

Minutes of the Regular Meeting of the  
Indiana Horse Racing Commission

**April 16, 2015**

Indiana State Library, Author's Room 203  
315 W. Ohio Street  
Indianapolis, IN 46204

Commission members present: Thomas Weatherwax, Chairman; Greg Schenkel, Vice-Chairman, and Commissioners George Pillow and Susie Lightle. Also present were Joe Gorajec, IHRC Executive Director; Lea Ellingwood, IHRC General Counsel; Holly Newell, IHRC Deputy General Counsel; Deena Pitman, IHRC Assistant Executive Director; Robin Babbitt, Attorney, Ice Miller; Jack Kieninger, President of the Indiana Standardbred Association; John Keeler, Vice President and General Counsel of Centaur Gaming; Rick Moore, Vice President and General Manager of Racing at Hoosier Park Racing and Casino; Jon Schuster, Vice President and General Manager of Racing Indiana Grand Racing & Casino; and John Terpsta, Attorney, Hinshaw & Culbertson.

**I. Call to Order**

Chairman Weatherwax called the meeting to order at approximately 9:00 a.m. A quorum was present. Chairman Weatherwax then swore in Court Reporter Robin Martz.

**II. Approval of the March 10, 2015 meeting minutes.**

Commissioner Schenkel moved to accept the minutes for the March 10, 2015 meeting. Commissioners Pillow and Lightle seconded. The March 10, 2015 minutes were unanimously approved.

**III. Agenda**

*Note: All items on the agenda were transcribed by a court reporter from Stewart Richardson. Transcripts are available at [www.in.gov/hrc](http://www.in.gov/hrc).*

1. Consideration of the Administrative Law Judge's Recommended Findings of Fact, Conclusions of Law, Ultimate Findings of Fact and Order on the Captain Jack Racing Stable, LLC's Motion to Intervene in The Matter of Richard Estvanko and Anthony Granitz (IHRC Ruling Nos. 14694 and 14695).

General Counsel, Lea Ellingwood explained that the Commission must decide whether to adopt, amend, or dissolve the ALJ's order denying Captain Jack's motion to intervene. The Commission heard oral arguments from both parties. Commissioner Lightle moved to affirm the order. Vice Chairman Schenkel seconded. The motion passed, 4-0.

2. Indiana's licensing program and the case of Roman Chapa.

Executive Director Joe Gorajec reviewed Indiana's licensing program, and shared the case of jockey Roman Chapa as an illustration of IHRC's strict licensing standards.

3. Review of commission rulings – January 1, 2015 – March 31, 2015.

Deputy Counsel Holly Newell presented the most recent rulings for the Commission's review.

4. Approval of additional cobalt split sample laboratory for 2015 and beyond pursuant to 71 IAC 8-4-3 and 8.5-3-3.

Executive Director Gorajec informed the Commission that the cobalt split samples will be going directly to the University of Kentucky rather than through LGC. Vice Chairman Schenkel moved for approval. Commissioner Lightle seconded. The vote passed, 4-0.

5. Approval of emergency rule regarding human drug testing:

- 71 IAC 8-10-2                      71 IAC 8.5-10-2
- 71 IAC 8-10-3                      71 IAC 8.5-10-3
- 71 IAC 8-10-4                      71 IAC 8.5-10-4
- 71 IAC 8-10-5                      71 IAC 8.5-10-5
- 71 IAC 8-10-6                      71 IAC 8.5-10-6

Executive Director Gorajec proposed the addition of saliva testing by oral swabs for human drug testing. Vice Chairman Schenkel moved to approve the emergency rule. Commissioner Lightle seconded the motion. The vote passed, 4-0.

6. Approval of emergency rules regarding administrative procedures prior to split sample testing:

- 71 IAC 8-4-3                      71 IAC 8.5-3-3

Executive Director Gorajec proposed the addition of language to the current rule for clarification that there will be no confidentiality in regard to the substance found by the laboratory in split sample testing.

Commissioner Susie Lightle made the motion to approve the proposal. Vice Chairman Schenkel seconded. The vote passed unanimously for approval, 4-0.

7. Approval of emergency rules regarding the approval of contracts:

- 71 IAC 11-1-12                      71 IAC 11-1-16
- 71 IAC 12-1-15                      71 IAC 12-1-19

General Counsel Lea Ellingwood explained that the rule makes numerous changes to contract approval requirements, including that Centaur will not have to present contracts to the Commission for approval prior to execution, but that all contracts may be voided if not in the best interest of horse racing.

Commissioner Pillow moved to approve and Commissioner Lightle seconded. The rules were approved, 4-0.

8. Consideration of the Petition of Centaur Holdings, LLC, New Centaur, LLC and Hoosier Park, LLC In re: The Petition of Centaur Holdings, LLC, New Centaur, LLC and Hoosier Park, LLC to enter into a lease with Food Service Max, d/b/a TJ's Pizza Café/Track Side (Tommy J's), LLC.

John Keeler, Vice President and General Counsel of Centaur, addressed Agenda Items 8, 9, and 10 (relating to food vending services at Hoosier Park) together, and described the contracts between the vendors and Centaur.

Commissioner Schenkel moved to have the Commission approve each of the petitions. Commissioner Pillow seconded. The Commission approved, 4-0.

9. Consideration of the Petition of Centaur Holdings, LLC, New Centaur, LLC and Hoosier Park, LLC In re: The Petition of Centaur Holdings, LLC, New Centaur, LLC and Hoosier Park, LLC to enter into a lease with for Food Service with Saucy Dog, LLC, d/b/a Dog N Suds of Anderson.

See approval vote in Agenda Item No. 8.

10. Consideration of the Petition of Centaur Holdings, LLC, New Centaur, LLC and Hoosier Park, LLC In re: The Petition of Centaur Holdings, LLC, New Centaur, LLC and Hoosier Park, LLC to enter into a Franchise Agreement with VooDoo BBQ Franchising, LLC (VooDoo).

See approval vote in Agenda Item No. 8.

11. Consideration of the Petition of Centaur Holdings, LLC (Centaur), New Centaur, LLC, (New Centaur) and Centaur Acquisition, LLC (Indiana Grand), for Approval of Quarter Horse barn construction plans and contract.

Commissioner Lightle moved to approve. The motion was heard and seconded by Vice Chairman Schenkel. The Commission approved the motion, 4-0.

12. Request of Centaur Acquisition, LLC to Enter Into Construction Contract to Improve the Ventilation in Barns 10, 11, 12 and 14 at Indiana Grand Racecourse (Construction Contract).

*Item removed from agenda.*

13. Consideration of the 2015 Agreement Between Hoosier Park, LLC and the Indiana Standardbred Association (ISA).

Rick Moore presented the agreement. Vice Chairman Schenkel moved to accept the 2015 Agreement. Commissioner Pillow seconded. The vote carried, 4-0.

14. Consideration of the 2015 Agreement Between Centaur Acquisition, LLC d/b/a Indiana Grand Racing and Casino and the Indiana Horsemen's Benevolent and Protective Association, Inc. (IHBPA).

Jon Schuster presented the agreement. Commissioner Lightle moved to approve, and the motion was seconded by Vice Chairman Schenkel. The vote carried, 4-0.

15. Consideration of 2015 Agreement Between Indiana Grand Racing and Casino and the Quarter Horse Racing Association of Indiana (QHRAI) Contract.

Mr. Schuster presented the agreement. Commissioner Pillow moved to approve and the motion was seconded by Commissioner Lightle. The Commission voted to approve, 4-0.

16. Consideration of 2015 Contract Between Centaur Acquisition, LLC d/b/a Indiana Grand Racing and Casino and the Jockeys' Guild, Inc.

Mr. Schuster presented the contract. Commissioner George Pillow moved to approve the 2015 contract. Commissioner Susie Lightle seconded the motion and the vote carried, 4-0.

17. Consideration of Request by Centaur Holdings, LLC, New Centaur, LLC and Hoosier Park, LLC to Temporarily Relocate Self Service Wagering Machines.

Mr. Keeler presented the petition to temporarily relocate the self service wagering machines during the Kentucky Derby weekend at the Winner's Circle. Vice Chairman Schenkel moved to approve the relocation of the machines. Commissioner Lightle seconded the motion and the petition was approved, 4-0.

18. Approval of Indiana Grand's racing official list pursuant to 71 IAC 3.5-1-3.

Vice Chairman Schenkel moved to approve the 2015 Indiana Grand's racing officials list. Commissioner Lightle seconded the motion. The officials were approved, 4-0.

#### **IV. Old Business**

None.

#### **V. New Business**

Ms. Ellingwood said that she would give a legislative update after the end of session.

There was no date set for the next Commission meeting at this time.

#### **VI. Adjournment**

The meeting was officially adjourned at 10:45 a.m. on April 16, 2015.