

**In the Matter Of:**

*INDIANA HORSE RACING COMMISSION*

---

**Meeting**

*May 28, 2020*

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INDIANA HORSE RACING COMMISSION MEETING  
HELD VIA VIDEOCONFERENCE ON:  
MAY 28, 2020  
1:20 P.M.

TAKEN BY:  
ROBIN P. MARTZ, RPR  
NOTARY PUBLIC

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APPEARANCES

(All attendees via videoconference and teleconference.)

Philip Borst, DVM, Chairman  
Greg Schenkel, Vice-chairman  
George Pillow  
William McCarty

Deena Pitman, Executive Director

Noah Jackson, Esq.  
Dale Pennycuff, Esq.  
INDIANA HORSE RACING COMMISSION  
1302 North Meridian Street, Suite 175  
Indianapolis, IN 46202

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1           MEGAN ARSZMAN: Good afternoon, ladies and  
2 gentlemen. And thank you for joining us for the  
3 May Indiana Horse Racing Commission meeting. My  
4 name is Megan Arszman. It is currently 1:20. We  
5 apologize for the late start. As always, there's  
6 just always a little bit of technical difficulties,  
7 but we appreciate you sticking with us and joining  
8 us.

9           We have on -- this is going to be our first  
10 virtual Commission meeting so you will see  
11 everybody speaking. And you will see the agenda  
12 items as they come up.

13           Of course, we have our Executive Director Ms.  
14 Deena Pitman. We have Chairman of the Indiana  
15 Horse Racing Commission Doctor Philip Borst and  
16 them our Commission members, Mr. Greg Schenkel,  
17 Mr. George Pillow, and Mr. Bill McCarty. And so  
18 I'm going to go ahead and give it up to Doctor  
19 Borst for him to start the meeting.

20           CHAIRMAN BORST: Thank you. I absolutely  
21 apologize to everybody. This is all my fault. I  
22 guess veterinarians are just not very technically  
23 oriented because I thought I could do this and did  
24 it the other day, but I apologize that I couldn't  
25 get on.

1 First I'm going to go ahead and swear in our  
2 recorder, Robin Martz.

3 (At this time the oath was administered to the  
4 court reporter by Chairman Borst.)

5 CHAIRMAN BORST: In that case, I will call us  
6 to order. Again, this is history. Obviously, the  
7 first time we've ever had a virtual meeting. There  
8 may be some bugs, as there already has been, but we  
9 will try to make this as efficient as we can.

10 I just welcome everybody who's listening and  
11 watching. It's not ideal, obviously, to have a  
12 public meeting this way, but most all the items  
13 that are on the agenda have been vetted by those  
14 who have been affected, and they've checked off on  
15 it. So, hopefully, we don't have anything  
16 controversial.

17 So at this point then, I will ask for approval  
18 of the memorandum from the December 3rd meeting.

19 COMMISSIONER SCHENKEL: I would move approval.  
20 And then I want to make a comment after that if I  
21 can, please.

22 COMMISSIONER MCCARTY: I second.

23 COMMISSIONER PILLOW: I'll second.

24 CHAIRMAN BORST: Been moved and seconded. All  
25 those in favor say "aye."

1 MR. JACKSON: Mr. Chairman, excuse me, I'm  
2 sorry. We'll need to do a roll call vote because  
3 everybody is on virtually.

4 CHAIRMAN BORST: You're right, roll call.

5 MR. JACKSON: We had the motion and a second.  
6 Chairman Borst.

7 CHAIRMAN BORST: Aye.

8 MR. JACKSON: Vice-chairman Schenkel.

9 COMMISSIONER SCHENKEL: Aye.

10 MR. JACKSON: Commissioner Pillow.

11 COMMISSIONER PILLOW: Aye.

12 MR. JACKSON: Commissioner McCarty.

13 COMMISSIONER MCCARTY: Aye.

14 MR. JACKSON: Thank you.

15 CHAIRMAN BORST: Okay. Commissioner Schenkel.

16 COMMISSIONER SCHENKEL: I just wanted to make  
17 sure that we got it in the minutes of this meeting  
18 because if you recall at that meeting in December,  
19 we gave conditional approval to the operating  
20 plans. And I wanted to make sure that we duly  
21 noted in the minutes that those conditions were  
22 met, and full approval was made. So I wanted to  
23 make sure that conditional approval was, it was  
24 recognized that that was followed through on, and  
25 everything was met.



1 CHAIRMAN BORST: It will be too because item  
2 number four covers that.

3 COMMISSIONER SCHENKEL: Okay. Thanks.

4 CHAIRMAN BORST: Okay. Let's move onto  
5 consideration of settlement agreement between  
6 Indiana Horse Racing Commission Staff and Brent R.  
7 Wendling. Noah, do you want to take that?

8 MR. JACKSON: Yes, thank you.

9 Commissioners, you have in your packet the  
10 settlement agreement that was fully executed in  
11 January 2020 between Commission Staff and Brent R.  
12 Wendling. Mr. Wendling was allowed on the backside  
13 to drop off a horse he was going to race. IHRC  
14 investigators searched Mr. Wendling's vehicle on or  
15 about August 24, 2019. Based on reasonable  
16 suspicion, they also conducted a saliva sample from  
17 Mr. Wendling and collected it and sent it for  
18 analysis, which returned positive for THC.

19 The stewards summarily suspended Mr. Wendling  
20 in Stewards Ruling IG-2019-1850. On September 5,  
21 2019 an exclusion order was issued to Mr. Wendling,  
22 which Mr. Wendling timely contested. The matter  
23 was assigned to Administrative Law Judge Bernard L.  
24 Pylitt. And the stewards lifted the summary  
25 suspension on or about September 5, 2019.

1 Mr. Wendling, by counsel, asked to pursue a  
2 settlement agreement on or about September 27,  
3 2019.

4 Mr. Wendling has agreed to pay a one thousand  
5 dollar fine and has agreed to be suspended from  
6 August 24, 2019 through and including April 28,  
7 2020. In addition, Mr. Wendling must submit to a  
8 drug test and provide a negative drug test result  
9 before he is eligible to apply for a license.

10 At this time, Commission Staff would request  
11 approval of the settlement agreement. And I'm  
12 happy to answer any questions.

13 CHAIRMAN BORST: Does anyone have any  
14 questions for Noah on the case? If not, anybody  
15 have a motion and a second?

16 COMMISSIONER MCCARTY: I move for approval of  
17 the settlement agreement as presented.

18 COMMISSIONER SCHENKEL: I second.

19 CHAIRMAN BORST: Been moved and seconded. We  
20 will now have a roll call vote.

21 MR. JACKSON: Thank you. Chairman Borst.

22 CHAIRMAN BORST: Aye.

23 MR. JACKSON: Vice-chairman Schenkel.

24 COMMISSIONER SCHENKEL: Aye.

25 MR. JACKSON: Commissioner Pillow.

1 COMMISSIONER PILLOW: Aye.

2 MR. JACKSON: And Commissioner McCarty.

3 COMMISSIONER MCCARTY: Aye.

4 MR. JACKSON: Thank you.

5 CHAIRMAN BORST: Next, we will go to  
6 consideration of the following proposed emergency  
7 rule changes. And I think what we will do is let  
8 Noah present them. And then we'll just vote on  
9 them all at one time, I think for efficiency sake  
10 here, unless somebody wants one pulled out. Noah.

11 MR. JACKSON: All of the rules will be  
12 submitted to the Legislative Services Agency on one  
13 document, as included in your meeting books.  
14 Commission Staff's intent is to review each  
15 category separately and then hold a single vote if  
16 no rule needs to be modified or removed from the  
17 list. The categories are: Standardbred,  
18 Thoroughbred, and Quarter Horse, and All Breeds.

19 First the Standardbred rules. All of the  
20 rules were sent to the stakeholders. None of the  
21 stakeholders have raised any issue with the updated  
22 rules. The updates are a combination of requests  
23 from various stakeholders and rule housekeeping.  
24 Five rules will be amended as shown in the  
25 emergency rule document that will be filed with the

1 Legislative Services Agency upon your approval.

2 Next the Thoroughbred and Quarter Horse rules.  
3 All of these rules were also sent to stakeholders.  
4 The updates are a combination of requests from  
5 various stakeholders and rule housekeeping. Eight  
6 rules will be amended as shown in the emergency  
7 rule document that will be filed with Legislative  
8 Services Agency upon your approval.

9 And finally, the All breeds, rules for All  
10 Breeds. All of the rules were sent to the  
11 stakeholders. And the updates are a combination of  
12 requests from various stakeholders and rule  
13 housekeeping. Three rules will be amended as shown  
14 in the emergency rule document that will be filed  
15 with the Legislative Services upon your approval.

16 CHAIRMAN BORST: Do any Commission members  
17 have any questions about any of the particular  
18 rules?

19 All right. Hearing none, do we have a motion  
20 and a second?

21 COMMISSIONER SCHENKEL: I would move approval.

22 COMMISSIONER PILLOW: Second.

23 CHAIRMAN BORST: Okay. Been moved and  
24 seconded. Okay. Roll call vote.

25 MR. JACKSON: Thank you. Chairman Borst.

1 CHAIRMAN BORST: Aye.

2 MR. JACKSON: Vice-chairman Schenkkel.

3 COMMISSIONER SCHENKEL: Aye.

4 MR. JACKSON: Commissioner Pillow.

5 COMMISSIONER PILLOW: Aye.

6 MR. JACKSON: And Commissioner McCarty.

7 COMMISSIONER MCCARTY: Aye.

8 MR. JACKSON: Thank you.

9 CHAIRMAN BORST: Fast four to nothing.

10 Next on the agenda is the approval of Caesars  
11 proof of financial responsibility. Noah again.

12 MR. JACKSON: Thank you, Mr. Chairman.

13 Commissioners, you were provided Caesars proof  
14 of financial responsibility as a confidential  
15 attachment in your meeting books. If the offer of  
16 proof is acceptable, we need a motion to approve  
17 Caesars proof of financial responsibility as  
18 submitted.

19 CHAIRMAN BORST: Do I have such a motion?

20 COMMISSIONER SCHENKEL: So moved.

21 COMMISSIONER PILLOW: Second.

22 CHAIRMAN BORST: Been moved and seconded. Any  
23 further comment? It's confidential material. All  
24 right. Roll call vote.

25 MR. JACKSON: Chairman Borst.

1 CHAIRMAN BORST: Aye.

2 MR. JACKSON: Vice-chairman Schenkel.

3 COMMISSIONER SCHENKEL: Sorry. Aye.

4 MR. JACKSON: Commissioner Pillow.

5 COMMISSIONER PILLOW: Aye.

6 MR. JACKSON: Commissioner McCarty.

7 COMMISSIONER MCCARTY: Aye.

8 MR. JACKSON: Thank you.

9 CHAIRMAN BORST: Good. It passes also.

10 Next on the agenda are the presentation of the  
11 amended Thoroughbred Breed Development Advisory  
12 Committee, the amended Quarter Horse Breed  
13 Development Advisory Committee, and the amended  
14 Standardbred Breed Development Advisory Committee.

15 Jessica has worked hard on this. I don't know  
16 how you do these numbers. You have to have a  
17 mathematical degree from Purdue or something to do  
18 this because it's amazing. And thank you for your  
19 hard work, especially new committee members, and we  
20 thank the committee members.

21 Jessica, if you want to take these three.

22 EXECUTIVE DIRECTOR PITMAN: You're muted,  
23 Jessica.

24 JESSICA BARNES: I was the one reminding  
25 everybody to unmute themselves, and I didn't unmute

1 myself.

2       The first is the Thoroughbred breed  
3 development program. You know, as we started this  
4 year we were all excited because we were going to  
5 have added revenues from table games. And there  
6 was a lot of different elements that we were going  
7 to implement into the program. And everything was  
8 sunshine and roses. And COVID-19 hit and put the  
9 brakes on everything.

10       So what we've had to do is basically go back  
11 and revamp the programs and try to figure out what  
12 could we keep that we were already implementing,  
13 what could we change, and how could we make these  
14 programs be the best that they could be in the  
15 situation that we're in. So that's what we did.

16       We went from originally we had about a  
17 \$14 million budget to quite a bit less than that  
18 for 2020. So what I've outlined in this document  
19 is what we were able to keep from the program.  
20 This program keeps the Thoroughbred stakes intact  
21 so it doesn't delete any of the Thoroughbred  
22 stakes. It does reduce the purses of those in  
23 order to keep those. So it does, it does reduce  
24 those purses.

25       It also keeps, we were able to keep the purses

1 for Indiana bred overnights at 2019 levels. So I  
2 think that's a real accomplishment that we were  
3 able to do.

4 And I can tell you that we would not have been  
5 able to do those things without the support of the  
6 horsemen and the racetracks especially. The  
7 racetracks actually came in and boosted their money  
8 that they put into the overnight program for us.  
9 They actually boosted that by \$300 a race. We know  
10 that this is a one-time thing for this year, but we  
11 are appreciative of that because it's a big puzzle  
12 to get all of these things put together.

13 So and we were also able to keep the sired  
14 races that we added into the program this year.  
15 Even though we don't have the money that we  
16 anticipated having, we do still have a statutory  
17 mandate that 41 percent of the program be allocated  
18 to the sired portion of our program. We had to try  
19 to meet that as well, even though we didn't have  
20 new revenue because that statute didn't change even  
21 though our revenues change.

22 So what we have outlined here is all of those  
23 things. I think it's still going to be a very nice  
24 program. I am hopeful that maybe our projections  
25 are a little low. And if things open up and are



1 much higher than we anticipate, then, you know,  
2 I'll be calling a meeting of my Thoroughbred breed  
3 development committee members and the racetracks.  
4 And maybe we'll be coming back to you in a couple  
5 months and adding some things.

6 But I think what we've put here is very  
7 workable. And it still leaves us some reserves in  
8 our funds for the breed development program. I'm  
9 very thankful we had those reserves because the  
10 program would look a lot different if we didn't  
11 have those reserves in our funds.

12 So I just respectfully, you know, ask for your  
13 approval of the Thoroughbred breed development  
14 program. And I would be happy to answer any  
15 questions on it.

16 CHAIRMAN BORST: Thank you. Again, thank you  
17 for the hard work. Gosh, that was a heck of a  
18 puzzle to put together.

19 JESSICA BARNES: It was.

20 CHAIRMAN BORST: Any Commission members have  
21 any questions on any of the three programs?

22 JESSICA BARNES: Do you want me to,  
23 commissioner, Chairman Borst, do you want me to go  
24 ahead and do all three of the programs, or do you  
25 want to take them separately because I can talk

1 about the other three too?

2 CHAIRMAN BORST: However you want to do it.

3 JESSICA BARNES: Okay. I just talked about  
4 the Thoroughbreds so if you want to take it, then  
5 I'll briefly touch on the Quarter Horse and  
6 Standardbred separately after that.

7 CHAIRMAN BORST: Okay. We'll go ahead and  
8 we'll, if there's no further comments, we'll ask  
9 for a motion and a second then on the Thoroughbred  
10 program. Do we have a motion or a second?

11 COMMISSIONER MCCARTY: I move for approval of  
12 the Thoroughbred program as presented.

13 COMMISSIONER PILLOW: I will second it.

14 CHAIRMAN BORST: Okay. Roll call vote.

15 MR. JACKSON: Chairman Borst.

16 CHAIRMAN BORST: Aye.

17 MR. JACKSON: Vice-chairman Schenkel.

18 COMMISSIONER SCHENKEL: Aye.

19 MR. JACKSON: Commissioner Pillow.

20 COMMISSIONER PILLOW: Aye.

21 MR. JACKSON: And Commissioner McCarty.

22 COMMISSIONER MCCARTY: Aye.

23 CHAIRMAN BORST: Great. Passes unanimously.

24 Okay. Let's go onto the Quarter Horse.

25 JESSICA BARNES: Okay. The Quarter Horse

1 breed development program was really in a really  
2 great shape, even with our revenue losses. That is  
3 because the Quarter Horse funding is probably, it  
4 receives a majority of the funding for their  
5 program from the purse account. So their split is  
6 a lot different than the Thoroughbred and the  
7 Standardbreds because they don't get as much money  
8 into the Quarter Horse breed development program.

9 We were fortunate that the purse account had  
10 quite a bit of money in reserves for the Quarter  
11 Horse program. And they worked with us in the  
12 entire program as a whole. So when you look at  
13 this proposal, there are things that we've had to  
14 cut that we had planned on doing this year, but we  
15 were able to keep purses actually above where they  
16 were for 2019.

17 We were able to increase the trials that we  
18 had put in our original program for 2020. And we  
19 were able to increase part of the awards on open  
20 races. We weren't able to increase the awards on  
21 open stakes, but we were for open overnights. So,  
22 I mean, I think that the program we have out here  
23 for the Quarter Horses this year is actually a more  
24 attractive program than we had for 2019, which I  
25 think everybody in the Quarter Horse industry is

1 very grateful to. And we're very thankful for that  
2 cooperation from the racetrack and from the QHRAI  
3 in making this program work.

4 I would be happy to answer any questions that  
5 you guys may have. And then I would respectfully  
6 ask for approval of this program.

7 CHAIRMAN BORST: Any Commission members have a  
8 question for Jessica? Hearing none, we'll take a  
9 motion and second.

10 COMMISSIONER SCHENKEL: I would move approval.

11 COMMISSIONER MCCARTY: I second.

12 CHAIRMAN BORST: Been moved and seconded. The  
13 roll call vote.

14 MR. JACKSON: Thank you. Chairman Borst.

15 CHAIRMAN BORST: Aye.

16 MR. JACKSON: Vice-chairman Schenkel.

17 COMMISSIONER SCHENKEL: Aye.

18 MR. JACKSON: Commissioner Pillow.

19 COMMISSIONER PILLOW: Aye.

20 MR. JACKSON: And Commissioner McCarty.

21 COMMISSIONER MCCARTY: Aye.

22 MR. JACKSON: Thank you.

23 CHAIRMAN BORST: Great. Unanimously. Okay.  
24 Jessica, next.

25 JESSICA BARNES: Okay. We have the

1 Standardbred breed development program. And in our  
2 same situation, we were excited to do a lot of new  
3 things this year, but we're facing reduced funding  
4 also. You know, this approach is a little bit  
5 different than the Thoroughbred and Quarter Horse  
6 because the Standardbred breed development program  
7 is primarily self-funded through the breed  
8 development.

9       What we've basically done is we looked at what  
10 funds we had available. We utilized some funds  
11 from reserves, and then we calculated what that  
12 reduction was for the program. And we actually  
13 went through and applied that reduction across the  
14 board.

15       So we were able to keep -- the board members  
16 felt that it was very important that we keep our  
17 sire stakes programs primarily intact. And we just  
18 applied the funds. So you're going to see some  
19 reduced funding for the legs for those.

20       The late closers, we did actually eliminate  
21 some late closers, but we moved that funding over  
22 to the overnight program. So you'll still those  
23 late closers take place, but they will actually  
24 take place without horsemen having to pay out money  
25 to nominate to them. They thought that would be

1 easier for the horsemen to write those events as  
2 overnight races and kind of take some of that  
3 pressure off of the horsemen's pocketbook in doing  
4 it.

5 The fair circuit program. The fairs are not  
6 allowed to start under the Governor's Back on Track  
7 Indiana plan until July 4th. So that has  
8 drastically, it has modified our fair program quite  
9 a bit. We looked, and we went from a two series  
10 fair program to a one series fair program with the  
11 final being held at the Indiana State Fair in  
12 September.

13 What I've laid out to you is the changes we  
14 have made to all of these programs. I still think  
15 we've got a really great program. And, you know,  
16 we appreciate all the horsemen's groups, the ISA,  
17 and the racetrack working together with breed  
18 development to get these things done.

19 So I would be happy to answer any specific  
20 questions you have on the program. If not, I would  
21 respectfully ask for your approval of the  
22 Standardbred breed development program.

23 COMMISSIONER SCHENKEL: Jessica, I'll move  
24 approval. And then once we've got a second, I have  
25 a question.

1 JESSICA BARNES: Okay.

2 COMMISSIONER MCCARTY: I second the -- this is  
3 Commissioner McCarty. I second.

4 CHAIRMAN BORST: Okay. Comment.

5 COMMISSIONER SCHENKEL: Yeah. My comment, I  
6 guess, is more than a question. You mentioned that  
7 because of the unique nature of things this year,  
8 you've utilized reserves. I just want to make sure  
9 that we point out that you have not depleted the  
10 reserves.

11 JESSICA BARNES: No.

12 COMMISSIONER SCHENKEL: You've utilized some  
13 of the reserves, but there are still adequate  
14 reserves, right?

15 JESSICA BARNES: Yes. We have -- the  
16 Thoroughbred breed development program should have  
17 an ending balance of about 1.8 million at the end  
18 of the year so that gives us a really good cushion.  
19 Standardbred breed development, their balance is  
20 going to be about \$3 million at the end of the  
21 year. And then the Quarter Horse breed development  
22 program, their balance, ending balance is about  
23 \$400,000. So we've kept those all proportional.  
24 So if the casinos don't open when we think they  
25 will, and if our numbers are lower, then we feel

1 really comfortable with what we have there.

2 COMMISSIONER SCHENKEL: I just wanted to make  
3 sure people understood we are not spending every  
4 penny --

5 JESSICA BARNES: Yes. Yes.

6 COMMISSIONER SCHENKEL: -- and still  
7 maintaining some reserves.

8 CHAIRMAN BORST: Good thing to have reserves.  
9 In this day and age, that's what reserves are for,  
10 and we'll build them back up.

11 Any other Commissioner questions? If not, I  
12 guess we'll do our roll call vote.

13 MR. JACKSON: Thank you. Chairman Borst.

14 CHAIRMAN BORST: Aye.

15 MR. JACKSON: Vice-chairman Schenkel.

16 COMMISSIONER SCHENKEL: Aye.

17 MR. JACKSON: Commissioner Pillow.

18 COMMISSIONER PILLOW: Aye.

19 MR. JACKSON: Commissioner McCarty.

20 COMMISSIONER MCCARTY: Aye.

21 MR. JACKSON: Mr. Chairman, I apologize if I  
22 could interrupt. I think we inadvertently skipped  
23 agenda item four. There is not going to need to be  
24 a vote, but I wanted to get it on the record kind  
25 of what happened with the operational plans.



1 CHAIRMAN BORST: I guess I did, didn't I,  
2 after Commissioner Schenkel mentioned it.

3 COMMISSIONER SCHENKEL: That's probably  
4 because I screwed it up by getting it out of order.

5 MR. JACKSON: Again, there's no vote, but I  
6 kind of wanted to run down what happened. So  
7 Caesars submitted its 2020 operational plans at the  
8 December 3, 2019 Commission meeting. Due to  
9 certain deficiencies, Caesars was given conditional  
10 approval of the operational plans and required to  
11 update the plans by December 31, 2019.

12 And Executive Director Pitman was delegated  
13 the authority to approve the updated 2020  
14 operational plans. Executive Director Pitman  
15 approved the Caesars updated plans in a letter  
16 dated January 13, 2020, included in your agenda  
17 item four materials for consideration.

18 There is no vote on this agenda item, as the  
19 authority for approval was delegated to Executive  
20 Director Pitman. However, in order to tie up loose  
21 ends, this agenda item was added to explain what  
22 happened following the December 3, 2019 Commission  
23 meeting. Delegation of the authority to Executive  
24 Director Pitman for approval of the plans followed  
25 by the approval of the December 3, 2019 meeting

1 memorandum should conclude this matter.

2 CHAIRMAN BORST: Great. All right. Thank  
3 you. Thanks for catching that.

4 Next on the agenda, number nine, approval of  
5 Indiana Grand's 2020 Thoroughbred and Quarter Horse  
6 racing official list pursuant to IC code. Noah, do  
7 you want to take that?

8 MR. JACKSON: Yes. Thank you. Commissioners,  
9 you have before you Hoosier Park's 2020 list of  
10 racing officials for approval. In addition to its  
11 recommendation that you approve the list,  
12 Commission Staff respectfully requests that you  
13 grant the executive director the authority to  
14 approve any changes to the list that occur during  
15 the 2020 race meet.

16 CHAIRMAN BORST: Great. Any questions on the  
17 list at all, Commission members? If not, we'll  
18 take a motion and a second.

19 COMMISSIONER SCHENKEL: Move approval of these  
20 officials.

21 COMMISSIONER MCCARTY: And Commissioner  
22 McCarty seconds.

23 CHAIRMAN BORST: Great. Motion and second.  
24 Roll call vote.

25 MR. JACKSON: Excuse me, Mr. Chairman, could

1 we also move approval of Executive Director  
2 Pitman's authority to approve changes?

3 CHAIRMAN BORST: Yes.

4 MR. JACKSON: Thank you.

5 COMMISSIONER SCHENKEL: So amend my motion.

6 CHAIRMAN BORST: Great. Roll call vote.

7 MR. JACKSON: Thank you. Chairman Borst.

8 CHAIRMAN BORST: Aye.

9 MR. JACKSON: Vice-chairman Schenkel.

10 COMMISSIONER SCHENKEL: Aye.

11 MR. JACKSON: Commissioner Pillow.

12 COMMISSIONER PILLOW: Aye.

13 MR. JACKSON: And Commissioner McCarty.

14 COMMISSIONER MCCARTY: Aye.

15 CHAIRMAN BORST: Thank you. It passes. Well,  
16 if this had been live, what we were going to try to  
17 do was introduce our new Indiana VP and General  
18 Manager, Eric Halstrom coming back to Indiana.  
19 Took a while, but he's on his way back. So  
20 welcome. Usually we do things better than this,  
21 and we'll get better, but it's the times.

22 I don't know, Eric, are you on this?

23 ERIC HALSTROM: Yes.

24 CHAIRMAN BORST: Great. Would you like to say  
25 a word or two?

1           ERIC HALSTROM: Sure. Thank you, Chairman  
2 Borst. To echo your point, I was sure hoping that  
3 the first time I got to speak to everybody that it  
4 would be under different circumstances. We'll just  
5 move that down the road and looking forward to  
6 sometime this summer, hopefully, where everybody is  
7 able to get out and see everybody in person and get  
8 past these difficult times. We've been dealt a  
9 rough hand, but we've got a lot of great things  
10 going here.

11           I was only in Indiana since February. And  
12 then the whole March things kind of turned south on  
13 us, but I saw a lot in that month and, you know,  
14 really excited working with Mike again because he  
15 had told me about all the really great things that  
16 happen here. And I sit and watched Jessica's  
17 program. And I know that there's states all across  
18 the country that are very envious of what we have.

19           So while we've been dealing with a really  
20 rough time, I'm going to take the glass is half  
21 full and say we've got some really great things  
22 coming ahead for us. It's really nice to be back  
23 too, but I really want to make sure everybody knows  
24 I'm filling large shoes with replacing Jon. And  
25 he's a friend of mine. He's a friend to a lot of

1 people on this phone call. And he put in a lot of  
2 great years here. And I certainly recognize that  
3 had something really awful not transpired with Jon,  
4 I wouldn't be here. But as it is, things do move  
5 on, and I get back to work with some people that  
6 I've known.

7         You mentioned it, Chairman Borst. I was here  
8 in the mid '90s as quite a young man working for  
9 Rick Moore, Rick Moore and the OTB network. I got  
10 to know Miss Pitman. And Mr. Elmore was a  
11 colleague and still a friend of mine. So I've kind  
12 of come back to -- it was exciting to be able to  
13 come back to the Midwest and, you know, working for  
14 a great company and a great boss in Mike.

15         So down the road, like I mentioned, I'm  
16 looking forward to meeting everybody. And I know  
17 right now isn't the time, but when it happens,  
18 we're going to have a great year once we can get  
19 rolling and look forward to some of the things.

20         I can tell you that just because we stopped  
21 some of our operations in the casino and the  
22 revenues, we didn't stop a lot of the projects.  
23 And the place looks fantastic. You'll be, you'll  
24 be very pleased when you are able to come out. Our  
25 paddock paver project is finished. It looks

1 wonderful. It should. It wasn't cheap. We  
2 installed barn sand sets that are massive.  
3 Mr. Martin will, I'm sure, testify to the fact this  
4 has made an immediate difference in the Quarter  
5 Horse barn. And these are things that we have a  
6 little bit of luxury with some capital requirements  
7 and what not that I can tell you in other states  
8 are not always that lucky. So I'm going back to  
9 the optimistic side and say we're looking good.

10 And the last thing I'll say we didn't -- been  
11 a little bit on hold here on some stuff. We are  
12 trying to figure out purses. And I think Jessica  
13 has just done a wonderful job. She's represented  
14 you very well when you're not all paying attention,  
15 believe me. But one of the things we were able to  
16 do was get in contact with Churchill Downs, and,  
17 you know, we've got an opportunity this year --

18 (Interruption in meeting due to background  
19 noise.)

20 ERIC HALSTROM: That was probably my cue to  
21 stop talking and pass it along, but I do want to  
22 let you know that we do have a remarkable  
23 opportunity this year. I call it a once in a  
24 lifetime because let's hope it is. But the  
25 Kentucky Derby and Kentucky Oaks being pushed to

1 September, our stakes, the Indiana Derby and the  
2 Indiana Oaks, have just a fantastic opportunity to  
3 make an even bigger splash nationally.

4 We've worked well with Churchill Downs. We're  
5 partners in a lot of things. I've worked for them  
6 as a company. I've got some friends that still  
7 work there. And this year we'll be a part of their  
8 Kentucky Derby and Kentucky Oaks points qualifying  
9 system, which is a real feather in the cap for what  
10 has happened here, you know, prior to my arrival.

11 So we've set a date for the Derby that we're  
12 still trying to finalize and make sure we're on the  
13 right time. But it's kind of a long theme of  
14 things going very well that the Indiana Derby can  
15 take on a different level of prominence this year.  
16 And it should be something that we should all be  
17 proud of. I'll stop there, Commissioner.

18 CHAIRMAN BORST: All right. Well, thank you  
19 and, again, welcome. Hopefully, you'll keep things  
20 rolling along as well as they have been. It's not  
21 much fun to get a job that way. We understand  
22 that. But you have to be prepared always. I think  
23 Rick Moore is still a young man so that means  
24 you're still a young man too. So there you go.

25 Next on our agenda is the Indiana Grand

1 request for promotional takeout reduction on Pick 5  
2 wagering to stimulate wagering at off track  
3 locations.

4 MR. JACKSON: Excuse me, Mr. Chairman. We  
5 still need to vote to approve the list of racing  
6 officials for Indiana Grand.

7 CHAIRMAN BORST: Okay. I thought we had  
8 already done that.

9 MR. JACKSON: Sorry. That was just Hoosier  
10 Park.

11 CHAIRMAN BORST: Okay. Do we need a motion  
12 again?

13 COMMISSIONER MCCARTY: Move to approve the  
14 list of officials for Indiana Grand Racing.

15 COMMISSIONER SCHENKEL: Second.

16 CHAIRMAN BORST: Now we'll go for roll call.

17 MR. JACKSON: Excuse me. Sorry. We also want  
18 to approve, we would like to approve the Executive  
19 Director the authority to approve changes to  
20 Indiana Grand's list as well.

21 CHAIRMAN BORST: Correct.

22 COMMISSIONER MCCARTY: I amend my motion to  
23 include that.

24 COMMISSIONER SCHENKEL: Second.

25 CHAIRMAN BORST: Now we'll go to roll call.



1 MR. JACKSON: Thank you. Chairman Borst.

2 CHAIRMAN BORST: Aye.

3 MR. JACKSON: Vice-chairman Schenkel.

4 COMMISSIONER SCHENKEL: Aye.

5 MR. JACKSON: Commissioner Pillow.

6 COMMISSIONER PILLOW: Aye.

7 MR. JACKSON: Commissioner McCarty.

8 COMMISSIONER MCCARTY: Aye.

9 MR. JACKSON: Thank you.

10 CHAIRMAN BORST: Great. Thank you. That's  
11 why we've got you here to keep us honest.

12 Now, Deena, do you want to take the Indiana  
13 Grand request for promotional takeout reduction?

14 EXECUTIVE DIRECTOR PITMAN: Sure. I'll be  
15 happy to do that. And I'll let Eric chime in if  
16 he'd like to once I get done.

17 The takeout reduction, the Picking bets are  
18 typically a pretty popular wager. The bettors are  
19 usually very aware of the higher takeouts because a  
20 lot of them, Pick 5 included, is probably a 20 or  
21 25 percent range. By reducing Indiana Grand Pick 5  
22 takeout to 11.99, you know, that could become one  
23 of the most popular wagers in the US.

24 With the takeout decreasing by almost  
25 50 percent, one would think that the tracks would

1 see a decrease in profit, but in many cases the  
2 expected loss doesn't occur simply because they  
3 have so many more people betting that type of  
4 wager. So more bettors will be tempted to place  
5 this type of wager due to more money being returned  
6 to the bettor and less to the track. And increased  
7 wagering, it leads to more money going to purses.  
8 So it sounds like a really good deal to me.

9 Eric, if you'd like to chime in.

10 ERIC HALSTROM: Okay. Thanks. Thank you,  
11 Deena.

12 I submitted this letter with the cooperation  
13 of the HBPA, Quarter Horse group, and the ITOBA.  
14 We think this is a real chance to gain some  
15 attention nationally. We're talking about we want  
16 to go out with a real splash and say that we are  
17 the lowest takeout, the most attractive Pick 5  
18 wager in the country.

19 And by doing that, we're going to go with an  
20 11.99 percent takeout. The lowest I could find at  
21 any other racetrack in America was 12 percent. So  
22 we can with a straight face tell everybody we have  
23 the most attractive wager in the country. The way  
24 the math works on this, we don't take any reduction  
25 in what we are paid by somebody placing a wager out

1 of state. So the reduction in takeout is actually  
2 passed along to those that are not here at our  
3 racetrack. It's around the country.

4 CHAIRMAN BORST: Great. Okay. That's great.  
5 That's a good promotional tool.

6 Any questions by Commission members? If not,  
7 we'll entertain a motion and a second.

8 COMMISSIONER SCHENKEL: Move approval.

9 COMMISSIONER PILLOW: I second.

10 CHAIRMAN BORST: Been moved and seconded. The  
11 roll call vote.

12 MR. JACKSON: Chairman Borst.

13 CHAIRMAN BORST: Aye.

14 MR. JACKSON: Vice-chairman Schenkel.

15 COMMISSIONER SCHENKEL: Aye.

16 MR. JACKSON: Commissioner Pillow.

17 COMMISSIONER PILLOW: Aye.

18 MR. JACKSON: Commissioner McCarty.

19 COMMISSIONER MCCARTY: Aye.

20 MR. JACKSON: Thank you.

21 CHAIRMAN BORST: Thank you. Passes  
22 unanimously. Next on the agenda is approval of the  
23 RMTTC certified split sample laboratories for 2020  
24 and beyond pursuant to Indiana code. Deena, do you  
25 want to take that one?

1           MEGAN ARSZMAN: You know, you need to unmute  
2 your microphone, please.

3           EXECUTIVE DIRECTOR PITMAN: There we go. We  
4 do this every race meet we start off the year. And  
5 we have a group of certified labs that we utilize.  
6 We have a primary lab, which this year is  
7 Industrial Laboratories. And then we have an  
8 assortment of split laboratories that will aid the  
9 Commission and the horsemen in doing splits and  
10 processing splits should somebody have a positive,  
11 and they want to go that route. So there's a list  
12 of them that are accredited through the RMTTC. And  
13 that list is attached here to your book.

14           And we just ask that the Commission approve  
15 all of those laboratories. And then throughout the  
16 year, the horsemen will have an opportunity to  
17 choose a lab should they decide to send off the  
18 split.

19           The other portion of this document is the  
20 waiver for the split laboratory on cobalt because  
21 our primary laboratory obviously will be processing  
22 that but not all split laboratories are able to do  
23 a metals type -- forgive me. They're not able to  
24 do a metals-type test. And that's another division  
25 within their organization. So we've had to ask for

1 a waiver pursuant to 71 IAC 8-4-3 and 8.5-3-3.

2 So our two split labs for cobalt, and there's  
3 only two of them, would be University of California  
4 Davis and the University of Kentucky. So I know  
5 it's a little bit confusing, but there's not very  
6 many labs out there that do cobalt so we've had to  
7 limit the number of choices for that one. Any  
8 questions?

9 COMMISSIONER SCHENKEL: Just a question in  
10 general, Deena. Was last year's experience pretty  
11 favorable? I know in a number of years past we had  
12 some problems with timing and so forth. Are things  
13 pretty smooth in the last racing season?

14 EXECUTIVE DIRECTOR PITMAN: I think last  
15 racing season our lab did a really good job. We  
16 had some backlogs with hair testing, but that's a  
17 new type of testing that we've introduced. And  
18 they are continuing to work through that process.  
19 And I believe this year we're going to have better  
20 return. It will be less time for hair testing than  
21 it was previously, but the blood and urine has been  
22 pretty consistent.

23 They've had some issues last year where they  
24 on confirming, it took a little bit longer than  
25 normal, but all in all, I would report that it was

1 they did a fine job last year.

2 COMMISSIONER SCHENKEL: Thank you.

3 CHAIRMAN BORST: Okay. Any questions, further  
4 questions, Commission members? Hearing none,  
5 seeing none, I'll need a motion and a second.

6 COMMISSIONER SCHENKEL: I'll move approval.

7 COMMISSIONER MCCARTY: And I will second.

8 CHAIRMAN BORST: Great. Roll call vote.

9 EXECUTIVE DIRECTOR PITMAN: Noah, you're on  
10 mute.

11 MR. JACKSON: Makes it hard to do a roll call  
12 vote. Thank you.

13 Chairman Borst.

14 CHAIRMAN BORST: Aye.

15 MR. JACKSON: Vice-chairman Schenkel.

16 COMMISSIONER SCHENKEL: Aye.

17 MR. JACKSON: Commissioner Pillow.

18 COMMISSIONER PILLOW: Aye.

19 MR. JACKSON: Commissioner McCarty.

20 COMMISSIONER MCCARTY: Aye.

21 CHAIRMAN BORST: Great. That pass  
22 unanimously.

23 Next on the agenda is a review of Commission  
24 rulings from November 26, '19 through May 10, 20.  
25 No vote needs to be taken. Does anybody have any

1 questions or comments or anything we need to talk  
2 about?

3 Then we'll move onto the next item on the  
4 agenda is consideration of Caesars request to amend  
5 the 2020 CapEx for alternative 2020 purchases.  
6 Deena, do you want to take that one?

7 EXECUTIVE DIRECTOR PITMAN: I have unmuted.  
8 The racetracks came to me shortly after the start  
9 of the new year. And they wanted to switch some of  
10 the items that they were required to replace  
11 through the CapEx. And they basically decided that  
12 there was some things that didn't need to be  
13 replaced yet, and there were other things that did  
14 need to be replaced. And basically what they've  
15 done is they switched out some, you know,  
16 purchasing new casino vans, shuttle vans, for  
17 additional tractors and lawnmowers and things that  
18 will, you know, aid them in caring for the  
19 racetrack properties, on track and off track around  
20 the grounds. And I thought, as a matter of fact,  
21 they actually ended up spending, what they have  
22 here is spending more than what they were required  
23 to spend.

24 So I don't have any reason to not recommend  
25 that you approve this. And if Rick Moore is on and

1 he wants to discuss their particular request, I'd  
2 be happy to have him add to this.

3 RICK MOORE: Thank you, Deena. Thank you,  
4 Mr. Chairman, Members of the Commission.

5 It really was just a slight alteration on  
6 Hoosier Park's end here. The equipment that was  
7 originally spec'd out were some mowers and some  
8 attachments. We've actually found, I'll call it  
9 better equipment, John Deere mower and a Ventrac  
10 tractor along with the attachments to go along with  
11 both those pieces of equipment that will actually  
12 do a better job for us in a safer manner.

13 So as Deena said, we're going to spend  
14 slightly more on the switched out equipment that we  
15 think it makes a lot of sense. And, again, we  
16 would appreciate your approval.

17 EXECUTIVE DIRECTOR PITMAN: And then the next  
18 item on there was Indiana Grand had some specific  
19 items that they wanted to switch out on their  
20 CapEx. And if Eric is still on, he can speak to  
21 that, but they had, they had swapped out some items  
22 to purchase a generator for the track lighting and  
23 tote board, tote board additions. That was about a  
24 \$90,000 addition right there.

25 So, Eric, if you would like to talk about what



1 those two items will do for the race meet.

2 ERIC HALSTROM: Yes. Thanks, Ms. Pitman. You  
3 hit it pretty well there.

4 You know, in the approved capital plan of  
5 2020, we were scheduled to buy eight shuttles. In  
6 review of that, we came to the conclusion that two  
7 of those shuttles were not, were less than a year  
8 old and really not in need of replacement. It  
9 would have not been a prudent way to go about it.

10 But as time went on, there were a couple other  
11 projects that came up that we think will be very  
12 good for our race meet. Our track superintendent,  
13 Roy Smith, feels like we're in the need for  
14 replacement of a couple generators for our  
15 racetrack lighting. Some of that, the current ones  
16 are getting close to their use date, their end  
17 date. That's about \$110,000, \$55,000 a piece.

18 And then we also would like to upgrade our  
19 tote board for a little bit better presentation.  
20 We'd be changing some of the electronic lights, the  
21 indicators. It will be a nice presentation when we  
22 have spectators back. And that's about a \$90,000  
23 project as well. So as Ms. Pitman mentioned, we're  
24 actually planning on spending a little bit more  
25 than we would have had we stuck with the original

1 capital plan with the eight shuttles.

2 EXECUTIVE DIRECTOR PITMAN: Thank you.

3 CHAIRMAN BORST: Great. Yes, thank you. It  
4 makes sense on both tracks to get things that are  
5 really needed and not just get things to get  
6 things. That looks like pretty good swaps to me  
7 also. Anything further, Deena?

8 EXECUTIVE DIRECTOR PITMAN: No, sir.

9 CHAIRMAN BORST: Okay. Any Commission member  
10 have any question for any of the three presenters?  
11 Hearing none, we'll have a motion and a second.

12 COMMISSIONER MCCARTY: I would move to approve  
13 the proposed changes to the plan.

14 COMMISSIONER SCHENKEL: I'll second it.

15 CHAIRMAN BORST: Great. Moved and seconded.  
16 We'll go to the roll call vote.

17 MR. JACKSON: Thank you. Chairman Borst.

18 CHAIRMAN BORST: Aye.

19 MR. JACKSON: Vice-chairman Schenkel.

20 COMMISSIONER SCHENKEL: Aye.

21 MR. JACKSON: Commissioner Pillow.

22 COMMISSIONER PILLOW: Aye.

23 MR. JACKSON: Commissioner McCarty.

24 COMMISSIONER MCCARTY: Aye.

25 MR. JACKSON: Thank you.

1 CHAIRMAN BORST: Great. Passes unanimously.  
2 The next one on the agenda is amendment to  
3 TVG's SPMO license. Noah, do you want to take that  
4 one?

5 MR. JACKSON: Yes. Thank you. TVG requests  
6 approval of an amendment to the advance deposit  
7 wagering operation plan for the secondary  
8 pari-mutuel organization license granted to ODS  
9 Technologies, doing business as TVG Network for  
10 calendar year 2020.

11 TVG has requested the ability to amend its  
12 initial SPMO application as they would like to  
13 create a new entity known as FanDuel Racing. The  
14 goal of FanDuel Racing is to build interest in the  
15 racing product through a brand name that people are  
16 familiar with. The back end of the FanDuel Racing  
17 is under complete control of TVG. And there have  
18 not been any changes to the behind-the-scenes  
19 operation presented to the Commission.

20 However, the new FanDuel Racing product  
21 represents a material change to the TVG SPMO  
22 license application. And, therefore, must be  
23 approved by the Commission. At this time, Staff  
24 respectfully requests your approval of this item.

25 CHAIRMAN BORST: Thank you. Yeah, that makes

1 sense. I think we all know who FanDuel now.  
2 That's for sure. It makes sense they get that name  
3 out there.

4 Any questions from committee members or  
5 Commission members? Okay. Do we have a motion and  
6 second?

7 COMMISSIONER SCHENKEL: Move approval.

8 COMMISSIONER MCCARTY: I second it.

9 CHAIRMAN BORST: Been moved and seconded.

10 We'll go for our roll call vote.

11 MR. JACKSON: Thank you. Chairman Borst.

12 CHAIRMAN BORST: Aye.

13 MR. JACKSON: Vice-chairman Schenkel.

14 COMMISSIONER SCHENKEL: Aye.

15 MR. JACKSON: Commissioner Pillow.

16 COMMISSIONER PILLOW: Aye.

17 MR. JACKSON: Commissioner McCarty.

18 COMMISSIONER MCCARTY: Aye.

19 MR. JACKSON: Thank you.

20 CHAIRMAN BORST: Great. Next on the agenda is  
21 review of consideration of 2020 secondary  
22 pari-mutuel organization license for PENN ADW, LLC,  
23 which is a subsidiary of Penn National Gaming, Inc.  
24 Noah, I think that will be you again.

25 MR. JACKSON: Yes. Thank you.

1           Commissioners, Staff has undertaken a review  
2 of the PENN ADW SPMO application. We have, we have  
3 contracted with the Thoroughbred Racing Protective  
4 Bureau to review daily wagering data provided by  
5 each SPMO. Commission Staff has also been in close  
6 contact with the Oregon Racing Commission, which  
7 has set itself up as a foremost authority on ADW  
8 operations, including conducting yearly audits and  
9 maintaining strict licensure requirements for each  
10 SPMO.

11           With that said, PENN ADW is considered to be  
12 in good standing with the Oregon Racing Commission  
13 and having had completed their annual audit and  
14 scheduled their next audit. At this time,  
15 Commission Staff would respectfully request  
16 approval of PENN ADW's application before the  
17 Commission.

18           CHAIRMAN BORST: Thank you. Any question by  
19 Commission members?

20           COMMISSIONER SCHENKEL: As the only one, Noah,  
21 is that if we approve this today, then they, their  
22 authorization is immediate?

23           MR. JACKSON: Yes, sir. And we've actually  
24 granted a probationary license, much like we did  
25 with the original SPMO group that you took in

1 December to allow them to begin operating,  
2 although, obviously, with things going as they  
3 have, I don't know that there's been a lot of  
4 operation. But, yes, they would be authorized as a  
5 full licensee immediately upon your approval.

6 COMMISSIONER SCHENKEL: Okay. Thank you.

7 MR. JACKSON: Thank you.

8 CHAIRMAN BORST: Great. A motion and a  
9 second?

10 COMMISSIONER SCHENKEL: I'll move approval.

11 COMMISSIONER MCCARTY: I second it.

12 CHAIRMAN BORST: All right. I will go to roll  
13 call vote.

14 MR. JACKSON: Chairman Borst.

15 CHAIRMAN BORST: Aye.

16 MR. JACKSON: Vice-chairman Schenkel.

17 COMMISSIONER SCHENKEL: Aye.

18 MR. JACKSON: Commissioner Pillow.

19 COMMISSIONER PILLOW: Aye.

20 MR. JACKSON: Commissioner McCarty.

21 COMMISSIONER MCCARTY: Aye.

22 MR. JACKSON: Thank you.

23 CHAIRMAN BORST: Thank you. Okay. Next on  
24 the agenda is consideration of Indiana Grand's  
25 request for modification of previously approved

1 live racing dates for 2020 pursuant to Indiana  
2 Code, obviously, due to the COVID-19 pandemic.

3 Noah, is that you?

4 MR. JACKSON: Yes, I can do that one. Thank  
5 you.

6 Commissioners, you originally approved Indiana  
7 Grand's requested race dates as part of the  
8 operational plan at the December 3, 2019 meeting.  
9 As you know, the world has changed dramatically  
10 since then. And as a result of the late start to  
11 the racing season, Indiana Grand has requested a  
12 change in approved race dates for 2020 due to the  
13 effects of COVID-19.

14 The requested change is under agenda item 16  
15 in your book. And the Commission Staff would  
16 respectfully request your approval at this time.

17 CHAIRMAN BORST: Thank you. Any questions,  
18 Commission Members? It's a shame we have to have  
19 reduced dates, but that's the way it is.

20 No questions. We'll entertain a motion and a  
21 second.

22 COMMISSIONER SCHENKEL: Move approval.

23 COMMISSIONER PILLOW: I second it.

24 CHAIRMAN BORST: Been moved and seconded.

25 We'll go to roll call vote.

1 MR. JACKSON: Chairman Borst.

2 CHAIRMAN BORST: Aye.

3 MR. JACKSON: Vice-chairman Schenkel.

4 COMMISSIONER SCHENKEL: Aye.

5 MR. JACKSON: Commissioner Pillow.

6 COMMISSIONER PILLOW: Aye.

7 MR. JACKSON: Commissioner McCarty.

8 COMMISSIONER MCCARTY: Aye.

9 MR. JACKSON: Thank you.

10 CHAIRMAN BORST: Great. It passes unanimously  
11 also.

12 The next one is consideration of Hoosier  
13 Park's request for modification of previously  
14 approved live racing dates for 2020, same reason.

15 MR. JACKSON: Thank you. Like Indiana Grand,  
16 Hoosier Park has also lost a number of race days  
17 that were previously approved by the Commission.  
18 In an effort to put together a calendar for the  
19 remainder of the season, Hoosier Park has requested  
20 a change in the approved race dates for 2020. The  
21 requested change is under agenda item 17 in your  
22 book. And we would respectfully request approval  
23 at this time.

24 CHAIRMAN BORST: Any Commissioner's questions?  
25 Hearing none, I'll entertain a motion for passage



1 and a second.

2 COMMISSIONER MCCARTY: I move to approve the  
3 revised schedule of race dates for Hoosier Park.

4 COMMISSIONER SCHENKEL: Second.

5 CHAIRMAN BORST: Been moved and seconded.  
6 We'll go to roll call vote.

7 MR. JACKSON: Chairman Borst.

8 CHAIRMAN BORST: Aye.

9 MR. JACKSON: Vice-chairman Schenkel.

10 COMMISSIONER SCHENKEL: Aye.

11 MR. JACKSON: Commissioner Pillow.

12 COMMISSIONER PILLOW: Aye.

13 MR. JACKSON: Commissioner McCarty.

14 COMMISSIONER MCCARTY: Aye.

15 MR. JACKSON: Thank you.

16 CHAIRMAN BORST: Great. Passes unanimously.

17 Next on the agenda is the request of the  
18 Indiana Horse Racing Commission to delegate  
19 authority to approve any 2020 race matters prior to  
20 the next Commission meeting to Executive Director  
21 Pitman pursuant to Indiana code, kind of a cleanup  
22 thing to make us be a little more nimble since we  
23 don't know when we're going to have another  
24 meeting.

25 MR. JACKSON: Yes. Thank you. Commissioners

1 and Mr. Chairman, race matters often come up  
2 between the Commission meetings that need to be  
3 resolved before the next scheduled meeting. In  
4 order to maintain flexibility and to work with the  
5 horsemen and racetrack teams, it is sometimes  
6 necessary for the Executive Director to make  
7 decisions that may require action prior to the next  
8 scheduled meeting.

9 Therefore, Commission Staff respectfully  
10 requests the Executive Director be delegated the  
11 authority to approve any 2020 race matters that are  
12 submitted.

13 CHAIRMAN BORST: Any Commissioners with  
14 questions or comments?

15 COMMISSIONER SCHENKEL: Do we actually have to  
16 approve this since it's already authorized under  
17 statute? Do you need a motion?

18 CHAIRMAN BORST: I think we do, yes.

19 COMMISSIONER SCHENKEL: Okay. Then I would, I  
20 would move approval on this.

21 COMMISSIONER MCCARTY: I second it.

22 CHAIRMAN BORST: Great. Been moved and  
23 seconded. We'll go to roll call vote.

24 MR. JACKSON: Thank you. Chairman Borst.

25 CHAIRMAN BORST: Aye.

1 MR. JACKSON: Vice-chairman Schenkel.

2 COMMISSIONER SCHENKEL: Aye.

3 MR. JACKSON: Commissioner Pillow.

4 COMMISSIONER PILLOW: Aye.

5 MR. JACKSON: Commissioner McCarty.

6 COMMISSIONER MCCARTY: Aye.

7 MR. JACKSON: Thank you.

8 CHAIRMAN BORST: Great. Great. Do we have  
9 any old business? I don't think there is. How  
10 about any new business?

11 EXECUTIVE DIRECTOR PITMAN: Chairman, I have  
12 something that I wanted to talk to all of our  
13 Indiana horsemen about, and if you could indulge me  
14 possibly.

15 CHAIRMAN BORST: You're indulged.

16 EXECUTIVE DIRECTOR PITMAN: Thank you. Horse  
17 racing has been experiencing some difficult times  
18 these past years. Because of this, I think the  
19 industry collectively has come to the realization  
20 that horse welfare and safety should be a top  
21 priority in racing. I know there's been a lot of  
22 press out there about this.

23 If we have measures in place to accomplish  
24 that, we should also be accomplishing the same for  
25 the riders. One of the many ways we can accomplish

1 this is through medication reform and regulation.

2 The ARCI, who is the racing's trade  
3 association, it's a national association, has  
4 adopted tougher model rules on NSAIDs, which is  
5 nonsteroidal anti-inflammatory medication, and  
6 intra-articular joint injections and kept open the  
7 possibility for further limits on phenylbutazone.

8 The association also approved in principle  
9 dramatically increasing sanctions for violations  
10 considered to be doping and equine endangerment.

11 Now, they have not gone forward with that yet.  
12 It's pending further work on regulatory definitions  
13 and rule drafting. Thank you. Final  
14 recommendation was to come in time for their April  
15 annual meeting, however, with the arrival of  
16 COVID-19, I don't, I'm unsure of the status of that  
17 proposal at this time.

18 Commission Staff met with Indiana HBPA, ITOBA,  
19 and Quarter Horse Racing of Indiana at Indiana  
20 Grand on February 21st and had a similar meeting  
21 at Hoosier Park on February 26th with the ISA to  
22 begin a dialogue regarding these rules that will be  
23 coming down the pike. These are the type of rule  
24 changes that will cause some trainers and  
25 veterinarians to modify the way that they currently

1 do business.

2 I simply want to make sure that we don't end  
3 up in a gotcha environment with the horsemen. I  
4 want to make sure everyone is aware these rules are  
5 coming and recommend that they meet with their vets  
6 to discuss what adjustments need to be made to keep  
7 them from running afoul of the regulations when  
8 they are eventually implemented.

9 Taking that into consideration, my  
10 recommendation has been to begin the dialogue in a  
11 slow and methodical manner. We have already begun  
12 that process by meeting with the horsemen's  
13 associations in February. Our next step will be to  
14 post the rules on our website and add those same  
15 rules periodically to our monthly newsletters as an  
16 additional outreach option to keep everyone in the  
17 industry thinking about it. We will ask for  
18 industry feedback by late summer and ask the  
19 Commission to consider the proposed rules at the  
20 fall or end of the year 2020 Commission meeting.

21 So I just wanted to put this out there. Let  
22 everyone know that these rules are going to start  
23 popping up. They'll be posted to our website.  
24 We'll be including them in our monthly newsletters  
25 to the breeds. And then they will become an agenda

1 item eventually towards the summer and the fall for  
2 voting before the end of the year implementation  
3 early 2021.

4 CHAIRMAN BORST: Great. That's the way to do  
5 it, to take our time and let everybody have some  
6 input. So everybody will have their chance to put  
7 their two cents in.

8 EXECUTIVE DIRECTOR PITMAN: Right.

9 CHAIRMAN BORST: While it's probably not new  
10 business, I've got a couple different things, two  
11 or three things. First of all, again, I apologize  
12 profusely for being late. I'm sitting here  
13 watching you guys on the screen and listening on  
14 the phone so at least I can see what's up there. I  
15 even combed my hair and put a clean shirt on for  
16 this. Gosh, I wasted that, I guess.

17 Secondly, there have been some phone calls and  
18 contacts from some of the horse owners about not  
19 being allowed on the backside of the track before  
20 the racing has started. While we always feel for  
21 everybody for that, this is new territory. And  
22 we're just trying to keep the amount of people down  
23 back there to make this as safe as possible.

24 And I'll tell you that Deena has worked hard  
25 with the Governor's office and the track officials

1 and the staff to make this even possible for  
2 legally starting July or June 14th.

3 We apologize, but, hopefully, if everything  
4 goes well by July 4th, things should be open. And  
5 we'll see how many spectators are allowed and that  
6 type of thing, but at least we're making some  
7 progress. We just have to hold on until we get to  
8 the July 4th time.

9 Finally, again, thank you Deena, Jessica,  
10 Megan for making all this happen today, the rest of  
11 the staff that helped also. It's just a herculean  
12 effort to take to get this done. We got it done.  
13 And our whole goal is to get horse racing as  
14 quickly and safely as possible started again in  
15 Indiana. That's been our only goal all these  
16 months.

17 So we thank the tracks also and the horsemen  
18 and associations for working hard on this. Trying  
19 times, but you know what, we're in Indiana. We're  
20 going to make it work. We're the best there is.

21 Any other Commissioner comments for the good?

22 COMMISSIONER MCCARTY: Yes, Mr. Chairman.

23 This is Commissioner McCarty. I want to thank the  
24 staff for the tremendous effort they made to make  
25 this possible. Especially, I know they suffered

1 through several hours with me. And I want to thank  
2 them.

3 In light of the fact that this could  
4 potentially happen again, and I know we're all  
5 excited for another virtual meeting, I will be  
6 speaking to my lighting director because my visual  
7 here, I kind of look like Darth Vader with a white  
8 hair hat on. So we're going to talk about  
9 lighting.

10 And I'm also going to talk to our set  
11 designer, my set designer because I'm comparing my  
12 background with Commissioner Schenkel's. And he  
13 just looks better and more homey so I've got a lot  
14 of work to do with my staff.

15 COMMISSIONER SCHENKEL: Yeah, but you look  
16 good in that blue blazer. I didn't wear my blazer.

17 COMMISSIONER MCCARTY: I did dress up like the  
18 Chairman did. I'll be working on our set, and  
19 we'll try to do a better job.

20 CHAIRMAN BORST: I can see you now, and you  
21 look fine.

22 COMMISSIONER PILLOW: You look fine, Bill.  
23 You're okay.

24 CHAIRMAN BORST: At least your assistant got  
25 you on. I'm a failure on that one.



1 All right. If there is no other further  
2 comment then, I thank everybody who's watching and  
3 listening. If anybody has any comments, obviously,  
4 about any of this, feel free to contact the  
5 Commission Staff and Commission also. With that,  
6 I'll declare us adjourned.

7 COMMISSIONER PILLOW: Thank you, Chairman and  
8 Commissioners.

9 COMMISSIONER SCHENKEL: Stay well and healthy.

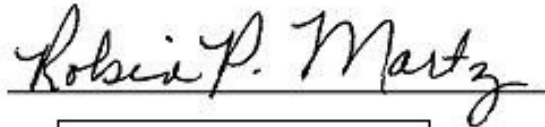
10 (The Indiana Horse Racing Commission meeting  
11 was adjourned at 2:25 p.m.)  
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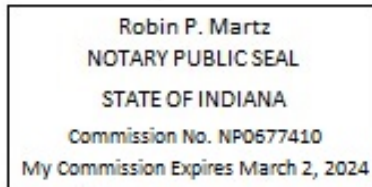
1 STATE OF INDIANA  
2 COUNTY OF JOHNSON  
3

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

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

14 IN WITNESS WHEREOF, I have hereunto set my  
15 hand and affixed my notarial seal this 8th day of  
16 June 2020.

17 



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19  
20 My Commission expires:  
21 March 3, 2024

22 Job No. 153226  
23  
24  
25

<hr/>	<b>2:25</b> 56:11	<b>added</b> 14:5 15:14 24:21
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