

Minutes of the Regular Meeting of the  
Indiana Horse Racing Commission

**August 28, 2018**

Indiana State Library – Author’s Room  
315 W. Ohio Street  
Indianapolis, IN 46202

Commission members present: Philip C. Borst, Chairman; Greg Schenkel, Vice Chairman; Susie Lightle, member, and William McCarty, member. Also present were Mike Smith, IHRC Executive Director; Deena Pitman, IHRC Assistant Executive Director; Dale Pennycuff, Deputy General Counsel, Noah Jackson, IHRC Deputy General Counsel; Jessica Barnes, Breed Development Director, Wendi Samuelson-Dull, Controller, Jack Kieninger, President of the Indiana Standardbred Association, Attorney Robin Babbitt, Cline Farrell Christie & Lee, P. C, Attorney Libby Cierzniak, Faegre Baker Daniels, Paul Martin, President, Indiana Thoroughbred Owners & Breeders Association (ITOBA), Attorney Roger Young, President, Quarter Horse Breed Development Advisory Committee, Lance Finlinson, Thoroughbred Breed Development Advisory Committee, Wendy Brown, Chairman, Thoroughbred Breed Development Advisory Committee, Brian Elmore, Executive Director, Indiana Horsemen’s Benevolent and Protective Association, Trent McIntosh, Sr. Vice President and General Manager, Hoosier Park.

**I. Call to Order**

Chairman Borst called the meeting to order at approximately 10:58 a.m. A quorum was present.

**II. Approval of minutes from the April 18, 2018, and June 27, 2018, meetings.**

Chairman Borst asked for a motion for approval of the April 18<sup>th</sup> and June 27<sup>th</sup> minutes. Vice Chairman Schenkel offered some minor clerical corrections to the June 27<sup>th</sup> minutes, and then made a motion to accept the April 18<sup>th</sup> and June 27<sup>th</sup> (as corrected) minutes. Commissioner McCarty seconded the motion. The minutes were approved, 4-0.

**III. Agenda**

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

1. Commission consideration of the following proposed emergency rules:

***Standardbred***

71 IAC 3-2-9	Judge’s list
71 IAC 8-3-5	Out of competition testing
71 IAC 8-4-1	Collection procedures
71 IAC 8-11-2	Licensee subject to testing; positive sample results

***Thoroughbred & Quarter Horse***

71 IAC 3.5-2-9	Steward’s list
71 IAC 8.5-1-2.1	Clenbuterol prohibited in quarter horses
71 IAC 8.5-2.5	Out of competition testing
71 IAC 8.5-3-1	Collection procedures
71 IAC 8.5-8-1.5	Veterinarian’s list for quarter horse clenbuterol positive

***All Breeds***

71 IAC 9-2-1 through 71 IAC 9-2-11	Advance Deposit Wagering Definitions
71 IAC 9-2.1-1 through 71 IAC 9-2.1-14 71 IAC 9-2.5-1	Advance Deposit Wagering Wagering rules

Chairman Borst asked why veterinarian technician was crossed out and a commission employee inserted in several of the rules, and was informed that the rules in question related to the collection of hair samples which do not require the skills of a veterinarian technician.

Vice Chairman Schenkel asked if the license fees listed for an Advance Deposit Wagering license would cover the associated costs, and was informed that the listed fees were based on the enabling statute. Mr. Babbitt pointed out language that allowed the Commission to require the applicant to pay any costs incurred by the Commission beyond the listed fees.

Brian Elmore, Executive Director of the Indiana HBPA asked why there is no split on hair sampling, and was informed that the intent of the rule was that the sampling and results would be completed pre-race, in addition to the fact that it takes several months for most substances to disappear from a hair sample.

Trent McIntosh, Sr. VP and GM of Hoosier Park, asked if any of the split from the advance deposit wagering would go into the horse racing purse accounts, and was informed that the statute did not explicitly state the money went into the purse accounts, but the money is to be used to support the horsemen's groups.

Commissioner Schenkel moved to accept the proposed emergency rules for Standardbreds. Commissioner Lightle seconded the motion, and the motion carried, 4-0.

Commissioner McCarty moved to accept the proposed emergency rules for Thoroughbreds and Quarter Horses. Commissioner Schenkel seconded the motion, and the motion carried, 4-0.

Commissioner Schenkel moved to accept the proposed emergency rules for Advance Deposit Wagering. Commissioner Lightle seconded the motion, and the motion carried, 4-0.

2. Review of commission rulings – June 19, 2018 – August 22, 2018.

Commission Staff offered to answer any questions regarding the commission rulings for this period. There were none.

3. Split Laboratories – Commission Staff asked the Commission for blanket approval of all RTMC accredited laboratories at the discretion of Commission Staff as to the list of approved laboratories. Deena Pitman and Mike Smith answered questions of the Commission. Commissioner McCarty moved to approve the addition of all laboratories that are RTMC accredited for 2018 and beyond. Vice Chairmen Schenkel seconded the motion, and the motion carried, 4-0.
4. Next, Commission Staff discussed the need to waive the testing of cobalt from the previously approved rule due to the fact that not all laboratories tested for cobalt. Vice Chairmen Schenkel moved to allow Commission Staff to waive previous approval for RTMC accredited laboratories for the testing of cobalt. Commissioner McCarty seconded the motion, and the motion carried, 4-0.

### **III. Old Business**

There was no old business.

### **IV. New Business**

1. Commission consideration of the following proposed emergency rules:

#### ***Commission Contract Approval***

71 IAC 11-12	Contracts with a permit holder; approval by commission or executive director
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Commissioner Schenkel moved to accept the proposed changes to the contract approval rule, including the additional amendments to subsection (e) read into the record by Robin Babbitt. Commissioner McCarty seconded the motion, and the motion carried, 4-0.

### **V. Adjournment**

The meeting was adjourned at 11:21 a.m.

Memorandum of the Executive Session  
of the Indiana Horse Racing Commission

**August 28, 2018**

Indiana State Library – Author’s Room  
315 West Ohio St.  
Indianapolis, IN 46204

Pursuant to public notice issued in compliance with IC 5-14-1.5-1-1 et seq., the Indiana Horse Racing Commission (the “Commission”) met in executive session at 10:30 a.m. on Tuesday, August 28, 2018, in the Author’s Room of the Indiana State Library located at 315 West Ohio Street, Indianapolis, IN 46204. Commission members present were Philip C. Borst, Chairman; Greg Schenkel, Vice Chairman; Susie Lightle, member and William McCarty, member. The Commissioners met pursuant to IC 5-14-1.5-6.1(b)(9).

No subject other than that authorized by IC 5-14-1.5.6.1 (and identified in the public notice) was discussed during the executive session.