana Thoroughbred Owners and Breeders
19 Association. Chairman Weatherwax, Commission
20 members, guests, appreciate your time.

21 This will be a lot shorter than Jack's. So we
22 started out our year in 2016 in great shape. We
23 have 12 new stallions in the state. Some of those
24 are really well bred, millionaires. We have 40 new
25 mares and maybe 50 in the state. Right away we had

1 an Indiana-sired horse that won the grade two
2 stakes race out in Kentucky recently. And so we're
3 off to a good start.

4 We started our year with our annual banquet.
5 Good turn out, not as well as we would like. We're
6 going to work on that. We had our board of
7 directors election. We have 11 board members. We
8 had, I think, 19 seeking positions for that. And I
9 thought that was pretty commendable people want to
10 be involved with what we're doing.

11 Our membership was up 207 last year.
12 Ninety-five percent of our members voted in our
13 election. I thought that was pretty commendable.

14 And, you know, the growth that we've had, I
15 think, comes from the fact that the leadership of
16 Centaur and their belief in racing and also the
17 fact that thanks to you folks, I think the people
18 perceive the Indiana program as being stabilized.

19 We became a corporate sponsor of the FFA,
20 Future Farmers of America this year, to work with
21 them to help promote equine interest in our youth.
22 And we've had a lot of interest there and seems to
23 be working really well. That's something new we
24 did.

25 We gave \$3,000 this year to the disabled

1 jockey fund. We finished making our final payment
2 to the Centaur equine facility in Shelbyville, plus
3 we gave \$3,200 to the Indiana Thoroughbred
4 retirement fund.

5 We brought back a two-year old training sale
6 this year, which we haven't had for a good while.
7 It went really great thanks to Indiana Grand and
8 hard work of the people there at Indiana Grand.
9 Our sale, we had \$150,000, well, over winnings from
10 that sale during that meet, which I thought was
11 pretty commendable. Our yearly sale was better
12 this year. We had a better quality of horses that
13 helped the sales, good bidders. So we had some new
14 bidders.

15 And neither one of our sales are profitable at
16 this time, but we have to operate like the
17 government. But it is a good service for the
18 horsemen here in the state of Indiana. We continue
19 to have more and more interest every year in our
20 ITOBA stakes races, which we do that in conjunction
21 with Centaur and breed development.

22 The one thing I would kind of like to make a
23 couple comments. I would like to make special
24 thanks to Mike Smith, Tom Weatherwax, and
25 Commission Members Greg Schenkel, George Pillow,

1 Susie Lightle, who's not here, and Bill McCartney.
2 I've known him a lot longer than I would like to
3 admit.

4 COMMISSIONER MCCARTY: Seventy years.

5 HERB LIKENS: But I appreciate you folks
6 taking time out of your successful careers to help
7 us build the program we would like to build here in
8 Indiana and help us accomplish our goals. What a
9 great staff you have working with you.

10 With the oversight of ITOBA and Standardbred
11 Association, the Quarter Horse Association, the
12 HBPA, and Wendy Brown and her team, and Centaur
13 Gaming's leadership, we're going to make Indiana
14 horse racing great again. Merry Christmas. Thank
15 you.

16 CHAIRMAN WEATHERWAX: Sounds like a commercial
17 in another time.

18 COMMISSIONER PILLOW: Herb, I have a question.
19 I haven't been down to Shelbyville lately. How is
20 the equine hospital coming? Is it done?

21 HERB LIKENS: Last I heard, I think they're
22 going to have that finished up by the time our meet
23 starts next year. Be in April, I believe.

24 COMMISSIONER PILLOW: Thank you.

25 CHAIRMAN WEATHERWAX: I haven't asked this

1 question to you before, Herb, and I don't want to
2 put you on the spot. But I know there's a lot of
3 things that people are watching, and we want to see
4 this program grow. What, in your opinion, is one
5 of the most critical things we should do as a state
6 to bring forward the Thoroughbred racing program
7 beyond where we are right now?

8 HERB LIKENS: I think, in my opinion, we need
9 a stable program from year to year without a lot of
10 changes. We've worked really hard. The
11 Standardbred and Quarter Horses have done a lot
12 better job than what we've done as far as moving
13 the sire program. That's kind of where the
14 economic development comes from, but it takes us a
15 little longer. We're getting there. If we can
16 keep the program stable, you can't believe some of
17 the calls that we get from people that are thinking
18 about moving their Thoroughbred stallions and
19 mares.

20 CHAIRMAN WEATHERWAX: So you think the
21 movement is in the right direction?

22 HERB LIKENS: We're going there, yes.

23 CHAIRMAN WEATHERWAX: Thank you. Any other
24 questions? So now we have the presentation
25 application before us. Any questions from the

1 Commissioners?

2 MS. ELLINGWOOD: If I may, Chairman, the ITOBA
3 application is one that we have been working with
4 Mr. Likens and the board secretary, Pete Sacopulos,
5 to get some of the outstanding information. I have
6 not been able to identify or locate a budget in the
7 materials that was submitted, although Pete has
8 indicated it's in there. I do not trust these old
9 eyes a hundred percent of the time so I had a
10 couple other staff members look for it. They
11 couldn't identify it either.

12 So I would recommend that to the extent again,
13 like the other applicants, the Commission is
14 satisfied with the substance of the remainder of
15 the application, that their approval be granted
16 contingent upon continued suitability, and more
17 importantly, upon submission of a budget that meets
18 your requirements. You may want to identify
19 somebody on the Commission, perhaps, working with
20 the Executive Director to review the budget that we
21 get and to approve it.

22 CHAIRMAN WEATHERWAX: The budget is a pretty
23 big item.

24 MS. ELLINGWOOD: It is.

25 HERB LIKENS: Lea, got with us a week or so

1 ago and our accounting firm, they kind of had a
2 tragedy there in their office. But I had asked
3 them to direct mail that to you. I assume maybe
4 they have. I'm sorry.

5 MS. ELLINGWOOD: Well, Pete represented to me
6 that we already have it, but I haven't received
7 anything.

8 HERB LIKENS: We'll get you another one.

9 MS. ELLINGWOOD: That's totally fine. I just
10 wanted to make sure we have that before the funds
11 are distributed because that's a more substantive
12 issue than just a conflict of interest.

13 CHAIRMAN WEATHERWAX: I would recommend to our
14 Commission that Commissioner Schenkel be that one
15 to be on hand to look at that prior to the filing
16 and ultimate approval.

17 COMMISSIONER SCHENKEL: I would like to set a
18 date certain that it has to be in by, please. I
19 don't want this to drag on until the next
20 Commission meeting. I don't distrust anything,
21 Herb, by that. That way it's done for all of us.
22 We're not chasing things around.

23 HERB LIKENS: That's fine. We'll get it done
24 right away. I'm sorry that we didn't get that
25 because I was aware of it a few days ago when Lea

1 contacted us. We thought we had that.

2 MS. ELLINGWOOD: If you just want to e-mail it
3 to me, I will make sure I get it to Greg.

4 COMMISSIONER SCHENKEL: Let's do that. Let's
5 address that in the motion then.

6 CHAIRMAN WEATHERWAX: We'll do that in a
7 motion then.

8 HERB LIKENS: Would Christmas day be all right
9 to get that to you?

10 COMMISSIONER SCHENKEL: I'm busy Christmas
11 day, but the day after is okay.

12 HERB LIKENS: Merry Christmas.

13 COMMISSIONER SCHENKEL: Merry Christmas.
14 Thank you, Herb.

15 CHAIRMAN WEATHERWAX: Okay. Subject to that
16 clarification in getting the budget and putting you
17 on the spot, Commissioner Schenkel, we have an
18 application that needs followup subject to those
19 conditions. So may I have a motion to accept that
20 as stated.

21 COMMISSIONER SCHENKEL: I would like to state
22 specifically in the motion that we finalize it by
23 January 10th.

24 CHAIRMAN WEATHERWAX: By January 10th. Herb
25 will tell that to their accountant and their

1 people. I think that's very reasonable. Do I have
2 a motion?

3 COMMISSIONER PILLOW: So moved.

4 CHAIRMAN WEATHERWAX: Motion.

5 COMMISSIONER MCCARTY: Second.

6 CHAIRMAN WEATHERWAX: Second. All those in
7 favor say "aye."

8 THE COMMISSION: "Aye."

9 CHAIRMAN WEATHERWAX: Now Quarter Horse
10 application.

11 PAUL MARTIN: Good morning. My name is Paul
12 Martin. I'm president of the Quarter Horse Racing
13 Association of Indiana. I want to say thank you to
14 the Commission and the rest of the staff for the
15 opportunity to address and present our application
16 for 2017. Although, Mr. Chairman, I will promise
17 you it won't be the Gettysburg Address, it will be
18 something much shorter.

19 At the outset of the presentation, I want to
20 start again by reciting our mission statement.
21 This is what we do and who we are. To promote
22 Quarter Horse racing in Indiana and ownership in
23 the state of Indiana; to promote youth involvement
24 in Quarter Horse racing, educate youth in the
25 proper husbandry as it relates to the racing

1 Quarter Horse; to foster humane treatment of the
2 racing Quarter Horse; and also to promote a better
3 understanding of Quarter Horse racing by the
4 general public.

5 Our 2016 racing season at Indiana Grand was
6 again another great success. Most notable without
7 question was our new Quarter Horse barn. The
8 Quarter Horse group has come from getting no stalls
9 in years past, to getting some stalls, and now a
10 dream come true of our very own barn with lots of
11 stalls. The Quarter Horse barn is not just an
12 ordinary barn. Every detail we need is there from
13 the stall gates to the lighting and all the way
14 into the wash racks.

15 This also includes some small stable trainers
16 getting stalls for the first time in Quarter Horse
17 racing in Indiana. There was no stone unturned.
18 There is no other barn like this anywhere that we
19 know of. So we cannot thank Rod Ratcliff and the
20 good folks at Centaur enough for turning our dream
21 into a reality.

22 I would like to touch just a few highlights of
23 2016. We ran more races in 2016 than we did in
24 2015. Most of our races filled or overfilled
25 throughout the meet as we competed for a revenue of

1 three and a half million dollars. This is an
2 upward trend.

3 At a recent meeting, Indiana Grand reported
4 our simulcast export was up from 250,000 in 2015 to
5 292,000 in 2016, which is approximately 15 percent.
6 Again, an upward trend. In a world where most
7 racing jurisdictions we read about are declining,
8 we are continuing to trend up, up, up. I like that
9 two letter word. In every aspect, we're going up.

10 The youth day program for 2016 headed up by
11 our Vickie Duke was a tremendous success and
12 generated a lot of excitement and participation
13 from the youth residents of Indiana. This program
14 continues to be part of what we do and continues a
15 positive growth.

16 From our 2016 racing, the top five leading
17 money earners were all well in excess of \$100,000.
18 Even more exciting, the leading money earner and
19 second leading money earner at 179,000 and 138,000
20 respectively were Indiana-bred horses.

21 On October 22nd, the finest group of horses
22 to ever run in Indiana went to the starting gate
23 for the running of the Indiana Championship Stake.
24 Horses that had competed at major Quarter Horse
25 tracks all over the country came to Indiana Grand

1 to run this race. It was a great race. It was a
2 photo finish at the wire. A graduate from our
3 QHRAI annual sale had earnings in excess of 109,000
4 for 2016 making that horse's lifetime earnings in
5 excess of 220,000.

6 Considering one more highlight I did want to
7 mention is we did hire Otto Thorworth as our new
8 chaplain. So considering a few of these
9 highlights, and time just doesn't permit to go
10 through everything, it shows we are headed in the
11 right direction, and that is up.

12 Each year I like to mention a local Indiana
13 success story that has invested into the Indiana
14 program. This year it's a real honor to present
15 the Duke family of Whiteland, Indiana, Duke Racing.
16 Vickie Duke is present today. Their horse
17 Fantastic Six Pack is our Quarter Horse of the year
18 for 2016, who was bred and raised on the Duke
19 family farm in Whiteland, Indiana. Just an
20 astounding four wins and one second for five
21 starts, two which are major stakes races. In
22 addition to our Quarter Horse of the year, he is
23 our champion three-year old gelding and our overall
24 three-year-old champion. Fantastic Six Pack,
25 really he could compete anywhere in the country at

1 any track. So this shows that our quality is going
2 up. There has been, there will be more winners
3 bred and raised from this great family farm. This
4 is truly our mission statement at work.

5 Finally in closing, where we're going in 2017,
6 if the Commission approves our 2017 application, we
7 are on track to compete for another three and a
8 half million dollars. We have an incomparable
9 stakes program for anyone seeking to get into
10 Quarter Horse racing with us. I think Herb's going
11 to buy one. No better place to race than Indiana.

12 Be remiss if I didn't touch again on our
13 strong positive partnership with Centaur through
14 Rod Ratcliff, Jim Brown, John Keeler, Jon Schuster,
15 and Kevin Greely. They've all been outstanding to
16 work with. Their door is always open. And
17 collectively they are strong supporters of our
18 Quarter Horse race program. And they have made us
19 feel so much a part of great success here in
20 Indiana and Centaur.

21 The Quarter Horse Racing Association of
22 Indiana will continue to promote growth through new
23 ownership participants, through various avenues of
24 marketing and keeping our ultimate goal and our
25 focus. That is to continue to develop and promote

1 the best racing program in this great country.

2 With all these things presented today, we are
3 confident that the best though is yet to come. We
4 thank you for your time and attention. We
5 certainly want to wish all of you the very best of
6 holidays and Merry Christmas.

7 If there are any questions about the content
8 of the application, we can bring up our executive
9 director. If not, I will answer any questions I
10 can.

11 CHAIRMAN WEATHERWAX: Do you have enough money
12 in your budget for your success?

13 PAUL MARTIN: If we had another million
14 dollars. I mean, we can fill races. There were
15 many races. In the entry office, there was 32
16 entries in one maiden race, a two-year-old maiden,
17 which means our youngest horses coming up are
18 starting to expand and grow at a great rate.
19 Again, our trend is up.

20 CHAIRMAN WEATHERWAX: I know it's a very
21 successful program, but you're almost outgrowing
22 your budget, which is sort of a nice problem. Any
23 other questions from the Commissioners?

24 COMMISSIONER SCHENKEL: I have a comment.
25 This isn't necessarily a question, Paul, kind of an

1 editorial comment, I guess. I noted in your
2 application you talk about you have periodic
3 meetings with your members to hear things, which I
4 think is a good, healthy thing. I'm not looking
5 for a pat on the back.

6 I appreciated your statement in here. I'm
7 going to read it so I don't get it wrong. "You've
8 brought several items to the IHRC for consideration
9 that have been followed through with a great
10 partnership that has resulted in improvements, such
11 as the out of competition testing." That's good
12 for us to know because we are partners in this, at
13 least we view it that way. I hope people aren't
14 thinking that we're out to play a gotcha game or
15 anything like that, but I hope that these types of
16 efforts are viewed as a partnership. We all want
17 the integrity and the quality to be the best
18 possible.

19 I appreciate you putting that in there. We
20 don't always know that so thank you.

21 PAUL MARTIN: We certainly are on display. I
22 talk to different gentlemen racing throughout the
23 nation. And their comment is you guys have a great
24 program, a clean program in Indiana. Some of them
25 told me they were going to come back and run. I

1 think that was proven by our Indiana championship
2 race that I mentioned. It was the best group of
3 horses we've ever had. Thank you very much.

4 CHAIRMAN WEATHERWAX: Thank you, Paul. Okay.
5 Commissioners, questions, anything to add?

6 COMMISSIONER SCHENKEL: Anything on this one
7 that's missing?

8 MS. ELLINGWOOD: No, the Quarter Horse
9 Association was the second association to have a
10 complete application. Paul and Diane have been
11 great to work with. Always very responsive. We're
12 good to go.

13 CHAIRMAN WEATHERWAX: All right. So there,
14 Commissioners, I need a motion to accept this
15 application as submitted.

16 COMMISSIONER MCCARTY: I move the Commission
17 approve the application for registration of the
18 Quarter Horse Racing Association.

19 COMMISSIONER PILLOW: Second.

20 CHAIRMAN WEATHERWAX: Motion and second. All
21 those in favor say "aye."

22 THE COMMISSION: "Aye."

23 CHAIRMAN WEATHERWAX: Thank you for all your
24 hard work in putting this together. Holly, I think
25 you're on next with the first finding and

1 conclusion, summary judgment, Christopher Short.

2 MS. NEWELL: Thank you, Chairman. I don't
3 think Mr. Short is here, but if he is, I want to
4 give him the opportunity to come forward. Okay.
5 Good enough then.

6 You, in your materials, should have everything
7 you need for your decision. But just briefly, this
8 relates to an appeal that Mr. Short made from the
9 Judge's ruling related to the dexamethasone
10 positive. The fine and penalty assessed was \$1500,
11 a \$5,000 purse forfeiture, and a 15-day suspension.
12 Mr. Short appealed. The matter was assigned to be
13 heard by ALJ Yelton.

14 Commission staff filed a Motion for Summary
15 Judgment. ALJ Yelton has recommended an order that
16 grants Commission staff's Motion for Summary
17 Judgment. Your decision today is whether or not to
18 make that recommended order a final order of the
19 Commission.

20 I'm happy to answer any procedural or factual
21 questions you might have about the issue.

22 CHAIRMAN WEATHERWAX: I read through all this.
23 I'm sure we all did. Don't know if I have a
24 question. But just number ten, foreign substance
25 violation within 365 days and the time they

1 received. We did the results from the Industrial
2 Labs.

3 MS. NEWELL: Yes.

4 CHAIRMAN WEATHERWAX: This is a summary
5 judgment, which means they have accepted, he is
6 accepting everything that we have found.

7 MS. NEWELL: It does not mean he's accepting
8 it. It means that ALJ Yelton is accepting these
9 facts. Mr. Short did not file a responsive
10 pleading to our Motion for Summary Judgment. He
11 has since filed some written documents that I
12 believe Lea has passed on to you in the past week
13 or so.

14 CHAIRMAN WEATHERWAX: Okay. Questions from
15 the Commissioners? Anybody wanting to add
16 something or did you have a question after review
17 of the file?

18 COMMISSIONER PILLOW: No.

19 CHAIRMAN WEATHERWAX: Okay.

20 COMMISSIONER MCCARTY: I move that the
21 Commission approve the recommended order of Judge
22 Yelton.

23 CHAIRMAN WEATHERWAX: We have a motion to
24 accept.

25 COMMISSIONER SCHENKEL: Second.

1 CHAIRMAN WEATHERWAX: All those in favor say
2 "aye."

3 THE COMMISSION: "Aye."

4 MS. NEWELL: Next up is agenda item six which
5 relates to Standardbred horseman Thomas Harmer.
6 This is an issue that I don't think has come before
7 the Commission before. It doesn't usually get
8 quite this far. It's a financial responsibility
9 issue.

10 Our Commission has a rule that allows the IHRC
11 judges to take action against a licensee for
12 failure to meet their financial obligation. A
13 complaint was made against Tom Harmer, and the
14 judges summarily suspended him earlier this year.
15 ALJ Lauck considered the case on the summary
16 suspension and filed his recommended order on the
17 summary judgment that was then filed by the
18 Commission staff. Right now, that summary judgment
19 recommended order is before you for consideration.
20 So procedurally, it's similar to the one you just
21 considered.

22 CHAIRMAN WEATHERWAX: Time out just for a
23 moment. I just got a note that a good friend, a
24 man that helped us get where we are today just
25 passed away, Senator Larry Morris. A man that we

1 all respected and appreciated and loved because of
2 his work in this field. I was there with him. So
3 many of you were too. He just passed away just
4 today, Mike.

5 COMMISSIONER SCHENKEL: This morning. I just
6 got an e-mail from his son.

7 CHAIRMAN WEATHERWAX: He had been fighting a
8 terrible struggle.

9 COMMISSIONER SCHENKEL: He just went into
10 hospice on Sunday.

11 CHAIRMAN WEATHERWAX: Of course, he was there
12 for the Hall of Fame honoree, which a lot of you
13 were there for. I thought that was so appropriate
14 to recognize him for all his leadership. He
15 certainly will be in our prayers and his wife
16 Ellie. So I'm sorry to interrupt. I just thought
17 we ought to tell the world.

18 Okay, Holly, you've given us your recap.

19 MS. NEWELL: So if there aren't any questions,
20 it would be appropriate for the Commission to take
21 a vote on whether or not to approve ALJ Lauck's
22 recommended order.

23 COMMISSIONER SCHENKEL: I guess I have just a
24 procedural question. You know, this was called to
25 our attention obviously by someone because of this.

1 MS. NEWELL: Yes.

2 COMMISSIONER SCHENKEL: I'm just thinking
3 about due process for this person. What happens or
4 has it ultimately been resolved and we're
5 penalizing? I'm not clear where this stands and
6 how do we deal with this in a fair way.

7 MS. NEWELL: The reason you got this on a disc
8 is because there were more than 350 pages of
9 documents.

10 COMMISSIONER SCHENKEL: I understand that.

11 MS. NEWELL: But I can try to break it down
12 for you a little bit. He was summarily suspended
13 because a fellow horseman contacted the judges and
14 said he owes this sum of money.

15 COMMISSIONER SCHENKEL: That falls within the
16 rules. I appreciate that.

17 MS. NEWELL: He then asked that his summary
18 suspension be stayed. We were scheduled for a
19 hearing. Mr. Smith was there to appear with
20 Commission staff. That sort of became a settlement
21 conference, for lack of a better term, in front of
22 Judge Lauck.

23 We worked with Mr. Harmer to give him some
24 time to try to get his affairs in order. And we
25 let him be on the track for 30 days, Mike, I think

1 is what it was. During that time period, he was
2 not able to get everything straightened out. So
3 the summary suspension was then back into effect.
4 And this Motion for Summary Judgment determines
5 that that is an appropriate sanction that can be
6 effective due to our rules.

7 COMMISSIONER SCHENKEL: So his suspension is
8 in effect just under these terms, not until he --
9 so theoretically the suspension could end, and he
10 still may be.

11 MS. NEWELL: So he would have the opportunity
12 to apply to us next year, but we would still be
13 aware of the outstanding debt.

14 COMMISSIONER SCHENKEL: He would have to prove
15 it's been resolved by that point.

16 MS. NEWELL: Yes, it's a little awkward.

17 CHAIRMAN WEATHERWAX: This may be the first
18 time I've seen an application for fines being
19 leveled on financial basis.

20 MS. NEWELL: The easiest example to give for
21 this would be -- and Judge Hall is here today --
22 but you might have a vet come to him and say, I'm
23 owed \$500 in bills, can you talk to trainer so and
24 so. Usually Mike Hall would call them into his
25 office and say pay the money or you're going to get

1 suspended. They'll pay the money. That's how it
2 works.

3 CHAIRMAN WEATHERWAX: We never see this, but
4 this is so huge.

5 MS. NEWELL: It's a huge amount of money. It
6 was horsemen who were in business together that
7 resulted in some bad blood and bad business.

8 COMMISSIONER PILLOW: \$300,000?

9 MS. NEWELL: Yes.

10 COMMISSIONER PILLOW: I would say it was some
11 bad blood.

12 CHAIRMAN WEATHERWAX: That's a lot of money.
13 So, therefore, if he paid this, that would
14 constitute acceptance.

15 MS. NEWELL: If we get notification that the
16 judgment has been settled, then he absolutely can
17 come back and be relicensed.

18 COMMISSIONER SCHENKEL: He still has to
19 reapply.

20 MS. NEWELL: Yes.

21 CHAIRMAN WEATHERWAX: Having heard that,
22 Commissioners, any other questions? I think we
23 should have a motion to accept this ruling.

24 COMMISSIONER SCHENKEL: So moved.

25 COMMISSIONER MCCARTY: Second.

1 CHAIRMAN WEATHERWAX: We have a motion and a
2 second. All those in favor say "aye."

3 THE COMMISSION: "Aye."

4 CHAIRMAN WEATHERWAX: Very good. Holly, do
5 you have the next one?

6 MS. NEWELL: I do, and I think that Alex Will,
7 who represented Mr. Smith in this case, is here. I
8 wanted to make sure he's recognized as well. I'll
9 give a brief introduction, and to the extent that
10 Mr. Will wants to speak or you have questions for
11 him, he's here and ready.

12 This relates to an issue with breed
13 development and integrity. Commission staff
14 received information that Randy Smith had
15 registered a Quarter Horse foal and mare as being
16 Indiana bred despite the mare having been in
17 Oklahoma at the time of the foaling.

18 Commission staff conducted an investigation,
19 and the Indiana Grand stewards conducted a hearing
20 and issued a ruling, which fined Mr. Smith \$2,500,
21 suspended his license for 120 Indiana Grand racing
22 days, suspended him from the breed development
23 program for one year, and recommended that the IHRC
24 staff take additional actions specifically
25 prohibiting his participation in breed development

1 for an additional three years.

2 Commission staff issued an Administrative
3 Complaint seeking a \$5,000 fine, a 120-day
4 suspension, and a four-year suspension from the
5 breed development program. Mr. Smith answered the
6 complaint and denied the substantive charges. The
7 matter was scheduled for a hearing before ALJ
8 Pylitt in November, but the parties met and reached
9 the agreement that is before you today for
10 consideration.

11 Specifically, that agreement provides that
12 Smith will be suspended 90 days with 45 days stayed
13 pending no further violations of IHRC breed
14 development or integrity rules. He may not
15 participate in the Indiana breed development
16 program in any capacity during that period. Smith
17 will be suspended for four years from the Indiana
18 breed development program as an owner only, and he
19 will pay a \$15,000 fine.

20 CHAIRMAN WEATHERWAX: Okay. Commissioners, I
21 think you've read the file, and we're going to hear
22 testimony from the parties?

23 MS. NEWELL: No, this isn't a hearing. This
24 is a settlement agreement. Alex is here, and I
25 think he is prepared to answer questions to the

1 extent you have any, as am I.

2 CHAIRMAN WEATHERWAX: If we have questions, we
3 could ask them?

4 MS. NEWELL: Right.

5 CHAIRMAN WEATHERWAX: I don't have a question.
6 I think it's obvious this is a ruling that is very
7 important and support it totally. Okay.

8 COMMISSIONER MCCARTY: I move that the
9 Commission approve the settlement agreement as
10 proposed and presented to us today on Randy Smith.

11 COMMISSIONER PILLOW: I second it.

12 CHAIRMAN WEATHERWAX: We have a motion to
13 accept this settlement as submitted to us and a
14 second. All those in favor say "aye."

15 THE COMMISSION: "Aye."

16 CHAIRMAN WEATHERWAX: Thank you. Now, we're
17 into the application renewal process for Hoosier
18 Park. And is that you, Jon or Rick?

19 MS. ELLINGWOOD: Actually, I will start out.
20 I just, as a preliminary matter, wanted to make
21 clear to the Commission that we're dealing with
22 Hoosier Park's permit renewal. This is an annual
23 renewal request that, again, you see every year,
24 both for Hoosier Park and for Indiana Grand.
25 Yearly they come to us to ask that the permit be

1 renewed, and that their satellite licenses be
2 renewed as well.

3 So eight, nine, ten, and eleven are all
4 related to these requests. Eight and nine relate
5 to Hoosier Park's permit renewal and satellite
6 facility licenses. Ten and 11 relate to Indiana
7 Grand's permit renewal and satellite licenses. And
8 Rick Moore and I think a number of Centaur
9 representatives are here to answer any questions
10 that you might have.

11 Please note that these requests also outline
12 the proposed race dates for the next meet. So if
13 you've got any questions about that, they can help
14 you out with that.

15 RICK MOORE: Good morning, Mr. Chairman,
16 members of the Commission staff, Rick Moore,
17 vice-president general manager of racing Hoosier
18 Park. I want to give just a brief overview of the
19 race date proposal for 2017.

20 As you'll see or you might note they vary just
21 slightly from prior years where we've proposed 160
22 racing days. This year we've proposed 163. The
23 primary reason for that is, as you know, we're
24 hosting the Breeders' Crown event this year, which
25 consists of 12 championship races. This year there

1 are 18 qualifying races, elimination races so that
2 takes up approximately 30 slots. And we didn't
3 want to take any opportunities away from our
4 Indiana horsemen. And that equals to about two
5 additional racing days, but we decided we would go
6 with three additional dates to more than make up
7 for any race opportunities that horsemen may lose
8 due to the Breeders' Crown event and the
9 eliminations leading up to those championship days.

10 As you'll see, we're proposing to open on
11 Saturday, April 1st. We think it's really
12 important to get off to a great start with a lot of
13 hoopla. We think a Saturday night the first of
14 April will do just that for us. Then you'll notice
15 that we go with three day race days the second
16 week, and then we get into our five days a week
17 regular circuit. We have proposed to end on
18 Friday, November 17th, and a total of 163 days.
19 Any questions, I would be glad to answer them.

20 CHAIRMAN WEATHERWAX: No, I think that's good
21 that you're accommodating for the Breeders' Crown.
22 What about the date that was a conflict this year,
23 which was sort of unique with the State
24 Fairgrounds?

25 RICK MOORE: That's been worked out. We'll be

1 having our Dan Patch on Friday. And there will be
2 no conflict with the State Fair. We have worked
3 with Jessica and the folks.

4 COMMISSIONER SCHENKEL: What is that date?

5 RICK MOORE: Sorry, it's Friday, August 11th,
6 is Dan Patch day.

7 CHAIRMAN WEATHERWAX: What are the exact
8 dates? The Breeders' Crown is the last weekend in
9 October?

10 RICK MOORE: Jim will talk in length about the
11 Breeders' Crown event, but it is October 27th and
12 28th.

13 CHAIRMAN WEATHERWAX: It's got to be one of
14 the most exciting calendars we've ever had in
15 Indiana.

16 RICK MOORE: We are very, very excited.

17 CHAIRMAN WEATHERWAX: I know you're working
18 hard to get ready. You're doing a lot. You're
19 reinventing the whole place, investing tons of
20 money.

21 Any questions as far as this application?

22 COMMISSIONER PILLOW: I don't have any
23 questions. A comment, Rick. I've heard all the
24 associations mention a great partnership that you
25 guys have with Centaur and all the associations.

1 That is really good to hear that everybody is
2 working together to make Indiana a great state for
3 racing.

4 RICK MOORE: I can tell you the relationship
5 with the Indiana Standardbred Association and led
6 by their president Jack Kieninger, the relationship
7 between the ISA and Centaur and Hoosier Park could
8 not be any stronger and could not be any better.

9 COMMISSIONER PILLOW: That's great.

10 CHAIRMAN WEATHERWAX: Lea, do we take these
11 one at a time?

12 MS. ELLINGWOOD: Yes, Chairman, that's how I
13 would recommend addressing it. You can just run
14 through all four of them but do them separately.
15 So you would want to have a separate motion for
16 each request for approval of the four items listed
17 in eight through eleven.

18 CHAIRMAN WEATHERWAX: So we're really making a
19 motion to accept eight through eleven?

20 MS. ELLINGWOOD: Yes. You would need before
21 you a motion to approve Hoosier Park's permit
22 renewal application and race dates, as well as the
23 satellite facility licenses for eight and nine.
24 And you would need a motion before you to grant
25 Indiana Grand's permit application renewal, live

1 racing date request, and the satellite facility
2 licenses under ten and eleven.

3 CHAIRMAN WEATHERWAX: Robin, did you catch all
4 that or do you have a copy of our agenda?

5 COMMISSIONER SCHENKEL: She's got it.

6 CHAIRMAN WEATHERWAX: Because that's a lot of
7 subject in one motion. If we can do that,
8 capsulating items eight through eleven in one
9 motion, do I have a motion?

10 COMMISSIONER MCCARTY: Are we going to listen
11 to any other presentations?

12 MS. ELLINGWOOD: If you would like to hear
13 from a representative with respect to Indiana Grand
14 under 10 and 11, you're welcome to do that. If you
15 have any questions related to that, they are here
16 to answer those.

17 COMMISSIONER SCHENKEL: I think we should.

18 CHAIRMAN WEATHERWAX: I think we should
19 because it's totally a different animal so to
20 speak. You guys are doing a great job out there.

21 JON SCHUSTER: Similar animal, different
22 breed. Good morning, everybody.

23 For Indiana Grand's part on race dates, our
24 proposed race dates that you have are almost an
25 exact mirror image of this year. We're coming

1 off two unbelievable years, up 22 percent and
2 16 percent. We think we've captured the right
3 slots, time slots for people to appreciate what we
4 do.

5 The only two comments that I will make on the
6 calendar, we raced this past year four day weeks up
7 until July and August. Then we raced five day
8 weeks. That was a little change from the year
9 prior.

10 We're going to do that same thing. There's
11 just a little calendar anomaly in August. The
12 31st of August is a Thursday, and we will not race
13 on that Thursday, just the way the calendar lays
14 out and number of days and so forth. That's a very
15 minor change.

16 I would also like to address that we've been
17 talking about the Breeders' Crown. I think we're
18 going to hear at length on the Breeders' Crown in a
19 little bit. Our closing day is Breeders' Crown
20 day. We had a lot of discussion, had a lot of
21 input from a lot of different people about not
22 running that day or running different times of
23 days.

24 We had a team of almost 20 folks that went out
25 to the Breeders' Crown in the Meadowlands and

1 looked it over. We've talked with our staff and
2 looked at the calendars from years prior. We've
3 decided that the proper thing to do is continue
4 with the continuity of the calendar that we've got.

5 Unfortunately, there's not as much crossover
6 harness to flat racing as we would like to see,
7 although we're working on it. We have the Cross
8 Town Showdown and lots of things we do to try to
9 make that be better. It is a little bit better,
10 but I just wanted to bring that up because a
11 handful of folks have mentioned it. And I just
12 thought it was worthy of bringing up here so the
13 Commission was aware of what we were doing. We
14 think we are grounded in fact. And we think that's
15 the best way to approach it.

16 Outside of that, the calendar is almost
17 identical to last year.

18 COMMISSIONER SCHENKEL: Thank you, Jon.

19 CHAIRMAN WEATHERWAX: Any other questions?
20 And of course, the satellite facilities, how are
21 they doing? Is that going to be in my report too?
22 I know we've made some changes.

23 JIM BROWN: The satellite facilities are doing
24 okay. The off track betting business is a tough
25 business these days. And we've seen entire states

1 shut down their programs. Virginia being one of
2 them a couple years ago. We have seen them go by
3 the wayside one by one.

4 We're very broad proud of the three we
5 operate. We branded them as Winner's Circle. Two
6 of them is Winner's Circle Brewpubs and OTBs. We
7 are trying to offer more than a bet and a hamburger
8 and be a full scale entertainment opportunity.

9 New Jersey has been successful in that. Their
10 OTBs are one of the successful state OTB programs.
11 Clarksville though is the only one that makes money
12 and probably something to do with its location
13 across the river from hard-to-get-to Churchill
14 Downs OTB. And we did do a \$300,000 renovation at
15 Clarksville this year. It's a nice facility and
16 changed the name to the Winner's Circle OTB. That
17 has happened over the last month.

18 And in New Haven we added VooDoo Barbecue as a
19 menu opportunity to add more umph to the
20 experience. Business is stable. It's very
21 difficult these days with approximately 30 percent
22 of betting being done over the Internet to find new
23 customers just to come in to play the ponies. And
24 that's been one of the challenges that we continue
25 to face.

1 So the Indianapolis Winner's Circle and the
2 New Haven Winner's Circle are not moneymakers.
3 They provide material purse monies. And they give
4 us an opportunity to show our many facilities in
5 other parts of the state as gateways to Indiana
6 Grand and Hoosier Park. So they do serve a number
7 of purposes.

8 CHAIRMAN WEATHERWAX: Very good, Jim.
9 Questions?

10 COMMISSIONER PILLOW: Jim, do you see a future
11 for the OTBs five years from now?

12 JIM BROWN: I don't see them ending, but it's
13 tough. It's going to be tough to improve results.
14 The market is just not there to come out and bet at
15 the OTB. So unless we introduce new products or
16 something of the like, it's going to be tough to
17 even sustain where we are today.

18 COMMISSIONER PILLOW: Thank you.

19 CHAIRMAN WEATHERWAX: Thank you, Jim. Okay.
20 So with that, any other questions from the
21 Commissioners about the application renewal for
22 eight, nine, ten, and eleven?

23 COMMISSIONER MCCARTY: Mr. Chairman, I have a
24 motion. I move that we approve Hoosier Park's
25 permit renewal application and approval of its

1 license for its satellite facilities and approve
2 the racing dates as proposed for the coming year.

3 CHAIRMAN WEATHERWAX: Stop right there. Is
4 that what you're saying?

5 COMMISSIONER MCCARTY: Yes.

6 CHAIRMAN WEATHERWAX: Do we have a second?

7 COMMISSIONER PILLOW: I second.

8 CHAIRMAN WEATHERWAX: Taking care of Hoosier
9 Park and stopping. All those in favor, say "aye."

10 THE COMMISSION: "Aye."

11 CHAIRMAN WEATHERWAX: Now Indiana Grand.

12 COMMISSIONER MCCARTY: Mr. Chairman, I have a
13 motion. I move that Indiana Grand's permit for
14 renewal application and its satellite facility
15 license and its racing dates for the coming year be
16 approved.

17 COMMISSIONER PILLOW: Second.

18 CHAIRMAN WEATHERWAX: Motion and second. Well
19 stated. All those in favor say "aye."

20 THE COMMISSION: "Aye."

21 CHAIRMAN WEATHERWAX: Thank you. Number 12.

22 COMMISSIONER MCCARTY: Mr. Chairman, I have
23 another motion. No.

24 CHAIRMAN WEATHERWAX: Well, you're in a
25 routine, got rhythm. What more can you ask?

1 COMMISSIONER SCHENKEL: Is that a motion to
2 adjourn?

3 COMMISSIONER MCCARTY: I would ask that the
4 Indianapolis satellite facility to redesign itself
5 as another steakhouse here in Indianapolis due to
6 the extreme shortage of them, but I'll refrain.

7 CHAIRMAN WEATHERWAX: So, Holly, No. 12 is the
8 rulings of our, you or us, the Commissioners.

9 MS. NEWELL: Yes, sir. And these rulings take
10 us through the end of the race meet so you can take
11 a look and see if there are any that you have
12 questions about. I'm happy to address them, but it
13 takes us all the way through both race meets. We
14 still have a few outstanding things that we will be
15 taking care of cleaning up in December and early
16 January. But for the most part this closes out the
17 race meet.

18 CHAIRMAN WEATHERWAX: I notice there are some
19 pretty big ones in here that deal with drugs,
20 obviously, illegal drugs. Is this normal or is
21 this just because it's a whole year?

22 MS. NEWELL: That is not the whole year, but
23 this does include June, July, August, September,
24 and October because our last meeting fell at such a
25 time that we didn't have a complete prior month.

1 So you have the heart of the race meet here. I
2 didn't see anything that made me think the numbers
3 were particularly occular.

4 CHAIRMAN WEATHERWAX: This is just where the
5 heart of the action is as far as the whole year.

6 MS. NEWELL: Right.

7 CHAIRMAN WEATHERWAX: Any other observations
8 from the Commissioners? As you can see, this is a
9 large number but it's also the heart of our season
10 clear through, I think it's through October.

11 MS. NEWELL: All the way through November
12 actually. And the November rulings would be
13 Indiana Grand rulings after the meet had closed,
14 and then, of course, Hoosier Park closed in mid
15 November so it would be wrapping up the Hoosier
16 Park meet as well.

17 COMMISSIONER SCHENKEL: Can I ask an education
18 question?

19 MS. NEWELL: Sure.

20 COMMISSIONER SCHENKEL: What's the failure to
21 honor ride? I don't remember seeing that.

22 MS. NEWELL: That would be when a jockey has
23 agreed to a mount and then backs out.

24 COMMISSIONER SCHENKEL: What it sounds like
25 then?

1 MS. NEWELL: Right. I get nervous when you
2 ask those educational questions, but I can answer
3 that one.

4 COMMISSIONER SCHENKEL: Education for me.
5 Thank you.

6 COMMISSIONER PILLOW: Holly, I see several
7 alcohol on the backside. It seems to be a pretty
8 prevalent infraction here.

9 MS. NEWELL: It's certainly an issue. And a
10 lot of the things you heard earlier from Mike Brown
11 about their advocacy efforts help that, but we try
12 to monitor that too. To the extent that that's
13 discovered, then they will be taken before the
14 judges or stewards, and it will be addressed. And
15 it results in a fine or suspension depending on the
16 circumstances of what was found and how it
17 occurred.

18 CHAIRMAN WEATHERWAX: Do that go through a
19 program of counseling or rehab or is that beyond
20 our pay grade?

21 MS. NEWELL: If it's possession only, then
22 there's no sort of counseling. Then we have
23 specific rules relating to drug and alcohol
24 findings on our tox screens. And there are certain
25 requirements that might require counseling and

1 substance abuse prevention programs in order for
2 them to be licensed again.

3 CHAIRMAN WEATHERWAX: That would be a part of
4 a fine or ruling?

5 MS. NEWELL: Yes, it's specified in the ruling
6 that upon completion of a substance abuse program,
7 and there are a lot of different options for them.
8 And I don't know to what extent the HBPA might help
9 people find a proper program. But I do know the
10 stewards are aware of programs that these people
11 can find and access if that's what they want to do.

12 CHAIRMAN WEATHERWAX: Very good. Thank you.

13 Any other questions from the Commissioners
14 about all these different rulings? I entertain a
15 motion to accept them or I guess this is just a
16 review.

17 MS. ELLINGWOOD: Just your review.

18 MS. NEWELL: No motion.

19 CHAIRMAN WEATHERWAX: Lea, do you have
20 something here on -- these are proposed emergency
21 rules?

22 MS. ELLINGWOOD: Yes, they are, Chairman. I
23 will address these as they're in the order on the
24 agenda. All of these are essentially cleanup rule
25 changes. The first one that's mentioned, the

1 exclusion of patrons, that's we're replacing an
2 outdated reference to a statute. The bond
3 requirements under the Standardbred, Thoroughbred,
4 and Quarter Horse rules, we're repealing that. I
5 don't believe it's ever been enforced.

6 The rule was important when there was some
7 question about the permit holders' financial
8 capacity to be able to pay all of its liabilities.
9 Since that's no longer the case, we don't have a
10 need for the rule. We don't believe we have a need
11 for the rule.

12 CHAIRMAN WEATHERWAX: Try to give a definition
13 for computer?

14 MS. ELLINGWOOD: No, not quite. For
15 simulcasting and televised, these two definitions
16 are -- the definition of simulcast is being changed
17 to reflect the new statutory definition. And
18 televised is being added to supplement that. It's
19 meant to address new advances in technology with
20 respect to broadcasting signal.

21 If you've got any specific questions about the
22 rule, I'm happy to address them. I would want to
23 clarify that as you mentioned, Chairman, these
24 rules all fall under the Commission's emergency
25 rule adoption policy. So these would be ones that

1 we would file shortly after the meeting, which
2 would become effective upon filing.

3 CHAIRMAN WEATHERWAX: Very good. Any other
4 comments from the Commissioners on any of those
5 rulings? Same thing, actually, the bond
6 requirements, simulcast, all of these are affecting
7 all the different breeds?

8 MS. ELLINGWOOD: Yeah, they do. There's one I
9 didn't mention that's a conditions rule. That rule
10 would affect Standardbred only. That's a rule that
11 Ms. Barnes had proposed. It's meant to change the
12 rule to reflect what's already taking place so just
13 brings the rule up to current practice. But, yeah,
14 these rules would impact all of the breeds.

15 CHAIRMAN WEATHERWAX: Very good.
16 Commissioners, I need a motion to accept these
17 emergency rule changes as stated.

18 COMMISSIONER SCHENKEL: I would move approval
19 of the proposed emergency rules.

20 CHAIRMAN WEATHERWAX: Second?

21 COMMISSIONER PILLOW: Second.

22 CHAIRMAN WEATHERWAX: Motion and second on the
23 proposal. All those in favor say "aye."

24 THE COMMISSION: "Aye."

25 CHAIRMAN WEATHERWAX: Now, Thoroughbred breed

1 development. Wendy.

2 WENDY BROWN: Chairman, Commissioners, good
3 morning, almost afternoon. Dare I say racing is
4 already great in Indiana.

5 COMMISSIONER SCHENKEL: Yes, good.

6 WENDY BROWN: Racing has come a long way. I
7 moved back home to Indiana when pari-mutuel was
8 first passed. Over the course of the years before
9 a racetrack could be built, there were enabling
10 amendments to the law to be made, county options to
11 be passed, and applicants to be considered.
12 Finally, after the Standardbreds, Thoroughbreds
13 made their debut at Hoosier Park. Though there
14 were some races restricted to Indiana owners, there
15 was no Indiana bred program.

16 Once home again, my dad delegated the
17 management of the family farm to me. I'll never
18 forget one year when Mr. Herbert, our farmer, came
19 to me with papers to sign and said this is the
20 government farm program to end all programs. In
21 other words, it was the finest solution. The
22 government had attained regulatory perfection.
23 Needless to say, those were not the last farm
24 programs I signed.

25 With millions at stake, a well-defined

1 incentive program is a moving target. Ours is a
2 good program, but as in the past, I come to you
3 with a few adjustments and tweaks.

4 Breed development tries to keep 2.3 million in
5 reserve. In order to keep this, we propose using
6 600,000 from reserves for the 2017 program and then
7 to use a hundred thousand less than subsequent
8 years; 500,000, 400,000 and so on so that more
9 flexibility can be built into the program. We
10 request that the Executive Director have the
11 authority to approve on the request of the
12 committee and staff, the movement of funds from one
13 line item to another.

14 You have an overview of our budget and the
15 budget for the proposed race program. As in
16 previous years, there's a discretionary funds so
17 the racing secretary can adjust races offered
18 according to the horse population on hand.

19 We expect to see approximately 303 breed
20 development races in 2017, an increase of about
21 eight from 2016. At the request of Indiana Grand
22 we have agreed to split the Indiana stakes purses
23 65/35 percent. This will enable the stakes races
24 offered and their purses to remain as is, which we
25 consider important.

1 We endorse one program change in Indiana bred
2 maiden eligibility. Instead of five starts, horses
3 which have finished fifth or better in their last
4 six starts are not eligible for maiden special
5 weight races.

6 The committee also proposes one rule change
7 under Indiana bred preference 71 IAC 13.5-5-1
8 section 1B. We would like the last sentence struck
9 so that it will read "A registered Indiana bred
10 that enters or races in an open race will retain
11 their previous Indiana bred preference date when
12 returning to a restricted Indiana bred race."

13 It's been a good year for racing in Indiana.
14 When I go to the races and see an Indiana bred
15 horse winning in open company or the quality of our
16 Indiana bred stakes horses, I'm thrilled. This
17 year Lady Foghorn winning the grade two Falls City
18 Handicap at Churchill Downs was particularly
19 inspiring. This, an Indiana bred horse of the year
20 in 2013, was this year moved into a second career
21 as a riding horse and dressage prospect for a
22 policewoman in Fort Wayne, Indiana due in part to
23 monies that came into transitioning Thoroughbreds
24 by Indiana Grand and the Indiana HBPA and showing
25 our Indiana Thoroughbreds can do more than just run

1 fast.

2 I'm especially pleased and want to bring to
3 your attention that we seem to be enjoying a
4 greater degree of cooperation amongst the different
5 groups in Indiana. The HBPA board members and
6 leadership, ITOBA leadership, Indiana Grand led by
7 Rod Ratcliff, represented by Jon Schuster and Kevin
8 Greely, have all made valuable contributions to the
9 program. They have faithfully attended our
10 meetings and shown their commitment to improving
11 opportunities for Indiana breeders. Finally, all
12 our efforts would be for not if not for the work of
13 the Commission staff, especially Jessica Barnes.

14 We've come a long way. We even have enough
15 history in Indiana racing to have an Indiana Racing
16 Hall of Fame.

17 I ask that you approve the Indiana
18 Thoroughbred Breed Advisory's recommendation for
19 the 2017 program. And I thank you.

20 CHAIRMAN WEATHERWAX: Very good. Thank you,
21 Wendy.

22 COMMISSIONER SCHENKEL: The question I have,
23 Wendy, or maybe it's for the lawyers, the
24 applicable rule change that you recommend.

25 WENDY BROWN: It think would be an emergency

1 rule change.

2 COMMISSIONER SCHENKEL: But by adopting this
3 report, do we make that rule change or do we have
4 to do that in a separate or subsequent meeting?

5 MS. ELLINGWOOD: You don't have to do it at a
6 subsequent meeting, but you should make a specific
7 motion to adopt this rule and as --

8 COMMISSIONER SCHENKEL: Yeah, because it is a
9 rule within the report.

10 MS. ELLINGWOOD: Right. You also will want to
11 make sure you clarify whether this rule should be
12 adopted as an emergency rule, which I suspect is
13 the case --

14 WENDY BROWN: I think Jessica said it should
15 be.

16 MS. ELLINGWOOD: -- because you want it to be
17 applicable for the next race meet. It would be a
18 timeliness issue.

19 COMMISSIONER SCHENKEL: I just didn't know if
20 we had to wait until the next meeting. Thanks,
21 Wendy.

22 CHAIRMAN WEATHERWAX: Any other questions?
23 Clarification on that rule change, emergency,
24 Robin, do you want us to restate that so we can
25 make sure we get the right chapter and right

1 subtitle besides this being in the report.

2 COMMISSIONER SCHENKEL: I have another
3 question.

4 CHAIRMAN WEATHERWAX: Go ahead.

5 COMMISSIONER SCHENKEL: One other question too
6 and I know because I was at your meeting, I
7 appreciate the discussion on this. You're
8 requesting the Executive Director have the ability
9 to approve those transfer of funds.

10 WENDY BROWN: Yes.

11 COMMISSIONER SCHENKEL: Again, that's
12 something that will be recorded, and we don't have
13 to have a separate motion for that. That's just a
14 staff function that we recognize in this report,
15 right?

16 MS. ELLINGWOOD: Right.

17 COMMISSIONER SCHENKEL: I think that's a good
18 thing. I want to make sure it doesn't get lost.

19 CHAIRMAN WEATHERWAX: All right. We
20 understand the special permission given to the
21 Executive Director for the 600,000. I don't see
22 any rule making.

23 COMMISSIONER SCHENKEL: It's not 600,000.

24 WENDY BROWN: It's a line item.

25 COMMISSIONER SCHENKEL: It's whether the funds

1 fluctuate.

2 WENDY BROWN: In other words, we don't spend
3 all the out of state breeders' awards, but then
4 that excess can be moved to different parts of our
5 program.

6 CHAIRMAN WEATHERWAX: Okay. That's in the
7 report. Striking language "Such a horse when
8 entering consecutive open races shall retain the
9 preference date of it's most recent open races"
10 struck.

11 Okay. Thank you. Any other questions on the
12 motion or the report? If not, I will have a motion
13 to accept as presented.

14 COMMISSIONER SCHENKEL: So moved.

15 COMMISSIONER PILLOW: Second.

16 CHAIRMAN WEATHERWAX: All those in favor say
17 "aye."

18 THE COMMISSION: "Aye."

19 CHAIRMAN WEATHERWAX: Thank you, Wendy.

20 Now we have the Standardbred Breed Development
21 program.

22 MS. ELLINGWOOD: Chairman, just to be clear,
23 maybe I missed this when I stepped away. We want
24 to make sure that you also have a motion before you
25 or adopt a motion to specifically approve the

1 adoption of that rule that was brought before you
2 under the Thoroughbred program as an emergency rule
3 just to be clear about that.

4 CHAIRMAN WEATHERWAX: We just did that, but we
5 didn't state that specifically.

6 MS. ELLINGWOOD: I may have missed it.

7 COMMISSIONER SCHENKEL: I asked the question.

8 CHAIRMAN WEATHERWAX: Make a record note that
9 this is an emergency rule approval.

10 Welcome.

11 SCOTT SNYDER: I'm Scott Snyder, chairman of
12 the Standardbred Breed Development Advisory
13 Committee. Chairman Weatherwax, and fellow
14 commissioners, before you is our 2017 proposal.

15 The program has become one of the most
16 successful programs in North America. And all
17 involved felt only minor improvements were
18 necessary. Our program is working.

19 Proof of this is just yesterday, Indiana sired
20 horse, Always B Miki, was named pacer of the year
21 and horse of the year. This is the second year in
22 a row that an Indiana sired horse has achieved that
23 status. Last year, it was Wiggle It Jiggleit.
24 Also always B Miki this fall set a new record for
25 the fastest mile in history in 1:46 so quite

1 impressive for our Indiana program.

2 With little changes taking place, I would be
3 happy to answer any questions you have for me.

4 CHAIRMAN WEATHERWAX: Well, I notice, and I
5 haven't spoke to you about this, naming six through
6 ten places, does that open it up for more horsemen
7 to be successful or does it help overall filling of
8 the races?

9 SCOTT SNYDER: I think it certainly helps just
10 record those for competing in our program. We felt
11 it would, all, everybody seemed open and interested
12 in making this improvement. It also helps spin
13 down the reserves that we have as well. We've been
14 working on it for the last several years.

15 COMMISSIONER SCHENKEL: As a part of this
16 then, Scott, do you also have an emergency rule
17 request here on the very last page; is that
18 correct?

19 SCOTT SNYDER: Correct.

20 COMMISSIONER SCHENKEL: I think we need to
21 make sure that we recognize that that's the only
22 actual change and action item that you have in
23 this, right?

24 SCOTT SNYDER: Right. Just work with the
25 judges to clarify some of the ruling issues.

1 COMMISSIONER SCHENKEL: I would make a motion
2 to approve the Indiana Standardbred Breed
3 Development proposal, including the emergency rule
4 to 71 IAC 3-2-9.

5 COMMISSIONER PILLOW: Second.

6 CHAIRMAN WEATHERWAX: We have a motion and
7 second. Questions? All those in favor say "aye."

8 THE COMMISSION: "Aye."

9 SCOTT SNYDER: Thank you very much.

10 COMMISSIONER SCHENKEL: Great job. Keep it
11 going.

12 CHAIRMAN WEATHERWAX: Now we have Quarter
13 Horse. Sarah, welcome.

14 SARAH DISTLER: Good afternoon. I'm Sarah
15 Distler, and I'm the breed development coordinator
16 for Thoroughbreds and Quarter Horses. Today, I'll
17 be presenting the Quarter Horse Breed Development
18 program proposal for 2017. This proposal is a
19 result of many hours of collaboration with Quarter
20 Horse Breed Development Committee, the Quarter
21 Horse Racing Association of Indiana, Indiana Grand,
22 and IHRC officials.

23 There are very few changes from the 2016
24 program. And we have received a positive response
25 from stakeholders who said they appreciated the

1 consistency.

2 The most significant change is in regards to
3 open racing awards. 2016 was a very good year to
4 be an owner or breeder of an Indiana bred and sired
5 horse running in open races. So good, in fact,
6 that we exhausted the awards funds for Quarter
7 Horse open races after September 5th.

8 The program participants let us know they
9 would rather see the percentage of the open awards
10 lowered with a lower cap than see the awards
11 offered for only part of the year. This change is
12 referenced on page four of the proposal.

13 The percentage for open awards will be
14 decreased from 12.5 to 6.25. And the capped
15 amounts will be lowered from the maximum of 10,000
16 to a maximum of 5,000 paid at 2500, 1500, and
17 1,000.

18 There is a typo in the proposal. The proposal
19 shows that the maximum for a winner will be 3,000,
20 which should actually read 2500 giving the correct
21 total maximum of 5,000 for all three awards. We
22 ask this proposal be approved with that correction.

23 I'm happy to answer any questions that might
24 have.

25 CHAIRMAN WEATHERWAX: That's good, Sarah,

1 because you've gone through the year. You had the
2 input from all your members. And they believe it's
3 more important to get a firm knowing of where
4 you're going to be versus nothing.

5 SARAH DISTLER: They didn't want to punish
6 people that might start racing later in the year.

7 CHAIRMAN WEATHERWAX: Now, question, if you
8 change the math and you do all this, are you still
9 going to have enough money?

10 SARAH DISTLER: We believe so.

11 CHAIRMAN WEATHERWAX: Because you have a
12 reserve, don't you, that you can use? Hopefully
13 this will solve the issue and create the right
14 break point that you want, which is why you're
15 setting it this way. Thank you for a successful
16 report and year.

17 MS. ELLINGWOOD: Chairman, I point out that
18 this program also has rule changes. There are
19 three that are contained in the material before
20 you, 71 IAC 14.5-3-1, 3-2, and 3-3, which are
21 consistent with the presentation Miss Distler has
22 given. Under the timeliness provision of the
23 emergency rule adoption policy, I would recommend
24 that it be, that these rules be adopted as
25 emergency rules.

1 CHAIRMAN WEATHERWAX: So noted and understand.
2 Any other questions of Commissioners? Commissioner
3 Pillow, do you have a question?

4 COMMISSIONER PILLOW: No.

5 CHAIRMAN WEATHERWAX: All right. Do I hear a
6 motion to accept the Quarter Horse Breed
7 Development with those emergency rule changes?

8 COMMISSIONER SCHENKEL: Move acceptance with
9 the emergency rule changes as noted earlier.

10 COMMISSIONER PILLOW: Second.

11 CHAIRMAN WEATHERWAX: All those in favor say
12 "aye."

13 THE COMMISSION: "Aye."

14 CHAIRMAN WEATHERWAX: Thank you.

15 Update on the continuation of the Initial
16 Distribution Agreement. This is the continuation
17 of what we now call the distribution agreement.
18 Lea, is this you?

19 MS. ELLINGWOOD: That's me. I think all the
20 Commissioners here have been through this process
21 at least twice before. As you know, the Commission
22 considered an initial distribution agreement that
23 essentially automatically renews for an additional
24 one-year period for seven years. It automatically
25 renews unless the terms haven't been satisfied.

1 The terms have been satisfied. This is just
2 before you for review to give you the opportunity
3 to ask Centaur representatives any questions that
4 you might have related to the distribution
5 agreement. But to the best of my knowledge,
6 everything is moving smoothly. We haven't had any
7 issues, and no concerns have been brought to our
8 attention.

9 CHAIRMAN WEATHERWAX: Any questions from the
10 Commissioners to Centaur regarding this?

11 COMMISSIONER SCHENKEL: Or any of the parties
12 involved.

13 CHAIRMAN WEATHERWAX: Okay. If there are no
14 questions, we're very pleased.

15 So do we have a motion to accept this update,
16 which every year we do this?

17 MS. ELLINGWOOD: You don't have to take a vote
18 on it. It automatically renews. So it's just
19 before you. If you had some concerns, then we
20 might address that.

21 COMMISSIONER PILLOW: Is this the third or
22 fourth year?

23 MS. ELLINGWOOD: I think it's the third year.
24 Is that right, John?

25 MR. KEELER: Members of the Commission, the

1 2017 meet will be the fourth year.

2 CHAIRMAN WEATHERWAX: Very good. That's a
3 simple report. We have the chance to review it and
4 ask questions.

5 MS. ELLINGWOOD: Yes.

6 CHAIRMAN WEATHERWAX: That's why it's on our
7 agenda.

8 MS. ELLINGWOOD: Right.

9 CHAIRMAN WEATHERWAX: All right. The final,
10 well, not the final, but point 18 is race meets
11 update on Breeders' Crown plans. Rick Moore. Jim
12 Brown.

13 JIM BROWN: I don't know how they got to
14 upstage me.

15 Good morning, Chairman, Commissioners,
16 Executive Director, staff. I'll be like Chris
17 Berman on ESPN doing a whole NFL's week of
18 highlights in 60 seconds. But I've got a season to
19 cover, and so it may take me five minutes. I'll
20 try to be succinct.

21 2016 was really an exciting year for Indiana
22 racing. Along with what we had the opportunity to
23 see on the tracks, we made a number of additions
24 and enhancements for our fans and our horsemen and
25 horsewomen. We added new state-of-the-art track

1 maintenance equipment from gators to mowers to
2 tractors, and this past year water trucks, track
3 backside beautification projects, new racing TV
4 studios, world class export simulcast programming,
5 as previously mentioned, a new state-of-the-art
6 Quarter Horse barn at Indiana Grand, HGTV, a
7 passing lane at Hoosier Park.

8 We experimented with First Turn Stables at
9 Hoosier Park, a fractional ownership program that's
10 fan friendly. After an initial \$250 investment,
11 you're off the hook. And if I had a stable that
12 was as successful as their stable, I would probably
13 be in the horse business. But I think they kept
14 getting their horses claimed, but it was quite a
15 success for the first year. Next year we are
16 hoping to bring it to Indiana Grand.

17 We had VIP owners' clubs at both tracks and
18 programs to try to stimulate interest from our live
19 audience, and, of course, a very exciting racing
20 year.

21 We expanded our partnerships in 2016 to try to
22 get more coverage of our racing. WISH TV was an
23 expanded contract and had beautiful coverage of the
24 Indiana Derby. TVG was enhanced programming. We
25 appeared in the Paulick Report for the first time.

1 We enhanced our partnership with the Daily Racing
2 Forum, Harness Racing Update. We were on Sirius XM
3 once a week. And for the first time in about four
4 years, we were shown in the Las Vegas sports and
5 race books.

6 And a lot of this required much effort on
7 people's parts to get done and was done in
8 conjunction with our horsemen's associations, a lot
9 of these programs and enhancements in 2016. We
10 have a world class commentator, announcer,
11 analyst's group that knocked it out of the park.
12 And one of them, Emily Gaskin, was named last week
13 as the Mike and Mike Post Time Awards 2016
14 Horsewoman of the Year, to go along with Rachel
15 McLaughlin, Bill Downes, Nancy Holthus, Steve
16 Cross, and Peter Lurie. That's the second award
17 that Emily has won. She was the breakthrough award
18 winner in 2014 from the United States Harness
19 Writer's Association.

20 As we all know, racing is lot more than
21 handle, but speaking of handle, I think you have
22 this in your packets. Hoosier Park was up in
23 handle 12 and a half percent this year. Indiana
24 Grand was up 15.6 percent this year.

25 What I found as I tried to take a look back in

1 time to earlier years and see how that equated to
2 the national horse racing scene, if you go back to
3 2012, which was the last year before we acquired
4 Indiana Grand, and you took the handle from 2012
5 and brought it forward to this year's handle, U.S.
6 harness tracks from 2012 to 2016, their handle has
7 grown by 3 percent. Hoosier Park's harness handle
8 during that same period of time has grown
9 55 percent.

10 COMMISSIONER SCHENKEL: What year did we go to
11 one breed, one track?

12 JIM BROWN: 2013. 2012 we took all harness
13 racing in '12 and all Thoroughbred and Quarter
14 Horse racing in '12. Hoosier Park that first year
15 was up 26 percent, then up 9 percent, then up
16 1 percent, and then this year up 12 and a half
17 percent. Last year we had all those issues to
18 battle with with the New York OTBs not taking us
19 and Virginia cutting out racing, etc.

20 From the Thoroughbred side, and I couldn't get
21 a measure of specifically Quarter Horse so it's
22 Thoroughbred and Quarter Horse combined. From 2012
23 to 2016, that information is from the Jockey Club,
24 U.S. Thoroughbred tracks' business declined by
25 two percent. During that same period of time,

1 Indiana Grand improved handle by 41 percent. So
2 you have 2012 to 2016, harness racing is up
3 3 percent, Thoroughbred racing is down 2 percent.
4 Hoosier Park is up 55 percent and Indiana Grand
5 41 percent. That's just unbelievable for so many
6 of us to be involved in our racing programs during
7 that period of time. And it's all been fact
8 checked too.

9 Indiana Grand's Indiana Derby was won this
10 year, as you know, by Bob Baffert trained Cupid.
11 We had a great Derby festival, a tribute to our
12 Armed Forces, veterans, and first responders, a
13 free concert, a Derby anchored by Anchorman's Dave
14 Koechner. And handle for Derby day was a record
15 breaking 3.15 million, 500,000 better than any
16 other day in Indiana Grand's history and up
17 78 percent from the prior year.

18 On the harness front, Scott alluded to Always
19 B Miki being named horse of the year. United
20 States Harness Writer's Association announced their
21 horse of the year yesterday. And Emily Gaskin had
22 the honor of announcing this, but horse of the year
23 was Always B Miki with that world record 1:46 mile.
24 The runner up was Indiana sired Wiggle It Jiggleit.
25 Third place was Indiana sired filly trotter

1 Hannelore Hanover. Indiana sired horses finished
2 first, second, and third in national horse of the
3 year honors.

4 CHAIRMAN WEATHERWAX: That's amazing.

5 JIM BROWN: It is absolutely.

6 For 2017, at Indiana Grand some of the
7 physical changes we will be making, a new main
8 track or not a new main track, a main track jockey
9 safety rail. In 2015, Indiana Grand was listed as
10 the sixth safest track in the country based on
11 equine fatalities per thousand starts. We're a
12 safe track for our jockeys, our horses, others, but
13 we want to be even safer. This is a \$300,000
14 project.

15 It's a safety rail, and it serves, as you've
16 seen on some of the Thoroughbred tracks or Quarter
17 Horse tracks, it's like a slide. So if a jockey
18 comes off, they're not going to get hung over that
19 rail. They will slide through it. We are starting
20 construction of that. And we're building a new
21 state of the art track maintenance building at
22 Indiana Grand this year.

23 At Hoosier Park we've already started
24 construction on a new 9,000 square foot
25 administration building. The facility will include

1 our racing office, Indiana Horse Racing Commission
2 offices, Indiana Standardbred Association offices,
3 and other offices necessary for operations on the
4 backside, now including all entities under one
5 roof. We also plan to install completely new track
6 racing outer fence, the white fence you see on the
7 backside of the track.

8 We continue to support a variety of
9 benevolence organizations and funds that are
10 associated with our industry. And we will continue
11 to be proactive on that front. Centaur Equine
12 Specialty Hospital in Shelbyville is nearing
13 completion. And interestingly, the Paulick Report
14 had a story on it in today's edition, as I was
15 checking my morning e-mails. And that's going to
16 be open in early 2017. I don't have a date, but
17 when I drive by, it looks like the work is getting
18 done. Should only be a couple months away.

19 Last but not least, the 34th edition of
20 harness racing's Breeders' Crown is going to be
21 held on Friday, October 27th and Saturday,
22 October 28th at Hoosier Park. And we're still
23 talking to the Hamiltonian Society, but it looks
24 like the odds are we're going to split the 12 races
25 into two nights, six per night.

1 Meadowlands, we had a group of 15, 20 people
2 at Meadowlands this year. They did four and eight.
3 We're looking at various options concerning six and
4 six, as Friday is our biggest racing night for our
5 expert audience. And we'll have more details at
6 our next meeting.

7 We have a dozen or more committees that are
8 involved in different facets of looking at their
9 area of expertise to ensure that we reach our goal
10 the best, most fan friendly Breeders' Crown in the
11 history of the race. And we've got dozens of
12 people involved, the Indiana Standardbred
13 Association involved. Our meetings will start to
14 become every couple of weeks.

15 We'll have much more information to share as
16 we get into the new year. And we'll be bringing in
17 whatever news publications we can, convention and
18 visitors bureau, chamber of commerce and try to
19 make this a real community event. And we want to
20 ensure that it's fun and it's inclusive.

21 And we don't want to close the door or have
22 secret meetings and plan a Breeders' Crown in a
23 vacuum. If you walked through Hoosier Park on
24 closing night, I probably heard 50 different ideas
25 from fans and friends about what we needed to do

1 for Breeders' Crown. And we want to hear that.
2 And we want to incorporate whatever we can so we
3 can all watch next year on those two Breeders'
4 Crown nights, an event that we were all involved in
5 and help be as good as it could be and have the
6 honor of our first time hosting and the first time
7 in decades that the Midwest has hosted the
8 Breeders' Crown races.

9 With that, from Centaur, from our teams, we
10 sincerely appreciate our partnerships with the ISA,
11 the HBPA, ITOBA, QHRAI, our horse women and men,
12 our relationships with the IHRC, of course, our
13 legislators and local government groups that we
14 work well with all the time or work with all the
15 time. Sometimes well, sometimes not, usually well.
16 But from all of us at Centaur wishing everyone a
17 very Merry Christmas and a Happy New Year and a
18 wonderful 2017.

19 CHAIRMAN WEATHERWAX: Thank you, Jim, for all
20 you guys do because without your help, we wouldn't
21 be this successful. Question on just logistics.
22 You have the Breeders' Crown. How are you going to
23 handle all those people?

24 JIM BROWN: That's an interesting one of many
25 questions because we'll have a plan. We'll have a

1 backup plan, and we'll have a contingency plan.
2 We've gone through those first Fourth of Julys at
3 Hoosier Park where we commandeered the Shoe
4 Carnival parking lot, the Walmart parking lot,
5 parking on the backside along that road. We will
6 have plans in place.

7 But one of the challenges we have is Breeders'
8 Cup day, racing was up 1,119 times what it normally
9 is. Betting handle for the Breeders' Crown this
10 year, Meadowlands handle was up 43 percent versus
11 1,119 times for Breeders' Cup. We went to Woodbine
12 last year. And it was like a busy Saturday night.
13 Meadowlands, Friday and Saturday this year, they
14 had about 3,000 people on Friday and about 4,500
15 people on Saturday. They have 19 million people
16 within 40 miles. It was the best weather they had
17 had for that weekend. It was 55, 60 degrees at
18 night.

19 I have photos on my phone of the apron at 9:00
20 on Saturday night, and it looked like a slow
21 Saturday night at Hoosier Park. Granted they have
22 a lot more room inside and can handle a much bigger
23 capacity. But we have the plan for from anywhere
24 from 3,000 people to 10,000 people.

25 It's a good question, and we don't know the

1 answer. I think we're going to try to pick the mid
2 point so we have enough to get us to the top end.
3 We'll still be busy if it's on the low end. And I
4 think weather is very important at that time of
5 year at the end of October.

6 CHAIRMAN WEATHERWAX: Will the viewing for the
7 general public be right there in front or will you
8 have to build a temporary pole barn type?

9 JIM BROWN: We think we're going to have two
10 tents and then enough room if the weather is nice
11 if people want to stand outside so there's room on
12 the apron. And we have to be sure we don't block
13 anybody inside. So you have the first floor of the
14 clubhouse and grandstand, the entire showroom, the
15 buffet, and the Home Stretch, and steakhouse. It's
16 going to be an interesting undertaking.

17 COMMISSIONER PILLOW: Jim, I'm interested in a
18 couple of questions real quick. How did the
19 own-a-horse program turn out where everybody could
20 chip in?

21 JIM BROWN: When I lost track of it, we had
22 won three races. They finished second twice. They
23 ended up having five wins. They kept having their
24 horse claimed. They would run a race, and somebody
25 would claim the horse. Jeff Cullipher was the

1 trainer so they must have respect for Jeff because
2 every time he claimed a horse for First Turn
3 Stables somebody would take it out from him. We
4 had how many people, 50.

5 RICK MOORE: Yes.

6 JIM BROWN: There would be at least 30 that
7 attended every race. If you look at the winner's
8 circle photos, we could hardly get everybody in.

9 CHAIRMAN WEATHERWAX: I can tell you it was
10 very successful because I have a friend that took
11 part. And he told me every day what was going on.
12 So that creates the enthusiasm that you wanted.
13 The goal was to try to get more people to invest in
14 being a horse owner or participant.

15 My question is: Do you ever see yourself
16 doing that on the Thoroughbred side?

17 JIM BROWN: We are hoping. We wanted to run
18 the lab experiment to see if it worked at Hoosier
19 Park, work the kinks out. The plan is to bring it
20 to Indiana Grand in 2017. The challenge is going
21 to be with Standardbreds, they are going to race
22 every week or two. With Thoroughbreds, you're
23 every three weeks, a month. So we are bringing it
24 next year.

25 Churchill did it. They ended up buying two

1 horses, I think, this past year. We're going to
2 start with one and see how we do.

3 COMMISSIONER PILLOW: Last question. This
4 might be for Jon or Rick. How are stalls assigned
5 at the track?

6 JON SCHUSTER: Very carefully. Stalls are
7 assigned -- it would be the same, but I'll let Rick
8 speak. Our racing secretary, Kevin Greely, gets
9 all the applications. People put in their
10 application what their horses are, what kind of
11 stock they have. He does a really good job of
12 weeding through those and finding some of the ones
13 that might be a little overstated, a little
14 understated.

15 He tries to put together the best mix, the
16 best balance of horses to make our meet run. That
17 includes horses from the very bottom, the very,
18 very bottom end to the very top end and try to get
19 the kind of mix on the property that will give him
20 the easiest draw for races that we can always count
21 on some ship-ins and so forth as well. But he
22 tries to get himself in a place where he has the
23 best chance to fill races or fill the meat of most
24 races from what's on the property.

25 It's very tricky. There are a million nuances

1 to it. We have about 1040 stalls. You can
2 probably make that the exponent of how many
3 different ways there are to allocate stalls. From
4 folks that have one or two horses literally to
5 folks that have 75 and trying to get the right mix
6 in there Indiana breeds, opens, we're very keen to
7 all of that. That's also, much like breed
8 development, that's a Rubik's cube.

9 CHAIRMAN WEATHERWAX: You don't want that job,
10 George.

11 JON SCHUSTER: No, neither do I.

12 COMMISSIONER PILLOW: I could not answer that.
13 Now I see why.

14 JON SCHUSTER: It's a lot of his judgment
15 based on his experience. It's not always perfect.
16 There's no question it's not always perfect. The
17 information you get isn't always perfect, and
18 that's a piece of that as well. Rick may add to
19 that.

20 RICK MOORE: Jon has done a terrific job of
21 talking how stalls are allocated. I would add one
22 thing on the Standardbred side of things, our
23 racing secretary, Scott Peine, he does the
24 allocation. Once we're finished with the
25 allocations before we send those out to the

1 different trainers, we do sit down with the Indiana
2 Standardbred Association and let them review our
3 allocations and give them input into our final list
4 of who's getting what and how many.

5 COMMISSIONER PILLOW: Thank you.

6 CHAIRMAN WEATHERWAX: Okay. Old business, any
7 old business to come before the Commission? Any
8 new business? Having seen none, heard none, the
9 meeting is adjourned.

10 (The Indiana Horse Racing Commission meeting
11 was adjourned at 12:30 p.m.)

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1 STATE OF INDIANA
2 COUNTY OF JOHNSON

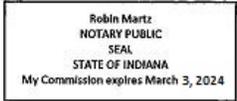
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I, Robin P. Martz, a Notary Public in and for said county and state, do hereby certify that the foregoing matter was taken down in stenograph notes and afterwards reduced to typewriting under my direction; and that the typewritten transcript is a true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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 4th day of January 2017.

Robin P. Martz



My Commission expires:
March 3, 2024
Job No. 114827

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