



State of Indiana Indiana Horse Racing Commission

Michael R. Pence, Governor

www.in.gov/hrc

NOTICE OF MEETING

There will be a regular meeting of the Indiana Horse Racing Commission on
September 17, 2013 at 9:00 am.

The meeting will be held in the *Indiana State Library, Room 211.*

NOTICE

The State Library has only one entrance for the public now.

Anyone without a security access card, including state employees who forget their access card, must enter the building using the designated public entrance.

Public Entrance: 315 W. Ohio Street (southwest corner of Senate and Ohio Streets - across from the State Parking garage).

This entrance is equipped with screening devices that are monitored.

State employees may enter by the tunnel or the Ohio Street door. State employee's access cards will not work at the Senate Street door, only in the tunnel.

**INDIANA HORSE RACING COMMISSION
OFFICIAL AGENDA
September 17, 2013
9:00 A.M.
INDIANA STATE LIBRARY
ROOM 211
315 W. OHIO STREET
INDIANAPOLIS, IN 46204**

- I. Call to Order**
- II. Approval of minutes of the June 11, 2013 meeting.**
- III. Agenda**
 1. Presentation by IHRC General Counsel Lea Ellingwood re: litigation update.
 - a. June 28, 2013 Indiana Court of Appeals opinion in re: Indiana Horse Racing Commission, Appellant, v. Edmund W. Martin, Jr., Appellee.
 - b. Edmund W. Martin, Jr., Plaintiff v. Indiana Horse Racing Commission, Joe Gorajec, Terry Richwine, Sarah McNaught, Joe Davis, Randy Klopp, and Liane Puccia, Defendants, filed in the United States District Court for the Southern District of Indiana on or about April 9, 2012.
 2. Consideration of emergency rules stemming from 2013 legislation (see Attachment A).
 3. Review of Commission Rulings – May 1, 2013 through August 31, 2013.
 4. Consideration of Petition by Indiana Standardbred Association to amend 2013 budget.
 5. Discussion regarding delegation of authority to approve amendments to line items of approved horsemen's association budgets.
 6. Consideration of emergency rules re: Thoroughbred Breed Development, 71 IAC 13.5-1-1, "Indiana bred"; and 71 IAC 13.5-2-1, Mare registration.
 7. Consideration of emergency rules re: Standardbred Breed Development, 71 IAC 14-2-1, Stallion registration.
 8. Consideration of early approval of Indiana Sires Stakes and Indiana Sired Fair Circuit Program for 2014.
 9. Centaur presentation on matters of interest.

- IV. Old Business**
- V. New Business**
- VI. Adjournment**

**INDIANA HORSE RACING COMMISSION
OFFICIAL AGENDA
September 17, 2013**

AGENDA ITEM 3

Consideration of emergency rules (2013 Legislative mandates)

- a. 71 IAC 2-5-1 Employees
- b. 71 IAC 3-2-1 General authority
- c. 71 IAC 3-2-2 Period of authority
- d. 71 IAC 3-2-3 Disciplinary action
- e. 71 IAC 3.5-2-1 General authority
- f. 71 IAC 3.5-2-2 Period of authority
- g. 71 IAC 3.5-2-3 Disciplinary action
- h. 71 IAC 3.5-6-1 General authority
- i. 71 IAC 3.5-6-2 Records
- j. 71 IAC 4-2-3 Financial reports
- k. 71 IAC 5-1-13 License denial
- l. 71 IAC 5-1-14 Grounds for sanctions
- m. 71 IAC 5-1-16 License restrictions, limitations, and conditions
- n. 71 IAC 5-1-18 Changes in application information
- o. 71 IAC 5-3-1 Eligibility
- p. 71 IAC 5.5-1-13 License denial
- q. 71 IAC 5.5-1-14 Grounds for sanctions
- r. 71 IAC 5.5-1-16 License restrictions, limitations, and conditions
- s. 71 IAC 5.5-1-18 Changes in application information
- t. 71 IAC 5.5-1-31 Review of trainer transfers
- u. 71 IAC 5.5-3-1 Eligibility
- v. 71 IAC 8-10-6 Penalties
- w. 71 IAC 8-11-3 Penalties
- x. 71 IAC 8.5-10-4 Taking of samples
- y. 71 IAC 8.5-10-6 Penalties
- z. 71 IAC 8.5-11-3 Penalties
- aa. 71 IAC 9-1-18 Unrestricted access
- bb. 71 IAC 10-2-3 Summary suspension
- cc. 71 IAC 10-2-7 Ruling
- dd. 71 IAC 10-2-10 Stay
- ee. 71 IAC 10-3-1 Initiation of proceedings
- ff. 71 IAC 11-1-12.1 Distribution Agreements
- gg. 71 IAC 13-1-1 Registration of horsemen's associations
- hh. 71 IAC 13-1-7 Financial reports

Minutes of the Regular Meeting of the
Indiana Horse Racing Commission

June 11, 2013

Indiana State Library, Room 211
315 W. Ohio Street
Indianapolis, IN 46204

Commission members present: William Diener, Chairman; Steve Schaefer, Vice-Chairman; Commissioners Doug Grimes and Jason Barclay. Also present were Joe Gorajec, Commission Executive Director; Lea Ellingwood, Commission General Counsel; Holly Newell, Commission Deputy General Counsel; Assistant Executive Director Deena Pitman; Jon Schuster, Indiana Downs General Manager for Racing; Brian Elmore, Centaur General Manager of Racing; John Keeler, Centaur General Counsel; Roger Young, counsel to the Indiana Standardbred Association; Mike Brown, Indiana Horsemen's Benevolent and Protective Association; and Michelle Collins, Quarter Horse Racing Association of Indiana.

I. Call to Order

Chairman William Diener called the meeting to order at approximately 9:00 a.m. A quorum was present.

II. Approval of minutes of the April 5, 2013, meeting.

The Commission approved the April 5, 2013 minutes unanimously.

III. Agenda

Note: All items on the agenda were transcribed by a court reporter from Stewart Richardson. Transcripts are available for review upon request.

1. Report on 2013 Legislative Session.

General Counsel Lea Ellingwood updated the Commission with a summary report of legislation in the last session of the General Assembly. Ms. Ellingwood informed the Commission of three pieces of legislation that were enacted and affect horse racing – House Enrolled Act 1176, Senate Enrolled Act 528, and Senate Enrolled Act 609.

2. Consideration of emergency rules: mobile gaming.

Ms. Ellingwood explained the proposed emergency rules simply reflect an update in terminology, which uses the term mobile gaming as opposed to mobile wagering. Ms. Ellingwood explained that the terminology difference in the proposed rule changes the Commission's administrative rules to mirror the language that the legislature used. *Commissioner Barclay moved to approve the emergency rules. Commissioner Schaefer seconded. Petition approved 4-0.*

3. Report from Centaur regarding construction of additional barns at Indiana Downs.

Indiana Downs General Manager of Racing Jon Schuster reported on the construction of additional barns at Indiana Downs, with a target date of July 29, noting that obtaining additional permits from the City of Shelbyville may be an issue that will delay construction. Mr. Schuster reported the total number of stalls at the end of

construction will be just less than 1,000.

4. Consideration of emergency rule re: 71 IAC 5.5-3-1 Eligibility.

Mr. Gorajec suggested moving the date for trainer continuing education back from 2013 to 2014 because of the disadvantage of a significant minority of horsemen not having access to the online component to gain their certification. Centaur asked for certain exceptions within the trainer continuing education requirement; the Commission noted it was comfortable with the exceptions as modified by Mr. Gorajec. *Commissioner Schaefer moved to accept the emergency rule as proposed. Chairman Diener seconded. Passed 4-0.*

5. Review of Commission Rulings – March 1, 2013 through April 30, 2013.

Ms. Newell allowed time to review the rulings. No questions regarding the rulings from any Commissioner.

6. Consideration of approving Jim Lauck as an ALJ.

Chairman Diener recommended Jim Lauck be appointed as administrative law judge. *Commissioner Grimes moved to approve Mr. Lauck as an ALJ. Commissioner Schaefer seconded. Motion passed 4-0.*

7. Consideration of Patrick settlement agreement.

Ms. Ellingwood explained details of a settlement agreement relating to a disciplinary action against Gary Patrick, who is a licensed owner/trainer, and had four horses test positive for the presence of a prohibited substance. Under the terms, Mr. Patrick will serve a 90-day suspension and pay a \$10,000.00 fine. *Commissioner Grimes moved to approve Patrick settlement agreement as presented. Chairman Diener seconded. Motion passed 4-0.*

8. Consideration of request by Centaur to approve amended tote services contract.

Centaur General Counsel Keeler explained the details of the amended tote contract. He said that the tote vendor will provide the service for the FastBet Mobile program particular locations for a particular price. Chairman Diener noted that the discussion was not an expansion of FastBest, despite the contract covering additional locations. *Commissioner Schaefer moved to approve the amended tote services contract. Chairman Diener seconded. Amendment approved 4-0.*

9. Consideration of Commission policy re: Horsemen's Associations' use of state-directed funds to award scholarships.

Extensive discussion regarding the nexus between state directed funds used to award scholarships to college students who are studying a major or have a career objective

directly related to the horse racing industry in Indiana. *Commissioner Schaefer moved to accept the policy as written. Commissioner Barclay seconded. Commission voted unanimously in favor of the policy, with Chairman Diener noting it is a policy that is open for further discussion.*

10. Discussion regarding reduction in purses

Chairman Diener proposed to poll memberships about the funding source for association lobbying efforts. Specifically, he wants to determine if members are aware that it is currently being paid from the purse account. Each of the three horsemen's associations shall prepare a proposed questionnaire to be reviewed by the Commission staff.

11. Consideration of horsemen's contract between Indiana Downs and the QHRAI

Chairman Diener moved to approve the contract with Indiana Downs as submitted subject to approval of amendments to that contract by Chairman Diener. Commissioner Grimes seconded. Contract approved 4-0.

12. Consideration of horsemen's contract between Indiana Downs and the Indiana HBPA

Chairman Diener moved to accept a motion to approve the HBPA contract subject to necessary amendments and that approval of the conditions be delegated to the Chair. Commissioner Schaefer seconded. Motion passed 4-0.

13. Consideration of Centaur's proposal that Commission delegate authority to Executive Director to make determinations pursuant to IC 4-31-9-1.5(b)

Withdrawn.

IV. Old Business

None

V. New Business

A. Next IHRC meeting tentatively set for mid September.

B. Settlement agreement of the disciplinary action with Peter Wrenn. *Chairman Diener moved to ratify the settlement agreement. Commissioner Grimes seconded.*

VI. Adjournment

With no further business, Chairman Diener adjourned the meeting at 10:35 a.m.

Respectfully submitted,

Agenda Item # (a)

STATE OF INDIANA)
)SS:
COUNTY OF MARION)

IN THE MARION SUPERIOR COURT
CAUSE NO. 49D14-1109-PL-037951

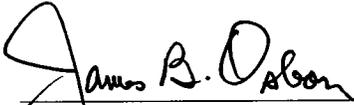
EDMUND W. MARTIN, JR.,)
)
)Petitioner,
)
v.)
)
INDIANA HORSE RACING COMMISSION,)
)
)
)Respondent.

FILED
248 AUG 29 2013
Elizabeth L. White
CLERK OF THE MARION CIRCUIT COURT

FINAL ORDER

Pursuant to the directions of the Court of Appeals of Indiana in an opinion issued on June 28, 2013 under Cause Number 49A02-1206-PL-512, the Court now grants summary judgment on behalf of the Respondent, Indiana Horse Racing Commission (“IHRC”) and reinstates the IHRC’s order of August 23, 2011 excluding the Petitioner, Edmund W. Martin from Indiana Horse Racing Commission grounds for a period of one calendar year minus the number of days the exclusion was in effect pending resolution of this matter.

SO ORDERED this 27th day of August, 2013.



Honorable James B. Osborn, Judge
Marion Superior Court 14, Civil Division

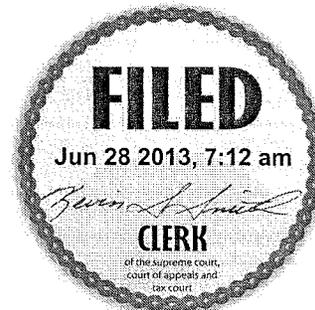
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FOR PUBLICATION



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**IN THE
COURT OF APPEALS OF INDIANA**

INDIANA HORSE RACING COMMISSION,)
)
Appellant-Respondent,)
)
vs.)
)
EDMUND W. MARTIN, JR.,)
)
Appellee-Petitioner.)

No. 49A02-1206-PL-512

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable S.K. Reid, Judge
Cause No. 49D14-1109-PL-37951

June 28, 2013

OPINION – FOR PUBLICATION

MATHIAS, Judge

The issue presented in this appeal is whether Edmund Martin (“Martin”) participated in pari-mutuel horse racing and was therefore required to be licensed pursuant to Indiana Code section 4-31-6-1 and 71 Indiana Administrative Code rule 5.5-1-1. The Indiana Horse Racing Commission (“the IHRC”) appeals the Marion Superior Court’s decision to vacate its order excluding Martin from its racetracks because he failed to obtain a license in 2010.

Concluding that Martin did indeed participate in horse racing, we reverse the trial court’s order setting aside the IHRC’s decision and remand for proceedings consistent with this opinion.

Facts and Procedural History

Martin was the executive director and a paid employee of the Indiana Thoroughbred Owners and Breeders Association (“the ITOBA”) in 2010. The ITOBA represents the interests of Indiana thoroughbred owners, breeders, and trainers with the purpose of promoting, developing, and improving thoroughbred horse racing in Indiana. In support of that goal, the ITOBA’s activities include lobbying the General Assembly on behalf of the horse racing industry, marketing in support of the industry, and the organization of annual horse sales at Indiana’s racetracks. The sales include live horse auctions, paddock sales, yearling and unraced prospect sales, and sales of racing stock.

The ITOBA receives most of its income from the commissions generated by the horse sales; but it may also apply for and receive funds from the IHRC. Specifically, in 2010, the IHRC approved the ITOBA as a registered horseman’s association allowing the ITOBA to provide pari-mutuel related services. The funds the ITOBA received from the

IHRC were generated at Indiana's racetracks. Martin's ITOBA salary was paid at least in part by the gaming funds. Appellant's App. p. 427.

In his capacity as the ITOBA's executive director and as an employee, Martin 1) attended all ITOBA meetings, 2) lobbied the General Assembly on the organization's behalf, 3) executed all decisions of the board, and 4) planned, organized and directed the ITOBA's programs and services. Also, the ITOBA's bylaws required members of the board of directors to "attend all board meetings, [and] regularly participate in organization meetings, committees, and functions . . ." Id. at 854.

The IHRC was created for the purpose for ensuring that "pari-mutuel wagering on horse races in Indiana will be conducted with the highest standards and greatest level of integrity." Ind. Code § 4-31-1-2. Consistent with that purpose, the IHRC requires certain individuals participating in horse racing to be licensed.

In April 2010, Martin received an email from Deena Pitman, an IHRC staff member, reminding him that he had not yet sought a license for that calendar year, and he was urged to do so prior to the start of the 2010 racing season, if he intended to participate in horse racing activities. Martin advised Deena Pitman that he would not have access to gaming funds and would not be handling ITOBA business at the racetrack. Therefore, Martin did not apply for a license.

Subsequently, Martin had meetings at Hoosier Park racetrack to discuss ITOBA business, and he was present at the 2010 ITOBA horse sales at Hoosier Park. The ITOBA meeting minutes also disclose that Martin agreed to "cover" the ITOBA's booth space at the Hoosier Horse Fair.

On November 4, 2010, the IHRC sent an exclusion notice to Martin due to his failure to seek a license in 2010. Martin was informed that he would be excluded from the IHRC's grounds until he secured a valid 2010 license. After Martin objected to the exclusion notice, the IHRC appointed an administrative law judge ("the ALJ") to review the matter. Both Martin and the IHRC filed motions for summary judgment concerning Martin's obligation to obtain a license.

On August 11, 2011, the ALJ issued her recommended order, which was unanimously adopted as the IHRC's final order on August 23, 2011. In the order, the ALJ concluded that Martin engaged in activities in 2010 "that required him to seek and obtain a license from the" IHRC. Appellant's App. p. 20. The ALJ also found in pertinent part:

21. In the calendar year 2010, the ITOBA was a registered horsemen's association approved by the [IHRC] pursuant to the provisions of 71 IAC 13-1-1 et seq. to provide pari-mutuel related services on behalf of Indiana thoroughbred owners and breeders.

22. In the calendar year 2010, Mr. Martin was employed as ITOBA's Executive Director and had job duties which required his presence from time to time on association grounds. Mr. Martin earned a salary of \$41,000 as ITOBA's Executive Director.

23. Mr. Martin's job duties as Executive Director included, in addition to working the ITOBA sale, the following:

1. Represents the ITOBA at all levels of the industry.
 - a) State General Assembly; b) Indiana Horse Racing Commission; c) Thoroughbred Breed Development advisory committee; d) *All Indiana Race Tracks*; e) Industry collective efforts; and f) Hoosier Horse Fair
2. Ensures that the board of directors and the officers are kept fully informed on the conditions and operations of ITOBA and all industry issues that influence them. *Attends all meetings of the board, Executive Committee and advisory committees.*

3. Executes all decisions of the board and Executive Committee except when other assignment is specifically made by the board or Executive Committee.
4. *Plans, organizes and directs programs and services*: Evaluates policies procedure and actions to achieve program goals.
5. Serves as liaison between all advisory committees and Board and executive committees.
6. Maintains effective relationships with all other breed groups.
7. Advises and backs up the Executive Secretary to help complete administrative tasks on time.
8. Carries out such other general responsibilities as may be delegated by the executive committee and the board.

24. During February and March of 2010, Mr. Martin engaged in activities requiring a license from the [IHRC], but did not seek to obtain a license.

25. For instance, at the February 2010 meeting of the ITOBA Board of Directors held at Indiana Downs, Mr. Martin engaged in the following activities:

- Introducing Jackie Brown as the new ITOBA Executive Secretary
- Discussing with ITOBA Directors pending legislation in the Indiana State Senate -specifically, SB01-during the Regulatory and Legislation Committee Report.
- Participating in a motion by the ITOBA Directors to form a committee (the "Committee"), along with the Indiana Horsemen's Benevolent and Protective Association ("IHBPA"), to come up with a long-term total thoroughbred industry proposal.
- Stating that he would confer with Mike Brown regarding IHBPA's involvement with the Committee; and
- In the course of the Hoosier Horse Fair and Expo Committee Report, agreeing to cover the booth space for the Hoosier Horse Fair.

26. Furthermore, at the March 2010 meeting conducted at Indiana Downs, Mr. Martin engaged in the following activities:

- Presenting ITOBA's financial report
- Requesting Board approval to purchase a retractable sign for use at the Hoosier Horse Fair and at other ITOBA functions;
- Reporting, during the course of the Membership Gatherings Committee Report, on a membership drive letter that was mailed in early February 2010;

- Reporting, in the course of the Regulatory Committee Report, on the most recent Commission meeting and
- Making a motion, during the course of the Sales Committee Report, to have a sale on Sunday, July 25, 2010

27. On April 8, 2010, and in anticipation of the commencement of the racing season on April 16, 2010, Deena Pitman sent an email (“the Pitman email”) to all known 2010 registered horsemen employees, including Mr. Martin, reminding them to seek licensure prior to the start of the 2010 racing season if they would be engaging in activities in 2010 which would require licenses.

28. The Pitman email referred its recipients to the relevant regulations and generally described the actions that would require licensure.

29. Mr. Martin responded on April 8, 2010 and advised Ms. Pitman that . . . he . . . would [not] “have access to any slot funds or will be handling any association business at the track or need access to the backside.” Neither in his response nor anytime thereafter did Mr. Martin challenge Ms. Pitman’s interpretation of the rule requiring licensure or seek further clarification.

30. Subsequent to his response to Ms. Pitman, in which he represented that he would not be engaging in activities requiring licensure, Mr. Martin conducted ITOBA business at Hoosier Park in Brian Elmore’s office and worked the July and October 2010 ITOBA sales at Hoosier Park.

31. The activities which Mr. Martin engaged in constitute participation in “horse racing” and “pari-mutuel racing” within the meaning of the aforementioned statutes and regulations.

Appellant’s App. pp. 20-23 (emphasis added and footnote and record citations omitted).

Ultimately, the ALJ concluded that the exclusion notice was supported by substantial evidence, was consistent with Indiana law and the public interest, and protected the IHRC’s interest to ensure the honesty and integrity of racing. The IHRC approved the ALJ’s order extending Martin’s exclusion from IHRC grounds until July 18, 2012.

On September 29, 2011, Martin filed a petition for review of the IHRC’s order in Marion Superior Court. After reviewing the parties’ motions for summary judgment and

holding a hearing on the matter, the trial court set aside the IHRC's order and vacated the exclusion notice.

The trial court concluded that the IHRC's finding that Martin conducted ITOBA business at Hoosier Park and worked the July and October 2010 ITOBA horse sales was not supported by substantial evidence. However, the trial court concluded that the IHRC's error was harmless because it did not affect the court's ultimate conclusion that Martin was not required to be licensed in 2010. *Id.* at 7. Specifically, the court determined that the activities Martin engaged in as the Executive Director of the ITOBA do not constitute participation in racing, participation in pari-mutuel racing, or provide pari-mutuel related services as those terms are defined in the Indiana Administrative Code.

The IHRC now appeals the trial court's order setting aside, dissolving, and vacating its August 23, 2011 order.¹

Standard of Review

The Administrative Orders and Procedures Act provides the standard for judicial review of an administrative decision. When we review the decision of an administrative agency, we are bound by the same standard of review as the trial court. Kroger Co. v. Plan Comm'n of Town of Plainfield, 953 N.E.2d 536, 539 (Ind. Ct. App. 2011), trans. denied. The administrative agency's decision will be affirmed unless it is:

¹ We held oral argument in this appeal on May 8, 2013 before the Sagamore American and Indianapolis American Inns of Court at the Indiana University Robert H. McKinney School of Law in Indianapolis, Indiana. We express our gratitude for their generous hospitality.

(1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (2) contrary to constitutional right, power, privilege, or immunity; (3) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; (4) without observance of procedure required by law; or (5) unsupported by substantial evidence.

Ind. Code § 4-21.5-5-14(d); see also Indianapolis Downs, LLC v. Ind. Horse Racing Comm'n, 827 N.E.2d 162, 170 (Ind. Ct. App. 2005). An administrative decision is arbitrary and capricious only when it is willful and unreasonable, without consideration or in disregard of the facts and circumstances of the case, or without some basis which could lead a reasonable person to the same conclusion. Indianapolis Downs, 827 N.E.2d at 170.

The party challenging an agency decision bears the burden of demonstrating its invalidity. I.C. § 4-21.5-5-14(a). When reviewing an administrative agency's decision, "[n]either the trial court nor this court may reweigh the evidence or reassess witness credibility." Andrianova v. Ind. Family Soc. Servs. Admin., 799 N.E.2d 5, 7 (Ind. Ct. App. 2003). Rather, we must accept the facts as found by the agency factfinder. Id. In addition, in light of an administrative agency's expertise in its given area, we give deference to the agency's interpretation of the statutes and rules it is charged with enforcing. Id.

Discussion and Decision

Initially, we note the substantial deference our court affords to administrative agencies like the IHRC in their interpretation of the statutes and regulations they are required to enforce.

An interpretation of a statute by an administrative agency charged with the duty of enforcing the statute is entitled to great weight, unless this interpretation would be inconsistent with the statute itself. . . . Deference to an agency's interpretation of a statute becomes a consideration when a statute is ambiguous and susceptible of more than one reasonable interpretation. When a court is faced with two reasonable interpretations of a statute, one of which is supplied by an administrative agency charged with enforcing the statute, the court should defer to the agency. If a court determines that an agency's interpretation is reasonable, it should terminate its analysis and not address the reasonableness of the other party's proposed interpretation. Terminating the analysis recognizes the general policies of acknowledging the expertise of agencies empowered to interpret and enforce statutes and increasing public reliance on agency interpretations. However, an agency's incorrect interpretation of a statute is entitled to no weight. If an agency misconstrues a statute, there is no reasonable basis for the agency's ultimate action and the trial court is required to reverse the agency's action as being arbitrary and capricious.

Dev. Servs. Alts., Inc. v. Ind. Family & Social Servs. Admin., 915 N.E.2d 169, 181 (Ind. Ct. App. 2009), trans. denied (quoting Pierce v. State Dep't of Correction, 885 N.E.2d 77, 89 (Ind. Ct. App. 2008)) (citations and quotation marks omitted). See also Chrysler Group, LLC v. Review Bd. of Ind. Dep't of Workforce Dev., 960 N.E.2d 118, 124 (Ind. 2012) (acknowledging the deference afforded to an agency's interpretation of the statutes it is charged with enforcing and stating "we defer to the agency's reasonable interpretation of such a statute even over an equally reasonable interpretation by another party").

The General Assembly's stated purpose in enacting the Pari-Mutuel Wagering Act is "to permit pari-mutuel wagering on horse races in Indiana and to ensure that pari-mutuel wagering on horse races in Indiana will be conducted with the highest of standards and the greatest level of integrity." I.C. § 4-31-1-2. Consistent with that goal, the IHRC is charged with adopting regulations that the IHRC "determines is in the public

interest in the conduct of recognized meetings and wagering on horse racing in Indiana.”
See I.C. § 4-31-3-9. The IHRC is further authorized to adopt rules establishing a
procedure for license applications and fees. See I.C. § 4-31-6-2.

A “[p]erson required to have a license’ means an individual whose activities on a
racetrack would require the person to be licensed.” I.C. § 4-31-2-16. And “[a] person
must be a licensee in order to . . . participate in racing at a racetrack or a satellite facility
that permits the pari-mutuel form of wagering[.]” I.C. § 4-31-6-1. The IHRC may
“refuse or deny a license application, revoke or suspend a license, or otherwise penalize a
licensee” for multiple reasons including that “the refusal, denial, revocation, suspension,
or other penalty is in the public interest for the purpose of maintaining proper control
over horse racing meetings or pari-mutuel wagering[.]” I.C. § 4-31-6-6(a).

The Pari-Mutuel Wagering Act does not define the phrase “participate in racing”
but simply requires those who participate in racing to have a license. I.C. § 4-31-6-1.
The ordinary and plain meaning of the term “participate” is “to take part” or “to have a
part or share in something.” See <http://merriam-webster.com/dictionary/participate>.
Similarly, the Oxford English Dictionary assigns the following meaning to the term
participate: “To take or have a part or share of or in; to share in; to possess or enjoy in
common with another or others[.]” Finally, the term “race” is defined in the Act and
means a “contest of speed among horses: (1) for a purse, stakes, premiums, wager of
money, or for admission fees: (2) on a course; and (3) in the presence of a judge or
judges.” I.C. § 4-31-2-18.

The IHRC admits that its interpretation of the phrase “participate in racing” is broad, but contends that interpretation is consistent with its statutory requirement to conduct “pari-mutuel horse racing under ‘the highest of standards and greatest level of integrity.’” Appellant’s Br. at 17. The agency argues that “[r]equiring licensure of persons who participate in racing is one of the [IHRC’s] most effective weapons in its battle to ensure the integrity of pari-mutuel racing.”² Id. at 26.

Accordingly, the IHRC promulgated Rule 5.5-1-1(a) broadly defining which persons must be licensed to participate in pari-mutuel racing:

(a) A person shall not participate in pari-mutuel racing under the jurisdiction of the commission without a valid license issued by the commission. License categories shall include the following and others as may be established by the commission:

(1) Racing participants and personnel (including owner, authorized agent, trainer, assistant trainer, jockey, apprentice jockey, jockey agent, veterinary helper, farrier, stable employees, exercise rider, groom, pari-mutuel clerk, pony rider, track employee, track security, vendor employee, starting gate crew, farrier’s assistant, valet, track management, practicing or racing veterinarian, or other).

(2) Racing officials as listed in 71 IAC 3.5.

(3) Persons employed by the association, or employed by a person or concern contracting with or approved by the association or commission to provide a pari-mutuel related service or commodity, with job duties which require their presence in a restricted area or which require their presence anywhere on association grounds.

(4) Sole proprietors and all partners of a partnership contracting with or approved by the association or commission to provide a service or commodity.

(5) Shareholders in a corporation, acting as a contractor or vendor, if required by the commission.

² The IHRC requires licensees to report violations of its rules. See 71 I.A.C. r. 5.5-1-27 (“A licensee shall be knowledgeable of these rules and, by acceptance of the license, agrees to abide by these rules. []A licensee shall report to track security or the stewards any knowledge the licensee has that a violation of these rules has occurred or may occur.”).

(6) Commission employees with job duties which require their presence in a restricted area or which require their presence anywhere on association grounds.

71 I.A.C. r. 5.5-1-1 (emphasis added). Association grounds means “all real property utilized by the association in the conduct of its race meeting, including the race track, grandstand, concession stands, offices, barns, stable area, employee housing facilities, parking lots, and any other areas under the jurisdiction of the commission, including satellite facilities.” See 71 I.A.C. r. 1.5-1-12.

Furthermore, the IHRC has promulgated rules for horsemen’s associations such as the ITOBA. Specifically, title 71, rule 13-1-15 of the Indiana Administrative Code provides:

All directors, officers, and employees of a registered horsemen’s association that will have access to any funds received pursuant to IC 4-35-7-12 if not otherwise licensed and in good standing with the commission, must apply for and be granted a separate commission license to act as a director, officer, or employee of a horsemen’s association in order to serve in that capacity. If a director, officer, or employee of a registered horsemen’s association that will have access to any funds received pursuant to IC 4-35-7-12 is otherwise licensed and in good standing with the commission, then that person is also considered to be licensed as a director, officer, or employee of the horsemen’s association.

Indiana Code section 4-35-7-12 mandates the manner in which gambling proceeds from racetracks are distributed. A certain percentage of those funds are distributed to horsemen’s associations for specific purposes such as promoting the equine industry and equine welfare. I.C. § 4-35-7-12(c). In 2010, the IHRC approved the ITOBA as a registered horsemen’s association to receive funds under section 4-35-7-12. See 71 I.A.C.

r. 13-1-2 (describing the findings the IHRC is required to make to approve horsemen's associations to receive funds pursuant to I.C. § 4-35-7-12).

Martin argues the IHRC's interpretation of Indiana Code section 4-31-6-1 through its promulgation of Rule 5.5.-1-1(a) is unreasonable, contrary to law, and that the "General Assembly did not intend to require licensure of all 'racing industry participants,' rather, only those actually 'participating in racing.'"³ Appellee's Br. at 16. But, Martin's categorization of horse racing as an activity rather than an industry is not well taken in light of the regulation, funds, and related activities that surround pari-mutuel horse races. Moreover, Martin's narrow interpretation of the phrase "participate in racing" is inconsistent with the General Assembly's decision to give the IHRC broad authority to promulgate rules to enforce the Pari-Mutuel Wagering Act.

Protecting the integrity of the horse racing industry in Indiana is of utmost importance to the IHRC and the General Assembly. The industry "has an unsavory, or at least a shadowed, reputation, growing out of a long history of fixing, cheating, doping of horses, illegal gambling, and other corrupt practices." Dimeo v. Griffin, 943 F.2d 679, 681 (7th Cir. 1991). For this reason, the IHRC reasonably takes a broad view of the

³ The IHRC argues that Martin has waived this argument because it was not raised in the proceedings below. Issues that are not raised before the administrative agency are generally waived for judicial review. Mark P'Pool v. Ind. Horse Racing Comm'n, 916 N.E.2d 668, 676 (Ind. Ct. App. 2009) (citing Ind. Code § 4-21.5-5-10). We agree that during the administrative hearings Martin did not specifically argue that Rule 5.5-1-1 was contrary to law or that the Commission's interpretation of that rule was unreasonable. However, Martin did argue that the IHRC's interpretation of the phrase "participate in racing" was overly broad and suggested that only those individuals who directly participate in the act of pari-mutuel racing should be required to be licensed. We therefore address his argument concerning the reasonableness of Rule 5.5-1-1 because the IHRC's interpretation of the phrase "participate in racing" is manifested in that rule.

phrase “participate in racing” to include those individuals who are directly or indirectly participating in pari-mutuel racing.

Specifically, the IHRC concludes that the many types of persons who are enumerated as participants in racing as listed in Rule 5.5-1-1(a)

encompasses a large, diverse group of persons who are involved in the racing industry on a variety of levels The scope of persons who are “participants in pari-mutuel racing” is not determined by their function at the racetrack, but by their involvement with other racing participants at the racetrack, or their opportunity for access to restricted areas of the racetrack. . . or access to the racehorses themselves.

Appellant’s Br. at 19. We agree and conclude that, within the context of its charge by the General Assembly, the IHRC reasonably interpreted Indiana Code section 4-31-6-1, and particularly the phrase “participate in racing,” when it promulgated Rule 5.5-1-1(a), which defines which persons must be licensed to participate in pari-mutuel racing.

Accordingly, we now consider whether Martin was required to be licensed pursuant to Rule 5.5-1-1(a). The IHRC argues that Martin’s actions and his status with ITOBA met the precise criteria of” Rule 5.5-1-1(a)(3). That subsection requires licensure for “[p]ersons employed by the association, or employed by a person or concern contracting with or approved by the association or commission to provide a pari-mutuel related service or commodity, with job duties which require their presence in a restricted area or which require their presence anywhere on association grounds.” 71 I.A.C. r. 5.5-1-1(a)(3).

In 2010, the ITOBA was a registered horsemen's association *with approval* to render pari-mutuel related services or commodities.⁴ And pursuant to Indiana Code section 4-35-7-12, the IHRC provided funds to the ITOBA that were generated by the state's racetracks.⁵ The IHRC determined that Martin was required to be licensed under Rule 5.5-1-1(a)(3) because he was the executive director of the ITOBA, which is a "concern . . . approved by the . . . commission to provide a pari-mutuel related service" and Martin's job duties required his presence "in a restricted area" and/or "on association grounds." Br. of Appellant at 23.

The record strongly supports the IHRC's claim that as executive director of the ITOBA, Martin had direct access to racehorses and their owners. The ITOBA is intimately involved in the sales of horses that are likely to participate in future pari-mutuel racing. The IHRC also contends that the evidence establishes that Martin "worked" the July and October horse sales at Hoosier Park Racetrack. The director of security for the IHRC reported that Martin was loading horses for transport at the October horse sale.⁶ Appellant's App. p. 347.

⁴ Martin argues that the ITOBA never actually rendered "pari-mutuel related services or commodities." However, the promotion and sale of thoroughbred horses that will likely be trained for racing and used in races subject to wagering is providing a pari-mutuel related service or commodity, particularly where the ITOBA benefits financially from its sales of race horses. The rule only requires that the ITOBA was *approved* by the IHRC to provide such services and not that the ITOBA actually rendered pari-mutuel services.

⁵ 71 Indiana Administrative Code rule 13-1-5 provides that all "directors, officers, and employees of a registered horsemen's association that will have access to any funds received pursuant to IC 4-35-7-12 if not otherwise licensed and in good standing with the commission, must apply for and be granted a separate commission license to act as a director, officer, or employee of a horsemen's association in order to serve in that capacity." Martin denied any access to such funds, and the IHRC does not dispute Martin's denial.

⁶ Without any additional discussion, the trial court found that this finding was not supported by substantial evidence. Our review of the record leads us to come to the opposite conclusion. The IHRC's

The IHRC summarizes the merits in this case well when it argues that the IHRC's decision to require licensure

is completely reasonable, given that (1) ITOBA receives sales commissions based on the horse's sale price; (2) the horses were being exhibited in timed work outs for the purpose of soliciting buyers; (3) Martin was ITOBA's employee and executive director, (4) ITOBA was approved by the [IHRC] to receive wagering funds and provide pari-mutuel related services; and (5) Martin was intimately involved in the provision of ITOBA's services at the track, and thus was in the position to observe and report any Rule violations by owners, trainers or other racing participants.

Appellant's Br. at 24. Moreover, we observe that the ITOBA directly benefited from pari-mutuel wagering in 2010 because it received gambling proceeds from the IHRC pursuant to Indiana Code section 4-35-7-12.

Our standard of review is well-settled, and Martin has not established that the IHRC's decision was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, and its decision was supported by substantial evidence. Martin was required to be licensed pursuant to Indiana Code section 4-31-6-1 and rule 5.5-1-1(a) because he was the ITOBA's executive director in 2010 and an active participant in the ITOBA's activities at Indiana's horse racing tracks. For all of these reasons, we reverse the Marion Superior Court's order setting aside and vacating the IHRC's order excluding Martin from IHRC grounds and remand this case with instructions to reinstate the IHRC's order and exclusion notice.

Reversed and remanded for proceedings consistent with this opinion.

BAKER, J., and BROWN, J., concur.

director of security's observations of Martin's activities at Hoosier Park were included in the agency record.

Agenda Item # (b)

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

EDMUND W. MARTIN, JR.,)	
)	Case No. 1:12-cv-0460-TWP-TAB
Plaintiff,)	
)	
v.)	
)	
JOE GORAJEC, TERRY RICHWINE,)	
SARAH McNAUGHT, and LIANE PUCCIA,)	
)	
Defendants.)	

**ORDER APPROVING STIPULATION OF
DISMISSAL AS TO GORAJEC, RICHWINE AND McNAUGHT**

The parties, by their respective counsel, have filed their stipulation of dismissal, with prejudice, as to Joe Gorajec, Terry Richwine and Sarah McNaught, with each party to bear its own costs.

The Court now approves the stipulation and **ORDERS** that this action be and the same is hereby **DISMISSED** as against Gorajec, Richwine and McNaught, with prejudice, as specified in the Joint Stipulation. Defendants' Motion for Reconsideration (Dkt. 95) is **DENIED** as **MOOT**.

SO ORDERED.

Enter: 05/28/2013

Distribution: All electronically registered counsel

Agenda Item #

**INDIANA HORSE RACING COMMISSION
OFFICIAL AGENDA
September 17, 2013**

AGENDA ITEM 3

Consideration of emergency rules (2013 Legislative mandates)

- a. 71 IAC 2-5-1 Employees
- b. 71 IAC 3-2-1 General authority
- c. 71 IAC 3-2-2 Period of authority
- d. 71 IAC 3-2-3 Disciplinary action
- e. 71 IAC 3.5-2-1 General authority
- f. 71 IAC 3.5-2-2 Period of authority
- g. 71 IAC 3.5-2-3 Disciplinary action
- h. 71 IAC 3.5-6-1 General authority
- i. 71 IAC 3.5-6-2 Records
- j. 71 IAC 4-2-3 Financial reports
- k. 71 IAC 5-1-13 License denial
- l. 71 IAC 5-1-14 Grounds for sanctions
- m. 71 IAC 5-1-16 License restrictions, limitations, and conditions
- n. 71 IAC 5-1-18 Changes in application information
- o. 71 IAC 5-3-1 Eligibility
- p. 71 IAC 5.5-1-13 License denial
- q. 71 IAC 5.5-1-14 Grounds for sanctions
- r. 71 IAC 5.5-1-16 License restrictions, limitations, and conditions
- s. 71 IAC 5.5-1-18 Changes in application information
- t. 71 IAC 5.5-1-31 Review of trainer transfers
- u. 71 IAC 5.5-3-1 Eligibility
- v. 71 IAC 8-10-6 Penalties
- w. 71 IAC 8-11-3 Penalties
- x. 71 IAC 8.5-10-4 Taking of samples
- y. 71 IAC 8.5-10-6 Penalties
- z. 71 IAC 8.5-11-3 Penalties
- aa. 71 IAC 9-1-18 Unrestricted access
- bb. 71 IAC 10-2-3 Summary suspension
- cc. 71 IAC 10-2-7 Ruling
- dd. 71 IAC 10-2-10 Stay
- ee. 71 IAC 10-3-1 Initiation of proceedings
- ff. 71 IAC 11-1-12.1 Distribution Agreements
- gg. 71 IAC 13-1-1 Registration of horsemen's associations
- hh. 71 IAC 13-1-7 Financial reports

71 IAC 2-5-1 Employees – SEA 609 Section 3

Authority: IC 4-31-3-9

Affected: IC 4-31-3; IC 4-31-13-7

Sec. 1. (a) The commission shall employ an executive director and an assistant executive director who shall employ other employees necessary to implement, administer, and enforce the Act.

(b) The executive director and assistant executive director shall maintain the records of the commission and shall perform other duties as required by the commission. Except as otherwise provided by these rules, if a rule of the commission places a duty on the executive director, the executive director may delegate that duty to another employee of the commission. The commission, the executive director and the assistant executive director may not employ or continue to employ a person:

- (1) who owns a financial interest in an association in this jurisdiction;
- (2) who accepts remuneration from an association in this jurisdiction, unless otherwise approved by the commission or the executive director;
- (3) who is an owner, lessor, or lessee of a horse that is entered in a race in this jurisdiction; or
- (4) who accepts or is entitled to a part of the purse or purse supplement to be paid on a horse in a race held in this jurisdiction.

(c) Commission employees and their spouses shall not wager directly or indirectly on live racing or on any simulcast races received at an Indiana track or satellite facility at any time.

(d) The executive director, assistant executive director, director of security, stewards, and judges shall not wager directly or indirectly on any gambling game located on association grounds at any time.

(e) The commission shall appoint the judges at each racing meeting. *(Indiana Horse Racing Commission; 71 IAC 2-5-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1124; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2825, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2069; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2424; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed May 12, 2008, 1:29 p.m.: 20080521-IR-071080353ERA; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA)*

71 IAC 3-2-1 General authority SEA 609 – removes reference to designee requires judges to be available off-season

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) The judges for each meeting shall be responsible to the commission for the conduct of the race meeting in accordance with the laws of this jurisdiction and these rules.

(b) The judges shall enforce these rules and the racing laws of this jurisdiction.

(c) The authority of the judges includes supervision of all:

- (1) racing officials;
- (2) track management;
- (3) licensed personnel;

- (4) other persons responsible for the conduct of racing; and
- (5) patrons;

as necessary to ensure compliance with these rules.

(d) The judges shall have authority to resolve conflicts or disputes related to racing and to discipline violators in accordance with the provisions of these rules.

(e) The judges shall have authority to issue rulings consistent with these rules on dates outside of the race meet calendar.

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~~(e)~~(f) The judges have the authority to interpret these rules and to decide all questions of racing not specifically covered by these rules. *(Indiana Horse Racing Commission; 71 IAC 3-2-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1127; readopted filed Oct 30, 2001, 11:50 a.m.: 25 R 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

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71 IAC 3-2-2 Period of authority SEA 609 – removes reference to designee

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. The period of authority of the judges shall commence not more than thirty (30) days prior to the beginning of each race meeting and shall terminate with completion of their official business pertaining to the meeting. **The judges shall have authority to act on behalf of the commission for the entire year during which the race meet is scheduled.** *(Indiana Horse*

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Racing Commission; 71 IAC 3-2-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1127; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2826, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

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71 IAC 3-2-3 Disciplinary action SEA 609 Sec. 7

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) The judges shall take notice of alleged misconduct or rule violations and initiate investigations into such matters.

(b) The judges shall have authority to do the following:

(1) Charge any licensee for a violation of these rules.

(2) Conduct hearings.

(3) Impose disciplinary action in accordance with these rules.

(c) The judges may compel the attendance of witnesses and the submission of documents or potential evidence related to any investigation or hearing.

(d) The judges may at any time inspect license documents, registration papers, and other documents related to racing.

(e) The judges have the power to administer oaths and examine witnesses.

(f) The judges shall submit a written report to the commission of every inquiry and hearing.

(g) The judges may impose, but are not limited to, any of the following penalties on a licensee for a violation of the Act or these rules:

(1) Issue a reprimand.

(2) Assess a fine.

(3) Require forfeiture or redistribution of purse or award, when specified by applicable rules.

- (4) Place a licensee on probation.
- (5) Suspend a license or racing privileges.
- (6) Exclude from grounds under the jurisdiction of the commission.
- (7) Any relief deemed appropriate.
- (h) The judges may impose any penalty or take any appropriate action against any horse for a violation or attempted violation.
- (i) The judges may:
 - (1) suspend a license for not more than ~~sixty (60) days~~ **one (1) year** per violation;
 - (2) impose a fine not to exceed ~~one five thousand dollars (\$1,000) (\$5,000)~~ for each violation;
 - (3) suspend and fine; or
 - (4) order that a person be ineligible for licensing.
- (j) A ruling of the judges shall not prevent the commission from imposing a more severe penalty.
- (k) The judges may refer any matter to the commission and may include recommendations for disposition. The absence of a judges' referral shall not preclude commission action in any matter.
- (l) Purses, prizes, awards, and trophies shall be redistributed if the judges or commission order a change in the official order of finish.
- (m) All fines imposed by the judges shall be paid to the commission in accordance with 71 IAC 7-5. (*Indiana Horse Racing Commission; 71 IAC 3-2-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1128; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2071; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

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71 IAC 3.5-2-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) The stewards for each meeting shall be responsible to the commission for the conduct of the race meeting in accordance with the laws of this jurisdiction and these rules.

(b) The stewards shall enforce these rules and the racing laws of this jurisdiction.

(c) The authority of the stewards includes supervision of all:

- (1) racing officials;
- (2) track management;
- (3) licensed personnel;
- (4) other persons responsible for the conduct of racing; and
- (5) patrons;

as necessary to ensure compliance with these rules.

(d) The stewards shall have authority to resolve conflicts or disputes related to racing and to discipline violators in accordance with the provisions of these rules.

(e) The judges shall have authority to issue rulings consistent with these rules on dates outside of the race meet calendar.

~~(e)(f)~~ **(f)** The stewards have the authority to interpret these rules and to decide all questions of racing not specifically covered by these rules. (*Indiana Horse Racing Commission; 71 IAC 3.5-2-1;*

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emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2829, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

71 IAC 3.5-2-2 Period of authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. The period of authority of the stewards shall commence not more than thirty (30) days prior to the beginning of each race meeting and shall terminate with completion of their official business pertaining to the meeting. The stewards shall have authority to act on behalf of the commission for the entire year during which the race meet is scheduled. *-(Indiana Horse Racing Commission; 71 IAC 3.5-2-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2829, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-2-3 Disciplinary action

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) The stewards shall take notice of alleged misconduct or rule violations and initiate investigations into such matters.

(b) The stewards shall have authority to do the following:

(1) Charge any licensee for a violation of these rules.

(2) Conduct hearings.

(3) Impose disciplinary action in accordance with these rules.

(c) The stewards may compel the attendance of witnesses and the submission of documents or potential evidence related to any investigation or hearing.

(d) The stewards may at any time inspect license documents, registration papers, and other documents related to racing.

(e) The stewards have the power to administer oaths and examine witnesses.

(f) The stewards shall submit a written report to the commission of every inquiry and hearing.

(g) The stewards may impose, but are not limited to, any of the following penalties on a licensee for a violation of the Act or these rules:

(1) Issue a reprimand.

(2) Assess a fine.

(3) Require forfeiture or redistribution of purse or award, when specified by applicable rules.

(4) Place a licensee on probation.

(5) Suspend a license or racing privileges.

(6) Exclude from grounds under the jurisdiction of the commission.

(7) Any relief deemed appropriate.

(h) The stewards may impose any penalty or take any appropriate action against any horse for a violation or attempted violation.

(i) The stewards may:

(1) suspend a license for not more than ~~sixty (60) days~~ **one (1) year** per violation;

(2) impose a fine not to exceed ~~one five thousand dollars (\$1,000)~~ **(\$5,000)** for each violation;

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- (3) suspend and fine; or
- (4) order that a person be ineligible for licensing.
- (j) A ruling of the stewards shall not prevent the commission from imposing a more severe penalty.
- (k) The stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a stewards' referral shall not preclude commission action in any matter.
- (l) Purses, prizes, awards, and trophies shall be redistributed if the stewards or commission order a change in the official order of finish.
- (m) All fines imposed by the stewards shall be paid to the commission in accordance with 71 IAC 7.5-9. (*Indiana Horse Racing Commission; 71 IAC 3.5-2-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2829, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3402; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

71 IAC 3.5-6-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The horsemen's bookkeeper shall maintain the records and accounts and perform the duties described in this rule and maintain such other records and accounts and perform such other duties as the association and the commission may prescribe, **including making records available if needed for state board of accounts annual audit in accordance with I.C. 4-35-7-12(h).** (*Indiana Horse Racing Commission; 71 IAC 3.5-6-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2833, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

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71 IAC 3.5-6-2 Records

Authority: IC 4-31-3-9

Affected: IC 4-31

- Sec. 2. (a) The records shall include the name, mailing address, Social Security number or federal tax identification number, and the state or country of residence of each horse owner, trainer, or jockey participating in the race meeting who has funds due or on deposit in the horsemen's account.
- (b) The records shall include a file of all required statements of partnerships, syndicates, corporations, assignments of interest, lease agreements, and registrations of authorized agents.
 - (c) All records of the horsemen's bookkeeper shall be kept separate and apart from the records of the association.
 - (d) All records of the horsemen's bookkeeper, including records of accounts and monies and funds kept on deposit, are subject to the inspection by the commission at any time.
 - (e) All records of the horsemen's bookkeeper are subject to review by the state board of accounts in accordance with I.C. 4-35-7-12(h).**
 - (e) The association licensee is subject to disciplinary action by the commission for any violation of or noncompliance with the provisions of this rule. (*Indiana Horse Racing Commission; 71*

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IAC 3.5-6-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2833, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

71 IAC 4-2-3 Financial reports

Authority: IC 4-31-3-9

Affected: IC 4-31-13-6; IC 4-35-7-12

Sec. 3. (a) The commission may require periodic audits to determine that the association has funds available to meet those distributions for the purposes required by the Act, IC 4-35-7-12, these rules, the conditions and nomination race program of the race meeting, and the obligations incurred in the daily operation of the race meeting. **Such audits are in addition to the state board of accounts annual audit required by I.C. 4-35-7-12(h).**

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(b) An association shall file the following:

- (1) A copy of all tax returns.
- (2) A balance sheet.
- (3) A profit and loss statement.

(c) An association shall file with the commission an unaudited balance sheet and profit and loss statement as required by the commission. Those submissions must be in a format which conforms with the requirements set out in the permit.

(d) An association shall file an annual consolidated financial statement, audited by independent certified public accountants, for the track and the simulcast operations, with the commission no later than March 31 after the close of its fiscal year, which reflects operations during the preceding calendar year. The audit must be in a format which conforms with the requirements set out in the permit application. The commission, upon good cause shown, may extend the time for filing.

(e) An association shall file with the commission a copy of any tax audit report received from the Internal Revenue Service, Indiana department of revenue, or any other federal or state agency auditing the association. (*Indiana Horse Racing Commission; 71 IAC 4-2-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1134; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2837, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2071; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Oct 29, 2009, 11:33 a.m.: 20091104-IR-071090870ERA, eff Oct 26, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-870(E) was filed with the Publisher October 29, 2009.]*)

71 IAC 5-1-13 License denial

Authority: IC 4-31-6-2

Affected: IC 4-31

Comment [hcn1]: SEA 609 Sec. 9

Sec. 13. ~~The commission, the judges, or the executive director as the commission's designee may formally deny an application in accordance with these rules. If an applicant contests the basis of the denial of a license application not later than fifteen (15) days after notice is served, the judges (or an administrative law judge if the judges are unavailable) shall conduct a hearing pursuant to the procedures provided for in 71 IAC 10. Nonetheless, a hearing challenging the denial of a license application is not considered to be a disciplinary action. The commission, the judges, or the executive director as the commission's designee may formally deny an application in accordance with these rules. An application which is denied shall:~~

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- (1) be reported in writing to the applicant stating the reasons for denial and the date when a reapplication may be submitted; and
- (2) be reported to the USTA and the ARCI, which shall then advise other racing jurisdictions. *(Indiana Horse Racing Commission; 71 IAC 5-1-13; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1141; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2099; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 5-1-14 Grounds for sanctions

Authority: IC 4-31-6-2; IC 4-31-13-1

Affected: IC 4-31-6-6

Sec. 14. (a) The commission may refuse or deny a license application, revoke or suspend a license, or otherwise penalize a licensee, or other person, if:

- (1) the refusal, denial, revocation, suspension, or other penalty is in the public interest for the purpose of maintaining proper control over horse racing meetings or pari-mutuel wagering; and
 - (2) any of the conditions listed in subsection (b) apply to the applicant or licensee or person.
- (b) The conditions referred to in subsection (a) include, but are not limited to, the following:
- (1) The person has been convicted of a felony or misdemeanor that could compromise the integrity of racing by the applicant's or licensee's participation in racing.
 - (2) The person has had a license of the legally constituted racing or gaming authority of a state, province, or country denied, suspended, or revoked for cause within the preceding five (5) years.
 - (3) The person is presently under suspension for cause of a license by the legally constituted racing authority of a state, province, or country.
 - (4) The person has violated or attempted to violate a provision of this article, these rules, or a law or rule with respect to horse racing in a jurisdiction.
 - (5) The person has perpetrated or attempted to perpetrate a fraud or misrepresentation in connection with the racing or breeding of horses or pari-mutuel wagering.
 - (6) The person has demonstrated financial irresponsibility by accumulating unpaid obligations, defaulting on obligations, or issuing drafts or checks that are dishonored or not paid.
 - (7) The applicant or licensee has made a material misrepresentation in an application for a license.
 - (8) The person has been convicted of a crime involving bookmaking, touting, or similar pursuits or has consorted with a person convicted of such an offense.
 - (9) The person has abandoned, mistreated, abused, neglected, or engaged in an act of cruelty to a horse.

Sec. 18. During the period for which a license has been issued, the licensee shall report to the commission changes in information provided on the license application, including the following:

- (1) Current legal name.
- (2) Marital status.
- (3) Permanent address.
- (4) Pending criminal complaints.
- (5) Criminal convictions.
- (6) License suspensions of ten (10) days or more.
- (7) License revocations or fines of five hundred dollars (\$500) or more in other jurisdictions.
- (8) Racing related disciplinary charges pending in other jurisdictions.

Such information shall be upon the appropriate commission form, signed by the licensee, and filed at the commission offices within ten (10) days of change.

(Indiana Horse Racing Commission; 71 IAC 5-1-18; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1142; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

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71 IAC 5-3-1 Eligibility

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 1. (a) An applicant for a license as trainer or assistant trainer shall:

- (1) Be at least eighteen (18) years of age.
 - (2) Shall hold a currently valid trainer's license issued by the USTA or CTA. Applicants holding CTA licenses only must provide a complete CTA ruling history from that organization to the Indiana horse racing commission judges prior to being licensed.
 - (3) Be qualified, as determined by the judges or other commission designee, by reason of experience, background, and knowledge of racing.
- (b) An applicant not previously licensed as a trainer shall be required to pass a written or oral examination and a demonstration of practical skills administered by the USTA/CTA or their designee.

(c) Each licensed owner and trainer is responsible for disclosure to the commission or its designee of the true and bona fide trainer of each of his or her horses registered with the racing secretary. Any change in the trainer of a horse registered with the racing secretary shall be approved by the judges. Each trainer shall comply with all licensing requirements.

(d) The commission ~~or its designee~~ may refuse, deny, suspend, or revoke a trainer's license for the spouse, member of the immediate family, or household of a person ineligible to be licensed as a trainer, unless there is a showing, by clear and convincing evidence, on the part of the licensed trainer, applicant, or licensed owner (and the commission determines) that participation in racing will not permit a person to serve as a substitute for an ineligible person. The transfer of a horse to a trainer who would circumvent the intent of a commission rule or ruling is prohibited.

(e) The commission's designee may refuse a trainer's license for the spouse, member of the immediate family, or household of a person ineligible to be licensed as a trainer, unless there is a showing, by clear and convincing evidence, on the part of the licensed trainer,

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applicant, or licensed owner (and the commission determines) that participation in racing will not permit a person to serve as a substitute for an ineligible person.

~~(e)(f)~~ To the extent the commission or its designee obtains information that raises a reasonable suspicion that any other person may be serving as a substitute for a person ineligible to be licensed as a trainer, any horse that the substitute is training may be placed on the judge's list. In such event, any horse involving an issue of the true and bona fide trainer is ineligible to race until such time that the issue is proven by the entrant of the horse by clear and convincing evidence in accordance with the provisions of 71 IAC 7-1-35. *(Indiana Horse Racing Commission; 71 IAC 5-3-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1145; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2746; emergency rule filed Mar 20, 2007, 1:43 p.m.: 20070404-IR-071070198ERA, eff Mar 16, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA)*

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71 IAC 5.5-1-13 License denial

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 13. ~~The commission, the stewards, or the executive director as the commission's designee may formally deny an application in accordance with these rules. If an applicant contests the basis of the denial of a license application not later than fifteen (15) days after notice is served, the stewards (or an administrative law judge if the stewards are unavailable) shall conduct a hearing pursuant to the procedures provided for in 71 IAC 10. Nonetheless, a hearing challenging the denial of a license application is not considered to be a disciplinary action. The commission, the stewards, or the executive director as the commission's designee may formally deny an application in accordance with these rules. An application that is denied shall be reported:~~

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(1) in writing to the applicant stating the reasons for denial and the date when a reapplication may be submitted; and

(2) to the USTA and the ARCI, which shall then advise other racing jurisdictions.

(Indiana Horse Racing Commission; 71 IAC 5.5-1-13; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2851, eff Jul 1, 1995; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 118; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

71 IAC 5.5-1-14 Grounds for sanctions

Authority: IC 4-31-6-2; IC 4-31-13-1

Affected: IC 4-31-6-6

Sec. 14. (a) The commission may refuse or deny a license application, revoke or suspend a license, or otherwise penalize a licensee, or other person, if:

(1) the refusal, denial, revocation, suspension, or other penalty is in the public interest for the purpose of maintaining proper control over horse racing meetings or pari-mutuel wagering; and (2) any of the conditions listed in subsection (b) apply to the applicant or licensee or person.

(b) The conditions referred to in subsection (a) include, but are not limited to, the following:

(1) The person has been convicted of a felony or misdemeanor that could compromise the integrity of racing by the applicant's or licensee's participation in racing.

(2) The person has had a license of the legally constituted racing or gaming authority of a state, province, or country denied, suspended, or revoked for cause within the preceding five (5) years.

(3) The person is presently under suspension for cause of a license by the legally constituted racing authority of a state, province, or country.

(4) The person has violated or attempted to violate a provision of this article, these rules, or a law or rule with respect to horse racing in a jurisdiction.

(5) The person has perpetrated or attempted to perpetrate a fraud or misrepresentation in connection with the racing or breeding of horses or pari-mutuel wagering.

(6) The person has demonstrated financial irresponsibility by accumulating unpaid obligations, defaulting on obligations, or issuing drafts or checks that are dishonored or not paid.

(7) The applicant or licensee has made a material misrepresentation in an application for a license.

(8) The person has been convicted of a crime involving bookmaking, touting, or similar pursuits or has consorted with a person convicted of such an offense.

(9) The person has abandoned, mistreated, abused, neglected, or engaged in an act of cruelty to a horse.

(10) The person has engaged in conduct that is against the best interest of horse racing or compromises the integrity of operations at a track or satellite facility.

(11) The person has failed to comply with a written order or ruling of the commission or judges pertaining to a racing matter.

(12) The person has failed to answer correctly under oath, to the best of the person's knowledge, all questions asked by the commission or its representatives pertaining to a racing matter.

(13) The person has failed to comply with a summons issued by the executive director or director of security pursuant to I.C. 4-31-3-13(c).

~~(13)(14)~~ The person has failed to return to a permit holder any purse money, trophies, or awards paid in error or ordered redistributed by the commission.

~~(14)(15)~~ The person has had possession of an alcoholic beverage on a permit holder's premises, other than a beverage legally sold through the permit holder's concession operation.

~~(15)(16)~~ The person has interfered with or obstructed a member of the commission, a commission employee, or a racing official while performing official duties.

~~(16)(17)~~ The name of the applicant or licensee appears on the department of state revenue's most recent tax warrant list, and the person's delinquent tax liability has not been satisfied.

~~(17)(18)~~ The person has pending criminal charges.

~~(18)(19)~~ The person has racing or gaming disciplinary charges pending in this state or other jurisdictions.

~~(19)(20)~~ The applicant or licensee is unqualified to perform the duties required.

~~(20)(21)~~ The person has made a material misrepresentation in the process of registering, nominating, entering, or racing a horse as an Indiana owned, Indiana bred, or Indiana sired.

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~~(21)(22)~~ The applicant or licensee is an illegal alien.

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(c) A license suspension or revocation shall be reported in writing to the applicant, the USTA, and the ARCI, whereby other racing jurisdictions shall be advised. *(Indiana Horse Racing Commission; 71 IAC 5.5-1-14; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2851, eff Jul 1, 1995; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2891; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2416; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 5.5-1-16 License restrictions, limitations, and conditions

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 16. The commission or its designee, for cause, may restrict, limit, or place conditions, ~~including probationary status, on any license at the time of issuance, including probationary status.~~ *(Indiana Horse Racing Commission; 71 IAC 5.5-1-16; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2852, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

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71 IAC 5.5-1-18 Changes in application information

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 18. During the period for which a license has been issued, the licensee shall report to the commission changes in information provided on the license application, including the following:

- (1) Current legal name.
- (2) Marital status.
- (3) Permanent address.
- (4) Pending criminal complaints.
- (5) Criminal convictions.
- (6) License suspensions of ten (10) days or more.
- (7) License revocations or fines of five hundred dollars (\$500) or more in other jurisdictions.
- (8) Racing related disciplinary charges pending in other jurisdictions.

Such information shall be upon the appropriate commission form, signed by the licensee, and filed at the commission offices within ten (10) days of change.

(Indiana Horse Racing Commission; 71 IAC 5.5-1-18; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2852, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

71 IAC 5.5-1-31 Review of trainer transfers

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 31. The executive director or the stewards may refuse the license of a trainer, require the horse(s) at issue to be stabled on the grounds of the association, and/or place a horse on the

stewards list if the prior trainer has been suspended, barred, has had his or her license refused, or is otherwise unlicensable. In making such a determination, the executive director or stewards may consider any information that they deem relevant including, but not limited to, the following:

- (1) Whether the trainer is a spouse, member of the immediate family, assistant, employee, or member of the prior trainer's household.
- (2) Whether the prior trainer could have contact with or access to the horse(s) in question.
- (3) Whether the trainer transfer occurred within the previous sixty (60) days.

(Indiana Horse Racing Commission; 71 IAC 5.5-1-31; emergency rule filed Mar 20, 2007, 1:43 p.m.: 20070404-IR-071070198ERA, eff Mar 16, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

71 IAC 5.5-3-1 Eligibility

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 1. (a) An applicant for a license as trainer or assistant trainer shall:

- (1) be at least eighteen (18) years of age; and
 - (2) be qualified, as determined by the stewards or other commission designee, by reason of experience, background, and knowledge of racing.
- (b) A trainer's license from another jurisdiction, having been issued within a prior period as determined by the commission, may be accepted as evidence of experience and qualifications. Evidence of qualifications may require passing one (1) or more of the following:
- (1) A written examination.
 - (2) An interview or oral examination.
 - (3) A demonstration of practical skills in a barn test.
- (c) An applicant not previously licensed as a trainer shall be required to pass a written or oral examination and a demonstration of practical skills, administered by the stewards, prior to being licensed as a trainer.
- (d) Each licensed trainer is responsible for disclosure to the commission or its designee of the true and entire ownership of each of his or her horses registered with the racing secretary. Any change in ownership of a horse registered with the racing secretary shall be approved by the stewards. Each owner shall comply with all licensing requirements.
- (e) Each licensed owner and trainer is responsible for disclosure to the commission or its designee of the true and bona fide trainer of each of his or her horses registered with the racing secretary. Any change in the trainer of a horse registered with the racing secretary shall be approved by the stewards. Each trainer shall comply with all licensing requirements.
- (f) The commission ~~or its designee may refuse, deny, suspend, or revoke a trainer's license for~~ the spouse, member of the immediate family, or household of a person ineligible to be licensed as a trainer, unless there is a showing, by clear and convincing evidence, on the part of the licensed trainer, applicant, or licensed owner (and the commission determines) that participation

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in racing will not permit a person to serve as a substitute for an ineligible person. The transfer of a horse to a trainer who would circumvent the intent of a commission rule or ruling is prohibited.

(g) The commission's designee may refuse a trainer's license for the spouse, member of the immediate family, or household of a person ineligible to be licensed as a trainer, unless there is a showing, by clear and convincing evidence, on the part of the licensed trainer, applicant, or licensed owner (and the commission determines) that participation in racing will not permit a person to serve as a substitute for an ineligible person.

~~(g)(h)~~ To the extent the commission or its designee obtains information that raises a reasonable suspicion that any other person may be serving as a substitute for a person ineligible to be licensed as a trainer, any horse that the substitute is training may be placed on the stewards' list. In such event, any horse involving an issue of the true and bona fide trainer is ineligible to race until such time that the issue is proven by the entrant of the horse by clear and convincing evidence in accordance with the provisions of 71 IAC 7.5-5-2.

~~(h)(i)~~ Beginning in 2013, trainers must demonstrate, prior to licensure, that they have attended a four (4) hour continuing education course approved by the commission within the past two (2) calendar years. Trainers completing an approved continuing education course in 2011 or 2012 will have met this requirement through the 2014 racing season. The continuing education requirement does not apply to trainers who have started horses six (6) or fewer times in Indiana the previous year. Such trainers may start up to six (6) horses in a year before he or she must fulfill the continuing education requirement. (*Indiana Horse Racing Commission; 71 IAC 5.5-3-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2855, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 20, 2007, 1:43 p.m.: 20070404-IR-071070198ERA, eff Mar 16, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA; emergency rule filed Mar 8, 2012, 11:43 a.m.: 20120321-IR-071120117ERA*)

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71 IAC 8-10-6 Penalties

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. (a) Upon a finding of a positive test, the judges or commission shall, to the extent of its regulatory authority, impose the following sanctions:

(1) For a licensee's first violation, he or she shall be suspended for thirty (30) days and shall be subject to a mandatory drug retest after thirty (30) days from the first violation of this article. Such additional drug test shall be done by the commission testing laboratory at the licensee's expense. Until such retest achieves negative results, the licensee shall remain suspended. (2) For a second violation, the licensee shall be suspended for a minimum of sixty (60) days and shall be required to enroll in a substance abuse treatment program approved by the commission. It shall be the licensee's responsibility to provide the commission with written notice of his or her enrollment, weekly status reports, and written notice that he or she has successfully completed

the program and has been discharged. The licensee shall remain suspended until the requirements have been fulfilled or for a period of not less than sixty (60) days, whichever is greater. The requirements shall include an additional drug test with negative results. Such test shall be under the supervision or approval of the commission.

(3) For a third violation, the licensee will receive a mandatory suspension of his or her license for a period of one (1) year and shall not be eligible to reapply for his or her license until the applicant pays for and submits to two (2) urine samples thirty (30) days apart with both samples failing to show any trace of a controlled substance or prescription drug. All such samples shall be obtained and tested by the commission or approved by the commission at a location and in a manner prescribed by the commission and at the expense of the licensee. After the licensee has received two (2) negative tests, he or she may reapply for a license unless his or her continuing participation at a race meeting shall be deemed by the commission director of security or his or her designee to be detrimental to the best interest of horse racing.

(b) Prior human controlled substance or prescription drug violations reflected on a person's racing record from any jurisdiction recognized by the commission, including Indiana, shall be counted as violations when determining appropriate penalties as set forth in subsection (a).

(c) In determining the penalty to impose for an offense covered by this rule, the judges or the commission may consider any mitigating and/or exacerbating circumstances and make an appropriate adjustment to the penalties which are set forth in subsection (a). (*Indiana Horse Racing Commission; 71 IAC 8-10-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1177; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2163; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1670, eff Feb 24, 2000; errata filed Mar 13, 2000, 7:36 a.m.: 23 IR 1656; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

71 IAC 8-11-3 Penalties

Authority: IC 4-31-3-9

Affected: IC 4-31-8-4; IC 4-31-13

Sec. 3. (a) A person whose breath test shows a reading of more than five-hundredths of one percent (0.05%) by weight of alcohol in the person's breath or blood shall be summarily suspended under the rules of the commission and subject to any other sanction available to the commission pursuant to the provisions of IC 4-31-13.

(b) The judges may relieve a licensee, except an owner, owner/trainer, or trainer, of any duties for that day should that person show a reading between one-hundredths [~~sic.~~] of one percent (0.01%) and five-hundredths of one percent (0.05%) by weight of alcohol in a person's blood.

(c) The permit holder's security department shall immediately inform the judges of any reading of ~~one-hundredths [sic., one-~~ hundredth] of one percent (0.01%) ~~or~~ and [~~sic.~~] above. (*Indiana Horse Racing Commission; 71 IAC 8-11-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1177; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2082; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1671, eff Feb 24, 2000; errata filed Mar 13, 2000, 7:36 a.m.: 23 IR 1656; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25*

a.m.: 25 IR 2538; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1920; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

71 IAC 8.5-10-4 Taking of samples

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. Any applicant or licensee selected by direction of the stewards, commission personnel, or their designee, who is requested to submit to a urine test shall, without undue delay, at a location and in the manner prescribed by the commission provide the urine sample. (*Indiana Horse Racing Commission; 71 IAC 8.5-10-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2887, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

71 IAC 8.5-10-6 Penalties

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. (a) Upon a finding of a positive test, the stewards or commission shall, to the extent of its regulatory authority, impose the following sanctions:

(1) For a licensee's first violation, he or she shall be suspended for thirty (30) days and shall be subject to a mandatory drug retest after thirty (30) days from the first violation of this article. Such additional drug test shall be done by the commission testing laboratory at the licensee's expense. Until such retest achieves negative results, the licensee shall remain suspended.

(2) For a second violation, the licensee shall be suspended for a minimum of sixty (60) days and shall be required to enroll in a substance abuse treatment program approved by the commission. It shall be the licensee's responsibility to provide the commission with written notice of his or her enrollment, weekly status reports, and written notice that he or she has successfully completed the program and has been discharged. The licensee shall remain suspended until the requirements have been fulfilled. The requirements shall include an additional drug test with negative results. Such test shall be under the supervision or approval of the commission.

(3) For a third violation, the licensee shall be suspended for a minimum of sixty (60) days and shall be required to enroll in a substance abuse treatment program approved by the commission. It shall be the licensee's responsibility to provide the commission with written notice of his or her enrollment, weekly status reports, and written notice that he or she has successfully completed the program and has been discharged. The licensee shall remain suspended until the requirements have been fulfilled. The person shall not be eligible to reapply for his or her license until the applicant pays for and submits to two (2) urine samples thirty (30) days apart with both samples failing to show any trace of a controlled substance or prescription drug. All such samples shall be obtained and tested by the commission or approved by the commission at a location and in a manner prescribed by the commission and at the expense of the licensee. After the licensee has received two (2) negative tests, he or she may reapply for a license unless his or her continuing participation at a race meeting shall be deemed by the commission director of security or his or her designee to be detrimental to the best interest of horse racing.

(b) Prior human controlled substance or prescription drug violations reflected on a person's racing record from any jurisdiction recognized by the commission, including Indiana, shall be counted as violations when determining appropriate penalties as set forth in subsections (a).

(c) In determining the penalty to impose for an offense covered by this rule, the stewards or the commission may consider any mitigating and/or exacerbating circumstances and make an appropriate adjustment to the penalties which are set forth in subsection (a). (*Indiana Horse Racing Commission; 71 IAC 8.5-10-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2888, eff Jul 1, 1995; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2158; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2784; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Aug 20, 2002, 3:00 p.m.: 26 IR 58; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

Comment [2]: aggravating?

71 IAC 8.5-11-3 Penalties

Authority: IC 4-31-3-9

Affected: IC 4-31-8-4; IC 4-31-13

Sec. 3. (a) A person whose breath test shows a reading of more than five-hundredths of one percent (0.05%) by weight of alcohol in the person's breath or blood shall be summarily suspended under the rules of the commission and subject to any other sanction available to the commission pursuant to the provisions of IC 4-31-13.

(b) The stewards may relieve a licensee, except an owner, owner/trainer, or trainer, of any duties for that day should that person show a reading between one-hundredths ~~five~~ of one percent (0.01%) and five-hundredths of one percent (0.05%) by weight of alcohol in a person's blood.

(c) The permit holder's security department shall immediately inform the stewards of any reading of one-hundredths ~~five~~ of one percent (0.01%) or ~~and five~~ above. (*Indiana Horse Racing Commission; 71 IAC 8.5-11-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2888, eff Jul 1, 1995; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2894; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2785; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1921; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

Comment [3]: The changes in this rule are NOT a result of the legislation--just typo fixes.

71 IAC 9-1-18 Unrestricted access

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 18. The association shall permit the commission unrestricted access at all times to its facilities and equipment and to all books, ledgers, accounts, audit records, documents, and records of the association that relate to pari-mutuel wagering. (*Indiana Horse Racing Commission; 71 IAC 9-1-18; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1181; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

71 IAC 10-2-3 Summary suspension

Authority: IC 4-31-3-9

Affected: IC 4-21.5-4; IC 4-31-13

Sec. 3. (a) If the judges determine that a licensee's actions constitute an immediate danger to the public health, safety, or welfare, or are not in the best interest of racing, or compromise the integrity of operations at a track or satellite facility, the judges may summarily suspend the license pending a hearing pursuant to the provisions of IC 4-21.5-4.

(b) A licensee whose license has been summarily suspended by the judges is entitled to a hearing following a written request by the licensee.

(c) The judges shall conduct a hearing on the summary suspension in the same manner as other disciplinary hearings. At a hearing on a summary suspension, the sole issue is whether the licensee's license should remain suspended pending a final disciplinary hearing and ruling.

~~(d) Notwithstanding the provisions of 71 IAC 10-3-20, the commission delegates to the executive director the authority to summarily suspend licenses at any time that a live race meeting is not being conducted on association premises or when the judges are not otherwise available. The commission delegates to the executive director the authority to summarily suspend licenses at satellite facilities at any time. In the event of a summary suspension by the executive director and if the licensee makes a written request for a hearing, a hearing on the summary suspension shall be conducted by the commission or an administrative law judge as quickly as is practicable.~~ *(Indiana Horse Racing Commission; 71 IAC 10-2-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1198; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1505; emergency rule filed Nov 30, 1995, 1:00 p.m.: 19 IR 688; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2162; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2426; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 10-2-7 Ruling

Authority: IC 4-31-3-9

Affected: IC 4-21.5-3-1; IC 4-31-13-2

Sec. 7. (a) The issues at a disciplinary hearing shall be decided by a majority vote of the judges. If the vote is not unanimous, the dissenting judge shall include with the record of the hearing a written statement of the reasons for the dissent.

(b) A ruling by the judges must be on a form prescribed by the commission and include the following:

(1) The full name, Social Security number (optional), date of birth, last record address, license type, and license number of the person who is the subject of the hearing.

(2) A statement of the charges against the person, including a reference to the specific section of the Act or rules of the commission that the licensee is found to have violated.

(3) The date of the hearing and the date the ruling was issued.

(4) The penalty imposed.

(5) If there was a settlement agreement, the terms of the settlement that was agreed to agreement.

(6) Any changes in the order of finish or purse distribution.

(7) A statement of the available procedures and time limit for appealing the ruling to the commission.

(8) Other information required by the commission.

(c) A ruling must be signed by a majority of the judges.

(d) If possible, the judges or their designee shall hand deliver a copy of the ruling to the person who is the subject of the ruling. If hand delivery is not possible, the judges shall mail the ruling to the person's last known address, as found in the commission's licensing files, by regular mail. If the identity, address, or existence of a person is not ascertainable, service shall be made by a single publication in a newspaper of general circulation under IC 4-21.5-3-1. If the ruling includes the disqualification of a horse, the judges shall provide a copy of the ruling to the owner of the horse in the manner provided by this subsection.

(e) At the time the judges inform a person who is the subject of the proceeding of the ruling, the judges shall inform the person of the person's right to appeal the ruling to the commission.

(f) The suspension of a license or the imposition of a civil penalty must occur within ~~sixty (60)~~ one hundred eighty (180) days after the date of the violation under IC 4-31-13-2(b).

(g) All fines imposed by the judges shall be paid to the commission in accordance with 71 IAC 7-5-3. (*Indiana Horse Racing Commission; 71 IAC 10-2-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1199; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1506; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2164; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

71 IAC 10-2-10 Stay

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 10. (a) A person who has been disciplined by a ruling of the judges may apply to the commission for a stay of the ruling, pending action on an appeal by the commission.

(b) An application for a stay must be filed with the commission not later than the deadline for filing an appeal.

(c) An application for a stay must be in writing and include the following:

- (1) The name, address, telephone number, and signature of the person requesting the stay.
- (2) A statement of the justification for the stay.
- (3) The period of time for which the stay is requested.

(d) On a finding of good cause, the commission may grant the stay. ~~A ruling on the stay must be rendered within five (5) days from the time of the application for stay is filed with the commission or the stay is deemed granted.~~ The commission shall notify the person in writing of the commission's decision. The commission may rescind a stay granted under this subsection for good cause.

(e) The fact that a stay is granted is not a presumption that the ruling by the judges is invalid. (*Indiana Horse Racing Commission; 71 IAC 10-2-10; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1201; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2427; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

71 IAC 10-3-1 Initiation of proceedings

Authority: IC 4-31-3-9; IC 4-31-3-13

Affected: IC 4-21.5-3-22; IC 4-21.5-3-29; IC 4-31

Sec. 1. (a) A proceeding before the commission may be initiated by a person who timely files an appeal from a judge's ruling.

(b) The commission may in its discretion initiate a disciplinary action against any person under IC 4-31. Such an action may be brought upon the recommendation of the executive director, by the commission on its own motion, or by the commission for the purpose of modifying or assessing penalties or sanctions, or both, in addition to any penalties or sanctions assessed by the judges. ~~If the commission or the executive director brings an action under this section, such action is to be initiated pursuant to the provisions of section 20 of this rule.~~

(c) The commission may institute a proceeding for the enforcement of a subpoena or summons which is issued in support of its power to investigate licensees of the commission and/or any suspected violation of the pari-mutuel statutes or a rule adopted by the commission.

(d) In the event that the commission initiates a proceeding under section 20 of this rule, the issues in that proceeding or on any subsequent appeal shall be limited to those raised by the commission or its designee. In no way shall the issuance of an administrative complainta preliminary report act as a waiver or otherwise extend the time limits for the appeal of a ruling set forth in this article. (Indiana Horse Racing Commission; 71 IAC 10-3-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1201; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1506; errata filed Mar 23, 1995, 4:30 p.m.: 18 IR 2126; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2086; emergency rule filed Feb 12, 1998, 4:15 p.m.: 21 IR 2397; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 20, 2007, 1:43 p.m.: 20070404-IR-071070198ERA, eff Mar 16, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

71 IAC 11-1-12.1 Distribution Agreements

Authority: IC 4-35-7-12; 71C 4-35-7-16

Affected: IC 4-31; IC 4-35

Sec. 1 (a). The parties to the distribution agreement under IC 4-35-7-16 shall, on or before October 1 of each calendar year, report to the commission the effect of each distribution agreement on the Indiana horse racing industry.

(b) The parties to the distribution agreement under IC 4-35-7-16 shall include, with the distribution agreement, evidence that:

- (1) The distribution agreement is in the best interests of pari-mutuel horse racing in Indiana.**
- (2) The distribution agreement ensures the maintenance of the highest standards and greatest level of integrity.**
- (3) The distribution is fair to all parties.**
- (4) The licensees are financially stable.**

71 IAC 13-1-1 Registration of horsemen's associations

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71 IAC 11-1-12.1 Distribution Agreements

Authority: IC 4-35-7-12; 7IC 4-35-7-16

Affected: IC 4-31; IC 4-35

Sec. 1 (a). The parties to the distribution agreement under IC 4-35-7-16 shall, on or before October 1 of each calendar year, report to the commission the effect of each distribution agreement on the Indiana horse racing industry.

(b) The parties **submitting a proposed distribution agreement to the commission for approval** under IC 4-35-7-16 shall **have the burden of proving**;

- (1) The distribution agreement is in the best interests of pari-mutuel horse racing in Indiana.
- (2) The distribution agreement ensures the maintenance of the highest standards and greatest level of integrity.
- (3) The distribution is fair to all parties.
- (4) The licensees are financially stable.

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Authority: IC 4-31-3-9; IC 4-35-7-12

Affected: IC 4-31; IC 4-35

Sec. 1. (a) A horsemen's association must register with the commission annually in order to be eligible to receive monies from permit holders pursuant to the provisions of IC 4-35-7-12. Unless otherwise directed by the commission, and except as provided in subsection (c), a horsemen's association shall file its registration (accompanied by all supporting materials required by this article) with the commission not later than September 1 of the year preceding the calendar year for which the funds are to be paid. Except as provided in subsection (c), the commission shall approve or deny a registration not later than December 31 of the year preceding the calendar year for which the funds are to be paid. The registration for an upcoming calendar year must be approved by the commission before a horsemen's association is entitled to receive any funds from permit holders as provided for by IC 4-35-7-12 and before permit holders may make payment to a particular horsemen's association. The registration of a horsemen's association for a calendar year becomes effective upon the approval of the commission, not upon the filing of the registration.

(b) The deadlines set forth in subsections (a) and (c) for the commission to approve or deny a registration shall not apply when more than one (1) horsemen's association registers to be eligible to receive the same source of funds specified in IC 4-35-7-12. In that event, the commission shall approve or deny the registrations as expeditiously as possible, but not later than February 28 of the calendar year in which the funds are to be paid.

~~(c) A horsemen's association may register with the commission to receive funds pursuant to IC 4-35-7-12 from gaming revenues generated during calendar years 2008 and 2009 in a single registration (accompanied by all supporting materials required by this article). That registration may be filed by a horsemen's association at any time after this article becomes effective and shall be filed not later than September 1, 2008. The commission shall approve or deny all such registrations as expeditiously as possible, but not later than December 31, 2008, unless subsection (b) applies or if there is a failure by a horsemen's association seeking approval of registration to timely provide information that may be requested by the commission.~~

~~(d)~~ (c) If, at the time a permit holder is required to make a payment of funds to a horsemen's association pursuant to IC 4-35-7-12, either:

(1) the commission has not approved the registration of a horsemen's association otherwise eligible to receive the permit holder's payment; or

(2) for any other reason, no horsemen's association is eligible to receive the permit holder's payment; then the permit holder shall pay the funds required to be paid under IC 4-35-7-12 into one (1) or more interest bearing escrow accounts established and maintained by the permit holder solely for the purpose of holding and distributing those funds as may be directed by the commission. When a horsemen's association becomes eligible to receive payments from a permit holder pursuant to IC 4-35-7-12 and this article, the commission shall immediately direct the release of the escrowed funds and all interest earned on those funds to the eligible horsemen's association, and the permit holder shall thereafter make payments to that horsemen's association in the manner provided by IC 4-35-7-12 and this article. *(Indiana Horse Racing Commission; 71 IAC 13-1-1; emergency rule filed Jul 11, 2008, 2:13 p.m.: 20080723-IR-071080595ERA; emergency rule filed Aug 15, 2008, 9:17 a.m.: 20080827-IR-071080675ERA)*

71 IAC 13-1-7 Financial reports

Authority: IC 4-31-3-9; IC 4-35-7-12

Affected: IC 4-31; IC 4-35

Sec. 7. (a) The commission may require periodic audits of the three separate accounts required by section 8(a)(7) of this rule in order to determine whether a registered horsemen's association has expended funds in compliance with IC 4-35-7-12.

(b) At the time it files its registration under section 1 of this rule, a registered horsemen's association shall file with the commission a copy of its state and federal tax returns from the preceding calendar year.

(c) A registered horsemen's association shall file an unaudited balance sheet and profit and loss statement if kept in the regular course of the horsemen's association's business for the three (3) separate accounts required by section 8(a)(7) of this rule as required by the commission. Those submissions must be in a format which conforms with the categories set out in section 3(1) of this rule.

(d) A registered horsemen's association shall file an annual financial statement, audited by independent certified public accountants, with the commission not later than May 15 after the close of its fiscal year, which at minimum reflects operations of the three (3) separate accounts required by section 8(a)(7) of this rule during the preceding calendar year. The audit must be in format that conforms with the categories set out in section 3(1) of this rule. The commission, upon good cause shown, may extend the time for filing or permit the horsemen's association to file a report of an independent certified public accountant that is less rigorous than a full audit but which addresses the accounting, auditing, internal control, and reporting procedures for the separate accounts required by section 8(a)(7) of this rule.

(e) A registered horsemen's association shall file with the commission a copy of any tax audit report received from the Internal Revenue Service, Department of State Revenue, or any other federal or state agency auditing the registered horsemen's association, within thirty (30) days after the receipt thereof.

(f) A previously registered horsemen's association or a horsemen's association that has submitted a request for approval of registration with the commission shall provide any materials specified in section 6 of this rule and this section that are requested by the commissioner or its executive director.

(g) Upon receipt, a registered horsemen's association shall file with the commission annually any report received from the state board of accounts regarding any audit conducted pursuant to IC 4-35-7-12(h). *(Indiana Horse Racing Commission; 71 IAC 13-1-7; emergency rule filed Jul 11, 2008, 2:13 p.m.: 20080723-IR-071080595ERA)*

Agenda Item #3

Ruling Log

ID	Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fines	Suspended From	Suspended To	Days Suspended
623	13636	8/31/2013	Jose Aguirre	QH	6/8/2013	Trainer responsibility				
699	13134	8/31/2013	Delvin Miller	SB	5/29/2013	Failure to pay fine		8/31/2013	Pend fine	
700	13135	8/31/2013	Wayne Carter	SB	6/30/2013	Failure to pay fine		8/31/2013	Pend fine	
701	13136	8/31/2013	Brune Farquhar	SB	7/25/2013	Failure to pay fine		8/31/2013	Pend fine	
771	13633	8/31/2013	Jeffery Rayley	TB	8/30/2013	Failed to obtain lic.	\$250			
772	13634	8/31/2013	R. Harmon-Gabbard	TB		Change of occupation				
622	13625	8/30/2013	Doug Crabtree	QH	8/30/2013	Misc.				
695	13130	8/30/2013	Howard Schneider	SB	5/20/2013	Restored-misc.				
696	13131	8/30/2013	Jerry Mims	SB	8/23/2013	Late to paddock	\$100			
697	13132	8/30/2013	Jace Sundeen	SB	8/28/2013	Late to salix barn	\$100			
698	13133	8/30/2013	Trent Stohler	SB	8/27/2013	Ft-n-stirp/kicking	\$100			
764	13626	8/30/2013	David Bryan	TB	8/7/2013	Misc.	\$100	8/29/2013	9/4/13	7
765	13627	8/30/2013	David Paulus	TB	7/9/2013	Conduct/behavior	\$250			
766	13628	8/30/2013	Kevin Annee	TB	7/9/2013	Conduct/behavior	\$250			
767	13629	8/30/2013	Natividad Garcia	TB	8/23/2013	Conduct/behavior	\$100			
768	13630	8/30/2013	Cesario Garcia	TB	8/23/2013	Conduct/behavior	\$100			
769	13631	8/30/2013	Vicente Garcia	TB	8/24/2013	Conduct/behavior	\$200			
770	13632	8/30/2013	Bobby Crabtree	TB	8/31/2013	Employ unlic. Help	\$250			
694	13129	8/29/2013	Rocky Cowley	SB	4/12/2013	Restored-misc.				

ID	Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fines	Suspended From	Suspended To	Days Suspended
620	13623	8/28/2013	Saul Perez	QH	8/23/2013	Trainer responsibility	\$1,000			
621	13624	8/28/2013	Paul Martin	QH	8/23/2013	Trainer responsibility	\$1,000			
762	13621	8/28/2013	Randall Haffner	TB	6/4/2013	Trainer responsibility	\$250			
763	13622	8/28/2013	Randall Haffner	TB	4/12/2013	Trainer responsibility	\$500			
619	13620	8/27/2013	Julie Veltman	QH	8/24/2013	Riding infraction		8/30/2013	9/2/13	3
761	13619	8/26/2013	Ricardo Santana	TB	8/21/2013	Riding infraction		8/31/2013	9/3/13	3
617	13617	8/24/2013	Christian Esqueda	QH	8/23/2013	Whip-excessive	\$750			
618	13618	8/24/2013	Roman Arellano	QH	8/23/2013	Summarily susp.		8/24/2013	indefinite	
691	13126	8/24/2013	Mark Evers	SB	8/22/2013	Whip-behind shldr	\$100			
692	13127	8/24/2013	Johnson Hill	SB	8/23/2013	Exp/msg health paper	\$200			
693	13128	8/24/2013	Lester Raber	SB	8/23/2013	Exp/msg health paper	\$100			
760	13616	8/23/2013	Joseph Creed	TB	8/20/2013	Riding infraction		8/24/2013	8/27/13	3
689	13124	8/22/2013	Michael Micallef	SB	8/6/2013	Whip-indiscriminate	\$200			
690	13125	8/22/2013	Carl Wagoner	SB	8/9/2013	Exp/msg health paper	\$100			
759	13615	8/21/2013	Orlando Mojica	TB	8/20/2013	Late to paddock				
686	13121	8/20/2013	Charles Dillander	SB	8/16/2013	Fail to obey judges	\$100			
687	13122	8/20/2013	Peter Wrenn	SB	8/16/2013	Fail to obey judges	\$100			
688	13123	8/20/2013	Mark O'Mara	SB	8/15/2013	Fail to drive whn prog	\$50			
758	13614	8/20/2013	James Eilers	TB	5/31/2013	Summarily suspended			drug retest	
756	13612	8/19/2013	Lonnie Hinds	TB	8/19/2013	License surrendered				
757	13613	8/19/2013	Israel Flores	TB	8/19/2013	Licenses surrendered				
615	13610	8/17/2013	Juan Delgado	QH	8/16/2013	Whip-after race	\$500			
616	13611	8/17/2013	Cesar Carrillo	QH	8/16/2013	Whip-excessive	\$250			
613	13607	8/16/2013	Sacramento Chavez	QH	8/16/2013	Restored-misc.				

ID	Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fines	Suspended From	Suspended To	Days Suspended
614	13608	8/16/2013	Sacramento Chavez	QH	7/22/2013	Contraband/drugs	\$500			
680	13115	8/16/2013	Dan Shetler	SB	8/8/2013	Late Driver change	\$50			
681	13116	8/16/2013	Zachary Spaulding	SB	8/10/2013	Exp/msg health paper	\$100			
682	13117	8/16/2013	George Teague	SB	8/14/2013	Late driver change	\$100			
683	13118	8/16/2013	Walter Haynes	SB	8/15/2013	Late driver change	\$100			
684	13119	8/16/2013	Ervin Miller	SB	8/10/2013	Late to paddock	\$100			
685	13120	8/16/2013	Peter Wrenn	SB	8/10/2013	Ft-n-stirp/kicking	\$200			
755	13609	8/16/2013	Waco Jamison	TB	8/16/2013	In reciprocity w/ others				
752	13604	8/14/2013	Hope Densford	TB	8/6/2013	Summarily suspended		8/14/2013	indefinite	
753	13605	8/14/2013	Lauren Nethery	TB	8/13/2013	Trainer responsibility	\$100			
754	13606	8/14/2013	Ryan Lutz	TB	8/14/2013	Summarily suspended				
679	13114	8/13/2013	Robert Stewart	SB	4/23/2013	Restored-misc.				
612	13602	8/10/2013	Aron Hunt	QH	8/9/2013	Jockey requirements	\$100			
676	13111	8/10/2013	Robert Feldman	SB	5/25/2013	F-print requirements		8/10/2013	Pend FP req.	
677	13112	8/10/2013	Howard Schneider	SB	5/20/2013	F-print requirements		8/10/2013	8/30/13	21
678	13113	8/10/2013	Rocky Cowley	SB	4/12/2013	F-print requirements		8/10/2013	8/29/13	20
751	13603	8/10/2013	Waco Jamison	TB	8/8/2013	Refused breathalyzer		8/10/2013	8/16/13	7
750	13601	8/9/2013	John Hubbard	TB	8/8/2013	Refused breathalyzer		8/9/2013	8/15/13	7
672	13107	8/8/2013	Brian Whitley	SB	4/10/2013	F-print requirements		8/8/2013	Pend FP req	
673	13108	8/8/2013	Robert Stewart	SB	4/23/2013	F-print requirements		8/8/2013	8/13/13	6
674	13109	8/8/2013	Lance Adkins	SB	9/7/2011	Restored-misc				
675	13110	8/8/2013	Peter Wrenn	SB	5/9/2013	Restored-misc				
611	13600	8/7/2013	Juan Cano	QH	7/19/2013	Employing unlic. Help	\$1,000			
669	13104	8/7/2013	Richard Macomber	SB	8/2/2013	Driving infraction	\$250			

ID	Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fines	Suspended From	Suspended To	Days Suspended
670	13105	8/7/2013	Richard Macomber	SB	8/6/2013	Ft-n-stirp/kicking	\$100			
671	13106	8/7/2013	Andy Shetler	SB	8/3/2013	Exp/msg health paper	\$100			
747	13597	8/5/2013	Robert Patrick	TB	6/25/2013	Carbazochrome			Purse redist.	
748	13598	8/5/2013	Alex Estrada	TB	7/31/2013	Jockey requirements	\$100			
749	13599	8/5/2013	Kim Chapman	TB	8/2/2013	Unprop. Bus. Manner	\$750			
664	13099	8/2/2013	James Dailey	SB	7/27/2013	Late driver change	\$50			
665	13100	8/2/2013	Donald Eash	SB	7/27/2013	Ft-n-stirp/kicking	\$100			
666	13101	8/2/2013	Freeman Miller	SB	7/30/2013	Exp/msg health paper	\$100			
667	13102	8/2/2013	Edward Hensley	SB	7/30/2013	Ft-n-stirp/kicking	\$100			
668	13103	8/2/2013	Dan Shetler	SB	7/27/2013	Ft-n-stirp/kicking	\$100			
746	13596	8/2/2013	Duane Keiser	TB	7/31/2013	License surrendered				
610	13594	7/31/2013	Jon McGuire	QH	7/30/2013	License surrendered				
744	13593	7/31/2013	Ramon Vazquez	TB	7/27/2013	Whip-excessive	\$100			
745	13595	7/31/2013	Roberto Morales	TB	7/30/2013	Jockey requirements	\$100			
609	13589	7/30/2013	Rodney Locklear	QH	7/29/2013	Jockey requirements	\$100			
741	13590	7/30/2013	Wayne Martin	TB	7/29/2013	Trainer responsibility	\$100			
742	13591	7/30/2013	Albin Jimenez	TB	7/20/2013	Amphetamine		7/29/2013	8/27/13	30
743	13592	7/30/2013	Randall Haffner	TB	4/15/2013	Trainer responsibility	\$500			
608	13587	7/27/2013	Cesar Esqueda-Garcia	QH	7/24/2013	Riding infraction		8/2/2013	8/12/13	6
661	13096	7/27/2013	Sam Dowell	SB	7/26/2013	Late driver change	\$50			
662	13097	7/27/2013	Ross Leonard	SB	7/18/2013	Whip-indiscriminate	\$100			
663	13098	7/27/2013	Scott George	SB	7/19/2013	Late driver change	\$50			
739	13586	7/27/2013	Tim Ice	TB	7/26/2013	Trainer responsibility	\$100			
740	13588	7/27/2013	Ramon Vazquez	TB	7/26/2013	Unwarr claim/foul	\$100			

ID	Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fines	Suspended From	Suspended To	Days Suspended
607	13584	7/26/2013	Rigoberto Sanchez	QH	7/22/2013	Trainer responsibility	\$100			
738	13585	7/26/2013	Wayne Mogge	TB	7/24/2013	Trainer responsibility	\$100			
659	13094	7/25/2013	Freeman Miller	SB	7/24/2013	Late driver change	\$100			
660	13095	7/24/2013	Todd Robbins	SB	7/18/2013	Cocaine positive		7/24/2013	indefinite	
606	13581	7/23/2013	Sacramento Chavez	QH	7/22/2013	Summarily susp.		7/23/2013	Restored	
735	13580	7/23/2013	Rafael Mojica	TB	7/22/2013	Fail to obey stewards	\$100			
736	13582	7/23/2013	Sergio Donjuan	TB	8/1/2007	Restored-misc.				
737	13583	7/23/2013	Natividad Garcia	TB	5/3/2013	Restored-FP rec'd				
737	13579	7/23/2013	Juan Silva	TB	7/22/2013	Fail Breathalyzer		7/24/2013	7/31/13	7
734	13576	7/22/2013	Natividad Garcia	TB	5/3/2013	F-print requirements		7/22/2013	restored	
735	13577	7/22/2013	Hayden Noriega	TB	5/21/2013	F-print requirements		7/22/2013	Pend FP req.	
736	13578	7/22/2013	Jonathan Feibel	TB	6/8/2013	F-print requirements		7/22/2013	Pend FP req.	
604	13573	7/20/2013	Raul Gonzalez	QH	7/6/2013	Trainer responsibility	\$100			
605	13574	7/20/2013	Lupe Macias	QH	7/19/2013	Fail breathalyzer		7/20/2013	7/26/13	7
733	73575	7/20/2013	Dylan Davis	TB	7/17/2013	Riding infraction		7/26/2013	7/29/13	3
731	13571	7/19/2013	Mark Cristel	TB	7/13/2013	Trainer responsibility	\$100			
732	13572	7/19/2013	Merrill Roberts	TB	7/17/2013	Trainer responsibility	\$100			
656	13091	7/17/2013	Bruce Farquhar	SB	5/29/2013	Late to salix barn	\$100			
657	13092	7/17/2013	Andy Shetler	SB	7/13/2013	Late driver change	\$50			
658	13093	7/17/2013	Kerry Young	SB	7/10/2013	Trainer responsibility	\$100			
603	13570	7/15/2013	Christian Esqueda	QH	7/12/2013	Riding infraction		7/15/2013	7/19/13	3
730	13569	7/15/2013	Ronald Werner	TB	7/8/2013	Trainer responsibility	\$100			
601	13565	7/13/2013	Victor Olivo	QH	7/6/2013	Riding infraction		7/12/2013	7/17/13	3
602	13568	7/13/2013	Rodney Locklear	QH	7/6/2013	Riding infraction		7/15/2013	7/19/13	3

ID	Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fines	Suspended From	Suspended To	Days Suspended
728	13566	7/13/2013	Alberto Pusac	TB	7/9/2013	Riding infraction		7/16/2013	7/19/13	3
729	13567	7/13/2013	Thomas Drury	TB	5/24/2013	Promazine positive		7/13/2013	7/27/13	15
600	13564	7/12/2013	Kevin Cleary	QH	7/12/2013	Misc.				
654	13089	7/12/2013	Ronald Burke	SB	7/10/2013	Trainer responsibility	\$100			
655	13090	7/12/2013	Danny Collins	SB	6/12/2013	Late to salix barn	\$100			
653	13088	7/5/2013	John Green	SB	4/5/2013	Restored-misc.				
725	13561	7/5/2013	Orlando Leyua	TB	6/6/2013	Conduct/behavior	\$100			
726	13562	7/5/2013	Vicente Arreola-Garcia	TB	6/6/2013	Conduct/behavior	\$100			
727	13563	7/5/2013	Jamie Orellana	TB	6/6/2013	Conduct/behavior	\$100			
649	13084	7/4/2013	Dan Shetler	SB	6/28/2013	Whip-indiscriminate	\$100			
650	13085	7/4/2013	Darrell Petty	SB	6/18/2013	Whip-indiscriminate	\$100			
651	13086	7/4/2013	Kerry Young	SB	6/25/2013	Trainer responsibility	\$100			
652	13087	7/4/2013	Timothy Wilson	SB	6/25/2013	Trainer responsibility	\$100			
647	13082	7/2/2013	Peter Wrenn	SB	5/10/2013	Conduct/behavior	\$2,500	6/7/2013	8/1/13	56
648	13083	7/2/2013	Peter Wrenn	SB	5/9/2013	Drug test-human		5/9/2013	6/7/13	30
724	13560	7/2/2013	Robert Patrick	TB	6/25/2012	Carbazochrome	\$10,000	8/22/2013	11/19/13	90
723	13559	7/1/2013	Dawn Martin	TB	7/1/2013	Trainer responsibility	\$750			
645	13080	6/27/2013	Robert Hackman	SB	5/11/2013	F-print requirements		6/27/2013	Pend FP req	
646	13081	6/27/2013	Tammi Jones	SB	6/4/2013	F-print requirements		6/27/2013	Pend FP req	
718	13554	6/27/2013	Robert Bogart	TB	6/22/2013	Trainer responsibility	\$100			
719	13555	6/27/2013	Bert Crawford	TB	6/26/2013	Unprop. Bus. Manner	\$200			
720	13556	6/27/2013	Marcelino Torres	TB	6/26/2013	Fail to honor ride	\$100			
721	13557	6/27/2013	Paul McEntee	TB	6/19/2013	Trainer responsibility	\$250			
722	13558	6/27/2013	Brad Cox	TB	6/18/2013	Trainer responsibility	\$100			

ID	Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fines	Suspended From	Suspended To	Days Suspended
547	13553	6/26/2013	Juan Guerrero	QH	6/21/2013	Riding Infraction		7/1/2013	7/8/13	3
717	13552	6/26/2013	Randall Haffner	TB	4/15/2013	Trainer responsibility			rescinded	
644	13079	6/25/2013	Edward Hensley	SB	6/19/2013	Driving infraction	\$250			
643	13078	6/21/2013	Dean Callender	SB	6/12/2013	Restored-misc.				
637	13072	6/20/2013	Leslie Bennett	SB	5/12/2013	Restored-misc.	\$100			
638	13073	6/20/2013	Mark Gillenwater	SB	6/19/2013	Exp/msg health paper	\$100			
639	13074	6/20/2013	Charles Conrad	SB	6/15/2013	Whip-exhausted horse	\$100			
640	13075	6/20/2013	Virgil Morgan	SB	6/19/2013	Late to salix barn	\$100			
641	13076	6/20/2013	Sally Gilbert	SB	6/13/2013	Late to paddock	\$100			
642	13077	6/20/2013	Melissa Essig	SB	6/15/2013	Late driver change	\$50			
715	13550	6/19/2013	Miguel Cazarez	TB	6/12/2013	Conduct/behavior	\$100			
716	13551	6/19/2013	Antonio Cazares	TB	6/12/2013	Conduct/behavior	\$100			
712	13547	6/18/2013	Jose Matos	TB	6/12/2013	Conduct/behavior		6/18/2013	indefinite	
713	13548	6/18/2013	Jaime Hernandez	TB	6/12/2013	Conduct/behavior		6/18/2013	indefinite	
714	13549	6/18/2013	E. Vergara-Gutierrez	TB	6/12/2013	Conduct/behavior		6/18/2013	indefinite	
711	13546	6/13/2013	Abigail Haffner	TB	6/13/2013	License surrendered				
633	13068	6/12/2013	Dean Callender	SB	4/17/2013	Falsify Lic. App.		6/12/2013	6/21/13	10
634	13069	6/12/2013	Wayne Carter	SB	5/7/2013	Exp/msg health paper	\$100			
635	13070	6/12/2013	Charles Conrad	SB	5/31/2013	Ft-n-stirp/kicking	\$100			
636	13071	6/12/2013	Leslie Bennett	SB	5/12/2013	F-print requirements		6/12/2013	6/20/13	9
708	13543	6/12/2013	Victor Lebron	TB	6/11/2013	Riding infraction	\$200			
709	13544	6/12/2013	James Eilers	TB	5/31/2013	Drug test - human		6/11/2013	8/9/13	60
710	13545	6/12/2013	Albin Jimenez	TB	5/18/2013	Riding infraction		6/22/2013	6/26/13	3
707	13542	6/11/2013	Harold Sanchez	TB	6/5/2013	Fail Breathalyzer	\$200			

ID	Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fines	Suspended From	Suspended To	Days Suspended
631	13066	6/8/2013	Paul Roberts	SB	5/28/2013	Exp/msg health paper	\$100			
632	13067	6/8/2013	Lauren Nickells	SB	6/6/2013	Whip-indiscriminate	\$100			
704	13539	6/8/2013	Susan Anderson	TB	6/7/2013	Trainer responsibility	\$100			
705	13540	6/8/2013	Jan Harmon	TB	6/7/2013	Trainer responsibility	\$100			
706	13541	6/8/2013	Rafael Flores	TB	6/7/2013	Trainer responsibility	\$100			
545	13537	6/6/2013	Danny Lang	QH	6/4/2013	Conduct/Behavior	\$100			
546	13538	6/6/2013	Raul De La Mora	QH	6/6/2013	Trainer Responsibility	\$200			
627	13062	6/6/2013	Adam Short	SB	6/4/2013	Late driver change	\$50			
629	13064	6/6/2013	Benjamin Davis	SB	6/5/2013	Exp/msg health paper	\$100			
630	13065	6/6/2013	Tyler Smith	SB	6/5/2013	Fail drive whn prog	\$100			
544	13536	6/5/2013	Cesar Esqueda-Garcia	QH	6/5/2013	Riding Infraction		6/8/2013	6/21/13	5
624	13059	6/4/2013	Charles Conrad	SB	5/24/2013	Whip-excessive	\$100			
625	13060	6/4/2013	Richard Macomber	SB	5/28/2013	Whip-indiscriminate	\$100			
626	13061	6/4/2013	Bobby Brower	SB	5/28/2013	Conduct/behavior	\$300			
702	13534	6/4/2013	Danny Hamilton	TB	6/4/2013	License surrendered				
703	13535	6/4/2013	Ruben Duran	TB	6/4/2013	Trainer responsibility	\$100			
599	13533	5/31/2013	Mary McEwan	TB	5/12/2013	Restored - misc.				
582	13057	5/29/2013	Doug Hinklin	SB	4/25/2013	Carbazochrome	\$1,000			
583	13058	5/29/2013	James Tishner	SB	2/13/2013	Falsify license app.		5/23/2013	indefinite	
579	13054	5/28/2013	Ross Leonard	SB	5/25/2013	Whip-indiscriminate	\$100			
580	13055	5/28/2013	Samuel Widger	SB	5/24/2013	Driving infraction	\$100			
581	13056	5/28/2013	Brett Miller	SB	5/25/2013	Ft-n-stirp/kicking	\$100			
577	13052	5/24/2013	John Green	SB	4/5/2013	F-print requirements		5/24/2013	7/5/13	43
578	13053	5/24/2013	Doug Hinklin	SB	4/25/2013	Drug test - equine	\$100			

ID	Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fines	Suspended From	Suspended To	Days Suspended
565	13039	5/23/2013	Aaron Stutzman	SB	5/21/2013	Trainer responsibility	\$100			
574	13049	5/23/2013	Lauren Nickells	SB	5/22/2013	Late to salix barn	\$100			
575	13050	5/23/2013	Jessica Schmink	SB	2/12/2013	Falsify license app		5/23/2013	indefinite	
576	13051	5/23/2013	James Tishner	SB	2/13/2013	Falsify license app				
596	13530	5/22/2013	Albin Jimenez	TB	5/18/2013	Riding infraction		5/28/2013		3
597	13531	5/22/2013	Raymond Paquette	TB	5/22/2013	Trainer responsibility	\$100			
598	13532	5/22/2013	Merrill Roberts	TB	5/22/2013	Trainer responsibility	\$100			
568	13043	5/21/2013	Donald Eash	SB	5/16/2013	Whip-indiscriminate	\$100			
569	13044	5/21/2013	Mark Gillenwater	SB	5/18/2013	Late driver change	\$50			
570	13045	5/21/2013	Brett Miller	SB	5/18/2013	Fail to obey judges	\$100			
571	13046	5/21/2013	Bradley Hanners	SB	5/18/2013	Fail to obey judges	\$100			
572	13047	5/21/2013	Delvin Miller	SB	5/18/2013	Exp/misg health papers	\$100			
573	13048	5/21/2013	James Aldredge	SB	5/18/2013	Late Driver change	\$50			
594	13528	5/21/2013	James McNerny	TB	5/18/2013	Unprop. bus. Manner	\$200			
595	13529	5/21/2013	Franklin Malcolm	TB	5/17/2013	Riding infraction		5/21/2013	5/24/13	3
593	13527	5/18/2013	Mary Mcewan	TB	5/12/2013	Restored-misc.				
592	13526	5/17/2013	Ross Russell	TB	5/8/2013	Viol IHRC med rules	\$200			
628	13063	5/16/2013	Tyler Smith	SB	6/4/2013	Ft-n-stirp/kicking	\$300			
566	13040	5/15/2013	Michael Micallef	SB	5/10/2013	Driving infraction	\$250			
567	13041	5/15/2013	Michael Micallef	SB	5/11/2013	Fail to obey judges	\$100			
591	13525	5/15/2013	Christopher Speckert	TB	5/14/2013	Trainer responsibility	\$100			
564	13038	5/11/2013	Charles Dillander	SB	5/4/2013	Whip-bleeding/welts	\$1,000			
590	13524	5/11/2013	Michael York	TB	5/3/2013	Cannabinoids pos.		5/11/2013	7/9/13	60
563	13036	5/10/2013	Peter Wrenn	SB	5/9/2013	Morphine positive		5/9/2013	8/1/13	85

ID	Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fines	Suspended From	Suspended To	Days Suspended
589	13523	5/9/2013	Richard Paulus	TB	5/1/2013	License surrendered				
542	13518	5/8/2013	Juan Delgado	QH	5/7/2013	Jockey requirements	\$100			
543	13520	5/8/2013	Alex Estrada	QH	5/4/2013	Riding Infraction		5/11/2013	5/17/13	3
558	13031	5/8/2013	Michael Micallef	SB	5/4/2013	Ft-n-stirp/kicking	\$100			
559	13032	5/8/2013	Jacqueline Ricks	SB	5/7/2013	Late to salix barn	\$100			
560	13033	5/8/2013	Neil Coleman	SB	5/7/2013	Starter violation	\$100			
561	13034	5/8/2013	Peter Wrenn	SB	5/4/2013	Ft-n-stirp/kicking	\$100			
562	13035	5/8/2013	Kelly Hatley	SB	5/8/2013	Conduct/behavior		5/8/2013	indefinite	
585	13517	5/8/2013	Rafael Nunez	TB	6/18/2010	Restored-miscellaneous				
586	13519	5/8/2013	Ryan Lutz	TB	5/3/2013	Summarily Susp.		5/8/2013	indefinite	
587	13521	5/8/2013	Walter De La Cruz	TB	5/4/2013	Riding infraction		5/11/2013	5/15/13	3
588	13522	5/8/2013	Aparna Battula	TB	5/4/2013	Riding infraction		5/8/2013	5/11/13	3
554	13027	5/7/2013	Benny Christensen	SB	5/1/2013	Driving infraction	\$250			
555	13028	5/7/2013	Brandon Bates	SB	5/2/2013	Driving infraction	\$250			
556	13029	5/7/2013	Donald Eash	SB	5/3/2013	Driving infraction	\$250			
557	13030	5/7/2013	Lonnie McCorkle	SB	4/5/2013	Failed to obtain license	\$100			
584	13516	5/4/2013	William Hamilton	TB	5/3/2013	Trainer responsibility	\$100			
552	13025	5/3/2013	Donald Eash	SB	5/2/2013	Ft-n-stirp/kicking	\$100			
553	13026	5/3/2013	Donald Eash	SB	5/2/2013	Whip-excessive	\$100			
550	13023	5/2/2013	Harley Schwartz	SB	4/17/2013	F-print requirements		4/17/2013	Pend FP req.	
551	13024	5/2/2013	Melissa Essig	SB	5/1/2013	Late to salix barn	\$100			
548	13021	5/1/2013	Melissa Essig	SB	4/5/2013	Employing unlic. Help	\$250			
549	13022	5/1/2013	Randy Hatton	SB	4/19/2013	Employing unlic. Help	\$250			

Agenda Item #4

STATE OF INDIANA
BEFORE THE INDIANA HORSE RACING COMMISSION

IN RE:)
2013 Amended Application for Registration of)
Indiana Standardbred Association)
Pursuant to 71 IAC 13-1-1 et seq.)

MOTION TO AMEND APPROVED 2013 REGISTRATION
APPLICATION BACKSIDE BENEVOLENCE BUDGET

COMES NOW the Indiana Standardbred Association, by counsel, and would respectfully show the Commission as follows:

1. That, previously, the Indiana Horse Racing Commission (IHRC) approved the Indiana Standardbred Association's (ISA) 2013 Amended Registration Application, including the ISA's proposed budget for expenditures from the benevolence account funded pursuant to I.C.4-35-7-12. The approved budget for benevolence account expenditures can be found at Page 81 of the ISA's 2013 Petition for Recognition.
2. Subsequent to IHRC approval of the ISA's proposed benevolence budget, information was received by the ISA from the Racing Medication and Testing Consortium (RMTC) concerning RMTC's need for funding in order to continue its programs to insure the integrity of racing and the health and welfare of race horses and participants. The information received included a request that the ISA contribute \$1.00 per start or the total amount of \$19,057.00 in the year 2013 to RMTC to help defray RMTC's costs associated with RMTC's programs which insure the integrity of racing and the health and welfare of race horses and participants. A copy of the information received by the ISA is attached hereto as Exhibit "A".
3. The ISA has determined that it is an appropriate use of benevolence funds to contribute the amount of \$19,057.00 to the RMTC in the year 2013 to assist RMTC in accomplishing its stated objectives.
4. The benevolence budget submitted by the ISA and previously approved by the IHRC does not include a line item authorizing payment of benevolence funds to RMTC. Since the purpose of the expenditure is to insure the integrity of racing and the health and welfare of race horses and

participants, the ISA believes that the funds requested by RMTC may be spent from the benevolence account; however, the absence of a line item in the benevolence account budget authorizing payment to RMTC, requires that an amended benevolence account budget be submitted to and approved by the Commission prior to payment being made.

5. ISA, therefore, respectfully requests that the Commission approve an amended benevolence account budget which includes payment to RMTC in the amount of \$19,057.00. A copy of the proposed amended backside benevolence account budget for the year 2013 is attached hereto as Exhibit "B".

WHEREFORE, the Indiana Standardbred Association respectfully requests that the Indiana Horse Racing Commission allow the amendment to the 2013 backside benevolence budget as requested herein, and for all other relief just and proper in the premises.

Respectfully submitted,

YOUNG AND YOUNG

Roger A. Young, *Attorney for the
Indiana Standardbred Association*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon Lea Ellingwood, Esquire, Indiana Horse Racing Commission, 1302 N. Meridian St., Suite 175, Indianapolis, IN 46202, via email and U.S. Mail postage prepaid, and Joe Gorajec, Executive Director, Indiana Horse Racing Commission, ISTA Center, Suite 530, 150 W. Market St., Indianapolis, IN 46204, via U.S. Mail postage prepaid, this _____ day of September, 2013.

Roger A. Young, #1454-41
YOUNG AND YOUNG
40 W. Court St., Suite D
Franklin, IN 46131
(317) 736-7117

Proposed Backside Benevolence Income And Expense 2013

ITEM	TOTALS
PROJECTED INCOME BACKSIDE BENEVOLENCE 2013	630,448
BACKSIDE HEALTH CARE	275,000
PURDUE UNIVERSITY EQUINE DIAGNOSTIC AND SURGICAL CENTER	250,000
TWO BUILDINGS (RECREATION, LEARNING, CHAPLAINCY, TRACK REP)	200,000
SCHOLARSHIP	125,000
EQUINE WELFARE/NEW VOCATIONS/THERAPEUTIC RIDING	50,000
DENTAL CARE	48,000
SULKY INSURANCE	45,000
VISION CARE	36,000
HORSEMAN'S REPRESENTATIVE	36,000
BACKSIDE BENEVOLENCE ADMINISTRATOR	30,000
COUNTY FAIR HAZARD INSURANCE	15,000
BACKSIDE SPIRITUAL COUNSELING	13,500
BURIAL EXPENSE COVERAGE	25,000
LEGAL ASSISTANCE	12,000
BACKSIDE CONTRACT LABOR, CART	10,000
MEDICAL TRAILER EXPENSE	5,900
BACKSIDE SUPPLIES	5,000
RMTC (RACING MEDICATION & TESTING CONSORTIUM)	19,057
TOTAL BUDGETED EXPENSE	1,200,457



821 CORPORATE DRIVE · LEXINGTON, KY 40503 · 859-224-2844 · FAX: 859-296-3033 · CONTACTUS@RMTCNET.COM · RMTCNET.COM

June 25, 2013

Ms. Lisa Krise
Office Manager
Indiana Standardbred Assn.
737 Green Meadows Dr. Suite 300
Greenfield, IN 46140

Dear Ms. Lisa Krise,

We would like to provide an update on the endeavors of the Racing Medication and Testing Consortium (RMTC). As you are aware, the racing industry's management of medication policy is at a critical point. The RMTC has provided much of the scientific foundation enabling the progress of current efforts to reform medication policies and drug testing. Since its inception in 2002, the RMTC has worked tirelessly to develop and promote uniform rules and testing standards at the national level; coordinate research and educational programs that seek to ensure the integrity of racing and the health and welfare of racehorses and participants; and to protect the interests of the racing public.

During the last year, under our Laboratory Accreditation Program, we implemented a comprehensive Laboratory Code of Standards and the only U.S. racing laboratory External Quality Assurance Program (EQAP). Full Accreditation has been granted to two laboratories, Interim Accreditation has been granted to one, and the review of several other applications is underway. The drug testing consistency and proficiency that this program provides will not only increase the integrity of the sport and the safety of its human and equine athletes, but will also provide uniformity as horsemen travel across jurisdictions. The cost of accreditation of one laboratory and one year's participation in the EQAP exceeds \$15,000. Thus far, laboratory accreditation has been provided to laboratories at no cost to them.

We are, however, at a critical juncture for this program. Without additional funding, the cost of RMTC accreditation will likely be borne by individual laboratories. If this occurs, it is likely that some laboratories will withdraw their applications and others may not pursue accreditation. Accredited laboratories are necessary to ensure uniform medication regulation and uniform treatment of all substances in racing for its participants.

In order to continue funding this and other scientific and educational initiatives, the RMTC relies on financial support from horsemen across racing breeds. It will be particularly crucial to the future of the Laboratory Accreditation Program that the RMTC receives significant funding from horsemen in 2013. Accordingly, we are requesting horsemen group contributions of \$1 per start in your state.

On behalf of the board of directors of the RMTC, we thank you in advance for your consideration of a financial contribution. We greatly appreciate the support we have received from horsemen in the past, and we hope that you will help to sustain our programs in 2013 and beyond. The RMTC is a 501 (c)(3) not-for-profit corporation, and all contributions are tax-deductible.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael H. Tanner".

Mike Tanner
RMTC Treasurer

A handwritten signature in black ink, appearing to read "Dionne Benson".

Dr. Dionne Benson
RMTC Executive Director & COO



Horsemen's Contribution Form

<u>State</u>	<u>Starts at Tracks</u>	<u>2013 Horsemen's Contribution (at \$0.25)</u>	<u>2013 Horsemen's Contribution (at \$0.50)</u>	<u>2013 Horsemen's Contribution (at \$1.00)</u>
Indiana	19,057	\$4,764	\$9,529	\$19,057

Please select your tax-deductible donation amount:

- \$1.00 contribution per start
- \$0.50 contribution per start
- \$0.25 contribution per start
- Other contribution _____

Please note: This information was provided by USTA and is based on 2012 statistics.

Thank you for your consideration!



Laboratory Accreditation Status

ISO 17025 Accreditation

- Before the launch of the RMTC Drug Testing Initiatives Task Force at the end of 2008, 5 of 18 U.S. horse racing testing laboratories were ISO 17025 accredited. The ISO accredited labs at that time were:
 - UC Davis Kenneth L. Maddy Equine Analytical Chemistry Laboratory
 - Pennsylvania Equine Toxicology and Research Laboratory
 - University of Florida Racing Laboratory
 - Industrial Laboratories
 - Center for TOX Services, Inc.
- As of June 2013, 10 of the 16 U.S. horse racing testing laboratories are ISO 17025 accredited, including:
 - UC Davis Kenneth L. Maddy Equine Analytical Chemistry Laboratory
 - Pennsylvania Equine Toxicology and Research Laboratory
 - University of Florida Racing Laboratory
 - Industrial Laboratories
 - Center for TOX Services, Inc.
 - Truesdail Laboratories
 - Ohio Department of Agriculture
 - Dalare Associates
 - HFL Sport Science, Lexington, Ky.
 - New York Drug Testing and Research Program

RMTC Laboratory Accreditation Program

- Eight laboratories have completed an application for RMTC accreditation, including:
 - Ohio Department of Agriculture
 - UC Davis Kenneth L. Maddy Equine Analytical Chemistry Laboratory
 - HFL Sport Science, Lexington, Ky.
 - Truesdail Laboratory
 - Dalare Associates
 - New York Drug Testing and Research Program
 - Pennsylvania Equine Toxicology and Research Laboratory
 - Industrial Laboratories
 - These laboratories conduct testing of horse racing samples for AR, AZ, CA, CO, DE, ID, IN, KY, MA, ME, MN, ND, NE, NJ, NM, NV, NY, OH, OK, OR, PA, VA, WA, WV, WY & PR
- A signed letter of intent to apply for the RMTC accreditation program has been received from the University of Florida Racing Laboratory
- Current accreditation status:
 - All eight applicants have completed one round of the External Quality Assurance Program (EQAP) sampling, and three have completed two rounds
 - Accreditation has been awarded to two laboratories:
 - UC Davis Kenneth L. Maddy Equine Analytical Chemistry Laboratory
 - HFL Sport Science, Lexington, Ky.
 - Interim Accreditation has been approved by the laboratory subcommittee for the Ohio Department of Agriculture
 - For full accreditation, laboratories must pass an on-site inspection and successfully complete two rounds of EQAP; however, interim accreditation may be awarded prior to full accreditation



NEWS RELEASE

June 13, 2013

Contact: Hallie Roach Lewis (859) 224-2848

RMTC ACCREDITES FIRST TWO LABORATORIES

Lexington, KY -- The University of California-Davis Kenneth L. Maddy Laboratory and HFL Sport Science Inc., Lexington, Ky., became the first two fully-accredited laboratories under the RMTC Laboratory Accreditation program Tuesday.

“The accreditation of these two laboratories marks the culmination of many months of effort by each of these laboratories to demonstrate that they meet the strict standards of expertise and proficiency required by the program,” said Dr. Robert Lewis, chairperson of the RMTC board. “The accreditation process is an important step forward in protecting the welfare of our equine and human athletes as well as the integrity of horse racing.”

In addition to granting full accreditation to the above laboratories, the RMTC’s Horseracing Testing Laboratories Committee also recommended the Ohio Department of Agriculture for Interim Accreditation status as they have satisfied the initial review and External Quality Assurance Program (EQAP) requirements and are awaiting a site inspection from RMTC.

Dr. Lewis also pointed out that five other laboratories have applied for RMTC Laboratory Accreditation:

- Truesdail Laboratory (Tustin, California)
- Dalare Associates (Philadelphia, Pennsylvania)
- New York Drug Testing and Research Program (Morrisville, New York)
- Pennsylvania Equine Toxicology and Research Laboratory (West Chester, Pennsylvania)
- Industrial Laboratories (Wheat Ridge, Colorado)

The eight laboratories that have applied for RMTC Accreditation represent 26 of the 34 jurisdictions responsible for pari-mutuel horse racing in the United States.

“The goal is to have 100% of the laboratories testing horse racing samples RMTC accredited,” said Dr. Dionne Benson, Executive Director and COO of the RMTC. “We encourage these laboratories and all horse racing testing laboratories to continue to pursue RMTC accreditation. The purpose of the RMTC accreditation process and Quality Assurance Program is to ensure that all laboratories are operating at the same high level of proficiency.”

RMTC accreditation requires a drug testing laboratory to satisfy a number of requirements. Before an application for RMTC accreditation can be processed, the laboratory must first become ISO 17025 certified – an internationally recognized accreditation program covering general requirements for the competence of testing and calibration labs, as well as specific requirements for animal drug testing.

After obtaining ISO accreditation, the laboratories must then submit to the RMTC an application and undergo a multi-part assessment. This begins with a document review of the laboratory's processes by an independent auditor with specific experience in horse racing laboratory operations.

Once the documentation is reviewed, the laboratory must also submit to a multi-day site inspection by another independent assessor. The individuals performing the work on behalf of RMTC have significant experience in the area of equine drug control, horse racing laboratory operations, and inspection of both human and horse anti-doping laboratories.

Finally, the laboratories must also successfully complete two rounds of the RMTC EQAP proficiency sample testing before being granted accreditation. This testing provides independent verification of the laboratory's ability to detect, identify, and quantify (if appropriate) substances of concern in the horse racing arena including regulated substances at concentrations that are mandated by the RMTC model rule recommendations. Furthermore, laboratories are required to successfully complete twice yearly EQAP proficiency testing before they are eligible for accreditation, and must continue to successfully complete two rounds each year to maintain accreditation.

Laboratory representatives spoke highly of the process.

"The professionalism and expertise of the laboratory assessors is crucial to a process such as the RMTC Accreditation Program," stated Dr. Richard Sams, director of the HFL Sport Science Inc. laboratory in Lexington. "We were very impressed with the individuals chosen by the RMTC for this task – they were highly qualified scientists who are extremely knowledgeable about the industry."

"The University of California-Davis' K.L. Maddy Lab is proud to be one of the first labs accredited to the new horse racing Lab standard," said Professor of Equine Analytical Chemistry Dr. Scott Stanley. "The RMTC accreditation inspection process and sample proficiency testing are major steps forward for racing."

The RMTC consists of 24 racing industry stakeholders and organizations that represent Thoroughbred, Standardbred, American Quarter Horse and Arabian racing. The organization works to develop and promote uniform rules, policies and testing standards at the national level; coordinate research and educational programs that seek to ensure the integrity of racing and the health and welfare of racehorses and participants; and protect the interests of the racing public.

For additional information, visit the RMTC website at rmtcnet.com or contact Hallie Lewis, RMTC director of communications, at (859) 224-2848.

Agenda Item #5

(No material – discussion only)

Agenda Item #6

**Indiana Thoroughbred Breed Development
Proposed Rule Changes**

71 IAC 13.5-1-1 "Indiana bred" defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) "Indiana bred" means any properly registered thoroughbred, foaled in Indiana and whose dam was registered with the commission.

(b) The mare must:

(1) have entered Indiana by November 1 in the year prior to foaling; ~~and-or~~

(2) have been purchased at an advertised public sale prior to December 31 in the year prior to foaling. Said mare must be in the State of Indiana within fourteen (14) days of purchase; and

~~(2)~~ **(3) remain in Indiana continuously until foaling.**

The resulting foal will then be eligible to be registered as an Indiana bred.

(c) Mares registered for current breeding year may leave the state to be entered in an advertised public sale and may leave the state for the interval of the sale, but must return to Indiana within fourteen (14) days of her sale if the residency requirements for foal registration are to be fulfilled.

(d) Appeal of the fourteen (14) day return requirement must be forwarded to the commission for the review and recommendation of the breed development advisory committee. Notification to the commission must be made in writing for mares leaving the state prior to participating in an advertised public sale. Upon return to the state, the mare must be reregistered with the appropriate forms available from the commission.

(e) In the event a mare entered Indiana and was registered with the commission after November 1 in the year prior to foaling, the foal (which must be foaled in Indiana) may be eligible to be registered as an Indiana bred.

(f) The mare must be registered within ten (10) days of foaling; and

~~(f)~~ **(g) The mare must be bred back to a registered Indiana stallion in the year of foaling for the foal to qualify as an Indiana bred. Mares registered under Sec.1 (b) (2) are not required to breed back to a registered Indiana stallion.**

~~(g)~~ **(h) If the mare fails to conceive when bred or is unfit to breed due to health reasons, a veterinarian certificate is required from a licensed veterinarian.**

~~(h)~~ **(i) If the mare does not conceive, it must:**

(1) Remain open for that breeding season in order for the mare's current foal to be eligible to be registered as an Indiana bred; and

(2) Remain in Indiana for a period of thirty (30) days from the foaling date and the mare and foal must be inspected by a commission representative prior to leaving the state.

~~(i)~~ **(j) The commission must be notified in writing and provide proper documentation for any mare and/or foal leaving the state for medical treatment.**

~~(j)~~ **(k) Appeals for the waiver of the thirty (30) day residency requirement of the mare and/or foal must be forwarded to the commission for the review of the breed development committee.**

~~(k)~~ **(l) The horse must be registered with the commission prior to being entered in an Indiana bred conditioned race. (Indiana Horse Racing Commission; 71 IAC 13.5-1-1; emergency rule filed Jun 22, 2000; 3:05 p.m.: 23 IR 2786; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 122; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Jan 24, 2008, 10:58 a.m.: 20080206-IR-071080056ERA, eff Jan 23, 2008 [IC4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January 24, 2008.]; errata filed Feb 18, 2008, 2:03 p.m.: 20080305-IR-071080056ACA)**

71 IAC 13.5-2-1 Mare registration

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) In order to be eligible to register a thoroughbred foal as Indiana bred, such foal must be:

(1) foaled in Indiana and its dam must be registered with the commission;

(2) have entered Indiana by November 1; ~~and-or~~

(3) have been purchased at an advertised public sale prior to December 31 in the year prior to foaling. Said mare must be in the State of Indiana within fourteen (14) days of purchase; and

~~(3)~~ **(4) must remain in Indiana continuously until foaling;**

(b) A current copy of the front and back of the mare's Jockey Club papers along with lease agreements are to be included with the registration.

(c) Mares registered for current breeding year may leave the state to be entered in an advertised public sale and may leave the state for the interval of the sale, but must return to Indiana within fourteen (14) days of her sale if the residency requirements for foal registration are to be fulfilled.

(d) Appeal of the fourteen (14) day return requirement must be forwarded to the commission for the review and recommendation of the breed development advisory committee. Notification to the commission must be made in writing for mares leaving the state prior to participating in an advertised public sale. Upon return to the state, the mare must be reregistered with the appropriate forms available from the commission.

(e) In the event a mare entered Indiana or is registered with the commission after November 1, the foal (which must be foaled in Indiana) may be eligible to be registered as an Indiana bred. To be eligible, the mare:

(1) The mare must be registered within ten (10) days of foaling; and

~~(2)~~ **(2) must be bred back to a registered Indiana stallion in the year of foaling for the foal to qualify as an Indiana bred (Mares registered under Sec.1 (b) (2) are not required to breed back to a registered Indiana stallion); and**
~~(3)~~ **(3) the stallion must be registered with the commission in the year the foal was conceived.**

(f) If the mare fails to conceive when bred or is unfit to breed due to health reasons, a veterinarian certificate is required from a licensed veterinarian.

(g) If the mare does not conceive, she must:

(1) remain open for that breeding season in order for the mare's current foal to be eligible to be registered as an Indiana bred; and

(2) remain in Indiana for a period of thirty (30) days from the foaling date and the mare and foal must be inspected by a commission representative prior to leaving the state.

(h) The commission must be notified in writing and provide proper documentation for any mare and/or foal leaving the state for medical treatment.

(i) Appeals for the waiver of the thirty (30) day residency requirement of the mare and/or foal must be forwarded to the commission for the review and recommendation of the breed development advisory committee.

(j) Mares in foal must be reregistered every year. *(Indiana Horse Racing Commission; 71 IAC 13.5-2-1; emergency rule filed Jun 22, 2000; 3:05 p.m.: 23 IR 786; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 122; readopted filed Oct 30, 2001, 11:50a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Jan 24, 2008, 10:58 a.m.: 20080206-IR-071080056ERA, eff Jan 23, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January 24, 2008.]; errata filed Feb 18, 2008, 2:03 p.m.: 20080305-IR-071080056ACA)*

Agenda Item #7

**Standardbred Breed Development
Proposed Rule Changes**

71 IAC 14-2-1 Stallion registration

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) In order to register a stallion with the commission, a completed application must be:

(1) filed with the commission on or before October 1 of each year; and

(2) submit annual registration fee of one hundred fifty dollars (\$150) with registration.

(b) Each registered stallion must remain in Indiana the entire breeding season (February 15 through July 15) unless the approval to leave the state is requested and granted. The request must be made in writing and may be submitted via e-mail, fax, or mail.

(c) Stallions not registered by the October 1 deadline may be registered with an additional two hundred fifty dollar (\$250) late fee; however, this late fee will be waived for a stallion standing its first season in Indiana. Stallions **must be registered for the current breeding season prior to covering any mares in Indiana. may be registered late up to July 15 of the current breeding season.**

~~(d) A registered stallion must file a copy of the mare bred report submitted to the USTA by September 1 of the year.~~

~~(e)~~ (d) A registered stallion may leave the state for racing purposes; however, the commission must be notified in writing by email, fax, or mail seventy-two (72) hours prior to that stallion leaving the state to race.

~~(f)~~ (e) The commission must be notified in writing by e-mail, fax, or mail and provide proper documentation for any registered stallion leaving the state for medical treatment. Notification must be made within seventy-two (72) hours of date which the stallion left the state. (*Indiana Horse Racing Commission; 71 IAC 14-2-1; emergency rule filed Jun 10, 2009, 12:45 p.m.: 20090617-IR-071090464ERA, eff May 29, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-464(E) was filed with the Publisher June 10, 2009.]*)

Agenda Item #8

**Standardbred Breed Development
2014 Program –Early Approval of Indiana
Sires Stakes & Indiana Sired Fair Circuit Program**

*Approved by the Standardbred Breed Development Committee – 8/23/13
Approved by the Standardbred Advisory Board – 8/23/13*

In planning the Standardbred Breed Development Program for 2013 concerns were raised by industry participants regarding the timing of the approval of the program each year, noting that it is vital to the industry to have the Indiana Sires Stakes programs set prior to the yearling sales (typically occurring in October of each year). Considering this, the Standardbred Breed Development Advisory Committee and Standardbred Advisory Board began meetings in June of this year to discuss the 2014 Standardbred Breed Development Program. While we realize that it is difficult to have the program completed in its entirety, we focused on the two primary components, the Indiana Sires Stakes and Indiana Sired Fair Circuit. This will enable us to notify horsemen of the structure of the core components of the program prior to the yearling sales. It will also give us the flexibility to make adjustments to the remaining elements once the negotiated percentage has been approved by the IHRC. The following has been crafted working closely with Hoosier Park and Indiana Standardbred Association.

Indiana Sires Stakes

The current structure of the Indiana Sires Stakes was studied to determine if this structure was best under a one track scenario. After input and discussions, we are proposing to abandon the current structure of the Indiana Sires Stakes and adopt the following format:

➤ Structure of the Program as Follows:

INDIANA SIRES STAKES		
2 YR C/G PACE		
NOMINATION FEE - \$500		
		ENTRY FEE
LEG 1	\$20,000	\$500
LEG 1 FINAL (TOP 10 FROM LEG 1)	\$75,000	\$0
LEG 1 CONSOLATION (NEXT 10 FROM LEG 1)	\$25,000	\$0
LEG 2	\$20,000	\$500
LEG 2 FINAL (TOP 10 FROM LEG 2)	\$75,000	\$0
LEG 2 CONSOLATION (NEXT 10 FROM LEG 2)	\$25,000	\$0
LEG 3	\$20,000	\$500
LEG 3 FINAL (TOP 10 FROM LEG 3)	\$75,000	\$0
LEG 3 CONSOLATION (NEXT 10 FROM LEG 3)	\$25,000	\$0
LEG 4	\$20,000	\$500
LEG 4 FINAL (TOP 10 FROM LEG 4)	\$75,000	\$0
LEG 4 CONSOLATION (NEXT 10 FROM LEG 4)	\$25,000	\$0

LEG 5	\$20,000	\$500
LEG 5 FINAL (TOP 10 FROM LEG 5)	\$75,000	\$0
LEG 5 CONSOLATION (NEXT 10 FROM LEG 5)	\$25,000	\$0
SUPER FINAL (top 10 from Finals)	\$200,000	
<i>*6th - 10th place finisher to receive \$4,000 each</i>		
INDIANA SIRES STAKES		
2 YR F PACE		
NOMINATION FEE - \$500		
		ENTRY FEE
LEG 1	\$20,000	\$500
LEG 1 FINAL (TOP 10 FROM LEG 1)	\$75,000	\$0
LEG 1 CONSOLATION (NEXT 10 FROM LEG 1)	\$25,000	\$0
LEG 2	\$20,000	\$500
LEG 2 FINAL (TOP 10 FROM LEG 2)	\$75,000	\$0
LEG 2 CONSOLATION (NEXT 10 FROM LEG 2)	\$25,000	\$0
LEG 3	\$20,000	\$500
LEG 3 FINAL (TOP 10 FROM LEG 3)	\$75,000	\$0
LEG 3 CONSOLATION (NEXT 10 FROM LEG 3)	\$25,000	\$0
LEG 4	\$20,000	\$500
LEG 4 FINAL (TOP 10 FROM LEG 4)	\$75,000	\$0
LEG 4 CONSOLATION (NEXT 10 FROM LEG 4)	\$25,000	\$0
LEG 5	\$20,000	\$500
LEG 5 FINAL (TOP 10 FROM LEG 5)	\$75,000	\$0
LEG 5 CONSOLATION (NEXT 10 FROM LEG 5)	\$25,000	\$0
SUPER FINAL (top 10 from Finals)	\$200,000	
<i>*6th - 10th place finisher to receive \$4,000 each</i>		
INDIANA SIRES STAKES		
2 YR C/G TROT		
NOMINATION FEE - \$500		
		ENTRY FEE
LEG 1	\$20,000	\$500
LEG 1 FINAL (TOP 10 FROM LEG 1)	\$75,000	\$0
LEG 1 CONSOLATION (NEXT 10 FROM LEG 1)	\$25,000	\$0

LEG 2	\$20,000	\$500
LEG 2 FINAL (TOP 10 FROM LEG 2)	\$75,000	\$0
LEG 2 CONSOLATION (NEXT 10 FROM LEG 2)	\$25,000	\$0
LEG 3	\$20,000	\$500
LEG 3 FINAL (TOP 10 FROM LEG 3)	\$75,000	\$0
LEG 3 CONSOLATION (NEXT 10 FROM LEG 3)	\$25,000	\$0
LEG 4	\$20,000	\$500
LEG 4 FINAL (TOP 10 FROM LEG 4)	\$75,000	\$0
LEG 4 CONSOLATION (NEXT 10 FROM LEG 4)	\$25,000	\$0
LEG 5	\$20,000	\$500
LEG 5 FINAL (TOP 10 FROM LEG 5)	\$75,000	\$0
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SUPER FINAL (top 10 from Finals)	\$200,000	
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INDIANA SIRES STAKES		
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LEG 3 FINAL (TOP 10 FROM LEG 3)	\$75,000	\$0
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LEG 4	\$20,000	\$500
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INDIANA SIRES STAKES		
3 YR C/G PACE		
NOMINATION FEE - \$500		
		ENTRY FEE
LEG 1	\$20,000	\$500
LEG 1 FINAL (TOP 10 FROM LEG 1)	\$75,000	\$0
LEG 1 CONSOLATION (NEXT 10 FROM LEG 1)	\$25,000	\$0
LEG 2	\$20,000	\$500
LEG 2 FINAL (TOP 10 FROM LEG 2)	\$75,000	\$0
LEG 2 CONSOLATION (NEXT 10 FROM LEG 2)	\$25,000	\$0
LEG 3	\$20,000	\$500
LEG 3 FINAL (TOP 10 FROM LEG 3)	\$75,000	\$0
LEG 3 CONSOLATION (NEXT 10 FROM LEG 3)	\$25,000	\$0
LEG 4	\$20,000	\$500
LEG 4 FINAL (TOP 10 FROM LEG 4)	\$75,000	\$0
LEG 4 CONSOLATION (NEXT 10 FROM LEG 4)	\$25,000	\$0
LEG 5	\$20,000	\$500
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SUPER FINAL (top 10 from Finals)	\$200,000	
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3 YR F PACE		
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LEG 2 CONSOLATION (NEXT 10 FROM LEG 2)	\$25,000	\$0
LEG 3	\$20,000	\$500
LEG 3 FINAL (TOP 10 FROM LEG 3)	\$75,000	\$0
LEG 3 CONSOLATION (NEXT 10 FROM LEG 3)	\$25,000	\$0
LEG 4	\$20,000	\$500
LEG 4 FINAL (TOP 10 FROM LEG 4)	\$75,000	\$0
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LEG 5	\$20,000	\$500
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LEG 5 CONSOLATION (NEXT 10 FROM LEG 5)	\$25,000	\$0
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<i>*6th - 10th place finisher to receive \$4,000 each</i>		
INDIANA SIRES STAKES		
3 YR C/G TROT		
NOMINATION FEE - \$500		
		ENTRY FEE
LEG 1	\$20,000	\$500
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LEG 2	\$20,000	\$500
LEG 2 FINAL (TOP 10 FROM LEG 2)	\$75,000	\$0
LEG 2 CONSOLATION (NEXT 10 FROM LEG 2)	\$25,000	\$0
LEG 3	\$20,000	\$500
LEG 3 FINAL (TOP 10 FROM LEG 3)	\$75,000	\$0
LEG 3 CONSOLATION (NEXT 10 FROM LEG 3)	\$25,000	\$0
LEG 4	\$20,000	\$500
LEG 4 FINAL (TOP 10 FROM LEG 4)	\$75,000	\$0
LEG 4 CONSOLATION (NEXT 10 FROM LEG 4)	\$25,000	\$0
LEG 5	\$20,000	\$500
LEG 5 FINAL (TOP 10 FROM LEG 5)	\$75,000	\$0
LEG 5 CONSOLATION (NEXT 10 FROM LEG 5)	\$25,000	\$0
SUPER FINAL (top 10 from Finals)	\$200,000	

***6th - 10th place finisher to receive \$4,000 each**

INDIANA SIRES STAKES		
3 YR F TROT		
NOMINATION FEE - \$500		
		ENTRY FEE
LEG 1	\$20,000	\$500
LEG 1 FINAL (TOP 10 FROM LEG 1)	\$75,000	\$0
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LEG 4	\$20,000	\$500
LEG 4 FINAL (TOP 10 FROM LEG 4)	\$75,000	\$0
LEG 4 CONSOLATION (NEXT 10 FROM LEG 4)	\$25,000	\$0
LEG 5	\$20,000	\$500
LEG 5 FINAL (TOP 10 FROM LEG 5)	\$75,000	\$0
LEG 5 CONSOLATION (NEXT 10 FROM LEG 5)	\$25,000	\$0
SUPER FINAL (top 10 from Finals)	\$200,000	
*6th - 10th place finisher to receive \$4,000 each		

<p>INDIANA SIRES STAKES AGED PACE STALLION/GELDING <i>NOMINATION FEE - \$500</i></p> <p>ELIMINATION \$20,000 FINAL \$50,000</p>	<p>INDIANA SIRES STAKES AGED PACE MARE <i>NOMINATION FEE - \$500</i></p> <p>ELIMINATION \$20,000 FINAL \$50,000</p>
<p>INDIANA SIRES STAKES AGED TROT STALLION/GELDING <i>NOMINATION FEE - \$500</i></p>	<p>INDIANA SIRES STAKES AGED TROT MARE <i>NOMINATION FEE - \$500</i></p>

ELIMINATION	\$20,000	ELIMINATION	\$20,000
FINAL	\$50,000	FINAL	\$50,000

Funding for the program will be structured as follows:

- Nomination fees will be retained by the Breed Development Fund. Nomination fees will remain at \$500.
- Entry fee for each leg will be \$500.
- There will not be an entry fee required for each Leg Final/Consolation.
- Breed Development will contribute up to \$50,000 for each leg. If total purses for an elimination exceeds the \$50,000 allocated from Breed Development, track purse account will fund the difference.
- Breed Development will fund the purses for the Leg Finals (\$75,000) and Consolation (\$25,000).
- Breed Development will fund the purse, \$200,000 for the Super Final (for top ten horses from Leg Finals) plus the \$4,000 each 6th through 10th place finisher will receive. For a total payout of \$220,000.
- Hoosier Park agrees to write overnight races for Sires Stakes eligible horses to provide additional racing opportunities. These races will run concurrent with the Sires Stakes program. Breed Development will earmark a minimum of \$500,000 from the funds allocated for IS Overnight/Mini Series Budget.

Indiana Sired Fair Circuit

A total of 18 races programs to be held (not including the Finals at the Indiana State Fair and ISA Elite Program).

Series 1:

Purses - \$3,000 Division
Championship - \$20,000
Consolation - \$8,000

Series 2:

Purses - \$3,000 Division
Championship for Series 2 may be held if funding permits. To be contested at \$10,000 if held.

Conditions for the ISFC program to be modified as follows:

- No horse may compete in any ISFC event who has raced in a **pari-mutuel** ~~an Indiana Sires Stakes (ISS)~~ event on the day of or five (5) days prior to the event.

Agenda Item #9

(No material – discussion only)