

Minutes of the Regular Meeting of the
Indiana Horse Racing Commission

March 10, 2015

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

Commission members present: Thomas Weatherwax, Chairman; Greg Schenkel, Vice-Chairman, and Commissioners George Pillow and Susie Lightle. Also present were Joe Gorajec, IHRC Executive Director; Lea Ellingwood, IHRC General Counsel; Holly Newell, IHRC Deputy General Counsel; Deena Pitman, IHRC Assistant Executive Director; Jessica Barnes, IHRC Director of Racing and Breed Development; Mike Hall, Presiding Standardbred Judge; Kevin Gumm, Standardbred Judge; Dave Magee, Standardbred Judge; Robin Babbitt, Attorney from Ice Miller; Jack Kieninger, President of the Indiana Standardbred Association; John Keeler, Vice President and General Counsel of Centaur Gaming; Rick Moore, Vice President and General Manager of Racing at Hoosier Park Racing and Casino; Brian Elmore, Vice President of Racing for Centaur; Jon Schuster, Vice President and General Manager of Racing Indiana Grand Racing & Casino; Mike Brown, Executive Director, Indiana Horsemen's Benevolent & Protective Association; Dionne Benson, Executive Director of the Racing Medication and Testing Consortium, Inc. (RMTC); Wendy Brown, Chair of the Indiana Thoroughbred Breed Advisory Committee; and Pete Sacopulos, Attorney from Sacopulos, Johnson, and Sacopulos.

I. Call to Order

Chairman Weatherwax called the meeting to order at approximately 9:00 a.m. A quorum was present. Chairman Weatherwax called for a moment of silence in honor of late IHRC Commissioner Steve Schaefer. Chairman Weatherwax then swore in Court Reporter Robin Martz.

II. Approval of the January 28, 2015 meeting minutes.

Commissioner Schenkel moved to accept the minutes for the January 28, 2015 meeting. Commissioner Lightle seconded. The January 28, 2015 minutes were unanimously approved.

III. Agenda

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

1. Introduction of new Judges for 2015 standardbred race meet.

Executive Director Joe Gorajec introduced the new team of judges. Mike Hall will serve as presiding judge, and Kevin Gumm and Dave Magee will serve as associate judges. Mr. Gorajec also thanked former presiding judge Tim Schmitz, who is leaving his position after 19 years. Mr. Gorajec noted that Mr. Schmitz has been contracted as a consultant to ensure smooth transition for the new judges.

2. Consideration of the Administrative Law Judge's Recommended Findings of Fact, Conclusions of Law, Ultimate Findings of Fact and Order on the Thomas Amoss disciplinary

matter.

Deputy Counsel Holly Newell presented the matter of the objections to two orders against Mr. Tom Amoss that were issued by the Administrative Law Judge Gordon White on October 14, 2014 and January 28, 2015. The underlying disciplinary action stems from a positive equine drug test in 2011. The Commission heard oral arguments from both parties, and after deliberation, Chairman Thomas Weatherwax moved to affirm both orders. The motion was seconded by Vice-Chairman Greg Schenkel. The motion carried, 3-0, with Commissioner Lightle abstaining.

3. Litigation Update – Lea Ellingwood, General Counsel.

General Counsel Ellingwood reported the resolution of lawsuits filed against the Commission by Eddie Martin. Mr. Martin's state claim against the Commission was dismissed as a result of Mr. Martin's agreement to drop the case. Upon party agreement the federal lawsuit against the Commission was also dismissed. Mr. Martin received no monetary damages as a result of the lawsuit and he is permanently barred from initiating future litigation on these claims.

4. Staff Update on Cobalt – Joe Gorajec, Executive Director

Mr. Gorajec updated the Commission on Indiana's efforts to regulate cobalt. He recommended that Indiana maintain its 25 parts per billion threshold, because it reflects the best available science at this time. Mr. Gorajec proposed modifying the penalty for a cobalt positive, changing it from an A penalty to a B penalty. Because cobalt is an endogenous substance, Mr. Gorajec said it lends itself well to a tiered penalty scheme.

5. Introduction of Dionne Benson, Executive Director of the Racing Medication and Testing Consortium, Inc. (RMTC) with remarks by Joe Gorajec.

Dr. Benson spoke to the Commission about the present status of cobalt use and the results of industry research. The RMTC has not yet made a recommendation. However, Dr. Benson said the tiered penalty approach is currently under consideration, with a 25 ppb threshold. Dr. Benson pointed out that where commissions have started to regulate this substance, the numbers have decreased significantly.

6. Consideration of emergency rules regarding cobalt:

- 71 IAC 8-1-7 and 71 IAC 8.5-1-7
- 71 IAC 8-1-9 and 71 IAC 8.5-1-9
- 71 IAC 8-3-5 and 71 IAC 8.5-2-5

Commissioner Schenkel moved to approve the emergency rules regarding cobalt and Commissioner Lightle seconded the motion. The Commission voted 4-0 to approve.

7. Update on equine drug testing for 2015 – Joe Gorajec, Executive Director

- Primary laboratory
- Quality assurance laboratory
- Out of competition testing
- Cobalt testing

The Indiana Department of Administration selected Truesdail Laboratories as the designated

laboratory for testing for 2015. A second lab, Industrial Laboratories has been selected as an audit laboratory for quality assurance. Executive Director Gorajec said out of competition testing would increase two-fold this race meet, and would also include analysis for cobalt.

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

Executive Director Joe Gorajec presented the three laboratories, University of California, Davis, and Dr. Scott Stanley; the University of Pennsylvania; and LGC as split sample labs. Each of the three labs can also facilitate split sample testing for cobalt positives.

Commissioner Susie Lightle moved to accept the split sample labs. Vice-Chairman Schenkel seconded. The motion passed, 4-0.

9. Approval of emergency rule regarding Trainers Eligibility – 71 IAC 5.5-3-1.

Vice-Chairman Schenkel moved to repeal the continuing education requirement. Commissioner Lightle seconded. The Commission voted 4-0 to repeal the requirement.

10. Consideration of Settlement Agreement between Commission Staff and Ron Raper.

Ms. Newell presented the proposed Settlement Agreement between the Commission Staff and Mr. Ron Raper. In exchange for his cooperation and ongoing truthful testimony, IHRC staff proposed reducing Mr. Raper's penalty. He was facing a four-year suspension and a \$20,000 fine. Pursuant to the settlement agreement, Mr. Raper will be suspended for one year. Five Raper-trained horses will be disqualified from six 2014 races and purses will be redistributed. Vice-Chairman Schenkel moved to accept the Settlement Agreement. Commissioner Pillow seconded. The motion carried, 4-0.

11. Approval of Hoosier Park's 2015 Standardbred racing official list pursuant to 71 IAC 3-1-2.1.

Commissioner Pillow moved to approve the list of returning Standardbred racing officials for the 2015 meet. Commissioner Lightle seconded. The vote carried, 4-0.

I. Old Business

There was none.

II. New Business

There was none.

III. Adjournment

Chairman Weatherwax adjourned the meeting at 11:18 a.m.