

Minutes of the Regular Meeting of the
Indiana Horse Racing Commission

December 10, 2013

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

Commission members present: William Diener, Chairman; Steve Schaefer, Vice-Chairman; Commissioners Greg Schenkel, Thomas Weatherwax and George Pillow. Also present were Joe Gorajec, IHRC Executive Director; Lea Ellingwood, IHRC General Counsel; Holly Newell, IHRC Deputy General Counsel; IHRC Assistant Executive Director Deena Pitman; Phil Bayt, Ice Miller/Centaur, Robin Babbitt, Ice Miller/Centaur; Brian Elmore, Centaur General Manager of Racing; Tammy Schaeffer, Centaur CFO; Tom Mosley, Quarter Horse Racing Association of Indiana (“QHRAI”); Nat Hill, Indiana Standardbred Association (“ISA”), Jack Kieninger, ISA; Joe Davis, Indiana Horsemen’s Benevolent and Protective Association (“IHBPA”); Mike Brown, IHBPA; Chris Duke, QHRAI; Herb Likens, Indiana Thoroughbred Owners and Breeders Association (“ITOBA”); Rod Ratcliff, CEO and Chairman of Centaur; Roger Young, counsel to the ISA; Christina Lawton, Executive Director of ITOBA; Jessica Barnes, IHRC Director of Racing and Breed Development; Jon Schuster, General Manager of Racing at Indiana Downs; and Rick Moore, General Manager of Racing at Hoosier Park.

I. Call to Order

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

Chairman Diener swore in the reporter. Chairman Diener addressed the resignation of Commissioner Jason Barclay and introduced new Commissioner George Pillow.

II. Approval of minutes of the October 29, 2013, meeting.

The Commission unanimously approved the October 29, 2013 minutes.

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.

1. Discussion Re: Initial Distribution Agreement.

Phil Bayt and Robin Babbitt, Ice Miller/Centaur, partnering with the Indiana Horsemen’s Benevolent & Protection Association, the Indiana Standardbred Association, and the Quarter Horse Association of Indiana again presented the petition to request approval of the initial distribution agreement. *Commissioner Weatherwax moved to approve the IDA Commissioner Schenkel seconded. The motion carried 4-0 with Chairman Diener abstaining.*

2. Discussion Re: Survey Results of Purse Monies contractually paid to horsemen’s associations (survey results).

All three horsemen’s associations reported overwhelmingly that members understood how the associations were using purse monies and had no objections. No further action required by the Commission.

3. Review of Commission Rulings – October 1, 2013 through December 1, 2013.

Deputy General Counsel Holly Newell allowed time to review the rulings and there were no questions from the Commission.

4. Approval of IHRC complaint policy.

After a brief discussion and direction for clarification of the intended scope, *Chairman Diener moved that the policy be approved with the minor word change to the draft. Commissioner Schenkel seconded and the Commission unanimously approved to adopt the policy as amended.*

5. Consideration of emergency rules re: Complaints.

- a. 71 IAC 1-1-23 “Complaint” defined
- b. 71 IAC 1.5-1-23 “Complaint” defined
- c. 71 IAC 3-1-5 Complaints against officials
- d. 71 IAC 3.5-1-6 Complaints against officials

IHRC General Counsel Lea Ellingwood recommended the Commission adopt these rules as emergency rules. *Chairman Diener moved that the Commission adopt the four rules. Commissioner Schenkel seconded. Commission approved, 5-0.*

6. Request for Approval of Standardbred Breed Development Program Budget for 2014

IHRC Director of Racing and Breed Development Jessica Barnes presented the Standardbred Breed Development Program Budget for 2014. *Chairman Diener moved to approve the program budget; Commissioner Weatherwax seconded. The motion carried 5-0.*

7. Consideration of emergency rule re: 71 IAC 8.5-8.2, Physical inspection of horses.

IHRC Equine Medical Director Dr. Angela Demaree presented a request for an emergency rule to require the physical inspection of race horses similar to the ARCI model rule to improve safety and allow for NTRA certification for flat racing. *Chairman Diener moved to approve the proposed rule; Commissioner Pillow seconded. The Commission voted 5-0 to adopt the rule.*

8. Consideration of the Petition of Hoosier Park, LP in re: The Petition of Hoosier Park to:

- 1) Amend the Final Order of the Indiana Horse Racing Commission Entered on July 14, 1994 to Authorize the Relocation of the Fort Wayne Satellite Facility to 645-821 Lincoln Highway West, New Haven, Indiana 46774; and
- 2) Authorize Execution of a Real Estate Lease; and
- 3) Authorize the Sale of the Real Estate Upon Which the Fort Wayne Satellite Facility is Located; and
- 4) Delegate Authority to the Executive Director to Approve Contracts Related to the Relocation and Construction of the New Haven Satellite Facility; and
- 5) Authorize Pari-Mutuel Wagering by means of Fast Bet Mobile.

John Keeler, vice-president and general counsel of Centaur Holdings, New Centaur, and Hoosier Park, LLC and Jim Brown, president and COO of Centaur Gaming presented the petition to the Commission. *Chairman Diener moved to approve the petition; Commissioner Schenkel seconded. The motion carried 5-0.*

9. Review of Hoosier Park's permit renewal application and consideration of pari-mutuel permit for 2014 in accordance with 71 IAC 11-1-21 and consideration of Hoosier Park's request for live racing dates for 2014 pursuant to IC 4-31-5-9.

Rick Moore, vice president and general manager of racing at Hoosier Park presented the renewal application and request for approval of live racing dates for 2014. *Chairman Diener moved to approve and grant Hoosier Park's permit application for 2014 along with the race dates. Both were approved 5-0.*

10. Approval of the renewal of Hoosier Park's satellite facility licenses in Merrillville, Fort Wayne and Indianapolis for 2014 in accordance with 71 IAC 12-1-23.

Chairman Diener moved to approve the renewal of the satellite facility licenses for 2014. Commissioner Weatherwax seconded. Motion approved 5-0.

11. Review of Indiana Downs' permit renewal application and consideration of pari-mutuel permit for 2014 in accordance with 71 IAC 11-1-21 and consideration of Indiana Downs' request for live racing dates for 2014 pursuant to IC 4-31-5-9.

John Schuster, vice president and general manager of racing, Indiana Grand Racing and Casino, presented the renewal application and live racing dates schedule for 2014 for Indiana Downs. *Chairman Diener moved to approve the renewal application and proposed race dates for Indiana Downs for 2014. The motion was seconded by Commissioner Schenkel and the Commission voted 5-0 to approve.*

12. Approval of the renewal of Indiana Downs' satellite facility license in Clarksville for 2014 in accordance with 71 IAC 12-1-23.

Chairman Diener moved to approve the 2014 renewal application. Commissioner Pillow seconded. Motion passed, 5-0.

IV. Old Business
None

V. New Business

A. Next IHRC meeting will probably be set for some time late February 2014.

B. Chairman Diener indicated that the next meeting would include discussion and consideration of medication rules.

VI. Adjournment

With no further business, Chairman Diener adjourned the meeting at 11:36 a.m.

Respectfully submitted,