

Minutes of the Regular Meeting of the
Indiana Horse Racing Commission

April 5, 2013

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

Commission members present: William Diener, Chairman, Steve Schaefer, Vice-Chairman, Doug Grimes, Jason Barclay, and Greg Schenkel. Also present were Joe Gorajec, Commission Executive Director; Lea Ellingwood, Commission General Counsel; Holly Newell, Commission Deputy General Counsel; Dr. Angela Demaree, Commission Equine Medical Director; Deena Pitman, Commission Assistant Executive Director; Brian Elmore, Vice President of Racing for Centaur; Mike Brown, President of the Indiana HBPA; Jon Schuster, General Manager of Indiana Downs; Michelle Collins, Executive Director of the Quarter Horse Racing Association of Indiana; Jack Kieninger, president of the ISA; Scott Peine, Racing Secretary at Indiana Downs.

I. Call to Order

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

II. Approval of minutes of the February 22, 2013, meeting.

The Commission unanimously approved the February 22, 2013 minutes.

III. Agenda

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

1. Presentation by Executive Director regarding the Commission's continuing education program for trainers.

Executive Director Joe Gorajec updated the Commission on the status of implementation 71 IAC 5.5-3-1(h) regarding continuing education for trainers. Mr. Gorajec presented a proposed Commission Policy that would inform Commission Staff's enforcement of the rule. *The Commission unanimously adopted the Commission Policy on continuing education with modifications suggested by Commissioner Schenkel.*

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

Executive Director Gorajec also recommended that the Commission amend the continuing education rule to require three rather than four hours of continuing education, and have the rule requirements take effect August 1, 2013. *The Commission tabled the changes to the rule to allow the industry adequate time to respond to the proposed changes. Vice Chairman Schaefer moved to grant a waiver of the continuing education rule until the Commission revisits the rule. Commissioner Barclay seconded. Motion passed unanimously.*

3. Review of Commission Rulings – February 1, 2013 through February 28, 2013.

Deputy General Counsel Holly Newell presented the rulings.

4. Consideration of emergency rules re: 71 IAC 8.5-3-1 *et seq* and 71 IAC 8-4-1 *et seq*, Split Sample Testing.

Commission Veterinarian Dr. Angela Demaree presented proposed changes to the split sample rules. *Chairman Diener moved to approve changes to the emergency rules on split sample testing, including language regarding reimbursement to owners. Commissioner Grimes seconded. Commission unanimously approved adoption of rules.*

5. Commission consideration of proposed rule re: LSA 12-278, Simulcast revenues.

General Counsel Lea Ellingwood informed the Commission that due to the advent of one breed-one track, it was appropriate to withdraw the simulcast revenue rule and move forward with an emergency rule addressing one breed-one track. *Chairman Diener moved to adopt the emergency rule at 71 IAC 12-2-18. Vice Chairman Schaefer seconded. Commission unanimously adopted the emergency rule.*

6. Commission consideration of proposed rule re: LSA 12-549, Scale of Weights.

Ms. Ellingwood informed the Commission of the status of LSA 12-549, and recommended that the Commission move forward with the rule adoption process, specifically seeking approval from the Attorney General and the Governor. *Commissioner Schenkel moved to proceed with the rule-making process. Vice Chairman Schaefer seconded. Commission unanimously approved.*

7. Consideration of emergency rule re: 71 IAC 6-1-3, Claiming procedure, and 71 IAC 6.5-1 *et seq*, Claiming races.

Jack Kieninger, president of the Indiana Standardbred Association, petitioned the commission to add to the standardbred claiming rule a 60-day waiting period during which a horse must remain in Indiana. *Vice Chairman Schaefer moved to amend the rule. Chairman Diener seconded. Commission unanimously approved amendment of the rule.*

8. Consideration of IBOP proposal re: 71 IAC 7.5-5-1, Horses ineligible to be entered.

The Commission did not amend the rule, instead determined that reviewing individual horses and granting waivers where appropriate would be a preferable approach.

9. Request of Will Carlson re: HezaWildGuy.

Brian Elmore, Vice President of Racing for Centaur, and Scott Peine, Indiana Downs Racing Secretary, discussed HezaWildGuy and recommended that the 12-year-old thoroughbred be allowed to race this season. *Chairman Diener moved to give HezaWildGuy a waiver to race in Indiana in 2013, subject to various safeguards. Commissioner Barclay seconded. Motion passed unanimously.*

10. Consideration of emergency rule re: 71 IAC 8-1-5, Furosemide as a permitted substance.

Commission unanimously approved amendment to rule.

11. Consideration of emergency rule re: 71 IAC 5-1-1(b), Licenses required.

Vice Chairman Schaefer moved to amend the rule. Commissioner Schenkel seconded. Motion passed unanimously.

12. Approval of split sample laboratories for 2013 pursuant to 71 IAC 8-4-3 and 71 IAC 8.5-3-3.

Commissioner Grimes moved to approve the labs. Chairman Diener seconded. Commission unanimously approved the split sample laboratories for 2013.

13. Approval of Indiana Downs' 2013 Thoroughbred racing official list pursuant to 71 IAC 3-1-2.1.

Mr. Schuster presented the proposed 2013 racing officials. Mr. Gorajec recommended approval. *Vice Chairman Schaefer moved to approve the 2013 Indiana Downs racing officials. Chairman Diener seconded. Commission unanimously approved 2013 racing officials for Indiana Downs.*

14. Approval of Hoosier Parks' revised 2013 Standardbred racing official list pursuant to 71 IAC 3-1-2.1.

Rick Moore, general manager of Hoosier Park, presented the revised 2013 standardbred racing officials. Mr. Gorajec recommended approval. *Commission unanimously approved revised list of 2013 racing officials for Hoosier Park.*

15. Consideration of horsemen's contract between Hoosier Park and the Indiana Standardbred Association.

Commissioner Schenkel moved approval, Vice Chairman Schaefer seconded. Contract approved 4-0, with Chairman Diener abstaining.

IV. Old Business
None

V. New Business

A. Consideration of emergency rule re: 71 IAC 8-1-5.7, *Anti-ulcer medication.*
Chairman Diener moved to adopt. Vice Chairman Schaefer seconded. Commission unanimously approved adoption.

B. Consideration of emergency rule re: 71 IAC 31.5-3-3, *Out-of-state breeder's awards.*
Chairman Diener moved to amend the rule. Commissioner Barclay seconded. Motion passed unanimously.

VI. Adjournment

With no further business, Chairman Diener adjourned the meeting at 10:38 a.m.

Respectfully submitted,