

In the Matter Of:

INDIANA HORSE RACING COMMISSION MEETING

IHRC Meeting

January 13, 2016

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INDIANA HORSE RACING COMMISSION
MEETING

HELD ON

JANUARY 13, 2016

9:00 A.M.

AT

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APPEARANCES

Thomas Weatherwax, Chairman
 Greg Schenkel
 George Pillow

 Deena Pitman, Interim Executive Director

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

AGENDA

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1 CHAIRMAN WEATHERWAX: Welcome to our Indiana
2 Horse Racing Commission meeting without microphones
3 or any loud speakers. Why don't you just kind of
4 come up forward a little bit in case you want to be
5 a little closer to hear. I was being a little
6 facetious. If I could conduct and start the
7 meeting right now.

8 (At this time the oath was administered to the
9 court reporter by Chairman Weatherwax.)

10 CHAIRMAN WEATHERWAX: So we have Chairman
11 McCarty that could not join us. Commissioner, I
12 should say, not Chairman. But Commissioner Bill
13 McCarty and Susie Lightle could not be here. We
14 have George Pillow, Greg Schenkel, and myself. We
15 have a quorum.

16 I would ask my commissioners if they would
17 please review or give me a vote on the minutes.

18 COMMISSIONER SCHENKEL: I move approval.

19 COMMISSIONER PILLOW: Second.

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

22 THE COMMISSION: "Aye."

23 CHAIRMAN WEATHERWAX: Next, we have something
24 that I think could be very interesting. And you
25 see it on the docket. It's called the passing lane

1 for Standardbred racing. This was a proposal that
2 came to us by several people, mainly Centaur, but
3 we've had input. I would like to hear your input.
4 We have our judges with us today.

5 So I think, Brian, is this for you? Please go
6 ahead with your presentation.

7 RICK MOORE: Rick Moore, vice-president and
8 general manager of racing at Hoosier Park. We've
9 put together a presentation. I'm not necessarily
10 going to go through this booklet today, but there
11 is a decent amount of information in it.

12 We look at the passing lane as the next
13 evolution of the competitive racing that takes
14 place at Hoosier Park on a nightly basis. And if
15 you think of the passing lane, think about another
16 lane on the interstate, which would have come in
17 quite handy this morning.

18 But what it does, it provides another avenue,
19 if you would, for horses to pass. Now horses have
20 to try to go to the inside or the outside, but this
21 will actually create another lane in the stretch.
22 It will not come into play until the final stretch.
23 It does not come into play during the start of the
24 race.

25 And it will start at the start pole. So it

1 will be an eighth of a mile. Again, think of it as
2 another lane that the horsemen will have the
3 opportunity to move to during the stretch, an
4 eighth of a mile. Obviously, it's 660 feet. So
5 quite a long ways.

6 We think it will create even more competitive
7 racing. It will give horsemen the opportunity to
8 not only go to the outside but go to the inside.

9 I always look at things from the bettor's
10 point of view. They're the ones we put on the show
11 for. Even with the long stretch that Hoosier Park
12 has, and we have one of the longest stretches in
13 harness racing, there are still times when a horse
14 gets boxed in.

15 The most frustrating thing for a bettor is to
16 feel like he didn't get the opportunity for his
17 horse to go for the win or even to be part of the
18 exacta, trifecta, superfecta. We think now that
19 argument is minimized because now horses will have
20 the opportunity to go to the inside, go to the
21 outside.

22 We believe there will be more blanket
23 finishes. We believe the competition will increase
24 even more. I think a bettor, while his horse may
25 not be the best, if that horse at least has the

1 opportunity to compete for the win or compete for
2 the top three or four spots, I think he can
3 honestly say, all right, at least I got a run for
4 my money.

5 We are very, very excited about the passing
6 lane. We hope, you know, weather permitting, we
7 hope to have it in operation, obviously, based on
8 the approval of the Commission, but we would like,
9 if you approve, we would like to have it for the
10 start of the meet. It depends on the weather.

11 It will be constructed under the guidance of
12 our new track superintendent Gary Wolf from the
13 Meadowlands and also the nationally renowned track
14 consultants from Coon and Sons Incorporated, Greg
15 Coon and Dan Coon. So we will have the best minds
16 in the business putting this passing lane in play.

17 COMMISSIONER PILLOW: I have a question. What
18 was it before? Maybe I need to back up a little
19 bit on this passing lane.

20 RICK MOORE: If you think about where it was,
21 you had your stretch. You had the pylons that
22 outlined the stretch. Those pylons now, the
23 current stretch, when you get to the start pole,
24 those pylons will now be, indented might be the
25 wrong word. But they will be phased inward at a

1 minimum of seven feet, and, hopefully, maybe even
2 more than seven feet.

3 So it will just be if you think about maybe
4 driving on the shoulder of the road or think about
5 driving down the road and another avenue opens up
6 to you, that's exactly what the passing lane will
7 be.

8 COMMISSIONER PILLOW: Oh, okay.

9 CHAIRMAN WEATHERWAX: It starts at the seven
10 eighth.

11 RICK MOORE: It starts at the eight pole,
12 which is the start pole, so eighth of a mile, which
13 if you think about it, longer than two football
14 fields. So the horsemen should have ample time to
15 decide when they want to make that move to the
16 inside. It might even be as they get very close to
17 the finish line.

18 CHAIRMAN WEATHERWAX: But it starts at the
19 seven-eighth pole, doesn't it, around number four?

20 RICK MOORE: You can look at it as the
21 seven-eighth pole.

22 CHAIRMAN WEATHERWAX: I'm thinking the way the
23 race runs.

24 RICK MOORE: You are correct.

25 CHAIRMAN WEATHERWAX: George, the beauty here

1 is we hear complaints on the pick of the slots.
2 Seven, eight, nine, ten are not what people want to
3 draw. This takes away that argument. And it
4 almost makes it an interesting argument because now
5 it's almost equal chance opportunity for every slot
6 on the race, and you want to race that way.

7 COMMISSIONER SCHENKEL: In your handout, it
8 looks very similar, it would be very similar to
9 Balmoral.

10 RICK MOORE: Identical.

11 COMMISSIONER SCHENKEL: That's the one in
12 looking through this.

13 RICK MOORE: It's identical. Chairman
14 Weatherwax, you voiced it better than I could.

15 COMMISSIONER SCHENKEL: One question, Rick,
16 that I've got, and maybe this is a question for the
17 judges. Obviously, there is still the possibility
18 that somebody goes into that lane and attempts to
19 block in some way.

20 RICK MOORE: That's a great question.

21 COMMISSIONER SCHENKEL: How's that going to be
22 dealt with or is that on the judges?

23 RICK MOORE: That will be up to the judges.
24 Interestingly enough, say, you're in the lead, you
25 cannot move into that passing lane. The judges can

1 speak to it better than me. You cannot move into
2 that passing lane in an attempt to block.

3 COMMISSIONER SCHENKEL: Block somebody who's
4 coming up.

5 RICK MOORE: Exactly. You have to retain your
6 course.

7 COMMISSIONER SCHENKEL: If you're the lead
8 horse, you stay where are you.

9 RICK MOORE: That's correct.

10 COMMISSIONER SCHENKEL: But if you're second,
11 then you can go into that lane.

12 RICK MOORE: Correct.

13 COMMISSIONER SCHENKEL: Okay. That helps me.

14 CHAIRMAN WEATHERWAX: That's something I
15 didn't understand because the judges look at that.
16 You have to race a straight line.

17 COMMISSIONER SCHENKEL: I didn't want it to be
18 the typical semi driving in the left lane in the
19 interstate that blocks everybody.

20 CHAIRMAN WEATHERWAX: It's not like NASCAR.

21 RICK MOORE: That's a great question and
22 great. I should also mention, we did this with
23 consultations with the horsemen's group Indiana
24 Standardbred Association. We spoke with President
25 Kieninger, members of his association. I believe

1 they are -- I'm not going to speak for Jack, but I
2 believe they are here to support the passing lane
3 as well.

4 CHAIRMAN WEATHERWAX: Very good.

5 COMMISSIONER SCHENKEL: That answers my
6 question.

7 CHAIRMAN WEATHERWAX: We don't have a list of
8 people that wish to speak.

9 DEENA PITMAN: You can ask Jack.

10 CHAIRMAN WEATHERWAX: Jack, do you have a
11 comment on this?

12 MS. ELLINGWOOD: The judges are here too.

13 CHAIRMAN WEATHERWAX: The judges, I want to
14 hear from them too.

15 JACK KIENINGER: My name is Jack Kieninger.
16 I'm president of the Indiana Standardbred
17 Association. We've actually had several meetings
18 on the passing lane. This was brought up a couple
19 years ago. And some of the horsemen are in favor
20 of it. Some of them aren't because the old time
21 drivers, you know, they like to box people in and
22 all that kind of stuff.

23 The fact of the matter is it does help the
24 betting. It is more fair to the outside horses.
25 You have a better shot if you draw outside the six

1 hole, you don't have to leave that gate a hundred
2 miles an hour. You can actually -- it's going to
3 change the strategy of the racing. I think the
4 racing will be better. I think they will be
5 closer.

6 We voted at our board meeting Monday. It was
7 a unanimous vote in favor of the passing lane.

8 CHAIRMAN WEATHERWAX: It was unanimous?

9 JACK KIENINGER: Unanimous. So everybody's on
10 board with it.

11 COMMISSIONER SCHENKEL: I talked to an
12 owner-breeder who said if Centaur thinks this is a
13 good deal and it will improve racing, then I'm for
14 it. He was very noncommittal about it but said if
15 it's good for racing, it's good for him.

16 CHAIRMAN WEATHERWAX: Brian.

17 BRIAN ELMORE: Brian Elmore, vice-president of
18 racing Centaur. In addition to that, this is just
19 a part of Centaur's commitment in preparation of
20 the Breeders Crown races in 2017. We think that
21 adding this passing lane, and we have it in the
22 budget this year to put in all new high definition
23 television cameras all around the track, which will
24 improve the signal and quality coming across the
25 TVs dramatically. That will be about a

1 \$1.2 million spend. This is all part of the
2 program getting ready as we partner with the ISA
3 for the Breeders Crown races in 2017.

4 DEENA PITMAN: Brian, you're also putting in
5 the higher def for video feedback for the judges.

6 BRIAN ELMORE: Yes, everything outside will be
7 high def.

8 CHAIRMAN WEATHERWAX: What do you estimate,
9 Brian, the cost of the passing lane will be? Is
10 that separate than the high def cameras?

11 BRIAN ELMORE: Yes, that will be about 150 to
12 200,000, somewhere in that range.

13 CHAIRMAN WEATHERWAX: So you have to put a
14 surface down there that's like a racing quality
15 surface.

16 BRIAN ELMORE: Absolutely. It will be
17 consistent with the whole track.

18 COMMISSIONER SCHENKEL: Brian or Rick, the
19 other question I had was when we talked out there I
20 heard some conversation about this before, that's
21 about the size of it. The way you have worded this
22 it says at least seven feet wide and not more than
23 ten. So you feel that gives you enough leeway so
24 if you find seven feet isn't enough, you can move
25 it.

1 BRIAN ELMORE: Yes.

2 COMMISSIONER SCHENKEL: You don't think it
3 needs to be more than ten?

4 BRIAN ELMORE: No, absolutely not. It needs
5 to be a little bit more than the width of the bike.

6 COMMISSIONER SCHENKEL: You don't want to say
7 it shall be five feet and find out it's not
8 practical.

9 BRIAN ELMORE: Yes, sir.

10 COMMISSIONER SCHENKEL: So you give yourself
11 some wiggle room.

12 BRIAN ELMORE: Yes, sir.

13 CHAIRMAN WEATHERWAX: Mike Hall, do you guys
14 want to have some input? You are the guys that
15 have to judge it.

16 MIKE HALL: Here's the -- I've worked at a lot
17 of tracks with passing lanes, and they're not
18 really a problem for the judges. It will cause a
19 few inquiries and disqualifications because of
20 something that you mentioned earlier. If someone
21 goes in there and blocks a horse.

22 Say the guy that's sitting second is five
23 lengths behind the leader, well, he doesn't need to
24 go in there. The guy behind him might be right on
25 his back, and he might want to use that lane to

1 pass him. We'll have a few issues, but it's
2 nothing that can't be handled.

3 Everyone is in agreement right now. What
4 you'll hear in the future is somebody will call up
5 complaining why did they put that passing lane in.
6 I'll tell you why they're going to say that. It's
7 because they had a horse locked in behind him and
8 the horse got out of there. The guy that gets free
9 is going to be happy, and the guy that gets beat
10 because of it's not. It's just a part of racing.

11 As far as the width of it goes, they first
12 proposed, like, six feet. I was talking to the
13 trackman. A little bit wider is better because
14 they need a little bit of wiggle room. When you're
15 driving a horse, you can't go exactly straight.

16 RICK MOORE: We hear that.

17 MIKE HALL: As far as we're concerned, there
18 won't be any problem. There will be some
19 complaints, like I said. I would say probably more
20 tracks have it than don't have it.

21 COMMISSIONER SCHENKEL: So you don't know of
22 any problems that have existed because of the
23 passing lane, other than the typical complaint.

24 MIKE HALL: The biggest problem we'll probably
25 have is guys get anxious to get in there. They go

1 inside the pylon that starts it. We don't allow
2 that because that's giving unfair advantage of
3 getting in there before it starts. If they go
4 inside the pylon, it gives them an advantage, and
5 the finish is real close, they win by half a nose,
6 we'll have to have an inquiry to look at that.
7 Every case will be different.

8 It's not going to be -- the length of the
9 stretch is so long, I'm wondering by the time they
10 get to the eighth, the last eighth, usually the
11 horse that was on the front has drifted out a
12 little bit. So I'm thinking the second and the
13 third horse will be probably finding room up the
14 inside too. So it should really make it less
15 problems in the stretch for us and for the drivers.

16 CHAIRMAN WEATHERWAX: Because I've been up
17 there where you guys are trying to watch all the
18 cameras, but when you get to the seven-eighth
19 marker, you have cameras that can tell this guy's
20 going this way or right or left.

21 MIKE HALL: Yeah, we'll look at the head-on
22 short for that, but we'll get together with the
23 trackman. And what we'll have them do is right
24 before the passing lane starts, like, put three
25 pylons really close together so the drivers will be

1 able to see that better and maybe even a little
2 taller or a different color. Because the biggest
3 problem is drivers sometimes go in a little bit
4 early.

5 As far as seeing it on the cameras, when they
6 get the new cameras in, and then next year when
7 they put in all new lights, it's going to be
8 tremendous. Oh, I didn't say that.

9 COMMISSIONER PILLOW: Mike, how long do you
10 think it will take the drivers to get acclimated to
11 this or do they race like this at other tracks?

12 MIKE HALL: Yeah, they'll be used to it.
13 Like, the tracks in Illinois have it. The tracks
14 in Ohio have it and New York. Most places, I would
15 say more than not have it.

16 CHAIRMAN WEATHERWAX: Very good. Anyone else
17 like to have a comment either pro or con? We have
18 heard the discussion, Commissioners.

19 COMMISSIONER SCHENKEL: I move acceptance for
20 approval of this proposal.

21 COMMISSIONER PILLOW: Second.

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

24 THE COMMISSION: "Aye."

25 MS. ELLINGWOOD: Mr. Chairman, I just wanted

1 to make sure the record reflects that this is an
2 emergency rule. And it's appropriate to be an
3 emergency rule because it fits under the timeliness
4 exception.

5 CHAIRMAN WEATHERWAX: This is an emergency
6 rule so we can move on that for the season because,
7 otherwise, we couldn't do it. Good point.

8 RICK MOORE: Thank you, Commissioners.

9 COMMISSIONER SCHENKEL: Good luck.

10 CHAIRMAN WEATHERWAX: Jessica, are you going
11 to do all three?

12 JESSICA BARNES: I am. Good morning. Mike
13 Gross, our chairman of Quarter Horse Breed
14 Development is tied up in court all day today. He
15 sends his regrets for not being able to be here. I
16 think he would probably rather be here than arguing
17 cases in court. So you guys get me.

18 The first is the Quarter Horse Breed
19 Development program. And the Quarter Horse Breed
20 Development program, when you look at what we
21 expended last year almost had a success problem.
22 There are elements of the program that are very
23 predictable. And then there is an element of the
24 program that is not predictable.

25 And that is how well Indiana-bred horses do in

1 non-breed development races or open races. And we
2 had a lot of Indiana-bred horses last year that did
3 very well in open races.

4 Now, when we sat down and had meetings with
5 Quarter Horse Breed Development people, the
6 representatives from the racetrack, and the
7 horsemen from the QHRAI, we all sat and looked at
8 this. We tried to predict if we're going to have
9 the same type of issues this coming year.

10 What we ultimately determined is because the
11 whole program is such a puzzle piece, that the
12 level of open purses affects how many horses
13 compete, how many outside horses you're getting
14 coming in. One of the things the QHRAI is working
15 with is working with the racetracks to actually
16 boost the open purses just a little bit to increase
17 those. That should make the participation from
18 Indiana-bred horses a little bit less. And because
19 the horses that did so well are moving up in age
20 categories, that also makes the problem a little
21 bit less of a problem.

22 So considering that, we were still a little
23 bit nervous about that element of the program. So
24 we had a couple different options to look at. One,
25 we could look at changing our program to allocate a

1 bunch more money to those open race awards or kind
2 of rolling the dice and see.

3 When we looked at ways we could change the
4 program to be able to allocate a bunch of money to
5 those open awards for something that may not
6 happen, the thought process was that type of change
7 would be more detrimental to the program than
8 keeping a close eye on the program the way that
9 it's set up and maybe having to make a small change
10 during the middle of the racing season this coming
11 year.

12 That's why in that first paragraph it talks
13 about the open race awards and watching them
14 closely and then possibly having to make a minor
15 modification to the program should it seem those
16 things are going to trend over budget.

17 With that said, the Breed Development Advisory
18 Committee does keep a reserve in their budget to
19 handle those type of things. If we didn't have a
20 reserve, I would be pretty adamant that we couldn't
21 have anything open-ended in our budget whatsoever.
22 With the reserve we have, we are able to cover
23 those types of overages.

24 So, basically, when you look at the program,
25 it's pretty identical to last year. We haven't

1 made many changes to it. The biggest change is
2 there's going to be more money for advertising.
3 There's a little bit more money allocated to the
4 open race awards. And the stake races are going
5 well. We work very well with the tracks in setting
6 up the program. We've just got a success problem.

7 CHAIRMAN WEATHERWAX: That's well put because
8 the success really ran them out of money as far as
9 the open races.

10 JESSICA BARNES: Yes.

11 CHAIRMAN WEATHERWAX: I talked to Senator
12 Jackman, and the word is out in the Quarter Horse
13 world that this is a great program. Some of the
14 owners of Quarter Horses were complaining to him
15 that they had to get a higher quality horse to play
16 the game. That's the way the game is going. And
17 so that's a good thing.

18 JESSICA BARNES: Yes.

19 CHAIRMAN WEATHERWAX: Because you're in the
20 negative in the open races by a pretty big hunk.

21 JESSICA BARNES: We are in the negative. One
22 of the good things is slots trended up a little bit
23 more so we had a little bit more revenue than we
24 expected and because we had reserves in there.

25 Even with our budget predicted, we'll still

1 maintain at least that \$250,000 in reserve.

2 CHAIRMAN WEATHERWAX: This is not like the
3 thing I've sat there on your advisory commissions
4 and heard the talk about how halfway through the
5 year, Centaur is one part of the equation, and you
6 guys are the other half or is this the same thing?

7 BRIAN ELMORE: This is still --

8 CHAIRMAN WEATHERWAX: This is the same thing.
9 But in this case, you don't come in and do
10 shortfall on the open?

11 JESSICA BARNES: No, no. It would be
12 something that we will watch closely and plug in
13 each week.

14 CHAIRMAN WEATHERWAX: Each horse breeder's
15 association has to watch this part of their own
16 puzzle.

17 JESSICA BARNES: Yes, each bread development
18 program.

19 CHAIRMAN WEATHERWAX: Any other questions of
20 Commissioners? Why don't you go to Standardbred.

21 JESSICA BARNES: Okay. Do you want me to go
22 ahead to Standardbred or do you guys want to
23 approve the Quarter Horse?

24 CHAIRMAN WEATHERWAX: Should we do one at a
25 time?

1 MS. ELLINGWOOD: Usually, you do.

2 CHAIRMAN WEATHERWAX: Let's have a motion to
3 approve and accept Quarter Horse association
4 budget.

5 COMMISSIONER SCHENKEL: So moved.

6 COMMISSIONER PILLOW: Second.

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

9 THE COMMISSION: "Aye."

10 JESSICA BARNES: The next item under agenda
11 number three is the Standardbred Breed Development
12 proposed program. And as you know, the
13 Standardbred program is just -- everybody is very
14 happy with it. We had Wiggle It Jiggle It win the
15 Little Brown Jug this year. Freaky Feet Pete,
16 along with two other horses, win Breeder's Crown
17 races. The statistics on the front page, if you
18 look at those check marks, I think are pretty
19 impressive. In 2015, Indiana-sired horses earned
20 over \$49 million of the purses offered in North
21 America.

22 COMMISSIONER PILLOW: That's outstanding.

23 (Audience applause).

24 JESSICA BARNES: And then if you look at those
25 horses racing in Indiana, 29, there were 29

1 Indiana-sired horses that won over a hundred
2 thousand dollars. So that's a pretty good
3 investment in the program. And then 90 of those
4 horses won over 50,000, and 237 of them earned over
5 25,000.

6 So, you know, if a trainer is looking at, or
7 an owner is looking at them costing 10 to \$15,000 a
8 year to train their horse, then, you know, owners
9 of 237 horses came out on top that had 10,000
10 approximately. Then we had also had Wiggle It
11 Jiggle It was the nation's three-year-old pacer of
12 the year, three-year-old colt and gelding pacer of
13 the year, three-year-old pacer of the year, and the
14 nation's horse of the year.

15 (Audience applause)

16 JESSICA BARNES: So when we started looking at
17 the program, there were very little changes we
18 wanted to make. We think things are doing pretty
19 well. So the changes that you see there are just
20 budget adjustments based on population numbers and
21 participation.

22 So the sires stakes format will stay the same.
23 The county fair format will stay the same. Our
24 late closer format will stay the same. Any changes
25 that were discussed were relatively minor in the

1 scheme of things.

2 CHAIRMAN WEATHERWAX: Jessica, on promotion,
3 do you share this with other states or have you
4 already?

5 JESSICA BARNES: Yes, I'm working on
6 advertisements that highlight those things. We are
7 really excited about doing that.

8 CHAIRMAN WEATHERWAX: What happens to us when
9 we have the Breeders Crown, does that change this
10 whole thing or does that not affect it?

11 JESSICA BARNES: It doesn't change the breed
12 development program. What I'm waiting to see is
13 how many Indiana-sired horses would be
14 participating. And we could possibly have a
15 champion that year from Indiana as well.

16 CHAIRMAN WEATHERWAX: But because we're
17 honored to have the Breeders Crown does not change
18 this kind of budget?

19 JESSICA BARNES: No.

20 CHAIRMAN WEATHERWAX: This is money that comes
21 from everywhere else to be at our track.

22 JESSICA BARNES: Yes.

23 COMMISSIONER SCHENKEL: Can I ask a question,
24 Jessica? I don't remember if I participated in
25 this meeting or not. It says in 2013, Commission

1 approved keeping a reserve in the amount of
2 2.3 million.

3 JESSICA BARNES: Uh-huh.

4 COMMISSIONER SCHENKEL: How did we arrive at
5 2.3 million? Is it as a percentage of something or
6 is it some figure that -- I don't think it was
7 randomly pulled out. But help refresh our memory
8 as to why that number is that number.

9 JESSICA BARNES: We basically looked at our
10 program and looked at if there was a legislative
11 change, most legislative changes would be impacted
12 July 1. So they would be effective July 1.

13 So if something came in and wiped out a bunch
14 of the breed development dollars, it would impact
15 your revenues coming in for that next half of the
16 year. And we basically looked at how we could kind
17 of sustain the rest of the program with the money
18 coming in. It may need to be looked at again.

19 COMMISSIONER SCHENKEL: No, no. That helps.
20 I guess my question, Mr. Chairman, I'm not used to
21 seeing a specific dollar amount because the budget
22 can change annually.

23 JESSICA BARNES: Right.

24 COMMISSIONER SCHENKEL: Conditions change
25 potentially annually with legislation, etc. I just

1 wondered if we ought to look at some point of
2 saying we ought to make sure there is a percentage
3 basis so that it fluctuates because if some year we
4 are flush with cash, and it makes sense to spend a
5 little more of that, and we go down to 2 million, I
6 don't know if that's wrong or right. A percentage
7 is usually the way I remember looking at things
8 like that of what your overall, percentage of your
9 overall activities.

10 JESSICA BARNES: I can tell you when we kind
11 of determined the numbers for Thoroughbred and
12 Standardbred, that we applied that same percentage
13 to Quarter Horse so that's how you got the Quarter
14 Horse number.

15 COMMISSIONER SCHENKEL: The bottom line is
16 reserve is important. I don't want to spend it
17 down. Don't get me wrong. I just don't know if a
18 set dollar amount makes as much sense as being able
19 to give us some --

20 COMMISSIONER PILLOW: Percentage.

21 COMMISSIONER SCHENKEL: -- some flexibility
22 percentage wise.

23 JESSICA BARNES: I will ask the breed
24 development committees to start possibly this March
25 looking at their programs in a long-term planning

1 process --

2 COMMISSIONER SCHENKEL: That makes sense.

3 JESSICA BARNES: -- and a long-range plan.

4 And I think that's something we should probably
5 readdress again and see if it is appropriate.

6 COMMISSIONER SCHENKEL: I'm not suggesting
7 that you change that today or anything like that,
8 but I think that's something we may want to look
9 at.

10 CHAIRMAN WEATHERWAX: Anything else you want
11 to add?

12 JESSICA BARNES: No.

13 CHAIRMAN WEATHERWAX: Any comments from our
14 guests? Jack, in for it?

15 JACK KIENINGER: Yes.

16 CHAIRMAN WEATHERWAX: Let's entertain a motion
17 to accept the Standardbred proposed budget and
18 plans.

19 COMMISSIONER PILLOW: So moved.

20 COMMISSIONER SCHENKEL: Second.

21 CHAIRMAN WEATHERWAX: All those in favor say
22 "aye."

23 THE COMMISSION: "Aye."

24 CHAIRMAN WEATHERWAX: Okay. Thanks Jessica.
25 Now Thoroughbred.

1 THE COMMISSION: The next one is the
2 Standardbred Advisory Board. It's the one I
3 e-mailed to you on Monday. You have a copy there
4 with you.

5 The Standardbred Advisory Board actually moved
6 over to the racing commission in 1999. It was
7 originally in the Office of Commission of
8 Agriculture from 1976 to 1999. And they receive an
9 appropriation each year as their budget. They have
10 a much smaller budget that they operate on.

11 Their primary purpose is working with the
12 county fairs and setting up the county fair
13 program. They cover the drug testing expenses,
14 provide the personnel for the drug testing at the
15 county fairs.

16 And then they also, for every county fair that
17 hosts racing, we provide an operational amount per
18 day. This helps the county fairs hire the
19 officials that they need. When the county fair
20 hosts a racing program, they have to have a USTA
21 licensed starter, judge, clerk, photo finish,
22 announcer. They have to have an ambulance on site.
23 So those expenses help offset those costs for the
24 county fair.

25 And that's one of the reasons we couldn't

1 submit this budget until Monday was each year the
2 advisory board meets at the Indiana Association of
3 Fairs and Festivals convention where each of the
4 counties are setting their fairs. And then they
5 set their dates. Then we know how many days we
6 will have based on the calendar.

7 CHAIRMAN WEATHERWAX: This is freshly updated.

8 JESSICA BARNES: Yes.

9 CHAIRMAN WEATHERWAX: This is the thing I sat
10 in on and listened to you.

11 JESSICA BARNES: You sat in on Standardbred
12 Breed Development and Advisory Board.

13 CHAIRMAN WEATHERWAX: That was a joint thing.

14 JESSICA BARNES: Yes. Because their programs
15 are so intertwined, they meet together. The
16 advisory board actually makes recommendations for
17 the conditions of the sires stakes, but breed
18 development funds it. So they have to work
19 together on everything.

20 The same goes with the county fair programs.
21 They make recommendations on the rules of the
22 program, but breed development funds it. They all
23 have to be on the same page for it to work.

24 COMMISSIONER PILLOW: Jessica, how many county
25 fairs are there?

1 JESSICA BARNES: There are --

2 COMMISSIONER SCHENKEL: With racing programs.

3 JESSICA BARNES: With racing, there are 11
4 fairs that have races. A lot of those county fairs
5 have multiple programs. So when you look at the
6 calendar year, there's about 35 days of racing at
7 the county fairs. The racing starts typically in
8 June and goes until October at the county fairs.

9 If we have any type of problem -- I was just
10 talking to Jack before the meeting -- is that the
11 county fairs in Indiana, most of them like to race.
12 They want to have additional race meets besides the
13 ones that they have. So if there's anything
14 controversial that happened at my meeting Saturday,
15 it's that the fairs want more dates than what we
16 can give them money wise and calendar wise.

17 COMMISSIONER SCHENKEL: I was going to ask
18 Jack or you that question. Is county fair racing
19 continuing to increase? It sounds like it is. The
20 demand is good.

21 JESSICA BARNES: The demand is good. It
22 provides -- the way we look at the county fairs is
23 it's the minor leagues to the racetracks. We race
24 two and three-year olds at the county fairs. These
25 are horses that are not quite good enough for the

1 racetracks, but they're not ready to hang up their
2 hat yet.

3 COMMISSIONER SCHENKEL: It's very competitive.
4 George, I went to Elkhart County last summer, for
5 example. They go, what, four days, three days that
6 they race. And it's amazingly competitive and well
7 attended and lots of horses, lots of fans. I was
8 amazed. No offense but there were more fans, I
9 think, at the one night race than I've seen at your
10 place sometimes. Too bad we can't extend your
11 services.

12 BRIAN ELMORE: That's great.

13 CHAIRMAN WEATHERWAX: When I was at the Little
14 Brown Jug, I learned that Ohio has huge county fair
15 Standardbred lead program, if you want to call it.
16 The main point I'm trying to make is Ohio -- we're
17 trying to improve promotion and promote the racing
18 industry. That's how they do it from the young
19 people at the county fair as a program to get to
20 the big leagues. It creates huge public interest.

21 The only reason I'd argue against trying to do
22 more here is it would help do that. Now, I know
23 that takes money. It would take more people, more
24 judges, more everything.

25 JESSICA BARNES: Right.

1 COMMISSIONER PILLOW: That was my question.
2 Do we have enough personnel to go around? Do they
3 go from one fair to another?

4 JESSICA BARNES: They do. We hire -- we have
5 a Standardbred Breed Development coordinator that
6 coordinates all the fairs. Rachel. Then we
7 typically hire an intern during the summer. We
8 actually just hired our intern that we've had these
9 past two years onto a full-time position with the
10 Commission. They go around. And then we also
11 utilize our part-time test barn personnel from the
12 racetrack. They come out and help with that aspect
13 of it.

14 CHAIRMAN WEATHERWAX: I guess that's something
15 that you guys will think about in the future is if
16 there's anything you can do to expand it. You have
17 to be able to do a good job. You can't just throw
18 more dates on the calendar.

19 JESSICA BARNES: Right. We have to continue
20 to look at the horse population and what can
21 support those dates.

22 CHAIRMAN WEATHERWAX: Any other comments,
23 Jessica?

24 JESSICA BARNES: No.

25 COMMISSIONER SCHENKEL: Move approval.

1 COMMISSIONER PILLOW: Second.

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

4 THE COMMISSION: "Aye."

5 JESSICA BARNES: Thank you.

6 CHAIRMAN WEATHERWAX: Okay. Now, Holly, do
7 you have this part?

8 MS. NEWELL: I do. And it shouldn't take
9 long. As you can see, we have three rulings that
10 were issued in December. It was more just meet
11 wrap-up. They were all related to medication
12 overages and resulted in warnings.

13 CHAIRMAN WEATHERWAX: That's kind of like the
14 end of the calendar racing year?

15 MS. NEWELL: Right. There are a few that will
16 continue to hang out if there are trainers who want
17 to have a hearing, but for the most part, 2015 is
18 in the books.

19 CHAIRMAN WEATHERWAX: So do we vote on that,
20 Lea?

21 MS. ELLINGWOOD: No.

22 CHAIRMAN WEATHERWAX: Just a report thing.
23 Lea, you have giving us new judges.

24 MS. ELLINGWOOD: I do. We have, as you know,
25 currently three administrative law judges who serve

1 upon appointment by the Chairman and as their
2 schedules allow. We've had a lot of litigation.
3 We thought it might be helpful to have a couple of
4 other additional ALJs available for appointment, if
5 necessary.

6 The first of those candidates is Ernie Yelton,
7 who I think many of you are probably familiar with.
8 Ernie was a judge in Clay County for 25 years. He
9 was the executive director of the Gaming Commission
10 for almost eight years and recently retired. I
11 think he finds himself not really ready to retire.

12 So the second candidate is Kelly Eskew. She
13 is an attorney. She worked -- she taught at the IU
14 School of Law and is currently a professor in
15 Bloomington. Her specialty is constitutional law.
16 Kelly has been involved with horse racing
17 litigation in the past about, I'd say, ten years
18 ago or so.

19 So both of them have submitted their CVs,
20 which have been forwarded on to you and are very
21 interested in being appointed.

22 CHAIRMAN WEATHERWAX: They both look very
23 qualified. I know Ernie very well. I don't know
24 Kelly, I don't think. I'm surprised and happy he's
25 willing to continue to work.

1 DEENA PITMAN: We were too.

2 CHAIRMAN WEATHERWAX: But these will be judges
3 that Yours Truly, we can call upon to take on cases
4 we are going to need.

5 MS. ELLINGWOOD: Precisely. Right now, as you
6 know, you've got ALJ Buddy Pylitt, Jim Lauck, who
7 was a former Commissioner, and Gordon White, who's
8 with the Attorney General's Office. Gordon,
9 particularly, has a very heavy caseload with his
10 job already so he's not always available to take
11 cases. We just want to make sure we have a number
12 of people available should we run into a conflict
13 or something of that nature.

14 CHAIRMAN WEATHERWAX: Very good. Again, is
15 this a report only?

16 MS. ELLINGWOOD: It is a report. The next
17 step is the Commission will put together a contract
18 for each of them. It's a standard contract.
19 Everybody has the same terms. That will go through
20 DOA and the regular contract process. But as soon
21 as you approve them, they would be eligible to be
22 appointed by you once the contract has been
23 executed.

24 CHAIRMAN WEATHERWAX: So today, do we approve
25 them?

1 MS. ELLINGWOOD: Yes.

2 CHAIRMAN WEATHERWAX: So then you go through
3 the next step when it comes.

4 MS. ELLINGWOOD: Right.

5 CHAIRMAN WEATHERWAX: Do I have a motion?

6 COMMISSIONER PILLOW: So moved.

7 COMMISSIONER SCHENKEL: Second.

8 CHAIRMAN WEATHERWAX: All those in favor say
9 "aye."

10 THE COMMISSION: "Aye."

11 CHAIRMAN WEATHERWAX: We are glad they are
12 able and willing to serve.

13 Next, there is an item on here that we've
14 asked, that I've asked to please be on here. It's
15 for the public's awareness of something that we're
16 looking at. We will call it, for lack of a better
17 word, the Blue Ribbon Commission. This sort of is
18 an offshoot of what we've done on the summit.
19 Remember the horse racing summit. All the input
20 you gave us has come to a point where we would like
21 to maybe do more active involvement and maybe some
22 changes, if need be.

23 In that, we're still going to be guided by the
24 highest principals of integrity and the ethical
25 racing standards, always putting safety of the

1 drivers and the welfare of the horses first,
2 recognizing again the importance of this industry
3 and what it means for our state's economy.

4 But this Blue Ribbon Commission is also going
5 to look into the therapeutic drug concepts of what
6 we've learned and kind of heard from you. And then
7 there is also something that we are trying to
8 accomplish that fits into the national RCI, ARCI as
9 far as far as other states, regional. It's very
10 important, we think, that we have uniformity in
11 therapeutic drugs, both usage, thresholds, and
12 acceptance.

13 This is a huge deal for us to be competitive
14 in this country and be able to be uniform. I would
15 like to think if we can accomplish that, we've done
16 an awful lot towards the future of racing.

17 And so this is something that is just being
18 started. We haven't decided yet on how we're going
19 to structure all this, but, yet, there will be a
20 grass roots input of people on this commission.

21 I believe it is our thought we would be
22 responsible for appointing these people. Some of
23 these people would come from different walks of
24 life, from different areas, veterinarians, of
25 course, Centaur, of course, Standardbred,

1 Thoroughbred, Quarter Horse associations. But to
2 try to get the best minds possible working together
3 to accomplish this for our state and for the
4 region. I just wanted to give you that overview of
5 this.

6 And then also, I just received from Ed Martin
7 this first draft of the national ARCI attempt to do
8 town hall meetings. This is a lot like what we
9 were just talking about with the summit we did.

10 The ARCI is going around the country. They
11 are asking different states. They have a date
12 picked, a spot picked. And everyone that walks and
13 talks this business goes to these spots and gives
14 input. They, too, are very much wanting to get
15 uniformity, as well as clear guidelines.

16 We are mainly talking therapeutic drugs. We
17 are not doing anything to change the drug
18 enhancement part of life. This is strictly
19 therapeutic.

20 A lot of what I've learned, and we also had a,
21 Commissioner Schenkel and I had a nice brief
22 meeting with the veterinarians because there is a
23 lot of people in this world that think that we, as
24 a state, should do more as far as the welfare of
25 the horses. We are kind of sorely bad on that or

1 weak. Maybe I should use the word weak.

2 So a part of this, both from the ARCI and the
3 Blue Ribbon Commission, is to make sure that we
4 address the welfare of the horse and the uses of
5 the horse and what goes on in the life after the
6 horse is done racing.

7 And I learned that my friends in Ohio -- by
8 the way, they do a super job in this area. When
9 you go to the Little Brown Jug, they have this
10 major raffle going on for two days where they raise
11 a bunch of money. That's to be used for this
12 purpose. Well, I also found out the Indianapolis
13 Police Department's using a lot of their horses
14 here that come from Ohio to do what I'm talking
15 about. We are certainly not doing a good job.

16 I've tried to give you three or four things
17 here. It's all under the term of the Blue Ribbon
18 Commission. In the future I think we, as a
19 Commission, need to put some practices into place.
20 We haven't done that yet. We know that's something
21 we have to do.

22 I don't know, Lea or Deena, when that is
23 necessary or do we, as a commission, have to
24 recognize this or is this enough said?

25 DEENA PITMAN: The RCI?

1 CHAIRMAN WEATHERWAX: Both the RCI and the
2 Blue Ribbon Commission.

3 DEENA PITMAN: Well, I think you can just
4 recognize that the RCI is out there. We are going
5 to work with them and cooperate with them to the
6 best of our ability. In the meantime, we are going
7 to move forward with our own Blue Ribbon Committee
8 and continue to do similar projects.

9 CHAIRMAN WEATHERWAX: As far as deadlines, I'm
10 trying to think how we can make certain things
11 happen so that it becomes more formal. We have to
12 put a notice out to the public. We haven't done
13 that yet. This is the first time we're doing that.
14 Do you see this as something we could have ready by
15 March?

16 DEENA PITMAN: To have a formal structure in
17 place and have people appointed by then?

18 COMMISSIONER SCHENKEL: I would think that's a
19 task that we give the new executive director in
20 cooperation with the Commission. And we come back
21 to the March meeting with a timeline and more
22 information. It's got to be managed by this new
23 executive director, whoever that's going to be. I
24 don't want us getting ahead of that.

25 CHAIRMAN WEATHERWAX: It's a good framework --

1 COMMISSIONER SCHENKEL: Absolutely.

2 CHAIRMAN WEATHERWAX: -- to do a lot of things
3 that we need to do.

4 COMMISSIONER SCHENKEL: Yeah.

5 CHAIRMAN WEATHERWAX: It's sort of deja vu
6 because I think we started this first. We shared
7 some of the things we were doing with Ed Martin.
8 Nobody has ever told us that we know what we're
9 doing. But we're sort of bold because we don't
10 know what we're doing. Those are things that help.
11 Okay.

12 COMMISSIONER SCHENKEL: What's the old saying,
13 ignorance is bliss?

14 CHAIRMAN WEATHERWAX: Ed Martin is really
15 working hard at doing this at the national level.

16 DEENA PITMAN: Yes, he is.

17 CHAIRMAN WEATHERWAX: I'm impressed with that.
18 I'm pleased with that. Maybe that's enough said
19 today.

20 So now, old business, do we have any old
21 business? Do we have other new business?

22 DEENA PITMAN: No. I didn't know if you just
23 wanted to speak generally about what we are doing
24 with the search.

25 CHAIRMAN WEATHERWAX: The big 900-pound

1 gorilla in the room is our search for the new
2 executive director. That's going along well.
3 We've had 15 applicants that have come forward from
4 all walks of horse racing experience, other states,
5 the whole country. And then we, as the Commission,
6 through an executive session went through, and we
7 sort of narrowed those down to five that we really
8 felt were key possible candidates. So now we're in
9 the process of interviewing.

10 Our goal, Commissioners, is to probably have
11 something done by March. Is that fair?

12 COMMISSIONER SCHENKEL: I want it sooner.
13 I'll just be public with it.

14 CHAIRMAN WEATHERWAX: Maybe by the March
15 meeting for sure because we do want to get this
16 done.

17 COMMISSIONER PILLOW: Before the racing
18 season.

19 CHAIRMAN WEATHERWAX: Before the racing
20 season. That was always our goal.

21 It's been a good process. It's been work way
22 beyond, but you learn a lot by doing that. You
23 learn what other states are doing because you call
24 these people to get a reference checked out to see
25 what they're doing.

1 Another thing we've learned is not every state
2 has three breeds of racing. A lot of states don't
3 even have the opportunity to have a Standardbred,
4 Thoroughbred, and Quarter Horse. So right off the
5 bat, you're kind of, like, you're wearing a lot of
6 hats here. You guys are wearing a lot of hats.

7 Now, on another matter if there is no other
8 new business, I messed up on the June schedule.
9 I'm going to be gone. And I think we had a date
10 picked for June 15. This is something, Centaur,
11 because we were going to come to Hoosier Park
12 June 15th, which we still want to do. It's just
13 either I have to excuse myself, Commissioner
14 Schenkel can take over, he'll do a good job, or we
15 could make it the week before or the week after.
16 Now, does that bother?

17 RICK MOORE: Whatever you need, pick whatever
18 date you need.

19 COMMISSIONER SCHENKEL: I'm okay.

20 DEENA PITMAN: I can tell you Susie is not
21 okay. She said she would be available early June
22 like 1, 2, 3 or late June 28, 29, 30.

23 CHAIRMAN WEATHERWAX: That's the trouble when
24 you start moving dates around. As far as the
25 calendar and Hoosier Park and the things you have

1 to get done or we have to get done.

2 DEENA PITMAN: We're fine. It's okay.

3 COMMISSIONER SCHENKEL: I'm fine with any of
4 those. I mean, if we stay with the Wednesday, we
5 move it to either the 8th or 22nd.

6 COMMISSIONER PILLOW: I'm okay.

7 CHAIRMAN WEATHERWAX: What is your preference?

8 COMMISSIONER SCHENKEL: I don't care.

9 BRIAN ELMORE: Eighth we can talk about
10 Belmont and that Triple Crown winner.

11 CHAIRMAN WEATHERWAX: Is that a good day?

12 BRIAN ELMORE: Any day is a good day.

13 RICK MOORE: Whatever day works for you.

14 COMMISSIONER SCHENKEL: We don't want to make
15 things more difficult.

16 BRIAN ELMORE: No. We can't wait for you to
17 get there.

18 CHAIRMAN WEATHERWAX: This is going to be in
19 your house. We don't want to mess up something
20 going on there.

21 DEENA PITMAN: June 8th.

22 CHAIRMAN WEATHERWAX: Thank you for putting up
23 with my self-imposed problem.

24 DEENA PITMAN: We will get that changed on the
25 website.

1 COMMISSIONER SCHENKEL: Vacations are
2 important.

3 CHAIRMAN WEATHERWAX: Well, they are at my
4 age, especially when you're going to be out of the
5 country.

6 I had that at 9:00; is that right?

7 DEENA PITMAN: Yes.

8 CHAIRMAN WEATHERWAX: June 8th. Any other
9 things we should discuss?

10 COMMISSIONER PILLOW: I want Jessica to wait
11 before she hires an intern. I might want the job
12 myself.

13 CHAIRMAN WEATHERWAX: Can she afford you?

14 COMMISSIONER PILLOW: I will do it for free.
15 You can learn more.

16 CHAIRMAN WEATHERWAX: Thank you so much. If
17 there's no further business to come before this
18 body, we are adjourned.

19 (The Indiana Horse Racing Commission meeting
20 adjourned at 10:02 a.m.)

21

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23

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25

1 STATE OF INDIANA
2 COUNTY OF JOHNSON
3

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

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

14 IN WITNESS WHEREOF, I have hereunto set my
15 hand and affixed my notarial seal this 27th day of
16 January 2016.

17 Robin P. Martz
18



19
20
21 My Commission expires:
22 March 2, 2016

23 Job No. 104355
24
25

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