

## **In the Matter Of:**

*INDIANA HORSE RACING COMMISSION MEETING*

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### **Transcript of Proceedings**

*November 30, 2023*

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1  
2 INDIANA HORSE RACING COMMISSION  
3 MEETING

4  
5 HELD ON

6 NOVEMBER 30, 2023

7  
8 AT

9 HORSESHOE INDIANAPOLIS

10 4300 N. MICHIGAN ROAD

11 SHELBYVILLE, INDIANA

12  
13  
14 TAKEN BY:

15 ROBIN P. MARTZ, RPR

16 NOTARY PUBLIC

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23  
24 STEWART RICHARDSON & ASSOCIATES  
25 Registered Professional Reporters  
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APPEARANCES

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George Pillow (Via telephone)  
Gus Levengood  
Bill Estes (Via telephone)

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1 CHAIRMAN BORST: First order is to swear in  
2 our transcriber.

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

5 CHAIRMAN BORST: Next I want to welcome you  
6 all to this November Indiana Horse Racing  
7 Commission meeting. This is the last one of the  
8 year generally. And this is the big one of the  
9 year because we have so much to wrap up a year, as  
10 well as looking at the next meet season.

11 I want to thank Eric, Trent, everybody here at  
12 Horseshoe. It's a great facility. And we sure  
13 appreciate you setting all this up for us to have  
14 our meetings here. I think the horse community  
15 likes it also, plenty of good parking and good  
16 fellowship here.

17 Next I think what I will do is swear in all at  
18 once everybody who's going to testify today. If  
19 you would stand and raise your right hand. There's  
20 going to be more than Joe. There we go. Now we're  
21 getting them all up here.

22 (At this time the witnesses were sworn in by  
23 Chairman Borst)

24 CHAIRMAN BORST: Thank you. First on the  
25 agenda is, you might have figured out, two of our

1 commission members, Estes and Pillow, are on the  
2 phone. So all the votes I'm going to have to be  
3 reminded will all be roll call votes. Commissioner  
4 McCarty wasn't feeling good so he couldn't be with  
5 us today.

6 First on the agenda is approval of the  
7 memorandum October 2023 meeting and executive  
8 session. Need a motion and a second.

9 COMMISSIONER ESTES: Move approval.

10 COMMISSIONER LEVENGOOD: Second.

11 CHAIRMAN BORST: Been moved and seconded.

12 Need to have our roll call vote.

13 MR. EGGIMAN: Chairman Borst.

14 CHAIRMAN BORST: Aye.

15 MR. EGGIMAN: Commissioner Levengood.

16 COMMISSIONER LEVENGOOD: Aye.

17 MR. EGGIMAN: Commissioner Pillow.

18 COMMISSIONER PILLOW: Aye.

19 MR. EGGIMAN: Commissioner Estes.

20 COMMISSIONER ESTES: Aye.

21 CHAIRMAN BORST: Next on the agenda is  
22 consideration of the Administrative Law Judge's  
23 Recommended Orders (Nonfinal Order Granting Partial  
24 Summary Judgment and Nonfinal Order on Findings of  
25 Fact and Conclusions of Law) in the matter of Dr.

1 Cynthia Loomis verse the Indiana Horse Racing  
2 Commission Staff. And for this, what we will do is  
3 we'll give the petitioner the first ten minutes to  
4 state her case and all the facts and figures you  
5 want to put there. And then we'll have the staff  
6 do the next ten minutes.

7 We are, as a commission member, we do have an  
8 attorney, Clarence Leatherbury, from the Indiana  
9 Attorney General's Office as our Commission  
10 attorney. Whereas, our attorneys on staff are the  
11 staff attorneys. Do you want to say anything else,  
12 David, to set the table?

13 MR. ROTHENBERG: Just for practicality here,  
14 it's the consideration, as you said, of the  
15 proposed finding of facts, conclusions of law and  
16 nonfinal order, which was issued by Administrative  
17 Law Judge Michael Buker in the case of Dr. Cynthia  
18 Loomis under HRC-2302-000252.

19 So for this particular agenda item, the  
20 Commission will be represented by Deputy Attorney  
21 General Clarence Leatherbury since the Commission  
22 Staff is actually a party to this. I believe that  
23 Matt Eggiman, deputy general counsel will be  
24 representing the Commission, and then Cameron  
25 Trachtman will be representing Dr. Loomis.

1           Just real quickly, ALJ Buker is also here. So  
2 any questions for the administrative law judge, he  
3 is also here. His recommended order suspended  
4 Dr. Loomis for a period of six years with a fine of  
5 \$10,000. She served 196 days under summary  
6 suspension, which typically is credited towards any  
7 suspended time in these cases.

8           In accordance with IC4-15-10.5-12(b) and  
9 pursuant to 4-21.5-3-29(d), Dr. Loomis was given 15  
10 calendar days from the receipt of the recommended  
11 order to file written exceptions with the horse  
12 racing commission, which was done. Both parties  
13 then filed briefs on the issue. And the  
14 Commission, through Chairman Borst, has granted  
15 each side up to ten minutes for oral presentation  
16 followed by any questions by the Commission of  
17 either party or, again, ALJ Buker.

18           Miss Trachtman will present first followed by  
19 Mr. Eggiman and then any questions from the  
20 Commission. You vote to either accept, reject, or  
21 modify ALJ Buker's nonfinal order. So with that.

22           CHAIRMAN BORST: Actually, I think I did it  
23 backwards. Shouldn't the staff present first?

24           MR. ROTHENBERG: Either way you wish.

25           CHAIRMAN BORST: I think it would make more

1 sense. I'm sorry.

2 MS. TRACHTMAN: No problem.

3 CHAIRMAN BORST: Sorry, I apologize. I think  
4 the staff should present, and you can rebut to it.  
5 I think that makes more sense. Mr. Eggiman.

6 If you do, when everybody does speak, if you  
7 would say your name and who you represent for our  
8 transcriber. I know she would appreciate it.  
9 Speak directly into the microphone.

10 MR. EGGIMAN: Representing Commission Staff  
11 this is Matt Eggiman, deputy general counsel for  
12 the Indiana Horse Racing Commission.

13 Chairman Borst, Commissioners, it is the  
14 position of Commission Staff that the nonfinal  
15 order of Administrative Law Judge Buker be adopted  
16 in full, and the recommended six-year suspension  
17 and \$10,000 fine be approved by the Commission.

18 This case involved a several-hour hearing,  
19 multiple witnesses including eyewitnesses, sworn  
20 affidavits and a record spanning hundreds of pages.  
21 Even a cursory reading of the nonfinal order shows  
22 that Dr. Loomis's claim that Judge Buker's decision  
23 on the race day injections was reached solely using  
24 hearsay evidence is without merit. Additionally,  
25 Judge Buker's final order provides findings of fact

1 and conclusions of law that are supported by a  
2 wealth of substantial and reliable evidence. Judge  
3 Buker's nonfinal order was 19 pages in length and  
4 exhaustively examined each of the three charged  
5 violations against Dr. Loomis, included in-depth  
6 discussion on the reasons for Judge Buker's finding  
7 in favor of the Commission Staff.

8         The Indiana Horse Racing Commission is charged  
9 by the legislature with upholding and promoting the  
10 highest standards of integrity in horse racing.  
11 Recognizing the significant challenges that horse  
12 racing regulators face, the legislature saw fit to  
13 afford the Commission with significant authority to  
14 impose fines and take action against licenses, up  
15 to and including a full revocation of a license to  
16 ensure that the Commission had the tools they  
17 needed to protect the integrity of horse racing in  
18 this state.

19         It is worth noting that under Indiana statute,  
20 the IHRC is authorized to revoke a license of an  
21 individual who takes steps to impair the integrity  
22 of racing. In one activity specifically  
23 highlighted in the statute is to inject a drug. In  
24 fact, the Commission may permanently revoke the  
25 license of an individual who injects a drug.

1 Dr. Loomis's charged violations, including  
2 injections of foreign substances on race day,  
3 failure to report intra-articular injections she  
4 gave to a horse, and the administration of a  
5 non-FDA approved substance each go to the heart of  
6 the integrity of the racing program.

7 It is truly difficult to overstate the  
8 integrity concerns raised with this series of  
9 violations. And I respectfully urge the Commission  
10 to consider the fact that all three violations  
11 occurred multiple times.

12 As an IHRC licensed veterinarian, Dr. Loomis  
13 is afforded significant autonomy with the ability  
14 to possess medications on the backside and  
15 administer those as necessary. Because of the  
16 importance of the licensed veterinarian position,  
17 the IHRC must be able to trust that its licensees  
18 are operating within the rules and upholding the  
19 integrity of racing. It must also be prepared to  
20 impose significant sanctions when rule violations  
21 at the heart of the racing integrity are  
22 discovered.

23 Dr. Loomis takes exception to Judge Buker's  
24 finding that Commission Staff met its burden of  
25 proof by a preponderance of the evidence that



1 Dr. Loomis violated IHRC medication rules in 71 IAC  
2 8.5-1-1.5 when she injected Lasix into two horses  
3 and ACTH into one of those horses on July 4, 2022,  
4 a date on which those horses were scheduled to  
5 race. Dr. Loomis argues that a lack of non-hearsay  
6 evidence exists regarding whether she administered  
7 those substances to those horses.

8       However, the evidence Dr. Loomis points to is  
9 only a part of the evidence used for Judge Buker's  
10 findings of fact and conclusions of law. One piece  
11 of non-hearsay evidence mentioned by Dr. Loomis was  
12 actually not objected to by her attorneys during  
13 the hearing. Therefore, that evidence could be  
14 used as the sole basis for the ruling made. It's  
15 of no matter however because plenty of evidence,  
16 substantial evidence was used in the nonfinal order  
17 as you can see from both his order and Commission  
18 Staff's brief for Judge Buker to make a  
19 well-reasoned, thorough findings of fact and  
20 conclusions of law that Dr. Loomis injected two  
21 race day horses in violation of IHRC medication  
22 rules.

23       The same can be said about Judge Buker's  
24 finding that Dr. Loomis failed to report to the  
25 regulatory veterinarian within 24 hours two

1 intra-articular injections she administered to a  
2 horse as required by rule. Dr. Loomis claims it  
3 was the responsibility of the Commission to ensure  
4 that she has the form used to make the report. As  
5 Judge Buker provides in his nonfinal order,  
6 Dr. Loomis was aware that she could have requested  
7 the form from the IHRC offices and knew how to  
8 contact the regulatory veterinarian. What's more,  
9 she could have simply sent the regulatory  
10 veterinarian a text message, an email, or picked up  
11 the phone to make the report of the injection.  
12 That was acceptable in the past and certainly would  
13 have been acceptable in this instance. Dr. Loomis  
14 made no such effort.

15 Finally, Dr. Loomis contends that genuine  
16 issues of material fact existed as to whether she  
17 administered the prohibited substance Baycox to  
18 multiple horses over multiple weeks in 2022. If  
19 genuine issues of material fact existed, then the  
20 Commission Staff could not have prevailed on this  
21 at the summary judgment stage of the proceeding.

22 I would respectfully submit to the Commission  
23 that no genuine issues of material fact existed.  
24 Baycox is not permitted to be given to racehorses  
25 on the backside of an IHRC-licensed track at any

1 time because it is not FDA approved. And  
2 Dr. Loomis received no permission from the IHRC to  
3 administer it.

4 Because she admitted to doing the  
5 administration of Baycox to multiple horses, there  
6 was nothing to litigate at an evidentiary hearing.  
7 Judge Buker correctly granted Commission Staff's  
8 summary judgment on this violation.

9 Commission Staff respectfully requests that  
10 the Commission adopt the recommended order of Judge  
11 Buker and impose a six-year suspension and a  
12 \$10,000 fine on Dr. Loomis. It is perhaps the  
13 single most important mission of the Commission to  
14 protect the integrity of horse racing. And we must  
15 not allow rule violations, specifically those as  
16 egregious as were involved in this case, to go  
17 without sanctions. Thank you.

18 CHAIRMAN BORST: Thank you. Okay. Didn't  
19 even need the whole ten minutes. Now we'll hear  
20 from Dr. Loomis. Getting your steps in going back  
21 and forth.

22 MS. TRACHTMAN: I can always use a little more  
23 exercise. My name is Cameron Trachtman, and I  
24 represent Dr. Loomis.

25 On September 27, 2023, Administrative Law

1 Judge Michael Buker issued a modified nonfinal  
2 order recommending that the Commission issue a  
3 final order against Dr. Loomis for alleged improper  
4 race day administrations and alleged reporting  
5 violations for intra-articular injections. With  
6 regard to race day administrations, the modified  
7 nonfinal order exclusively relies on hearsay  
8 evidence, which under Indiana law cannot be the  
9 sole basis for an administrative order when a party  
10 timely objects to the admission of that evidence.

11 As for intra-articular injection reporting,  
12 the modified nonfinal order shifts statutory  
13 responsibility from the IHRC to Dr. Loomis.  
14 Accordingly, Dr. Loomis objected. Because the  
15 nonfinal order is improper under Indiana law, the  
16 Commission must dissolve the nonfinal order.

17 This administrative proceeding stems from  
18 actions allegedly taken by Dr. Loomis in 2022. The  
19 administrative complaint filed by the IHRC alleged  
20 three violations by Dr. Loomis including improper  
21 race day administration, unreported intra-articular  
22 injections, and improper administration of the  
23 substance Baycox. The administrative complaint  
24 alleged that on July 4, 2022, Dr. Loomis injected  
25 certain substances using hypodermic needles to the

1 horses Overthetopjustice and Justa Doll in  
2 violation of IHRC rules.

3 After the evidentiary hearing, the modified  
4 nonfinal order stated that Commission Staff met its  
5 burden of proof by a preponderance of the evidence  
6 that Dr. Loomis violated those rules when she  
7 injected Lasix and ACTH into the horses  
8 Overthetopjustice and Justa Doll who were in-today  
9 horses.

10 Dr. Loomis timely objected to the order as to  
11 those findings because of the lack of non-hearsay  
12 evidence present. In fact, testimony from the  
13 evidentiary hearing set forth the following facts  
14 regarding Dr. Loomis's actions: On the morning of  
15 July 4, 2022, Dr. Loomis made her rounds at  
16 Horseshoe Indianapolis to provide medication. And  
17 to keep track of the treatments, she recorded all  
18 of the treatments on her day sheet. Dr. Loomis  
19 administered medications to the horses Majestic  
20 Climb and Lilmissassypants after clearly  
21 identifying them through visual markers. Neither  
22 of those two horses were scheduled to race that  
23 day. After she did so, Dr. Loomis left Horseshoe  
24 Indianapolis to take her dog to an emergency vet  
25 appointment.

1           That same morning the IHRC investigators took  
2 two horses, Overthetopjustice and Justa Doll to the  
3 test barn where they were both tested for  
4 out-of-competition violations. Neither horse  
5 tested positive for any substance for which it was  
6 tested. And neither Majestic Climb nor  
7 Lilmissassypants were tested at all.

8           One witness, Christy Johnson testified on this  
9 subject more than once. During an unsworn  
10 conversation with IHRC investigators, Johnson  
11 stated that Dr. Loomis may have treated an in-today  
12 horse with ACTH. During a stay hearing last  
13 summer, Johnson testified that she did not know  
14 what medication Dr. Loomis administered that  
15 morning, and that the medication may have been  
16 ACTH, but that she was uncertain. During the  
17 hearing last December, Johnson testified that when  
18 she was speaking with investigators, she told  
19 investigators that Dr. Loomis may have treated a  
20 horse with ACTH, but she was unsure. During the  
21 evidentiary hearing, Johnson testified that in her  
22 prior testimony when asked if she observed  
23 Dr. Loomis administer medications on the morning of  
24 July 4, 2022, she responded that she did not see  
25 Dr. Loomis with a needle or a syringe for the

1 horses scheduled to race.

2 She also testified that in a conversation with  
3 trainer Marvin Johnson, she told Marvin that  
4 Overthetopjustice and Justa Doll needed to be  
5 scratched because the investigators believed that  
6 in-today horses had been treated. But Michael  
7 Morris, John McAllister, and JR Davis each  
8 testified that they did not see Dr. Loomis  
9 administer medications that day.

10 In the order, Judge Buker found that Johnson's  
11 unsworn statements sufficed as a basis for the  
12 order, even though these statements constitute  
13 hearsay. And, again, hearsay is admissible in  
14 administrative proceedings, but it can't be the  
15 sole basis for an order.

16 The order gave four reasons to explain why  
17 such statements could constitute the basis for the  
18 order including that, first, it was supported by  
19 the testimony of Mr. McAllister who testified that  
20 Chris Riggan identified a horse as  
21 Overthetopjustice. Second, that Mr. McAllister's  
22 testimony about Mr. Riggan's identification proves  
23 that Dr. Loomis violated the administration rules  
24 and suggests a willingness and ability to commit a  
25 second violation with regard to the other horse.

1 Third, the order was supported by the testimony of  
2 Davis that Ms. Johnson stated that Dr. Loomis  
3 injected Justa Doll with ACTH. And fourth, that  
4 Johnson's unsworn statements constitute statements  
5 against interest under the Indiana Rules of  
6 Evidence, which are statements that a reasonable  
7 person would only make if true because when made,  
8 the statement was contrary to that person's own  
9 interest. And that's an exception to the hearsay  
10 rule. Each of these purported justifications fail  
11 to provide a non-hearsay basis for the order.

12 Mr. McAllister's testimony about Mr. Riggan  
13 relied solely on hearsay statement because  
14 Mr. Riggan's alleged statement about the  
15 identification of the horse is an out of court  
16 statement offered to prove the truth of the matter  
17 asserted, the definition of hearsay. That hearsay  
18 statement also fails to prove anything about the  
19 allegation that Dr. Loomis treated  
20 Overthetopjustice because Mr. McAllister  
21 acknowledged that Mr. Riggan did not say that  
22 Dr. Loomis treated the horse. He just identified  
23 the horse.

24 The second purported justification failed for  
25 the same reason. McAllister's testimony about



1 Mr. Riggan was simply that Mr. Riggan saw  
2 Dr. Loomis enter a stall, but he did not say what  
3 activity she engaged in while in that stall.  
4 Entering a stall is not a race day violation. And  
5 it in no way confirms that Dr. Loomis provided  
6 medication to any horses while in that stall.

7 The third purported justification also relies  
8 totally on hearsay. That is Ms. Johnson's alleged  
9 statement about the identification of the horse as  
10 testified to by Mr. Davis, but Miss Johnson's  
11 statement is also an out of court statement offered  
12 to prove the truth of the matter asserted.

13 Lastly, there is no evidence to support that  
14 Johnson knew or should have known that the alleged  
15 actions of a veterinarian, not her, would impact  
16 her and potentially expose her to any sort of  
17 penalties, civil or otherwise. Indiana courts have  
18 held that for a statement against interest to be  
19 admissible it must be incriminating on its face.  
20 Ms. Johnson's admission that she knew that a  
21 veterinarian's actions, alleged actions violated  
22 the horse racing rules is not incriminating on its  
23 face with regard to Ms. Johnson because it was  
24 about Dr. Loomis.

25 The IHRC asserts that the nonfinal order is

1 proper because the order mentioned non-hearsay  
2 evidence, that is the testimony of Christy Johnson,  
3 but that argument ignores the fact that Judge Buker  
4 classified Ms. Johnson as unavailable as a witness  
5 and expressly stated that the order was based on  
6 the unsworn statements. Tangentially, Johnson's  
7 testimony actually reveals that she was not  
8 unavailable as a witness because to the extent that  
9 she had a lapse in memory it was only about her  
10 prior testimony and not about the subject matter.  
11 And in order to be unavailable as a witness, the  
12 witness must not remember the subject matter. She  
13 simply testified contrarily to another hearing on  
14 the same subject matter.

15 The testimony given by Miss Johnson was  
16 inconsistent and vague such that Christy Johnson is  
17 not a credible witness. The horses that she  
18 treated, that Dr. Loomis treated did not test  
19 positive for any substance for which they were  
20 tested. The IHRC never treated the horses that  
21 Dr. Loomis did treat to confirm one way or the  
22 other.

23 Second, with regard to intra-articular  
24 injections, the administrative complaint alleges  
25 that Dr. Loomis failed to report them to the IHRC

1 veterinarians within 24 hours. The modified  
2 nonfinal order states that Commission Staff met its  
3 burden of proof by a preponderance of the evidence  
4 that Dr. Loomis violated that rule after giving  
5 intra-articular injections to the horse Everwonder.

6 Dr. Loomis objected to the order as to those  
7 findings because of the IHRC's failure to provide  
8 proper forms for reporting. Dr. Loomis could not  
9 comply with the rule mandating that intra-articular  
10 injections be reported within 24 hours because  
11 compliance with the reporting statute was  
12 impossible. The IHRC did not provide the proper  
13 form for reporting. It is the responsibility,  
14 statutory responsibility of the IHRC to provide  
15 that form. And responsibility does not just fall  
16 on the veterinarian to independently seek out the  
17 form, which is required by statute to be provided  
18 to the veterinarian.

19 The statute makes no exceptions regarding the  
20 IHRC's responsibility to provide the form.  
21 Therefore, whether it was possible for Dr. Loomis  
22 to obtain the form herself or report in some other  
23 way is irrelevant. Without the IHRC providing the  
24 form, as required by Indiana law, Dr. Loomis was  
25 unable to properly report. So for those reasons

1 Dr. Loomis objected to the order to the extent that  
2 it recommends penalties being imposed against her  
3 for alleged race day administration and  
4 intra-articular injection reporting violations.

5 Lastly, the administrative complaint alleges  
6 that Dr. Loomis violated Indiana horse racing rules  
7 by administering the substance Baycox to horses at  
8 Horseshoe Indianapolis. Judge Buker granted  
9 summary judgment to the IHRC with regard to this  
10 alleged violation and found that she did administer  
11 Baycox to horses on the grounds of Horseshoe  
12 Indianapolis during May and June 2022. He found  
13 that Baycox is not approved by the FDA for use in  
14 animals in the US. And that Dr. Loomis did not  
15 receive explicit authorization from anyone at the  
16 IHRC to administer Baycox.

17 Judge Buker also noted that based on his  
18 personal knowledge and experience, Dr. Loomis did  
19 not have implicit authorization to use Baycox based  
20 on a 2021 records review conducted by Dr. Kerry  
21 Peterson. Dr. Loomis objected to this order --

22 (Audio interruption.)

23 CHAIRMAN BORST: Please slow down a little.  
24 Do we still have Commissioners Pillow and Estes?

25 COMMISSIONER ESTES: Yes.

1 CHAIRMAN BORST: George?

2 COMMISSIONER PILLOW: Yes.

3 CHAIRMAN BORST: Okay. Please continue.

4 MS. TRACHTMAN: The basis of the objection  
5 stems from the existence of a genuine issue of  
6 material fact about whether Dr. Loomis was  
7 authorized to administer Baycox. Because Judge  
8 Buker granted summary judgment on this allegation,  
9 evidence was not heard during the evidentiary  
10 hearing. But Dr. Loomis submitted certain  
11 objections with regard to this allegation to  
12 preserve her right to object.

13 Testimony from a December 2022 hearing  
14 demonstrated that in June 2021, Dr. Kerry Peterson,  
15 the IHRC's equine medical director, requested day  
16 sheets from IHRC licensed veterinarians to review  
17 the treatment that they provided.

18 (Audio interruption.)

19 CHAIRMAN BORST: Sometimes technology isn't  
20 good. All right. Continue.

21 MS. TRACHTMAN: I think the last thing that I  
22 said was that Dr. Peterson requested day sheets to  
23 review the treatment that IHRC licensed  
24 veterinarians provided to racehorses and the  
25 documentation of those treatments. Dr. Loomis

1 provided Dr. Peterson with months of day sheets  
2 outlining those treatments. In her review,  
3 Dr. Peterson flagged Dr. Loomis's use of the  
4 medication omeprazole. The two veterinarians met  
5 to discuss omeprazole. And Dr. Loomis implemented  
6 Dr. Peterson's suggestions. She did not flag any  
7 other issues.

8 (Audio interruption.)

9 MS. TRACHTMAN: Would you like me to continue?

10 CHAIRMAN BORST: Go ahead, please. Sorry.

11 MS. TRACHTMAN: I believe the last thing I  
12 said was that the two veterinarians met to discuss  
13 the use of omeprazole, and Dr. Loomis implemented  
14 Dr. Peterson's suggestions. Dr. Peterson didn't  
15 flag any other issues. Because no medications  
16 beside omeprazole had been flagged, Dr. Loomis  
17 continued to use all the medications she had  
18 previously been using, including Baycox.

19 Testimony from Dr. Clara Fenger revealed that  
20 when Dr. Loomis administered Baycox, the FDA  
21 approved version of Ponazuril was on a lengthy  
22 backorder and was unavailable for Dr. Loomis to use  
23 in treatment. Therefore in her professional  
24 medical judgment as a veterinarian, Dr. Loomis  
25 administered and prescribed Baycox or Toltrazuril,

1 which was a medication medically necessary for the  
2 horses for which she was responsible. Dr. Fenger's  
3 testimony from the July 21, 2022, hearing revealed  
4 that compounded Toltrazuril was the only option  
5 available for the treatment of certain serious,  
6 life threatening diseases in horses given the  
7 lengthy backorder. Moreover, this testimony  
8 demonstrated that compound copies of FDA-approved  
9 products are appropriate and legal when the FDA  
10 product is unavailable, such as in this situation.

11 Because Dr. Loomis was given implicit  
12 permission to use Baycox by Dr. Peterson after Dr.  
13 Peterson reviewed all of Dr. Loomis's day sheets  
14 and did not flag the use of Baycox and because the  
15 use of Baycox was medically necessary in  
16 Dr. Loomis's professional veterinary opinion, there  
17 are genuine issues of material fact about whether  
18 her administration of Baycox constituted  
19 administration of a prohibited substance under  
20 Indiana's horse racing rules. Dr. Loomis therefore  
21 objected to the summary judgment order to the  
22 extent that summary judgment was granted to the  
23 IHRC with regard to the use of Baycox.

24 For all of these reasons, Dr. Loomis objected  
25 to the order recommending that the final order be

1 entered in favor of the IHRC regarding alleged  
2 violations of race day administration rules and  
3 intra-articular injection reporting requirements.  
4 The race day administration alleged violation  
5 relies exclusively on hearsay evidence, which is  
6 expressly prohibited under Indiana law. And the  
7 intra-articular reporting alleged violation was the  
8 result of a statutory violation by the IHRC, which  
9 made Dr. Loomis's compliance impossible. For these  
10 reasons the order should be dissolved. Thank you.

11 CHAIRMAN BORST: George or Bill, there's  
12 somebody in the background talking. All right.  
13 Thank you.

14 Do we have any questions by Commissioners?

15 COMMISSIONER LEVENGOOD: I do not.

16 CHAIRMAN BORST: I guess a couple of questions  
17 I have for you, Miss Trachtman, since you're  
18 representing. Is this the first year that  
19 Dr. Loomis has practiced racetrack veterinary  
20 medicine?

21 MS. TRACHTMAN: No, it's not.

22 CHAIRMAN BORST: How many years has she  
23 practiced, do you think?

24 MS. TRACHTMAN: You know, without my entire  
25 file in front of me, Dr. Borst, I don't remember



1 for certain. I know that Dr. Loomis has been a  
2 veterinarian for nearly 20 years and has been a  
3 racetrack veterinarian.

4 CHAIRMAN BORST: For several years.

5 MS. TRACHTMAN: For several years.

6 CHAIRMAN BORST: So this isn't her first  
7 rodeo. I guess that's what bothers me more than  
8 anything is --

9 George or Bill, could you mute your phone.  
10 We're hearing people talking.

11 Anyway, as far as not providing the form, I  
12 mean, if you run out of -- I don't know what she  
13 would do if she ran out of health certificate  
14 forms. That's to be provided by the government.  
15 Just because the government didn't give her another  
16 one, doesn't mean she wouldn't do a health  
17 certificate. She would get on the phone or call or  
18 get one. Now we can do it online. Same with a lot  
19 of other things, it's incumbent on the professional  
20 person to know what they have to do. So I don't  
21 think that argument holds much water.

22 MS. TRACHTMAN: Respectfully, Dr. Borst,  
23 whether she should have reported is sort of a  
24 separate question. The law requires that the IHRC  
25 provide the form.

1 CHAIRMAN BORST: Right. And they do. And  
2 they had them. All she had to do was go get them.

3 MS. TRACHTMAN: But it was supposed to be  
4 specifically provided to her, and it was not.

5 CHAIRMAN BORST: No, that's not the way it  
6 reads. I read it two or three times just to make  
7 sure. They don't have to physically give you a  
8 form. You have to know where to go get them.

9 MS. TRACHTMAN: My understanding is that in  
10 the past it has been included in a packet that was  
11 given to veterinarians. And it was not included in  
12 the packet.

13 CHAIRMAN BORST: On the Baycox, that's not  
14 even approved for horses. That's for beef cattle,  
15 for swine, and sheep. No where does it say use in  
16 horses to begin with. I realize she was using it  
17 secondarily, which sometimes we have to do. But it  
18 absolutely states in there it's not approved for  
19 horses.

20 MS. TRACHTMAN: The only response is that in  
21 the decision, whether to save a horse's life or to  
22 abide by horse racing rule, Dr. Loomis, as a  
23 veterinarian, chose to save a horse's life instead.

24 CHAIRMAN BORST: I will say sometimes that  
25 happens. We have to use a drug, but we always

1 inform the client, have them sign a form saying,  
2 yes, we are using this whether approved. I guess  
3 it just bothers me that on her records it says that  
4 she gave the injections. There's no doubt that she  
5 gave those intra-articular injections. She put  
6 them in her treatment records, her day sheets.

7 MS. TRACHTMAN: Right. And to your point if  
8 she was trying to hide or be sneaky about them, why  
9 would she put them on her day sheet. Clearly, this  
10 was not an instance of Dr. Loomis trying to  
11 surreptitiously provide medication. She provided  
12 the medication. She documented it on her day  
13 sheets. She simply didn't have the form, which was  
14 statutorily required to be given to her and  
15 therefore didn't turn it in. Whether she should  
16 have or could have reported another way by sending  
17 a text or an email or picking up the phone is sort  
18 of irrelevant for determining whether or not she  
19 violated the statute.

20 CHAIRMAN BORST: Any other questions?  
21 Anything from -- hang on, we'll see if they have  
22 anything. Commissioner Pillow, Commissioner Estes,  
23 any questions?

24 COMMISSIONER PILLOW: No.

25 COMMISSIONER ESTES: No.

1 CHAIRMAN BORST: Anything to summarize? Do we  
2 need anything from -- you can tell us, I guess, the  
3 choices that we have. You know those.

4 MR. LEATHERBURY: Your choices today are  
5 either to approve the judge's order or modify the  
6 order or remand the case back to the administrative  
7 law judge without instruction or with instruction  
8 on what he should do. My recommendation now would  
9 be just go ahead and have a vote if the Commission  
10 doesn't have anything else.

11 CHAIRMAN BORST: Thank you. I guess you're  
12 relieved. Thank you for your presentation.

13 MS. TRACHTMAN: Thank you for your time.

14 CHAIRMAN BORST: So with that, I guess if  
15 there's no more questions, if somebody has a  
16 motion. Again, there's four different things we  
17 can do. If somebody would like to make a motion  
18 and a second, and we'll vote on it.

19 COMMISSIONER ESTES: I move.

20 COMMISSIONER LEVENGOD: Second.

21 CHAIRMAN BORST: Move what? We have to say  
22 what we're going to do, to uphold the judge's  
23 ruling nonfinal order.

24 COMMISSIONER ESTES: Yes, move to uphold the  
25 judge's ruling.

1 COMMISSIONER LEVENGOOD: Second.

2 CHAIRMAN BORST: Any further discussion?

3 Seeing none, I guess we'll do a roll call vote.

4 MR. ROTHENBERG: Chairman Borst.

5 CHAIRMAN BORST: Aye.

6 MR. ROTHENBERG: Chairman Pillow.

7 COMMISSIONER PILLOW: Aye.

8 MR. ROTHENBERG: I'm sorry, Commissioner  
9 Pillow. Commissioner Estes.

10 COMMISSIONER ESTES: Aye.

11 MR. ROTHENBERG: And Commissioner Levengood.

12 COMMISSIONER LEVENGOOD: Aye.

13 CHAIRMAN BORST: The judge's ruling has been  
14 upheld. It's now a final ruling. Thank you all  
15 for your information and input.

16 Next on the agenda is consideration of  
17 Administrative Law Judge's recommended order in the  
18 matter of Jamal Williams versus IHRC staff. Do you  
19 want to say anything on that one too?

20 MR. ROTHENBERG: Sure. This is in regards to  
21 Cause No. HRC-2206-001429. Once again for this  
22 agenda item, Deputy Attorney General Clarence  
23 Leatherbury will act as your counsel. We've got  
24 deputy general counsel Matt Eggiman representing  
25 the Commission, and Mr. Williams is represented by

1 attorney Howard Taylor, who will present after  
2 Mr. Eggiman.

3 ALJ Buker's recommended order suspended  
4 Mr. Williams for a period of 180 days and a fine of  
5 a thousand dollars. In accordance with Indiana  
6 Code, Mr. Williams was given 15 calendar days from  
7 the receipt of the recommended order to be filed  
8 with exceptions with the Indiana Horse Racing  
9 Commission. Mr. Williams did file the exception.  
10 Both parties presented briefs. The Commission  
11 granted each side up to ten minutes for oral  
12 presentation followed by questions by the  
13 committee. Mr. Eggiman will begin followed by  
14 Mr. Taylor. And then Mr. Leatherbury will instruct  
15 you on your options from there.

16 CHAIRMAN BORST: Okay.

17 MR. EGGIMAN: This is Matt Eggiman, deputy  
18 general counsel for the IHRC presenting for  
19 Commission Staff.

20 Chairman Borst, Commissioners, it is the  
21 position of Commission Staff that the nonfinal  
22 order of Administrative Law Judge Buker be adopted  
23 and the recommended 180-day suspension and \$1,000  
24 fine be approved by the Commission, as well as  
25 purse redistribution for the three horses mentioned

1 in the order.

2 Judge Buker found that IHRC regulations  
3 provide a clear distinction between oral  
4 administration of a substance and consumption in  
5 the course of normal dietary intake, namely eating  
6 and drinking. Williams claims that Judge Buker's  
7 decision on the race day oral administration  
8 charges was incorrect; specifically the finding  
9 regarding whether consumption in the course of  
10 normal dietary intake includes the forcible or  
11 non-volitional administration of a substance using  
12 a dose syringe. This claim is without merit.

13 Additionally, Judge Buker's nonfinal order  
14 provides detailed evidence and reasoning for the  
15 recommended sanctions contained therein. These  
16 sanctions are not unjustified, as Williams claims.  
17 Judge Buker's nonfinal order exhaustively examined  
18 the oral administration charges and the sanctions  
19 recommended by Commission Staff against Williams  
20 and included in-depth discussion for reasons of  
21 Judge Buker's finding in the favor of the  
22 Commission Staff on the oral administration charges  
23 and recommended sanctions.

24 As I stated earlier, the Indiana Horse Racing  
25 Commission is charged by the legislature with

1 upholding and promoting the highest standards of  
2 integrity in horse racing. Recognizing the  
3 significant challenges that horse racing regulators  
4 face, the legislature saw fit to afford the  
5 Commission with significant authority to impose  
6 fines and take action against licenses, up to and  
7 including a full revocation of a license to ensure  
8 that the Commission had the tools it needed to  
9 protect the integrity of horse racing in the state.

10 Williams's charged violations go to heart of  
11 the integrity of the racing program, namely race  
12 day administration. I cannot overstate the  
13 integrity concerns raised with these violations,  
14 and I respectfully urge the Commission to consider  
15 the fact that these violations occurred multiple  
16 times.

17 Williams takes exception to Judge Buker's  
18 finding that consumption by a horse in the course  
19 of normal dietary intake, namely eating and  
20 drinking, does not include the forcible or  
21 non-volitional administration of a substance using  
22 a dose syringe for purposes of IHRC medication  
23 rules in 71 IAC 8-1-1.5(b) and (c). Here's the  
24 relevant portion of the rule as it was in effect on  
25 the day of the violation: Subsection B, no



1 substance, foreign or otherwise, shall be  
2 administered to a horse entered to race by, number  
3 three, oral administration within 24 hours prior to  
4 the scheduled post time for the first race.

5 Subsection C states substances or metabolites  
6 thereof which are contained in equine feed or feed  
7 supplements that do not contain pharmacodynamic or  
8 chemotherapeutic agents are not considered foreign  
9 substances if consumed in the normal course of  
10 dietary intake, namely eating and drinking.

11 Williams is correct that the rule that was in  
12 effect at the time of the incident is rather silent  
13 on the method of administration. Quite simply, in  
14 the course of normal dietary intake, namely eating  
15 and drinking, was not defined in the rule in 2021.

16 Fortunately, we have case law to help guide  
17 the interpretation of agency rules. This case  
18 comes from the Indiana Court of Appeals in 2018,  
19 City of Gary Police Civil Services Commission  
20 versus Robinson. And it provides that an agency's  
21 interpretation of its own rules is entitled to  
22 great weight. Where the agency's interpretation is  
23 reasonable and not inconsistent with the language  
24 of the rule itself, the judiciary must stop its  
25 analysis and need not move forward with any other

1 proposed interpretation.

2 In our current case in front of you, Judge  
3 Buker is acting as the administrative law judge for  
4 the Indiana Horse Racing Commission. When making a  
5 ruling in his nonfinal order, Judge Buker  
6 considered the testimony of several witnesses and  
7 dozens of pages of documentary evidence to conclude  
8 that consumption by a horse in the course of normal  
9 dietary intake, namely eating and drinking, does  
10 not include the forcible or non-volitional oral  
11 administration of a substance using a dose syringe.  
12 That interpretation of the rule is both reasonable  
13 and not inconsistent with the language of the rule  
14 itself.

15 Furthermore, Judge Buker's recommendation of a  
16 180-day suspension, a \$1,000 fine, and  
17 redistribution of the purses can be easily  
18 justified. The Administrative Orders and  
19 Procedures Act, the statute that governs  
20 administrative law proceedings, requires that  
21 findings by an administrative law judge must be  
22 based upon the kind of evidence that is substantial  
23 and reliable. The statute also permits the ALJ to  
24 use his or her experience, technical competence,  
25 and specialized knowledge when evaluating evidence.

1 Moreover, IHRC rules state that while Commission  
2 Staff can recommend imposing a significant sanction  
3 or penalty, the administrative law judge in his or  
4 her discretion may accept, reject, or modify the  
5 recommendation.

6 In this case Judge Buker devotes nearly three  
7 pages of his nonfinal order to the appropriateness  
8 of the sanctions he is recommending. Yes,  
9 Commission Staff recommend a 90-day suspension, a  
10 \$1,000 fine, and purse redistribution for the oral  
11 administration violations, which was included in  
12 the overall recommended one-year suspension and  
13 \$5,000 sanction from the administrative complaint  
14 as a whole.

15 However, in the evidence that was filed by  
16 Commission Staff to supplement the record regarding  
17 the proposed sanctions, Commission Staff included  
18 several rulings there ranged from a 30-day  
19 suspension and no fine to a one-year suspension and  
20 a \$10,000 fine for violations of race day oral  
21 administration rules.

22 Judge Buker was well within his authority to  
23 modify the recommended penalty. And he did so  
24 using substantial and reliable evidence in his  
25 experience, technical competence, and specialized

1 knowledge. His recommended sanction falls within  
2 the range of prior penalties submitted by the  
3 Commission Staff as evidence. It's not the  
4 highest. It's not the lowest.

5 Commissioners, Commission Staff respectfully  
6 requests that the Commission adopt the recommended  
7 order of Judge Buker and impose a 180-day  
8 suspension and a \$1,000 fine on Williams. It's  
9 perhaps the single most important mission of the  
10 Commission to protect the integrity of horse  
11 racing. And we must not allow rule violations,  
12 specifically those involving the welfare of horses,  
13 without sanctions. Thank you.

14 CHAIRMAN BORST: Question?

15 COMMISSIONER LEVENGOOD: I'm learning here.  
16 Who redistributes the purse, and how does that  
17 affect this petitioner?

18 MR. EGGIMAN: So the purse would be -- the  
19 order of finish would be, I guess, redone.

20 COMMISSIONER LEVENGOOD: So this person is  
21 gone. The next three horses get reordered.

22 MR. EGGIMAN: They get reordered, yeah.

23 COMMISSIONER LEVENGOOD: Who does that? Who  
24 writes the check? Is it us?

25 EXECUTIVE DIRECTOR PITMAN: No, it's the

1 racetrack.

2 COMMISSIONER LEVENGOOD: Thank you.

3 CHAIRMAN BORST: Thank you. Ready for  
4 Mr. Taylor.

5 COMMISSIONER LEVENGOOD: Has the purse already  
6 be distributed, and we have to invoice to get the  
7 money back? I'm a technician.

8 MR. EGGIMAN: That I don't know, Commissioner  
9 Levengood. Do you know, Deena, if the purse has  
10 been redistributed?

11 EXECUTIVE DIRECTOR PITMAN: I don't.

12 COMMISSIONER LEVENGOOD: If you could provide  
13 me with that information. If the purse is  
14 redistributed, does the person that is now fined  
15 have to give the money back?

16 EXECUTIVE DIRECTOR PITMAN: Yes.

17 COMMISSIONER LEVENGOOD: Does somebody give an  
18 invoice? And what happens if they don't pay it?  
19 I'm just curious.

20 EXECUTIVE DIRECTOR PITMAN: Yes, they are  
21 instructed to give it back if it has been  
22 distributed. If they don't give it back, then the  
23 stewards are made aware of that or the judges, and  
24 then they will write a ruling to that effect.

25 COMMISSIONER LEVENGOOD: Technically just

1 learning. Thank you.

2 MR. EGGIMAN: Thank you.

3 MR. TAYLOR: Commissioners, my name is Howard  
4 Taylor. I represent Mr. Williams in this matter.  
5 And I would like to start that there is no issue of  
6 fact in dispute here. It's a question of  
7 interpretation.

8 Mr. Williams has been charged with oral  
9 administration of a legal permitted substance on  
10 race day, i.e. yogurt and aloe vera. They are  
11 recognized, approved food supplements that are  
12 routinely given to a lot of horses and were  
13 routinely daily given to the three horses in  
14 question by Mr. Williams. He has admitted to that.  
15 He has never disputed any of the facts.

16 The IHRC has conceded that both yogurt and  
17 aloe vera are approved substances to be used on  
18 racehorses, including race day. The issue is  
19 solely whether the use of a dose syringe to  
20 administer the yogurt and aloe vera is prohibited  
21 or approved or allowed. I submit there was  
22 testimony from Dr. Fenger that this concoction of  
23 yogurt and aloe vera is routinely given to  
24 racehorses. It settles their stomachs and coats  
25 their stomachs. It helps them. And it is

1 routinely given to horses by most trainers by dose  
2 syringe. That is to make sure that the horses  
3 digest or ingest the yogurt and the aloe vera,  
4 which is to their benefit.

5 As the staff admits, there is no regulation  
6 which would prohibit the use of a dose syringe to  
7 administer anything on race day. The regulations  
8 are silent. The judge found that as well. So it's  
9 just an interpretation. And I believe it's a case  
10 of first impression because I don't believe anybody  
11 has ever been charged with just this form of  
12 administration. This is not a positive test. This  
13 is not a performance-enhancing medication. It is  
14 yogurt and aloe vera.

15 Again, the rules are silent. And I think the  
16 best evidence to support Mr. Williams' position is  
17 that after this case, and I submit as a result of  
18 this case, the Commission recognized that they have  
19 not given any guidance which would prohibit exactly  
20 what Mr. Williams did, i.e. administering with a  
21 dose syringe. They went and changed the wording on  
22 the statute. And this is this 15, 1.5(c) to  
23 include the terms if consumed by the horse's free  
24 choice in the course of dietary intake. So even  
25 the Commission has recognized that what they are

1 charging Mr. Williams with is vague and subject to  
2 interpretation and would not -- I mean, fundamental  
3 due process if somebody is to commit a violation or  
4 a crime, he has to be made aware that this is a  
5 violation or a crime. Clearly, this was not the  
6 case here. Mr. Williams was doing what he always  
7 did, what most trainers routinely do giving  
8 permitted -- I mean, to me, it's just cut and dry  
9 that what he did was approved at the time that he  
10 did it. Maybe not now but that's not relevant.  
11 This rule was changed after this case. And I  
12 submit as a result of this case.

13 Further, Judge Buker accepted the trial, I'm  
14 sorry, the deposition testimony of Deena Pitman.  
15 When she was deposed, she quite candidly admitted  
16 that she has no evidence that Mr. Williams violated  
17 any rule or regulation. She never brought up this  
18 administration with a dose syringe. As a matter of  
19 fact, at the hearing was the first time anybody was  
20 put on notice that that's what they were claiming.  
21 The original charges were race day administration,  
22 not the method of the race day administration  
23 because as the evidence showed, the race day  
24 administration was merely yogurt and aloe vera.

25 As far as this penalty, I mean, it's like



1 hitting, killing a fly with a sledge hammer.  
2 Mr. Williams has been given six-months suspension,  
3 a thousand dollar fine, and the return of purses.  
4 I don't know, and I apologize, the amount of the  
5 purses, but they were in the thousands and probably  
6 in the tens of thousands. He didn't violate any  
7 regulation as written. This is strictly a matter  
8 of interpretation. And as I said, it came up for  
9 the first time at this hearing.

10 Judge Buker himself admits that the  
11 regulations are silent and don't prohibit the use  
12 of a dose syringe. The Commission itself concedes  
13 that there's an ambiguity as evidenced by the  
14 change. And quite significantly I think, is that  
15 the Commission itself recommended a suspension of  
16 90 days. The Commission submitted prior cases of  
17 race day administration. The ones in Indiana all  
18 dealt with a performance-enhancing medication being  
19 administered on race day. And there was not one  
20 single penalty more than 45 days.

21 Judge Buker, for reasons I will never  
22 understand, took it upon himself to double what the  
23 Commission itself was seeking to give my client and  
24 quadruple any prior penalty for this violation in  
25 the state of Indiana. And, again, those, the prior

1 cases all deal with race day administration of a  
2 prohibited substance. We're dealing with yogurt.

3 Fundamental due process in the United States  
4 mandates that if somebody is to commit some  
5 violation, they have to be put on notice that there  
6 is a violation. It is clear here that there  
7 couldn't have been any notice because everybody  
8 admits that the regulations are silent on this type  
9 of administration. It's a dose syringe. It's so  
10 that the horse doesn't get messy and flip the stuff  
11 around as he's eating. It's yogurt. It's messy.  
12 And this is clear cut. It's quick. You're sure  
13 that the horse has ingested the yogurt, which is  
14 beneficial to the horse. It is not performance  
15 enhancing in any manner.

16 And Judge Buker seeks to suspend my client six  
17 full months, which basically is putting somebody  
18 out of business because a suspension of any type is  
19 by reciprocity, it affects him in every state. So  
20 effectively Mr. Williams would not be able to  
21 participate in the sport of harness racing for six  
22 full months because he administered yogurt via a  
23 dose syringe in violation of no statute or no  
24 nothing.

25 There was clearly no consideration for the

1 mitigating circumstances. Again, we're dealing  
2 with yogurt. We are dealing with a statute that is  
3 silent on any violation. And we're dealing with a  
4 trainer. He has only been a trainer licensed for  
5 two years, but he's been in the business for most  
6 of his adult life. He finally elevated himself to  
7 the trainer status, passed the test and got horses.  
8 He is being penalized here because he only has two  
9 years, but he has a perfect record. I mean, this  
10 is the only blemish on his record. And no  
11 consideration was given for this.

12 The cited cases dealt with, well, they  
13 cooperated, and they had a clean record. Well,  
14 Mr. Williams has a clean record. Mr. Williams has  
15 cooperated in that he admitted I gave the yogurt.  
16 I gave the aloe vera. I gave it in a dose syringe,  
17 which I felt was proper. The only thing he didn't  
18 concede was that he committed a violation. I  
19 submit to you that's because he didn't commit any  
20 violation.

21 This is much ado about nothing. And there was  
22 no violation at any point. There should be no  
23 suspension. Clearly, a six-month suspension puts  
24 him out of business. And quite frankly, it will  
25 force Mr. Williams to appeal to a higher court. I

1 think some consideration should be given. What do  
2 you think as the hearing, the people deciding  
3 ultimately this decision, what do you think a  
4 superior court judge is going to consider under  
5 these particular circumstances of yogurt being  
6 administered to a horse via a dose syringe under a  
7 statute that is absolutely silent as far as whether  
8 that's permissible or not. And under the knowledge  
9 that this form of administration is routinely given  
10 to many racehorses, if not most.

11 So I ask that this decision, as bizarre as it  
12 is, should be overturned. I mean, you're talking  
13 about yogurt with a dose syringe with a Commission  
14 that is admitting that they realized that this, the  
15 wording of the regulation is inadequate and has  
16 subsequently changed it. I think that you have to  
17 give some consideration for that as well and know  
18 that Mr. Williams did not knowingly violate  
19 anything. As a matter of fact, I don't think he  
20 violated anything not knowingly which was in effect  
21 at the time of the alleged violation. Thank you.

22 CHAIRMAN BORST: Thank you. Okay.  
23 Mr. Leatherbury, you want to tell us our choices  
24 again.

25 MR. LEATHERBURY: The statute in play right

1 now is IC4-21.5-3-29, which gives you the options.  
2 You can affirm the decision, modify the decision,  
3 or if you disagree with what the judge ordered, you  
4 can remand it back to the judge and have him do  
5 further proceedings.

6 CHAIRMAN BORST: Okay. Thank you. Do we have  
7 any questions for any of our participants from the  
8 Commission members at all? I guess my thought  
9 would be, yeah, yogurt and aloe vera is not  
10 performance enhancing. You're right, but the  
11 statute says nothing, nothing is to be given  
12 orally, whether it's foreign or otherwise. And so  
13 how would anybody know whether it really is aloe  
14 vera. I mean, if I was the trainer, if I was him,  
15 I wouldn't want to do it thinking somebody might  
16 think I am doing something wrong when I know I'm  
17 not supposed to give anything orally within 24  
18 hours. It's not a common practice. It isn't done  
19 every day.

20 MR. TAYLOR: May I?

21 CHAIRMAN BORST: Yeah, that's kind of a  
22 question in a way.

23 MR. TAYLOR: 1.5(b)(3) does prohibit oral  
24 administration. 1.5(c) specifically allows for  
25 oral administration of a substance contained in the

1 equine feed or supplement. So 1.5(c), as it was in  
2 effect on the date of the incident, specifically  
3 does allow for that.

4 CHAIRMAN BORST: That's not the way I read it  
5 at all.

6 MR. TAYLOR: Respectfully, you should reread  
7 it. I mean, it's clear.

8 CHAIRMAN BORST: I read it several times  
9 because I wanted to make sure and try to  
10 understand. Can you tell us, Matt, maybe what your  
11 thoughts are on that. It's a good point.

12 MR. EGGIMAN: Yeah. Thank you, Chairman  
13 Borst. Yeah, the Commission Staff reads it the way  
14 that Judge Buker read, ordered in his ruling that  
15 it should be read that oral administration of  
16 substances, foreign or otherwise, includes the  
17 prohibition of using a dosing syringe.

18 CHAIRMAN BORST: It doesn't matter whether  
19 it's water or take your pick?

20 MR. TAYLOR: That's an interpretation.

21 CHAIRMAN BORST: I don't think it's  
22 interpretation. You can't put anything orally  
23 within 24 hours of racing. That's the way it is.

24 MR. TAYLOR: I'm reading C, as it was in at  
25 the time. Substances or metabolites thereof, which

1 are contained in equine feed or feed supplements,  
2 that includes yogurt, that do not contain whatever  
3 are not considered foreign substances if consumed  
4 in the normal dietary intake. The normal dietary  
5 intake, there was testimony on this from Dr. Fenger  
6 is when you feed in this case this substance on a  
7 daily basis. That's what normal dietary. These  
8 horse received this concoction via dose syringe on  
9 a daily basis. That was Mr. Williams' testimony  
10 straight through. And that constitutes normal  
11 dietary intake. There is nothing that says you  
12 can't use a dose syringe. What is being  
13 administered is clearly legal. And that is -- I  
14 mean, a dose syringe is not a needle syringe and  
15 it's not against any regulation or rule. There's  
16 nothing that says that. And if the Commission  
17 didn't agree with me, they wouldn't have had to  
18 change the rule.

19 CHAIRMAN BORST: Okay. All right. Thank you.  
20 I read that differently. It says nothing orally,  
21 not even feed.

22 MR. TAYLOR: The question is you're not  
23 allowed to feed or give water to a horse?

24 CHAIRMAN BORST: Pardon me?

25 MR. TAYLOR: You're not allowed to feed or

1 give water to a horse on race day?

2 CHAIRMAN BORST: Not orally, you can free  
3 feeding but not orally not within 24 hours of  
4 the --

5 MR. TAYLOR: Orally is through the mouth.  
6 That's what the word orally means.

7 CHAIRMAN BORST: But it's forcibly doing it as  
8 opposed to free choice.

9 MR. TAYLOR: But it doesn't say that. Now it  
10 does. Why would they make the change --

11 CHAIRMAN BORST: It's common sense. To me,  
12 it's common sense. Why would you even take a  
13 chance that somebody would see you doing something  
14 that you shouldn't be doing.

15 MR. TAYLOR: The answer to that question is  
16 because it isn't something that you shouldn't be  
17 doing. It's something that is customarily normally  
18 done to a lot of racehorses.

19 CHAIRMAN BORST: By Mr. Williams.

20 MR. TAYLOR: By most trainers.

21 CHAIRMAN BORST: He's done this a lot of  
22 times. That's not good.

23 MR. TAYLOR: In every state in the country it  
24 is legal. Dr. Fenger, she testified. She is a  
25 practicing -- I mean, if you've got your mind made



1 up, I'll stop talking.

2 CHAIRMAN BORST: I do, I do from reading it  
3 all.

4 MR. TAYLOR: It's unbelievable that you can  
5 interpret it that way.

6 CHAIRMAN BORST: It's pretty open and shut I  
7 think but anyway. All right. Sorry. But thank  
8 you for your presentation.

9 Okay. I guess we have no more questions. I  
10 guess we're ready for a motion to do one of the  
11 four things that we're allowed to do, uphold it or  
12 modify it or send it back. Anybody have a motion?

13 COMMISSIONER LEVENGOOD: I motion to affirm.

14 CHAIRMAN BORST: Affirm the judge's order?

15 COMMISSIONER LEVENGOOD: Yes.

16 CHAIRMAN BORST: Do we have a second?

17 COMMISSIONER ESTES: I would second.

18 CHAIRMAN BORST: It's been moved and seconded.  
19 Any further discussion? Seeing none, we will have  
20 our roll call vote.

21 MR. ROTHENBERG: Chairman Borst.

22 CHAIRMAN BORST: Aye.

23 MR. ROTHENBERG: Commissioner Pillow.

24 COMMISSIONER PILLOW: Aye.

25 MR. ROTHENBERG: Commissioner Estes.

1 COMMISSIONER ESTES: Aye.

2 MR. ROTHENBERG: Commissioner Levengood.

3 COMMISSIONER LEVENGOOD: Aye.

4 MR. ROTHENBERG: Unanimously passes.

5 CHAIRMAN BORST: Thank you all. Next on the  
6 agenda is consideration of the administrative law  
7 judge's recommended order in the matter of Andy  
8 Shetler versus the IHRC staff. David, do you want  
9 to take that one?

10 MR. ROTHENBERG: Before I do though, Chairman,  
11 and Mr. Leatherbury can probably ring in on this, I  
12 believe I would like to touch base on item number  
13 one, which was the approval of the Loomis ruling.  
14 What was not in the ALJ's recommended order was  
15 whether or not to credit the 196 days under which  
16 she has already served a summary suspension. And I  
17 don't know technically if you voted on that or if  
18 that's a modification of the nonfinal order. I'm  
19 going to sort of put that to Mr. Leatherbury.

20 MR. LEATHERBURY: I would recommend you go  
21 ahead and make a motion on whether you want to  
22 credit that or not.

23 COMMISSIONER LEVENGOOD: I so move to credit  
24 it.

25 CHAIRMAN BORST: Do we have a second?

1 COMMISSIONER ESTES: Second.

2 CHAIRMAN BORST: All right. Ready for a roll  
3 call vote.

4 MR. ROTHENBERG: Chairman Borst.

5 CHAIRMAN BORST: Aye.

6 MR. ROTHENBERG: Commissioner Pillow.

7 COMMISSIONER PILLOW: Aye.

8 MR. ROTHENBERG: Commissioner Estes.

9 COMMISSIONER ESTES: Aye.

10 MR. ROTHENBERG: Commissioner Levengood.

11 COMMISSIONER LEVENGOOD: Aye.

12 CHAIRMAN BORST: Okay. Now we're hopefully  
13 legal there. All right. Moving onto the Shetler  
14 case.

15 MR. ROTHENBERG: So this is agenda item number  
16 three, the proposed findings of fact and  
17 conclusions of law on nonfinal order issued by ALJ  
18 Michael Buker as it pertains to HP-23022-2765.

19 This was the Commission Staff versus Andy Shetler.

20 The Commission Staff is and has been  
21 represented by me. Mr. Shetler was represented by  
22 Pete Sacopulos, who I think is here also. ALJ  
23 Buker is here as well.

24 ALJ Buker's recommendation, recommended order  
25 suspended Mr. Shetler for a period of 18 months.

1 And the fine that was actually listed listed both  
2 \$3,000 and \$5,000. One was written out, and one  
3 was the actual number. ALJ Buker has clarified  
4 that, and he's here if you want to ask him that,  
5 his recommendation is the \$3,000. It's just the  
6 words didn't pass the actual number. He needed  
7 clarification on that.

8 He has served 149 days under a summary  
9 suspension, which is typically credited toward the  
10 suspended time in these cases. In accordance with  
11 Indiana Code, Mr. Shetler was given 15 days from  
12 the date of the receipt of the recommended order to  
13 file written exceptions with the IHRC. Mr. Shetler  
14 did not file written exceptions so pursuant to  
15 Section 4-21.5-3-29(c) since Mr. Shetler failed to  
16 file written exceptions, the Commission shall  
17 affirm ALJ proposed findings of fact and  
18 conclusions of law and nonfinal order.

19 At this time the Commission Staff respectfully  
20 requests the Commission to affirm ALJ Buker's  
21 recommended order. I would also note that also in  
22 this, it is not in the order whether or not to  
23 credit the 149 days which he served under the  
24 summary suspension. So the vote would be to accept  
25 it. And then your decision really that's not under

1 statute is whether or not to allow him the 149 days  
2 credit for the suspension.

3 CHAIRMAN BORST: So should that be part of the  
4 motion if we do want to give the 149?

5 MR. ROTHENBERG: Yeah, you can combine that.

6 COMMISSIONER LEVENGOOD: Just to be precise,  
7 did you say 145 or 149?

8 MR. ROTHENBERG: 149.

9 CHAIRMAN BORST: Okay. Any questions from  
10 Commission Members? Mr. Sacopulos, do you have  
11 a -- we're not having a hearing on it.

12 MR. SACOPULOS: I have a comment on it.

13 CHAIRMAN BORST: You have a comment on it.  
14 Okay.

15 MR. SACOPULOS: Pete Sacopulos on behalf of  
16 Andy Shetler. The only change to the order is that  
17 which Judge Buker has acknowledged, and I think  
18 general counsel has acknowledged it's 3,000 instead  
19 of 5,000. The other difference is that Mr. Shetler  
20 has been unable to participate in racing since he  
21 was summarily suspended in 2022. So the idea that  
22 he was not suspended or not being able to  
23 participate during 2023 is really not accurate. I  
24 mean, there is -- he, in fact, was unable to  
25 participate in racing. He was unable to

1 participate here. He was unable to participate  
2 anywhere while he was suspended. So we're asking  
3 that he gets credit for the entire time of the  
4 suspension.

5 CHAIRMAN BORST: Okay. So we need a motion to  
6 accept or not accept, I guess. I guess we can  
7 modify this one too?

8 MR. ROTHENBERG: Right. So what I would  
9 probably do is accept or not accept or remand with  
10 modifications to the nonfinal order of \$3,000  
11 versus the 5,000 and then days credited towards  
12 that suspension. He was, whether or not he worked  
13 last year, I don't know, but he was suspended for  
14 149 days under the Indiana Horse Racing Commission.

15 CHAIRMAN BORST: It makes sense obviously if  
16 he's been suspended to count that. So we need a  
17 motion, I guess, on the Buker decision.

18 MR. SACOPULOS: Before the motion, I would  
19 like to comment if I could.

20 CHAIRMAN BORST: Again? Okay. One more time.  
21 That's why we didn't have this as a hearing, but  
22 now it's turned into one.

23 MR. SACOPULOS: It's very important to  
24 Mr. Shetler here. He's been out of work all this  
25 time. And to say just the period of suspension, to

1 think that he could have engaged in this during the  
2 period of time that we were leading up to trying  
3 this case, there was no possibility of him being  
4 able to participate in racing. It would have been  
5 an action in complete futility to apply for a  
6 license when they were seeking a penalty in excess  
7 of what he was receiving. So he should be entitled  
8 to credit from the day he was suspended until this  
9 decision.

10 CHAIRMAN BORST: Did he appeal any of this at  
11 all?

12 MR. ROTHENBERG: He did not -- are you asking  
13 did he appeal it? I mean, this is --

14 CHAIRMAN BORST: Yes.

15 MR. ROTHENBERG: -- in effect the appeal. Did  
16 he reapply? No, he didn't reapply. Now, I  
17 understand --

18 CHAIRMAN BORST: No, I meant did he appeal  
19 this ruling at all? It doesn't appear that he did.

20 MR. SACOPULOS: No.

21 MR. ROTHENBERG: He did not turn in an appeal  
22 or an exception.

23 CHAIRMAN BORST: So he accepted the 18 months  
24 and the \$3,000 I guess.

25 MR. SACOPULOS: But nowhere in this rule is

1 what credit he is getting for being suspended from  
2 racing. And to the extent that we are going to  
3 truncate that, which would be opposite of what was  
4 done in the case that you just decided previously,  
5 Mr. Shetler would like an opportunity to brief it.

6 CHAIRMAN BORST: I wish he would have done  
7 that earlier when he was supposed to.

8 MR. SACOPULOS: That's the way this has been  
9 done for years. And that's the way it was done in  
10 the case just previously decided not more than five  
11 minutes ago on the record.

12 CHAIRMAN BORST: But that was appealed. This  
13 one hasn't been appealed.

14 MR. SACOPULOS: Neither were in the order and  
15 both should be decided consistently.

16 CHAIRMAN BORST: What was your suggestion?  
17 Continue with the...

18 MR. ROTHENBERG: Yes. So first of all, let me  
19 just address that in the previous case that we just  
20 talked about. Dr. Loomis received credited for the  
21 time that she was suspended, no time after that,  
22 just the suspended time. That is exactly what we  
23 are asking for in this case 149 days.

24 So what I would recommend is if you want to  
25 accept ALJ Buker's order, make a motion to accept



1 it with the alteration of or the clarification of  
2 the \$3,000 fine and the credit of suspension time,  
3 which we would recommend be 149 days.

4 CHAIRMAN BORST: Taking 149 days in account  
5 for the 18 months.

6 MR. ROTHENBERG: Yes.

7 CHAIRMAN BORST: Okay. So through all that,  
8 hopefully, somebody has a motion to make.

9 COMMISSIONER LEVENGOOD: I will give it a  
10 shot. I so move that we accept the judge's order  
11 with the clarification that it's \$3,000, and we  
12 credit 149 days, specifically 149 days.

13 CHAIRMAN BORST: Do we have a second?

14 COMMISSIONER ESTES: I second that.

15 CHAIRMAN BORST: Any further discussion?  
16 Seeing none, we will go to a roll call vote.

17 MR. ROTHENBERG: Chairman Borst.

18 CHAIRMAN BORST: Aye.

19 MR. ROTHENBERG: Commissioner Pillow.

20 COMMISSIONER PILLOW: Aye.

21 MR. ROTHENBERG: Commissioner Estes.

22 COMMISSIONER ESTES: Aye.

23 MR. ROTHENBERG: Commissioner Levengood.

24 COMMISSIONER LEVENGOOD: Aye.

25 CHAIRMAN BORST: Okay. That passes then. All

1 right. Let's move onto some fun stuff.

2 Number four on our agenda is consideration of  
3 approval of Horseshoe Indianapolis (Centaur  
4 Acquisition LLC) 2024 permit renewal application in  
5 accordance with Indiana state law. Dale, are you  
6 going to lead off on this one?

7 MR. PENNYCUFF: Yes, unless someone wants to  
8 speak to it from Horseshoe, which then we can go  
9 straight to the vote. Commission Staff requests  
10 approval of the permit renewal requests, satellite  
11 facility requests, and proposed race calendar,  
12 which was previously approved at the last meeting.

13 CHAIRMAN BORST: Any further comments from  
14 Horseshoe at all? Pretty perfunctory. Any  
15 comments from the public? I don't see any.  
16 Comments, questions from Commission members? I  
17 don't see any so I guess we'll take a motion to  
18 approve Horseshoe Indianapolis's permit for 2024.

19 COMMISSIONER LEVENGOOD: So moved.

20 COMMISSIONER ESTES: I move approval.

21 COMMISSIONER PILLOW: I second.

22 CHAIRMAN BORST: We'll do a roll call vote,  
23 and then we'll do Clarksville second then.

24 MR. EGGIMAN: Chairman Borst.

25 CHAIRMAN BORST: Aye.

1 MR. EGGIMAN: Commissioner Pillow.

2 COMMISSIONER PILLOW: Aye.

3 MR. EGGIMAN: Commissioner Estes.

4 COMMISSIONER ESTES: Aye.

5 MR. EGGIMAN: Commissioner Levengood.

6 COMMISSIONER LEVENGOOD: Aye.

7 CHAIRMAN BORST: It passes unanimously.

8 There's also consideration and approval of the  
9 Horseshoe Indianapolis's satellite facility in  
10 Clarksville for 2024. That's the second part of  
11 this to vote on. So if no other...

12 COMMISSIONER ESTES: I move approval.

13 CHAIRMAN BORST: Do we have a second?

14 COMMISSIONER LEVENGOOD: Second.

15 CHAIRMAN BORST: Been moved and seconded.

16 We'll go to roll call.

17 MR. EGGIMAN: Chairman Borst.

18 CHAIRMAN BORST: Aye.

19 MR. EGGIMAN: Commissioner Pillow.

20 Commissioner Pillow?

21 COMMISSIONER PILLOW: Aye. I'm sorry, I had  
22 it muted.

23 MR. EGGIMAN: Commissioner Estes.

24 COMMISSIONER ESTES: Aye.

25 MR. EGGIMAN: Commissioner Levengood.

1 COMMISSIONER LEVENGOOD: Aye.

2 CHAIRMAN BORST: It passes unanimously also.  
3 Next on the agenda is consideration and approval of  
4 Harrah's Hoosier Park LLC 2024 permit renewal.

5 MR. PENNYCUFF: Commission Staff respectfully  
6 requests approval of the permit renewal requests,  
7 satellite facility requests, and the proposed race  
8 calendars that were previously approved.

9 CHAIRMAN BORST: Can we do New Haven and  
10 Indianapolis in the same motion?

11 MR. PENNYCUFF: Yes, it can be combined.

12 CHAIRMAN BORST: Let's combine all three of  
13 those. Any questions, Commission members? Seeing  
14 none, I guess we will go to roll call vote. Wait a  
15 minute, we better have a motion.

16 COMMISSIONER ESTES: I move approval.

17 COMMISSIONER PILLOW: I second.

18 CHAIRMAN BORST: Moved and seconded. Now  
19 we'll go to roll call vote.

20 MR. EGGIMAN: Chairman Borst.

21 CHAIRMAN BORST: Aye.

22 MR. EGGIMAN: Commissioner Pillow.

23 COMMISSIONER PILLOW: Aye.

24 MR. EGGIMAN: Commissioners Estes.

25 COMMISSIONER ESTES: Aye.

1 MR. EGGIMAN: Commissioner Levensgood.

2 COMMISSIONER LEVENGOOD: Aye.

3 CHAIRMAN BORST: It passes unanimously also.

4 Next is the ratification of the Executive  
5 Director's approval of Harrah's Hoosier Park  
6 request to make up lost race days. David.

7 MR. ROTHENBERG: So there were a few race days  
8 that did have to be postponed due to heat and smoke  
9 during the summer. And they had asked that they  
10 make up lost race days on November 1st and, I  
11 think, November 8th. Director Pitman had  
12 approved that. What we're asking for is  
13 ratification of the approval of those dates, which  
14 already occurred.

15 If you have any questions, Director Pitman can  
16 answer regarding the heat or the smoke, although I  
17 think we have kept you up to date on that.

18 CHAIRMAN BORST: I think it was a common sense  
19 thing to do for the health of the horses. Any  
20 questions, comments, Commission members? How about  
21 a motion to approve.

22 COMMISSIONER ESTES: I move approval.

23 COMMISSIONER PILLOW: I'll second it.

24 CHAIRMAN BORST: Been moved and seconded.

25 We'll go to our roll call vote.

1 MR. EGGIMAN: Chairman Borst.

2 CHAIRMAN BORST: Aye.

3 MR. EGGIMAN: Commissioner Pillow.

4 COMMISSIONER PILLOW: Aye.

5 MR. EGGIMAN: Commissioner Estes.

6 COMMISSIONER ESTES: Aye.

7 MR. EGGIMAN: Commissioner Levensgood.

8 COMMISSIONER LEVENGOOD: Aye.

9 CHAIRMAN BORST: Passes unanimously. Okay.

10 Next is consideration of Caesar's 2024  
11 operational plan as required by the Commission's  
12 final order dated July 15, 2020. Joe Morris is  
13 going to lead off.

14 JOE MORRIS: Good afternoon, everybody. Joe  
15 Morris with Caesars Entertainment Racing. Hard to  
16 believe we're coming to the end of our fourth  
17 racing season since the new Caesars racing team has  
18 taken the reins here in Indiana. We're going to  
19 tell you the story and give you some of the results  
20 of '23. We'll lay out the plan for '24. Rick,  
21 Emily, and Jeremy will handle the Hoosier side.  
22 Eric, Tammy, and Brian will do the Horseshoe side.

23 One thing I did want to bring on the national  
24 relevance side of things, Thoroughbred industry is  
25 down about 5 percent across the board with less

1 races. Horseshoe Indianapolis was up about  
2 23 percent this year with the same number of races  
3 we've run in the last couple of years. On the  
4 harness side, the harness industry is actually up  
5 about 5 percent. They've run about 65 less days.  
6 Hoosier is up right around 10 percent. So we're  
7 out performing the national average there also.

8 Both tracks a year ago raised purses to all  
9 time record levels. And this year we were able to  
10 maintain those purse levels on the Horseshoe side,  
11 even taking into account the HISA payments that the  
12 HBPA and Caesars share on. So good stories there.

13 Before we start our presentation, I would like  
14 to ask Tom Reeg to come up. Tom is our CEO. He's  
15 traveled in for this meeting, and we'll let him  
16 give us an update on some happenings with Caesars.

17 CHAIRMAN BORST: Welcome back.

18 TOM REEG: Thank you. Good to be here.

19 CHAIRMAN BORST: We got the sunshine for you,  
20 but we didn't do too good on the temperature.  
21 Sorry.

22 TOM REEG: I'm on my way to Florida after this  
23 so getting a little warmer. It's hard to believe  
24 it's been three and a half years since I was in  
25 front of you asking for approval for the Caesars

1 transaction. You know, from our standpoint, we  
2 couldn't be happier with the way things have gone  
3 in Indiana for us at the tracks. As you've seen,  
4 we've invested in the neighborhood of about a  
5 hundred million dollars expanding first Horseshoe  
6 and now finishing up at Hoosier Park.

7 From a corporate standpoint, we're having the  
8 best year that we've ever had as a company. We  
9 will do a little over \$4 billion of cash flow this  
10 year. Pre-merger the combined company did about  
11 2.9 billion. So we're over a billion-one ahead of  
12 where we were when we stood in front of you three  
13 and a half years ago.

14 Horseshoe, the building we sit in, is our  
15 single most successful property outside of Nevada.  
16 And we're pretty proud of that. And you heard Joe  
17 hit highlights. You'll hear our teams from here  
18 and Hoosier Park talk about specifics, but what's  
19 happened here in racing has been gratifying to us.

20 We know we came in with a, you know, with a  
21 mandate where we had to prove ourselves as an  
22 operator. And I hope you have been happy with us  
23 to date. And we'll continue to strive to work to  
24 improve with the horsemen as we move forward. And  
25 I'm here to answer any questions that you have on



1 Caesars globally now or at any time in our  
2 presentation.

3 CHAIRMAN BORST: I'm not sure we have any  
4 specific yet, but we'll listen to the presentation  
5 and go from there. How's that?

6 TOM REEG: Thank you, Mr. Chairman.

7 CHAIRMAN BORST: Okay. Who's going to be next  
8 in line? Is Hoosier next? You got up first so you  
9 get to go first.

10 RICK MOORE: Good afternoon, Mr. Chairman,  
11 Executive Director Pitman, and Staff, I'm Rick  
12 Moore, vice president general manager of horse  
13 racing at Harrah's Hoosier Park. I would like to  
14 give you a few highlights of 2023 and then what you  
15 can expect for 2024.

16 I guess I have to start off with the biggest  
17 highlight of all, right? That would be the  
18 Breeders Crown event that was entrusted to us by  
19 the Hambletonian Society. We had a sensational,  
20 sensational Breeders Crown event. When I see "we,"  
21 I'm talking about the collective we. I'm talking  
22 about the Indiana Horse Racing Commission, the  
23 Indiana Standardbred Association, and Harrah's  
24 Hoosier Park. Individuals, many individuals from  
25 all three organizations worked long and hard months

1 and months, meetings after meetings, detail after  
2 detail to put on an event that I believe the horse  
3 racing industry in Indiana should be really, really  
4 proud of.

5 We have industry participants saying, coming  
6 to us and saying the Breeders Crown event should be  
7 held every year as Harrah's Hoosier Park. Now,  
8 we're not that gung ho. Okay. But we've heard  
9 that. I was on the phone with John Campbell,  
10 president of the Hambletonian Society just this  
11 morning. He's down at the racing secretaries  
12 meeting down in Florida. And he was telling me,  
13 Rick, people keep coming up and coming up and  
14 commenting on how great the Breeders Crown was at  
15 Harrah's Hoosier Park.

16 I want to thank the collective we. I want to  
17 thank the Indiana Horse Racing Commission, the  
18 Indiana Standardbred Association, and all the folks  
19 at Hoosier Park who collaborated. I know that's a  
20 term we like to be able to use. Indeed, we did  
21 collaborate on just a great event. I want to start  
22 off with that.

23 I do want to let you know on the numbers side,  
24 we had a record two night handle on both evenings.  
25 We handled a total of 4.8 million; 2.1 million on

1 Friday evening and 2.6 million on Saturday evening.  
2 So, you know, it was well received throughout North  
3 America and down into Australia. For the first  
4 time ever Fox Sports 2 provided extensive live race  
5 coverage on not only Breeders Crown finals nights  
6 but also on Dan Patch night and Caesars Trotting  
7 Classic night. So we were featured throughout the  
8 country on a major cable channel, Fox Sports 2.  
9 First time ever. I hope you were pleased with  
10 that.

11 Also COSA TV out of Canada covered the  
12 Breeders Crown finals. Their coverage was seen in  
13 over 42,000 Canadian household. It was a great  
14 event.

15 Along with the event, we had the Breeders  
16 Crown Charity Challenge where we raised over  
17 \$200,000 that benefited four charities. That event  
18 has become an event unto itself and required I  
19 think just as much work as did the Breeders Crown  
20 event, but everything turned out great.

21 Speaking of numbers, we went out and, again,  
22 the collective we, the Indiana Horse Racing  
23 Commission, Harrah's Hoosier Park, Indiana  
24 Standardbred Association went out and sold  
25 sponsorships for the Breeders Crown event. In

1 total we raised \$342,500. That's an all time  
2 record for sponsorship sales for any of our three  
3 Breeders Crowns.

4 Speaking of record handles getting away from  
5 the Breeders Crown event, we had an all time Dan  
6 Patch stakes night handle of 1.6 million and an all  
7 time Caesars Trotting Classic night handle of  
8 1.7 million, which happens to be the largest  
9 non-Breeders Crown night handle ever in the history  
10 of Harrah's Hoosier Park.

11 We had 14 \$1 million handle nights so far this  
12 year compared to four last year. We added two long  
13 time traditional two year old trotting races to our  
14 open stakes schedule in Peter Haughton and Jim  
15 Doherty Memorial Stakes races where the purses for  
16 both were 420,000 and \$400,000 respectively. The  
17 handle on that night was over 1.1 million.

18 Harrah's Hoosier Park celebrated its fourth  
19 Empire of Hope night on Saturday, July 29th where  
20 an incredible \$54,000 plus was raised for the  
21 aftercare of Standardbred racehorses and  
22 highlighted by a \$15,000 donation from Caesars  
23 Entertainment. Our commitment to the aftercare of  
24 Standardbred racehorses is unwavering.

25 If you allow me, I would like to tell you the

1 kind of story that hits home. It talks about the  
2 aftercare of Standardbred racehorses. As we know  
3 he have a First Turn Stable, which is our internal  
4 club for folks of the public who want to experience  
5 the ups and downs, the excitement of horse racing.  
6 Last year we had two horses in our First Turn  
7 Stable. And both of them -- unfortunately you have  
8 those years. Some years are better than others,  
9 peaks and valleys in the horse racing business.  
10 Both of our horses sustained injuries that caused  
11 us to have to turn them out.

12 We brought both of them back this year and  
13 firmly planned on racing both of them. One of them  
14 made it back to the races. The other one, we were  
15 able to determine before too long that his injury  
16 wasn't going to allow him to race again. His name  
17 was Rock On Creek.

18 So our race marketing administrator, Jason  
19 Rheinheimer, who also runs the First Turn club,  
20 contacted New Vocations down in Lexington,  
21 Kentucky. New Vocations is an organization known  
22 throughout North America for their aftercare of not  
23 only Standardbred horses but Thoroughbred horses  
24 also.

25 We contacted New Vocations. We said, boy, we

1 would sure like to find Rock On Creek, we would  
2 like to find him a nice home. They said send him  
3 on down. We'll find him a good home, take good  
4 care of him.

5 The purpose of New Vocations is to re-purpose  
6 and re-home Standardbred racehorses coming off the  
7 racetrack. I'm pleased to tell you today that Rock  
8 On Creek has undertaken a second career. He is now  
9 a show horse under saddle.

10 If you would see the pride in the way this  
11 horse carries himself, with the way he holds his  
12 head up, with the way he performs, I think you  
13 would just -- it would warm your heart. I know it  
14 has mine. It's everything we want when we talk  
15 about the aftercare of Standardbred racehorses. So  
16 good for Rock On Creek for finding that second  
17 career.

18 We brought back, Harrah's Hoosier Park brought  
19 back our enhanced VIP owners program this year  
20 where Standardbred horse owners can sign up and  
21 receive 25 percent off their dining bill in the  
22 Home Stretch clubhouse and steakhouse every night  
23 they come to the races. Hoosier Park will again  
24 contribute over \$430,000 in community giving  
25 dollars with the majority of those dollars

1 benefiting the residents of Madison County. Jeremy  
2 Medley will talk about that in a few minutes.

3 As far as capital expenditures are concerned,  
4 Hoosier Park is on track to spend over \$3 million  
5 between RCFAC and 15-year rolling equipment list.  
6 Major highlights are the \$2 million barn roofing  
7 project, the \$382,000 apron upgrade now known as  
8 The Hop, the Hoosier Outdoor Patio; \$300,000 for a  
9 new video board; \$250,000 for two new John Deere  
10 tractors; \$275,000 for a new AV switcher board. I  
11 would mention that all of these expenditures were  
12 made in conjunction with in collaboration with the  
13 ISA.

14 Speaking of the ISA, Joe and I meet regularly  
15 with John DeLong and Tony Renz in the various ISA  
16 committees where any and all operational issues are  
17 discussed. Throughout the year we have discussed  
18 race days, capital spend, average daily purse  
19 distributions, Breeders Crown preparations and  
20 marketing and promotional efforts.

21 We are currently working on our 2024  
22 horsemen's agreement, which I believe we are close  
23 to finalizing. We met as late as yesterday. We'll  
24 be meeting again soon. Hopefully, we can bring  
25 that final agreement to the Commission for

1 approval.

2 As for 2024, we think we have a pretty good  
3 game plan in place. Now it's time to build on  
4 what's in place. It's a matter of fine tuning and  
5 enhancing. To that end, we have built in a  
6 two percent increase in handle for 2024 over the  
7 ten percent that Joe mentioned just a few minutes  
8 ago. Full fields and a full complement of races  
9 will be needed for this handle increase to occur  
10 along with spending and marketing dollars in a  
11 manner that will promote handle on the Harrah's  
12 Hoosier Park product. You will hear more about  
13 that from Emily Gaskin in just a few minutes.

14 We will continue to make our big days bigger.  
15 In chronological order, those days are fifth annual  
16 Empire of Hope night, our Dan Patch stakes night,  
17 the Haughton and Doherty Memorial stakes night,  
18 Caesars Trotting Classic night, and Hoosier  
19 Champions night. And, again, every month we will  
20 have a family fun Saturday out on our apron  
21 featuring activities at The Hop.

22 As far as ADW revenues, advanced deposit  
23 wagering revenues are concerned, we have an outside  
24 shot of reaching a record 4.75 million this year.  
25 And we're going to budget that same amount for



1 2024. I never imagined we would reach that level.  
2 But good for all of us.

3 Our open stakes schedule will again total over  
4 \$6.2 million in purses. It will bring to Harrah's  
5 Hoosier Park the very best horses, drivers, and  
6 trainers to compete on a regular basis. I can  
7 honestly say that our open stakes schedule is  
8 second to none.

9 As Joe mentioned, our average daily purse  
10 distribution will stay at the same level as 2023.  
11 We expect to average around 117,000 a day in  
12 purses, not including breed development monies.  
13 When you add in the breed development monies, we'll  
14 be at about \$150,000 a day times 160 days.

15 I mentioned The Hop. I will mention The Hop  
16 again. The Hoosier outdoor patio apron area will  
17 be used even more. So in 2024 with entertainment  
18 and food trucks on a weekly basis, it will be a  
19 staple from June through September.

20 We're not finished with our capital items. We  
21 will continue to invest in our property. Major  
22 capital items for 2024 will include WiFi in certain  
23 areas in buildings in the barn area, additional  
24 radiant heaters in the paddocks, tankless water  
25 heaters in both paddocks, two additional John Deere

1 tractors, and LED lighting in all barn stalls. As  
2 you can see, we continue to make our barn area the  
3 best in all of harness racing for horsemen to  
4 stable and operate out of.

5 Our race dates, which you have approved, will  
6 mirror 2023 with the exception that we will not  
7 race into December. We'll move three days out of  
8 December into November. The 160-day meet will open  
9 on March 22nd and close on Saturday,  
10 November 30th.

11 I'll conclude by saying I hope you will agree  
12 that we've had an amazing 2023. Harness racing in  
13 Indiana is on an all time high. For that I want to  
14 thank the Indiana Horse Racing Commission and the  
15 ISA for getting us to this level. Thank you very  
16 much for your time today.

17 CHAIRMAN BORST: Thanks, Rick. If somebody  
18 has a question, you can ask any time. Otherwise  
19 we'll let everybody give their presentation, and  
20 then we'll ask.

21 RICK MOORE: I will ask Emily to come forward.

22 COMMISSIONER LEVENGOOD: Who would be the best  
23 person to answer questions about the marketing  
24 budget for '24 versus all the way back to '19?

25 RICK MOORE: Jeremy Medley, our director of

1 marketing is here. He would be able to do that.

2 COMMISSIONER LEVENGOOD: At some point, I want  
3 to ask those questions. You may want to look at  
4 your notes in getting ready for my question. I got  
5 the wrong racetrack so you're off the hook. It  
6 will be the next guys.

7 EMILY GASKIN: Even better. That's what we  
8 like to hear.

9 COMMISSIONER LEVENGOOD: Sorry.

10 EMILY GASKIN: No problem. Emily Gaskin, race  
11 marketing manager at Harrah's Hoosier Park Racing  
12 and Casino. Commissioners and Ladies and Gentlemen  
13 of the Commission, I appreciate the opportunity to  
14 stand in front of you today and happy to take any  
15 questions that you may have.

16 Rick stole a little bit of my thunder so I was  
17 over there making some notes. Like I said, I will  
18 briefly touch on some of the things that Rick spoke  
19 about. And then I would like to spend quite a bit  
20 of time, not quite a bit of time, spend a little  
21 more of my time, I should say, on the 2024 race  
22 marketing plan.

23 As Rick said, the Breeders Crown event  
24 witnessed an unprecedented achievement in the  
25 largest handle in the 30-year history of the track.

1 Something that we are so very much proud of. This  
2 triumph underscores the effectiveness of our  
3 strategic marketing initiatives and is a testament  
4 to the enduring popularity and significance of  
5 harness racing in the heart of Indiana.

6 We, of course, as Rick said, saw other  
7 record-breaking moments like handle records on  
8 Caesars Trotting Classic night. We saw increased  
9 enrollment in our owners VIP contest, First Turn  
10 Stable, and our free live racing program that  
11 continues to produce dividends year over year.

12 Other marketing highlights for the 2023  
13 season, just as we talked about or as I spoke about  
14 last year at this time, we redefined our racing VIP  
15 program in Caesars Rewards and offered  
16 complimentary racing program vouchers based on  
17 level of play. And a VIP promotional series that  
18 went across our major racing events.

19 We executed special wagers over the course of  
20 the season with things like the Hoosier High Five,  
21 Jackpot Pick 6, guaranteed wagers. We developed  
22 the Caesars harness racing and Caesars racing  
23 television spots that were used throughout the  
24 racing season. This strengthened the Caesars  
25 Rewards message that we continued to play

1 throughout season. As Rick said, we hosted the  
2 Breeders Crown event that was a resounding success.

3 As far as looking ahead to the 2024 race  
4 marketing plan, our focus remains on cultivating  
5 the sports growth in the state of Indiana. But our  
6 commitment will extend beyond our mere financial  
7 triumphs. We are going to foster a sense of  
8 community and excitement, just as we've done in the  
9 past.

10 We're dedicating your efforts to engaging our  
11 racing VIP customers, which we have done in the  
12 past. We would like to continue to host exclusive  
13 events tailored to our racing VIPs.

14 Simultaneously, we are going to aim to create a  
15 vibrant on-track experience transforming race days  
16 into the family-oriented events we have done in the  
17 past, festival-like weekends and the likes.

18 Our target markets are going to continue to be  
19 that we have done in the past. We will have our  
20 on-track customers. This will be an area of focus  
21 we will continue to promote and value the benefits  
22 of Caesars Rewards. We will develop specific  
23 promotional programming that increases card use and  
24 ready to play, create fun, excitement, engagement  
25 that we've done in the past and leverage our

1 partnership with the Indiana Standardbred  
2 Association to promote harness racing to these VIP  
3 customers.

4 Our on-track VIP is another target market. We  
5 continue to find who those racing VIPs are so we  
6 continue to take a look at that group. And we are  
7 continually trying to grow that group as well. We  
8 will offer added perks for them, including Caesars  
9 Rewards complimentary race programs, reserved  
10 seatings, VIP meet and greets. We introduced our  
11 GM meet and greets where we allowed these racing  
12 customers to speak directly to Rick. We'll say  
13 voice some of their concerns, voice some of their  
14 wants and needs. We have really seen that grow  
15 throughout the season so that's something we would  
16 like to continue to do.

17 Obviously with this said, placing a focus on  
18 our VIP customers, our on-track customers but we  
19 certainly can't forget the bread and butter, which  
20 is our export handle as well. That 96 percent of  
21 our handle does come from the export customers. So  
22 we would like to continue to market to them as we  
23 have done in the past, continually invest our media  
24 dollars in racing specific media. This is the  
25 likes of FanDuel, TwinSpires, DRF, Trackmaster, and

1 all those other racing media outlets.

2 We will work with our racing media partners to  
3 review campaign performances. This is where we  
4 will go in and see the things that were successful  
5 that our customers liked, what they didn't like and  
6 continue to tweak those with our businesses, as I  
7 said, FanDuel, TwinSpires and the likes.

8 We're going to continue to offer the free  
9 program online. We have seen that grow  
10 exponentially year over year. Folks love to go to  
11 the Harrah's Hoosier Park website, get their free  
12 program. And that's something that we will  
13 continue to do. But we do have a target growth of  
14 5 percent in export handle, and those marketing  
15 efforts will be a top priority, as I said.

16 As far as our 2024 promotions and changes,  
17 many of those initiatives that we launched in 2023  
18 that Rick talked about, our owners VIP, First Turn  
19 Stable, the free online racing program, our  
20 enhanced racing VIP, Caesars Rewards benefits,  
21 things like celebrity export experiences and  
22 leveraging our Caesars racing properties and our  
23 Caesars Rewards will be things that we continue to  
24 do.

25 As I briefly touched on, we will in 2024 we

1 will use those analytics from the online racing  
2 program to hone in on strategic paid digital media  
3 campaigns that target areas across the United  
4 States with high engagement. So what we'll do is  
5 we'll find out where the downloads are coming from.  
6 And then we'll focus our online efforts to those  
7 specific areas; Chicago, areas like that where we  
8 can say, you know, a lot of these folks, the  
9 downloads are coming from this specific area. We  
10 will use that in our marketing efforts as far as  
11 the export signal is concerned.

12 We will work with the Indiana Standardbred  
13 Association promotions team to develop programming  
14 around our live racing events and bring back those  
15 fan favorites like community entertainment, our  
16 cornhole tournaments, festivals. We saw those in  
17 2023 and what a success they were. Events like the  
18 Dan Patch, Caesars Trotting Classic, we saw folks  
19 come out in droves. It was refreshing to see, and  
20 it is something that we will continue to do.

21 Rick mentioned that we have the Hoosier  
22 outdoor patio. That is an area we are really  
23 looking forward to marketing in 2024. We are  
24 looking at bringing things like a monthly concert  
25 series, you know, nightly Saturday night concert



1 series to The Hop, things like a food truck  
2 festival, things that we've done in the past but  
3 utilizing this new area to our advantage.

4 We will continue to use our social media  
5 platforms to create loyalty and engagement. This  
6 is something that we have seen grow year over year  
7 as far as followers and engagement are concerned,  
8 something we are very proud of. And, finally, we  
9 will work to leverage Caesars Rewards across all of  
10 our Caesars properties to promote even further the  
11 power of our loyal and engagement program as far as  
12 Caesars Rewards is concerned.

13 Lastly, I will quickly touch on, community  
14 engagement stands at the forefront of our marketing  
15 strategy. This is something that we're very aware  
16 of. We work closely with the Indiana Standardbred  
17 Association and our horsemen to really get the  
18 community involved. We plan to collaborate, not  
19 only with the Indiana Standardbred Association but  
20 with local organizations, schools, businesses.  
21 We'd like to elevate obviously harness racing's  
22 profile, but we want to continue to positively  
23 impact the communities with which we serve.

24 An area that I specifically am looking forward  
25 to in 2024, we've worked with the Harness Horse

1 Youth Foundation to host fourth grade field trips  
2 in the Madison County area. We were looking to  
3 bring that back in 2023, but with the undertaking  
4 that was the Breeders Crown, I didn't feel like  
5 sending all of my coworkers into a spiral. So we  
6 are bringing that back in 2024. So we are looking  
7 forward to bringing that back and, like I said,  
8 making a positive impact in the Madison County  
9 community.

10 As I said, the race marketing plan as far as  
11 2024 is concerned is the testament to our ongoing  
12 commitment to harness racing success, not only in  
13 Indiana but harness racing as a whole. We are  
14 eager to embark on this journey. And we look  
15 forward to bringing unparalleled excitement back to  
16 the racetrack in 2024. That was a lot of  
17 information.

18 CHAIRMAN BORST: That's all you've been doing  
19 all year, that's it?

20 EMILY GASKIN: That's all we got. Actually,  
21 no, that's not all I've got. My co-worker, my  
22 friend Jeremy Medley is going to talk a little bit  
23 more about our sponsorships and our community  
24 partnerships.

25 COMMISSIONER LEVENGOOD: How do you track the

1 number of people? I call them heads on beds, butts  
2 in seats. How do you track that? When you say, we  
3 did a great job, how do you track that?

4 EMILY GASKIN: That's a great question. So  
5 back in the day we used to have the tickers that we  
6 could physically track people.

7 COMMISSIONER LEVENGOOD: Turnstiles.

8 EMILY GASKIN: Turnstiles, exactly. When  
9 folks walked in the door. Unfortunately, there's  
10 not a super direct way to do that. It's a little  
11 bit of a, we call it a proforma so after each  
12 event -- yeah, we have one guy that goes and  
13 counts. No. But it's a proforma. So after events  
14 like Dan Patch, Caesars Trot so collectively things  
15 like swipe-ins at the kiosks, our racing promotions  
16 so we know how many active Caesars Rewards players  
17 we have on the property, specifically on the racing  
18 side. So that's what's really interesting.

19 Obviously, we have kiosks throughout the  
20 property, but our racing specific kiosks are to  
21 engage what type of exposure they've had, what type  
22 of check-ins. So we do that along with  
23 reservations, you know, as far as what the property  
24 feels and then really just a general consensus from  
25 a group us on the race marketing team as far as how

1 things felt on the property.

2 But as far as, you know, general attendance,  
3 like I said, handicapping contests, we host those  
4 each and every night. So we're able to use that as  
5 a gauge. Okay, here's a regular Tuesday night, we  
6 have 58 folks entered in the contest.

7 COMMISSIONER LEVENGOOD: It's subjective more  
8 than --

9 EMILY GASKIN: Yeah, yeah.

10 COMMISSIONER LEVENGOOD: But are you tracking  
11 it?

12 EMILY GASKIN: Yes.

13 COMMISSIONER LEVENGOOD: So if I asked you for  
14 your records from 2023 and said how many bodies  
15 came through this building, you'd be able to  
16 somehow get that all together.

17 EMILY GASKIN: Not necessarily bodies, not to  
18 say, okay, we had 972 folks. Rick, I don't know,  
19 you may be able to speak to that a little bit more,  
20 but I don't believe there's a way that we typically  
21 say.

22 COMMISSIONER LEVENGOOD: You don't need to  
23 answer that today. I'm curious about that. And  
24 that's interesting to me so just think about that.  
25 Let's chat about it offline.

1           EMILY GASKIN: Perfect.

2           CHAIRMAN BORST: I have a question too on the  
3 marketing end. It makes sense that you are  
4 marketing more towards those who already. Just  
5 like any business, it's easier to keep a client  
6 than get a new one. What are you doing for new? I  
7 mean, I realize getting out in the community helps  
8 and all that. But what are you doing to try to get  
9 new people?

10          EMILY GASKIN: So it's a great question and  
11 obviously an area we would like to explore. But  
12 through the events and the family fun events, we  
13 are looking to expose new people to the property.  
14 So that's an area that we feel like in 2024 that we  
15 can maybe take to the next level with things like  
16 concert series and things like that. Then through  
17 that, once you get them in the door, it's up to us  
18 to educate them, right, to provide the correct  
19 materials to have, the material that they need to  
20 have a good time so, you know, through educational  
21 packets and things like that.

22                 But essentially the way that we are  
23 approaching it is to get them to Harrah's Hoosier  
24 Park. And then it's up to us to show them what a  
25 viable entertainment option this is and how much

1 fun they can have when they come out to the track.  
2 They may come out for a Fright Night at the Races,  
3 but it's up to us to keep them there and educate  
4 them enough for them to want to come back the next  
5 time.

6 CHAIRMAN BORST: I guess you could somehow  
7 market the casino part too. Tell people, hey.

8 EMILY GASKIN: Hey, yeah, you can win a little  
9 bit of money too.

10 CHAIRMAN BORST: Go through a door and you'll  
11 have a different experience.

12 EMILY GASKIN: That's a huge part of it. So  
13 often people say, oh, it's a casino. It's adult.  
14 So we're really trying to break that down, you  
15 know, into -- exploit is the wrong word but to  
16 emphasize that it's a family-friendly  
17 entertainment. You can bring the family out. They  
18 can enjoy racing, and mom and dad can go have some  
19 fun in the casino.

20 CHAIRMAN BORST: Thanks.

21 EXECUTIVE DIRECTOR PITMAN: Can I ask a  
22 question?

23 EMILY GASKIN: Yes.

24 EXECUTIVE DIRECTOR PITMAN: You know, I know  
25 that there are plenty of horse players out there

1 that are online. To me the big challenge is  
2 getting those bodies to the track and that wagering  
3 taking place on track because we all know, you're  
4 going to gain more money for your purses if it's  
5 wagered at the track than you are online.

6 EMILY GASKIN: Exactly. Right.

7 EXECUTIVE DIRECTOR PITMAN: And I hear you're  
8 planning on a lot of online outreach. But how are  
9 you going to, you know, try to pull in those people  
10 to come to the property instead of just sitting in  
11 their homes and doing what they do?

12 EMILY GASKIN: No, you're exactly right.  
13 That's an area we're very cognizant of. One area  
14 specifically so just to touch quickly, like the  
15 racing VIPs. So we have a group that we know love  
16 racing, and they love coming to the track. So we  
17 want to make sure that we're giving them everything  
18 they need. That's when I talked about the GM meet  
19 and greets and things like that. We want to give  
20 them an opportunity to sit down with Rick and say,  
21 hey, this is what I like, this is what you used to  
22 do that you're not doing. A lot of times they just  
23 want to be heard. That's one area where we're  
24 trying to take that to the next level and really  
25 make them feel like they are VIPs. Like, rather

1 than sit home and wager on your computer, it would  
2 behoove you to come to the track because you're  
3 treated like a VIP. We are going to continue to  
4 expand on that area.

5 As far as the, we'll say TwinSpires, just  
6 using them as an example, but an online player that  
7 is a VIP, we briefly touched on it a little bit in  
8 2023 where we hosted VIP events. Right. So we  
9 reached out to those ADWs and said, hey, bring 20  
10 of your players out to Hoosier Park, and we want to  
11 show them a good time. We saw quite a bit of  
12 success with that.

13 I think both Jeremy and Rick can speak to that  
14 a little bit too. We want to give them an  
15 opportunity to have more of those events so they'll  
16 come to Hoosier Park and feel comfortable at  
17 Hoosier Park versus staying home. We're looking at  
18 working with those programming to bring their VIPs  
19 to Hoosier Park to get them to wager on property  
20 versus staying home and being a VIP.

21 So really I guess first to answer your  
22 question would be recognizing those folks, right,  
23 and saying, okay, you are VIPs. And second is just  
24 continue to invite them to the track.

25 EXECUTIVE DIRECTOR PITMAN: What kind of plans



1 do you have? Do you do any direct mails anymore?  
2 I will admit I like to get stuff in the mail, and  
3 then I'll lay it on my kitchen bar, and I'll walk  
4 by it and walk by it and walk by it. And I'm,  
5 like, you know, I might want to do something.

6 EMILY GASKIN: It's interesting you brought  
7 that up. Last year at the end of last season we  
8 talked about it. We used to have a weekly  
9 newsletter. It's something we went away from.  
10 Interestingly enough, we have a weekly wire email  
11 series. And Jeremy and I were talking that we  
12 would like to reestablish that, not quite to the  
13 level of mail in your hand, but we would like to  
14 reestablish our weekly wire email series. We are  
15 talking directly to these folks in their inbox  
16 tailored to John Smith, welcome back to Harrah's  
17 Hoosier Park and really kind of reestablishing that  
18 email group that we've done. I believe it was in  
19 2020.

20 EXECUTIVE DIRECTOR PITMAN: There are still  
21 people out there that don't do a lot with email. I  
22 don't want to forget them.

23 EMILY GASKIN: That's right. That's right.

24 CHAIRMAN BORST: Anything else? Rick has  
25 something.

1           RICK MOORE: I want to touch on one of the  
2 things that Deena brought up. You mentioned folks  
3 coming to the track, how do we make sure they're  
4 wagering through our terminals, which you're right.  
5 It's much more beneficial to us. "Us" being  
6 Harrah's Hoosier Park and the horsemen. One of the  
7 things we did this year, we added 20 high  
8 definition E-terminals where you actually sit down.  
9 You set up an account. You never have to get out  
10 of your chair. You have a TV right there. It's  
11 high definition.

12           So now instead of wagering on your phone  
13 through an app, and we've seen that plenty  
14 obviously, that's the world we live in, right,  
15 everything is done on your phone. But we've seen a  
16 lot of these folks now become real territorial with  
17 these E-terminals, these high definition  
18 E-terminals where they have that is my E-terminal.  
19 We're planning on purchasing 15 more of those for  
20 next year because we do want people wagering  
21 through our terminals at Harrah's Hoosier Park.  
22 That's one way we're trying to force it.

23           EXECUTIVE DIRECTOR PITMAN: Thank you.

24           JEREMY MEDLEY: I'm Jeremy Medley. I'm  
25 director of marketing at Harrah's Hoosier Park. I

1 have been with the property going on a little under  
2 13 years right now, starting in guest services and  
3 working my way up through marketing over the years.

4 I was born and raised in Anderson, Indiana.  
5 So helping to ensure that we're doing what we can  
6 for that community in particular is extremely  
7 important to me, as it is for Harrah's Hoosier Park  
8 as a whole.

9 So let's talk a little bit about the impact  
10 we've had on community relations for 2023. We have  
11 put a total of \$430,000 towards our community spend  
12 this year. Of that we spent \$345,000 in Anderson  
13 and Madison County. That's 80 percent of our total  
14 spend for the community. The spend in these areas  
15 has grown every year. We have far surpassed the  
16 \$120,000 that we spent for Madison County and  
17 Anderson in 2019.

18 Some of the organizations we have donated to  
19 include the Madison County Community Federation.  
20 We gave them over \$50,000 this year for the  
21 bicentennial. The Anderson Madison County Black  
22 Chamber of Commerce, the Paramount Theater located  
23 in Anderson for various maintenance needs. The  
24 wonderful Harness Horse Youth Foundation,  
25 Alternatives Inc. and their tremendous work on

1 ending domestic violence in central Indiana;  
2 Habitat for Humanity, St. Vincent Foundation.  
3 These are just a few of the organizations we  
4 donated to in 2023.

5 But we're not only interested in donating. We  
6 are interested in facilitating fundraisers. Our  
7 Empire of Hope fundraiser, as Rick mentioned,  
8 raised over \$54,000 for the Standardbred Transition  
9 Alliance this year. The Breeders Crown Charity  
10 Challenge ended up raising well over \$200,000 for  
11 various organizations. That includes Teachers  
12 Treasures, HVAF, Helping Veterans and Families, the  
13 New Vocations racehorse adoption program, and the  
14 Indiana Center for the Prevention of Youth Abuse  
15 and Suicide.

16 Our team continues to stay active and involved  
17 in the community. You know, one of the things we  
18 feel is really important is being actually out  
19 there and involved, having your fingers to the  
20 pulse of what's going on in the community. So to  
21 that end we do have 16 members on 16 local  
22 not-for-profit boards. Our team this year though  
23 as a total, you know, we have our Hero program,  
24 which tracks hours and resources put towards  
25 various charity drives. And this year our team has

1 spent over 15,000 hours towards volunteer efforts  
2 cumulatively. One of our primary focuses, food  
3 security between Second Chance Harvest, the  
4 Christian Center, the Thanksgiving program that we  
5 have with the Anderson Zion Baptist Church. Our  
6 team members have put in well over 2,000 hours of  
7 volunteer work into food security alone. We've  
8 also stayed committed to United Way, their various  
9 affiliates, everything from weatherization to  
10 diaper drives to silent auctions for their large  
11 number of partners that they have locally.

12 I hope this gives everyone a picture of how  
13 committed we are. Not just this past year but  
14 moving forward to 2024, we will stay committed to  
15 being a positive force in our community and to  
16 being a good partner to the many local  
17 organizations that cater to the many diverse needs  
18 that we are facing in Madison County and Anderson.  
19 We very, very much look forward to continuing to  
20 play this role in 2024. Thank you.

21 CHAIRMAN BORST: Thank you, Jeremy.

22 EXECUTIVE DIRECTOR PITMAN: Question.

23 CHAIRMAN BORST: Question.

24 JEREMY MEDLEY: Yes.

25 EXECUTIVE DIRECTOR PITMAN: How much work is

1 through Caesars corporate as opposed to on site for  
2 marketing and...

3 JEREMY MEDLEY: Do you mean our hero hours?

4 EXECUTIVE DIRECTOR PITMAN: Just in general,  
5 how much work do you do on site as far as marketing  
6 and the volunteer programs as opposed to having  
7 corporate Caesars dictating and helping you?

8 JEREMY MEDLEY: With the volunteer programs  
9 and the various, like, outreach and marketing  
10 things we do virtually, they have built a framework  
11 of a website we can use to track our hours in the  
12 different organizations that we partner with. But,  
13 I mean, occasionally a check may go through their  
14 corporate accounts payable, but it's very, very --  
15 it's more they have set the framework through which  
16 we can work through, but a lot of that is done at  
17 the property level just because we feel proximity  
18 to these organizations and being able to get out  
19 there and work with these organizations in person  
20 is important.

21 EXECUTIVE DIRECTOR PITMAN: How many people  
22 work with you on this? What's your department  
23 comprised of?

24 JEREMY MEDLEY: So are we talking marketing or  
25 are we talking just?

1           EMILY GASKIN: Marketing.

2           JEREMY MEDLEY: Marketing. I'm so sorry.  
3       Within marketing right now, I don't have the exact  
4       numbers in front of me, but we have me, the  
5       director of marketing. We have a marketing  
6       manager. We have six hosts. We have a new  
7       director of casino marketing who oversees those  
8       coming in, two promotion and events specialists.  
9       We are currently hiring for a marketing assistant,  
10      a racing marketing specialist, a race marketing  
11      manager, and then, of course, our Caesars Rewards  
12      department, our manager there and our two  
13      supervisors, two leads, and I believe a total of  
14      five reps in the Caesars Rewards department.

15          EXECUTIVE DIRECTOR PITMAN: Okay. I expect to  
16      see really good things. You're staffed.

17          JEREMY MEDLEY: Yes, we are very well staffed.  
18      We're very passionate. So I do apologize. I kind  
19      of misunderstood the question initially I think.

20          Now, corporate is a great resource for getting  
21      a number of things done that may not be so easy to  
22      do from a property level, whether that's handling  
23      POs for gift giveaway items for us, ideating on  
24      large scale promotions and marketing initiatives.  
25      Stuff like that, they have been a great assist on.

1 Nate Holobowski, our regional VP of marketing, he  
2 actually -- I think a lot of people when they think  
3 of that, they assume he's in Vegas or something  
4 like that. He lives right here in Indiana. He  
5 lives in Fishers, I believe. If he is not at our  
6 property, odds are that he's at Horseshoe  
7 Indianapolis. So he is very involved in what we  
8 have going on here.

9 EXECUTIVE DIRECTOR PITMAN: Okay. Thank you.

10 JEREMY MEDLEY: You're welcome.

11 CHAIRMAN BORST: Who's next on the team? We  
12 will move to Eric now.

13 ERIC HALSTROM: Chairman Borst, Members of the  
14 Commission, first of all, congrats to Hoosier Park  
15 on a terrific season. It's not easy out there  
16 these days. I guess that's a good way to walk into  
17 the part where I'm going to tell you a really great  
18 story about the recently concluded 2023 season  
19 here, which was just spectacular by any measure.

20 I think there's two things that we start with  
21 here that I would like to take a moment to brag  
22 about. The first is our team. We've got a group  
23 of people here. You've got pictures in there of  
24 different things of different positions and  
25 whatnot. Trust me when I tell you that team could



1 go anywhere in the country and make a racetrack  
2 better. They're just doing amazing work.

3 The other part, I would like to brag about our  
4 horsemen a little bit because this was a year of  
5 where I have been in my fourth season of watching  
6 racing. I was a customer of yours before I came  
7 here. I bet on horses on the weekend. I was  
8 always betting on horses through Indianapolis --  
9 was it Grand at the time? Yeah, it was Grand.

10 EXECUTIVE DIRECTOR PITMAN: Indiana Downs.

11 ERIC HALSTROM: Downs, Grand, I've bet through  
12 them all. The racing has never been better than it  
13 is right now. It's competitive. Indiana horses  
14 have gotten better. They compete with open horses  
15 much better than they used to. The horses coming  
16 up from Kentucky and different places are coming  
17 from stables that are very renown. They've had  
18 success all over the country. We had an Indiana  
19 bred go and win graded stakes races across the  
20 country this year.

21 I can tell you as I watch, the horsemen here  
22 have improved over the years. And we're getting to  
23 the point now where it's just a matter of how high  
24 this is going to go. I really do believe we're  
25 just kind of seeing the start to what it can

1 actually be.

2       When you think about horses leaving our  
3 racetrack and going to different places, there was  
4 a horse, an Indiana bred that won at Keeneland a  
5 couple weeks ago when they were running. This is  
6 that type of progress, and I appreciate what our  
7 horsemen have done for our product. Without that,  
8 I don't think you would see some of the successes.

9       Joe talked a little bit about the Thoroughbred  
10 industry. It's not been a bed of roses and  
11 rainbows and everything this year. It's difficult.  
12 The industry is down about 5 percent. We talked  
13 about we have Quarter Horse racing here too. You  
14 combine Thoroughbred and Quarter Horses, and that  
15 handle is down about seven or eight percent across  
16 the country right now. For us to be up 23 percent  
17 is something I'm very proud of.

18       Brian Elmore and I talk a lot. He understands  
19 our business. He understands how difficult  
20 sometimes it is to improve things. And we've also  
21 seen a lot together over the years. We're both of  
22 the same opinion that this year was remarkable in  
23 terms of our business success.

24       Just for example of how this has gone, the  
25 North American pools that you see on TV or on the

1 tote board, whatnot, we took that number from last  
2 year at 228 million to 279 million this year.  
3 That's a 23 percent increase. Our goal was 250.  
4 In the racing teams, we talked about breaking a  
5 quarter billion this year. That's what we wanted  
6 to do. Well, we got there before we hit a month  
7 left in the meet. It was just a very good story.

8 The other piece I would like to, and I've  
9 mentioned a couple times, but we're just getting to  
10 see what this can possibly be is our international  
11 business, which this was really our first full  
12 year. Last year we just kind of dipped our toe in  
13 the water to figure out what it was like.

14 Our business has gone to Europe this year, and  
15 it has changed things a lot. Last year we think it  
16 was about 7 million in handle. That's what we  
17 estimated at the end of the meet. We won't get  
18 final numbers in. They're a little slow to report.  
19 However, my guess is that we're going to be  
20 somewhere around 40 million this year. And that's  
21 obviously a very significant increase. When you  
22 put those two numbers together, we've gone well  
23 over 300 million for total handle on a racetrack  
24 when in 2019, that number was 151 million. More to  
25 come on that.

1 I think Joe and I are pretty bullish on the  
2 fact that there's more out there internationally  
3 that will help us. They pay. They pay it towards  
4 purses. They help us pay for the electric bills  
5 too. There's a lot out there. That's some of the  
6 things we're doing.

7 Deena mentioned about what we're trying to do  
8 here though. One of the things that Tammy and I  
9 are most proud of because there's plenty of  
10 Saturday mornings in the winter she and I are  
11 sitting at a contest table with who drew the short  
12 straw. It seems to even out most of the time.  
13 We're out there with our customers downstairs in  
14 the OTB trying to make sure that we're keeping good  
15 customers here, customers that help the business,  
16 help purses and whatnot.

17 For the second straight year after COVID kind  
18 of, we're completely out of COVID restrictions and  
19 that feeling, we increased our on-track handle on  
20 our live racing again this year by 2 percent.  
21 Doesn't seem like a lot but breaking even would  
22 have been a great number in my mind this year  
23 because that's not the way this business is going.  
24 There's people that come to our racetrack and don't  
25 even bet through our windows. That part has

1 changed too, that number. They'll bring their  
2 computer, their phones. Instead of going to a  
3 window, that's how they bet, which is okay. It's  
4 still going into that pool out there, and we'll  
5 have to live with that.

6 Anytime you can be up, in my opinion now on  
7 track for a meet that's as long as ours, we're  
8 very, very happy that we got there. So Tammy has  
9 more to talk about how we do some of the family  
10 stuff. And I think we're doing a job there you  
11 would be proud of as well.

12 Couple of quick highlights here because I know  
13 we're moving along or want to keep moving along.  
14 I've got to talk about Indiana Derby day. I think  
15 I at least mentioned it briefly before. We set a  
16 record this year with eight and a half million  
17 dollar day. We were live on Fox Sports right  
18 alongside Belmont Park. Belmont's second biggest  
19 day of the year. It was Belmont, then Horseshoe,  
20 Belmont, then Horseshoe. I guess I throw that out  
21 there and think about it this way that it wasn't  
22 Belmont and Kentucky. It wasn't Belmont and  
23 California. It was Belmont and Indiana. And that  
24 to me is one indication of not only have we worked  
25 hard, but our horsemen are doing things that are

1 very, very well accepted around the country at this  
2 point and very well thought of. The quality is  
3 there.

4 Further that, our state championship day  
5 Indiana Champions Day at the end of October set  
6 another record, \$2.6 million in handle, eight  
7 Thoroughbred races, five Quarter Horse races. This  
8 is good racing. This is stuff that is attracting  
9 attention. You can put it out against the  
10 simulcast menu on a Saturday, which is very, very  
11 full, and people are watching. I'm including the  
12 Quarter Horses here because we need to remember  
13 this program is growing and getting better.

14 I had a conversation with Chris Duke the other  
15 morning. We were remarking about how things have  
16 grown. The Challenge Championships that we had  
17 last year, it was a tough event. It was hard. It  
18 was a lot of work, the world championships of  
19 Quarter Horse. It did something for us. It's got  
20 people in the country are thinking about Quarter  
21 Horse racing in Indiana.

22 Their handle increased by 15 percent this  
23 year. That includes what we lost off that  
24 Challenge Day of last year. Not only did we absorb  
25 the big day of Challenge Day losing that this year,

1 but we went up even higher. So there's a lot of  
2 good things happening on the Quarter Horse.  
3 Including if you haven't seen our horse of the year  
4 this year, Redheaded Beach, that little  
5 two-year-old Indiana-bred filly can go anywhere.  
6 They could take her right to Oklahoma or Texas. So  
7 that's how we're keeping this thing moving and  
8 going forward with quality.

9 Miss Pitman and I have had a lot of  
10 conversations about starters per race. We both  
11 think that that's where the future is. We need  
12 horses here whether it's we work hard, and we're  
13 going to keep working hard on the local product.  
14 We need to keep horses coming in from out of state.  
15 Chris Polzin and myself worked with quite a  
16 difficult travel schedule over the winter.  
17 Sometimes you come home, you think not much  
18 happened there, but in the end it is working. Both  
19 the Thoroughbreds and Quarter Horse starts per race  
20 were up this year, just slightly. However, if you  
21 look at it versus the industry trends, it's a very  
22 good story, and something we'll keep going.

23 Joe and I will be in Arizona next week talking  
24 to a couple horsemen who may be moving out of  
25 Arizona next year. And then I'll be in Oklahoma

1 the week after that with the same purpose in mind  
2 just keeping this thing going the right way.

3 We hired a turf superintendent this year who's  
4 done a spectacular job. We raced 248 turf races,  
5 all time record. Thirty more than last year. Kept  
6 the turf course open until -- we wanted to go  
7 through closing day. It rained on closing day so  
8 we didn't make it, but point being, there's a lot  
9 of years that turf was done the beginning of  
10 October. That turf course for handle and business  
11 and for purses is one of the most effective things  
12 we've got for customers. They love turf racing.

13 You can trust us with safety. I mentioned  
14 before in 2022, the investments we made in tractors  
15 and harrows, employees and different things have  
16 really worked. 2022 our safety record, statistics  
17 are kind of fuzzy, but Tim Lambert, our attorney,  
18 and I were comparing notes the other day. We  
19 believe we had the best safety record in the  
20 country in 2022. We won't know for six months how  
21 we stack up in 2023. But I can tell you we will be  
22 very close to the top. I can tell you we had  
23 another good year in terms of injuries.

24 COMMISSIONER LEVENGOOD: Are you calculating  
25 that on the numbers of starts?



1           ERIC HALSTROM: Yes, sir, injuries versus  
2 number of starts. We start talking about, we had a  
3 bunch of fun out here. It's one of the reasons why  
4 I talk about our team and I'm so proud of it. We  
5 are coming up with ideas and doing different  
6 things. We had the drone show this year. It was  
7 short, but it was cool. And we packed the apron  
8 with it. We're thinking about different things.

9           Peyton Manning came here. Everybody was star  
10 struck, and it was great. There's things like that  
11 where I feel lucky that Tammy and her team just  
12 don't stop trying.

13           Since the last time we met in October, I want  
14 to tell you we had a very successful Veterans Day  
15 that's important to a lot of us here on our staff.  
16 Some of us have served. Our security department is  
17 filled with veterans, who are very important. We  
18 have a race name for our security department. One  
19 of our staff, Valerie Riggs, came up with an idea  
20 for saddle towels. If you haven't seen it on that  
21 day, this is what they look like. This is what I'm  
22 talking about creativity within our team just  
23 trying to figure out ways to show off our product,  
24 show off our horses for people around the country.

25           This was a saddle towel from that day. You

1 can see what we did. We had a race name for --  
2 every race was named for a veteran. Most of them  
3 were able to be here. A few were posthumous. It  
4 was a great day.

5 These saddle towels have become a social media  
6 buzz. We give away a lot of stuff, T-shirts, hats,  
7 different things. People they will re-tweet  
8 anything for a hat. If I can tell you what people  
9 want, what this thing is going for, we will find  
10 the time. But the proceeds for this saddle towel  
11 and a few others will go to that Helping Veterans  
12 and Families downtown. That's where we donated all  
13 our money from the proceeds this year. Over the  
14 last couple years, we've raised a little over  
15 \$15,000 for that organization. Super great bunch  
16 of people.

17 I'm going to leave Tammy to talk about next  
18 year, but a reminder to everybody, the meet looks a  
19 lot in '24 like it does this year. We don't want  
20 to get too far off of things. However, we will  
21 start early this year, 2024 on solar eclipse day.  
22 Fairland is -- what's the word -- the epicenter,  
23 but I don't think that's -- maybe it is, maybe it  
24 isn't, but you get the gist of what I'm trying to  
25 say. There's going to be 100,000 people in the

1 area.

2 We're talking about, already talking about  
3 what we're going to do. Expect to see some funky  
4 glasses that will probably make it's way to the  
5 internet as well. But that Monday, April 8th, we  
6 have a pretty cool plan that's almost -- we're 50  
7 percent there. When we get to the March meeting,  
8 we will have more details.

9 We will probably take a break for an hour, let  
10 it get dark, have some fun. That whole weekend we  
11 have some different things planned for the  
12 community and make sure that we're keeping people  
13 thinking about Horseshoe during the time when it's  
14 kind of cool around the area.

15 I can come back for questions. I can let  
16 Tammy go, whatever you would like to do. I'll let  
17 Tammy come up next.

18 TAMMY KNOX: My name is Tammy Knox. I am the  
19 race marketing manager here at Horseshoe  
20 Indianapolis. What a year it's been at the  
21 racetrack. We've had a lot of successes. And  
22 everybody always kind of like looks at our big  
23 events, but I was very proud of our small events  
24 this year. In August alone, every Saturday we had  
25 some kind of fundraiser connected to our racing

1 programs. And we raised money for Empire of Hope,  
2 which was our version of the Thoroughbred aftercare  
3 programs. And we also raised money for the Indy  
4 Humane Society. They brought out their pet  
5 adoption wagon for that day.

6 We also raised money for the permanently  
7 disabled jockeys. That's whenever Peyton Manning  
8 was here. We were able to secure him through our  
9 corporate office. Our corporate office arranged  
10 that deal. So that was a way that we collaborated  
11 with them to come in.

12 Earlier in the year we also brought 13  
13 bicycles into kids in Shelby County from Dakich  
14 Cycles for the City. He came out, did an  
15 appearance, had a very good response to that. So  
16 it's kind of the smaller events that I really enjoy  
17 and kind of really take pride in because our big  
18 events, they sell themselves.

19 We've done very well with our Indiana Derby  
20 and our Indiana Champions Day. Caesars Stakes Day  
21 has become one of our bigger handle events. That's  
22 in mid May. Then we found another weekend, the  
23 first Wednesday in October has become our Hoosier  
24 Day. And it features a lot of our horses here in  
25 the state in premier races. So that's turned out

1 to be kind of a surprise. That was a home run for  
2 us.

3 Looking at advertising, I wanted to kind of  
4 touch base on that a little bit. In 2023, we added  
5 CBS. We had not done any previous advertising with  
6 them. We had so much success with the others on  
7 ABC and NBC and Fox, we decided to add CBS. That  
8 was a big boost for us. We got great numbers back  
9 from them. They provide us with viewerships and  
10 how many hits they get on their social media, which  
11 their social media is way beyond what we could  
12 offer here. That was a big boost for us.

13 We continued to do advertising with TVG, which  
14 continues to be one of our biggest sources for the  
15 simulcast crowd. And then we also have a lot of  
16 partnerships throughout the industry with Horse  
17 Racing Radio Network, Steve Biggs at the Races and  
18 on and on. We try to spread out our advertising,  
19 but we have shifted it around a little bit for '23.  
20 And we seem like we found a pretty good formula so  
21 we're going to stick with that in 2024.

22 For that, one of our other partnerships with  
23 Caesars, Joe Morris was able to secure 20 seats to  
24 the NHC finals that will come up in March of 2024.  
25 We've had several additional handicapping contests

1 that has brought people to our facility. We had  
2 one on Friday before Indiana Derby, and then we had  
3 one on Indiana Derby Day. We had well over a  
4 hundred entries in both of those. That is in  
5 addition to the one we have in December that's  
6 actually this Saturday. We generally have about  
7 115, 130 entries for that as well.

8       These are people that have to come into  
9 Indiana. They have to stay all night. They have  
10 to be on property here. I think one of the  
11 greatest things about that is it brings the focus  
12 to people that normally maybe wouldn't even be  
13 considering Indiana. Now we've become their focus.  
14 We've become -- I get calls all the time from  
15 people that want to come in. So that's been a big  
16 boost for us. And Joe has secured that for us in  
17 2024 as well. We will be doing it again next year.

18       As far as other events that we have going on,  
19 we did the Grayson Grass Challenge. It was our  
20 fourth or fifth year for that. And it spanned over  
21 five weeks in August. And we were able to have  
22 eight nationally known handicappers. They  
23 volunteered their time. We provided the money, and  
24 they made wagers on the turf races. And then we  
25 accumulated that money. We set a new record this

1 year. We were able to donate with our donation  
2 over \$9,000 to the Grayson Equine Research out of  
3 Lexington, Kentucky. We're pretty proud of that  
4 too.

5 The racing organizations, we have partnered  
6 with them on several events this year. We have a  
7 great working relationship with Indiana HBPA, the  
8 Quarter Horse Racing Association of Indiana, and  
9 also the Indiana Thoroughbred Owners and Breeders  
10 Association, and the Indy Thoroughbred Alliance.  
11 We did several projects with them throughout the  
12 year. We want to continue that. We've got a great  
13 partnership with them.

14 Caesars Rewards, Caesars Sportsbook, and the  
15 Caesars Racebook, that is now part of our globe of  
16 things that we can pull from. That should even  
17 enhance us even more as those programs get off the  
18 ground and get more committed with some racing  
19 projects that they have going on.

20 We had Road to Louisville. Eric kind of  
21 touched on that a little bit. We kick off our  
22 season. It will start January 20th, I believe,  
23 in 2024. It goes all the way to Kentucky Derby.  
24 This was the second year that we had completed it.

25 The first year the guy won a horse so he got

1 to go to the ITOBA sale. He actually bid on a  
2 horse. And that horse made it to the races this  
3 year. It didn't make a lot of money, but it did  
4 race. But the good thing about all this, at the  
5 end of the meet, the contract terminated. He  
6 remained as a 10 percent owner of that horse.  
7 We've generated one new owner. But we've got a new  
8 guy, Tom Congalosi who won the contest in 2023. He  
9 went to the sale this fall. He bought a horse.  
10 That horse is in training with Tim Eggleston now.  
11 So we're excited to see how that horse does next  
12 year. That's been kind of a cool thing that Eric  
13 Halstrom actually came up with the concept, and  
14 then we kind of rolled with it. That's pretty  
15 cool.

16 We talked about Veterans Day. I don't want to  
17 repeat anything. Of course, now we're getting  
18 ready for the eclipse. So this has been a gift  
19 that has been given to us. We're going to start  
20 racing on that day. We're going to have all kinds  
21 of activities, as Eric mentioned. That gives us an  
22 extra day to showcase our racing here in Indiana.

23 With that, we've already decided on our theme  
24 for 2024. It's going to be Racing With The Stars.  
25 We're going to kind of play off of the eclipse that



1 kicks off our season. So we'll get started with  
2 that on April the 8th. Do you have any  
3 questions?

4 CHAIRMAN BORST: Anybody have any questions?  
5 I guess you did a good enough job, you don't have  
6 any questions.

7 TAMMY KNOX: Did you have a question about the  
8 budget?

9 COMMISSIONER LEVENGOOD: Do you want to tackle  
10 some?

11 TAMMY KNOX: I'll try.

12 COMMISSIONER LEVENGOOD: It looks to be flat.  
13 I'm just asking if that's your overall plan. I'm  
14 assuming as a marketing person, you're bugging your  
15 GM for more money. It appears to me if it was like  
16 a million-49, a million-499, a million-491, and  
17 then this year it's a million and a half. That  
18 just -- my marketing people are always just asking  
19 for more money. Somehow you're either doing a  
20 great job of beating it down, or they don't need  
21 more money. Tell me what you think about that.

22 TAMMY KNOX: I think it's mandated we have to  
23 spend 1.5 million. I believe so because it had to  
24 be 10 percent over what we did in 2019, which  
25 was --

1           COMMISSIONER LEVENGOOD: It was a million  
2 three.

3           TAMMY KNOX: Yeah. We try to meet that  
4 target.

5           COMMISSIONER LEVENGOOD: I'm new to this game.  
6 So what you're suggesting is within your mandate,  
7 you have a prescribed amount that you must spend.  
8 You can spend more than that but not less than  
9 that.

10          TAMMY KNOX: Yes, that's correct. We probably  
11 are going to go a little over 1.5 million, I hate  
12 to say that, for this year. We had to report these  
13 numbers for the report at the beginning of  
14 November.

15          COMMISSIONER LEVENGOOD: That helps me  
16 understand. It appears the one item, the one you  
17 spoke of, which is what I call paid advertising, is  
18 the one that is going down where all the others  
19 are. So somebody is tugging and warring all those  
20 numbers. I assume that's you.

21          TAMMY KNOX: Yeah, it is. I kind of took a  
22 little bit of money out of advertising, I believe,  
23 for the eclipse because that's going to be an event  
24 that we didn't have to budget for in 2023. So for  
25 2024, I think you'll see a little bit of a shift in

1 some money.

2 COMMISSIONER LEVENGOOD: I'm a numbers guy.  
3 Your actuals in 2022 was 774, and you're budgeting  
4 six-seven so that's a 13 percent decrease. Things  
5 aren't getting cheaper.

6 TAMMY KNOX: No, they aren't. We shifted some  
7 focus in different areas. We had to -- actually,  
8 we had to have more money because we had the  
9 July 4th this year. We had the drone show. So  
10 that was another collaboration with corporate so we  
11 had to push some more money over into promotions to  
12 cover those costs.

13 COMMISSIONER LEVENGOOD: Thank you. That  
14 answers the question. That was a good answer.  
15 Thank you.

16 TAMMY KNOX: All right. With that, I'm going  
17 to call up my boss Brian Lewis. He will talk about  
18 our community engagement.

19 COMMISSIONER LEVENGOOD: You're off the hook.  
20 She did great.

21 CHAIRMAN BORST: We won't tell him that you  
22 may go over budget. Nobody is listening.

23 BRIAN LEWIS: I didn't hear anything. My name  
24 is Brian Lewis, director of marketing here at  
25 Horseshoe Indianapolis. Mr. Levengood, I think I

1 might have been part of the confusion. I  
2 contributed to that. This time last year I was at  
3 Hoosier Park. So that might have caused some of  
4 the confusion earlier.

5 I briefly want to talk --

6 COMMISSIONER LEVENGOOD: I'm assuming that's a  
7 promotion. Congratulations.

8 BRIAN LEWIS: It was lateral but still thank  
9 you. Got me closer to home.

10 COMMISSIONER LEVENGOOD: That's gas money.

11 BRIAN LEWIS: Correct. So briefly just talk  
12 about community impact at Horseshoe Indianapolis.  
13 We spent \$525,000 this year within the local  
14 community, 414 of that was within Shelby County,  
15 and 70,000 of that was in the equine community.

16 Just a couple quick call outs I wanted to  
17 make. One of the first ones I did when I got here  
18 was at the Boys and Girls Club and Girls Inc. here  
19 in Shelbyville. We donated \$25,000 to each of  
20 those entities. There was about 15 or 20  
21 management members there. And we did cleaning,  
22 painting. My family and I swapped out ceiling  
23 tiles. We just did a lot of projects around their  
24 properties to help them get in better shape.

25 Recently we donated two almost brand new

1 shuttle buses to those same entities. I think they  
2 had less than 20,000 miles on them. So each of  
3 those entities also got a shuttle bus. They were  
4 both immensely thankful for both of those donations  
5 and everybody involved.

6 COMMISSIONER LEVENGOOD: Were they shuttle  
7 buses from here?

8 BRIAN LEWIS: Yes. We had actually bought  
9 them just before -- okay. Yeah, so nearly brand  
10 new because we didn't use them.

11 Another call out I want to make, and it's not  
12 so much a Horseshoe Indianapolis one but a Caesars  
13 one that we are also involved in. Caesars is title  
14 sponsor for Jockeys and Jeans, held an event at  
15 Caesars Palace this year that generated \$424,000.  
16 That was outside, obviously, of our, you know,  
17 \$525,000 spend. So I thought that was a pretty  
18 good one to call out.

19 Another call out, go back real quick on those  
20 shuttle buses, those donations did not get  
21 calculated into the 525. That was in addition to.  
22 And then really the last one I want to call out is  
23 we did 514 hero hours this year, which is where we  
24 are out in the community donating our time like  
25 what I just spoke about with the Boys and Girls

1 Club and Girls, Inc.

2 That's all I really have for today. If you  
3 have any questions for me or the property, I'm  
4 happy to help.

5 CHAIRMAN BORST: Anybody else? I guess not.

6 BRIAN LEWIS: Thank you very much.

7 CHAIRMAN BORST: So that's the Caesars 2024  
8 plan, plus a wrap-up of this year.

9 EXECUTIVE DIRECTOR PITMAN: Chairman, I do  
10 have a couple questions I want to ask real quick.

11 CHAIRMAN BORST: Yes.

12 EXECUTIVE DIRECTOR PITMAN: It's just for  
13 generic information. I have no idea who wants to  
14 tackle it, whether it's Rick or Eric or someone  
15 else over there. But just for some general  
16 information for the Commission, where does the  
17 majority of handle come from? I know.

18 RICK MOORE: For both properties, it's export  
19 handle all the different outlets throughout North  
20 America. Eric goes international. We go to  
21 Australia. It's definitely export. So 96 percent  
22 at both tracks is export handle.

23 EXECUTIVE DIRECTOR PITMAN: How much goes to  
24 the purse account?

25 RICK MOORE: We average, at both tracks the

1 average commission we get on our simulcast dollars  
2 is 4.3 percent. It's by contract at both  
3 properties. There's some daily expenses that come  
4 out of that. But then after that, we split 50-50  
5 with the horsemen, whether it be the HBPA here or  
6 the ISA at Harrah's Hoosier Park. We split 50-50  
7 on all our simulcast dollars.

8 EXECUTIVE DIRECTOR PITMAN: And so how much  
9 does Caesars retain? Is that the 50?

10 RICK MOORE: It's, like, 2.15 percent for each  
11 entity, 2.15 percent for us at Hoosier, pardon me,  
12 Horseshoe Indianapolis and 2.15 for the HBPA or the  
13 ISA.

14 EXECUTIVE DIRECTOR PITMAN: Thank you.

15 CHAIRMAN BORST: Anything else from staff? Is  
16 there anybody -- everybody has sat here so quietly  
17 and patiently. Is there anybody here from the  
18 public who wants to speak to the plan? I presume  
19 you have been talked to about it at some point,  
20 have a part in it working collaborative, as we've  
21 heard. I guess not.

22 EXECUTIVE DIRECTOR PITMAN: I was thinking  
23 that Ernie was maybe going to say something.

24 ERNIE GASKIN: Ernie Gaskin, Indiana  
25 Standardbred Association director and Hambletonian

1 Society director. Thank you. I will make it short  
2 and sweet. We're your partners. Harrah's and  
3 Caesars and everybody involved in the specialty  
4 nights did an overwhelmingly fantastic job. For  
5 Indiana to step up as the title sponsor, Indiana  
6 Standardbred Association and breed development was  
7 monumental nationally. Fantastic. It made the  
8 state look really, really proud of their racing.

9 The ISA helped a lot of it, as Rick and  
10 several queued on. The ISA was there through it  
11 all. It was our brainstorm, the owners VIP. We  
12 thought if we got to the owners and got them back  
13 out to the track, which would help answer how we  
14 try to get new people involved. We're starting  
15 with our owners. It was a battle. We got it done.  
16 Thank you, Caesars. They understood the importance  
17 of our mission.

18 The outdoor patio was a brainstorm with Tony  
19 along with Rick Moore. Fantastic use of that  
20 money. The Breeders Crown sponsorships, the ISA  
21 jumped in huge. I don't know what the split was.  
22 Don't really care. We sold a lot of it. We sold a  
23 lot of the sponsorship.

24 Volunteers for the Breeders Crown, the  
25 staffing questions going in, Chandler, Jeremy,



1 Emily, everybody was part of it. You just wouldn't  
2 believe the hours they put in. But I think what  
3 made it special was the fact that they were people  
4 that really believed in what we were doing so they  
5 volunteered their time. All the director's wives,  
6 the Harness Horse Youth Foundation, these people  
7 all put in three or four days of work just to help.  
8 That was very, very important. I want to recognize  
9 all the volunteers.

10 The record handle and the record purses is  
11 absolutely correct, but you've got to understand  
12 the whole picture here. We were working, as far as  
13 our purses go, with a \$4 million reserve. I don't  
14 know if you knew that after COVID. Our overnight  
15 program in order for our race secretary to remain  
16 competitive nationally has used three quarters of  
17 that reserve. The Indiana Standardbred  
18 Association, Rick Moore, Joe Morris have met  
19 multiple times about it. We're on it, but it's  
20 something we're going to have to deal with.

21 The reserve is going to last one more season.  
22 Although our state program and our Indiana sired  
23 program is very safe, the money is allotted. It's  
24 there. The overnight purses are affected directly  
25 by what we handle, how we do it and so on. So if

1 our reserve is gone, we're not going to be able to  
2 maintain at this level in the overnights. That's a  
3 big issue for us.

4 The record handle is due to a great product,  
5 fantastic marketing, and a lot of races.  
6 Unfortunately, the purse account receives the less  
7 there, much like Deena touched on. That technology  
8 is hurting live racing. We know that. We're not  
9 stupid. How do we grab hold of that? How do we  
10 use it to our advantage? You mentioned that. How  
11 do we get new owners out there? I challenge breed  
12 development to come back up with a new owners  
13 program to teach people what it's like to own a  
14 horse.

15 My business protocol was me and three of my  
16 partners invested \$10,000 25 years ago, two lawyers  
17 and a doctor. One has passed. We're still playing  
18 with house money. Twenty-five years. The horse  
19 business is a business. And treated like such, we  
20 should be able to get some more investors. We're  
21 lacking in that area tremendously.

22 The trend that is probably bothering me the  
23 most, as you know in our split 12 percent from the  
24 casinos, God bless them, 8 percent on track. The  
25 five percent we get to split many different ways.

1 Means nothing really to purses, peanuts.

2 So the casinos, I told Joe we'll help hand out  
3 brochures if we have to, the horsemen. No trouble.  
4 We understand where our money comes from. The  
5 trend that's alarming us is the on track is down  
6 five percent last year. The prediction is to be  
7 down 4 percent more with the convenience of  
8 gambling and technology. This is really going to  
9 affect our purses.

10 And what I wanted to -- one thing that Hoosier  
11 did do, and Emily and them have done is try to  
12 reach out with the First Turn Stable. That is our  
13 bridge to the public to try to come see what it's  
14 like to own a horse. Hoosier Park pays all the  
15 freight, but they get the paperwork. That's  
16 supposed to be the bridge. We've gotten a few from  
17 that but not really what we would like with what  
18 Hoosier Park is putting in in promotions and  
19 marketing. We had hoped some more owners would  
20 come out of that.

21 So the battles continue. The export signal is  
22 what it is. The First Turn Stable is what it is.  
23 Business investments are what they are. But the  
24 battles are real. We have all shared in fantastic  
25 handles and fantastic races. We've got some

1 serious issues coming up. And we're going to need  
2 a lot of help. So thank you very much.

3 CHAIRMAN BORST: Thanks, Ernie. Anybody else  
4 have anything to say? Any questions from  
5 Commission members? Hopefully we still have  
6 Commissioner Estes and Pillow still here. If not,  
7 I guess we need a motion to approve the operational  
8 plan for 2024.

9 MR. ROTHENBERG: Mr. Chairman, if I could  
10 interject something. There are two things that are  
11 missing out of the operational plan. So I would  
12 ask if you do make the motion --

13 CHAIRMAN BORST: Oh, the contracts.

14 MR. ROTHENBERG: -- to be contingent upon  
15 reception, right, from ISA and HBPA.

16 CHAIRMAN BORST: The only contract we have is  
17 the Quarter Horse.

18 MR. ROTHENBERG: Yes, sir.

19 CHAIRMAN BORST: But we can still vote on the  
20 plan.

21 MR. ROTHENBERG: Just make it contingent upon  
22 reception of those.

23 CHAIRMAN BORST: Which I'm sure, like I heard,  
24 they're coming soon. How about a motion to  
25 approve?

1 COMMISSIONER ESTES: I move approval.

2 CHAIRMAN BORST: Second?

3 COMMISSIONER PILLOW: I second.

4 CHAIRMAN BORST: All right. Good. Any  
5 further discussion? If not, let's have a roll call  
6 vote.

7 MR. EGGIMAN: Chairman Borst.

8 CHAIRMAN BORST: Aye.

9 MR. EGGIMAN: Commissioner Pillow.

10 COMMISSIONER PILLOW: Aye.

11 MR. EGGIMAN: Commissioner Estes.

12 COMMISSIONER ESTES: Aye.

13 MR. EGGIMAN: Commissioner Levengood.

14 COMMISSIONER LEVENGOOD: Aye.

15 CHAIRMAN BORST: We've been going almost two  
16 hours here or three hours here. Why don't we take  
17 a real ten-minute break, and we'll come right back.

18 (A brief recess was taken.)

19 CHAIRMAN BORST: Next on the agenda is review  
20 and consideration of license renewal applications  
21 for 2024 secondary pari-mutuel organizations, SPMO,  
22 of the following companies: Churchill Downs  
23 Technology Initiatives, d/b/a TwinSpires;  
24 Television Games Network, d/b/a TVG Network owned  
25 by FanDuel; Premier Turf Club, d/b/a BetPTC;

1 Xpressbet, subsidiary of Stronach Group Company;  
2 AmWest Entertainment; New York Racing Association,  
3 d/b/a as NYRA Bets; and PENN ADW LLC, d/b/a as  
4 Hollywood Races. It's amazing how they have to use  
5 all these other d/b/a names.

6 Dale, are you going to take this one and tell  
7 us where we're at?

8 MR. PENNYCUFF: Yes. Commissioners, at last  
9 years meeting on December 6, you unanimously voted  
10 to approve the licenses of the SPMOs listed at A  
11 through G on this agenda item. The license term is  
12 one year.

13 Commission staff has reviewed each of the  
14 renewal applications and determined that they were  
15 substantially compliant with IHRC regulations.  
16 Additionally, staff has continued its contract with  
17 the Thoroughbred Racing Protective Bureau who  
18 review daily wagering data provided by each of the  
19 SPMOs. TRPB allows the review of daily wagering  
20 data on a granular level closer than ever before.

21 Staff has also been in contact with the Oregon  
22 Racing Commission, which has set itself up as an  
23 authority on ADW hub operations, including  
24 conducting audits and maintaining strict licensure  
25 requirements for SPMOs. With that said, each of

1 the SPMOs requesting renewal are in good standing  
2 with the Oregon Racing Commission having completed  
3 their last audits with no problems. Additionally,  
4 TRPB has not notified Commission staff of any  
5 significant issues in wagering data from any of the  
6 applicants. It's suggested they are fit for  
7 licensure.

8 At this time, Commission staff respectfully  
9 requests approval for the SPMO renewals for  
10 Churchill Downs, TVG/FanDuel, AmWest Entertainment,  
11 Xpressbet, Premier Turf Club, the New York Horse  
12 Racing Association, and PENN ADW. The renewal term  
13 is for January 1, 2024, through December 31, 2024.

14 Commission staff also requests that the  
15 approval of the renewal applications contain the  
16 additional condition of the SPMO's continuing  
17 willingness to cooperate and provide information to  
18 the Commission and Commission staff as requested.

19 CHAIRMAN BORST: So we need a motion, I guess,  
20 to approve all seven of these. We can do them all  
21 at once?

22 MR. PENNYCUFF: Correct.

23 COMMISSIONER ESTES: I move approval of all  
24 seven of these application renewals.

25 CHAIRMAN BORST: Second by somebody?

1 COMMISSIONER LEVENGOOD: Second.

2 CHAIRMAN BORST: There we go. Okay. No  
3 further discussion, then I guess we will do the  
4 roll call vote.

5 MR. EGGIMAN: Chairman Borst.

6 CHAIRMAN BORST: Aye.

7 MR. EGGIMAN: Commissioner Pillow.

8 COMMISSIONER PILLOW: Aye.

9 MR. EGGIMAN: Commissioner Estes.

10 COMMISSIONER ESTES: Aye.

11 MR. EGGIMAN: Commissioner Levengood.

12 COMMISSIONER LEVENGOOD: Aye.

13 CHAIRMAN BORST: Passes unanimously.

14 Next on the agenda is consideration of Caesars  
15 debt financing activity request dated November 13,  
16 2023, pursuant to IHRC rule. David, do you want to  
17 start that off?

18 MR. ROTHENBERG: Yes, thank you. So basically  
19 you see in your booklet an email that came from  
20 Sara Tate, who represents Caesars, regarding a  
21 request for approval of refinancing. Now,  
22 something similar to this we approved back in  
23 March. And I believe Deena probably approved it,  
24 and then you went ahead and ratified it.

25 This time it came so close to the Commission



1 meeting, we're just going to ask the Commission to  
2 approve it now. I can tell you that there is not a  
3 lot of detail material in here only because at this  
4 point it's confidential due to some filings that  
5 are, I guess, in process. And Tim Lambert can talk  
6 to that if you have questions.

7 I can tell you that, excuse me, the gaming  
8 commission has given interim approval. Again  
9 because of the timing, their commission hasn't met  
10 yet to ratify their director's approval on that.  
11 But, you know, I anticipate that's going to happen.  
12 If you've got any questions again, Tim.

13 CHAIRMAN BORST: Do any Commission members  
14 have questions? I realize a lot of the information  
15 is confidential. I don't think I saw anything in  
16 there adverse. I don't see any. You're off the  
17 hook. Your answer could always be, well, it's  
18 confidential. You had the easiest one of all.

19 Seeing no discussion, how about a motion.

20 COMMISSIONER ESTES: I move approval.

21 COMMISSIONER PILLOW: I second.

22 CHAIRMAN BORST: Been moved and seconded. Any  
23 further questions? Seeing none, roll call vote.

24 MR. EGGIMAN: Chairman Borst.

25 CHAIRMAN BORST: Aye.

1 MR. EGGIMAN: Commissioner Pillow.

2 COMMISSIONER PILLOW: Aye.

3 MR. EGGIMAN: Commissioner Estes.

4 COMMISSIONER ESTES: Aye.

5 MR. EGGIMAN: Commissioner Levengood.

6 COMMISSIONER LEVENGOOD: Aye. When does it  
7 become not confidential?

8 MR. HENDRICKS: Hi, good afternoon. Jeff  
9 Hendricks, assistant general counsel for Caesars  
10 Entertainment. So for a company of our size to do  
11 certain financing activities, we have to make SEC  
12 filings. So what we're looking to do is attain  
13 approval to conduct these activities in the future.  
14 Once the time would be determined becomes more  
15 clear, then we would issue the relevant SEC  
16 filings. So essentially we'll issue a report with  
17 a full description to be applicable to investors as  
18 it gets closer to the transaction.

19 COMMISSIONER LEVENGOOD: That was a great no  
20 answer. Give me some wild guess. Is this in  
21 January or next December?

22 MR. HENDRICKS: I would be happy to walk you  
23 through some of the details in front of it as  
24 confidential as possible. All that material has  
25 been made available to staff. We do have a range

1 of time frames that we're looking for. We haven't  
2 made those dates available to the market yet so I  
3 don't want to make a statement here.

4 COMMISSIONER LEVENGOOD: I got it. Thank you.

5 CHAIRMAN BORST: Plead the Fifth.

6 COMMISSIONER LEVENGOOD: You did pretty good.

7 CHAIRMAN BORST: Thank you. I think we  
8 already did it. We had a motion, and we did the  
9 roll call too. You're messing me up here. It  
10 doesn't take much.

11 COMMISSIONER LEVENGOOD: I thought it was a  
12 legitimate question.

13 CHAIRMAN BORST: It was. Next one on the  
14 agenda is the easy one, review of the 2023  
15 year-to-date Commission rulings. I don't know if  
16 any Commission members see any that stand out that  
17 you have any questions on. No vote is necessary on  
18 these. If not, then we will move onto --

19 MR. ROTHENBERG: Chairman, real quick to let  
20 you know, procedure wise, from now on at each  
21 Commission meeting, we're going to give you the  
22 year-to-date review. In the past we've given  
23 Commission meeting to Commission meeting. That way  
24 all the dates are encompassed because in the past  
25 there was perhaps because of the timing one or two

1 days that weren't included in those particular  
2 reports. So by giving you year-to-date at each  
3 Commission meeting, every ruling is there. Nothing  
4 gets missed.

5 CHAIRMAN BORST: Plus it's good to know if  
6 somebody that has been in there more than once.  
7 Okay.

8 Next is status update regarding the 2024 breed  
9 development committee programs. Jessica Barnes is  
10 going to do her puzzle putting together magic  
11 again.

12 JESSICA BARNES: Good afternoon. You have in  
13 front of you the 2024 proposal from the  
14 Standardbred Breed Development Advisory Committee.  
15 And this, the breed development committee hosted  
16 public meetings to craft the proposal that is in  
17 front of you. The proposal you see is a result of  
18 cooperation between the committee, Hoosier Park,  
19 the ISA, and from the horsemen who attended those  
20 meetings.

21 The program pretty much mirrors the program we  
22 had this year with a few enhancements that were  
23 brought up during those meetings that we decided to  
24 address. The first one -- I'll just outline the  
25 brief changes in the proposal from the previous

1 year's program -- is the purses for the Indiana  
2 Sires Stakes consolation races, which the Indiana  
3 Sires Stakes is our premier program for the  
4 Standardbred program. It is our best horses that  
5 are racing in the state.

6 The consolation has been contested at \$25,000.  
7 That consolation is boosted to \$50,000. So the  
8 consolation is for the horses that don't make it  
9 into the \$250,000 championship. There was some  
10 discussion about needing to increase those purses  
11 to keep those next tier of horses involved and  
12 active. We did make that change.

13 During 2023, a new addition last year was an  
14 Indiana sired fair circuit stop at Hoosier Park.  
15 We wanted to give horses who are racing in our  
16 Indiana sired fair circuit series an opportunity to  
17 go to the pari-mutuel track with the hopes that  
18 that would in turn show some people that maybe I've  
19 got a horse that can race at the pari-mutuel track  
20 because we always want our fairs to be a feeder  
21 system for the pari-mutuel track.

22 Those races are designed for two and three  
23 year olds. It's for horses that are maybe not  
24 developed enough yet. We hope that by getting the  
25 experience at the county fairs, they will

1 eventually be able to compete and feed into the  
2 population of horses at the racetrack.

3 We did that for the first time this past year.  
4 It went pretty well. In our discussions this fall,  
5 one of the things we looked at is because horsemen  
6 who are racing at the pari-mutuel track have  
7 additional costs not associated at the county fairs  
8 is we actually proposed a purse increase for those  
9 races at the pari-mutuel track for the fair  
10 circuit. So instead of those fair circuit purses  
11 being 3800, we are proposing that they be 4200 a  
12 division at the pari-mutuel track to help kind of  
13 offset those costs. It still keeps those purses  
14 where they're not considered pari-mutuel starts of  
15 the horse's earning, which is important for the  
16 people that are racing in those fair races.

17 And then we also looked at our second series  
18 of the fair circuit races, and we made a slight  
19 modification to it. This previous year there was  
20 five starts going to a small final, which had a  
21 purse of \$7,000. The horsemen felt that was better  
22 served to just have an additional start. So we got  
23 rid of that final, and we're just going to have six  
24 second series starts for those horsemen.

25 And the last element that we provided a change

1 to was our Indiana sired late closers at Hoosier  
2 Park. We hadn't touched those purses for several  
3 years. So we made some slight increases to the  
4 purses for the Indiana sired late closers.

5 I would be happy to answer any questions you  
6 have about the Standardbred breed development  
7 program. We think that we've got one of the  
8 greatest programs out there. We had several horses  
9 start in the, start in the Breeder Crown  
10 eliminations and make it to the finals. Didn't  
11 fare quite as well as I hoped we would, but we'll  
12 be back again next year.

13 CHAIRMAN BORST: Any questions from Commission  
14 members about the Standardbred breed development  
15 program? It's a lot of work so you put all those  
16 puzzles together. Anybody from the public to speak  
17 to the program?

18 Okay. Should we go ahead and vote on that one  
19 since we got that one. So I guess we take a motion  
20 and a second for the consideration and approval of  
21 the 2024 Standardbred breed development program.

22 COMMISSIONER ESTES: I would move to approve.

23 COMMISSIONER PILLOW: I will second.

24 CHAIRMAN BORST: Been moved and seconded. Any  
25 further discussion? Seeing none, we go to roll

1 call.

2 MR. EGGIMAN: Chairman Borst.

3 CHAIRMAN BORST: Aye.

4 MR. EGGIMAN: Commissioner Pillow.

5 COMMISSIONER PILLOW: Aye.

6 MR. EGGIMAN: Commissioner Estes.

7 COMMISSIONER ESTES: Aye.

8 MR. EGGIMAN: Commissioner Levensgood.

9 COMMISSIONER LEVENGOOD: Aye.

10 CHAIRMAN BORST: Passes unanimously. Okay.

11 The other three programs.

12 JESSICA BARNES: The next thing that I would  
13 ask is for the Indiana Standardbred Advisory Board  
14 program, which what that program funds is our drug  
15 testing for our county fairs and our operational  
16 funding for the county fairs. That program is not  
17 decided until we know exactly how many days of fair  
18 racing that we're going to have, which does not  
19 happen until the Indiana Association of Fairs,  
20 Festivals, Indiana Association of County Fairs and  
21 Festivals convention occurs the first week of  
22 January. So that's when we set those dates and  
23 finalize that schedule.

24 The Thoroughbred and the Quarter Horse  
25 program, we are working on those. One of the



1 things that I've done the past four years with all  
2 three of these programs, I have asked the  
3 Commission to delegate to the executive director  
4 the ability to approve those programs when we have  
5 those done. We typically have those done middle to  
6 late January.

7 One of the reasons is the Thoroughbred and the  
8 Quarter Horse program has, their purses are tied so  
9 closely to the tracks open purses. For example,  
10 Indiana bred purses are \$2,000 above the track's  
11 equivalent of an open race. So until the track  
12 sets their open purse schedule, it's very difficult  
13 to craft our program. We typically don't have  
14 those numbers until January to have the program  
15 done. And with the Commission sometimes not  
16 meeting until March, it puts it in a little bit of  
17 a bind getting the condition books out and  
18 information about the programs.

19 So I would like to respectfully ask the  
20 Commission to delegate to the executive director  
21 the ability to approve the Standardbred Advisory  
22 Board program, the Quarter Horse Breed Development  
23 program, and the Thoroughbred Breed Development  
24 Program once they are finalized with the  
25 understanding that we will bring those back to the

1 Commission with the final approval from the  
2 Commission.

3 CHAIRMAN BORST: Anybody have any questions  
4 over that? That's what we usually do. I couldn't  
5 state a motion any better than Jessica just did so  
6 if somebody would like to make a motion to what  
7 Jessica said, that's good. We give the executive  
8 director the ability to approve it, and then we  
9 will do it in the next meeting in March or  
10 whenever.

11 COMMISSIONER ESTES: I move to give the  
12 executive director the control and decision. Thank  
13 you.

14 COMMISSIONER PILLOW: I'll second it.

15 CHAIRMAN BORST: Moved and seconded.  
16 Hopefully, everybody knows what we're voting on.  
17 Roll call vote.

18 MR. EGGIMAN: Chairman Borst.

19 CHAIRMAN BORST: Aye.

20 MR. EGGIMAN: Commissioner Pillow.

21 COMMISSIONER PILLOW: Aye.

22 MR. EGGIMAN: Commissioner Estes.

23 COMMISSIONER ESTES: Aye.

24 MR. EGGIMAN: Commissioner Levengood.

25 COMMISSIONER LEVENGOOD: Aye.

1           CHAIRMAN BORST: Passes unanimously. Look  
2 forward to the rest of the puzzles coming together.

3           Next is update on racetrack winter training.  
4 I don't know who wants to go first here, if Eric  
5 wants to go first. Tell us how it went last winter  
6 and how it's looking for next winter.

7           ERIC HALSTROM: Yes, sir, Chairman Borst. So  
8 Eric Halstrom, vice-president general manager  
9 racing here at Horseshoe Indianapolis. Quick  
10 update on winter training. I think this is our  
11 fourth year, third or fourth. It's getting to the  
12 point now where I think we're almost becoming good  
13 at this. And it's become a cooperation.

14           I will tell you when we first started, I think  
15 Brian would back me up on this, I don't think the  
16 first year we had more than 200 horses here at any  
17 time. I think that's right. There was a couple  
18 hundred.

19           The goal of, the intention to keep it open in  
20 the winter was two things; one was to prepare  
21 people to train here for the upcoming meet. It's a  
22 long ways between December and April for that, but  
23 also to have people to be able to ship to Turfway  
24 and Mahoning Valley and different places so they  
25 could race. There was so much success after the

1 first year by the horses that were here over the  
2 five months or whatever it was, that we are now a  
3 full-fledged training center. We have 520 horses  
4 that were allotted stalls this year. That doesn't  
5 include Quarter Horses. I'll get to them in a  
6 second.

7 We have a staff that we've kept year round.  
8 We've hired several year-round employees at this  
9 point. We've got ambulance staff. We've got more  
10 people on Tony's crew.

11 This racetrack freezes. It's made of water,  
12 keeps it safe. When it's 15 degrees like it was  
13 the other night, it freezes. We've learned over  
14 time to try to -- and we're not perfect at it, but  
15 we've learned to try to stay ahead of making sure  
16 the racetrack is safe. The easy decisions are  
17 between when you get below 15 degrees or above 40  
18 because in the area between there, it's either kind  
19 of freezing, or it is freezing. You're working on  
20 it. Tony has a staff that runs over night.

21 There's a tractor going around from eight at night  
22 until eight in morning or whenever we're going to  
23 plan on starting.

24 So we lost training -- an example how we need  
25 to be flexible, we lost training on Tuesday when it

1 got really cold. We scheduled it for Saturday. We  
2 just took that day and moved it to Saturday, kept  
3 five days of training going. As a general rule,  
4 we're training Monday to Friday, weekends off.  
5 Starting gate open three days a week. That seems  
6 to work.

7 As we get closer towards the meet, starting  
8 gate is open the majority of those. We eventually  
9 get back to six days a week of training. Right now  
10 a lot of the horses of the 520 with stalls are  
11 allotted, not all of them are in there yet, but I  
12 expect to see them. By February, it will probably  
13 be pretty darn full.

14 I mentioned the Quarter Horse part. I think  
15 it's good for everybody to know. Chris Duke left,  
16 but through our RCFAC capital, we approved the  
17 winterization of their Quarter Horse barn. They  
18 had very little interest, the Quarter Horse folks  
19 had very little interest in being here over the  
20 winter because there wasn't a racetrack close for  
21 them to train to and try to stay fit.

22 Last year, Kentucky opened up a Quarter Horse  
23 track. I think it's Ashland. I think Ashland is  
24 the area where they opened it up. It now gives our  
25 horsemen an option in February and March to go run

1 some races and get ready for here mostly.

2 We are winterizing that Quarter Horse barn.  
3 Somewhere I would think hoping that by the first of  
4 the year -- it's not a huge project. It's pretty  
5 simple enclosing some areas that were more of a  
6 summer barn type of thing. I would think by  
7 February 1st, mid January, we'll have 80 Quarter  
8 Horses in there as well. We're getting to the  
9 point where we're bigger than many training tracks  
10 around the country at this point. It went from our  
11 little 200 horses and stuff like that to a legit  
12 training center.

13 COMMISSIONER LEVENGOOD: That's a good deal.

14 CHAIRMAN BORST: Questions of Horseshoe?

15 EXECUTIVE DIRECTOR PITMAN: So for the Quarter  
16 Horses, how many stalls will that be?

17 ERIC HALSTROM: Well, their barn is 105  
18 stalls. I don't think we'll get 105 the first  
19 year, but if history tells me anything, as soon as  
20 people saw the success the Thoroughbred folks had  
21 that were here at the beginning, I wouldn't doubt  
22 that barn fills up.

23 CHAIRMAN BORST: All right. Rick and Hoosier  
24 Park.

25 RICK MOORE: All systems are go for winter

1 training at Harrah's Hoosier Park. We have  
2 allotted 234 stalls for winter training. When we  
3 close on December 9th, our final night, we're  
4 going to close the main track December 10 through  
5 Thursday, December 14th. We met with the ISA.  
6 They thought it was a great idea to get the track  
7 in as good a shape as we can get it for wintertime  
8 training. We'll be closing the main surface.

9 The good news is the jog track will remain  
10 open during that time. We'll be training six days  
11 a week, 8 a.m. to noon. The one day we will take  
12 off we will close the track will be Christmas day.  
13 And then we will allow two year olds to come onto  
14 the grounds for winter training starting on  
15 January 1, 2024. And then we will open the track  
16 for stabling and training on March 1st for those  
17 who will be allotted stalls for the 2024 meet.

18 So we're ready to go. We've got all systems  
19 are in place. Everyone has been notified of the  
20 stalls they've got. And bring it on again year two  
21 for winter training.

22 CHAIRMAN BORST: Good. Any questions?

23 EXECUTIVE DIRECTOR PITMAN: Eric, I forgot to  
24 ask you this. It's the same question for both you  
25 and Rick. What are your vet coverage plans during

1 the winter training?

2 RICK MOORE: We're different than the  
3 Thoroughbreds. We have a year-round veterinarian,  
4 Dan Eichhorn. We never have a veterinarian, track  
5 veterinarian during the morning training. We never  
6 have in the history of Harrah's Hoosier Park. Now,  
7 Dr. Eichhorn will be on-call if needed during the  
8 winter, but there won't be any track veterinarian  
9 per se on duty. Never has been for any time of  
10 training during the meet or whenever.

11 EXECUTIVE DIRECTOR PITMAN: But you've had  
12 conversations with him. He's aware of that.

13 RICK MOORE: Yeah, he knows it. He comes in.  
14 You know, if there's an incident now during the  
15 meet, he's right there ten minutes away. He would  
16 be right in. He'll be there to cover whatever we  
17 need done.

18 ERIC HALSTROM: Deena, we actually hired  
19 Dr. Andy Hershey as a full-time staff member. So  
20 he's here year round with us now. Every day that  
21 there's training, Andy is here during those  
22 training hours and generally just tries to be here  
23 a little before. So we have coverage on site every  
24 day.

25 We also have Dr. Mann's practice who is doing



1 work for the horsemen that need help if there's an  
2 issue, but we do have coverage. We have backup for  
3 when Andy needs a week off, Dr. Katherine Naughton,  
4 one of our part-time folks. And even Dr. Michael  
5 Hardy, who's left us full time but is still in the  
6 area and has said that he will fill in when we need  
7 him. So we are covered at all times.

8 EXECUTIVE DIRECTOR PITMAN: Thank you.

9 CHAIRMAN BORST: Thank you. Any other  
10 Commissioner questions winter training? Seeing  
11 none, we have a couple updates to do here,  
12 rulemaking update. David, do you want to tell us  
13 what we have to do in the next five years?

14 MR. ROTHENBERG: I'm going to cut out the  
15 majority of what I was going to say simply because  
16 of time, and I can just send out an email regarding  
17 the new procedures. Needless to say, the two  
18 things that matter now are, number one, it will  
19 take us anywhere from 200 days to a year to pass a  
20 rule. Whereas before, it took us probably less  
21 than 60 seconds. We just stood up and asked for  
22 the rule, emergency rule making.

23 And the second thing is that as far as  
24 readopting rules, now you have to turn into the  
25 legislature before the first of the year in which

1 you are going to readopt rules, a list of rules to  
2 be readopted. So that's what you see basically in  
3 the booklet that you have in front of you are the  
4 rules.

5 You know, I've been talking about 1623 for a  
6 long time. The first section are all the rules  
7 that list all of the fines that you can potentially  
8 receive, as well as mitigating and aggravating  
9 circumstances. And in that second section is just  
10 the readoption notice that we'll be sending to the  
11 legislature.

12 I have sent out these rules to the various  
13 associations who will, you know, who can get back  
14 in touch with me or Deena or really anybody. But  
15 also because House Bill 1623 that was passed, there  
16 will be a much longer comment period than there was  
17 before. So the opportunity to comment on rules or  
18 make suggestions or changes will be out there for  
19 anybody who's interested.

20 The exact procedures I won't go over here, but  
21 I will send out an outline that I've got to the  
22 Commission, and maybe we'll even post it on our  
23 website just so everybody is aware how the new  
24 House Bill 1623 has affected our process. Maybe  
25 we'll have a rulemaking page, who knows.

1 CHAIRMAN BORST: Needless to say, it's going  
2 to make it little more cumbersome. We won't have  
3 rules as fast as we've done. We have to play  
4 within our rules too.

5 Next would be an update on the HISA program,  
6 which we're all familiar with kind of.

7 MR. EGGIMAN: Thank you, Chairman Borst. I'll  
8 keep it brief in the matter of time. HISA is still  
9 here, as you know. In your booklet there is a  
10 study that was recently released by the Association  
11 of Racing Commissioners International, ARCI. That  
12 study basically reflects what the Commission staff  
13 has sort of thought for much of HISA and HIWUs  
14 jurisdiction that not much has really changed from  
15 the regulatory standpoint on our end. We're not  
16 seeing really any increase in violations in  
17 Indiana. We're not seeing any new substances being  
18 discovered in horses.

19 I'm sure there's some different regulations,  
20 some new and different regulations that are being  
21 enforced, but overall, things have settled in. And  
22 there hasn't been some great revelation or epiphany  
23 moment from HISA's takeover, at least here in  
24 Indiana. From an industry standpoint, a consistent  
25 set the rules and penalties throughout the country

1 is certainly a positive. That really seems to be  
2 the only real change that we've seen as regulators  
3 in Indiana.

4 I do want to touch on the agreement, the  
5 voluntary implementation agreement for 2024.  
6 Originally there was a date of actually today to  
7 agree to extend the current agreement through 2024.  
8 HISA and HIWU had requested an extension of today's  
9 deadline. Commission staff had granted that  
10 through the end of the year so through December 31,  
11 2023. That will give us some time to work through  
12 any of HISA and HIWU's potential proposed changes  
13 and updates to the agreement. I'll have further  
14 updates on that before the spring meeting next  
15 year. I think I'll turn it over to Deena.

16 EXECUTIVE DIRECTOR PITMAN: Thank you,  
17 Commission. What I want to do right now is go over  
18 the HISA HIWU fee structure. Just as a recap, if  
19 you'll remember for 2022, the IHRC was in a  
20 position to contribute 137,000 to help cover the  
21 HISA assessment, which totaled 412,000 that year.  
22 That total assessment was for six months and  
23 covered the racetrack safety implementation only.  
24 With the amount contributed by the Commission, the  
25 '22 fee ended up coming out to approximately a

1 third from the horsemen out of their purse account,  
2 a third from the racetrack, and a third from the  
3 Commission.

4 For the present year, the assessment was  
5 1.86 million, with an estimated reduction to  
6 1.3 million if we were going to be using Commission  
7 staff already in place. This assessment covered a  
8 full year of racetrack safety implementation, and  
9 the new anti-doping rules, which is HIWU, which  
10 didn't begin until May 22nd due to three previous  
11 delays.

12 To date, the Commission has not made any  
13 contributions for this year's assessment. However,  
14 the horsemen and racetrack have gone ahead and made  
15 the necessary payments. We were waiting on a  
16 true-up figure from HISA prior to initiating any  
17 calculations for '23's contribution, but that  
18 figure still has to be determined. Even though a  
19 true-up figure for '23 has not been received, the  
20 end of the meet calculations for us show IHRC could  
21 contribute up to approximately 389,000.

22 With miscellaneous Commission expenses towards  
23 HIWU implementation not included in the dollar  
24 figure noted, the IHRC's contribution would again  
25 cover close to a third of the implementation costs,

1 especially to be taken into consideration when the  
2 Commission determines if they will have funding to  
3 contribute in offsetting the 2024 fee assessment.

4 So I would propose any true-up figures that  
5 come in for 2023, that we just set them aside and  
6 use them for 2024 and when we decide how to  
7 calculate our contribution for 2024.

8 The HIWU assessment and HISA assessment for  
9 2024 has now been released. Horseshoe Indianapolis  
10 assessment has been set at 2.3 million with a  
11 estimated reduction to 1.8 million if we continue  
12 to use Commission staff to carry out those duties.  
13 The IHRC's new fiscal year begins in July of '24.  
14 I'm hopeful we will have a true-up figure for 2023  
15 by then as well. At that time the agency will be  
16 in a better position to determine if we will be  
17 able to contribute towards '24's assessment and if  
18 so, what amount that would look like.

19 At this time I would ask the Commission if you  
20 are inclined to approve a Commission contribution  
21 of up to 389,000 towards the 2023 HISA assessment.

22 CHAIRMAN BORST: An up-to number and then the  
23 true-up, you'll roll that over, I guess.

24 EXECUTIVE DIRECTOR PITMAN: Correct.

25 CHAIRMAN BORST: Might make it easier. I

1 guess, I don't know what other states are doing,  
2 how they're handling it either.

3 EXECUTIVE DIRECTOR PITMAN: Everybody is  
4 handling it differently. I'm not sure whether Eric  
5 has talked to any other racetracks to see how  
6 they're doing it, but some people might be forced  
7 into paying an entry fee to help cover the cost of  
8 HISA. Some of them the racetrack may be just  
9 paying the total check. I'm not exactly sure.

10 CHAIRMAN BORST: So we do have to vote on this  
11 then. So you want a motion?

12 EXECUTIVE DIRECTOR PITMAN: To have a motion  
13 would be good.

14 CHAIRMAN BORST: To make sure, you want a  
15 motion to contribute up to 389,000 for 2023?

16 EXECUTIVE DIRECTOR PITMAN: Correct, towards  
17 2023's fee assessment.

18 CHAIRMAN BORST: Anybody have a motion?

19 COMMISSIONER ESTES: I'll make a motion to  
20 accept to up the three hundred and some thousand  
21 dollars.

22 CHAIRMAN BORST: It's 389 to be exact.

23 COMMISSIONER ESTES: 389.

24 CHAIRMAN BORST: How about a second?

25 COMMISSIONER LEVENGOOD: Second.

1           CHAIRMAN BORST: Thank you. Any further  
2 discussion? Seeing none -- I guess we can't have a  
3 meeting without Brian saying something. That's  
4 impossible.

5           BRIAN ELMORE: I can't pass that up. I wasn't  
6 going to say a word.

7           We're looking at a \$2.3 million assessment  
8 next year. Matt, didn't you just say there's been  
9 no new revelation that HISA has brought about?

10          EXECUTIVE DIRECTOR PITMAN: I think the word  
11 was epiphany.

12          BRIAN LEWIS: Epiphany, thank you. I can't  
13 say that word. We're getting hosed. We're getting  
14 hosed. This commission, our operators, and the  
15 Thoroughbred horsemen are getting hosed to the  
16 extent of \$2.3 million next year. Now, hopefully  
17 an update on our lawsuit, the horsemen's lawsuit  
18 against the constitutionality of HISA right now is  
19 back in the Fifth Circuit Court of Appeals in New  
20 Orleans, which originally ruled HISA  
21 unconstitutional by the three-panel judge  
22 unanimous. The Sixth Circuit Court of Appeals then  
23 found it to be constitutional due to a tweak that  
24 was made in Congress last year so now we're back in  
25 the Fifth Circuit again. So if the Fifth Circuit



1 again rules in our favor, then we will have  
2 conflicting Court of Appeals rulings, which means  
3 it will have to go to the US Supreme Court.

4 I talked to Joe Morris, and we are in  
5 agreement. We hope the Commission would be too  
6 that if the Fifth Circuit finds it to be  
7 unconstitutional again and it is going to the US  
8 Supreme Court, we hold any future payments in  
9 escrow until this matter is resolved. Thank you.

10 CHAIRMAN BORST: Little common sense there.  
11 Okay. Ready to vote.

12 MR. EGGIMAN: No, I believe we're at roll  
13 call.

14 CHAIRMAN BORST: Right.

15 MR. EGGIMAN: Chairman Borst.

16 CHAIRMAN BORST: Aye.

17 MR. EGGIMAN: Commissioner Pillow.

18 COMMISSIONER PILLOW: Aye.

19 MR. EGGIMAN: Commissioner Estes.

20 COMMISSIONER ESTES: Aye.

21 MR. EGGIMAN: Commissioner Levengood.

22 COMMISSIONER LEVENGOOD: Aye.

23 CHAIRMAN BORST: Thank you. That passes.

24 It's kind of like HISA is the middleman here, and  
25 we're not getting a whole lot out of it so far but

1 who knows. Okay. Anything more on HISA or have we  
2 had enough of that one? Do we have any old  
3 business? How about new business?

4 MR. PENNYCUFF: Yes, Chairman. We have new  
5 business. Commissioners, each year there are  
6 matters that arise during the race meeting that  
7 require quick turnaround and quick decision making.  
8 Because the Commission may not meet often enough  
9 for these immediate matters to be handled,  
10 Commission staff routinely requests that the  
11 Commission delegate authority to Executive Director  
12 Pitman to handle matters that arise between  
13 Commission meetings. Pursuant to 71 IAC 2-2-1, the  
14 Commission may delegate authority to the executive  
15 director to implement and execute the duty of  
16 regulating each race meeting and persons  
17 participating in each meeting.

18 At this time Commission staff respectfully  
19 requests delegation of authority to Director Pitman  
20 to make race meet decisions as required including,  
21 but not limited to, equipment, race calendars, and  
22 SPMOs that cannot be delayed until the next  
23 Commission meeting.

24 CHAIRMAN BORST: So we need one more motion, I  
25 guess.

1 COMMISSIONER ESTES: Move that approval to  
2 Commissioner Pitman.

3 COMMISSIONER PILLOW: I second it.

4 CHAIRMAN BORST: Been moved and seconded.

5 MR. EGGIMAN: Roll call. Chairman Borst.

6 CHAIRMAN BORST: Aye.

7 MR. EGGIMAN: Commissioner Pillow.

8 COMMISSIONER PILLOW: Aye.

9 MR. EGGIMAN: Commissioner Estes.

10 COMMISSIONER ESTES: Aye.

11 MR. EGGIMAN: Commissioner Levengood.

12 COMMISSIONER LEVENGOOD: Aye.

13 CHAIRMAN BORST: Good. Passes unanimously.

14 Any more new business? So, again, thank you to  
15 Horseshoe for setting all this up and doing all  
16 this. It's great. I know it takes a lot of work.  
17 Thank all of you for being here and being patient  
18 and listening and participating. I guess we'll  
19 take a motion to adjourn. Somebody.

20 COMMISSIONER ESTES: I move to adjourn.

21 COMMISSIONER PILLOW: Second that.

22 CHAIRMAN BORST: We're adjourned.

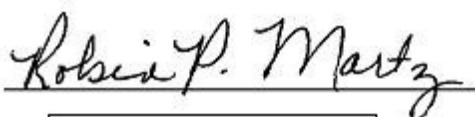
23 (The meeting of the Indiana Horse Racing  
24 Commission adjourned at 2:32 p.m.)  
25

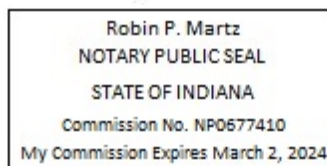
1 STATE OF INDIANA  
2 COUNTY OF JOHNSON  
3

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

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

14 IN WITNESS WHEREOF, I have hereunto set my  
15 hand and affixed my notarial seal this 14th day of  
16 December, 2023.

17   
18



19  
20 My Commission expires:  
21 March 3, 2024

22 Job No. 186683  
23  
24  
25

<b>Exhibits</b>	<b>(</b>	
<b>IHRC document</b>	<b>(c)</b> 35:23	<b>1623</b> 149:5,15,24
<b>\$</b>	<b>1</b>	<b>18</b> 54:25 58:23 60:5
<b>\$1</b> 71:11	<b>1</b> 130:13 146:15	<b>180</b> 33:4
<b>\$1,000</b> 33:23 37:16 38:10 39:8	<b>1.1</b> 71:17	<b>180-day</b> 33:23 37:16 39:7
<b>\$10,000</b> 14:12 38:20 125:16	<b>1.3</b> 152:6	<b>19</b> 77:24
<b>\$120,000</b> 94:16	<b>1.5</b> 116:23 117:11	<b>196</b> 53:15
<b>\$15,000</b> 71:22 109:15	<b>1.5(b)(3)</b> 48:23	<b>1st</b> 64:10 145:7 146:16
<b>\$150,000</b> 76:14	<b>1.5(c)</b> 42:22 48:24 49:1	<b>2</b>
<b>\$2</b> 74:6	<b>1.6</b> 71:6	<b>2</b> 70:4,8 103:20
<b>\$2,000</b> 140:10	<b>1.7</b> 71:8	<b>2,000</b> 96:6
<b>\$2.3</b> 155:7,16	<b>1.8</b> 153:11	<b>2-2-1</b> 157:13
<b>\$2.6</b> 105:6	<b>1.86</b> 152:5	<b>2.1</b> 69:25
<b>\$200,000</b> 70:17 95:10	<b>10</b> 66:6 115:6 116:24 146:4	<b>2.15</b> 122:10,11,12
<b>\$25,000</b> 119:19 136:6	<b>100,000</b> 109:25	<b>2.3</b> 153:10
<b>\$250,000</b> 74:9 136:9	<b>105</b> 145:17,18	<b>2.6</b> 70:1
<b>\$275,000</b> 74:10	<b>115</b> 113:7	<b>2.9</b> 67:11
<b>\$3</b> 74:4	<b>117,000</b> 76:11	<b>20</b> 28:2 91:9 93:7 112:23 119:20
<b>\$3,000</b> 55:2,5 57:10 58:24 60:2, 11	<b>12</b> 125:23	<b>20,000</b> 120:2
<b>\$300,000</b> 74:8	<b>13</b> 94:2 111:12 118:4 131:15	<b>200</b> 142:16 145:11 148:19
<b>\$342,500</b> 71:1	<b>130</b> 113:7	<b>2018</b> 36:18
<b>\$345,000</b> 94:12	<b>137,000</b> 151:20	<b>2019</b> 94:17 102:24 116:24
<b>\$382,000</b> 74:7	<b>14</b> 71:11	<b>2020</b> 65:12 92:19
<b>\$4</b> 67:9 124:13	<b>145</b> 56:7	<b>2021</b> 23:20 24:14 36:15
<b>\$400,000</b> 71:16	<b>149</b> 55:8,23 56:1,4,7,8 57:14 59:23 60:3,4,12	<b>2022</b> 15:18,24 16:15 17:24 23:12 24:13 26:3 56:21 107:14,16,20 118:3 151:19
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