

In the Matter Of:

INDIANA HORSE RACING COMMISSION MEETING

IHRC Meeting

August 25, 2017

1
2
3
4
5
6 INDIANA HORSE RACING COMMISSION MEETING
7
8
9 HELD ON
10 AUGUST 25, 2017
11 9:45 A.M.
12 AT
13 INDIANA GRAND RACING AND CASINO
14 SHELBYVILLE, INDIANA
15
16
17 TAKEN BY:
18 ROBIN P. MARTZ, RPR
19 NOTARY PUBLIC
20
21
22
23
24
25

Page 2

1 APPEARANCES
2 Philip Borst, DVM, Chairman
Greg Schenkel
3 George Pillow
Susie Lightle
4
5 Mike Smith, Executive Director
6 Lea Ellingwood, Esq.
Holly Newell, Esq.
7 INDIANA HORSE RACING COMMISSION
1302 North Meridian Street, Suite 175
8 Indianapolis, IN 46202
9
10 AGENDA
11 1. Consideration of Recommended Order granting
Default Judgment in IHRC Staff v. Duane Wilcox, DVM 5
12 2. Consideration of Respondent's Verified Objections
to Findings of Fact and Recommended Order granting
13 Motion for Summary judgment in IHRC Staff v. Bruce Lee
14 Walls 6
15 3. Consideration of Recommended Order granting Motion
for Summary Judgment in IHRC Staff v. John McCreary 20
16 4. Consideration of ALJ's Recommended Findings of
17 Fact, Conclusions of Law, Ultimate Findings of Fact
and Recommended Order in consolidated matters of Dylan
18 Davis and Williams 38
19 5. Legislation Update 63
20 6. Review of Commission Rulings 67
21 7. Consideration of IHRC Rules 67
22 8. Consideration of adding ALJ-Michael Buker 72

Page 3

1 9. Discussion regarding request from Quarter Horse
2 Racing Association of Indiana asking the Commission to
3 adopt the RCI "breed specific" threshold for
4 Clenbuterol 75
5 10. Centaur update 80
6 NEW BUSINESS 88
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 4

1 CHAIRMAN BORST: I think we will call the
2 meeting of the Indiana Horse Racing Commission to
3 order. The first item is to swear in our court
4 reporter.
5 (At this time the oath was administered to the
6 court reporter by Chairman Borst.)
7 CHAIRMAN BORST: Chair also notices that for
8 the record we do have a quorum.
9 I don't know if this is working. I can't hear
10 myself. Is it working? I thought I gave these
11 microphones up a long time ago, but I guess I
12 didn't.
13 First item on the agenda is approval of the
14 minutes of the April 17th meeting. Do I have a
15 motion and second?
16 COMMISSIONER LIGHTLE: I make a motion.
17 COMMISSIONER SCHENKEL: Second.
18 CHAIRMAN BORST: Moved and seconded. Any
19 conversation or questions?
20 Seeing none, all those in favor say "aye."
21 THE COMMISSION: "Aye."
22 CHAIRMAN BORST: Opposed, "nay."
23 (No response.)
24 CHAIRMAN BORST: The "ayes" have it.
25 Okay. We move onto agenda items. First is

Page 5

1 consideration of recommended order granting default
 2 judgment in the matter of IHRC Staff versus Duane
 3 Wilcox, DVM. Lea, you're going to start us off.
 4 MS. ELLINGWOOD: Yes. Good morning. Thank
 5 you, Chairman.
 6 The Commission Staff issued an administrative
 7 complaint against Doctor Wilcox for failing to
 8 maintain required information related to the
 9 racehorses that he treated. The complaint was
 10 served on Doctor Wilcox in person on April 17th
 11 of this year. Doctor Wilcox had 20 days to respond
 12 or to pay the administrative penalty. He failed to
 13 respond in any way within the 20-day deadline.
 14 Accordingly, Staff had filed a motion for a
 15 default judgment, which was granted, and a
 16 recommended order issued by Judge Kelly Eskew.
 17 That order is the one before you for approval
 18 today.
 19 Doctor Wilcox didn't file any objections to
 20 the recommended orders. And under the
 21 Administrative Orders and Procedures Act, when
 22 somebody fails to file objections, the Commission's
 23 only option is to adopt the recommended order. So,
 24 respectfully, Commission Staff requests that you
 25 adopt Judge Eskew's recommended order for default

Page 6

1 judgment. And just as an aside note, Doctor Wilcox
 2 has paid the administrative penalty.
 3 CHAIRMAN BORST: Thank you. So what, do we
 4 need a motion and a second?
 5 MS. ELLINGWOOD: We will need a vote from the
 6 Commission approving the recommended order.
 7 COMMISSIONER SCHENKEL: Motion to approve the
 8 recommended order.
 9 COMMISSIONER PILLOW: Second.
 10 CHAIRMAN BORST: Been moved and seconded. Any
 11 discussion? Is this open for public discussion
 12 too?
 13 MS. ELLINGWOOD: If you want to entertain
 14 comments from the public, you're welcome to.
 15 CHAIRMAN BORST: I just want to make sure
 16 there is nobody from the public hearing on this
 17 case or Doctor Wilcox or anybody else.
 18 Seeing none, all those in favor say "aye".
 19 THE COMMISSION: "Aye".
 20 CHAIRMAN BORST: Opposed, "nay."
 21 (No response.)
 22 CHAIRMAN BORST: The "ayes" have it.
 23 Number two is consideration of respondent's
 24 verified objections to findings of fact and
 25 recommended order granting motion for summary

Page 7

1 judgment in the matter of IHRC Staff versus Bruce
 2 Lee Walls. Holly, are you going to take that?
 3 MS. NEWELL: Yes. Agenda item number two is
 4 your consideration of the proposed findings of
 5 fact, conclusions of law, and recommended order
 6 issued by ALJ Kelly Eskew in the matter of IHRC
 7 Staff v Bruce Lee Walls. For this agenda item, I
 8 will act as your counsel. Commission Staff is
 9 represented by Lea Ellingwood. And Bruce Lee Walls
 10 is represented by John Shanks, who is right here
 11 today too. Lea and John are both here to present
 12 oral arguments.
 13 The case evolves from an administrative
 14 complaint filed by Commission Staff alleging that
 15 Mr. Walls had violated IHRC medication rules. The
 16 matter was scheduled to be heard by ALJ Kelly
 17 Eskew. Commission Staff filed a motion for summary
 18 judgment. Walls responded, and ALJ Eskew
 19 recommended in her order that Commission Staff's
 20 motion be granted. Mr. Walls' penalty for the
 21 violation is a three year license suspension and a
 22 \$5,000 fine.
 23 Mr. Walls filed objections to Judge Eskew's
 24 recommended order. And her recommendation is
 25 before you for your consideration today.

Page 8

1 Notice of opportunity to present briefs and
 2 oral arguments was issued by Chairman Borst. The
 3 Commission was been given all the briefing related
 4 to this matter. Each side has been allotted ten
 5 minutes. We will keep time and Deena and Nicole
 6 will signal to whoever is at the lecturn at various
 7 intervals to keep them on track.
 8 Commissioners may ask questions as you see
 9 fit. At the close of arguments, the Commission
 10 will have four options; affirming, modifying,
 11 dissolving, or remanding for further proceedings.
 12 Do you have any questions at this point?
 13 CHAIRMAN BORST: Any questions, Commission
 14 Members?
 15 MS. NEWELL: Mr. Shanks will be up first.
 16 CHAIRMAN BORST: Starting the ten minutes.
 17 Who's keeping the time? You know who to look at
 18 for the time over here.
 19 MR. SHANKS: Good morning. Thank you for this
 20 opportunity to present our side of the case. And,
 21 Mr. Chairman, welcome to the Commission. It's been
 22 a long time since I've seen you. I'm sure you
 23 don't remember me because you were probably about
 24 13 or 14.
 25 I don't think I'm going to need ten minutes

1 because it all comes down to whether or not what is
2 being recommended is fair and whether or not the
3 Commission rules are reasonable.

4 There is no question that this particular drug
5 was in the horse's system. Okay. Lamotrigine is a
6 drug that is used by or prescribed for people with
7 bipolar disorder and other seizure disorders.

8 This is not the first time that Mr. Walls has
9 had this problem. You probably read the article
10 that was attached to the Staff's brief which talks
11 about his problem he had in Kentucky in 2014 with
12 the same drug. The commission down there
13 recognized that this was not intentional. That it
14 was an unintentional event because of environmental
15 contamination.

16 He made the mistake of urinating in the stall.
17 Well, many of us who clean stalls have probably
18 done that. But he didn't recognize that if the
19 horse ingested anything that touched that urine
20 that it could ingest this drug.

21 Now, this is an interesting drug because I
22 haven't been able to find any scientific evidence
23 relating to its impact other than some minor
24 sedating impact of this drug. And I was surprised
25 that the ARCI classified it as it did. Just

1 looking at previous issues with drugs here in
2 Indiana, I don't remember ever seeing this drug
3 listed as one of the drugs in a disciplinary
4 action.

5 The Commission rule that relates to this, as
6 pointed out in the Staff's brief, is 71 IAC 8-1-9.
7 The problem with this rule is that the way it's
8 interpreted, it talks about environmental
9 contaminants, and that they are indigenous to the
10 horse or they may arise from plants traditionally
11 grazed or harvested as equine feed and so on or
12 substances of human use and addiction and which
13 could be found in the horse due to its close
14 association with humans.

15 And the case in Kentucky had to do with his
16 father, as I recall. It was not Mr. Walls but his
17 father who apparently urinated in the stall.

18 And the problem is that with this rule, and it
19 goes on at the top, it says substances described in
20 subsection B are recognized as either, okay,
21 environmental contaminants that are in horse feed
22 and things, or substances of human use and
23 addiction. There are only nine listed.

24 In my opinion that is not reasonable because
25 there are so many more drugs that could be

1 involved. Had the nine drugs not been listed, this
2 would be much simpler. But I think it's
3 unreasonable because it says if by a preponderance
4 of evidence presented in a hearing showing that a
5 positive test is a result of environmental
6 contamination or inadvertent exposure due to human
7 drug use, it should be considered as a mitigating
8 factor in any disciplinary action taken against the
9 affected trainer.

10 Well, this drug isn't listed, but I think the
11 rule, in and of itself, is unreasonable. I believe
12 that Mr. Walls should be allowed an opportunity to
13 present evidence with regard to the issue of
14 environmental contamination.

15 I guess my major concern going through this
16 whole case is that I would really, really like to
17 see horse racing in Indiana expand, not decline.
18 As I've traveled around the Midwest and encountered
19 trainers and owners, there is an image that we have
20 that I would hope we can some day get rid of. That
21 is if you stub your toe in Indiana, you don't lose
22 a toe, you lose a leg.

23 My recommendation is that the penalty that the
24 Staff wants to assess against him is excessive
25 given the totality of the circumstances. This was

1 not an intentional act. I believe that the
2 Commission needs to review rules like this and put
3 themselves in the shoes of the people that it will
4 affect and whether or not it's fair and reasonable.

5 You've seen our objections, our argument. I
6 won't go through all that because I don't want to
7 take up your time, but I hope that you will
8 consider the situation in its totality and not
9 accept the summary judgment with regard to the
10 penalty. Certainly with regard to whether or not
11 he violated a rule, he did. There's no argument
12 there. And had this gone to hearing, we would have
13 stipulated to that because there was a split. And
14 it did find a very, very tiny bit of this drug in
15 the horse's system.

16 We don't want foreign substances in the bodies
17 of horses that are racing. Certainly, returning
18 the purse and some small disciplinary action -- in
19 Kentucky it was, as I recall, \$500 fine and a short
20 suspension. That was recognized by the commission
21 because it was inadvertent. It was not
22 intentional.

23 But in Indiana, we have a strict liability
24 rule. Trainers cannot be with a horse 24-7. That
25 in and of itself in my opinion is unreasonable

Page 13

1 because there are plenty of opportunities for
 2 sabotage.

3 So I hope the Commission will look at this in
 4 its totality and with regard to severity of the
 5 drug and its impact on the horse. And I appreciate
 6 the cooperation we've received from the Commission
 7 Staff. We've had several telephone pretrial
 8 conferences, and we were ready to go to hearing
 9 until the motion for summary judgment was filed.

10 I appreciate your time. And I hope that you
 11 will consider this in its totality and not accept
 12 the penalties that are recommended by the
 13 Commission Staff. I appreciate your time. Thank
 14 you.

15 CHAIRMAN BORST: Thank you, Mr. Shanks. Lea.
 16 MS. ELLINGWOOD: Thank you. For those of you
 17 who are unfamiliar with this case, the racehorse
 18 Judge-M-All placed first in the sixth race at
 19 Hoosier Park on June 9, 2016 and was awarded a
 20 purse of \$2,750. The respondent, Mr. Walls, is the
 21 owner and the trainer of that horse.

22 A blood serum sample was collected post race,
 23 and that sample was tested by Industrial
 24 Laboratory, the Commission's primary lab.
 25 Industrial identified the presence of the drug

Page 14

1 Lamotrigine in the blood serum sample. Lamotrigine
 2 is a Class 3 drug with a Class A penalty
 3 classification. It's a zero tolerance drug.
 4 Category A penalty classifications carry the
 5 harshest penalties.

6 Mr. Walls was notified of the Lamotrigine
 7 positive, and he asked that a split sample be
 8 tested by Texas A & M. Texas A & M also confirmed
 9 the presence of the drug.

10 Commission Staff issued an administrative
 11 complaint against Mr. Walls recommending a
 12 three-year suspension and a \$5,000 fine, as Mr.
 13 Shanks has acknowledged. The penalty that we
 14 propose is consistent with the ARCI recommendation
 15 with the exception of the fine. The ARCI
 16 recommended fine is actually \$25,000, not \$5,000.
 17 However, in Indiana, we are limited by statute with
 18 respect to the amount we can charge for a civil
 19 penalty violation.

20 The ARCI recommended such a strong penalty in
 21 instances being where the licensee has a previous
 22 Class A penalty within his lifetime. In this case,
 23 respondent had another positive for the exact same
 24 drug at the end of 2014. In that case, Mr. Walls
 25 told judges in Kentucky that a relative who took

Page 15

1 the drug came in contact with the horse, and the
 2 drug somehow got into the horse's system. In this
 3 case respondent has not contested that the drug was
 4 in the horse's system again.

5 Commission Staff filed a motion for summary
 6 judgment in this case, which was granted by ALJ
 7 Kelly Eskew. I'm before you to ask that you adopt
 8 the Judge's recommended order. Respondent believes
 9 he should be able to present evidence that could be
 10 used as a mitigating factor when determining his
 11 penalty; however, the rule he references applies to
 12 environmental contaminants. This drug is not an
 13 environmental contaminant. That rule lists
 14 specific drugs for which mitigating circumstances
 15 can be presented. This just simply isn't one of
 16 them. Judge Eskew's reading of the rule is
 17 correct. And the ARCI recommended penalty is the
 18 appropriate penalty.

19 Staff respectfully requests that you adopt ALJ
 20 Eskew's recommended order redistributing the purse
 21 and fining respondent \$5,000 and, of course,
 22 suspending him for three years. Thank you.

23 CHAIRMAN BORST: Thank you. Let's go to
 24 Commission member questions first here. Do you
 25 have questions?

Page 16

1 COMMISSIONER PILLOW: Lea, what does this drug
 2 do to the horse? A Class 3, how does it affect the
 3 horse in a race?

4 MS. ELLINGWOOD: It acts as a mild sedative.
 5 I don't know that there's a good reason to use it
 6 in the horse, but that is how some people have used
 7 it. You know, I know it's an anti-epileptic,
 8 anti-seizure drug with a slight calming effect.

9 COMMISSIONER SCHENKEL: I guess the question I
 10 would have maybe would be directed towards
 11 Mr. Shanks. And that is you use the terminology
 12 that you don't think this is a fair and reasonable
 13 penalty, but you stopped there. I'm interested as
 14 to what you think would be fair and reasonable
 15 because you admitted that the drug was there.

16 MR. SHANKS: Yes, that's not the issue. The
 17 issue is simply the penalty. Certainly
 18 redistribution of the purse would be appropriate in
 19 all drug cases. But I believe that a suspension
 20 like this, this particular trainer has been a very,
 21 very good trainer, a top trainer. And penalties
 22 like this just put them out of business. I would
 23 suggest a six-month suspension and a \$500 fine.

24 I mean, this was absolutely unintentional and
 25 because of the event in Tennessee or in Kentucky

Page 17

1 rather, he did try to avoid contact between himself
 2 and the horse in a way that would contaminate the
 3 horse. In this particular situation, we would have
 4 evidence as to how this contamination occurred.
 5 And he was trying to avoid it. It was totally
 6 inadvertent. The contamination was not because he
 7 urinated in the stall. It was in another location,
 8 but our evidence would be that someone had laid
 9 some hay in that area. And it was an area where
 10 hay shouldn't have been laid. It was completely
 11 inadvertent, and he's very remorseful about this
 12 happening.
 13 But I think this is severe. It basically will
 14 just put him out of business. And this is the kind
 15 of thing that I think damages the image of horse
 16 racing in Indiana.
 17 COMMISSIONER SCHENKEL: But he is both the
 18 owner and the trainer?
 19 MR. SHANKS: Yes.
 20 COMMISSIONER SCHENKEL: The ultimate
 21 responsibility for --
 22 MR. SHANKS: Yes.
 23 COMMISSIONER SCHENKEL: -- this horse rests
 24 with him.
 25 MR. SHANKS: Absolutely, yes.

Page 18

1 COMMISSIONER PILLOW: Are you saying that the
 2 owner took this drug and urinated in the stall and
 3 hay was placed on the urination?
 4 MR. SHANKS: Yes. It was in another stall
 5 where they keep supplies and things and hay.
 6 COMMISSIONER PILLOW: But the owner and
 7 trainer takes this drug?
 8 MR. SHANKS: Yes, he is bipolar.
 9 CHAIRMAN BORST: Was a valid prescription
 10 presented --
 11 MR. SHANKS: Yes.
 12 CHAIRMAN BORST: -- that shows that he was on
 13 it at the time?
 14 MR. SHANKS: We would present a valid
 15 prescription, yes.
 16 CHAIRMAN BORST: Any other Commission
 17 questions? Is this one we can open up the public
 18 to?
 19 MS. NEWELL: If you're so inclined, you could
 20 do that. Generally, it's been up to the Commission
 21 how you want to handle that.
 22 CHAIRMAN BORST: There probably isn't anybody
 23 else to add to that. Thank you both for your
 24 presentation.
 25 Commission Members, any discussion, any

Page 19

1 motions? We do have the ability to affirm it,
 2 reject it, modify it so send it back, I guess, are
 3 the things that we can do.
 4 MS. NEWELL: Correct.
 5 CHAIRMAN BORST: So the Chairman is ready for
 6 a motion if anybody has one. It's a tough one.
 7 It's not easy. In reading it several times, it's
 8 not easy to do.
 9 COMMISSIONER SCHENKEL: I guess one more
 10 question I have. This was an occurrence similar to
 11 what happened in Kentucky. So this wasn't the
 12 first time that this situation had occurred.
 13 MR. SHANKS: This was not the first time the
 14 situation occurred, but it occurred because of
 15 someone else, not him. He has kept this person
 16 away from the horses.
 17 COMMISSIONER PILLOW: The first time, does
 18 that person take this drug also that urinated in
 19 the stall?
 20 MR. SHANKS: Yes.
 21 COMMISSIONER PILLOW: It was his father.
 22 MR. SHANKS: I think it was his father.
 23 CHAIRMAN BORST: The question before us is the
 24 three-year suspension, the \$5,000 fine and forfeit
 25 of the purse. Ready for the motion. The Chair

Page 20

1 can't make one.
 2 COMMISSIONER SCHENKEL: I would move approval
 3 of that order.
 4 CHAIRMAN BORST: It's been moved. I guess I
 5 could second it and get it on the table. I second
 6 it. Any further discussion?
 7 Seeing none, all those in the favor of the
 8 motion say "aye."
 9 THE COMMISSION: "Aye."
 10 CHAIRMAN BORST: Those opposed.
 11 (No response.)
 12 CHAIRMAN BORST: I guess it's unanimous.
 13 Motion's upheld.
 14 Okay. Moving on the agenda, we will go to
 15 number four, which number three has been stricken
 16 from the agenda, by the way. Number four is
 17 consideration of the recommended order granting
 18 motion for summary judgment in the matter of IHRC
 19 staff versus John Michael McCreary.
 20 Holly, do you want to start this one?
 21 MS. NEWELL: This is going to be very similar
 22 to what just happened. Before you today on this
 23 matter are the proposed findings of fact,
 24 conclusions of law and recommended order issued by
 25 ALJ Kelly Eskew in the matter of IHRC staff versus

Page 21

1 John McCreary. And, again, on this item, I will be
 2 acting as your counsel. Lea is acting as counsel
 3 to Commission Staff, and John McCreary is
 4 representing himself. Mr. McCreary, you're here,
 5 right? He will come to the lecturn when it's his
 6 turn.

7 This case stems from an administrative
 8 complaint filed by Commission Staff alleging that
 9 Mr. McCreary violated IHRC medication rules. The
 10 matter was scheduled to be heard by ALJ Kelly
 11 Eskew. Commission Staff filed a motion for summary
 12 judgment. Mr. McCreary responded. And ALJ Eskew
 13 recommend in her order that Commission Staff's
 14 motion be granted.

15 Mr. McCreary's penalty for the violation is a
 16 15-day license suspension and a \$500 fine.
 17 Mr. McCreary filed objections to Judge Eskew's
 18 recommended order. And her recommendation is
 19 before you for your consideration today.

20 Notice of opportunity to present briefs and
 21 oral arguments was issued by Chairman Borst. Each
 22 side will have ten minutes for their presentation
 23 today. And once again, they will be keeping time
 24 over across from the lecturn.

25 Again, you can ask questions as you see fit.

Page 22

1 At the close of the arguments, you will have four
 2 options; affirming, modifying, dissolving, or
 3 remanding for further proceedings. If you don't
 4 have any questions, Mr. McCreary will present his
 5 argument first.

6 CHAIRMAN BORST: Go ahead, Mr. McCreary.

7 JOHN MCCREARY: I'm not as good a talker as
 8 these nice lawyers here. They really speak nicely.
 9 I commend them on that.

10 CHAIRMAN BORST: We may understand you then.

11 JOHN MCCREARY: All the information that I'm
 12 about to give you is true to the best of my
 13 knowledge. It would be all provable by documents
 14 that I could supply at your request.

15 As the trainer of American Purr, the health
 16 and welfare of this horse has always been my top
 17 priority. He received a head wound in the starting
 18 gate in a race on August 13th. And after that,
 19 he was sedated. And the local anesthetic,
 20 mepivacaine, was used to close the wound by the
 21 track veterinarian. The healing was good. The
 22 horse never left the track during this time, and he
 23 was under the constant patrol of track security.

24 He was released by the veterinarian to resume
 25 training and was reschooled in the gate several

Page 23

1 times by the starter. He was entered in a maiden
 2 race on September 9th. And I believe he was
 3 picked to win, as he was already stakes placed in
 4 his first few races. He ran true to form and won
 5 the race.

6 A few weeks later I was completely shocked as
 7 I received a notification of a positive for
 8 mepivacaine. That was a shock to me because no
 9 other administration of this drug had been done
 10 other than closing the wound in August. This was
 11 my first positive test or any violation ever,
 12 excluding a Banamine overage several years ago.

13 I dug very deep to see what happened to this.
 14 And I immediately requested a split from UC Davis.

15 I contacted the RMTC to understand more about
 16 how false positives of mepivacaine could occur.
 17 Doctor Benson informed me that a panel of
 18 scientific experts had determined that mepivacaine
 19 has a threshold of 50 picograms instead of the LOD
 20 at the RMTC accredited labs, for which we use.
 21 This is because of the risk that the trainers may
 22 follow the rules and guidelines and withdrawal
 23 times and still get a positive test because of the
 24 increasing sensitive testing instruments.

25 I recently, a few days ago, talked to Petra

Page 24

1 Hartman. She's the director of Industrial Labs,
 2 our primary lab. She stated that if my test had
 3 been under 50 picograms, she wouldn't even have
 4 reported this. It wouldn't have been reported in
 5 Indiana.

6 However, my test at Industrial was 80
 7 picograms approximately there. And the split was
 8 quantified from the report at Doctor Stanley at UC
 9 Davis, but it was stated only as being confirmed.
 10 He didn't put the quantity on there.

11 However, when I called him under the direction
 12 of the stewards, Stan Bowker, Doctor Stanley would
 13 not give me the results. And he told me I would
 14 have to ask the Indiana Horse Racing Commission for
 15 my quantification of this drug, which I have
 16 requested many times. There's plenty of documents
 17 to show that, and I've been denied each time.

18 I, again, assure that this horse had no other
 19 mepivacaine than what was humanely used to suture
 20 this horse up. And the increasingly sensitive
 21 instruments that are designed to catch true rule
 22 breakers have picked up this small quantity.

23 On the results of the test from US Davis,
 24 Doctor Stanley, I've got copies of it, has stated
 25 on there if we need any other information or any

Page 25

1 other help in any way, he would be happy to provide
 2 us with that. And I believe that this needs to be
 3 examined. The rules need to be understood a little
 4 better.

5 The Commission are following their rules of
 6 level of detection to the letter. They've been
 7 hard-nosed about it. I guess in one way I commend
 8 them for that. However, in my case the labs are
 9 already taking some of this guesswork out for them
 10 because there can be -- some of these drugs can
 11 stay in the system in a very, very small amount for
 12 years. And that's what happened. With their new
 13 updated test equipment, that's what's happening.

14 I, you know, we can call Petra Hartman. She's
 15 our main lab director at the main lab we're using.
 16 We can call Scott Stanley and talk to him about it.
 17 I believe they're the experts on this case. And we
 18 need to maybe consult with them and see exactly all
 19 the particulars of this case.

20 And if there's anything I can answer, I'm open
 21 for questions.

22 CHAIRMAN BORST: We'll hear the other side,
 23 and then we'll go with the questions. Thank you.

24 JOHN MCCREARY: Thank you.

25 MS. ELLINGWOOD: Thank you. Mr. McCreary was

Page 26

1 licensed as a trainer last year. And as he
 2 mentioned, he was the trainer for the Quarter Horse
 3 racehorse named American Purr. American Purr won
 4 race number one at Indiana Grand on September 10,
 5 2016. And per the norm, post race blood serum and
 6 urine samples were taken and sent to Industrial for
 7 testing. Industrial reported that the blood serum
 8 sample tested positive for the drug mepivacaine.
 9 Mepivacaine is what is called limited detection
 10 substance, which means that any amount of the
 11 substance in the sample that is detectable by the
 12 lab is enough to constitute a violation of the
 13 rules.

14 Mr. McCreary was notified of the positive, and
 15 again, as he referenced, asked to have a split sent
 16 to UC Davis for confirmation testing. UC Davis
 17 received the sample. After testing, it reported
 18 they had identified mepivacaine in the sample.

19 Staff then filed Administrative Complaint No.
 20 217002 against Mr. McCreary proposing penalties
 21 that are consistent with the ARCI recommended
 22 penalty, which is a 15-day suspension and a \$500
 23 fine.

24 Chairman Weatherwax assigned the case to ALJ
 25 Eskew to hear the matter. Mr. McCreary has through

Page 27

1 the course of this been a gentleman and seems like
 2 a very nice person, but I believe he's clouding the
 3 matter with information that isn't really relevant
 4 to the case. Mr. McCreary inappropriately refers
 5 to an RMTC threshold of 50 picograms per milliliter
 6 as the appropriate threshold in this case, but it's
 7 not. Just to be clear, the RMTC is a body that
 8 makes recommendations to the ARCI, which are then
 9 voted upon by its body, and then those recommended
 10 drug thresholds are sent to you for your
 11 consideration, and then you adopt them as rules.

12 So the science that Mr. McCreary is talking
 13 about is irrelevant in that that's not the rule in
 14 Indiana. The rule in Indiana is that it's a
 15 limited detection drug. Again, any amount that's
 16 detectable in the serum is enough to trigger a
 17 violation.

18 While the RMTC certainly has a positive
 19 reputation, what's important here is what the
 20 Commission requires. And the Commission's rules
 21 are clear in the matter. Judge Eskew agreed with
 22 this in her order denying Mr. McCreary's request
 23 for a quantitative report.

24 Just to be clear, UC Davis didn't actually
 25 create a quantitative report that we are denying to

Page 28

1 him. In a case like this, they won't create a
 2 report unless the Commission Staff asks them to
 3 prepare a data packet, which we didn't do because
 4 it's unnecessary in this case, any case where it's
 5 a limited detection positive, we only need to prove
 6 that it was there. We don't need to know how much
 7 drug was in the substance.

8 Mr. McCreary also argues that the amount of
 9 mepivacaine found in American Purr's system
 10 wouldn't be sufficient enough to alter the horse's
 11 performance. We don't need to prove that. We only
 12 need to prove that the drug was in the sample in an
 13 amount that violates the Commission's rules. We've
 14 done that.

15 Accordingly, we would respectfully request
 16 that the Commission adopt Judge Eskew's recommended
 17 order granting summary judgment for the petitioner.
 18 I'm happy to answer any questions you may have.

19 CHAIRMAN BORST: Thank you. Commissioners,
 20 questions for Mr. McCreary or Lea either one?

21 COMMISSIONER SCHENKEL: I guess, Mr. McCreary,
 22 you say the horse received the treatment from the
 23 track vet in July.

24 JOHN MCCREARY: In August.

25 COMMISSIONER SCHENKEL: Roughly three or four

Page 29

1 weeks before this race.

2 JOHN MCCREARY: Next race, yeah. He was in a

3 race when he hit his head originally the first

4 time.

5 COMMISSIONER SCHENKEL: And had been cleared

6 by the track veterinarian and so forth.

7 JOHN MCCREARY: Yes.

8 COMMISSIONER SCHENKEL: There's no testing

9 done -- I guess this is a question for Lea.

10 There's no testing done on that horse again until

11 it won the race.

12 MS. ELLINGWOOD: Right. We wouldn't be in a

13 position to test the horse unless the horse won the

14 race or it were selected for a particular reason or

15 called for a special by the judges and stewards.

16 COMMISSIONER SCHENKEL: I guess another kind

17 of a different question for Lea. If this is

18 upheld, it's a 15 day --

19 MS. ELLINGWOOD: Yes.

20 COMMISSIONER SCHENKEL: -- suspension, \$500

21 fine?

22 MS. ELLINGWOOD: Right.

23 COMMISSIONER SCHENKEL: The suspension

24 starting when?

25 MS. ELLINGWOOD: We would work with

Page 30

1 Mr. McCreary. It usually starts right after the

2 Commission has approved the recommended order

3 unless he appeals it. Mr. McCreary has a right to

4 appeal the Commission's decision within 15 days of

5 receiving the final order. Assuming he did not, it

6 would take place pretty much immediately.

7 COMMISSIONER LIGHTLE: I think, Mike, do you

8 want to ask a question?

9 MIKE SMITH: I want to make one more addition

10 to the ability to have the horse tested. We

11 provide free of charge for anybody that wants to

12 get their horses tested to see if they're clear.

13 We've worked that out with the lab. I think we

14 started last year for any --

15 COMMISSIONER SCHENKEL: That's kind of where I

16 was going, I guess.

17 MIKE SMITH: Any trainer can come to us and

18 request a panel done on their horse to see if there

19 is anything positive. In fact, it's on our

20 website. We've actually had one person do a stable

21 before to make sure they were okay. But we do

22 offer that service free of charge if anybody has a

23 question whether or not their horse may still have

24 lingering.

25 COMMISSIONER LIGHTLE: That kind of answers my

Page 31

1 question because my understanding is that then this

2 horse had this for the wound, and you just assumed

3 that it would be out of his system prior to this

4 race.

5 JOHN MCCREARY: Yes, ma'am.

6 COMMISSIONER LIGHTLE: But you didn't check

7 that.

8 JOHN MCCREARY: No, I didn't because actually

9 the drug itself on the withdrawal guidelines, it

10 says 72 hours. I'm assuming, man, I've had three

11 weeks. However, the scientific advisory committee

12 has determined, I do have documents about this drug

13 staying in the system at low levels.

14 The question here is -- and I agree with

15 everything they're saying. I'm not disputing this,

16 other than one thing, I do not rule out completely

17 the chance there was contamination somewhere in

18 this horse after the race or in the test barn or

19 whatever. I don't rule that out. In all

20 probability, that didn't happen.

21 What happened -- there's a lot of drugs that

22 says level of detection in our jurisdiction. I

23 understand that. However, these labs because

24 they're so up to date, they're RMTCC accredited. We

25 use only RMTCC accredited labs. Indiana is one of

Page 32

1 the big supporters of that.

2 The labs are adjusting for minor infractions

3 of this drug that would be in there from weeks or

4 months gone by. They're already adjusting for that

5 before they turn in the positives to the racing

6 commission. And you can check with Miss Hartman on

7 that or Mr. Stanley. They'll tell you the same.

8 That's why I say, Miss Hartman stated to me if my

9 drug had been 49 picograms, she wouldn't have even

10 turned it in. It wouldn't have even been flagged

11 as a positive.

12 However, with her it was 80. We don't know

13 what it is with UC Davis. That's the test that

14 we're in question about is the UC Davis because it

15 could finish, crucify me. I mean, I'd be dead in

16 the water if it was over 50. I'd have nothing.

17 But if it's under 50, then he would have never

18 reported it to start with as a positive.

19 So there's probably more tests out there

20 that's never been reported if we're going to back

21 on this, that was 49. I'm just saying, this is a

22 lab -- because we entrust them because they are our

23 RMTCC accredited lab, we hold that organization very

24 highly in our organization. We trust them to do

25 what's fair on some of the little things that are

Page 33

1 in the level of detection is going to be in there
 2 maybe for months, weeks, years or who knows.
 3 They're going to have to weed that out. That's
 4 their job to do that. That's why they're
 5 accredited, the RMTc.
 6 COMMISSIONER LIGHTLE: Thank you.
 7 CHAIRMAN BORST: The problem with RMTc
 8 standards, that's not what Indiana uses. Indiana
 9 has its own standards. The standard is if there's
 10 anything in there, anything, it doesn't matter how
 11 many picograms, it doesn't make any difference.
 12 Apparently there was 81 so that's over the 50.
 13 JOHN MCCREARY: We don't know -- the split
 14 would be what we would be going by.
 15 CHAIRMAN BORST: The first test,
 16 approximately.
 17 JOHN MCCREARY: Approximately, yes, sir.
 18 CHAIRMAN BORST: Obviously, if this is because
 19 of suturing the wound and numbing the skin and
 20 tissue under it and all that, that's something that
 21 wasn't done on purpose obviously. But the
 22 standards are the standards. And I don't know,
 23 maybe next time you have a talk with the
 24 veterinarian and say what are we using here and
 25 make sure you test afterwards. I don't think you

Page 34

1 did it on purpose either. It doesn't sound like
 2 it.
 3 It doesn't make sense three weeks later though
 4 because this is a medium-acting drug. It's not
 5 like Procaine. It's a medium. It should have been
 6 out of the system, like you said, 72 hours or maybe
 7 a little more.
 8 JOHN MCCREARY: I've talked to a couple other
 9 vets -- I don't mean to interrupt -- about this.
 10 After I talked to them, they say they don't go with
 11 72 hours. They go longer. They're a little afraid
 12 of it. I was not aware of that.
 13 CHAIRMAN BORST: That's the problem. There
 14 just can't be anything detected. Indiana makes it
 15 easy really. It's either all or none.
 16 JOHN MCCREARY: I understand that. However,
 17 if this be the case, how many other trainers have
 18 had a test of 49 picograms, and it's never been
 19 reported because the labs aren't reporting. I
 20 talked to her directly.
 21 CHAIRMAN BORST: Either it's in there or not.
 22 You made the argument that the labs are getting
 23 better. The mass spectrometry are so much more
 24 sensitive.
 25 JOHN MCCREARY: She doesn't report it to the

Page 35

1 Commission.
 2 CHAIRMAN BORST: If it's there, it's there.
 3 If it's not, it's not. That's what Indiana says we
 4 have to go by. Now, maybe we can change those
 5 rules. I'm not saying it's right or wrong, but we
 6 can't do that right now. We have to go by what
 7 rules are in place at this point.
 8 This is another tough one. These are all
 9 tough ones because it just doesn't make sense
 10 sometimes that you're trying to do the right
 11 thing --
 12 JOHN MCCREARY: I understand.
 13 CHAIRMAN BORST: -- and the drug was in there
 14 because of the suturing. Any other Commission
 15 questions?
 16 COMMISSIONER SCHENKEL: Was there a
 17 redistribution of the purse involved in this
 18 ruling?
 19 MS. ELLINGWOOD: Yes.
 20 COMMISSIONER SCHENKEL: So you had to give up
 21 the?
 22 JOHN MCCREARY: The purse had never been paid.
 23 I'm not the owner of the horse. My owner has never
 24 been paid the purse. And I've never had my ten
 25 percent. So the purse was never paid.

Page 36

1 MS. ELLINGWOOD: But the redistribution under
 2 Indiana statute would be part and parcel of the
 3 penalty against Mr. McCreary.
 4 CHAIRMAN BORST: Any further Commissioner
 5 questions? Again, we're ready for a motion if
 6 somebody has a motion to accept, deny, amend, or
 7 send it back.
 8 COMMISSIONER PILLOW: I'm having a problem
 9 with both of these.
 10 COMMISSIONER SCHENKEL: I would offer a motion
 11 for sake of discussion, and let the Commission
 12 wrestle with it. And that would be to amend this
 13 suggested order slightly to keep the fine in place
 14 but reduce the suspension to seven days. I think
 15 it was 15 days?
 16 MS. ELLINGWOOD: It was 15. Under the ARCI,
 17 that's the precedent for this particular penalty.
 18 COMMISSIONER SCHENKEL: I'm suggesting that,
 19 just as I say, from the standpoint to get it out
 20 for discussion and recognizing the difficulty of
 21 this, and the fact that it certainly to me doesn't
 22 appear intentional and to see what the other
 23 Commissioners think of that.
 24 COMMISSIONER PILLOW: I'll second that.
 25 CHAIRMAN BORST: Been moved and seconded. So

Page 37

1 we can talk about this. It's open for discussion.
 2 MS. NEWELL: Commissioners, Robin might be
 3 having a hard time with some of you who aren't on
 4 the mike.
 5 COMMISSIONER LIGHTLE: I'm sorry. I'm the one
 6 who said I have a big mouth, and you didn't need to
 7 worry about it.
 8 I'm just having a problem with this one, I
 9 think. Understandably because we do have that
 10 availability of a free test, this would, obviously,
 11 have been the thing that Mr. McCreary could have
 12 taken advantage of and would have been helpful.
 13 But I just have a problem with this one. I'll go
 14 with let you all talk and talk it through. If
 15 anybody else has a problem with this, I don't know.
 16 COMMISSIONER SCHENKEL: I think the Chairman
 17 brought up the fact that rules are rules in
 18 Indiana. We can't change those at this point. In
 19 offering the amended version of this, I wasn't
 20 trying to say that we're going to turn our head.
 21 We need to adhere to our rules. The penalty in my
 22 mind has some leeway, but, again, that's just my
 23 personal opinion.
 24 COMMISSIONER PILLOW: I will second Greg's.
 25 CHAIRMAN BORST: I already had you as a

Page 38

1 second.
 2 COMMISSIONER PILLOW: Third then.
 3 CHAIRMAN BORST: Any further discussion then?
 4 Motion is for the \$500 fine and the forfeit of the
 5 purse and to amend the suspension from 15 to seven
 6 days. Are we ready for a vote? All right.
 7 All those in favor say "aye."
 8 THE COMMISSION: "Aye."
 9 CHAIRMAN BORST: Those opposed? The "ayes"
 10 have it unanimously then.
 11 So that's it. We'll move onto the next case
 12 and the last case thankfully.
 13 The next one is consideration of the
 14 administrative law judge's recommendation, finding
 15 of fact, conclusions of law, ultimate findings of
 16 fact, recommended order in the consolidated matters
 17 of Dylan Davis and Julian Williams.
 18 Nicole Schuster from the Attorney General's
 19 Office will start us off.
 20 MS. SCHUSTER: Good morning, Commissioners. I
 21 don't have a big mouth so I'm going to use the
 22 microphone.
 23 This is an oral argument in the administrative
 24 proceeding in the consolidated matter of the
 25 Indiana Horse Racing Commission versus Julian

Page 39

1 Williams and Dylan Davis where the respondents,
 2 Mr. Williams and Mr. Davis, are challenging a
 3 recommended decision by the Administrative Law
 4 Judge Bernard Pylitt.
 5 Specifically on November 22, 2016, Mike Smith,
 6 Executive Director of the Commission, issued
 7 Administrative Complaint No. 216007 against
 8 Mr. Williams and Administrative Complaint No.
 9 216008 against Mr. Davis.
 10 The complaints allege that Mr. Williams and
 11 Mr. Davis were respectively the assistant trainer
 12 and trainer to a horse which had administered to it
 13 an unknown substance on the day the horse was
 14 scheduled to participate in a race.
 15 On January 10, 2017, an order of consolidation
 16 was issued consolidating these two matters. The
 17 complaint against Mr. Davis was amended on
 18 February 20, 2017. Mr. Williams and Mr. Davis
 19 responded to the complaints in a timely manner.
 20 On May 25, 2017, ALJ Pylitt issued his
 21 findings of fact, conclusions of law, and
 22 recommended order in this case. The recommended
 23 penalty for both respondents was a 60-day
 24 suspension and a thousand dollar fine. On June 9,
 25 2017, Mr. Williams and Mr. Davis filed their

Page 40

1 objections to the recommended order. On August 17,
 2 2017, Mr. Williams, Mr. Davis, and the Commission
 3 Staff filed their respective briefs in this matter.
 4 Today, August 25, 2017, the Commission is
 5 affording the parties the opportunity to present
 6 oral arguments. Commissioners Borst, Schenkel,
 7 Pillow, and Lightle are present for the argument.
 8 Presentations will be limited to ten minutes a
 9 side. And Commissioners are free to ask questions
 10 at any time.
 11 At the conclusion of the argument, the
 12 Commissioners will deliberate on whether to affirm,
 13 modify, resolve, or remand for further proceedings
 14 of the proposed decision of the administrative law
 15 judge. The Commission's decision will be based
 16 solely on the record before it. Thank you.
 17 CHAIRMAN BORST: Thank you. Who's here to
 18 lead us off?
 19 MR. TAYLOR: Good morning, Commissioners. My
 20 name is Howard Taylor. I represent Mr. Davis and
 21 Mr. Williams in this matter. You had stated that
 22 the other two cases that you've heard were tough.
 23 I think this is a little tougher than that even. I
 24 will try to make this as easy and clear as
 25 possible.

<p style="text-align: right;">Page 41</p> <p>1 Preliminarily, I think you're all familiar 2 that there's a higher case, Estvanko and something 3 versus the Commission where -- I don't have the 4 cite, I'm sorry -- where a trainer was deemed 5 responsible. It's a Thoroughbred case. A vet was 6 reported by a security guard to go into a stall on 7 a horse that was in to go here at Indy. And the 8 security guard reported it. And it was a very 9 complicated case. The decision of the Commission, 10 and they were struggling with the decision to 11 suspend the trainer. But that was the decision 12 that you ruled.</p> <p>13 This is a dramatically different case. In 14 that case, it dealt with Thoroughbreds. There's an 15 in-to-go sign on the door of the stall of every 16 horse. And no veterinarian is allowed in that 17 stall on that day without a security guard present. 18 It's a per se violation just having the vet walk 19 into the stall.</p> <p>20 This was dealing with Standardbreds, a totally 21 different situation. In the Standardbred industry, 22 the horses go to a paddock three to four hours 23 before a race. All horses have to report to the 24 paddock. They have to go with Commission 25 licensees. And there is a veterinarian appointed</p>	<p style="text-align: right;">Page 43</p> <p>1 violation, just as he was in the Estvanko case. 2 That's not the case. It's a totally different 3 situation.</p> <p>4 Number two is he qualified Doctor Waterman in 5 that case as an expert in equine medicine. And I 6 wasn't there. I don't know what cross-examination, 7 but I had some questions about Doctor Waterman's 8 credentials. I asked him, Doctor Waterman, a 9 supposed expert in equine medicine, had never 10 worked in a laboratory, had never worked doing 11 research on medicine, had never worked with a 12 horse. He worked at a small animal clinic.</p> <p>13 I challenged his credentials at the hearing. 14 And Miss Newell said, Doctor Waterman, why don't 15 you tell us what makes you an expert. His response 16 was, you know, that's a difficult question. I'm 17 not really sure. I said, well, clearly he's not 18 qualified. Judge Pylitt qualified him based on the 19 Estvanko case, based on the fact he had been 20 qualified in a prior case, which I wasn't part of. 21 I didn't have a chance to cross-examine him. I 22 don't think he's qualified to this day, and I think 23 Doctor Waterman doesn't think he's qualified.</p> <p>24 So getting back to our case, David Hicks 25 reported that he saw Doctor Baliga pull something</p>
<p style="text-align: right;">Page 42</p> <p>1 by the Commission for -- they serve on one-week 2 rotations. And they administer Lasix one single 3 vet to every horses, as opposed to your vet 4 administering the Lasix to your horse in the stall 5 on Thoroughbreds. This is in a secured area. You 6 have to be licensed and pass through a check in.</p> <p>7 Moreover, there is a room -- I guess, Indiana 8 has an integrity program. In that integrity 9 program, they have the veterinarian in a locked 10 room with a security guard. So nobody knows what 11 goes on in that room but these two individuals. So 12 it's a much more secured area.</p> <p>13 Now, what is alleged to have happened is that 14 the security guard, David Hicks, alleges that he 15 saw Doctor Baliga, who was the designated by the 16 Commission Lasix vet on that day, draw, take a vile 17 out of his pocket, draw something from that vile 18 into a syringe and then put the Lasix in, fill it 19 up with Lasix and put it back in his pocket.</p> <p>20 First, let's get to the Estvanko case. It 21 doesn't apply here. It's a totally different 22 situation. There's no per se violation. Yet, 23 Judge Pylitt, he found, took official notice, which 24 is judicial notice, of the Estvanko case in that 25 the trainer would be per se responsible for this</p>	<p style="text-align: right;">Page 44</p> <p>1 out from a vile, put it back in his pocket. The 2 normal course, and Mr. Hicks admits at trial, the 3 normal thing to do would be what are you doing, 4 what is that and grab it. He's a security guard. 5 He's in the locked room with just the doctor. 6 That's what he's supposed to do. He's supposed to 7 protect the horses.</p> <p>8 He didn't say a word. He then followed Doctor 9 Baliga and waited until he allegedly pulled the 10 needle out of his pocket and gave it to my client's 11 horse. Now, my clients, it's undisputed they 12 weren't there that day. But he gave it to my 13 clients' horse supposedly. Hicks never said a 14 word.</p> <p>15 Three races later he goes and reports it to 16 the judge. They scratched the horse. They asked 17 my client. He wants it scratched. He doesn't want 18 a horse in to race with something that could cause 19 a positive. He insists that the horse get tested, 20 which I'm sure they were going to do anyway. You 21 know what the horse tested positive for? Lasix, 22 only Lasix.</p> <p>23 Now, David Hicks was -- he gave a version 24 of -- he was called down to security, gave a 25 recorded statement that night right after it</p>

Page 45

1 happened, freshest in his mind. And in that
 2 statement, he said a lot of things primarily that
 3 he went back to the Lasix room, looked all through
 4 the trash cans clear to the bottom, couldn't find
 5 anything. Two months later he's in Miss Newell's
 6 office and gives an affidavit, which is prepared, I
 7 guess, by counsel. He gives an affidavit that says
 8 he found the vile in the room. At deposition he
 9 found the vile in the room, and at the hearing he
 10 found the vile in the room.

11 I kept cross-examining him. That night you
 12 said you didn't find the vile to the point if you
 13 read the transcript on two separate occasions,
 14 Judge Pylitt said that's enough questioning, you've
 15 impeached his testimony. That's in the transcript
 16 that David Hicks on two different occasions on two
 17 different issues his testimony was impeached by me.

18 He's the only eyewitness to this thing. If he
 19 doesn't report this, there's nothing to even talk
 20 about here. Yet, Judge Pylitt somehow found that
 21 he's the only credible witness because he had no
 22 axe to grind. There's a little blurb in the
 23 transcript that Mr. Hicks had a prior conflict. So
 24 there is a potential axe to grind.

25 However, there's nothing to this. There's one

Page 46

1 eyewitness that says he saw something under dubious
 2 circumstances never said a word or confronted the
 3 vet at the time and changed his story four
 4 different times. I don't know what to say other
 5 than that you have testing done that had six months
 6 to test this vile, and there's some confusion. The
 7 Commission is going to tell you it's my fault
 8 because after six months, I filed a motion that
 9 they couldn't put any evidence of the vile on
 10 because I thought it was unfair to my client and
 11 prejudicial. And somehow they don't take the blame
 12 for the six months that they couldn't produce a
 13 result on this vile.

14 There was some evidence from Miss Hartman at
 15 the trial that the vile only tested positive for
 16 Lasix. There's nothing to this case. There
 17 shouldn't be a case. There was no case. The
 18 judges didn't blame my clients. They didn't.
 19 Mr. Smith, based on the Estvanko case, that's his
 20 testimony, decided to charge the trainers, who
 21 Dylan was in Delaware at the time. The second
 22 trainer had another horse in a stakes race in Ohio.
 23 They weren't even there.

24 If they were there, they couldn't have done
 25 anything anyway. They could not see Doctor

Page 47

1 Baliga's actions, if there were any, because they
 2 occurred in a locked room with only the security
 3 guard, who was there to protect my client or people
 4 like him.

5 Just to me this case is unbelievable that it's
 6 here. Ms. Newell says the absence of evidence is
 7 not the evidence of absence. The trainer
 8 responsibility rule says that the trainer is
 9 responsible for the presence of a prohibited drug
 10 found in the horse. That's the rule. There was no
 11 presence of any drug. There was nothing found in
 12 this horse that wasn't supposed to be there.

13 There is no violation of the trainer
 14 responsibility rule. And my clients could have
 15 done nothing, even if there was something done
 16 illegally. Could have done nothing to know about
 17 it or to prevent it.

18 To fine them, to suspend them is patently
 19 unfair and takes them out of business for months
 20 for something they didn't do, they didn't
 21 participate in, and they didn't know about, and
 22 they couldn't have stopped even if they wanted to.
 23 With that, I'm open to any questions.

24 CHAIRMAN BORST: Thank you, Mr. Taylor. We'll
 25 hear the other side here, and then I'm sure we'll

Page 48

1 have some questions. Holly.

2 MS. NEWELL: Chairman Borst, Commissioners,
 3 today we ask that you affirm Judge Pylitt's
 4 recommended order in this case. The order
 5 concluded that there was prohibited race day
 6 contact with the Standardbred racehorse, IAM
 7 Bonasera, who received a race day injection in
 8 violation of Indiana's key integrity rules.

9 On April 24 and April 25 of this year, ALJ
 10 Pylitt presided over a ten-hour hearing. Mr. Davis
 11 and Mr. Williams were represented by Mr. Taylor,
 12 who provided counsel throughout the proceedings.
 13 Commission Staff called five witnesses and entered
 14 16 pieces of evidence into the record. Mr. Davis
 15 and Mr. Williams called four witnesses and entered
 16 five pieces of evidence into the record. The
 17 hearing transcript is here today. It's 453 pages
 18 long.

19 Today I have ten minutes to tell you why Judge
 20 Pylitt's recommended order should be adopted by
 21 this Commission. Judge Pylitt spent more than ten
 22 hours at the hearing. After careful deliberation,
 23 he issued a 45-page recommended order, which you
 24 all have seen.

25 Unfortunately, these ten minutes will not

Page 49

1 allow me to convey everything that happened at that
 2 hearing or everything that Judge Pylitt concluded
 3 in his recommended order. I cannot go through all
 4 the evidence and testimony that fully support Judge
 5 Pylitt's recommended order. However, I can use
 6 this time to highlight some of the salient points
 7 that resulted in the ALJ's well-reasoned and fully
 8 supported recommendations.

9 Specifically, I will focus on a few points.
 10 First, the two IHRC rules that loom large over this
 11 proceeding, specifically, trainer responsibility
 12 and the prohibition against race day
 13 administration. Second, Commission Staff's
 14 witnesses were impartial and disinterested in the
 15 outcome of this proceeding and providing consistent
 16 testimony in all material respects. Finally, I'll
 17 remind you again that Judge Pylitt spent
 18 considerable time hearing this case and considering
 19 the evidence.

20 Let's start at the beginning, which was about
 21 11 months ago on September 30, 2016. Hoosier Park
 22 security guard, David Hicks, was working his usual
 23 job at the track acting as Lasix escort to the
 24 veterinarian administering Lasix. That vet was
 25 Doctor Baliga, as Mr. Taylor mentioned. What

Page 50

1 Mr. Taylor did not mention was that Doctor Baliga
 2 is Dylan Davis's regular vet. Dylan Davis pays
 3 thousands of dollars of bills to Doctor Baliga
 4 every month.

5 On this particular day, Mr. Hicks was watching
 6 the veterinarian prepare Lasix shots and watching
 7 the vet inject the horses with Lasix. Something
 8 happened during Lasix prep. Specifically,
 9 Mr. Hicks saw the veterinarian draw something other
 10 than Lasix into a Lasix syringe. Meanwhile, the
 11 Standardbred racehorse IAM Bonasera was entered in
 12 the fifth race at Hoosier Park. He was scheduled
 13 to receive Lasix. And his home until race was his
 14 assigned stall in the paddock.

15 When it came time for IAM Bonasera to receive
 16 Lasix, the horse received something that wasn't
 17 just Lasix. He received a special concoction that
 18 Mr. Hicks had witnessed the doctor preparing. Race
 19 day injections for horses are strictly forbidden by
 20 the rules of racing. With only very specific
 21 exceptions, no substance, foreign or otherwise, may
 22 be administered to a horse within 24 hours of race
 23 time.

24 This violation strikes at the heart of
 25 integrity in horse racing. The Commission has in

Page 51

1 place trainer responsibility rules that make the
 2 trainer and assistant trainer responsible for the
 3 condition of the horse and the presence of any
 4 prohibited substance in the horse.

5 In December of last year, the Commission Staff
 6 issued administrative complaints against the
 7 trainer and assistant trainer of IAM Bonasera,
 8 Mr. Davis and Mr. Williams respectively. Davis and
 9 Williams requested a hearing, and ALJ Pylitt was
 10 assigned to hear the matter. ALJ Pylitt is a
 11 former Hamilton County Superior Court judge who was
 12 approved by the Commission in the matter by the
 13 former IHRC chairman.

14 The ALJ independently weighed the evidence
 15 presented at the hearing and made recommendations
 16 based exclusively on that record. Judge Pylitt
 17 heard testimony and considered evidence and
 18 concluded that on September 30, 2016, IAM Bonasera
 19 was injected with something other than Lasix hours
 20 before the horse was scheduled to run.

21 Specifically, the recommended order includes
 22 the following points: Substantial, credible, and
 23 reliable evidence support the conclusion that the
 24 Standardbred racehorse IAM Bonasera received a
 25 prohibited injection on September 30, 2016; and as

Page 52

1 the trainer and assistant trainer of the horse IAM
 2 Bonasera, Davis and Williams are ultimately
 3 responsible for the condition of the horse and the
 4 presence of any prohibited substance.

5 Judge Pylitt's order is thoroughly supported
 6 by cited references to the evidence in the record.
 7 His order is a fair reflection of what occurred at
 8 the hearing in late April. Judge Pylitt observed
 9 each witness's demeanor and saw every piece of
 10 evidence. He thoroughly documented the persuasive,
 11 credible, and reliable evidence in his order.

12 In spite of Judge Pylitt's order and evidence
 13 supporting his conclusions, Davis and Williams
 14 argue that his recommended order is flawed because
 15 there was no positive test. However, there was no
 16 evidence of a test at all. There's nothing in the
 17 record to show what was or was not in the horse's
 18 system. Davis and Williams never requested the
 19 results from IAM Bonasera's testing that day.
 20 Accordingly, no such evidence was presented to the
 21 ALJ for consideration.

22 Even so, there is nothing in the IHRC rules
 23 that require a positive test to establish a
 24 violation of the 24-hour rule. In this case, we
 25 are relying on eyewitness testimony. In this

Page 53

1 instance, the rule violation occurred the moment
 2 the needle pierced IAM Bonasera's neck within four
 3 or five hours of race time. The gelding had been
 4 injected with a substance, foreign or otherwise,
 5 and the rule was violated irrespective of the lab
 6 finding.

7 There is no support for the argument that a
 8 clean test establishes that a rule wasn't violated.
 9 Science and sound reasoning and IHRC rules all
 10 refute that argument. To suggest that IAM Bonasera
 11 had to have a bad test in order to show that he had
 12 been injected is unreasonable. There are thousands
 13 of substances for which science cannot test. Folks
 14 who want to play backside chemist are always trying
 15 new things. It can take time to catch up with the
 16 latest in cheating.

17 It is perhaps helpful to liken this to sports
 18 involving human athletes. Perhaps, you all
 19 remember Lance Armstrong. He won the Tour de
 20 France an unmatched 17 consecutive times. There
 21 were allegations of doping throughout his career.
 22 It wasn't until well after he retired that he
 23 admitted that, yes, he had been doping.

24 In 1999, Armstrong's dope of choice was EPO, a
 25 blood booster. In 1999, there was no test for EPO.

Page 54

1 Today, we can and do test for EPO in racehorses.
 2 All of this by way of example is there are
 3 unfortunately substances for which we do not yet
 4 have a test. A clean test is simply not proof that
 5 horse was not injected. We have an eyewitness
 6 account of what happened.

7 Petra Hartman and Doctor Scot Waterman, whose
 8 credentials I believe are without question despite
 9 what Mr. Taylor has to say, both testified about
 10 this at the hearing before Judge Pylitt.

11 Williams and Dave also continue to attempt to
 12 attack the credibility of Mr. Hicks, the Commission
 13 Staff eyewitness. In fact, the one eyewitness
 14 whose credibility probably should be considered is
 15 Doctor Baliga's. He's facing disciplinary action
 16 as a result of this charge. And he is the one who
 17 has a vested interest in the outcome of this case.

18 Mr. Hicks has endured aggressive
 19 cross-examination and a thorough deposition. His
 20 story remains consistent on these two most
 21 important points: The vet drew up a special
 22 concoction, and then he injected that into IAM
 23 Bonasera. Williams' and Davis' attempts to
 24 discredit Mr. Hicks have fallen short. If he may
 25 have wavered on insignificant collateral issues, it

Page 55

1 has no bearing on the central issue. He saw an
 2 impermissible race day injection.

3 Commission Staff respectfully requests that
 4 the Commission affirm ALJ Pylitt's recommended
 5 order. It is inappropriate to dismantle the
 6 recommendations which stem from a well-contested
 7 hearing in which Davis and Williams had counsel.
 8 The evidence supports the conclusion that IAM
 9 Bonasera was injected on race day. After
 10 considering all the evidence presented, Judge
 11 Pylitt agreed and made the recommended order that
 12 is before you today. We respectfully request that
 13 the Commission affirm his detailed and
 14 well-documented decision. Thank you.

15 CHAIRMAN BORST: Thank you. Just to confirm,
 16 the fine was changed, wasn't it, from 2,000 to
 17 1,000?

18 MS. NEWELL: You're correct. The
 19 administrative complaint was amended and the fine
 20 both decreased, but it also added days to Dylan
 21 Davis. The initial administrative complaint did
 22 not contemplate Dylan Davis serving a suspension.
 23 After we got through discovery and realized where
 24 everybody was or was not, the Executive Director
 25 wanted to amend that complaint to penalize

Page 56

1 Mr. Davis consistent with Mr. Williams.

2 CHAIRMAN BORST: So they each serve a thousand
 3 dollars and --

4 MS. NEWELL: Sixty days, yes, sir.

5 CHAIRMAN BORST: Okay, Commission members. We
 6 have another tough one here, somewhat of a he said
 7 she said, but there are some things, I think, that
 8 help make it clear. Any questions?

9 COMMISSIONER SCHENKEL: Yeah. Probably for
 10 Commission Staff here. Where is Doctor Baliga in
 11 this argument in terms of, I guess not argument?
 12 But is he subject to -- there's no provision here
 13 for his suspension. He is suspended already; is
 14 that correct?

15 MS. NEWELL: All due respect, I'm not going to
 16 go there because it may come before you at a later
 17 date so I don't want to do anything that would
 18 spoil you for hearing something about Doctor Baliga
 19 later on. I'm not trying to dodge the question. I
 20 apologize.

21 COMMISSIONER SCHENKEL: I understand it's a
 22 tricky situation because of the other case.

23 MS. NEWELL: Right.

24 COMMISSIONER PILLOW: The only question I have
 25 is what is the Attorney General's interest in this

Page 57

1 case?

2 MS. SCHUSTER: Commissioner, we have no
3 interest. We are here as your counsel in this
4 matter. Ms. Newell is appearing for the state in
5 this matter, and Miss Ellingwood, I understand, had
6 some interaction such that to avoid all appearance
7 of impropriety, I'm here as your counsel in this
8 particular matter. No interest, just to serve as
9 your attorney.

10 COMMISSIONER SCHENKEL: I guess the other
11 question I have then is for either attorney: There
12 were no test results?

13 MS. NEWELL: There were test results.
14 However, they were not requested by opposing
15 counsel so they never became part of the record.

16 COMMISSIONER SCHENKEL: So no test results as
17 a part of the record.

18 MR. TAYLOR: That's not accurate, I don't
19 believe. First, I did request test results, but it
20 was a gotcha situation. I requested the post-race
21 test results from IAM Bonasera. I was denied them.
22 At the hearing they told me why I was denied them
23 is because he was scratched. So there was no
24 post-race test. I think it's clear that I wanted
25 the results from that testing that day.

Page 58

1 MS. NEWELL: But it's not what you asked for.

2 MR. TAYLOR: I made -- it's my turn. I made
3 the mistake of asking for the post-race tests,
4 which are the testing on the horse after the race.
5 The horse was scratched, but actually he was tested
6 after the race would have gone off so it should
7 have been a post-race test. I was never provided
8 with that. They would have if they would have
9 found Lasix, I'm sure.

10 And there was some testimony by Ms. Hartman
11 that the vile in question was tested. And that
12 this vile that appeared magically only had Lasix in
13 it. So to make a finding, you have to find a
14 violation of trainer responsibility rule. And
15 there can be no violation.

16 The only thing that Hicks is alleging was
17 present was a vile, which that's a question in and
18 of itself, but more importantly, the vile only had
19 Lasix tested in it, which is what it was supposed
20 to. I mean, the horse was a Lasix horse. He was
21 supposed to get Lasix.

22 If you can prove that my client could have
23 known, which he couldn't have known about this
24 administration, it was just Lasix. And there is no
25 evidence otherwise. To fine or suspend a trainer

Page 59

1 based on a violation of the trainer responsibility
2 rule that cannot and has not been proved is just
3 wrong.

4 CHAIRMAN BORST: I have a general question.
5 How often does a horse race and not have a trainer
6 present or in Indiana an assistant trainer? How
7 often does that happen?

8 MR. TAYLOR: That is a rare -- I'm a trainer,
9 driver, owner myself so I think I could answer the
10 question.

11 CHAIRMAN BORST: Okay.

12 MR. TAYLOR: It is a rarity, but it does
13 happen. In this case Dylan has two stables, one in
14 Delaware, which is the main stable, and then he had
15 a fairly large, like, 15 horses in Indiana. That's
16 why he had a designated second trainer, which is
17 Julian Williams.

18 CHAIRMAN BORST: Who was in Ohio?

19 MR. TAYLOR: That particular day there was a
20 major stakes race for the best horses in the
21 country in Ohio, and he had to go there with that
22 horse. That is the only, and Mr. Williams
23 testified at trial, that's the only day for the two
24 years that he was out there or the year he was out
25 there, that the Davis stable raced a horse, and he

Page 60

1 didn't go. It is a rarity.

2 I submit it wouldn't make a difference because
3 whatever Doctor Baliga did or didn't do was in a
4 locked room where Julian would not have been able
5 to see anyway.

6 CHAIRMAN BORST: I guess what bothers me is
7 that both trainers were not there. Doctor Baliga
8 actually is the veterinarian for the horses. He
9 lied. He said there was no vile. Then later on he
10 said, yes, there was. He changed his testimony.

11 The records were not complete for that
12 evening. There's just so many pieces of this
13 puzzle that just don't make sense. It's a he said
14 she said, except for some of these things. I'm not
15 even referring to the previous case or Doctor
16 Waterman. Really none of that has anything to do
17 with this. I agree with you on that.

18 MR. TAYLOR: If you don't apply the Estvanko
19 ruling, then you can't fine or suspend Julian
20 Williams because --

21 CHAIRMAN BORST: Sure you can. You look at
22 the RC rules and go by those.

23 MR. TAYLOR: I'm sorry?

24 CHAIRMAN BORST: The ARCI rules, you go by
25 those too.

Page 61

1 MR. TAYLOR: As a second trainer?

2 CHAIRMAN BORST: Indiana, I believe, is the
3 only state that has a trainer and assistant, as far
4 as I know. It's just weird they were neither one
5 there. Why would this horse be the one that's
6 alleged to have the extra injection? It just
7 doesn't make sense.

8 MR. TAYLOR: Okay. That is if you believe
9 that something happened, which also doesn't make
10 sense.

11 CHAIRMAN BORST: Something happened because
12 the records are not complete. A lie was confirmed.
13 Something happened.

14 MR. TAYLOR: What?

15 CHAIRMAN BORST: A lie was confirmed.

16 MR. TAYLOR: I respectfully disagree with the
17 characterization of a lie. If you read Doctor
18 Baliga's testimony --

19 CHAIRMAN BORST: He said he was under stress.

20 MR. TAYLOR: He said he didn't remember and
21 remembered several days later. At that point he
22 had been disciplined so he didn't think it was
23 worth going back.

24 CHAIRMAN BORST: Anyway, he was not truthful
25 for whatever reason.

Page 62

1 MR. TAYLOR: Not truthful and incorrect.

2 CHAIRMAN BORST: He first said he didn't have
3 a vile, and later on he said he did. That's been
4 identified in substance.

5 MR. TAYLOR: That's not to say he lied. His
6 testimony is that he didn't remember until later.
7 So to say that somebody is lying, I don't have a
8 perfect memory. I submit that the Commission
9 doesn't have perfect memory. There's things,
10 especially under stress, that you forget.

11 CHAIRMAN BORST: I will agree with you on that
12 to a degree. Okay. Any other questions by
13 Commission Members? Okay. Thank you, Mr. Taylor.

14 The recommendation before us for each -- do we
15 need to do these individually or this is all in
16 one, right?

17 MS. NEWELL: I will refer you to Nicole.

18 CHAIRMAN BORST: I will refer to our counsel.
19 We're going to make it work. We can do this whole
20 thing at one time, right?

21 MS. SCHUSTER: The matter is consolidated.
22 The penalties are assigned to each individual.

23 CHAIRMAN BORST: All in one motion it can be
24 done?

25 MS. SCHUSTER: Yes, as long as the motion is

Page 63

1 detailed as to what you're doing.

2 CHAIRMAN BORST: The recommendation is
3 Mr. Williams, a thousand dollar fine and 60-day
4 suspension and Mr. Davis a thousand dollar fine,
5 60-day suspension. That's the recommendation. Do
6 we have a motion?

7 COMMISSIONER SCHENKEL: I'll move acceptance
8 of this recommended order.

9 COMMISSIONER PILLOW: I will second.

10 CHAIRMAN BORST: It's been moved and seconded
11 by Mr. Pillow. Are there any other Commission
12 Member questions, discussion?

13 Seeing none, all those in favor of those
14 recommendations for those two individuals say
15 "aye."

16 THE COMMISSION: "Aye."

17 CHAIRMAN BORST: Opposed "nay".
18 (No response.)

19 CHAIRMAN BORST: The "ayes" have it
20 unanimously. Thank you all for coming.

21 Let's move onto something better. Let's go to
22 some better subjects. I think Lea is going to give
23 us an update on legislation from this past session.

24 MS. ELLINGWOOD: I am and it's going to be a
25 ton of fun.

Page 64

1 In 2017, the House Enrolled Act 1350 went into
2 effect making a number of changes to horse racing
3 related statutes. You have all received a copy of
4 the bill, and you're intelligent people. So I'm
5 not going to go through it in a painstaking detail,
6 but I do want to run through all the changes that
7 were made very briefly for people who may not have
8 read the bill. Of course, as always, please feel
9 free to stop me if you've got any questions.

10 First, the bill gives IHRC staff latitude in
11 paying for certain expenditures without going
12 through the Department of Administration contract
13 process, which can be onerous and difficult. The
14 Commission can use that latitude for things like
15 emergency purchases, forensic and expert witnesses,
16 equipment under \$10,000, and drug and forensic
17 testing.

18 The bill also exempts claiming races from
19 sales tax. It requires that IHRC to license
20 breeders and stallion owners. And just as an aside
21 on that matter, the Commission anticipates
22 licensing breeders and stallion owners beginning
23 the 2018 race season. We don't really practically
24 have the ability to put that into effect right now.
25 We're, of course, in the middle of a race meet

Page 65

1 anyway so we wouldn't want to do that. We have a
 2 attentive goal of having rules for you at the next
 3 or the last Commission meeting of the year.
 4 The bill also extends the prohibition on
 5 wagering at racinos to Commissioners, certain
 6 Commission employee's and their spouses. So no
 7 more going downstairs and playing the slots.
 8 It also legalizes advance deposit wagering.
 9 Staff is currently working on draft rules. We're
 10 working with both Centaur and other industry
 11 stakeholders to come up with what we think is going
 12 to be a good set of rules to get this implemented
 13 as soon as possible.
 14 The new bill also gives the judges and the
 15 stewards discretion regarding the penalty for
 16 failure to take a breath test. As you may recall,
 17 this is the only penalty that's actually specified
 18 in statute. It didn't really give us the latitude
 19 to adjust the penalty where we thought it was
 20 appropriate to do that. So that requirement has
 21 been taken out of the statute.
 22 The bill also eliminates the restriction on
 23 the amount of money that can be paid for
 24 promotional expenses. It clarifies that the
 25 Commission will bear the cost of primary sample

Page 66

1 testing. This isn't actually a change of practice.
 2 It's just a clarification.
 3 It allows a track or commission vet to perform
 4 endoscopic exams on horses that are scheduled to
 5 race that day and allows those vets to be paid for
 6 his or her work.
 7 It also clarifies the offsite areas that IHRC
 8 security or employees may search. That includes
 9 training facilities and training farms. Again,
 10 that's not really a change, more of a
 11 clarification.
 12 It also reinstates the provision that requires
 13 IHRC to distribute \$150,000 to the Board of Animal
 14 Health to pay for costs that are associated with
 15 equine health and care programs. This change
 16 was -- it was accidentally modified in a previous
 17 bill. We're just putting the language back the way
 18 it used to be.
 19 And, finally, it provides that the Commission
 20 Staff can collect fingerprints for licensed
 21 applicants more frequently than every five years.
 22 As you can imagine, there are probably some
 23 instances where a license applicant might be fined.
 24 One year they apply, and they may have accrued some
 25 criminal charges that would maybe not make them

Page 67

1 suitable for licensure. So this gives us the
 2 ability to check more frequently on fingerprints to
 3 make sure the people we are letting on the backside
 4 are suitable to be back there. Do you have any
 5 questions?
 6 CHAIRMAN BORST: Any questions? Thank you.
 7 MS. ELLINGWOOD: You are welcome.
 8 CHAIRMAN BORST: Okay. We move to the
 9 Commission findings and rulings from April 1, 2017
 10 through August 13, 2017. I think Holly will lead
 11 us in that.
 12 MS. NEWELL: Yes, sir. You guys have 11 pages
 13 of rulings because this is right at the heart of
 14 race season, and we haven't been here to see these
 15 for a while. I'm happy to take any questions you
 16 might have about any individual rulings. Upon a
 17 fairly quick review, they seem like fairly standard
 18 rulings, but if you have any questions about this,
 19 I'm happy to take them.
 20 CHAIRMAN BORST: Do members have any
 21 questions? There are 13 pages like you said.
 22 Okay. Seeing none, next on the agenda is
 23 consideration of the following IHRC rules. I think
 24 Lea is going to lead us in that too. I think you
 25 should have received copies of this.

Page 68

1 MS. ELLINGWOOD: Sure. I'm going to cover
 2 each of these three sections of administrative,
 3 proposed administrative rule changes. Each
 4 separate one will need a Commission vote on it. So
 5 I can stop in between if that's easier for you guys
 6 to deal with them than doing them all at once.
 7 With respect to the first entry, like all
 8 other administrative agencies, the Commission's
 9 administrative rules automatically expire every
 10 seven years. We are given the opportunity to
 11 readopt those rules without changing them in a
 12 shortened rule readoption process. The rules
 13 before you, those eight rules, are the ones that
 14 are scheduled to expire at the end of this year.
 15 We're trying to be a little proactive and make sure
 16 that we get them adopted well in advance of the end
 17 of the year.
 18 So those rules have been posted by our agency,
 19 by the Legislative Service Agency's website, as
 20 required by statute. This gives the opportunity
 21 for members of the public to ask us to consider
 22 making changes to the rules. And we didn't receive
 23 any requests to do so.
 24 So I would just respectfully request that you
 25 approve these Commission rules to be readopted

Page 69

1 without changes before the end of the year.
 2 CHAIRMAN BORST: Is there a motion?
 3 COMMISSIONER SCHENKEL: So moved.
 4 COMMISSIONER LIGHTLE: Second.
 5 CHAIRMAN BORST: Moved and seconded. Any
 6 discussion on any particular rules? Nobody?
 7 MS. ELLINGWOOD: Nothing, no.
 8 CHAIRMAN BORST: All right. Seeing no
 9 further -- is this one that's open to the public?
 10 MS. ELLINGWOOD: You're welcome to take
 11 questions if you want to.
 12 CHAIRMAN BORST: This isn't exciting stuff,
 13 but if somebody has a rule change or readoption.
 14 I guess seeing none, those in favor of the
 15 readoption motion say "aye."
 16 THE COMMISSION: "Aye."
 17 CHAIRMAN BORST: Opposed "nay."
 18 (No response.)
 19 CHAIRMAN BORST: The "aye's" have it. That's
 20 number one.
 21 MS. ELLINGWOOD: Number two is a proposed
 22 emergency rule that just cleans up a typo in an
 23 administrative rule. The original rule, I think,
 24 it's a flat racing referenced or Standardbred rule
 25 referenced flat racing rule. So it's just a

Page 70

1 typographical error that we're cleaning up.
 2 Because it's a timeliness issue and because it's
 3 just a typographical error, I respectfully request
 4 the Commission Staff be authorized to move forward
 5 adopting this rule under the Commission emergency
 6 rule writing policy.
 7 CHAIRMAN BORST: Are there any questions about
 8 the rule? Seeing none, a motion.
 9 COMMISSIONER LIGHTLE: I make a motion to
 10 adopt this rule.
 11 COMMISSIONER PILLOW: Second.
 12 CHAIRMAN BORST: Been moved and seconded to
 13 adopt. Any members of the public wish to speak on
 14 this?
 15 Seeing none, all those in favor say "aye."
 16 THE COMMISSION: "Aye."
 17 CHAIRMAN BORST: Opposed, "nay."
 18 (No response.)
 19 CHAIRMAN BORST: The "ayes" have it.
 20 MS. ELLINGWOOD: The final proposed rule
 21 change is a change regarding the decoupling of
 22 racing interests. These changes were actually
 23 proposed by Centaur in a petition earlier this
 24 year. As you can see from the material in your
 25 books, the Executive Director exercised his

Page 71

1 authority to issue a waiver of these rules until
 2 such time as the Commission could consider and
 3 approve them.
 4 Mr. Keeler is available. I don't know, John,
 5 if you want to handle taking any questions with it
 6 or if you want Rick to or Jon. They're here to
 7 answer any specific questions that you might have
 8 about the impact of the change to the decoupling
 9 rules.
 10 Otherwise, because of the timeliness issue, we
 11 would respectfully request that the Commission
 12 adopt it again under its emergency rule adoption
 13 process pursuant to your policy.
 14 COMMISSIONER SCHENKEL: Not to belabor it,
 15 John or Rick, has this worked as intended?
 16 RICK MOORE: It couldn't be working any
 17 better. It's actually one of the biggest assets
 18 that you've given us to fill races, increase
 19 betting interests, protect the ability to have a
 20 superfecta and at times a trifecta. I cannot thank
 21 the Commission and particularly Executive Director
 22 Smith for being so proactive on this issue.
 23 COMMISSIONER SCHENKEL: Good. Then I would
 24 commend Mr. Smith for his actions.
 25 MIKE SMITH: All good work but it was their

Page 72

1 idea.
 2 CHAIRMAN BORST: That's okay as long as it's
 3 helping racing. That's what we want. Any?
 4 MS. ELLINGWOOD: No, we just need a vote on
 5 it. I'm just lingering because I'm the next agenda
 6 item too.
 7 CHAIRMAN BORST: Any motion?
 8 COMMISSIONER SCHENKEL: Move acceptance.
 9 COMMISSIONER LIGHTLE: Second.
 10 CHAIRMAN BORST: Been moved and seconded. Any
 11 members of the public? Sounds like this is a good
 12 one so we better go with it.
 13 All those that favor "aye."
 14 THE COMMISSION: "Aye."
 15 CHAIRMAN BORST: Opposed, "nay."
 16 (No response.)
 17 CHAIRMAN BORST: The "ayes" have it.
 18 MS. ELLINGWOOD: The next item on the agenda
 19 is consideration of addition of another
 20 administrative law judge to our stable, so to
 21 speak. As you know, the Commission has under
 22 contract three part-time administrative law judges;
 23 Bernard Pylitt, Kelly Eskew, and Ernie Yelton. And
 24 while we haven't had a ton of disciplinary cases
 25 yet, you never know what is going to happen. So

Page 73

1 for the sake of keeping the caseload balanced
 2 between administrative law judges, we are
 3 recommending the addition of Michael Buker, whose
 4 resume has been provided to you in your packet.
 5 Mr. Buker is recently retired from a lengthy
 6 career at Ice Miller. He's a former horse owner,
 7 has extensive experience working with
 8 administrative agencies. I believe, if I recall
 9 correctly, has had some experience working in
 10 matters related to a racetrack back in the day when
 11 Churchill was around.
 12 So like all of the other administrative law
 13 judges, Mr. Buker will be assigned to cases by the
 14 Chairman. And we will try to start him out slowly
 15 and get him adjusted to the complicated world of
 16 horse racing, as we do all other administrative law
 17 judges by starting him out on some easier cases.
 18 I'm happy to entertain any questions you may
 19 have, but I think it speaks for itself.
 20 CHAIRMAN BORST: Is there any kind of
 21 training? Like you said, you start them out easy.
 22 Do other judges get together and say, okay, here's
 23 the way we do things to get started?
 24 MS. ELLINGWOOD: I understand the
 25 administrative law judges speak amongst themselves

Page 74

1 with respect to kind of getting up to speed. We do
 2 provide them, obviously, with a copy of the rules.
 3 The Attorney General's Office sometimes has
 4 training. It's not routine and regular training,
 5 but they do occasionally have some seminars that
 6 can be attended by ALJs to help them out with their
 7 duties.
 8 Mr. Buker has a lot of experience working with
 9 administrative agencies. It's just a matter of
 10 getting up to speed on this particular subject
 11 matter, but we haven't had anything formalized.
 12 CHAIRMAN BORST: I think it would help a
 13 little bit. Some guidance would help.
 14 MS. ELLINGWOOD: It might.
 15 CHAIRMAN BORST: Any questions about
 16 Mr. Buker? Motion?
 17 COMMISSIONER PILLOW: I'll make a motion.
 18 COMMISSIONER LIGHTLE: Second.
 19 CHAIRMAN BORST: Been moved and seconded to
 20 approve Michael Buker as the fourth judge.
 21 All those in favor say "aye."
 22 THE COMMISSION: "Aye."
 23 CHAIRMAN BORST: Opposed, "nay."
 24 (No response.)
 25 CHAIRMAN BORST: The "ayes" have it.

Page 75

1 Now we're going to discuss, a discussion, just
 2 a discussion regarding the Quarter Horse Racing
 3 Association of Indiana asking the Commission to
 4 adopt RCI breed specific threshold for Clenbuterol.
 5 MIKE SMITH: Greetings. Thank you,
 6 Mr. Chairman, Members of the Commission.
 7 One of the issues that came before us, the
 8 Quarter Horse Association expressed concern over, I
 9 guess you could say, overuse or abuse of
 10 Clenbuterol. Clenbuterol in itself is a wonderful
 11 drug if it's used properly. When they brought this
 12 to our attention, we decided to do a little bit of
 13 research.
 14 And there are some times that we do
 15 out-of-competition or other things, and we will
 16 take blood samples and do some research through the
 17 labs. And I can stand here with a great deal of
 18 certainty today and tell you that there is abuse of
 19 Clenbuterol, particularly in the Quarter Horse
 20 population.
 21 The RCI has adopted for the first time a rule
 22 breed specific that deals with Quarter Horses and
 23 Clenbuterol and are making it a limited detection
 24 period. My understanding, I think the AQHA -- I'm
 25 not speaking for them -- but I think there has been

Page 76

1 talk they are even going to start testing horses
 2 that go through the sale.
 3 And I would suggest at least from what I know
 4 so far, we should proceed down the path of making
 5 Clenbuterol a limited detection drug for Quarter
 6 Horse following along with the RCI rule.
 7 But in particular, for a little bit of
 8 background on the drug. It is a, if used
 9 constantly and in fairly large doses, a great
 10 anabolic steroid. And it can help build muscle and
 11 do a lot things to a horse that probably wasn't --
 12 it is a shame because for what it's intended, it's
 13 a good drug.
 14 There are some things, I guess, and Doctor
 15 Borst, you know better than me, there are some
 16 drugs that could take the place of it for lung or
 17 breathing issues. I wanted to bring this out today
 18 so the discussion could start so no one would be
 19 surprised that we're thinking about this.
 20 And we've done an extensive amount of research
 21 to come to this conclusion after it was brought to
 22 our attention. I think the one thing that's
 23 probably going to follow behind that is we will be
 24 looking into hair testing at a later date. In hair
 25 testing, we have the ability to go -- you can't

Page 77

1 tell whether a drug has been in there maybe five to
 2 six months, but you can tell if the drug is
 3 present. Some of the other jurisdictions have
 4 adopted that. We would not want to do it right
 5 away because everyone should know that it's coming.
 6 So probably somewhere in the six-month range after
 7 we would adopt or if you decide to adopt a limited
 8 detection for Clenbuterol, we would probably
 9 institute hair testing as well.

10 CHAIRMAN BORST: But this would be for the
 11 next season?

12 MIKE SMITH: Yes, right.

13 CHAIRMAN BORST: Not this racing season.

14 MIKE SMITH: It would cause mass casualties.
 15 We wouldn't have any races.

16 CHAIRMAN BORST: That's what I figured. That
 17 gives them plenty of time to stop using it.

18 MIKE SMITH: Yes. We don't want to surprise
 19 anybody. I committed when I took this job, we
 20 would try not to change rules in the middle of the
 21 stream, unless it was an emergency. This is close
 22 in my opinion. I think everybody knows, and we
 23 have actually limited our split lab to one for
 24 splits of Clenbuterol because the level of
 25 detection, that we are certain of the capabilities

Page 78

1 of the different labs.

2 We are really, really watching the use, and
 3 it's been significant. Yeah, the idea would be we
 4 will do this, probably pick it up in December or
 5 something.

6 CHAIRMAN BORST: Okay.

7 COMMISSIONER LIGHTLE: So you're talking zero
 8 tolerance?

9 MIKE SMITH: Some people call it zero
 10 tolerance. Some call it level of detection because
 11 you get into the issue can you detect it.

12 COMMISSIONER LIGHTLE: LOD.

13 CHAIRMAN BORST: Do we have someone here from
 14 the quarter horse association to speak to this?
 15 Come on forward.

16 PAUL MARTIN: I didn't realize I was going to
 17 be speaking.

18 CHAIRMAN BORST: We just want to hear your
 19 thoughts.

20 PAUL MARTIN: Yes, sir. I'm Paul Martin,
 21 president of the Indiana Quarter Horse Racing
 22 Association. We have been thinking about this
 23 whole situation for a long time. It's quite a
 24 shame that this drug, Clenbuterol, cannot be used
 25 therapeutically like most of us would like to use

Page 79

1 it. We feel it is being abused.

2 Our stand with our board of directors, we are
 3 the voice of the horsemen. And we took a vote and
 4 decided that if the Commission would adopt a zero
 5 tolerance, that we would support that. We feel
 6 like it's of epidemic proportions. If you're using
 7 Clenbuterol and using it right, it can really help
 8 your horse get over a bleed issue. If you're
 9 abusing it and using it as an anabolic steroid, it
 10 can definitely enhance the performance of a horse.
 11 This is what we'd like to get away from.

12 The other thing is that we know there are
 13 other states that are adopting the zero tolerance
 14 rule because it's also a big problem there. I
 15 believe Oklahoma, Texas, New Mexico, and California
 16 have already moved on this issue.

17 So we stand with the Commission if they adopt
 18 a zero tolerance rule. That being said, we would
 19 also have concerns about level of detection in
 20 contamination. With a breed specific rule and
 21 we're training at the same track as another breed
 22 that does not have zero tolerance, we would have
 23 some concerns there, but I think that's being
 24 addressed by the Commission.

25 CHAIRMAN BORST: Thank you. Just wanted to

Page 80

1 have you on record that that adds a lot of oomph to
 2 it when you guys are supporting it trying to get
 3 things cleaned up. Thank you.

4 PAUL MARTIN: We're on board.

5 COMMISSIONER SCHENKEL: Thank you.

6 COMMISSIONER LIGHTLE: Thank you.

7 CHAIRMAN BORST: Anybody else in the public
 8 that would like to speak to this discussion?
 9 That's all it is right now.

10 Okay. Seeing none, we move to the Centaur
 11 update of various things. Mr. Keeler, Mr. Moore.
 12 First of all, thank you all for hosting us and
 13 letting us have our meeting here and refreshments
 14 and setting up the room. You went through a lot of
 15 trouble, and we appreciate it. It's a perfect
 16 setting. Thank you.

17 Who wants to take this?

18 RICK MOORE: Rick Moore, vice-president,
 19 general manager of racing Hoosier Park. With
 20 regard to the newly completed racing administration
 21 building, or the Pitman building, in some circles.

22 MIKE SMITH: You can go ahead and talk, but
 23 her suggestions just cost you an extra million.

24 RICK MOORE: The good thing about it -- the
 25 building is open. It's beautiful. It's working

Page 81

1 magnificently. The good thing about it in all
 2 seriousness, there was input from everyone that's
 3 taking residence in this building; IHRC, Deena,
 4 Mike, particularly Deena, a lot of input, from ISA,
 5 from president Jack Kieninger, from the medical
 6 staff from Community Hospital, everyone. It was a
 7 consensus building the way we built the building.
 8 I think it's going to work magnificently for
 9 everyone. It's something for the entire horse
 10 racing industry to be proud of. I think we've got
 11 a racing administration building that's second to
 12 none in the country and looking forward to having
 13 everyone.
 14 We're going to have a ribbon cutting and open
 15 house on Tuesday, October 10th from 4 to 6 p.m.
 16 You'll be receiving an invitation on that. But it
 17 is a magnificent building. We are so pleased it is
 18 completed and in operation.
 19 MS. PITMAN: Thank you very much.
 20 MIKE SMITH: If I might add, they have been
 21 incredibly cooperative making sure our needs as
 22 their regulator have been met, except for they
 23 didn't give us the marble countertops we asked for.
 24 And the whole conversation about Deena because
 25 Deena increased their cost by a million dollars

Page 82

1 probably by redrawing plans. I'm just kidding.
 2 They were very collaborative, and we really do
 3 appreciate your efforts.
 4 RICK MOORE: Just one further comment, this is
 5 another testament to the commitment of our chairman
 6 and CEO Rod Ratcliff and our president and COO Jim
 7 Brown to horse racing in Indiana.
 8 CHAIRMAN BORST: Thank you. That helps horse
 9 racing again and makes horse racing even better in
 10 the state. I'm just not going to ask Deena if I
 11 build a home. That's for sure. That would be
 12 costly.
 13 We have at least one more thing.
 14 RICK MOORE: With regards to the Breeders
 15 Crown if I could touch on that, and I'll be very
 16 brief. We are on course in undertaking really an
 17 event of magnificent proportions, and one that
 18 we've never held here in Indiana before.
 19 Just to remind everyone, it will be on Friday,
 20 October 27th and Saturday, October 28th. Post
 21 time will be 6 p.m. There will be the filly mare
 22 races on Friday evening, six of those. And then
 23 six races on Saturday will feature the colts and
 24 geldings.
 25 We'll have a full slate of activities

Page 83

1 throughout Breeders Crown week, and you'll be
 2 hearing about those. And you'll be invited to many
 3 of those. We formed partnerships with TVG, WISH
 4 TV, Twin Spires, Daily Racing Forum to make sure
 5 that the word on the Breeders Crown at Hoosier Park
 6 is out amongst everyone in North America.
 7 All of the Breeders Crown races will be live
 8 on TVG. Couldn't be more excited about that.
 9 There's all kinds of advertising and marketing
 10 activities going on. Meetings taking place
 11 literally every day on the Breeders Crown. And
 12 larger meetings are happening at least once a
 13 month.
 14 I want to thank Commissioner Schenkel for
 15 attending a number of our meetings. We really
 16 appreciate his input. We've been selling logo
 17 merchandise. We have sold sponsorships on all of
 18 our Breeders Crown races. I'm pleased to say
 19 things are going very, very well.
 20 Invitations will be going out in the next
 21 couple of weeks for the Friday and Saturday
 22 Breeders Crown. And we're really, really looking
 23 forward to it and think we're going to put on a
 24 Breeders Crown that the Indiana Horse Racing
 25 Commission and all of the citizens of Indiana will

Page 84

1 be proud of.
 2 COMMISSIONER PILLOW: Rick, when is your next
 3 meeting?
 4 RICK MOORE: It is next Thursday at 11 a.m. at
 5 Hoosier Park. We would love to have you attend,
 6 Commissioner.
 7 COMMISSIONER SCHENKEL: I would offer the
 8 comment for those of you in the room. Some of you
 9 have been involved in this. From my perspective,
 10 it's been a real education. Rick and his entire
 11 staff, Jim and everybody involved, they even
 12 dragged Jon down into this thing too. The work and
 13 the planning on this is monumental, and it's very
 14 thorough and detailed.
 15 For somebody who's been in the event business
 16 and put on sporting-related things over the years,
 17 the interesting part to me on this is that it's
 18 important to market this for the state of Indiana.
 19 But it's the first event I've ever been a part of
 20 or watched preparation for that if the crowd gets
 21 too big, we're in trouble. There's a risk that
 22 there's only so much space at that track. So it's
 23 a unique situation, and it's not like selling
 24 tickets to a football game where you know how many
 25 seats you can sell.

Page 85

1 That's a good problem to have. I think with
 2 the TV contracts they've come up with and all the
 3 marketing they've done, it's really going to raise
 4 the visibility of Indiana racing. Thank you for
 5 all you're doing and congratulations.
 6 RICK MOORE: Thank you, Commissioners.
 7 CHAIRMAN BORST: Any questions?
 8 COMMISSIONER SCHENKEL: We have even had a
 9 state legislator from Kentucky who's been
 10 participating.
 11 CHAIRMAN BORST: Mr. Keeler.
 12 MR. KEELER: Mr. Chairman, Commissioners, John
 13 Keeler, general counsel for Centaur. Just to back
 14 cleanup for Rick, there are two technical issues
 15 I'd like to raise with the Commission, if I might.
 16 We filed a petition that is part of your packet.
 17 And to accommodate and make sure we have the proper
 18 equipment and personnel to pull off the Breeders
 19 Crown in a good way, here at Indiana Grand, we
 20 would like to revise the racing date schedule.
 21 Currently, the last date is scheduled for Saturday,
 22 October 28th, which conflicts with the Breeder's
 23 Crown. So we would like to relocate that back,
 24 switch that date out with the preceding Thursday,
 25 October 26th. So it would be the same number of

Page 86

1 race dates with that Friday then being the last day
 2 of Thoroughbred and Quarter Horse racing at Indiana
 3 Grand. I would be happy to answer any questions
 4 concerning that.
 5 CHAIRMAN BORST: Mr. Smith.
 6 MIKE SMITH: I would just like to add we want
 7 to thank them for how they've arranged the
 8 schedule. There was consideration adding a day or
 9 two. We have a lot of people that work on a
 10 contractual basis who leave here and go to other
 11 jobs. They were kind enough to move those dates so
 12 it helps us not have to go out and find 18 new
 13 employees for a one-day event. We appreciate their
 14 consideration of that.
 15 CHAIRMAN BORST: It makes sense. That way
 16 you've got to put out a great event with everything
 17 in order. Do we need a motion then to accept the
 18 petition?
 19 MS. ELLINGWOOD: Yes, you will. To change the
 20 race dates, yes, you will.
 21 CHAIRMAN BORST: To change the race dates.
 22 You have the race dates then.
 23 MS. ELLINGWOOD: Yes, we do.
 24 CHAIRMAN BORST: Is there any motion to change
 25 the race dates?

Page 87

1 COMMISSIONER SCHENKEL: So moved.
 2 COMMISSIONER LIGHTLE: Second.
 3 CHAIRMAN BORST: Been moved and seconded. Any
 4 questions from the public?
 5 All those in favor, signify by saying "aye".
 6 THE COMMISSION: "Aye".
 7 CHAIRMAN BORST: Opposed, "nay".
 8 (No response.)
 9 CHAIRMAN BORST: The "ayes" have it. Thank
 10 you.
 11 MR. KEELER: Mr. Chairman, I have one
 12 additional item in this cleanup technical category.
 13 While I don't know of any specific incidence at
 14 this point, we anticipate that unexpected
 15 circumstances could arise in connection with the
 16 Breeders Crown. And we just ask that the
 17 Commission grant to the Executive Director express
 18 authority to waive rules that may prove to be
 19 burdensome and get in the way of making this a
 20 successful event. I know he's indicated a
 21 willingness that he would accept that
 22 responsibility.
 23 CHAIRMAN BORST: Is that something that's
 24 traditionally done?
 25 MIKE SMITH: Yeah.

Page 88

1 CHAIRMAN BORST: Do we need a motion on that
 2 too for the Executive Director the ability to waive
 3 rules? That's the motion if somebody makes it.
 4 COMMISSIONER PILLOW: So moved.
 5 COMMISSIONER SCHENKEL: Second.
 6 CHAIRMAN BORST: Been moved and seconded.
 7 All those in favor, say "aye".
 8 THE COMMISSION: "Aye."
 9 CHAIRMAN BORST: Opposed, "nay".
 10 (No response.)
 11 CHAIRMAN BORST: The "ayes" have it. Again,
 12 thank you all for hosting us. It's very nice.
 13 Okay. Any old business? New business. New
 14 business is coming.
 15 MS. ELLINGWOOD: Just one thing. I'll make it
 16 short. We've become aware that in a technical
 17 corrections bill in 2016, the Legislative Services
 18 Agency inadvertently cut from Indiana Code
 19 4-35-7-12 two provisions regarding the distribution
 20 of slot funds received by the ISA. The provisions
 21 that were cut are provided in your materials. And
 22 they include the distribution of slot funds to
 23 Standardbred purses and breed development funds.
 24 Although the error was clearly a clerical one,
 25 the legislature signed that bill. And as a result,

Page 89

1 we'll have to have a legislative fix to put that
 2 language back in. However, while I'm comfortable
 3 we'd be able to enforce the language, I presume
 4 that the ISA has continued to distribute funds
 5 according to those provisions. I would recommend
 6 as a stop gap adopting an administrative rule that
 7 mirrors the language that was inadvertently cut.
 8 That's what's in the material before you today.
 9 What we can do is twofold; one, adopt this
 10 rule which will go into effect with the Legislative
 11 Services Agency under the Commission's emergency
 12 rule adoption process. And we will also make as a
 13 condition of the receipt of slot funds a
 14 requirement that the ISA continue to distribute
 15 those funds as was established in the statute as a
 16 condition precedent to them continuing to receive
 17 those slot funds in 2017, 2018.
 18 I'm happy to entertain any questions.
 19 COMMISSIONER SCHENKEL: The second part of
 20 that then would be introduce legislation in 2018.
 21 This rule would only be in effect until at that
 22 time.
 23 MS. ELLINGWOOD: Well, the fix is really three
 24 fold. One is to have that language put back in the
 25 legislation. And that's already on their list to

Page 90

1 do. We're covered that way. The second part of
 2 that solution is to adopt the rule that's before
 3 you, which will go into effect -- this is Friday.
 4 So it would go into effect Monday. And it would
 5 continue to be in effect unless or until we repeal
 6 it.
 7 And the third is to make as a part of the
 8 actual final order approving ISA's application for
 9 receipt of 2018 slots, a requirement that they
 10 continue to distribute the funds as is required
 11 under this language.
 12 COMMISSIONER SCHENKEL: If we don't do this
 13 and wait for the legislature, it could be until
 14 next July until it happens.
 15 MS. ELLINGWOOD: It will be until next July.
 16 COMMISSIONER SCHENKEL: There's been no
 17 distribution that's been missed or anything to this
 18 point?
 19 MS. ELLINGWOOD: To the best of my knowledge,
 20 no, there hasn't been. Actually --
 21 COMMISSIONER SCHENKEL: I'm sure you would
 22 have let us know.
 23 JACK KIENINGER: We would have brought it to
 24 your attention.
 25 MS. ELLINGWOOD: He's not here. I was just

Page 91

1 looking for him. Nat Hill is the one who
 2 recognized that the provision was gone. Thank you
 3 to him. But those are the fixes we think will
 4 remedy the situation. Respectfully, I request that
 5 you adopt the emergency rule before you so I can
 6 get it into effect on Monday.
 7 COMMISSIONER LIGHTLE: I move we adopt this
 8 emergency rule.
 9 COMMISSIONER PILLOW: I second.
 10 CHAIRMAN BORST: Been moved and seconded to
 11 adopt the emergency rule as I understand it. Any
 12 comments or questions?
 13 All those in favor, say "aye."
 14 THE COMMISSION: "Aye."
 15 CHAIRMAN BORST: Opposed, "nay."
 16 (No response.)
 17 CHAIRMAN BORST: The "ayes" have it also.
 18 Okay. Do we have any other new business? Hold on.
 19 MS. NEWELL: No, we're good.
 20 CHAIRMAN BORST: We have no new business.
 21 Since we have no more new business, is there a
 22 motion for adjournment?
 23 COMMISSIONER SCHENKEL: So moved.
 24 COMMISSIONER PILLOW: Second.
 25 CHAIRMAN BORST: Moved and seconded. All

Page 92

1 those in favor say "aye."
 2 THE COMMISSION: "Aye."
 3 CHAIRMAN BORST: We are adjourned. Thank you
 4 all for attending and thank everybody for their
 5 presentations.
 6 (The IHRC meeting adjourned at 11:33 a.m.)
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF INDIANA
COUNTY OF JOHNSON

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 11th day of September 2017.

Robin P. Martz

My Commission expires:
March 3, 2024



Job No. 121175

\$

\$10,000 64:16
\$150,000 66:13
\$2,750 13:20
\$25,000 14:16
\$5,000 7:22 14:12,16 15:21 19:24
\$500 12:19 16:23 21:16 26:22 29:20
38:4

1

1 67:9
1,000 55:17
10 26:4 39:15
10th 81:15
11 49:21 67:12 84:4
13 8:24 67:10,21
1350 64:1
13th 22:18
14 8:24
15 29:18 30:4 36:15,16 38:5 59:15
15-day 21:16 26:22
16 48:14
17 40:1 53:20
17th 4:14 5:10
18 86:12
1999 53:24,25

2

2,000 55:16
20 5:11 39:18
20-day 5:13
2014 9:11 14:24
2016 13:19 26:5 39:5 49:21 51:18,25
88:17
2017 39:15,18,20,25 40:2,4 64:1
67:9,10

2018 64:23
216007 39:7
216008 39:9
217002 26:20
22 39:5
24 48:9 50:22
24-7 12:24
24-hour 52:24
25 39:20 40:4 48:9
26th 85:25
27th 82:20
28th 82:20 85:22

3

3 14:2 16:2
30 49:21 51:18,25

4

4 81:15
4-35-7-12 88:19
45-page 48:23
453 48:17
49 32:9,21 34:18

5

50 23:19 24:3 27:5 32:16,17 33:12

6

6 81:15 82:21
60-day 39:23 63:3,5

7

71 10:6
72 31:10 34:6,11

8

8-1-9 10:6
80 24:6 32:12
81 33:12

9

9 13:19 39:24
9th 23:2

A

a.m. 84:4
ability 19:1 30:10 64:24 67:2 71:19
76:25 88:2
absence 47:6,7
absolutely 16:24 17:25
abuse 75:9,18
abused 79:1
abusing 79:9
accept 12:9 13:11 36:6 86:17 87:21
acceptance 63:7 72:8
accidentally 66:16
accommodate 85:17
account 54:6
accredited 23:20 31:24,25 32:23
33:5
accrued 66:24
accurate 57:18
acknowledged 14:13
act 5:21 7:8 12:1 64:1
acting 21:2 49:23
action 10:4 11:8 12:18 54:15
actions 47:1 71:24
activities 82:25 83:10
acts 16:4
add 18:23 81:20 86:6
added 55:20

addiction 10:12,23
adding 86:8
addition 30:9 72:19 73:3
additional 87:12
addressed 79:24
adds 80:1
adhere 37:21
adjust 65:19
adjusted 73:15
adjusting 32:2,4
administer 42:2
administered 4:5 39:12 50:22
administering 42:4 49:24
administration 23:9 49:13 58:24
64:12 80:20 81:11
administrative 5:6,12,21 6:2 7:13
14:10 21:7 26:19 38:14,23 39:3,7,8
40:14 51:6 55:19,21 68:2,3,8,9 69:23
72:20,22 73:2,8,12,16,25 74:9
admits 44:2
admitted 16:15 53:23
adopt 5:23,25 15:7,19 27:11 28:16
70:10,13 71:12 75:4 77:7 79:4,17
adopted 48:20 68:16 75:21 77:4
adopting 70:5 79:13
adoption 71:12
advance 65:8 68:16
advantage 37:12
advertising 83:9
advisory 31:11
affect 12:4 16:2
affected 11:9
affidavit 45:6,7
affirm 19:1 40:12 48:3 55:4,13
affirming 8:10 22:2
affording 40:5
afraid 34:11
agencies 68:8 73:8 74:9
agency 68:18 88:18
Agency's 68:19
agenda 4:13,25 7:3,7 20:14,16
67:22 72:5,18
aggressive 54:18
agree 31:14 60:17 62:11
agreed 27:21 55:11
ahead 22:6 80:22
ALJ 7:6,16,18 15:6,19 20:25 21:10,
12 26:24 39:20 48:9 51:9,10,14
52:21 55:4
ALJ's 49:7
ALJS 74:6
allegations 53:21
allege 39:10
alleged 42:13 61:6
allegedly 44:9
alleges 42:14
alleging 7:14 21:8 58:16
allotted 8:4
allowed 11:12 41:16
alter 28:10
amend 36:6,12 38:5 55:25
amended 37:19 39:17 55:19
America 83:6
American 22:15 26:3 28:9
amount 14:18 25:11 26:10 27:15
28:8,13 65:23 76:20
anabolic 76:10 79:9
anesthetic 22:19
animal 43:12 66:13
answers 30:25
anti-epileptic 16:7
anti-seizure 16:8
anticipate 87:14
anticipates 64:21
apologize 56:20
apparently 10:17 33:12
appeal 30:4
appeals 30:3
appearance 57:6
appeared 58:12
appearing 57:4
applicant 66:23
applicants 66:21
applies 15:11
apply 42:21 60:18 66:24
appointed 41:25
approval 4:13 5:17 20:2
approve 6:7 68:25 71:3 74:20
approved 30:2 51:12
approving 6:6
approximately 24:7 33:16,17
April 4:14 5:10 48:9 52:8 67:9
AQHA 75:24
ARCI 9:25 14:14,15,20 15:17 26:21
27:8 36:16 60:24
area 17:9 42:5,12
areas 66:7
argue 52:14
argues 28:8
argument 12:5,11 22:5 34:22 38:23
40:7,11 53:7,10 56:11
arguments 7:12 8:2,9 21:21 22:1
40:6
arise 10:10 87:15
Armstrong 53:19
Armstrong's 53:24
arranged 86:7
article 9:9
asks 28:2
assess 11:24
assets 71:17
assigned 26:24 50:14 51:10 62:22
73:13
assistant 39:11 51:2,7 52:1 59:6
61:3

association 10:14 75:3,8 78:14,22
assumed 31:2
assuming 30:5 31:10
assure 24:18
athletes 53:18
attached 9:10
attack 54:12
attempt 54:11
attempts 54:23
attend 84:5
attended 74:6
attending 83:15
attention 75:12 76:22
attentive 65:2
attorney 38:18 56:25 57:9,11 74:3
August 22:18 23:10 28:24 40:1,4 67:10
authority 71:1 87:18
authorized 70:4
automatically 68:9
availability 37:10
avoid 17:1,5 57:6
awarded 13:19
aware 34:12 88:16
axe 45:22,24
aye 4:20,21 6:18,19 20:8,9 38:7,8 63:15,16 69:15,16 70:15,16 72:13,14 74:21,22 87:5,6 88:7,8
aye's 69:19
eyes 4:24 6:22 38:9 63:19 70:19 72:17 74:25 87:9 88:11

B

back 19:2 32:20 36:7 42:19 43:24 44:1 45:3 61:23 66:17 67:4 73:10 85:13,23
background 76:8
backside 53:14 67:3
bad 53:11

balanced 73:1
Baliga 42:15 43:25 44:9 49:25 50:1, 3 56:10,18 60:3,7
Baliga's 47:1 54:15 61:18
Banamine 23:12
barn 31:18
based 40:15 43:18,19 46:19 51:16 59:1
basically 17:13
basis 86:10
bear 65:25
bearing 55:1
beautiful 80:25
beginning 49:20 64:22
belabor 71:14
believes 15:8
Benson 23:17
Bernard 39:4 72:23
betting 71:19
big 32:1 37:6 38:21 79:14 84:21
biggest 71:17
bill 64:4,8,10,18 65:4,14,22 66:17 88:17,25
bills 50:3
bipolar 9:7 18:8
bit 12:14 74:13 75:12 76:7
blame 46:11,18
bleed 79:8
blood 13:22 14:1 26:5,7 53:25 75:16
blurb 45:22
board 66:13 79:2 80:4
bodies 12:16
body 27:7,9
Bonasera 48:7 50:11,15 51:7,18,24 52:2 53:10 54:23 55:9 57:21
Bonasera's 52:19 53:2
books 70:25
booster 53:25

Borst 4:1,6,7,18,22,24 6:3,10,15,20, 22 8:2,13,16 13:15 15:23 18:9,12,16, 22 19:5,23 20:4,10,12 21:21 22:6,10 25:22 28:19 33:7,15,18 34:13,21 35:2,13 36:4,25 37:25 38:3,9 40:6,17 47:24 48:2 55:15 56:2,5 59:4,11,18 60:6,21,24 61:2,11,15,19,24 62:2,11, 18,23 63:2,10,17,19 67:6,8,20 69:2, 5,8,12,17,19 70:7,12,17,19 72:2,7, 10,15,17 73:20 74:12,15,19,23,25 76:15 77:10,13,16 78:6,13,18 79:25 80:7 82:8 85:7,11 86:5,15,21,24 87:3,7,9,23 88:1,6,9,11

bothers 60:6
bottom 45:4
Bowker 24:12
breakers 24:22
breath 65:16
breathing 76:17
breed 75:4,22 79:20,21 88:23
Breeder's 85:22
breeders 64:20,22 82:14 83:1,5,7, 11,18,22,24 85:18 87:16
briefing 8:3
briefly 64:7
briefs 8:1 21:20 40:3
bring 76:17
brought 37:17 75:11 76:21
Brown 82:7
Bruce 7:1,7,9
build 76:10 82:11
building 80:21,25 81:3,7,11,17
built 81:7
Buker 73:3,5,13 74:8,16,20
burdensome 87:19
business 16:22 17:14 47:19 84:15 88:13,14

C

California 79:15
call 4:1 25:14,16 78:9,10

- called** 24:11 26:9 29:15 44:24 48:13, 15
- calming** 16:8
- cans** 45:4
- capabilities** 77:25
- care** 66:15
- career** 53:21 73:6
- careful** 48:22
- carry** 14:4
- case** 6:17 7:13 8:20 10:15 11:16 13:17 14:22,24 15:3,6 21:7 25:8,17, 19 26:24 27:4,6 28:1,4 34:17 38:11, 12 39:22 41:2,5,9,13,14 42:20,24 43:1,2,5,19,20,24 46:16,17,19 47:5 48:4 49:18 52:24 54:17 56:22 57:1 59:13 60:15
- caseload** 73:1
- cases** 16:19 40:22 72:24 73:13,17
- casualties** 77:14
- catch** 24:21 53:15
- category** 14:4 87:12
- Centaur** 65:10 70:23 80:10 85:13
- central** 55:1
- CEO** 82:6
- certainty** 75:18
- Chair** 4:7 19:25
- chairman** 4:1,6,7,18,22,24 5:5 6:3, 10,15,20,22 8:2,13,16,21 13:15 15:23 18:9,12,16,22 19:5,23 20:4,10, 12 21:21 22:6,10 25:22 26:24 28:19 33:7,15,18 34:13,21 35:2,13 36:4,25 37:16,25 38:3,9 40:17 47:24 48:2 51:13 55:15 56:2,5 59:4,11,18 60:6, 21,24 61:2,11,15,19,24 62:2,11,18, 23 63:2,10,17,19 67:6,8,20 69:2,5,8, 12,17,19 70:7,12,17,19 72:2,7,10,15, 17 73:14,20 74:12,15,19,23,25 75:6 77:10,13,16 78:6,13,18 79:25 80:7 82:5,8 85:7,11,12 86:5,15,21,24 87:3,7,9,11,23 88:1,6,9,11
- challenged** 43:13
- challenging** 39:2
- chance** 31:17 43:21
- change** 35:4 37:18 66:1,10,15 69:13 70:21 71:8 77:20 86:19,21,24
- changed** 46:3 55:16 60:10
- changing** 68:11
- characterization** 61:17
- charge** 14:18 30:11,22 46:20 54:16
- charges** 66:25
- cheating** 53:16
- check** 31:6 32:6 42:6 67:2
- chemist** 53:14
- choice** 53:24
- Churchill** 73:11
- circles** 80:21
- circumstances** 11:25 15:14 46:2 87:15
- cite** 41:4
- cited** 52:6
- citizens** 83:25
- civil** 14:18
- claiming** 64:18
- clarification** 66:2,11
- clarifies** 65:24 66:7
- Class** 14:2,22 16:2
- classification** 14:3
- classifications** 14:4
- classified** 9:25
- clean** 9:17 53:8 54:4
- cleaned** 80:3
- cleaning** 70:1
- cleans** 69:22
- cleanup** 85:14 87:12
- clear** 27:7,21,24 30:12 40:24 45:4 56:8 57:24
- cleared** 29:5
- Clenbuterol** 75:4,10,19,23 76:5 77:8,24 78:24 79:7
- clerical** 88:24
- client** 44:17 46:10 47:3 58:22
- client's** 44:10
- clients** 44:11 46:18 47:14
- clients'** 44:13
- clinic** 43:12
- close** 8:9 10:13 22:1,20 77:21
- closing** 23:10
- clouding** 27:2
- Code** 88:18
- collaborative** 82:2
- collateral** 54:25
- collect** 66:20
- collected** 13:22
- colts** 82:23
- commend** 22:9 25:7 71:24
- comment** 82:4 84:8
- comments** 6:14
- commission** 4:2,21 5:6,24 6:6,19 7:8,14,17,19 8:3,9,13,21 9:3,12 10:5 12:2,20 13:3,6,13 14:10 15:5,24 18:16,20,25 20:9 21:3,8,11,13 24:14 25:5 27:20 28:2,16 30:2 32:6 35:1,14 36:11 38:8,25 39:6 40:2,4 41:3,9,24 42:1,16 46:7 48:13,21 49:13 50:25 51:5,12 54:12 55:3,4,13 56:5,10 62:8,13 63:11,16 64:14,21 65:3,6,25 66:3,19 67:9 68:4,25 69:16 70:4,5,16 71:2,11,21 72:14,21 74:22 75:3,6 79:4,17,24 83:25 85:15 87:6,17 88:8
- Commission's** 5:22 13:24 27:20 28:13 30:4 40:15 68:8
- Commissioner** 4:16,17 6:7,9 16:1, 9 17:17,20,23 18:1,6 19:9,17,21 20:2 28:21,25 29:5,8,16,20,23 30:7,15,25 31:6 33:6 35:16,20 36:4,8,10,18,24 37:5,16,24 38:2 56:9,21,24 57:2,10, 16 63:7,9 69:3,4 70:9,11 71:14,23 72:8,9 74:17,18 78:7,12 80:5,6 83:14 84:2,6,7 85:8 87:1,2 88:4,5
- Commissioners** 8:8 28:19 36:23 37:2 38:20 40:6,9,12,19 48:2 65:5 85:6,12
- commitment** 82:5
- committed** 77:19
- committee** 31:11

Community 81:6
complaint 5:7,9 7:14 14:11 21:8
 26:19 39:7,8,17 55:19,21,25
complaints 39:10,19 51:6
complete 60:11 61:12
completed 80:20 81:18
completely 17:10 23:6 31:16
complicated 41:9 73:15
concern 11:15 75:8
concerns 79:19,23
concluded 48:5 49:2 51:18
conclusion 40:11 51:23 55:8 76:21
conclusions 7:5 20:24 38:15 39:21
 52:13
concoction 50:17 54:22
condition 51:3 52:3
conferences 13:8
confirm 55:15
confirmation 26:16
confirmed 14:8 24:9 61:12,15
conflict 45:23
conflicts 85:22
confronted 46:2
confusion 46:6
congratulations 85:5
connection 87:15
consecutive 53:20
consensus 81:7
considerable 49:18
consideration 5:1 6:23 7:4,25
 20:17 21:19 27:11 38:13 52:21 67:23
 72:19 86:8,14
considered 11:7 51:17 54:14
consistent 14:14 26:21 49:15 54:20
 56:1
consolidated 38:16,24 62:21
consolidating 39:16
consolidation 39:15

constant 22:23
constantly 76:9
constitute 26:12
consult 25:18
contact 15:1 17:1 48:6
contacted 23:15
contaminant 15:13
contaminants 10:9,21 15:12
contaminate 17:2
contamination 9:15 11:6,14 17:4,6
 31:17 79:20
contemplate 55:22
contested 15:3
continue 54:11
contract 64:12 72:22
contracts 85:2
contractural 86:10
conversation 4:19 81:24
convey 49:1
COO 82:6
cooperation 13:6
cooperative 81:21
copies 24:24 67:25
copy 64:3 74:2
correct 15:17 19:4 55:18 56:14
corrections 88:17
correctly 73:9
cost 65:25 80:23 81:25
costly 82:12
costs 66:14
counsel 7:8 21:2 45:7 48:12 55:7
 57:3,7,15 62:18 85:13
countertops 81:23
country 59:21 81:12
County 51:11
couple 34:8 83:21
court 4:3,6 51:11

cover 68:1
create 27:25 28:1
credentials 43:8,13 54:8
credibility 54:12,14
credible 45:21 51:22 52:11
criminal 66:25
cross-examination 43:6 54:19
cross-examine 43:21
cross-examining 45:11
crowd 84:20
Crown 82:15 83:1,5,7,11,18,22,24
 85:19,23 87:16
crucify 32:15
cut 88:18,21
cutting 81:14

D

Daily 83:4
damages 17:15
data 28:3
date 31:24 56:17 76:24 85:20,21,24
dates 86:1,11,20,21,22,25
Dave 54:11
David 42:14 43:24 44:23 45:16
 49:22
Davis 23:14 24:9,23 26:16 27:24
 32:13,14 38:17 39:1,2,9,11,17,18,25
 40:2,20 48:10,14 50:2 51:8 52:2,13,
 18 55:7,21,22 56:1 59:25 63:4
Davis' 54:23
Davis's 50:2
day 11:20 29:18 39:13 41:17 42:16
 43:22 44:12 48:5,7 49:12 50:5,19
 52:19 55:2,9 57:25 59:19,23 66:5
 73:10 83:11 86:1,8
days 5:11 23:25 30:4 36:14,15 38:6
 55:20 56:4 61:21
de 53:19
dead 32:15
deadline 5:13

- deal** 68:6 75:17
dealing 41:20
deals 75:22
dealt 41:14
December 51:5 78:4
decide 77:7
decided 46:20 75:12 79:4
decision 30:4 39:3 40:14,15 41:9, 10,11 55:14
decline 11:17
decoupling 70:21 71:8
decreased 55:20
deemed 41:4
Deena 8:5 81:3,4,24,25 82:10
deep 23:13
default 5:1,15,25
degree 62:12
Delaware 46:21 59:14
deliberate 40:12
deliberation 48:22
demeanor 52:9
denied 24:17 57:21,22
deny 36:6
denying 27:22,25
Department 64:12
deposit 65:8
deposition 45:8 54:19
designated 42:15 59:16
designed 24:21
detail 64:5
detailed 55:13 63:1 84:14
detect 78:11
detectable 26:11 27:16
detected 34:14
detection 25:6 26:9 27:15 28:5 31:22 33:1 75:23 76:5 77:8,25 78:10 79:19
determined 23:18 31:12
determining 15:10
development 88:23
difference 33:11
difficult 43:16 64:13
difficulty 36:20
directed 16:10
direction 24:11
directly 34:20
director 24:1 25:15 39:6 55:24 70:25 71:21 87:17 88:2
directors 79:2
disagree 61:16
disciplinary 10:3 11:8 12:18 54:15 72:24
disciplined 61:22
discovery 55:23
discredit 54:24
discretion 65:15
discuss 75:1
discussion 6:11 18:25 20:6 36:11, 20 37:1 38:3 63:12 69:6 75:1,2 76:18 80:8
disinterested 49:14
dismantle 55:5
disorder 9:7
disorders 9:7
disputing 31:15
dissolving 8:11 22:2
distribute 66:13
distribution 88:19,22
doctor 5:7,10,11,19 6:1,17 23:17 24:8,12,24 42:15 43:4,7,8,14,23,25 44:5,8 46:25 49:25 50:1,3,18 54:7,15 56:10,18 60:3,7,15 61:17 76:14
documented 52:10
documents 22:13 24:16 31:12
dodge 56:19
dollar 39:24 63:3,4
dollars 50:3 56:3 81:25
door 41:15
dope 53:24
doping 53:21,23
doses 76:9
downstairs 65:7
draft 65:9
dragged 84:12
dramatically 41:13
draw 42:16,17 50:9
drew 54:21
driver 59:9
drug 9:4,6,12,20,21,24 10:2 11:7,10 12:14 13:5,25 14:2,3,9,24 15:1,2,3, 12 16:1,8,15,19 18:2,7 19:18 23:9 24:15 26:8 27:10,15 28:7,12 31:9,12 32:3,9 34:4 35:13 47:9,11 64:16 75:11 76:5,8,13 77:1,2 78:24
drugs 10:1,3,25 11:1 15:14 25:10 31:21 76:16
Duane 5:2
dubious 46:1
due 10:13 11:6 56:15
dug 23:13
duties 74:7
DVM 5:3
Dylan 38:17 39:1 46:21 50:2 55:20, 22 59:13
-
- E**
-
- earlier** 70:23
easier 68:5 73:17
easy 19:7,8 34:15 40:24 73:21
education 84:10
effect 16:8 64:2,24
efforts 82:3
eliminates 65:22
Ellingwood 5:4 6:5,13 7:9 13:16 16:4 25:25 29:12,19,22,25 35:19 36:1,16 57:5 63:24 67:7 68:1 69:7, 10,21 70:20 72:4,18 73:24 74:14 86:19,23 88:15

emergency 64:15 69:22 70:5 71:12
77:21

employee's 65:6

employees 66:8 86:13

encountered 11:18

end 14:24 68:14,16 69:1

endoscopic 66:4

endured 54:18

enhance 79:10

Enrolled 64:1

entered 23:1 48:13,15 50:11

entertain 6:13 73:18

entire 81:9 84:10

entrust 32:22

entry 68:7

environmental 9:14 10:8,21 11:5,
14 15:12,13

epidemic 79:6

EPO 53:24,25 54:1

equine 10:11 43:5,9 66:15

equipment 25:13 64:16 85:18

Ernie 72:23

error 70:1,3 88:24

escort 49:23

Eskew 5:16 7:6,17,18 15:7 20:25
21:11,12 26:25 27:21 72:23

Eskew's 5:25 7:23 15:16,20 21:17
28:16

establish 52:23

establishes 53:8

Estvanko 41:2 42:20,24 43:1,19
46:19 60:18

evening 60:12 82:22

event 9:14 16:25 82:17 84:15,19
86:13,16 87:20

evidence 9:22 11:4,13 15:9 17:4,8
46:9,14 47:6,7 48:14,16 49:4,19
51:14,17,23 52:6,10,11,12,16,20
55:8,10 58:25

evolves 7:13

exact 14:23

examined 25:3

exams 66:4

exception 14:15

exceptions 50:21

excessive 11:24

excited 83:8

exciting 69:12

excluding 23:12

exclusively 51:16

Executive 39:6 55:24 70:25 71:21
87:17 88:2

exempts 64:18

exercised 70:25

expand 11:17

expenditures 64:11

expenses 65:24

experience 73:7,9 74:8

expert 43:5,9,15 64:15

experts 23:18 25:17

expire 68:9,14

exposure 11:6

express 87:17

expressed 75:8

extends 65:4

extensive 73:7 76:20

extra 61:6 80:23

eyewitness 45:18 46:1 52:25 54:5,
13

F

facilities 66:9

facing 54:15

fact 6:24 7:5 20:23 30:19 36:21
37:17 38:15,16 39:21 43:19 54:13

factor 11:8 15:10

failed 5:12

failing 5:7

fails 5:22

failure 65:16

fair 9:2 12:4 16:12,14 32:25 52:7

fairly 59:15 67:17 76:9

fallen 54:24

false 23:16

familiar 41:1

farms 66:9

father 10:16,17 19:21,22

fault 46:7

favor 4:20 6:18 20:7 38:7 63:13
69:14 70:15 72:13 74:21 87:5 88:7

feature 82:23

February 39:18

feed 10:11,21

feel 64:8 79:1,5

figured 77:16

file 5:19,22

filed 5:14 7:14,17,23 13:9 15:5 21:8,
11,17 26:19 39:25 40:3 46:8 85:16

fill 42:18 71:18

filly 82:21

final 30:5 70:20

finally 49:16 66:19

find 9:22 12:14 45:4,12 58:13 86:12

finding 38:14 53:6 58:13

findings 6:24 7:4 20:23 38:15 39:21
67:9

fine 7:22 12:19 14:12,15,16 16:23
19:24 21:16 26:23 29:21 36:13 38:4
39:24 47:18 55:16,19 58:25 60:19
63:3,4

fined 66:23

fingerprints 66:20 67:2

fining 15:21

finish 32:15

first 4:3,13,25 8:15 9:8 13:18 15:24
19:12,13,17 22:5 23:4,11 29:3 33:15
42:20 49:10 57:19 62:2 64:10 68:7
75:21 80:12 84:19

fit 8:9 21:25
flagged 32:10
flat 69:24,25
flawed 52:14
focus 49:9
Folks 53:13
follow 23:22 76:23
football 84:24
forbidden 50:19
foreign 12:16 50:21 53:4
forensic 64:15,16
forfeit 19:24 38:4
forget 62:10
form 23:4
formalized 74:11
formed 83:3
Forum 83:4
forward 70:4 78:15 81:12 83:23
found 10:13 28:9 42:23 45:8,9,10,20
47:10,11 58:9
fourth 74:20
France 53:20
free 30:11,22 37:10 40:9 64:9
frequently 66:21 67:2
freshest 45:1
Friday 82:19,22 83:21 86:1
full 82:25
fully 49:4,7
fun 63:25
funds 88:20,22,23

G

game 84:24
gate 22:18,25
gave 4:10 44:10,12,23,24
gelding 53:3
geldings 82:24

general 59:4 80:19 85:13
General's 38:18 56:25 74:3
Generally 18:20
gentleman 27:1
give 22:12 24:13 35:20 63:22 65:18
81:23
goal 65:2
good 5:4 8:19 16:5,21 22:7,21 38:20
40:19 65:12 71:23,25 72:11 76:13
80:24 81:1 85:1,19
gotcha 57:20
grab 44:4
Grand 26:4 85:19 86:3
grant 87:17
granted 5:15 7:20 15:6 21:14
granting 5:1 6:25 20:17 28:17
grazed 10:11
great 75:17 76:9 86:16
Greg's 37:24
grind 45:22,24
guard 41:6,8,17 42:10,14 44:4 47:3
49:22
guess 4:11 11:15 16:9 19:2,9 20:4,
12 25:7 28:21 29:9,16 30:16 42:7
45:7 56:11 57:10 60:6 69:14 75:9
76:14

guesswork 25:9
guidance 74:13
guidelines 23:22 31:9
guys 67:12 68:5 80:2

H

hair 76:24 77:9
Hamilton 51:11
handle 18:21 71:5
happen 31:20 59:7,13 72:25
happened 19:11 20:22 23:13 25:12
31:21 42:13 45:1 49:1 50:8 54:6
61:9,11,13
happening 17:12 25:13 83:12

happy 25:1 28:18 67:15,19 73:18
86:3
hard 37:3
hard-nosed 25:7
harshest 14:5
Hartman 24:1 25:14 32:6,8 46:14
54:7 58:10
harvested 10:11
hay 17:9,10 18:3,5
head 22:17 29:3 37:20
healing 22:21
health 22:15 66:14,15
hear 4:9 25:22 26:25 47:25 51:10
78:18
heard 7:16 21:10 40:22 51:17
hearing 6:16 11:4 12:12 13:8 43:13
45:9 48:10,17,22 49:2,18 51:9,15
52:8 54:10 55:7 56:18 57:22 83:2
heart 50:24 67:13
held 82:18
helpful 37:12 53:17
helping 72:3
helps 82:8 86:12
Hicks 42:14 43:24 44:2,13,23 45:16,
23 49:22 50:5,9,18 54:12,18,24
58:16
higher 41:2
highlight 49:6
highly 32:24
hit 29:3
hold 32:23
Holly 7:2 20:20 48:1 67:10
home 50:13 82:11
Hoosier 13:19 49:21 50:12 80:19
83:5 84:5
hope 11:20 12:7 13:3,10
horse 4:2 9:19 10:10,13,21 11:17
12:24 13:5,21 15:1 16:2,3,6 17:2,3,
15,23 22:16,22 24:14,18,20 26:2
28:22 29:10,13 30:10,18,23 31:2,18
35:23 38:25 39:12,13 41:7,16 42:4

43:12 44:11,13,16,18,19,21 46:22
47:10,12 50:16,22,25 51:3,4,20 52:1,
3 54:5 58:4,5,20 59:5,22,25 61:5
64:2 73:6,16 75:2,8,19 76:6,11
78:14,21 79:8,10 81:9 82:7,8,9 83:24
86:2

horse's 9:5 12:15 15:2,4 28:10
52:17

horsemen 79:3

horses 12:17 19:16 30:12 41:22,23
42:3 44:7 50:7,19 59:15,20 60:8 66:4
75:22 76:1

Hospital 81:6

hosting 80:12 88:12

hours 31:10 34:6,11 41:22 48:22
50:22 51:19 53:3

house 64:1 81:15

Howard 40:20

human 10:12,22 11:6 53:18

humanely 24:19

humans 10:14

I

IAC 10:6

IAM 48:6 50:11,15 51:7,18,24 52:1,
19 53:2,10 54:22 55:8 57:21

Ice 73:6

idea 72:1 78:3

identified 13:25 26:18 62:4

IHRC 5:2 7:1,6,15 20:18,25 21:9
49:10 51:13 52:22 53:9 64:10,19
66:7,13 67:23 81:3

illegally 47:16

image 11:19 17:15

imagine 66:22

immediately 23:14 30:6

impact 9:23,24 13:5 71:8

impartial 49:14

impeached 45:15,17

impermissible 55:2

implemented 65:12

important 27:19 54:21 84:18

importantly 58:18

impropriety 57:7

in-to-go 41:15

inadvertent 11:6 12:21 17:6,11

inadvertently 88:18

inappropriate 55:5

inappropriately 27:4

incidence 87:13

inclined 18:19

include 88:22

includes 51:21 66:8

incorrect 62:1

increase 71:18

increased 81:25

increasing 23:24

increasingly 24:20

incredibly 81:21

independently 51:14

Indiana 4:2 10:2 11:17,21 12:23
14:17 17:16 24:5,14 26:4 27:14
31:25 33:8 34:14 35:3 36:2 37:18
38:25 42:7 59:6,15 61:2 75:3 78:21
82:7,18 83:24,25 84:18 85:4,19 86:2
88:18

Indiana's 48:8

indigenous 10:9

individual 62:22 67:16

individually 62:15

individuals 42:11 63:14

Industrial 13:23,25 24:1,6 26:6,7

industry 41:21 65:10 81:10

Indy 41:7

information 5:8 22:11 24:25 27:3

informed 23:17

infractions 32:2

ingest 9:20

ingested 9:19

initial 55:21

inject 50:7

injected 51:19 53:4,12 54:5,22 55:9

injection 48:7 51:25 55:2 61:6

injections 50:19

input 81:2,4 83:16

insignificant 54:25

insists 44:19

instance 53:1

instances 14:21 66:23

institute 77:9

instruments 23:24 24:21

integrity 42:8 48:8 50:25

intelligent 64:4

intended 71:15 76:12

intentional 9:13 12:1,22 36:22

interaction 57:6

interest 54:17 56:25 57:3,8

interested 16:13

interesting 9:21 84:17

interests 70:22 71:19

interpreted 10:8

interrupt 34:9

intervals 8:7

invitation 81:16

Invitations 83:20

invited 83:2

involved 11:1 35:17 84:9,11

involving 53:18

irrelevant 27:13

irrespective 53:5

ISA 81:4 88:20

issue 11:13 16:16,17 55:1 70:2 71:1,
10,22 78:11 79:8,16

issued 5:6,16 7:6 8:2 14:10 20:24
21:21 39:6,16,20 48:23 51:6

issues 10:1 45:17 54:25 75:7 76:17
85:14

item 4:3,13 7:3,7 21:1 72:6,18 87:12**items** 4:25

J

Jack 81:5**January** 39:15**Jim** 82:6 84:11**job** 33:4 49:23 77:19**jobs** 86:11**John** 7:10,11 20:19 21:1,3 22:7,11
25:24 28:24 29:2,7 31:5,8 33:13,17
34:8,16,25 35:12,22 71:4,15 85:12**Jon** 71:6 84:12**judge** 5:16,25 7:23 15:16 21:17
27:21 28:16 39:4 40:15 42:23 43:18
44:16 45:14,20 48:3,19,21 49:2,4,17
51:11,16 52:5,8,12 54:10 55:10
72:20 74:20**judge's** 15:8 38:14**Judge-m-all** 13:18**judges** 14:25 29:15 46:18 65:14
72:22 73:2,13,17,22,25**judgment** 5:2,15 6:1 7:1,18 12:9
13:9 15:6 20:18 21:12 28:17**judicial** 42:24**Julian** 38:17,25 59:17 60:4,19**July** 28:23**June** 13:19 39:24**jurisdiction** 31:22**jurisdictions** 77:3

K

Keeler 71:4 80:11 85:11,12,13 87:11**keeping** 8:17 21:23 73:1**Kelly** 5:16 7:6,16 15:7 20:25 21:10
72:23**Kentucky** 9:11 10:15 12:19 14:25
16:25 19:11 85:9**key** 48:8**kidding** 82:1**Kieninger** 81:5**kind** 17:14 29:16 30:15,25 73:20
74:1 86:11**kinds** 83:9**knowledge** 22:13

L

lab 13:24 24:2 25:15 26:12 30:13
32:22,23 53:5 77:23**laboratory** 13:24 43:10**labs** 23:20 24:1 25:8 31:23,25 32:2
34:19,22 75:17 78:1**laid** 17:8,10**Lamotrigine** 9:5 14:1,6**Lance** 53:19**language** 66:17**large** 49:10 59:15 76:9**larger** 83:12**Lasix** 42:2,4,16,18,19 44:21,22 45:3
46:16 49:23,24 50:6,7,8,10,13,16,17
51:19 58:9,12,19,20,21,24**late** 52:8**latest** 53:16**latitude** 64:10,14 65:18**law** 7:5 20:24 38:14,15 39:3,21 40:14
72:20,22 73:2,12,16,25**lawyers** 22:8**Lea** 5:3 7:9,11 13:15 16:1 21:2 28:20
29:9,17 63:22 67:24**lead** 40:18 67:10,24**leave** 86:10**lecturn** 8:6 21:5,24**Lee** 7:2,7,9**leeway** 37:22**left** 22:22**leg** 11:22**legalizes** 65:8**legislation** 63:23**Legislative** 68:19 88:17**legislator** 85:9**legislature** 88:25**lengthy** 73:5**letter** 25:6**letting** 67:3 80:13**level** 25:6 31:22 33:1 77:24 78:10
79:19**levels** 31:13**liability** 12:23**license** 7:21 21:16 64:19 66:23**licensed** 26:1 42:6 66:20**licensee** 14:21**licensees** 41:25**licensing** 64:22**licensure** 67:1**lie** 61:12,15,17**lied** 60:9 62:5**lifetime** 14:22**Lightle** 4:16 30:7,25 31:6 33:6 37:5
40:7 69:4 70:9 72:9 74:18 78:7,12
80:6 87:2**liken** 53:17**limited** 14:17 26:9 27:15 28:5 40:8
75:23 76:5 77:7,23**lingering** 30:24 72:5**listed** 10:3,23 11:1,10**lists** 15:13**literally** 83:11**live** 83:7**local** 22:19**location** 17:7**locked** 42:9 44:5 47:2 60:4**LOD** 23:19 78:12**logo** 83:16**long** 4:11 8:22 48:18 62:25 72:2
78:23**longer** 34:11**looked** 45:3

loom 49:10**lose** 11:21,22**lot** 31:21 45:2 74:8 76:11 80:1,14
81:4 86:9**love** 84:5**low** 31:13**lung** 76:16**lying** 62:7

M

made 9:16 34:22 51:15 55:11 58:2
64:7**magically** 58:12**magnificent** 81:17 82:17**magnificently** 81:1,8**maiden** 23:1**main** 25:15 59:14**maintain** 5:8**major** 11:15 59:20**make** 4:16 6:15 20:1 30:9,21 33:11,
25 34:3 35:9 40:24 51:1 56:8 58:13
60:2,13 61:7,9 62:19 66:25 67:3
68:15 70:9 74:17 83:4 85:17 88:15**makes** 27:8 34:14 43:15 82:9 86:15
88:3**making** 64:2 68:22 75:23 76:4 81:21
87:19**man** 31:10**manager** 80:19**manner** 39:19**marble** 81:23**mare** 82:21**market** 84:18**marketing** 83:9 85:3**Martin** 78:16,20 80:4**mass** 34:23 77:14**material** 49:16 70:24**materials** 88:21**matter** 5:2 7:1,6,16 8:4 20:18,23,25
21:10 26:25 27:3,21 33:10 38:2440:3,21 51:10,12 57:4,5,8 62:21
64:21 74:9,11**matters** 38:16 39:16 73:10**Mccreary** 20:19 21:1,3,4,9,12,17
22:4,6,7,11 25:24,25 26:14,20,25
27:4,12 28:8,20,21,24 29:2,7 30:1,3
31:5,8 33:13,17 34:8,16,25 35:12,22
36:3 37:11**Mccreary's** 21:15 27:22**means** 26:10**medical** 81:5**medication** 7:15 21:9**medicine** 43:5,9,11**medium** 34:5**medium-acting** 34:4**meet** 64:25**meeting** 4:2,14 65:3 80:13 84:3**meetings** 83:10,12,15**member** 15:24 63:12**members** 8:14 18:25 56:5 62:13
67:20 68:21 70:13 72:11 75:6**memory** 62:8,9**mention** 50:1**mentioned** 26:2 49:25**mepivacaine** 22:20 23:8,16,18
24:19 26:8,9,18 28:9**merchandise** 83:17**met** 81:22**Mexico** 79:15**Michael** 20:19 73:3 74:20**microphone** 38:22**microphones** 4:11**middle** 64:25 77:20**Midwest** 11:18**mike** 30:7,9,17 37:4 39:5 71:25 75:5
77:12,14,18 78:9 80:22 81:4,20 86:6
87:25**mild** 16:4**Miller** 73:6**milliliter** 27:5**million** 80:23 81:25**mind** 37:22 45:1**minor** 9:23 32:2**minutes** 4:14 8:5,16,25 21:22 40:8
48:19,25**mistake** 9:16 58:3**mitigating** 11:7 15:10,14**modified** 66:16**modify** 19:2 40:13**modifying** 8:10 22:2**moment** 53:1**money** 65:23**month** 50:4 83:13**months** 32:4 33:2 45:5 46:5,8,12
47:19 49:21 77:2**monumental** 84:13**Moore** 71:16 80:11,18,24 82:4,14
84:4 85:6**morning** 5:4 8:19 38:20 40:19**motion** 4:15,16 5:14 6:4,7,25 7:17,
20 13:9 15:5 19:6,25 20:8,18 21:11,
14 36:5,6,10 38:4 46:8 62:23,25 63:6
69:2,15 70:8,9 72:7 74:16,17 86:17,
24 88:1,3**Motion's** 20:13**motions** 19:1**mouth** 37:6 38:21**move** 4:25 20:2 38:11 63:7,21 67:8
70:4 72:8 80:10 86:11**moved** 4:18 6:10 20:4 36:25 63:10
69:3,5 70:12 72:10 74:19 79:16 87:1,
3 88:4,6**Moving** 20:14**muscle** 76:10

N

named 26:3**nay** 4:22 6:20 63:17 69:17 70:17
72:15 74:23 87:7 88:9**neck** 53:2

needle 44:10 53:2**Newell** 7:3 8:15 18:19 19:4 20:21
37:2 43:14 47:6 48:2 55:18 56:4,15,
23 57:4,13 58:1 62:17 67:12**Newell's** 45:5**newly** 80:20**nice** 22:8 27:2 88:12**nicely** 22:8**Nicole** 8:5 38:18 62:17**night** 44:25 45:11**norm** 26:5**normal** 44:2,3**North** 83:6**note** 6:1**notice** 8:1 21:20 42:23,24**notices** 4:7**notification** 23:7**notified** 14:6 26:14**November** 39:5**number** 6:23 7:3 20:15,16 26:4 43:4
64:2 69:20,21 83:15 85:25**numbing** 33:19

O

oath 4:5**objections** 5:19,22 6:24 7:23 12:5
21:17 40:1**observed** 52:8**occasionally** 74:5**occasions** 45:13,16**occur** 23:16**occurred** 17:4 19:12,14 47:2 52:7
53:1**occurrence** 19:10**October** 81:15 82:20 85:22,25**offer** 30:22 36:10 84:7**offering** 37:19**office** 38:19 45:6 74:3**official** 42:23**offsite** 66:7**Ohio** 46:22 59:18,21**Oklahoma** 79:15**one-day** 86:13**one-week** 42:1**onerous** 64:13**oomph** 80:1**open** 6:11 18:17 25:20 37:1 47:23
69:9 80:25 81:14**operation** 81:18**opinion** 10:24 12:25 37:23 77:22**opportunities** 13:1**opportunity** 8:1,20 11:12 21:20
40:5 68:10,20**opposed** 4:22 6:20 20:10 38:9 42:3
63:17 69:17 70:17 72:15 74:23 87:7
88:9**opposing** 57:14**option** 5:23**options** 8:10 22:2**oral** 7:12 8:2 21:21 38:23 40:6**order** 4:3 5:1,16,17,23,25 6:6,8,25
7:5,19,24 15:8,20 20:3,17,24 21:13,
18 27:22 28:17 30:2,5 36:13 38:16
39:15,22 40:1 48:4,20,23 49:3,5
51:21 52:5,7,11,12,14 53:11 55:5,11
63:8 86:17**orders** 5:20,21**organization** 32:23,24**original** 69:23**originally** 29:3**out-of-competition** 75:15**outcome** 49:15 54:17**overage** 23:12**overuse** 75:9**owner** 13:21 17:18 18:2,6 35:23
59:9 73:6**owners** 11:19 64:20,22

P

p.m. 81:15 82:21**packet** 28:3 73:4 85:16**paddock** 41:22,24 50:14**pages** 48:17 67:12,21**paid** 6:2 35:22,24,25 65:23 66:5**painstaking** 64:5**panel** 23:17 30:18**parcel** 36:2**Park** 13:19 49:21 50:12 80:19 83:5
84:5**part** 36:2 43:20 57:15,17 84:17,19
85:16**part-time** 72:22**participate** 39:14 47:21**participating** 85:10**particulars** 25:19**parties** 40:5**partnerships** 83:3**pass** 42:6**past** 63:23**patently** 47:18**path** 76:4**patrol** 22:23**Paul** 78:16,20 80:4**pay** 5:12 66:14**paying** 64:11**pays** 50:2**penalize** 55:25**penalties** 13:12 14:5 16:21 26:20
62:22**penalty** 5:12 6:2 7:20 11:23 12:10
14:2,4,13,19,20,22 15:11,17,18
16:13,17 21:15 26:22 36:3,17 37:21
39:23 65:15,17,19**people** 9:6 12:3 16:6 47:3 64:4,7
67:3 78:9 86:9**percent** 35:25

- perfect** 62:8,9 80:15
- perform** 66:3
- performance** 28:11 79:10
- period** 75:24
- person** 5:10 19:15,18 27:2 30:20
- personal** 37:23
- personnel** 85:18
- perspective** 84:9
- persuasive** 52:10
- petition** 70:23 85:16 86:18
- petitioner** 28:17
- Petra** 23:25 25:14 54:7
- pick** 78:4
- picked** 23:3 24:22
- picograms** 23:19 24:3,7 27:5 32:9
33:11 34:18
- piece** 52:9
- pieces** 48:14,16 60:12
- pierced** 53:2
- Pillow** 6:9 16:1 18:1,6 19:17,21 36:8,
24 37:24 38:2 40:7 56:24 63:9,11
70:11 74:17 84:2 88:4
- Pitman** 80:21 81:19
- place** 30:6 35:7 36:13 51:1 76:16
83:10
- planning** 84:13
- plans** 82:1
- plants** 10:10
- play** 53:14
- playing** 65:7
- pleased** 81:17 83:18
- plenty** 13:1 24:16 77:17
- pocket** 42:17,19 44:1,10
- point** 8:12 35:7 37:18 45:12 61:21
87:14
- pointed** 10:6
- points** 49:6,9 51:22 54:21
- policy** 70:6 71:13
- population** 75:20
- position** 29:13
- positive** 11:5 14:7,23 23:7,11,23
26:8,14 27:18 28:5 30:19 32:11,18
44:19,21 46:15 52:15,23
- positives** 23:16 32:5
- post** 13:22 26:5 82:20
- post-race** 57:20,24 58:3,7
- posted** 68:18
- potential** 45:24
- practically** 64:23
- practice** 66:1
- precedent** 36:17
- preceding** 85:24
- prejudicial** 46:11
- Preliminarily** 41:1
- prep** 50:8
- preparation** 84:20
- prepare** 28:3 50:6
- prepared** 45:6
- preparing** 50:18
- preponderance** 11:3
- prescribed** 9:6
- prescription** 18:9,15
- presence** 13:25 14:9 47:9,11 51:3
52:4
- present** 7:11 8:1,20 11:13 15:9
18:14 21:20 22:4 40:5,7 41:17 58:17
59:6 77:3
- presentation** 18:24 21:22
- Presentations** 40:8
- presented** 11:4 15:15 18:10 51:15
52:20 55:10
- presided** 48:10
- president** 78:21 81:5 82:6
- pretrial** 13:7
- pretty** 30:6
- prevent** 47:17
- previous** 10:1 14:21 60:15 66:16
- primarily** 45:2
- primary** 13:24 24:2 65:25
- prior** 31:3 43:20 45:23
- priority** 22:17
- proactive** 68:15 71:22
- probability** 31:20
- problem** 9:9,11 10:7,18 33:7 34:13
36:8 37:8,13,15 79:14 85:1
- Procaine** 34:5
- Procedures** 5:21
- proceed** 76:4
- proceeding** 38:24 49:11,15
- proceedings** 8:11 22:3 40:13 48:12
- process** 64:13 68:12 71:13
- produce** 46:12
- program** 42:8,9
- programs** 66:15
- prohibited** 47:9 48:5 51:4,25 52:4
- prohibition** 49:12 65:4
- promotional** 65:24
- proof** 54:4
- proper** 85:17
- properly** 75:11
- proportions** 79:6 82:17
- propose** 14:14
- proposed** 7:4 20:23 40:14 68:3
69:21 70:20,23
- proposing** 26:20
- protect** 44:7 47:3 71:19
- proud** 81:10 84:1
- provable** 22:13
- prove** 28:5,11,12 58:22 87:18
- proved** 59:2
- provide** 25:1 30:11 74:2
- provided** 48:12 58:7 73:4 88:21
- providing** 49:15
- provision** 56:12 66:12

provisions 88:19,20**public** 6:11,14,16 18:17 68:21 69:9
70:13 72:11 80:7 87:4**pull** 43:25 85:18**pulled** 44:9**purchases** 64:15**purpose** 33:21 34:1**Purr** 22:15 26:3**Purr's** 28:9**purse** 12:18 13:20 15:20 16:18
19:25 35:17,22,24,25 38:5**purses** 88:23**pursuant** 71:13**put** 12:2 16:22 17:14 24:10 42:18,19
44:1 46:9 64:24 83:23 84:16 86:16**putting** 66:17**puzzle** 60:13**Pylitt** 39:4,20 42:23 43:18 45:14,20
48:10,21 49:2,17 51:9,10,16 52:8
54:10 55:11 72:23**Pylitt's** 48:3,20 49:5 52:5,12 55:4

Q

qualified 43:4,18,20,22,23**quantification** 24:15**quantified** 24:8**quantitative** 27:23,25**quantity** 24:10,22**quarter** 26:2 75:2,8,19,22 76:5
78:14,21 86:2**question** 9:4 16:9 19:10,23 29:9,17
30:8,23 31:1,14 32:14 43:16 54:8
56:19,24 57:11 58:11,17 59:4,10**questioning** 45:14**questions** 4:19 8:8,12,13 15:24,25
18:17 21:25 22:4 25:21,23 28:18,20
35:15 36:5 40:9 43:7 47:23 48:1 56:8
62:12 63:12 64:9 67:5,6,15,18,21
69:11 70:7 71:5,7 73:18 74:15 85:7
86:3 87:4**quick** 67:17**quorum** 4:8

R

race 13:18,22 16:3 22:18 23:2,5
26:4,5 29:1,2,3,11,14 31:4,18 39:14
41:23 44:18 46:22 48:5,7 49:12
50:12,13,18,22 53:3 55:2,9 58:4,6
59:5,20 64:23,25 66:5 67:14 86:1,20,
21,22,25**raced** 59:25**racehorse** 13:17 26:3 48:6 50:11
51:24**racehorses** 5:9 54:1**races** 23:4 44:15 64:18 71:18 77:15
82:22,23 83:7,18**racetrack** 73:10**racing** 4:2 11:17 12:17 17:16 24:14
32:5 38:25 50:20,25 64:2 69:24,25
70:22 72:3 73:16 75:2 77:13 78:21
80:19,20 81:10,11 82:7,9 83:4,24
85:4,20 86:2**racinos** 65:5**raise** 85:3,15**ran** 23:4**range** 77:6**rare** 59:8**rarity** 59:12 60:1**Ratcliff** 82:6**RC** 60:22**RCI** 75:4,21 76:6**read** 9:9 45:13 61:17 64:8**reading** 15:16 19:7**readopt** 68:11**readopted** 68:25**readoption** 68:12 69:13,15**ready** 13:8 19:5,25 36:5 38:6**real** 84:10**realize** 78:16**realized** 55:23**reason** 16:5 29:14 61:25**reasonable** 9:3 10:24 12:4 16:12,14**reasoning** 53:9**recall** 10:16 12:19 65:16 73:8**receive** 50:13,15 68:22**received** 13:6 22:17 23:7 26:17
28:22 48:7 50:16,17 51:24 64:3
67:25 88:20**receiving** 30:5 81:16**recently** 23:25 73:5**recognize** 9:18**recognized** 9:13 10:20 12:20**recognizing** 36:20**recommend** 21:13**recommendation** 7:24 11:23 14:14
21:18 38:14 62:14 63:2,5**recommendations** 27:8 49:8 51:15
55:6 63:14**recommended** 5:1,16,20,23,25 6:6,
8,25 7:5,19,24 9:2 13:12 14:16,20
15:8,17,20 20:17,24 21:18 26:21
27:9 28:16 30:2 38:16 39:3,22 40:1
48:4,20,23 49:3,5 51:21 52:14 55:4,
11 63:8**recommending** 14:11 73:3**record** 4:8 40:16 48:14,16 51:16
52:6,17 57:15,17 80:1**recorded** 44:25**records** 60:11 61:12**redistributing** 15:20**redistribution** 16:18 35:17 36:1**redrawing** 82:1**reduce** 36:14**refer** 62:17,18**referenced** 26:15 69:24,25**references** 15:11 52:6**referring** 60:15**refers** 27:4**reflection** 52:7**refreshments** 80:13**refute** 53:10

regard 11:13 12:9,10 13:4 80:20
regular 50:2 74:4
regulator 81:22
reinstates 66:12
reject 19:2
related 5:8 8:3 64:3 73:10
relates 10:5
relating 9:23
relative 14:25
released 22:24
relevant 27:3
reliable 51:23 52:11
relocate 85:23
relying 52:25
remains 54:20
remand 40:13
remanding 8:11 22:3
remember 8:23 10:2 53:19 61:20
62:6
remembered 61:21
remind 49:17 82:19
remorseful 17:11
report 24:8 27:23,25 28:2 34:25
41:23 45:19
reported 24:4 26:7,17 32:18,20
34:19 41:6,8 43:25
reporter 4:4,6
reporting 34:19
reports 44:15
represent 40:20
represented 7:9,10 48:11
representing 21:4
reputation 27:19
request 22:14 27:22 28:15 30:18
55:12 57:19 68:24 70:3 71:11
requested 23:14 24:16 51:9 52:18
57:14,20
requests 5:24 15:19 55:3 68:23

require 52:23
required 5:8 68:20
requirement 65:20
requires 27:20 64:19 66:12
reschooled 22:25
research 43:11 75:13,16 76:20
residence 81:3
resolve 40:13
respect 14:18 56:15 68:7 74:1
respectfully 5:24 15:19 28:15 55:3,
12 61:16 68:24 70:3 71:11
respective 40:3
respects 49:16
respond 5:11,13
responded 7:18 21:12 39:19
respondent 13:20 14:23 15:3,8,21
respondent's 6:23
respondents 39:1,23
response 4:23 6:21 20:11 43:15
63:18 69:18 70:18 72:16 74:24 87:8
88:10
responsibility 17:21 47:8,14 49:11
51:1 58:14 59:1 87:22
responsible 41:5 42:25 47:9 51:2
52:3
restriction 65:22
rests 17:23
result 11:5 46:13 54:16 88:25
resulted 49:7
results 24:13,23 52:19 57:12,13,16,
19,21,25
resume 22:24 73:4
retired 53:22 73:5
returning 12:17
review 12:2 67:17
revise 85:20
ribbon 81:14
Rick 71:6,15,16 80:18,24 82:4,14
84:2,4,10 85:6,14

rid 11:20
risk 23:21 84:21
RMTC 23:15,20 27:5,7,18 31:24,25
32:23 33:5,7
Robin 37:2
Rod 82:6
room 42:7,10,11 44:5 45:3,8,9,10
47:2 60:4 80:14 84:8
rotations 42:2
Roughly 28:25
routine 74:4
rule 10:5,7,18 11:11 12:11,24 15:11,
13,16 24:21 27:13,14 31:16,19 47:8,
10,14 52:24 53:1,5,8 58:14 59:2
68:3,12 69:13,22,23,24,25 70:5,6,8,
10,20 71:12 75:21 76:6 79:14,18,20
ruled 41:12
rules 7:15 9:3 12:2 21:9 23:22 25:3,5
26:13 27:11,20 28:13 35:5,7 37:17,
21 48:8 49:10 50:20 51:1 52:22 53:9
60:22,24 65:2,9,12 67:23 68:9,11,12,
13,18,22,25 69:6 71:1,9 74:2 77:20
87:18 88:3
ruling 35:18 60:19
rulings 67:9,13,16,18
run 51:20 64:6

S

sabotage 13:2
sake 36:11 73:1
sale 76:2
sales 64:19
salient 49:6
sample 13:22,23 14:1,7 26:8,11,17,
18 28:12 65:25
samples 26:6 75:16
Saturday 82:20,23 83:21 85:21
schedule 85:20 86:8
scheduled 7:16 21:10 39:14 50:12
51:20 66:4 68:14 85:21
Schenkel 4:17 6:7 16:9 17:17,20,23
19:9 20:2 28:21,25 29:5,8,16,20,23

- 30:15 35:16,20 36:10,18 37:16 40:6
56:9,21 57:10,16 63:7 69:3 71:14,23
72:8 80:5 83:14 84:7 85:8 87:1 88:5
- Schuster** 38:18,20 57:2 62:21,25
- science** 27:12 53:9,13
- scientific** 9:22 23:18 31:11
- Scot** 54:7
- Scott** 25:16
- scratched** 44:16,17 57:23 58:5
- search** 66:8
- season** 64:23 67:14 77:11,13
- seats** 84:25
- seconded** 4:18 6:10 36:25 63:10
69:5 70:12 72:10 74:19 87:3 88:6
- sections** 68:2
- secured** 42:5,12
- security** 22:23 41:6,8,17 42:10,14
44:4,24 47:2 49:22 66:8
- sedated** 22:19
- sedating** 9:24
- sedative** 16:4
- seizure** 9:7
- selected** 29:14
- sell** 84:25
- selling** 83:16 84:23
- seminars** 74:5
- send** 19:2 36:7
- sense** 34:3 35:9 60:13 61:7,10 86:15
- sensitive** 23:24 24:20 34:24
- separate** 45:13 68:4
- September** 23:2 26:4 49:21 51:18,
25
- seriousness** 81:2
- serum** 13:22 14:1 26:5,7 27:16
- serve** 42:1 56:2 57:8
- served** 5:10
- service** 30:22 68:19
- Services** 88:17
- serving** 55:22
- session** 63:23
- set** 65:12
- setting** 80:14,16
- severe** 17:13
- severity** 13:4
- shame** 76:12 78:24
- Shanks** 7:10 8:15,19 13:15 14:13
16:11,16 17:19,22,25 18:4,8,11,14
19:13,20,22
- shock** 23:8
- shocked** 23:6
- shoes** 12:3
- short** 12:19 54:24 88:16
- shortened** 68:12
- shots** 50:6
- show** 24:17 52:17 53:11
- showing** 11:4
- shows** 18:12
- side** 8:4,20 21:22 25:22 40:9 47:25
- sign** 41:15
- signal** 8:6
- signed** 88:25
- significant** 78:3
- signify** 87:5
- similar** 19:10 20:21
- simpler** 11:2
- simply** 15:15 16:17 54:4
- single** 42:2
- sir** 33:17 56:4 67:12 78:20
- situation** 12:8 17:3 19:12,14 41:21
42:22 43:3 56:22 57:20 78:23 84:23
- six-month** 16:23 77:6
- sixth** 13:18
- Sixty** 56:4
- skin** 33:19
- slate** 82:25
- slight** 16:8
- slightly** 36:13
- slot** 88:20,22
- slots** 65:7
- slowly** 73:14
- small** 12:18 24:22 25:11 43:12
- Smith** 30:9,17 39:5 46:19 71:22,24,
25 75:5 77:12,14,18 78:9 80:22
81:20 86:5,6 87:25
- sold** 83:17
- solely** 40:16
- sound** 34:1 53:9
- Sounds** 72:11
- space** 84:22
- speak** 22:8 70:13 72:21 73:25 78:14
80:8
- speaking** 75:25 78:17
- speaks** 73:19
- special** 29:15 50:17 54:21
- specific** 15:14 50:20 71:7 75:4,22
79:20 87:13
- specifically** 39:5 49:9,11 50:8 51:21
- spectrometry** 34:23
- speed** 74:1,10
- spent** 48:21 49:17
- Spires** 83:4
- spite** 52:12
- split** 12:13 14:7 23:14 24:7 26:15
33:13 77:23
- splits** 77:24
- spoil** 56:18
- sponsorships** 83:17
- sporting-related** 84:16
- sports** 53:17
- spouses** 65:6
- stable** 30:20 59:14,25 72:20
- stables** 59:13
- staff** 5:2,6,14,24 7:1,7,8,14,17 11:24
13:7,13 14:10 15:5,19 20:19,25 21:3,
8,11 26:19 28:2 40:3 48:13 51:5
54:13 55:3 56:10 64:10 65:9 66:20

70:4 81:6 84:11
Staff's 7:19 9:10 10:6 21:13 49:13
stakeholders 65:11
stakes 23:3 46:22 59:20
stall 9:16 10:17 17:7 18:2,4 19:19
 41:6,15,17,19 42:4 50:14
stallion 64:20,22
stalls 9:17
Stan 24:12
stand 75:17 79:2,17
standard 33:9 67:17
Standardbred 41:21 48:6 50:11
 51:24 69:24 88:23
Standardbreds 41:20
standards 33:8,9,22
standpoint 36:19
Stanley 24:8,12,24 25:16 32:7
start 5:3 20:20 32:18 38:19 49:20
 73:14,21 76:1,18
started 30:14 73:23
starter 23:1
starting 8:16 22:17 29:24 73:17
starts 30:1
state 57:4 61:3 82:10 84:18 85:9
stated 24:2,9,24 32:8 40:21
statement 44:25 45:2
states 79:13
statute 14:17 36:2 65:18,21 68:20
statutes 64:3
stay 25:11
staying 31:13
stem 55:6
stems 21:7
steroid 76:10 79:9
stewards 24:12 29:15 65:15
stipulated 12:13
stop 64:9 68:5 77:17
stopped 16:13 47:22

story 46:3 54:20
stream 77:21
stress 61:19 62:10
stricken 20:15
strict 12:23
strictly 50:19
strikes 50:24
strong 14:20
struggling 41:10
stub 11:21
stuff 69:12
subject 56:12 74:10
subjects 63:22
submit 60:2 62:8
subsection 10:20
substance 26:10,11 28:7 39:13
 50:21 51:4 52:4 53:4 62:4
substances 10:12,19,22 12:16
 53:13 54:3
Substantial 51:22
successful 87:20
sufficient 28:10
suggest 16:23 53:10 76:3
suggested 36:13
suggesting 36:18
suggestions 80:23
suitable 67:1,4
summary 6:25 7:17 12:9 13:9 15:5
 20:18 21:11 28:17
superfecta 71:20
Superior 51:11
supplies 18:5
supply 22:14
support 49:4 51:23 53:7 79:5
supported 49:8 52:5
supporters 32:1
supporting 52:13 80:2
supports 55:8

supposed 43:9 44:6 47:12 58:19,21
supposedly 44:13
surprise 77:18
surprised 9:24 76:19
suspend 41:11 47:18 58:25 60:19
suspended 56:13
suspending 15:22
suspension 7:21 12:20 14:12
 16:19,23 19:24 21:16 26:22 29:20,23
 36:14 38:5 39:24 55:22 56:13 63:4,5
suture 24:19
suturing 33:19 35:14
swear 4:3
switch 85:24
syringe 42:18 50:10
system 9:5 12:15 15:2,4 25:11 28:9
 31:3,13 34:6 52:18

T

table 20:5
takes 18:7 47:19
taking 25:9 71:5 81:3 83:10
talk 25:16 33:23 37:1,14 45:19 76:1
 80:22
talked 23:25 34:8,10,20
talker 22:7
talking 27:12 78:7
talks 9:10 10:8
tax 64:19
Taylor 40:19,20 47:24 48:11 49:25
 50:1 54:9 57:18 58:2 59:8,12,19
 60:18,23 61:1,8,14,16,20 62:1,5,13
technical 85:14 87:12 88:16
telephone 13:7
ten 8:4,16,25 21:22 35:24 40:8
 48:19,21,25
ten-hour 48:10
Tennessee 16:25
terminology 16:11

terms 56:11

test 11:5 23:11,23 24:2,6,23 25:13
29:13 31:18 32:13 33:15,25 34:18
37:10 46:6 52:15,16,23 53:8,11,13,
25 54:1,4 57:12,13,16,19,21,24 58:7
65:16

testament 82:5

tested 13:23 14:8 26:8 30:10,12
44:19,21 46:15 58:5,11,19

testified 54:9 59:23

testimony 45:15,17 46:20 49:4,16
51:17 52:25 58:10 60:10 61:18 62:6

testing 23:24 26:7,16,17 29:8,10
46:5 52:19 57:25 58:4 64:17 66:1
76:1,24,25 77:9

tests 32:19 58:3

Texas 14:8 79:15

thankfully 38:12

therapeutically 78:25

thing 17:15 31:16 35:11 37:11 44:3
45:18 58:16 62:20 76:22 79:12 80:24
81:1 82:13 84:12 88:15

things 10:22 18:5 19:3 32:25 45:2
53:15 56:7 60:14 62:9 64:14 73:23
75:15 76:11,14 80:3,11 83:19 84:16

thinking 76:19 78:22

Thoroughbred 41:5 86:2

Thoroughbreds 41:14 42:5

thought 4:10 46:10 65:19

thoughts 78:19

thousand 39:24 56:2 63:3,4

thousands 50:3 53:12

three-year 14:12 19:24

threshold 23:19 27:5,6 75:4

thresholds 27:10

Thursday 84:4 85:24

tickets 84:24

time 4:5,11 8:5,17,18,22 9:8 12:7
13:10,13 18:13 19:12,13,17 21:23
22:22 24:17 29:4 33:23 37:3 40:10
46:3,21 49:6,18 50:15,23 53:3,15
62:20 71:2 75:21 77:17 78:23 82:21

timeliness 70:2 71:10

timely 39:19

times 19:7 23:1,23 24:16 46:4 53:20
71:20 75:14

tiny 12:14

tissue 33:20

today 5:18 7:11,25 20:22 21:19,23
40:4 48:3,17,19 54:1 55:12 75:18
76:17

toe 11:21,22

told 14:25 24:13 57:22

tolerance 14:3 78:8,10 79:5,13,18,
22

ton 63:25 72:24

top 10:19 16:21 22:16

totality 11:25 12:8 13:4,11

totally 17:5 41:20 42:21 43:2

touch 82:15

touched 9:19

tough 19:6 35:8,9 40:22 56:6

tougher 40:23

Tour 53:19

track 8:7 22:21,22,23 28:23 29:6
49:23 66:3 79:21 84:22

traditionally 10:10 87:24

trainer 11:9 13:21 16:20,21 17:18
18:7 22:15 26:1,2 30:17 39:11,12
41:4,11 42:25 46:22 47:7,8,13 49:11
51:1,2,7 52:1 58:14,25 59:1,5,6,8,16
61:1,3

trainers 11:19 12:24 23:21 34:17
46:20 60:7

training 22:25 66:9 73:21 74:4 79:21

transcript 45:13,15,23 48:17

trash 45:4

traveled 11:18

treated 5:9

treatment 28:22

trial 44:2 46:15 59:23

tricky 56:22

trifecta 71:20

trigger 27:16

trouble 80:15 84:21

true 22:12 23:4 24:21

trust 32:24

truthful 61:24 62:1

Tuesday 81:15

turn 21:6 32:5 37:20 58:2

turned 32:10

TV 83:4 85:2

TVG 83:3,8

Twin 83:4

typo 69:22

typographical 70:1,3

U

UC 23:14 24:8 26:16 27:24 32:13,14

ultimate 17:20 38:15

ultimately 52:2

unanimous 20:12

unanimously 38:10 63:20

unbelievable 47:5

understand 22:10 23:15 31:23
34:16 35:12 56:21 57:5 73:24

Understandably 37:9

understanding 31:1 75:24

understood 25:3

undertaking 82:16

undisputed 44:11

unexpected 87:14

unfair 46:10 47:19

unfamiliar 13:17

unintentional 9:14 16:24

unique 84:23

unknown 39:13

unmatched 53:20

unnecessary 28:4

unreasonable 11:3,11 12:25 53:12**up** 4:11 8:15 12:7 18:17,20 24:20,22
31:24 35:20 37:17 42:19 53:15 54:21
65:11 69:22 70:1 74:1,10 78:4 80:3,
14 85:2**update** 63:23 80:11**updated** 25:13**upheld** 20:13 29:18**urinated** 10:17 17:7 18:2 19:18**urinating** 9:16**urination** 18:3**urine** 9:19 26:6**usual** 49:22

V

valid 18:9,14**verified** 6:24**version** 37:19 44:23**versus** 5:2 7:1 20:19,25 38:25 41:3**vested** 54:17**vet** 28:23 41:5,18 42:3,16 46:3 49:24
50:2,7 54:21 66:3**veterinarian** 22:21,24 29:6 33:24
41:16,25 42:9 49:24 50:6,9 60:8**vets** 34:9 66:5**vice-president** 80:18**vile** 42:16,17 44:1 45:8,9,10,12 46:6,
9,13,15 58:11,12,17,18 60:9 62:3**violated** 7:15 12:11 21:9 53:5,8**violates** 28:13**violation** 7:21 14:19 21:15 23:11
26:12 27:17 41:18 42:22 43:1 47:13
48:8 50:24 52:24 53:1 58:14,15 59:1**visibility** 85:4**voice** 79:3**vote** 6:5 38:6 68:4 72:4 79:3**voted** 27:9

W

wagering 65:5,8**waited** 44:9**waive** 87:18 88:2**waiver** 71:1**walk** 41:18**Walls** 7:2,7,9,15,18,23 9:8 10:16
11:12 13:20 14:6,11,24**Walls'** 7:20**wanted** 47:22 55:25 57:24 76:17
79:25**watched** 84:20**watching** 50:5,6 78:2**water** 32:16**Waterman** 43:4,8,14,23 54:7 60:16**Waterman's** 43:7**wavered** 54:25**Weatherwax** 26:24**website** 30:20 68:19**weed** 33:3**week** 83:1**weeks** 23:6 29:1 31:11 32:3 33:2
34:3 83:21**weighed** 51:14**weird** 61:4**welfare** 22:16**well-contested** 55:6**well-documented** 55:14**well-reasoned** 49:7**Wilcox** 5:3,7,10,11,19 6:1,17**Williams** 38:17 39:1,2,8,10,18,25
40:2,21 48:11,15 51:8,9 52:2,13,18
54:11 55:7 56:1 59:17,22 60:20 63:3**Williams'** 54:23**willingness** 87:21**win** 23:3**withdrawal** 23:22 31:9**witness's** 52:9**witnessed** 50:18**witnesses** 48:13,15 49:14 64:15**won** 23:4 26:3 29:11,13 53:19**wonderful** 75:10**word** 44:8,14 46:2 83:5**work** 29:25 62:19 66:6 71:25 81:8
84:12 86:9**worked** 30:13 43:10,11,12 71:15**working** 4:9,10 49:22 65:9,10 71:16
73:7,9 74:8 80:25**world** 73:15**worry** 37:7**worth** 61:23**wound** 22:17,20 23:10 31:2 33:19**wrestle** 36:12**writing** 70:6**wrong** 35:5 59:3

Y

year 5:11 7:21 26:1 30:14 48:9 51:5
59:24 65:3 66:24 68:14,17 69:1
70:24**years** 15:22 23:12 25:12 33:2 59:24
66:21 68:10 84:16**Yelton** 72:23