

In the Matter Of:

INDIANA HORSE RACING COMMISSION MEETING

IHRC Meeting

December 09, 2015

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INDIANA HORSE RACING COMMISSION
MEETING

HELD ON
DECEMBER 9, 2015
9:00 A.M.

INDIANA STATE LIBRARY
315 W. OHIO STREET
INDIANAPOLIS, INDIANA

TAKEN BY:
ROBIN P. MARTZ, RPR
NOTARY PUBLIC

1 APPEARANCES

2 Thomas Weatherwax, Chairman
Greg Schenkel3 George Pillow
Susie Lightle
4 William McCarty

5 Deena Pitman, Interim Executive Director

6 Lea Ellingwood, Esq.
Holly Newell, Esq.7 INDIANA HORSE RACING COMMISSION
1302 North Meridian Street, Suite 175
8 Indianapolis, IN 46202

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1 CHAIRMAN WEATHERWAX: I would like to
2 officially call our horse racing commission meeting
3 to order. The first part of my business is to
4 swear in our court reporter, Robin.

5 (At this time the oath was administered to the
6 court reporter by Chairman Weatherwax.)

7 CHAIRMAN WEATHERWAX: We are still expecting
8 Commissioner Pillow. We have a big agenda today,
9 and I would like to get started on time.

10 We have before us the minutes of the
11 November 4th meeting. I'm sure you folks have
12 read those.

13 COMMISSIONER SCHENKEL: Move approval.

14 COMMISSIONER LIGHTLE: Second.

15 CHAIRMAN WEATHERWAX: All those in favor, say
16 "aye".

17 THE COMMISSION: "Aye".

18 CHAIRMAN WEATHERWAX: Lea, did you say you
19 wanted to make an announcement about certain
20 people?

21 MS. ELLINGWOOD: Yes, there were just a couple
22 of housekeeping things that I wanted to cover
23 before we start the hearing. Everybody who will be
24 testifying before the Commission needs to be sworn
25 in. We'll have you stand, before you get started,

1 have everybody stand, raise their right hand, and
2 have you swear them in. So if there's anybody that
3 comes in late that needs to testify, please make
4 sure, the associations, please make sure they get
5 sworn in.

6 At the conclusion of the hearing, the
7 Commission will deliberate to decide whether the
8 application should be approved, approved with
9 conditions, or denied. There will be no testimony
10 during the Commissioner's deliberation.

11 As outlined in the prehearing order, the
12 previous applications were made part of the record.
13 To the extent there are any additional documents to
14 be considered, those documents were submitted to
15 the Commission Staff no later than December 2nd and
16 have been distributed to you. Right now, you have
17 everything that is being considered for each
18 application.

19 Just one last thing for the court reporter's
20 benefit, if you are going to testify, please make
21 sure you speak slowly, state your name, and spell
22 it for Robin. Thank you.

23 CHAIRMAN WEATHERWAX: Thank you, Lea. Let me
24 introduce to you our Commissioners in case you
25 don't know our names. My name is Tom Weatherwax.

1 This is Greg Schenkel, my vice-chairman, Susie
2 Lightle, George Pillow, and Bill McCarty. Deena
3 Pitman is our gal on the bubble right now. She's
4 our interim executive director. So she's doing a
5 great job and so are all of our staff because we
6 are going through a serious transition right now.

7 The next thing on our agenda is applications
8 which we have to look at and approve every year at
9 this time dealing with each association. Each of
10 you have been told, I believe, that you have 15
11 minutes if you need it. If you don't need it,
12 please don't take it. There is a rule in the
13 General Assembly. Be short, be brief if you can.
14 But if you want to tell us things that we want to
15 know and we should learn, please feel free to do
16 it.

17 The first application that I have is the
18 Quarter Horse. So are you?

19 MS. ELLINGWOOD: Chairman, just as a reminder,
20 we'll need to swear everybody in. If you want to
21 do it once, everybody who will be testifying on
22 behalf of an applicant, do you want to stand and
23 raise your right hand.

24 CHAIRMAN WEATHERWAX: I can do it all at once?

25 MS. ELLINGWOOD: Absolutely.

1 CHAIRMAN WEATHERWAX: State your name. Do
2 they do it all at once?

3 MS. ELLINGWOOD: They do it all at once.

4 CHAIRMAN WEATHERWAX: State your name.

5 (Audience response.)

6 (At this time the oath was administered to the
7 witnesses by Chairman Weatherwax.)

8 CHAIRMAN WEATHERWAX: First is Quarter Horse.

9 PAUL MARTIN: Good morning. I want to say
10 thank you, Chairman Weatherwax, and the rest of the
11 Commission for hearing our application
12 presentation.

13 At the outset of our presentation, I would
14 like to bring forth our mission statement. To
15 promote Quarter Horse racing in Indiana and
16 ownership in the state of Indiana. To promote
17 youth involvement in Quarter Horse racing and
18 educate youth in proper husbandry as it relates to
19 Quarter Horse races. To foster humane treatment of
20 the racing Quarter Horse. To promote a better
21 understanding of Quarter Horse racing by the
22 general public.

23 A couple of comments on where we've been. Our
24 2015 race season at Indiana Grand was without
25 question a great success. Of course, with any

1 success can also present some challenges.

2 Earlier in 2015, we had some changes in our
3 Board of Directors. However, I'm happy to report
4 that we have stabilized and handled our business
5 for the good of all racing Quarter Horses in the
6 state of Indiana. We now have a cohesive group of
7 people on our board that comes together and handles
8 the business of carrying out our mission statement,
9 as previously stated. I am confident our current
10 Board of Directors goes about the business of the
11 QHRAI with unbiased and not motivated to be
12 self-serving.

13 If you will indulge me for a couple minutes to
14 go over a couple highlights of 2015. We ran
15 fifteen more races in 2015 over 2014. The races
16 either filled or overfilled for the most part
17 throughout the meet as we competed for a purse of
18 over three and a half million dollars.

19 Another highlight was the youth program headed
20 up by Vickie Duke with tremendous success and
21 generated a lot of excitement from the youth
22 residents of Indiana. Our Youth Day winner
23 actually went on to the Texas national competition
24 and won the national competition. We think that's
25 a great success.

1 For our 2015 race season, the top five leading
2 money-earning horses were all well in excess of
3 \$100,000. Even more exciting for me personally,
4 the leading money earner and the second leading
5 money earner at \$175,000 and 167,000 respectively
6 were sired horses. And three out of the top five
7 leading money horses were all sired. So this is
8 definite steps in the right direction.

9 A new sired stake race was added as the Harley
10 Greene Derby with 75,000 added. We feel our
11 program is without question headed in the right
12 direction. The top five leading money owner
13 earners were all in excess of 100,000, and four of
14 those out of the five have farms based here in
15 Indiana.

16 The highest overall money earning owners are
17 some friends of mine Glen and Sheri Miller that own
18 and operate a farm and breeding operation in
19 Shipshewana, Indiana. They won \$372,000 in purse
20 money. That does not include breeder and owner
21 awards. In doing this presentation, I want to say
22 who wouldn't want to race a Quarter Horse in the
23 state of Indiana. This is how you would do it.

24 Our 2015 Quarter Horse sale results was held
25 October 18th at the Marion County Fairgrounds. You

1 can certainly say it was up in every aspect. The
2 highlight of the top three sellers at 30,000,
3 21,000, and another 21,000 were all sired horses.
4 This helps the breeders.

5 In other highlights, the average yearling was
6 \$5,968, and the average selling horse overall was
7 \$4,495. So this is way up over 2014.

8 Finally, in closing, it is where we are going
9 in 2016. If the Commission approves our 2016
10 application, we are on track to run for another
11 three and a half million dollars. A vision that
12 Rod Ratcliff and Centaur Racing has now come to
13 fruition with the recently completed new Quarter
14 Horse barn at Indiana Grand. We feel this is
15 another huge step in making Indiana Grand a premier
16 place to run in this great country.

17 I would be remiss if I didn't touch on the
18 strong positive partnership we have with Centaur.
19 Jon Schuster, and Kevin Greely, they have both been
20 outstanding to work with. Their door is always
21 open collectively. They are strong supporters of
22 Quarter Horse racing. We want to thank them for
23 that.

24 Finally, the Quarter Horse Racing Association
25 of Indiana will continue to promote growth through

1 new ownership participants, through various avenues
2 of marketing, and keeping our ultimate goal in mind
3 as our focus. That is to continue to develop and
4 promote the best racing program in the business.
5 Thank you very much.

6 CHAIRMAN WEATHERWAX: Thank you. I have a
7 question for you. That's a very outstanding
8 report.

9 COMMISSIONER PILLOW: Very good. The question
10 I hope you have an answer. How much does it cost
11 to start fresh, sire, all the way until it gets to
12 be a racehorse?

13 PAUL MARTIN: That can be a long answer.

14 COMMISSIONER PILLOW: Well, just make it
15 short.

16 PAUL MARTIN: First, it would start with
17 buying a Quarter Horse. You just heard me testify
18 to the fact that you can buy a Quarter Horse in our
19 sale for under 5,000. I personally know a person
20 that bought one for 1500 in the 2014 sale and ended
21 up winning 15,000.

22 Myself personally, we bought one horse several
23 years ago for 1300. This year she won over 70,000
24 in earnings. Along with that, we bought another
25 horse for 6700. It's over 200,000 in earnings.

1 There's various price levels, but I think in any
2 price range, you can get in the game to play.

3 COMMISSIONER PILLOW: That didn't answer my
4 question, but that's okay.

5 CHAIRMAN WEATHERWAX: It's a big investment.

6 PAUL MARTIN: It's a big investment. Then you
7 have your training and shoeing and veterinary
8 bills.

9 COMMISSIONER PILLOW: That's where I was
10 trying to go.

11 PAUL MARTIN: It could be -- I mean, it could
12 average over a thousand dollars a month for a horse
13 once you start paying the training bills and most
14 likely would.

15 COMMISSIONER PILLOW: Thank you.

16 CHAIRMAN WEATHERWAX: Did you want to speak?

17 DIANNE BENNETT: I'm going towards the
18 application.

19 MS. ELLINGWOOD: Paul, before you leave, could
20 you state your name and spell it for the court
21 reporter.

22 PAUL MARTIN: My name is Paul Martin.
23 P-a-u-l, M-a-r-t-i-n.

24 DIANNE BENNETT: I'm Dianne Bennett,
25 D-i-a-n-n-e, B-e-n-n-e-t-t. I'm just going to go

1 over a few sections in our application. I'm going
2 to go over section two. This talks about the way
3 our funds are handled.

4 We have a position titled Gaming Revenue
5 Trustee. And we always have a treasurer also that
6 handles all our accounting details. The gaming
7 trustee is a separate position. It handles the
8 responsibility of the gaming revenue.

9 The gaming revenue trustee does not have to be
10 a member of the board, but they need to be a member
11 of the association and in good standing. And they
12 have to be appointed by our Board of Directors.

13 Our current gaming trustee is Vickie Duke, who
14 is also our secretary. She reports to the board at
15 our monthly meeting. Vickie is the only one
16 authorized to make withdrawals, payments from the
17 gaming revenue.

18 We also this year have appointed an assistant
19 gaming revenue trustee in the event Vickie is
20 unable to perform her duties. Also, this year we
21 hired David Kahre and Associates CPA to handle the
22 bookkeeping of our accounts. Plus, we have also
23 added an accounts payable committee consisting of
24 three directors. These three approve and
25 categorize the accounts payable invoices before

1 they forward them onto the accountant who prepares
2 it for signature so Vickie can sign. Then he also
3 reconciles the bank statements and sends monthly
4 reports to the Board of Directors.

5 I'm going to move onto section three. This is
6 the report on the number of our owners, trainers,
7 breeders, and our stallions. We also have listed
8 our jockeys. I want to emphasize you don't have to
9 be a member of the association. We are
10 representing all Quarter Horse people, whether they
11 are in racing, breeding, or if they own a Quarter
12 Horse stallion.

13 We also have listed our jockeys. Some of
14 these jockeys only ride Quarter Horses. They are
15 eligible for different benevolent programs we have
16 through QHRAI.

17 I want to touch on section five. This
18 discusses how the horsemen's association promotes,
19 develops, and improves the horse racing industry.
20 Paul has said our program has grown tremendously
21 these past few years with the quality of our
22 leading horsemen, and the horsemen from across the
23 country are coming here. We continue to attract
24 new owners and breeders.

25 We now have six Quarter Horse days during our

1 meet. That is a day where only Quarter Horses run.
2 We are very proud of our large handle we have for
3 Quarter Horse day. It is one of the largest crowds
4 we have in live racing. QHRAI tries to promote to
5 the local people to come to the track. And it's a
6 very exciting day. And I hope all you can go to a
7 Quarter Horse day.

8 This year Indiana Grand added Trakus to the
9 Quarter Horse races. I don't know if you know what
10 that is, but Trakus tracks the horses as they go
11 through the race. There's a little square at the
12 bottom, and you watch that. The betting public
13 loves this. QHRAI partnered with Centaur and
14 Indiana Grand in funding this new technology. And
15 I believe Indiana is still the only state to offer
16 this for Quarter Horse racing.

17 Also, this year we were honored to participate
18 in the Jockeys and Jeans that was hosted by Indiana
19 Grand to benefit the disabled jockey fund. I would
20 like you to know we work close with IHRC staff and
21 the breed development staff and track management to
22 grow the Quarter Horse racing.

23 The quality of Indiana bred Quarter Horses
24 have skyrocketed. And some of the successful sires
25 have moved to Indiana, such as Too Tough to Catch

1 and Breaks Your Bet.

2 I'm going to go to section six. This is some
3 of the programs we have in place. The first one I
4 want to mention is our scholarship program. We had
5 this program before we had the gaming revenue. We
6 have made some changes to the scholarship program
7 where the applicants must be pursuing a career in
8 the equine industry field.

9 Another program we have is the SSA Futurity,
10 which the purse level this year, in 2014, was over
11 181,000. We also have the SSA Derby where the
12 purse level was over 79,000. These two races is
13 where you procure the stallion service at an
14 auction, and you auction them off. The association
15 has been managing these for over 35 years.

16 Another very important program I want to
17 mention that Paul touched on is our Youth Day,
18 where we have teenagers come in between 16 to 18 to
19 the track. And they spend an entire day with the
20 jockeys and trainers. They go to the gate crew.
21 They find out employment that they can do at the
22 track. It may be a chef that is at the track that
23 relates to our field.

24 Then at the end of the day, they have to take
25 a test, almost similar to the trainer's test. The

1 one with the highest score goes on to national
2 competition provided through AQHA. This year we're
3 so proud because our girl won national. They were
4 very happy with her.

5 I'm going to the last section I want to
6 discuss, Section 12. This is our budget, proposed
7 budget for 2016. And you can see there's a
8 worksheet we go from. And this is a very difficult
9 task for us to come up with this revenue that we're
10 going to have in 2016 in August of 2015. And 12A
11 is what we project for Quarter Horse welfare and
12 promotion and the line items of the expenses we
13 expect to have.

14 Twelve B is our projection for the backside
15 benevolence, and it has the same thing. If there's
16 any shortfall, it comes out of the money we have
17 set aside that has accumulated.

18 Twelve C is our horsemen's association account
19 and also lists the line items.

20 Finally, at the end of the application, we
21 have included several ads that we placed in local
22 and national newspapers and magazines.

23 In closing, I would like to leave with I think
24 we have submitted everything that you requested.
25 And Lea had asked for a proof of the crime

1 insurance policy, which we provided to her this
2 morning.

3 If there's any questions, Paul and I would be
4 happy to answer them.

5 CHAIRMAN WEATHERWAX: Thank you. We received
6 these applications back in September.

7 MS. ELLINGWOOD: September 1st.

8 CHAIRMAN WEATHERWAX: They are very well done,
9 very thorough. I took the time and each of the
10 Commissioners took the time to look at these. It's
11 a lot of work you put into this. We appreciate it.
12 We all learn what you folks are all about. All
13 they would have to do is read your applications.
14 That's not what everybody would do for a living,
15 but it's still educational for us because we have a
16 lot to learn.

17 Lea, why don't you explain the deadline. The
18 application was thorough and complete except for
19 the lack of the binding insurance coverage. So you
20 have provided that. That's a big step.

21 DIANNE BENNETT: Yes.

22 CHAIRMAN WEATHERWAX: It's the 27th of
23 December?

24 MS. ELLINGWOOD: Right. It hasn't officially
25 been filed with the Commission. We will do that

1 when we get back to the office. So I haven't taken
2 a look at the policy, but I'm advised that it takes
3 effect on December 27.

4 I would recommend, assuming that the
5 Commission would like to approve the Quarter
6 Horse's application, that you do so contingent upon
7 receipt of an appropriate crime insurance policy or
8 fidelity bond.

9 CHAIRMAN WEATHERWAX: As far as your opinion,
10 that's the only that is missing.

11 MS. ELLINGWOOD: That is the only thing that
12 is outstanding.

13 CHAIRMAN WEATHERWAX: Thank you. Do you have
14 any other people to testify here on the Quarter
15 Horse?

16 COMMISSIONER SCHENKEL: Could I ask a
17 question?

18 CHAIRMAN WEATHERWAX: Sure.

19 COMMISSIONER SCHENKEL: Dianne or Paul, either
20 one, in some of your things that you have in the
21 application, I noticed there was a bullet point
22 that said you hold dozens of town hall meetings.
23 Do you do those at the track? I'm interested in
24 those because that's the type of thing that I think
25 we would like to know about more and maybe even

1 listen in from time to time. Are those regularly
2 scheduled?

3 DIANNE BENNETT: We usually have our meetings
4 with the horsemen on the backside. They're usually
5 on Quarter Horse day. And then we always have one
6 in September that we have at Indiana Grand in the
7 clubhouse where they get a nice meal.

8 CHAIRMAN WEATHERWAX: Do you post these or
9 tell the public about it or is it just for those in
10 the Quarter Horse?

11 PAUL MARTIN: It's on our website.

12 DIANNE BENNETT: On our website and then I put
13 fliers up around the barn.

14 COMMISSIONER SCHENKEL: Thanks. We'll try to
15 be more observant. Some of us might want to come
16 by and listen.

17 PAUL MARTIN: Our stallion service, annual
18 stallion service auction and banquet awards program
19 has a Friday night seminar that we invite the
20 public to, anybody interested in racing. That's
21 always the Friday before Saturday, the banquet. So
22 that's one meeting that we have. And then we also
23 have an open horsemen's meeting at least once a
24 year. The last couple years it's been at Indiana
25 Grand.

1 COMMISSIONER SCHENKEL: Thank you.

2 CHAIRMAN WEATHERWAX: Thank you very much.

3 All right. So we now, if I could entertain a
4 motion from Commissioners as to approval of this
5 application subject to the finalization of the
6 insurance binder certificate by December 27.

7 COMMISSIONER LIGHTLE: So moved.

8 COMMISSIONER SCHENKEL: Second.

9 CHAIRMAN WEATHERWAX: Have a motion, second.

10 All those in favor say "Aye."

11 THE COMMISSION: "Aye."

12 CHAIRMAN WEATHERWAX: It's approved. Thank
13 you for getting everything done.

14 Next we have the Thoroughbred application.

15 MS. ELLINGWOOD: Just to clarify, this is
16 ITOBA, Thoroughbred Owners and Breeders.

17 MR. SACOPULOS: Good morning. Good morning.
18 Thank you for the opportunity to be here today. My
19 name is Pete Sacopulos. I represent ITOBA, which
20 is the Indiana Thoroughbred Owners' and Breeders'
21 Association. We have timely submitted our
22 application for funding. And I would like to hit
23 some of the main points here.

24 I guess, first and foremost, having prepared
25 this, you do learn a lot about your own

1 organization and about the requirements for funding
2 and receiving funds through the Commission that you
3 didn't know before. It certainly has been an
4 educational experience for me.

5 ITOBA is very active. We participate in a lot
6 of different programs. Some of them I think you
7 have seen. We have produced a video in
8 coordination and in conjunction with Purdue
9 University that has been used for promotional
10 benefits. That has been used several times at the
11 Hall of Fame banquet and different events. We're
12 continuing to work with Purdue. We participated in
13 the funding of the new facility that is going to be
14 built in Shelbyville, Indiana, for which we had a
15 program earlier this year we are very excited
16 about.

17 I will tell you this as a personal note. It
18 has been very interesting to work on that project.
19 I have had an opportunity to meet with a number of
20 people from Purdue University's School of
21 Veterinary Medicine, one of which is a gentleman
22 named Tim Lescun. Doctor Lescun came, I think,
23 four or five years ago to ITOBA when he was
24 soliciting funds. We've remained friends over the
25 years. He has come to the Indiana Derby every year

1 since that time and was there for the
2 groundbreaking along with the dean of the School of
3 Veterinary Science.

4 In addition to those functions, we have
5 monthly board meetings. We meet the first Monday
6 of every month. Typically, we meet at the Winner's
7 Circle in Indianapolis because we have board
8 members located around the state of Indiana. All
9 of our board members are volunteers. That's a
10 central location for all of us to meet. They are
11 open meetings so anyone is welcome to attend.

12 At each of the meetings we present our
13 financials. Our financials are open and
14 transparent for anyone to see. We have provided
15 those to you, along with the tax returns.

16 In addition to the programs that we have
17 participated in, we also try hard for our
18 membership to have an educational component. We
19 had, at the beginning of 2015 had a column in the
20 Fast Horse Resource. And then later in the year,
21 we transitioned to American Racehorse, which is a
22 newer publication. It shares an editor with the
23 Horsemen's Journal, which is the HBPA's
24 publication. I think it is excellent. We included
25 a copy in your materials.

1 Members of our board, all whom are volunteers,
2 write articles, and me included, that are submitted
3 to the Racehorse and to the American Racehorse
4 publication. We try to keep our membership up to
5 speed, not only on the racing news in Indiana, but
6 horse-related matters in general.

7 The organization also has a stallion season
8 auction. And that is done in January. We also
9 have a horse sale, which generates money for our
10 organization. We recently had that. We employ a
11 professional auctioneer, Dan Mahoney, who comes.
12 We rent space at the State Fairgrounds. That was
13 successful.

14 In addition to that, we maintain a website for
15 our membership and those who are interested in
16 possibly joining and becoming interested in
17 participating in ITOBA. ITOBA, although an Indiana
18 organization, has members from outside the state of
19 Indiana that are involved so that they can remain
20 current on events and updates on what's going on in
21 Indiana racing.

22 We also have an annual dinner where we have
23 presentations for awards for successful
24 Thoroughbred owners and breeders. This year we're
25 working, I'm working hard to bring a speaker, which

1 I believe we will have and, I believe, an
2 interesting speaker. We would encourage all you to
3 come.

4 It's been a historic year in horse racing,
5 especially Thoroughbred racing because for the
6 first time in many, many years we have a Triple
7 Crown winner. During this year, that Triple Crown
8 winner -- I believe, I've got a real authority
9 sitting here so I'm sure if I'm wrong, I will be
10 corrected. But I believe the only time American
11 Pharaoh was defeated this year was by a horse named
12 Keen Ice. Keen Ice is owned by a gentleman from,
13 not only Indiana, but from the town where I live in
14 Terre Haute, Indiana.

15 He is also an alumni of my high school. And
16 he is going to be our speaker for our annual
17 meeting. I would encourage all of you to come. He
18 had an excellent race in the Travers Stakes and not
19 so hot in the Breeders' Cup Classic, but,
20 nonetheless, a great horse and a success for an
21 Indiana owner.

22 We try hard to market Indiana racing. We have
23 participated, along with Centaur, in a marketing
24 program with WISH TV. I think some of you have
25 seen the pieces on television. I think those have

1 been very, very successful. They have done, I
2 think, an excellent job. Jessica Barnes, who has
3 been, very involved in that, I think has done a
4 very, very good job with that. Overall, that's
5 something we are hoping to continue to promote, not
6 only Thoroughbred racing and ITOBA, but the whole
7 agribusiness concept for Indiana. I think it's a
8 win-win situation.

9 I will also tell you that I think our board is
10 really to be complimented. I don't want to get too
11 far afield here. But all of the board members, I
12 think, have come to the Indiana Derby. Most all of
13 them were at Jockey and Jeans, which ITOBA
14 supported. And I know that all of them bring
15 family and friends to the races.

16 I can tell you, if I can digress for just a
17 moment, having had -- and I'm probably at the
18 bottom of the pecking order of everybody in this
19 room. I have had no racehorse this year. Last
20 year, I had one racehorse. And I had one win. It
21 was my greatest day. I may never get there again,
22 but everybody got a picture of that day. If some
23 of you don't have one, I'm glad to give you one. I
24 have a whole stack.

25 But you learn a lot of things. You can bring

1 people to these races. You take them on the
2 backside. We have been very blessed to have very
3 patient trainers. When they go back, they get a
4 quick course on Thoroughbred 101, how to wrap a
5 leg. They get to meet the jockey. They get to
6 meet the trainer. They get to go to the paddock
7 and watch the saddle being put on the horses. They
8 feel like they have some skin in the race.

9 When that happens, those people want to come
10 back every single time. Several people have
11 purchased horses and joined in in the Indiana-bred
12 program.

13 On a very personal note, and I'm really
14 digressing here so I'll try to keep it short. It
15 also helps you develop in ways I never would have
16 thought. My father is 81-years old. I practiced
17 with him for almost 30 years. And you think you
18 really know somebody. What you find is when you
19 have a horse, he tells me he has the back end of
20 the horse and I have of the front because we were
21 partners on a horse. He comes to every race with
22 me. And he was in the winner's circle with me.
23 Probably my favorite picture of my dad and me.

24 That having been said, I can go through what
25 we're asking for on the funding. I'd be glad to do

1 that. We certainly use an accountant, as does the
2 Quarter Horse Association. We have been asked by
3 the State of Indiana, which is not part of this
4 application, but by organizations that receive
5 funding to undergo an audit. We have performed
6 that audit. And we had that completed here this
7 past week, which has been submitted to the State of
8 Indiana.

9 We have gone through what our budget would be
10 and what is in our application. You'll see that we
11 have certainly cost for awards and promotional
12 material. We have an executive director that we
13 compensate and an administrative assistant.

14 We have one piece of litigation that's
15 continuing, but I believe it will be wrapped up
16 very quickly. It involves a deal gone bad on a
17 horse that went through an auction several years
18 ago. ITOBA just became a party because we were the
19 sponsor of the auction. But I believe from the
20 counsel that is handling that, and I am not, that
21 we will be dismissed from that lawsuit within the
22 next 60 days.

23 I'm glad to answer any questions that you have
24 about our application. I will tell you that last
25 year was my first year for preparing one of these.

1 And Lea Ellingwood was very, very helpful in that
2 and has been so again this year. If you have any
3 questions, I'm glad to try to answer those for you.

4 CHAIRMAN WEATHERWAX: Thank you, Pete. You
5 are doing an excellent job as far as the group and
6 association. Do we have any questions from the
7 Commissioners? Do you have anybody else that's
8 going to testify?

9 MR. SACOPULOS: No, sir.

10 CHAIRMAN WEATHERWAX: Thank you. We have this
11 application before us. And do I have a motion to
12 accept this as submitted?

13 COMMISSIONER PILLOW: So moved.

14 COMMISSIONER MCCARTY: Second.

15 CHAIRMAN WEATHERWAX: All those in favor say
16 "aye."

17 THE COMMISSION: "Aye."

18 CHAIRMAN WEATHERWAX: Next we have an
19 application for the Indiana Horsemen's Benevolent
20 Protective Association.

21 Please state your name for the record.

22 MIKE BROWN: My name is Michael Brown,
23 B-r-o-w-n. I'm the executive director of the
24 Indiana HBPA.

25 Mr. Chairman, Commissioners, members of the

1 Commission Staff, good morning.

2 I would like to talk with you for a few
3 minutes, hopefully just a few, about my
4 organization. I'm proud to be associated with the
5 Indiana HBPA. I'm proud of the work we do, the
6 people we help, the role we play in Thoroughbred
7 racing and breeding in Indiana.

8 First, I'd like to talk about what we do, all
9 of which is contained in our application. Indiana
10 HBPA is a state-level affiliate of the national
11 organization. We represent Thoroughbred owners,
12 trainers, owner-trainers, people they employ on the
13 backside of Indiana Grand, and also their Indiana
14 farm employees. We consider ourselves lucky to
15 have that opportunity.

16 We work on their behalf with our track
17 partners, whether it's working with the trackman on
18 the condition of the track surface, whether it's
19 working with the race secretary, whether it's
20 working with maintenance on the condition of the
21 backside of the track.

22 I use the term "work," but in truth,
23 interacting with people at Centaur and Indiana
24 Grand is not hard work. They have been and
25 continue to be very easy to work with. They care

1 about racing and breeding in Indiana. And it shows
2 in the pride they take in our ever-improving
3 product.

4 In addition, we represent our members before
5 this Commission. When needed, we are their voice,
6 and I'm sort of losing that voice today. We try to
7 make sure that voice contributes to policies that
8 are building a successful and productive racing
9 program. We try to make sure that voice is there
10 when our members need help in working with the
11 regulatory and adjudication process.

12 Also, we work to educate the members of the
13 Indiana General Assembly and the executive branch
14 of state government about this important industry,
15 its needs, and its contributions to the state of
16 Indiana through economic activity and employment.

17 In the structuring of the original enabling
18 legislation for horse racing and breeding, the
19 General Assembly made sure the industry receives
20 funds dedicated to specific areas of focus, in
21 addition to monies directed to purse support and
22 awards. I'd like to talk about what we do with a
23 couple of those dedicated revenue streams.

24 First in the area of equine welfare and
25 promotion. The Indiana General Assembly was wise

1 when they dedicated a portion of slot revenues
2 appropriated to racing to the areas of equine
3 welfare and promotion. Horsemen have the
4 responsibility to help build this industry in
5 partnership with the track.

6 In addition, we must ensure the safety of our
7 equine athletes, both during their careers and
8 after. Last year, we participated financially with
9 the Quarter Horses and the track to resurface areas
10 of the receiving barn with a spongy, more forgiving
11 material. It's been easier on horses walking
12 through the aisles of the barn. In 2014, we also
13 participated with the same partners to bring in a
14 new trailer for horses injured on the track. We
15 finished paying our share of the trailer during
16 2015. The revenue dedicated to equine promotion
17 and welfare is vital to our ongoing partnership to
18 ensure safety.

19 We also continue to explore new possibilities
20 to enhance promotional opportunities. In 2015, we,
21 again, joined with our track partner and the
22 Quarter Horses to put in place the Trakus system as
23 a means of enhancing the broadcasts of our racing.
24 Over this in the next two years, we'll spend
25 approximately \$81,000 of our share. The system

1 makes it easier for bettors and fans to follow each
2 horse during a race, while also providing more
3 precise data for follow-up analysis. The Trakus
4 system and its entertainment enhancement certainly
5 helped contribute to a nearly 22 percent increase
6 in overall handle this year at Indiana Grand. That
7 accrues to the benefit of our horsemen, our track,
8 and, hopefully a growing fan base.

9 In 2015, we explored co-promotion with the
10 track on some broadcast and event-driven
11 opportunities. In conjunction with the Jockeys and
12 Jeans event, which we also participated in, we
13 worked with the track to put on what became
14 "Breakfast on the Apron," the morning of the
15 events. The idea was to have people come out, have
16 some light brunch, hear people acknowledge more
17 about racing, talk about what's going on at the
18 track during the workouts. It's been successful at
19 other tracks. Didn't take off and run here, but we
20 will continue to work on it.

21 We also did a Shelbyville coupon
22 promotion/drawing with the track to get people out
23 to the races and enjoy the enhanced food and
24 beverage options now available.

25 Again, in 2015, we promoted and put on a

1 well-attended HBPA education night at the track, in
2 which we held a drawing for tablets and gave away
3 books on racing and famous Thoroughbreds to all
4 registrants who didn't win tablets.

5 If we are fortunate enough to be awarded 2016
6 Thoroughbred funding, we will do a similar
7 promotion and add others. We believe if we can get
8 people out to the track, they'll understand the
9 beauty and excitement that is Thoroughbred racing.
10 We intend to do our part.

11 When racing careers are over, it's everyone's
12 responsibility to see that our horses have a place
13 to go, in some cases for retraining for a second
14 career, in other cases for adoption or retirement.
15 We take that responsibility very seriously.

16 In 2011, we dedicated \$46,000 to equine
17 welfare. In 2012, we spent 72,500. In 2013, we
18 committed 87,500. In 2014, we made equine welfare
19 and research grants totaling \$90,000.

20 Therein lies a statutory conundrum for us.
21 The gaming statute combines equine promotion,
22 research, and welfare all into one category. All
23 are important. Yet, the available funds are
24 finite. An increased emphasis on co-promotion, by
25 necessity, decreases the availability of welfare

1 and research monies.

2 In 2015, the directors of the Indiana HBPA
3 committed and funded grants of New Vocations,
4 Friends of Ferdinand, the Kentucky Equine Humane
5 Center, Second Strides, and the Equine Health and
6 Welfare Alliance totaling \$30,000. We paid those.

7 In addition to these grants already paid, the
8 Indiana HBPA board committed an additional 20,000
9 that will be paid when the funds are available in
10 the dedicated fund. That's another \$10,000 to New
11 Vocations and 10,000 to Horse Angels, which is an
12 organization in Spencer, Indiana.

13 We propose to continue our efforts in equine
14 welfare and promotion in 2016. But to meet what
15 will continue to be extensive funding demands on
16 equine welfare and promotion, the Indiana HBPA is
17 seeking approval to use a portion of the funds
18 dedicated to backside benevolence for equine
19 welfare. The IHBPA requests Commission approval to
20 use no more than 20 percent of the funds allocated
21 for backside benevolence for specifically that
22 purpose with no transfer between the accounts
23 because we realize that's precluded.

24 In the area of benevolence, we have a trailer
25 on the backside of Indiana Grand through which we

1 deliver healthcare to people who need it in the
2 form of on-site dentistry, and an on-site clinic
3 with a visiting physician and staff from Major
4 Hospital. Through referrals, our eligible members
5 also can access podiatric and chiropractic
6 services. When our members are away from the
7 track, they can also access needed health services
8 where they are and are covered by our benevolence
9 program.

10 We provide chaplaincy services, recreational
11 activities, education programs, translation
12 services, events during the racing meet. In
13 addition, as needed, we provide daycare through a
14 working arrangement with several facilities in
15 Shelbyville. We provide access to substance abuse
16 counseling, treatment and mental health counseling
17 when appropriate. In the event of death, hardship,
18 or emergency, we provide assistance for our members
19 and families.

20 When we came before you June 2014, we said we
21 would bring down our other trailer from Hoosier
22 Park. We're happy to report we have that trailer
23 on site. It was used for the last month for chapel
24 services. And it will be used a whole lot more in
25 2016.

1 We will be starting a new chaplaincy program
2 in 2016 with a new chaplain. Chaplain Webb served
3 our horse men and women well for as long as anyone
4 can remember. We believe our chaplaincy program
5 can be more active and dynamic as we expand our
6 reach through the availability of the chapel
7 trailer.

8 Our program continues to evolve. I'm proud of
9 it with good reason. With the guidance and
10 direction provided to us as a result of the
11 Commission Staff's examination of 2014, our
12 benevolence program has become even better. I'd
13 like to talk to you about the direction,
14 administration, and structure of that program.

15 The 2014 Staff report identified several
16 general areas of concern, which included our rules
17 and guidelines. We rewrote them, and we are living
18 by them. We now have nearly a year and a half
19 experience with those new guidelines and rules.

20 And the transition has been cumbersome from
21 the perspective of cumulative paperwork. We have
22 reduced whole forests of trees. And burdensome for
23 many of the people that seek our help. For them,
24 the system feels unduly bureaucratic and
25 unresponsive. But they are getting used to it and,

1 they're going to have to get used to it because
2 that's what we're doing. We believe the revisions
3 have made this program more effective, more
4 transparent, and more accountable.

5 The 2014 report identified transparency as a
6 deficiency. To address this challenge, we
7 dissolved the Benefit Trust Board and put the
8 responsibility for administering benevolence
9 completely under the HBPA Board of Directors.

10 There it remains.

11 The Indiana HBPA board has full access to all
12 information necessary to administer this program,
13 including who is receiving benevolence, how much
14 they are receiving, the corresponding year balance,
15 who has applied, and who has been denied. To date,
16 no one has complained about the lack of access to
17 appropriate benevolence information.

18 The board met monthly to deal with benevolence
19 matters. And we've delivered all monthly
20 benevolence reports to the Commission.

21 In our 2016 application, we asked to amend the
22 appeals process put in place after the Staff
23 report. As it is, anyone who feels their
24 application for services was denied in error can
25 appeal in writing to the executive director. It

1 goes then to a benevolence committee and then to
2 the full board.

3 The benevolence committee is really an extra
4 cumbersome step in this process. We would like to
5 eliminate that step and take all appeals to the
6 full board. It should be noted that no one's
7 appealed since the system was put in place.

8 The Indiana HBPA benevolence program has
9 provided benevolence services to 201 horsemen and
10 women through December 3, 2015 through 1,966
11 individual transactions. To date, we have
12 distributed \$577,863 in benevolence this year.

13 Through December 3rd, we had distributed
14 more than \$4.6 million s in benevolence services
15 over the past seven years. We are horsemen helping
16 horsemen.

17 In 2015, we conducted an election for
18 president and all ten directors of the HBPA.
19 President Joe Davis won another three-year term.
20 Nine incumbent directors won another three years on
21 the board. Former president Randy Klopp was also
22 elected as a director.

23 Before the first meeting of the new board,
24 Director Kim Hobson resigned. She was replaced by
25 the next highest vote-getter in the owner category,

1 Blaine Davidson.

2 We have, here in Indiana, a unique opportunity
3 to build a Thoroughbred racing and breeding
4 industry that can be both a dynamic, economic
5 engine and a generator of agribusiness and
6 entertainment success. I said it earlier. I'll
7 say it again. We consider ourselves lucky to be a
8 part of what promises to be a tremendous success
9 story. Together, we can bring home a winner for
10 Indiana.

11 For the purposes of this application and
12 hearing: The Indiana HBPA has followed all
13 directives of the Commission. We have lived up to
14 all promises we made to the Commission. We
15 recognize both the responsibility and the privilege
16 of administering funds dedicated to Thoroughbred
17 racing. And we ask that you approve our
18 application to do so again in 2016.

19 Before I'm seated, I will be happy to attempt
20 to answer any questions you might have.

21 CHAIRMAN WEATHERWAX: We have some questions.

22 COMMISSIONER PILLOW: Lea, he said they
23 addressed all the concerns that we had back in '14.
24 Commission is very comfortable with it.

25 MS. ELLINGWOOD: Based on information we have

1 been provided at this point, it appears they have
2 complied with all requirements. We have received
3 correspondence asking us to basically follow up and
4 make sure that that's the case. I don't want to
5 call it a complaint because I don't know that it's
6 identified anything new. Based on everything we
7 got, everything looks like the Is have been dotted
8 and the Ts have been crossed.

9 COMMISSIONER PILLOW: Second thing. In the
10 approval of this application, we were asked to,
11 what, 20 percent, Mike, that you wanted to move?

12 MIKE BROWN: That's the cap. We're not moving
13 the money. We're moving the use.

14 COMMISSIONER PILLOW: You want to drop the
15 appeal process or eliminate one level of the appeal
16 process.

17 MIKE BROWN: Right. We'll still have one
18 through the executive director and the full board.

19 COMMISSIONER PILLOW: Are we approving that
20 application along with these changes?

21 MS. ELLINGWOOD: Yes. You would be approving
22 those changes. Just to make it clear, Mike, please
23 correct me if I'm incorrect, but as I understand
24 it, those benevolence monies are going to be for
25 expenditures that would legitimately also be

1 benevolence expenditures or equine welfare
2 expenditures. So they're not being made for a
3 purpose that is inappropriate under the statute.

4 COMMISSIONER SCHENKEL: My question on that is
5 Mike, thank you for your presentation. I think
6 last year was difficult. I think you have
7 addressed a lot of this. Thank you.

8 That 20 percent cap that moving, not moving
9 those funds but using those funds in a different
10 manner, is this a one-time request just with this
11 application or are you asking the Commission in
12 effect to adopt a policy so that that would be
13 practice going forward? To me, there's a big
14 difference there.

15 MIKE BROWN: I don't think we can technically
16 ask that going forward. We're asking for this
17 application, but we will probably ask again next
18 year.

19 COMMISSIONER SCHENKEL: That answers my
20 question because I think it becomes a part of your
21 thinking and planning that even though you would
22 bring it back to us annually, I understand that,
23 but your thinking and your discussions amongst the
24 board have not been, we're just going to do this
25 one time only and never ask for it again.

1 MIKE BROWN: No, it's going to continue to be
2 a strain. We recognize twin demands.

3 COMMISSIONER SCHENKEL: That was my sense. I
4 just wanted to be clear.

5 CHAIRMAN WEATHERWAX: We realize it's your
6 money, but your board has decided they want to put
7 a little more weight on the welfare of a horse?

8 MIKE BROWN: Well, this year, we didn't get to
9 do as much of the welfare work as we have in the
10 past years because we put more money into
11 promotion. But we don't want to diminish welfare,
12 second career, and adoption of our mission.

13 CHAIRMAN WEATHERWAX: That helps explain a
14 little bit more of the process. Very good, Mike.
15 I see you have your accountant and other expert,
16 but your time is up.

17 MIKE BROWN: Hopefully, you had no questions.
18 Thank you.

19 CHAIRMAN WEATHERWAX: Thank all of you for
20 coming.

21 COMMISSIONER SCHENKEL: That's very well done.

22 CHAIRMAN WEATHERWAX: You have heard their
23 presentation. We understand how we got here. And
24 I think you asked a good question but having known
25 that, we have to accept this as they present it to

1 us. I think you understand what this is all about
2 so can I have a motion.

3 COMMISSIONER LIGHTLE: I will make a motion.

4 COMMISSIONER SCHENKEL: Second.

5 CHAIRMAN WEATHERWAX: All those in favor, say
6 "aye".

7 THE COMMISSION: "Aye".

8 CHAIRMAN WEATHERWAX: It's approved. Now
9 Standardbred. Jack.

10 JACK KIENINGER: I brought this whole book.
11 My name is Jack Kieninger. I'm president of
12 Indiana Standardbred Association. That's J-a-c-k,
13 K-i-e-n-i-n-g-e-r.

14 I could go on all day about how good the
15 Standardbred business is in Indiana, but I think
16 most of us guys know that we've stepped up another
17 level. We had four Hoosier Crown winners, Indiana
18 sired breeder crown winners this year.

19 Working with Centaur Gaming this past year, we
20 secured the 2017 Breeders' Crown. And we are
21 moving forward. Our board is excellent. My board
22 is excellent. We have a good group of people. We
23 only had one change on the board this year. And
24 that was good. So it's basically the same amount
25 of people.

1 And I can go through this if you want me to
2 and tell you all the things we're doing. But just
3 to touch on a few things, we did institute the
4 third-party liability for our horsemen again this
5 year. That was a big thing for 2015.

6 You know, we continue to do what we can do for
7 the horsemen as far as the health and welfare. All
8 our programs that we have started with are in
9 place. We just had to tweak a few of them. We are
10 doing -- I think we're doing excellent. At least,
11 I don't get a lot of complaints from the horsemen.

12 If you want me to go through all the things we
13 can do, I would be glad to do it, but I know you
14 all got this big folder. Susie told me she had
15 read it all. I know that if you have any
16 questions, I would be glad to answer it on the
17 2016.

18 Before we get to that, I would like to go to
19 the last page of our application. One other thing
20 I wanted to bring up that we did this past year is
21 we are working with Johnson County on the Johnson
22 County Horse Park to bring a racetrack to Johnson
23 County for Standardbreds and working also with the
24 Quarter Horse people to put in a Quarter Horse
25 track there too. So that's a big issue that I

1 wanted to bring to your attention. We are moving
2 forward with that. We're waiting on our grant
3 process to begin so we can get some grants for
4 them.

5 On the last page of our application for this
6 year, we put in that the ISA was looking at buying
7 a building and getting out of the lease that we are
8 in now. And with that, I brought some information
9 today. What we would like to do is out of our
10 surplus of our operating fund purchase a building
11 in Greenfield, Indiana.

12 The purchase price is 234,000. Right now
13 we're paying about 48,000 a year in rent on our
14 lease. And in my mind, I just think if we're going
15 to spend that kind of money, we should own the
16 building and give the horsemen an asset. Right
17 now, we've had it for six years. And we've spent
18 about 275,000 in the last six years for this
19 building.

20 We found a nice building in Greenfield. We
21 think it's well worth the money. We would ask that
22 the Commission allow us to use some of our excess
23 funds in operation. At the end of last year, we
24 had 320,544 in surplus. And we're projected to
25 have about 440,000 at the end of this year. So

1 that's one thing I would like to get the
2 Commission's approval on it.

3 The other thing is we're doing a commercial
4 similar to what the Thoroughbred Owners' and
5 Breeders' Association did. We are also working
6 with Hoosier Park and Centaur Gaming and Purdue to
7 produce this. Hopefully, we will have it done by
8 February 6th, which is our banquet in
9 Indianapolis. We want you all to be there.

10 We allocated 15,000 for that, a cap. We want
11 to take this out of the surplus of our promotion
12 fund. That promotion fund surplus is about
13 170,000. We would like the Commission to approve
14 us to spend up to, we think it's going to be more
15 like six or 8,000. But we want the Commission to
16 approve up to 15,000 that we can spend out of the
17 surplus if we need to for that promotion on the
18 commercial.

19 Other than that, I will answer any questions
20 you might have.

21 COMMISSIONER SCHENKEL: Jack, I had just one.
22 You had a statement in there you said you are
23 considering employing a marketing firm to help
24 promote harness racing. Have you done that?

25 JACK KIENINGER: We did last year.

1 COMMISSIONER SCHENKEL: Are you going to
2 continue that?

3 JACK KIENINGER: We are going to continue
4 doing that.

5 COMMISSIONER SCHENKEL: I guess I would say to
6 you and the other associations, any of you who are
7 doing that, keep us in the loop. Make sure because
8 as we start talking about how we are going to
9 better do things, and Centaur and everybody else,
10 so that we're all coordinated, not that we want to
11 stick our nose in and tell you how to market
12 necessarily. But I want to make sure that I hope
13 that we all think about it from the standpoint of,
14 and I think we will, that if we're all spending
15 money, let's make sure it's in a coordinated
16 fashion, and it's all consistent so that we're not
17 doing it in a vacuum individually.

18 JACK KIENINGER: Right. This year, we are
19 working with the Indiana State Fair to promote the
20 Grand Circuit racing and Indiana-sired racing. We
21 actually hired a professional. And we found out
22 just how dumb we really were. We're going to
23 continue to do that.

24 COMMISSIONER SCHENKEL: And I guess I'd make
25 the comment that the request that you're making

1 with respect to spending your reserves, that's
2 something that we, in my opinion, we should entrust
3 to the board and you. I think you thoughtfully
4 approached that and made some good decisions so it
5 makes sense to me.

6 JACK KIENINGER: Thank you.

7 COMMISSIONER PILLOW: Jack, the mayor of
8 Greenfield owes me a couple of favors. So let's
9 see if we can get you some incentives to go along
10 with the new building.

11 JACK KIENINGER: We would appreciate that.

12 COMMISSIONER LIGHTLE: Ditto, he owes me too.

13 CHAIRMAN WEATHERWAX: Sounds like a lot of
14 help is on your side.

15 JACK KIENINGER: That building is a block and
16 a half from the courthouse.

17 CHAIRMAN WEATHERWAX: I think counsel has told
18 us that because you have changed our request, this
19 is now legally better to do than trying to go the
20 way they were going in the first place.

21 MS. ELLINGWOOD: Financially, it's definitely
22 better. This issue came up before the or, I'm
23 sorry, right after the last meeting. And so the
24 ISA had contacted us. And the Chairman and I
25 worked together to give the ISA conditional

1 authority to move forward because they had a
2 purchase agreement with a deadline conditioned on
3 the Commission's ratification of that. Presuming
4 that the Commission moves forward with it and an
5 approval for it, that will be done today.

6 CHAIRMAN WEATHERWAX: So everything he's told
7 us is going to be a part of this application
8 approval.

9 MS. ELLINGWOOD: The expenditure for the funds
10 for the building and the commercial, I believe, are
11 coming out of 2015 funds, correct?

12 JACK KIENINGER: Right.

13 MS. ELLINGWOOD: So that's an amendment
14 technically to their application from last year.
15 You will also be approving their 2016 application
16 for slot funds.

17 CHAIRMAN WEATHERWAX: That's good to clarify.
18 All right. Thank you, Jack.

19 JACK KIENINGER: Thank you.

20 COMMISSIONER LIGHTLE: Good job.

21 CHAIRMAN WEATHERWAX: Great year in every way.
22 If there's no other further questions, we
23 understand the Standardbred's application. Can I
24 have a motion to accept?

25 COMMISSIONER LIGHTLE: I make a motion.

1 COMMISSIONER MCCARTY: Second.

2 CHAIRMAN WEATHERWAX: All those in favor say
3 "aye".

4 THE COMMISSION: "Aye."

5 CHAIRMAN WEATHERWAX: Thank you all for all of
6 your hard work to make a successful year.

7 The next one, Lea, is this yours?

8 MS. ELLINGWOOD: The next three I'm going to
9 introduce. The Commission has before you in agenda
10 items five, six, and seven three separate summary
11 judgment orders. While the licensees and the
12 horses and race dates are not the same, the issues
13 and the drug in question are identical. So staff
14 and opposing counsel have both very graciously in
15 the interest of time agreed to just give one oral
16 presentation that will cover all three motions for
17 summary judgment.

18 CHAIRMAN WEATHERWAX: Each of these is that
19 similar that we can rule on one and receive an
20 answer for all.

21 MS. ELLINGWOOD: Exactly. Technically, when
22 you make a motion, we'll make sure that that motion
23 applies to each of the three separately.

24 To give you a little bit of background, each
25 of these matters was a result of an administrative

1 complaint filed by Commission Staff against
2 licensees for the presence of the same drug. The
3 administrative complaints all asked for a \$500 fine
4 and a 15-day suspension.

5 Staff filed a motion for summary judgment,
6 which was granted by the administrative law judge.
7 And opposing counsel timely filed objections to the
8 judge's order.

9 So before you, you have the three ALJ's orders
10 granting the motion for summary judgment. So you
11 would need to either affirm, modify, or remand the
12 matter back to the ALJ for further proceedings.

13 Because this is opposing counsel's motion, he
14 will be going first. His time is limited to ten
15 minutes.

16 MR. SACOPULOS: Good morning.

17 COMMISSIONER PILLOW: Deny.

18 MS. ELLINGWOOD: Tough crowd.

19 MR. SACOPULOS: I'm here this morning on
20 behalf of three clients; Trent Stohler, Russ
21 Cullipher, and Mike Roth. All three are
22 Standardbred trainers and licensees of the Indiana
23 Horse Racing Commission. And all three fell into
24 the same trap during the 2014 racing season.

25 It has to do with a violation for a

1 therapeutic medication known as tripeleennamine.
2 Tripeleennamine is an antihistamine. It is used by
3 veterinarians. It has been used in the state of
4 Indiana for years to dry up what's not very
5 scientifically described as a snotty nose. They
6 use that instead of an antibiotic.

7 In this case, all three of my clients;
8 Mr. Stohler, Mr. Cullipher, and Mr. Roth had either
9 administered, legally administered or had
10 recommended prescribed to be administered the
11 tripeleennamine to their Standardbred horses. They
12 had used this medication in years past, as had many
13 Standardbred participants and owners and trainers
14 in Indiana.

15 In fact, the testimony in this case and the
16 evidence in this case is that tripeleennamine had
17 been used the same way as in years prior. It's
18 been ordered from the same supplier. It had been
19 compounded the same way. It had been administered
20 by the same veterinarian. It had been administered
21 in the same way by the same veterinarian without
22 any instance.

23 One of the veterinarians that was deposed was
24 Doctor Hollendonner, a licensee of the Indiana
25 Horse Racing Commission himself. And he said he

1 had administered it hundreds of times without any
2 problem.

3 We had a couple of things that you'll recall
4 in the 2014 season that made it different. One is
5 we had quite a few problems with the lab, LGC,
6 backup on testing and so forth, which you've had a
7 lot of testimony about in other matters.

8 The other thing that happened with regard to
9 this particular medication is that there were rule
10 changes, not one rule change but two rule changes
11 during the season. I think we can all agree
12 despite what side of the issue we're on here today,
13 the rule changes during the season are a bad thing.
14 It trips people up. It's difficult to get notice
15 out. People are set in the ways of doing
16 something. When there are rule changes during the
17 meet, problems result.

18 The rule with regard to tripelethamine has
19 been three days, then moved to five days, and then
20 was moved off the list all together. It was taken
21 off the list. But to make it even more
22 problematic, is that now if you have a therapeutic
23 medication on the approved list by the Indiana
24 Horse Racing Commission, there is a corresponding
25 threshold. If you use this medication and you go

1 through the withdraw time, there is a threshold
2 which that horse must test below that threshold,
3 and you're clean. If you test above the threshold,
4 you get a positive.

5 At the time this was going on, there was no
6 threshold for tripeleennamine. So you had a
7 medication on the list with a recommended withdraw
8 time with a zero tolerance. It was almost a
9 contradiction in how that was used. This is the
10 background in which these positives resulted.

11 Doctor Hollendonner, who treated two of the
12 horses here, testified that he had used this
13 repeatedly without problem. In fact, he went to
14 the Commission to ask and try get some explanation
15 of what is going on, why are we having these
16 increases in tripeleennamine.

17 One of the things he was looking for is some
18 type of withdraw schedule, some type of scientific
19 evidence of why we were changing this. What
20 established the 72-hour withdraw? What established
21 the change to the five-day rule? What was the
22 science of taking it off the list all together?

23 What became clear was there was no science.
24 There were no withdraw schedules. There was
25 basically a determination by then the executive

1 director that 72 hours was a good time. Then five
2 days was a good time. Then take it off the list
3 was an appropriate matter.

4 These three gentlemen were so and are so
5 certain that they complied with the recommendation
6 of this Commission, they, at their own expense,
7 hired experts at Rood and Riddle in Lexington,
8 Kentucky to perform a test on tripeleennamine.

9 They took a horse to Lexington that had never
10 been administered anything. It is, in essence, an
11 equine blank canvas that they take down. And they
12 have the same tripeleennamine from the same supplier
13 with the same compound shipped there. And the
14 study is done with tripeleennamine.

15 The seal is broken. It's opened. Doctor
16 Steve Reed, nationally known at Rood and Riddle,
17 administered the medication. They then conducted
18 the test to see what would happen if you
19 administered the tripeleennamine, what would be the
20 withdraw time.

21 What came out of the Rood and Riddle study was
22 very, very significant. Because, as you all know,
23 when a horse is tested, they test both the blood,
24 the serum, and they test the urine. The study,
25 which is part of the record before you, found that

1 if you apply the tripeleennamine that had been
2 applied by way of intramuscular injection, and you
3 followed the three-day period, you would have
4 positives, both in the blood and serum. If you
5 went to went to five days, you would have positives
6 in the blood and the serum. If you went to six
7 days and went to seven days, you would have that.

8 So that is for the tripeleennamine itself. But
9 when you deal with a zero tolerance, you're dealing
10 not only with tripeleennamine, but what you're
11 dealing with are metabolites of tripeleennamine,
12 which could go on for additional days, past six,
13 days, past seven days, past eight days.

14 The testing was done by Doctor Scott Stanley
15 at UC Davis, probably the premiere lab in the
16 United States. He concluded that based on these
17 guidelines, these recommended guidelines, if the
18 trainer were to follow this for tripeleennamine,
19 what would happen was is they would get positives.

20 So based on that, our argument with regard to
21 this summary judgment is that you first need to
22 look at the summary judgment. The summary judgment
23 is a legal mechanism, a legal tool to throw
24 somebody out of court. Mr. Stohler, Mr. Cullipher,
25 Mr. Roth, they won't have a hearing. Their case

1 will be summarily decided and thrown out. They can
2 appeal at their cost. They've done that already.
3 They've gone down and hired experts at Rood and
4 Riddle.

5 We believe that the summary judgment is
6 inappropriate for a number of reasons. One is that
7 the way this scheme was set up, it violated their
8 due process rights. The application was arbitrary
9 and capricious. And the Commission should be
10 estopped from enforcing these violations against
11 these three gentlemen.

12 With regard to the summary judgment, what has
13 happened here is that the administrative law judge
14 has simply adopted certain facts for the Staff but
15 disregarded and excluded facts from the
16 respondents. One of those is that the testing that
17 was done at Rood and Riddle is not scientific. An
18 administrative law judge is not qualified to make
19 that decision. He excluded that from the record.

20 While unscientific, we have one hundred times
21 the amount of scientific evidence the Commission
22 did at the time in making its three-day rule, its
23 five-day rule, or rule to take it off the books all
24 together. We have a horse that was scientifically
25 tested at Rood and Riddle and the results of that

1 test, which you have before you.

2 The administrative law judge assumed as true
3 the withdraw times that were published, which were
4 simply not the case. So what I would ask that you
5 all consider, and you certainly can read through
6 all our briefs, is that the administrative law
7 judge should take into account our facts as well as
8 the Commission Staff's facts. That has not been
9 done.

10 A summary judgment requires no dispute as to
11 any material fact. Commission Staff will argue
12 that there were no dispute as to the facts they
13 presented. While that may be true, there were
14 facts that the administrative law judge, which are
15 material, did not consider in our argument.

16 The other part of the summary judgment is they
17 must, as a matter of law, be entitled to a
18 judgment. Our position is for the reasons set
19 forth in our brief that the Indiana Horse Racing
20 Commission Staff is not so entitled to a judgment
21 for the reasons set forth there; the constitutional
22 arguments, the due process argument, arbitrary and
23 capricious argument, and the estoppel.

24 One last thing as I wind up by way of
25 housekeeping. There were a number of depositions

1 taken in this case. I believe the respondents took
2 one or two. The Commission Staff took the balance.
3 Those are not part of the record. We would ask
4 that those be published and made part of the record
5 for any future proceedings. With that, I will
6 answer any questions if you have any. Thank you
7 for your time.

8 CHAIRMAN WEATHERWAX: Thank you, Pete. I
9 think we have some questions from some of our
10 people. Obviously, there is a pattern here that is
11 not the way we would like to run the railroad.
12 But, nevertheless, did you have a question?

13 COMMISSIONER LIGHTLE: I do. I am going to
14 leave the summary judgment and all that to the boys
15 that know more about that stuff. What I don't
16 understand, what I think that I really don't like
17 in this situation is in one place we have this
18 tripel, whatever it is, listed as a foreign
19 substance. So why was there a withdrawal time
20 period if it's absolutely foreign substance, never
21 to be used, this is what it says? Under no
22 circumstances should this be used.

23 Then you have a withdrawal time. And the
24 withdrawal times are changed and changed and
25 changed. I disagree with that kind of a situation

1 that the horsemen are trying to deal with. Is it
2 completely, absolutely not to be used, then why is
3 it on a withdrawal? If it is and when it is and it
4 has been through all of this, it's an
5 antihistamine -- I don't understand that -- but why
6 are these rule changes mid stream when these guys
7 are trying to race. Why all the rule changes? I
8 just don't think -- I think it's a situation we
9 need to deal with. Is it absolutely not to be
10 used, and if so, why is it on the withdrawal, and
11 why are all these changes going on when these
12 horsemen are trying to race their horses?

13 I disagree with that. I will leave the rest
14 of the legislative and attorney type, you guys can
15 take care of that. But I really don't like the
16 looks of this as a horseman myself. Thank you.

17 COMMISSIONER SCHENKEL: Was that a question?
18 Are we waiting for a response from somebody?

19 MR. SACOPULOS: My response is I agree.

20 MS. ELLINGWOOD: Commission Staff has also ten
21 minutes to present.

22 COMMISSIONER LIGHTLE: Please address this
23 because it's...

24 COMMISSIONER SCHENKEL: I guess my question
25 would be then: This was experience, you mentioned

1 rule changes that happened, in your terms,
2 inopportune or an awkward time. Have there been
3 subsequent problems in the 2015 racing season, were
4 there?

5 MR. SACOPULOS: No, sir, because
6 tripelethamine was removed from the list. It is no
7 longer on the list of therapeutics. And I would
8 also add that those medications that are currently
9 on the therapeutic list all now have withdraw
10 times, which this at the time did not.

11 COMMISSIONER SCHENKEL: Thank you.

12 CHAIRMAN WEATHERWAX: We made things clearer.

13 COMMISSIONER SCHENKEL: That's what I was
14 trying to make sure.

15 COMMISSIONER LIGHTLE: So we've addressed all
16 that?

17 CHAIRMAN WEATHERWAX: We've addressed it, but
18 we also haven't done things this year like in the
19 past with emergency rules, which does make a
20 problem. Who is doing the presentation? Holly.

21 MS. NEWELL: Good morning, Chairman
22 Weatherwax, Commissioners.

23 Today, Commission Staff respectfully requests
24 that you affirm ALJ Bernard Pylitt's recommend
25 order granting summary judgment in three cases

1 involving positive tests. As noted by Miss
2 Ellingwood and Mr. Sacopulos, the cases are
3 distinct, but due to their common facts we are
4 consolidating oral argument.

5 Upon review of more than 200 pages of briefing
6 in each case, Judge Pylitt recommended summary
7 judgment in favor of Commission Staff in each of
8 these cases. Summary judgment is appropriate where
9 there is no genuine issue of material fact.

10 Essentially, it means that there are no material
11 factual questions that need to be determined at a
12 hearing. All that is to be determined is the
13 application of the law.

14 These three cases are ideal summary judgment
15 cases because the material facts are clear and
16 uncontroverted. No reasonable fact finder could
17 find differently. Summary judgment is a legal
18 mechanism, as Mr. Sacopulos said, and it is
19 appropriate here.

20 As you will recall, these cases involve three
21 Standardbred trainers whose horses tested positive
22 for tripeleennamine in 2014. Tripeleennamine is a
23 foreign substance and pursuant to Indiana law and
24 Commission regulation, it cannot be present in a
25 racehorse.

1 The facts here are quite simple. These are
2 black and white cases. The horses tested positive
3 for tripeleennamine. None of the trainers have
4 presented any evidence that refutes the positive
5 tests. Tripeleennamine may not be a present in any
6 amount in the horse's system. This is a zero
7 tolerance substance. A trainer is responsible for
8 the condition of the horses he trains.

9 Here, we have clearcut violations of Indiana's
10 foreign substance regulation. Accordingly, the RCI
11 model penalty applies, and it is appropriate that
12 Roth, Stohler, and Cullipher each receive a 15-day
13 suspension and be fined \$500. Indiana law requires
14 purse forfeiture and redistribution in the event of
15 a positive equine drug test. Therefore, the horses
16 should be disqualified for each affected race, and
17 the purses should be redistributed.

18 Judge Pylitt's order granting summary judgment
19 identifies these penalties, and it is appropriate
20 you affirm his recommended order and these
21 penalties. The trainers have complained that Judge
22 Pylitt didn't consider the facts they presented.
23 However, the rule governing summary judgment in
24 Indiana is clear. The judgment shall be rendered
25 forthwith if the designated evidentiary matter

1 shows there's no genuine issue as to any material
2 fact. The facts that the trainers would have had
3 the judge consider here are immaterial. They are
4 irrelevant.

5 These trainers are attempting to create shades
6 of gray and very black and white cases. Their goal
7 appears to distract the fact with immaterial facts
8 that are irrelevant to the proceeding. Commission
9 Staff has alleged violation of Commission's foreign
10 substance prohibited rule, which states that
11 foreign substances are prohibited except as
12 designated by Commission rule. Tripeleennamine is
13 not a substance that is allowed to be present in a
14 horse at any level. Roth's, Stohler's, and
15 Cullipher's horses all had tripeleennamine in their
16 systems. Those are the material facts.

17 A genuine issue of material fact exists where
18 facts concerning an issue which could dispose of
19 the litigation are in dispute or where the
20 undisputed facts are capable of supporting
21 conflicting inferences on such an issue. That is
22 not the case here. There is no dispute that a
23 horse racing in Indiana is prohibited from having
24 prohibited foreign substance, including
25 tripeleennamine, in its system at the time of the

1 race. Miss ABC, Metro Shopping, and Next Thing
2 Smoke'n had a prohibited foreign substance in their
3 systems at the time of their races. Each of the
4 trainers admitted they could not refute the
5 positive tests.

6 Trent Stohler trained Miss ABC. Trent Stohler
7 is responsible for the presence of the
8 tripeleannamine, regardless of the acts of third
9 persons, under applicable law and regulations.

10 Mike Roth trained Metro Shopping. Mike Roth
11 is responsible for the presence of the
12 tripeleannamine, regardless of the acts of third
13 persons, under applicable law and regulation.

14 Roger Cullipher trained Next Thing Smoke'n.
15 Roger Cullipher is responsible for the presence of
16 the tripeleannamine, regardless of the acts of third
17 persons, under applicable law and regulations.

18 The recommended sanctions are reasonable and
19 appropriate and in keeping with the RCI recommended
20 penalty.

21 Now those trainers want to shirk
22 responsibility and begin the blame game. But none
23 of that matters. Again, it's black and white. The
24 drug was in the blood, and it cannot be in the
25 blood. The trainer is responsible.

1 The trainers' response to these positives is
2 problematic on many levels. It is an obvious
3 attempt to subvert the trainer responsibility rule.
4 They want to blame the Commission, point at
5 withdrawal guidelines. To be clear, withdrawal
6 guidelines are not rules. They are not regulated.
7 Calling withdrawal times rules is absolutely
8 misleading.

9 Tripeleennamine has always been a prohibited
10 substance. It is not as if tripeleennamine were
11 permitted at a threshold level and then the rule
12 changed. Tripeleennamine has never been allowed to
13 be present in a horse participating in a race in
14 Indiana. No 2014 rule changes related to
15 tripeleennamine.

16 Here you have a situation where the rule is
17 ignored, and reliance is placed on withdrawal
18 times, which are clearly recommendations only. The
19 trainers and the vet all acknowledge that the
20 guidelines were recommendations, and they were
21 aware they were recommendations only.

22 Racing in Indiana is a privilege. One of the
23 prices of that privilege is that you know the
24 rules, and you play by the rules. At a minimum, it
25 seems that trainers and vets should make a point to

1 fully know and understand medication rules. Doping
2 rules are paramount to the regulation of
3 pari-mutuel horse racing. It was the trainers'
4 obligation to know the rules and to follow them.

5 In each of these cases, there is a trainer
6 that ran second or third. Those trainers are
7 entitled to the purse redistributions that are
8 required by law in the event of a positive test.
9 When looking at the equities of this case, it is
10 important not to overlook those trainers.

11 Cullipher, Roth, and Stohler are also trying
12 to make a claim of deprivation of due process.
13 Let's keep in mind procedural posture of this case.
14 None of these trainers have yet been suspended.
15 They are currently proceeding through the
16 administrative disciplinary procedure, which
17 includes a full hearing and/or the protections
18 provided by the Indiana Administrative Orders and
19 Procedures Act.

20 Commission Staff has never conceded that an
21 Indiana Horse Racing Commission license is a
22 property right. Even if it were though, these
23 trainers were all afforded the due process rights
24 to which they were entitled.

25 AOPA establishes the rules by which

1 administrative participants play. Everything that
2 has occurred here has been well within the bounds
3 of AOPA. Just because these trainers are claiming
4 a deprivation doesn't make it so. This commission
5 has determined that summary judgment is a
6 procedural vehicle. Summary judgment is
7 appropriate here today.

8 The bottom line is that if a trainer had a
9 property interest, he got all the process to which
10 he was due. As soon as someone is issued an IHRC
11 license, we ensure that person has all AOPA
12 protections.

13 Commission Staff respectfully requests that
14 the Commission affirm Judge Pylitt. The
15 fundamental considerations here are simple.
16 Tripeleppamine is prohibited. These horses tested
17 positive for tripeleppamine. The rule in Indiana
18 is clear. The finding by a chemist is prima facie
19 evidence that the horse carried the substance in
20 its system at the time of the race. None of the
21 trainers has presented any evidence that would
22 suggest the test was incorrect.

23 Commission Staff met its burden. And the
24 ALJ's ultimate findings of fact and conclusions of
25 law are appropriate and should remain undisturbed.

1 Thank you.

2 CHAIRMAN WEATHERWAX: I have a question,
3 Holly. I may need a history lesson, but you made a
4 statement that is pretty profound. How do you
5 pronounce it?

6 MS. NEWELL: Tripelennamine.

7 CHAIRMAN WEATHERWAX: Tripelennamine was never
8 allowed --

9 MS. NEWELL: Never.

10 CHAIRMAN WEATHERWAX: -- to be part of a
11 horse's care as far as the rules go?

12 MS. NEWELL: The distinction here is that it
13 cannot be in the horse's blood at the time of the
14 race. Whether or not it is used in the horse's
15 care would be up to the trainer and the
16 veterinarian. They would need to keep in mind it's
17 a prohibited substance that cannot be in the blood
18 post-race sample.

19 COMMISSIONER SCHENKEL: Taking off of that,
20 Mr. Sacopulos testified or commented that it's
21 commonly used. So it's a commonly-used drug but
22 can't be there on race day. And so part of the
23 argument here, part of the confusion is the
24 withdraw time. If they commonly use it, how long
25 do they have?

1 CHAIRMAN WEATHERWAX: They do it at their own
2 risk if they use it.

3 MS. NEWELL: Yes. I am not a veterinarian or
4 trainer, but there are dozens or hundreds of
5 therapeutic drugs that simply cannot be in the
6 horse at the time of the race. We have the 26 that
7 have been identified.

8 CHAIRMAN WEATHERWAX: This is a therapeutic
9 drug.

10 MS. NEWELL: It's an antihistamine.

11 CHAIRMAN WEATHERWAX: Clean out the horse's
12 breathing or body so it's healthier.

13 MS. NEWELL: Correct.

14 CHAIRMAN WEATHERWAX: I notice that in these
15 one, two, three cases, you're right, there are
16 different levels detected. There was 97, 51, and
17 32 parts. So that means there isn't any threshold
18 that we can accept.

19 But here's the question because I don't
20 remember: Did we change this rule last year mid
21 season?

22 MS. NEWELL: No. There's never been a rule
23 that specifically allowed tripeleennamine or had
24 tripeleennamine as a threshold drug. Tripeleennamine
25 has never been allowed.

1 CHAIRMAN WEATHERWAX: So any of the emergency
2 rules that we put in place didn't affect this.

3 MS. NEWELL: None of them did.

4 COMMISSIONER SCHENKEL: Back to my earlier
5 question about whether there was any problem with
6 this drug in 2015, the answer was no. I'm not sure
7 I understand why if we don't have a prescribed or
8 if it's not known what the actual withdrawal time
9 is, is that basically we are now assuming that the
10 trainers have gotten smarter how they use it and
11 when they use it.

12 MS. NEWELL: I think you can draw whatever
13 conclusions you want to draw.

14 COMMISSIONER SCHENKEL: I guess, and maybe
15 this is for the horsemen, are they still using it?

16 MS. NEWELL: The vet, who Mr. Sacopulos
17 referred to, said he did quit using it once the
18 positives started occurring in 2014. I don't know
19 if that's still the case this year. I can't speak
20 for him.

21 CHAIRMAN WEATHERWAX: Have we had cases,
22 violations of this drug before?

23 MS. ELLINGWOOD: Not that I'm aware of.

24 CHAIRMAN WEATHERWAX: Why haven't we had them
25 before?

1 MS. ELLINGWOOD: People change their drug
2 routines to maximize their benefit.

3 CHAIRMAN WEATHERWAX: It's been used for a
4 long time.

5 MS. NEWELL: One of the things that happened
6 in 2014 is that we did get a new lab.
7 Mr. Sacopulos points to the deficiencies of that
8 lab. However, that lab is very highly regarded,
9 and they had very good testing.

10 CHAIRMAN WEATHERWAX: So it's possible, this
11 is a theory, that there was a problem before, but
12 we didn't detect it because of the lab we used.

13 MS. NEWELL: Absolutely. Like you said, it's
14 a theory.

15 CHAIRMAN WEATHERWAX: George, did you have a
16 question?

17 COMMISSIONER PILLOW: No, I'm confused.

18 CHAIRMAN WEATHERWAX: Susie, go ahead.

19 COMMISSIONER LIGHTLE: I don't know. I guess
20 I'm going to be the octagon. I'm so sorry, my
21 dear. It seems like you have, like, three
22 different vets, well-known vets say that this is
23 not anything that enhances the horse's behavior or
24 ability. It's definitely an antihistamine.
25 Evidently, they've been using it for quite some

1 time without a problem.

2 My biggest problem is the changing. If it's
3 absolutely forbidden, why is it on the withdraw
4 list? That was the thing that bothered me and the
5 different time changes during the thing. I would
6 like to see that we don't have these major changes
7 in the middle of a racing season. I think that's a
8 problem.

9 Maybe you all agree with me or you don't agree
10 with me, but I feel it would be a problem. I'm
11 still thoroughly misunderstanding how this was
12 working for so long with these different vets that
13 say they've been administering it, and everything
14 was fine. Then all of a sudden, we have the
15 situation. I would like that to be clarified.

16 COMMISSIONER SCHENKEL: And no problems since.

17 COMMISSIONER LIGHTLE: Yes, and no problems
18 since. I don't understand. I will shut up.

19 CHAIRMAN WEATHERWAX: Thank you, Holly. I
20 don't know if there's a chance for other questions.
21 This is really our chance to ask the questions.

22 MS. ELLINGWOOD: Right.

23 CHAIRMAN WEATHERWAX: If you don't feel
24 comfortable, you have questions, this is the time
25 to speak. Obviously, this is something I don't

1 feel my committee is on the same page or the
2 Commission. And so tell us again, we can modify.

3 MS. ELLINGWOOD: You can modify. You can
4 adopt it or you can remand it back to the ALJ for
5 further proceedings.

6 CHAIRMAN WEATHERWAX: In the word modify, that
7 means you can see the penalties that are laid out
8 here. There's money. There's loss of license for
9 15 days.

10 MS. ELLINGWOOD: Right. The penalty that's
11 recommended in the administrative complaint is
12 consistent with the ARCI penalties. So but, yes,
13 those are your three choices.

14 COMMISSIONER SCHENKEL: I guess, Mr. Chairman,
15 I don't see much sense in remanding. I couldn't
16 take much more paper. And I think then we get into
17 the argument too that Mr. Sacopulos brought up
18 about the question of depositions that he says have
19 not been allowed, and he wants to go back and argue
20 they would be. That would be thousands of more
21 pages. Remand is not an option for me, but I'm not
22 sure how to feel otherwise.

23 COMMISSIONER LIGHTLE: Let me put this to rest
24 as far as I'm concerned. I'm not questioning that
25 these three guys used this, and it was there, and

1 the tests were wrong or anything like that. I'm
2 not questioning that. That's not what I'm going to
3 question. And I'm just voicing my opinion on how
4 this has come down. That's what my -- maybe my
5 statement, not my question, but just a statement to
6 this, but I'm not arguing that these three guys,
7 their horses tested positive. I'm not arguing with
8 that.

9 COMMISSIONER MCCARTY: I would like to hear
10 both your response and counsel's response for the
11 trainers. What was it, a 15-day suspension and
12 also fined, what, 500?

13 MS. NEWELL: Five hundred dollars.

14 COMMISSIONER MCCARTY: Guess I fairly well
15 understand \$500. But what are the implications of
16 the 15-day suspension and the fine for that? What
17 impact does that have?

18 MS. NEWELL: I want to be really clear that
19 the other penalty that is involved here is the
20 purse redistribution. And that's by statute. Our
21 legislature, when they enacted the pari-mutuel
22 statute, said anytime you have a positive test.

23 COMMISSIONER SCHENKEL: That's already been
24 done.

25 MS. NEWELL: I just want to be very clear.

1 COMMISSIONER SCHENKEL: That's been done,
2 correct?

3 MS. NEWELL: No, not yet. That redistribution
4 has not occurred. It would occur once the judge's
5 order is affirmed.

6 As to the other penalties, I think that
7 Mr. Sacopulos can speak to the actual effect on
8 trainers. Five hundred dollars is \$500. I think
9 probably for most trainers, a 15-day suspension is
10 the tougher medicine to take.

11 But, again, I think it depends on the trainer
12 and depends on a number of things, when that
13 suspension falls during the race meet, and how much
14 notice they have for the suspension, a number of
15 things. But I will certainly let him speak to that
16 so that he can address your concerns.

17 CHAIRMAN WEATHERWAX: Very good. Does that
18 answer your question?

19 COMMISSIONER MCCARTY: I would like to hear
20 from him.

21 CHAIRMAN WEATHERWAX: Pete, come on.

22 MR. SACOPULOS: Couple things. One, it's a
23 big impact because, unlike a Thoroughbred horse,
24 the Standardbred horses run far more frequently.
25 So you are putting somebody out for a considerably

1 longer period than 15 days. They can't enter. I
2 mean, they're out of bounds. They're up in the
3 stands and off the field.

4 The other thing I think is worth addressing is
5 why there were so many of these? Why are these
6 three here and other ones are not? That is purely
7 economics. A person with a small purse can't
8 afford to go through this process. We have three
9 people here who it is their career, their
10 profession. It's their livelihood. And they are
11 going to be, if you affirm the summary judgment,
12 thrown out without having a hearing, their day in
13 court.

14 Some people just simply can't do that. I
15 think that may be an argument for another day, but
16 an argument that needs to be and a discussion that
17 needs to be had in terms of how the administrative
18 process works to make it more affordable and
19 successful to other horsemen who are having these
20 problems.

21 COMMISSIONER MCCARTY: Followup question.

22 CHAIRMAN WEATHERWAX: Yes.

23 COMMISSIONER MCCARTY: If we support the ALJ's
24 summary judgment, what's the next step procedurally
25 for your clients if they decide to appeal?

1 MR. SACOPULOS: Well, the next step would be,
2 if you would approve or adopt the ALJ's position,
3 then the administrative remedy for Mr. Stohler,
4 Cullipher, and Roth is exhausted. We have come to
5 the end of the administrative process. Those three
6 gentlemen would have the right to ask for judicial
7 review and appeal it to the judicial process, the
8 court system.

9 CHAIRMAN WEATHERWAX: This suspension, does it
10 start now or is it next year or at the next racing
11 season?

12 MS. NEWELL: It has always been the policy of
13 the Commission that suspensions are served during
14 the race meet so in this particular case, next
15 year.

16 CHAIRMAN WEATHERWAX: It hasn't happened yet,
17 but it will be next racing season.

18 MS. NEWELL: Yes. That's generally how these
19 things are handled when there's something that
20 happens outside of the season.

21 MR. SACOPULOS: Mr. Chairman, we would
22 certainly ask for the consideration of the
23 Commission that if the summary judgment is granted,
24 Mr. Stohler, Cullipher, and Roth have not been
25 heard, they be given the opportunity to be heard

1 before a court of law before the suspension is
2 imposed. That goes straight to the constitutional
3 argument.

4 MS. ELLINGWOOD: To address that, that's
5 actually what's going on now. You're addressing
6 the Commission on their behalf. So if you're going
7 to make an argument to have that suspension happen
8 after the race meet, that needs to happen now.

9 MR. SACOPULOS: We are making that argument.

10 One other thing if I could just address
11 quickly, if I may. The request I made to have the
12 transcripts of the depositions made part of the
13 record is not for all of you to read it. It is
14 simply if this goes up on to a judicial review,
15 that it be part of the record because all these
16 were taken in connection with discovery in this
17 case so the record is complete.

18 MS. NEWELL: Commission Staff would not object
19 to that.

20 CHAIRMAN WEATHERWAX: Thank you, Counsel.

21 COMMISSIONER MCCARTY: Let me ask the staff.
22 I'm of the mood to amend this order and
23 particularly the 15-day suspension.

24 CHAIRMAN WEATHERWAX: As your Chairman, the
25 votes are not here that we have to make a decision

1 where we can agree on something as a Commission,
2 and modification is one of those things we can do.
3 What do you recommend?

4 COMMISSIONER MCCARTY: Well, I ask for
5 response to this. I would strike the 15-day
6 suspension and leave the financial fine, period. I
7 guess the purse redistribution would stay in place.
8 That would occur. But I would strike the 15-day
9 suspension. What's your reaction to that?

10 MS. NEWELL: Commission Staff, obviously,
11 would prefer that not be the case for a few
12 reasons. This penalty was in keeping with the RCI
13 recommended penalties, which this Commission has
14 said those are the penalties we're going to rely
15 on. Those are the penalties that our judges and
16 stewards use day-to-day in handling medication
17 cases.

18 We have had other trainers who have dealt with
19 tripelethamine and other therapeutics, and they
20 have taken their 15 days and paid their fine and go
21 about their way. I just worry about the precedent
22 this might be setting for purposes of moving
23 forward with respect to the regulation being
24 therapeutics that do not have thresholds.

25 COMMISSIONER SCHENKEL: Commissioner McCarty,

1 did you make that as a motion?

2 COMMISSIONER MCCARTY: Well, I will. I move
3 to a amend the summary --

4 COMMISSIONER SCHENKEL: I second.

5 COMMISSIONER MCCARTY: -- judgment order to
6 strike the 15-day suspension.

7 CHAIRMAN WEATHERWAX: And do the
8 redistribution of the purses.

9 COMMISSIONER MCCARTY: But allow the
10 redistribution.

11 COMMISSIONER SCHENKEL: I second that.

12 MS. ELLINGWOOD: Just to clarify for the
13 purposes of the final order, it is to approve the
14 motion for summary judgment but to amend the
15 penalty?

16 CHAIRMAN WEATHERWAX: Yes.

17 MS. ELLINGWOOD: To be no 15-day suspension,
18 the \$500 fine, and purse redistribution.

19 COMMISSIONER SCHENKEL: The fine, yeah, the
20 suspension.

21 CHAIRMAN WEATHERWAX: We realize this is a big
22 decision in a way because it's a precedent, but I
23 also feel there are certain things that have
24 happened here that to me make a modification a good
25 approach.

1 Now, we have a motion. We have a second. Do
2 we understand the motion?

3 All those in favor, say "aye."

4 THE COMMISSION: "Aye."

5 CHAIRMAN WEATHERWAX: Passed as modified.

6 Now, we have Doctor Russell's case. We've
7 heard about it, talked about it, but, yet, never
8 discussed.

9 MS. ELLINGWOOD: Miss Newell is going to
10 address the settlement.

11 MS. NEWELL: As you will recall from knowing a
12 little bit about this case, Commission Staff filed
13 an administrative complaint against Doctor Russell
14 in 2014. The hearing was actually set for a
15 hearing this month. Prior to that, however, the
16 parties were able to reach a settlement.

17 You have the terms of that settlement in the
18 document before you. Commission Staff would
19 request that you approve this agreement, which has
20 been executed by both parties. If you have any
21 questions, I would be happy to address them.

22 CHAIRMAN WEATHERWAX: So this is -- we read
23 this. All of you have read this. Basically, it
24 means that the case is settled?

25 MS. NEWELL: Correct.

1 CHAIRMAN WEATHERWAX: Agreed to the findings
2 and charges as submitted?

3 MS. NEWELL: Yes.

4 CHAIRMAN WEATHERWAX: I have a question
5 because I don't understand how this works. If you
6 look at number 15, it says maybe I don't read too
7 well, agrees to a nine-year suspension, but he
8 agrees to not seek a license in Indiana for three
9 years.

10 MS. NEWELL: Correct.

11 CHAIRMAN WEATHERWAX: What does that mean?

12 MS. NEWELL: So how this works is he would
13 have a nine-year suspension issued, and that will
14 be what the RCI ruling will indicate. It will also
15 indicate that he agrees to not apply for three
16 years. However, the nine years is important
17 because that's the period of time for which we
18 would probably have reciprocity. That's pretty
19 much an absolute suspension in racing throughout
20 the country. Whereas, the addition three years,
21 that's Indiana only, he simply won't apply here in
22 Indiana for the three years after the nine years.

23 COMMISSIONER SCHENKEL: So for Indiana, it's
24 12 years.

25 MS. NEWELL: Yes.

1 COMMISSIONER SCHENKEL: That's what I wanted
2 to make sure. It seemed to be pretty
3 straightforward, but I didn't know why it was
4 separated like that.

5 CHAIRMAN WEATHERWAX: Then we say in here that
6 we agree to take no disciplinary action against his
7 veterinarian license with respect to violations
8 referred above.

9 MS. NEWELL: We can't take any action against
10 the veterinary license. However, what we have
11 agreed to do is make a recommendation to the vet
12 board that they not take any action against the
13 license. The vet board is aware of the complaint.
14 They have been waiting for its conclusion and to
15 have word from the horse racing commission that
16 it's concluded so they can begin their
17 investigation.

18 CHAIRMAN WEATHERWAX: Does this mean he can't
19 practice in other states or he can?

20 MS. NEWELL: Right now, his vet license is
21 intact to my knowledge. Nothing has occurred. I
22 know nothing has occurred in Indiana. Whether
23 something has happened in other states, I don't
24 know. But his actual license to practice
25 veterinarian medicine is undisturbed.

1 COMMISSIONER SCHENKEL: Move acceptance.

2 COMMISSIONER PILLOW: Second.

3 CHAIRMAN WEATHERWAX: We have a motion to
4 accept and a second. Questions?

5 All those in the favor say "aye."

6 THE COMMISSION: "Aye."

7 CHAIRMAN WEATHERWAX: Next item on the agenda.
8 In fact, maybe for those that have to take a meter
9 break, let's take a break. Some people have to put
10 money in the meter. Ten minute break.

11 (A brief recess was taken.)

12 CHAIRMAN WEATHERWAX: Jim Brown, I think you
13 are going to be doing the presentation.

14 MS. ELLINGWOOD: Actually, I'm going to do
15 this one. Did you plan to do a presentation for
16 the permit renewal?

17 JIM BROWN: No.

18 MS. ELLINGWOOD: That's what I thought. I'll
19 handle this one, and I think Mr. Brown is going to
20 talk about the race meet.

21 CHAIRMAN WEATHERWAX: This is number nine?

22 MS. ELLINGWOOD: If it's okay with you, I'll
23 handle 9, 10, 11, 12 together.

24 Each year Hoosier Park and Indiana Grand are
25 required to reapply for a permit to conduct live

1 racing and to apply for a particular number of race
2 dates. They're also required to ask for renewal of
3 their applications to operate off-track betting
4 facilities. So the applications for renewal are
5 before you in agenda items 9, 10, 11, and 12.

6 The applications appear complete. Nothing
7 appears to be missing. If there's any other
8 additional information that Hoosier Park or Indiana
9 Grand would like to present, obviously, they're
10 welcome to do so, but everything looks in order.

11 CHAIRMAN WEATHERWAX: I have a question
12 because I made the fatal mistake of reading this,
13 which is dangerous. I like the way you guys put
14 the schedule together for the race dates. But
15 under item 11, I find on the race date calendar for
16 Indiana Grand, not that it's a big deal, but you
17 have eight days, and it only says two. See if you
18 go to April, it starts on the 19th, and it goes
19 to the 30th. And then on the calendar behind it,
20 I don't know if anybody reads this stuff, but it's
21 not two days. It's eight days. It's probably just
22 an error in the way they put it together.

23 In this presentation, we don't have the
24 color-coded block-out, but I know you make that
25 color. This is what it looks like, Jim. You show

1 the dates every month. Then on the second page you
2 put down the dates. So the reason I'm saying this
3 is --

4 MS. ELLINGWOOD: Here's a color copy of it.

5 CHAIRMAN WEATHERWAX: On the second page.

6 JON SCHUSTER: The two days is just a typo.
7 It's eight days in April. Two days is just a typo.

8 COMMISSIONER PILLOW: It's a typo?

9 JON SCHUSTER: Yes.

10 CHAIRMAN WEATHERWAX: You were at the summit.
11 I don't want to take away time because we have to
12 keep moving. One of the things I will bring up is
13 the number of race days. That's something that
14 takes your hundred percent support or cash flow or
15 all of the above before we ever think of expanding
16 the number of race days. We heard people say that
17 was important if we could do that. That's just an
18 open question. They would like to have more race
19 days, yes.

20 That was my question, Counsel. It was being a
21 little facetious but not really. You have before
22 you the application for these facilities, OTBs.
23 And you're saying you would like to make that in
24 the form of a request of a motion to accept?

25 MS. ELLINGWOOD: There's a request before you

1 to approve the applications for the licenses and
2 permit renewals.

3 CHAIRMAN WEATHERWAX: Everything looks fine to
4 my knowledge. You've read it.

5 COMMISSIONER PILLOW: Mr. Chairman, I can't
6 excuse the typo.

7 MS. ELLINGWOOD: Not very Christmas-spirity.

8 JIM BROWN: If you would like to know of any
9 changes from 2015, it would take about 15 seconds
10 to explain it if that's material.

11 CHAIRMAN WEATHERWAX: Go ahead.

12 JIM BROWN: At Indiana Grand, we start the
13 meet -- I'm Jim Brown, president and chief
14 operating officer for Centaur.

15 For Indiana Grand, we traditionally have
16 operated four race days a week until we get past
17 the two-year-old threshold, and then we end the
18 meet with five days a week. And we really took a
19 hard look at our horse availability, the ability to
20 run turf races, the best weather, the best way we
21 can be competitive for handle. And we shifted the
22 five days a week this year to July and August. I
23 believe it puts us in a more competitive position
24 naturally and strategically for our racing program.

25 At Hoosier Park for the last two years, we've

1 taken one week off for the State Fair. And that's
2 something we worked in conjunction with the ISA to
3 do. What we found after two years is it's not
4 really accomplishing a lot because they were still
5 doing what they were planning on doing.

6 For handle purposes, what we found two years
7 in a row is after we take the week off, the week we
8 come back, handle is down about 40 percent from
9 where it was. It takes us up to a month to build
10 it back because half the bettors, they're looking
11 at a TV screen. They're looking at who's racing,
12 and they think Hoosier Park meet is done because
13 they're not following our schedule. And it takes
14 them a while to come back in.

15 We talked to the ISA. We mutually concluded,
16 let's skip the open week this year and run straight
17 through the 160 days. Those are the changes.

18 CHAIRMAN WEATHERWAX: Very good. That makes
19 sense. These are the same number of racing days as
20 last year?

21 JIM BROWN: Yes.

22 CHAIRMAN WEATHERWAX: For both Standardbred,
23 Thoroughbred, and everybody.

24 JIM BROWN: Six whole Quarter Horse days, 114
25 Thoroughbred for 120, and 160 for Standardbred.

1 CHAIRMAN WEATHERWAX: Any questions from the
2 Commissioners regarding these applications and
3 schedules? Very good. If I can entertain a motion
4 to accept this as submitted.

5 COMMISSIONER PILLOW: So moved.

6 COMMISSIONER MCCARTY: Second.

7 CHAIRMAN WEATHERWAX: All those in favor say
8 "aye."

9 THE COMMISSION: "Aye."

10 CHAIRMAN WEATHERWAX: Now we have -- is this
11 the review of Commission rulings?

12 MS. ELLINGWOOD: Yes, Miss Newell will be able
13 to answer any questions you may have.

14 CHAIRMAN WEATHERWAX: This completes -- this
15 is really through the end of the race season.

16 MS. NEWELL: Yeah, there might be a few that
17 pop up in December, more housekeeping-type things,
18 but this would largely conclude what happened to
19 the end of the race meet.

20 CHAIRMAN WEATHERWAX: Go ahead, Holly.

21 MS. NEWELL: There's not really anything that
22 I need to point out. If you have any questions, I
23 certainly can address them.

24 CHAIRMAN WEATHERWAX: The one on Mike Norris,
25 is that one we've already talked about?

1 MS. NEWELL: That relates to the order that
2 you issued.

3 COMMISSIONER MCCARTY: I have a question.

4 CHAIRMAN WEATHERWAX: Yes, Commissioner
5 McCarty.

6 COMMISSIONER MCCARTY: In the violation
7 category, what is financial responsibility? It
8 seems so different from most of the rest of it.
9 What is financial responsibility?

10 MS. NEWELL: It can have a broad meaning of
11 anything from not paying your bills. So we have a
12 policy where if you're a trainer, and you're not
13 paying the person that shoes your horses, you let
14 us know, and we have proof that you owed the money
15 and you haven't paid, we can take action in that
16 capacity. But it's a fairly broad category.

17 COMMISSIONER PILLOW: I have one. Holly, on
18 cocaine, is that the driver or the horse?

19 MS. NEWELL: That would be the jockey. The
20 jockeys are tested fairly regularly.

21 CHAIRMAN WEATHERWAX: Pretty regularly.

22 MS. NEWELL: Yes.

23 COMMISSIONER MCCARTY: Is there a trend?

24 MS. NEWELL: I'm sorry, did you say is there a
25 trend?

1 COMMISSIONER MCCARTY: Trend. Is there any
2 increase of that violation or is it fairly random?

3 MS. NEWELL: It's fairly stable and fairly
4 random, I think.

5 DEENA PITMAN: There's not an over amount of
6 those.

7 MS. NEWELL: Unfortunately, we see them, I
8 guess, is the best way.

9 COMMISSIONER PILLOW: Do we randomly check the
10 jockeys or do we check it like the horses?

11 MS. NEWELL: They are breathalyzed before they
12 mount. We also do random screenings. Right now
13 they're in urine. Next year, they will be with a
14 cheek swab.

15 CHAIRMAN WEATHERWAX: Very much needed. So do
16 we have to vote on that?

17 MS. ELLINGWOOD: No. It's just for your
18 review and if you had any questions.

19 CHAIRMAN WEATHERWAX: Okay. Now this is
20 update on continuance -- key word there is
21 continuance -- on the Initial Distribution
22 Agreement.

23 MS. ELLINGWOOD: Yes, Chairman. And like the
24 last agenda item, there is actually no action
25 required on the part the Commission. Just to set

1 it up a little bit, in 2013, pursuant to a change
2 in the statute, the tracks and the horsemen's
3 associations entered into an agreement that
4 determined the percentage of slot proceeds that
5 would go to the associations and to breed
6 development.

7 A copy of the agreement is included in the
8 packet. That agreement is still ongoing. And no
9 parties have notified the Commission that they
10 wanted to terminate. John Keeler is here. And,
11 obviously, Mr. Brown is here. I assume he is
12 available to answer any questions you might have
13 about that, but, again, this is just for your
14 information.

15 CHAIRMAN WEATHERWAX: John, is this
16 housekeeping to make sure that everything continues
17 on as we agreed or do we have to vote on this?

18 MR. KEELER: Mr. Chairman, John Keeler,
19 general counsel for Centaur, K-e-e-l-e-r.

20 You do not need to vote on it. It's merely
21 informational, but it's important in the sense that
22 it represents the official notice of the
23 continuation of the agreement for another year
24 through the end of 2016.

25 CHAIRMAN WEATHERWAX: That's what I thought.

1 Thank you, John. Do we need to vote on that?

2 MS. ELLINGWOOD: No.

3 CHAIRMAN WEATHERWAX: This is another report.

4 MS. ELLINGWOOD: Right. You can feel free to
5 move onto the recap of the race meet.

6 CHAIRMAN WEATHERWAX: This is important. It's
7 about success, what you're doing. Please tell us.
8 Jim, is this you?

9 JIM BROWN: Yes. I have been given custody of
10 the clicker. I don't know if I can be trusted with
11 that. You will have the same presentation in your
12 book. I'll try to be as expeditious as possible,
13 but this is a subject I could probably take up half
14 your day with.

15 I'm joined today with John Keeler; and Grant
16 Sharton, our director of communications; Brian
17 Elmore, VP of racing for Centaur; Rick Moore VP and
18 GM of racing at Hoosier Park; Jon Schuster, our VP
19 and GM of racing at Indiana Grand.

20 Rod Ratcliff, our chairman and CEO couldn't be
21 here today. But he's in Tucson, Arizona at the
22 University of Arizona annual racing symposium with
23 a group of eight folks from both of our facilities.
24 It's an annual event. They're out there learning
25 more about horse racing and how to increase our

1 contribution to the sport in Indiana and
2 nationally.

3 But we picked a theme for today. And it's On
4 The Right Track. We believe that, and I sincerely
5 believe that the partnerships that have been
6 created between Centaur, our team members, the
7 racing commission, the Standardbred association,
8 the HBPA, ITOBA, the Quarter Horse association, our
9 fans is something that's very special going on in
10 Indiana right now.

11 And we believe it's going to continue to
12 improve for years ahead. And I think when the
13 day's done, we'll look back at this piece of time
14 and say, you know, this was a really special time
15 for Indiana racing.

16 And this is what we've concluded are some
17 important notes we wanted to share with everyone
18 from the 2015 meet. Interestingly, in 2015, we ran
19 280 race days. We ran 3,369 races; 2175
20 Standardbred races and 1194 Thoroughbred races.
21 Over 19,000 Standardbreds started in races at
22 Hoosier Park. And almost 10,000 Thoroughbreds and
23 Quarter Horses started at Indiana Grand.

24 And as a note, our catastrophic breakdowns at
25 Indiana Grand were ten this year, down from 21 in

1 2012. And that's one per approximately thousand
2 starters at Indiana Grand. We're proud of our
3 track conditions and safety.

4 CHAIRMAN WEATHERWAX: Is that because of all
5 the improvements you've made?

6 JIM BROWN: We feel that that has a good
7 amount to do with it from the time two years ago
8 when we broke down the track all the way to the
9 subbase and rebuilt the entirety of the track.

10 I'm going to talk for a minute about race
11 results. This is by virtue of handle. It's titled
12 harness racing handle on live races because 2012
13 was a mixed meet, half at Indiana Grand and half at
14 Hoosier Park. But in 2012, there was \$63 million
15 in handle on live racing, either export sales or at
16 the track, on harness racing in Indiana.

17 In 2013, we went to one breed per track. And
18 Hoosier Park handle skyrocketed by almost
19 30 percent to 79 million. In 2014, it moved up to
20 86 million, almost a 10 percent increase.

21 2015, you'll see the numbers are flat, but
22 with some adversity we dealt with, the ability to
23 even sustain those numbers was in our opinion an
24 accomplishment by everybody involved in this. That
25 includes more competition from Ohio. Colonial

1 Downs in Virginia was a big handler of Hoosier Park
2 racing. They closed. The Red Mile started taking
3 Thoroughbreds. And most importantly, we work
4 through the Churchill Downs network with our export
5 sales and import purchases. And Churchill in a
6 dispute with the New York OTB system, the New York
7 OTB system stopped taking Indiana racing on
8 August 2nd.

9 And the New York OTB system is responsible for
10 six percent of our handle. So that's three percent
11 over the entirety of the meet and six percent over
12 the last half. We had the influenza breakout that
13 caused six, seven, eight scratches a day for a
14 month. Smaller fields. To be flat, national horse
15 racing through November is flat. To be flat, we
16 feel we had a successful year.

17 COMMISSIONER PILLOW: Jim, is the New York
18 situation going to be straightened out?

19 JIM BROWN: We don't believe it's going to be
20 straightened out until Kentucky Derby time. And we
21 tried to throw our weight around with Churchill and
22 the New York OTBs. We found we're small potatoes.
23 They're fighting over the commission amount that
24 they pay to Churchill for the Churchill-owned
25 tracks. This has been ongoing and negotiated and

1 settled. Now it's on again.

2 COMMISSIONER SCHENKEL: With the increased
3 competition you had in Ohio, I know when that came,
4 when the increased competition came in the
5 riverboat area, it was pretty impactful. I know
6 these are annualized totals. But were you able to
7 see much of an effect?

8 JIM BROWN: You could see a little bit. It's
9 a little different than casino gaming because of
10 the travel times people pay. In our handle at both
11 tracks, 96 percent of our handle is export handle.
12 Only four percent is occurring at the tracks.
13 We're looking at a national number.

14 COMMISSIONER SCHENKEL: So that helps.

15 JIM BROWN: Actually, our handle on track was
16 relatively flat at Hoosier Park and grew a little
17 bit at Indiana Grand this year.

18 Indiana Grand was truly a breakthrough year.
19 In 2013, we grew a little bit to 107 million in
20 handle. Last year, our handle was down to 101
21 million, but we were experimenting with Friday
22 night racing, having night racing on weekends. We
23 found that confused a lot of our customers. Where
24 are they? What day of the week is it? I'm used to
25 them in the days. Now, they're not there. Then

1 our weekend players, and they're not there at
2 night.

3 We took a hard look at how we present our
4 racing program live and for export purposes this
5 year. A major contributor to our change in handle
6 was the installation of Trakus. That was at
7 Hoosier Park, we are the only harness track in the
8 United States that has Trakus. Now at Indiana
9 Grand, we're the only Quarter Horse track that has
10 Trakus.

11 And it's been a God send for customers to be
12 able to see the little chicklets down at the bottom
13 of the screen when they can't tell who's winning
14 going around the far turn. They, obviously, like
15 that. That has been in partnership with the racing
16 associations that we've gotten that done.

17 Another major contributor was moving Friday
18 night racing to Friday day racing. Now, we market
19 ourselves as a day racing program with Saturday
20 night under the lights. So they get it.

21 And our handle as it relates to commission for
22 revenue from 2014 to 2015, our handle was up
23 22 percent, but our commission was up over
24 \$900,000. That translates to about 450,000 in
25 additional purse money that go to the horsemen.

1 And Friday alone was responsible for 250,000 of the
2 over 900,000.

3 We've done some other things to try to make
4 our program more exciting, more marketable. This
5 was truly a breakthrough year for Indiana Grand.

6 Our racing investments continue. Throughout
7 2015, we've contributed or continued what we
8 started. We talked about Trakus in partnership
9 with our racing associations. New racing
10 equipment. We have brand new John Deere's. This
11 past year mowers, gators, and tractors. We just
12 actually traded them in for new because they are
13 still on the premium used equipment list.

14 Folks that are live and folks that are
15 watching us on TV, we're part of the agribusiness
16 of Indiana. They are not wanting to see
17 broken-down tractors moving around the track. We
18 said, we're going to have to look at every single
19 thing we do. We did that at both tracks.

20 This year we ordered six new water trucks. If
21 you had seen the, Indiana Grand more than Hoosier
22 Park, I think, is it International or Mack? They
23 don't make them anymore. It's going to an antique
24 exhibition, right?

25 Our clubhouse and grandstand are important to

1 our customers. At Hoosier Park, we believe we have
2 the second best harness clubhouse and clubhouse in
3 the country after the Meadowlands. We have
4 beautiful seating, a nice steakhouse. We've
5 upgraded the buffet. We have added Voodoo Barbecue
6 and Grill, the Dan Patch Brewhouse, a simulcast
7 center, and coming soon, Caballo Loco Mexican.
8 Believe this is a very attractive place for our
9 racing fans.

10 At Indiana Grand, we are going to do some work
11 on our grandstand and clubhouse this off-season.
12 I'll talk for a moment about it later. Twelve
13 percent of gaming revenue goes to racing purses so
14 even the casino area is very important to what is
15 going on in racing.

16 Indiana Grand, last year we opened our
17 Winner's Circle, our Center Cut Steak and Seafood
18 restaurant. We just completed a two and a half
19 million dollar buffet sidewalk cafe and gift shop.
20 Redo renovation that just opened last week with a
21 bunch of carolers and Christmas tunes. The
22 Winner's Circle Brew Pub is doing great at Indiana
23 Grand.

24 This year in capital, we are going to spend
25 more than usual on new slot products. We have to

1 keep on the cutting edge for customers. The way to
2 do that for a lot of them, 35 percent eat, about
3 15 percent go to the track but 90 percent of them
4 are gaming. And we have to have the best products
5 available. So we'll be investing more in that this
6 year.

7 COMMISSIONER PILLOW: What is the average age
8 that you would say of your gaming people?

9 JIM BROWN: Our gaming customer, the average
10 age is early 50s.

11 COMMISSIONER PILLOW: I guess I've asked this
12 question before. How to perpetuate ongoing new
13 revenue customers?

14 JIM BROWN: By marketing, attracting new
15 customers, and retaining new customers, rewarding
16 customers, reinvesting in them. So it's attracting
17 the new customers, retaining existing customers,
18 but we're always out there whether it's database
19 marketing, direct mail marketing, retail
20 advertising, social media. Digital marketing is
21 really big now. Use of other media from TV to
22 radio to billboards. An ongoing effort that we
23 spend, between the two properties, 67 million a
24 year marketing.

25 COMMISSIONER SCHENKEL: Your new flight of ads

1 just these past couple of weeks were really good.

2 JIM BROWN: We've got great teams at both
3 properties. It's a totally integrated effort. So
4 racing and gaming is pretty much included together.
5 Our special events are open to everyone. We are
6 one of the only companies in the country that has a
7 universal database that racing gaming is included
8 in the database for the value of the customer so
9 that we can reinvest in them.

10 In most places, you're on the list. If you
11 get 500-points, you get a free hat and sweatshirt
12 and things. But our customers go right into our
13 database. And casino or racing customers are
14 treated exactly the same in terms of their rewards,
15 the rewards clubs and their inclusion in
16 sweepstakes and promotions.

17 If I'm leaving anything else out as I go, say
18 it. Indiana Grand enhancements, quality of life
19 improvements for our horsemen. This is as
20 important as anything. We added a new dorm at
21 Indiana Grand this past year. We added a soccer
22 field at Indiana Grand. We have a new dedicated
23 horsemen's parking lot. We have a jog track at
24 Hoosier Park now that they love. And our drivers
25 lounge, which was completed into the year a year

1 before, is a state-of-the-art driver's lounge.
2 That's part of the program of continuing to upgrade
3 the backside and upgrade all of our facilities from
4 the track to what the customer sees.

5 OTBs, our New Haven Winner's Circle opened
6 this year. Now it's been open for a year. That
7 was a two and a half million dollar investment.
8 Indianapolis has been ongoing upgrades and
9 renovations. In Clarksville, we added HD. We
10 added flat screen TVs to the entire facility. How
11 many TVs were there?

12 JON SCHUSTER: Two hundred thirty.

13 JIM BROWN: Two hundred thirty TVs.

14 COMMISSIONER PILLOW: Jim, one more question.
15 Has your management improved up in New Haven?

16 JIM BROWN: We have -- actually, we have a new
17 general manager in New Haven that's starting the
18 first of the year that comes out of our system at
19 Hoosier Park and Indiana Grand.

20 We just promoted a month or two ago a new
21 general manager at our Indianapolis Winner's
22 Circle. Rudy McMillan is our VP of Winner's Circle
23 operations. Kyle Wagner is our GM in Indianapolis,
24 and Adam Kallick that's done our entertainment and
25 special events support since we opened Hoosier Park

1 is going to be our incoming GM in New Haven.

2 Without taking up to too much time with more
3 details, there are a few more highlights. Our
4 commentators, we brought in Peter Luri to what has
5 become a great commentator team of Emily Gaskin,
6 Peter Lurie, Steven Cross, Bill Downs, and Rachel
7 McLaughlin at Indiana Grand. Nancy Uri at Indiana
8 Grand. In fact, Emily was named by the US Harness
9 Writer's Association as their Breakthrough Award
10 winner in 2015, which was quite an accomplishment.

11 And when I'm too tired to handicap, I just
12 look at what Emily picks. She's one of the best
13 harness handicappers I've ever met.

14 Weekend festivals for signature days. Indiana
15 Grand, we had our most successful Indiana Derby.
16 We try to build concerts and cooking contests.
17 This year we had a veterans show with Debbie Lee
18 from the mom from American Sniper of the first
19 soldier killed in Afghanistan. We hosted her and
20 Helping Hands for Freedom. It was quite a touching
21 and successful weekend.

22 We moved Dan Patch to Friday night because
23 national drivers were more there on Friday than on
24 Saturday. We changed it from an invitational to a
25 stakes race and actually had our highest purse for

1 Dan Patch since we started running the Dan Patch at
2 Hoosier Park.

3 Our WISH TV partnership, we got to see the
4 Indiana Derby broadcast live for the first time.
5 That was throughout the Indianapolis area. And,
6 actually, for its time slot, it got the highest
7 rating of any show that was on. I forget the exact
8 numbers, but it was about 200,000 households
9 watched the Indiana Derby.

10 And that partnership is ongoing. They've done
11 a number of specials and spots with us. I think
12 the Indiana Horse Racing Commission is involved
13 with us in that. So another partnership that's
14 been successful.

15 The national spotlight at Hoosier Park.
16 Freaky Feet Pete, Always B Miki, Colors A Virgin,
17 Indiana-sired horses won 25 percent of the Breeders
18 Crown races this year. The first time ever, Little
19 Brown Jug winner was an Indiana sired Wiggle It
20 Jiggleit.

21 PDJF, the Jockeys and Jeans event in their
22 30-year history raised over \$200,000 this year
23 making it the most successful single event they've
24 ever had.

25 So we're stay staying the course. We're

1 completing our work. We're getting ready at the
2 end of the year working with Purdue University to
3 open the Centaur Equine Diagnostic and Surgical
4 Center in Shelbyville. Our yearling sales for
5 Standardbred was up 48 percent this year with over
6 five million in sales. We are continuing our
7 integration and upgrading of facilities.

8 And we believe working with the racing
9 commission and the ISA and HBPA and ITOBA and
10 QHRAI, we are on the right track in racing. And we
11 are proud to be able to even stand up here and talk
12 about that. We thank everybody.

13 (Audience applause.)

14 CHAIRMAN WEATHERWAX: Very excellent. Thank
15 you for all you do because you are such a key part
16 of this whole equation. So we thank you for all
17 you're doing.

18 Now, we have some new business that we have on
19 our agenda. It's a very important item. It deals
20 with the consideration of changes to the 2016
21 Thoroughbred breed development program. So we're
22 anxious to hear.

23 WENDY BROWN: I'm Wendy Brown. Chairman,
24 Commissioners, thank you for the opportunity to
25 present the Thoroughbred Breed Advisory Committee's

1 2016 proposal.

2 Perspective. Everyone has their own. For my
3 part, I bring a lifetime of horsemanship and 39
4 years of racetrack experience to the table. In my
5 tenure on breed development, I have tried to be
6 open to everyone's views. As political appointees,
7 you have been exposed to the lobbying efforts of
8 people with their own agendas. This is not all
9 bad, but, you, as regulators, must keep in mind
10 that the people who speak loudest in your ears are
11 not necessarily the best people to listen to.

12 Is breed development perfect? No, it's a work
13 in progress still in its teenage years, but it is a
14 good successful program. It has been created by
15 some of the most knowledgeable, talented people in
16 the industry. It is not, nor should it be, the
17 brainchild of one person. It has been a team
18 effort, and I feel privileged to have my small part
19 in it.

20 You have heard and will continue to hear
21 this-or-that version of why we have failed. The
22 nature of economics in industry is flux. If every
23 business took a steady upturn, no one would fail.
24 Yet, thousands of small businesses of every kind
25 fail every year, and the horse business is

1 particularly tough. The rewards are great, but the
2 road is rough. But even in rough years, static,
3 successful, and failing businesses contribute to
4 the economy. Besides the natural curves of good
5 years and bad years, the world economy and its ups
6 and downs affect the breeding business.

7 I've been attending and speaking at meetings
8 in Indiana long before the first pari-mutuel
9 license was issued. When racing became a reality,
10 my favorite axe to grind was the belief that the
11 horsemen's shares, the handle, should be split
12 according to breed. One time after a Commission
13 meeting, Chairman Schaefer said to me, Wendy, that
14 ship sailed a long time ago.

15 That's the way I feel about the owners' award
16 you've been hearing about. The reasoning behind
17 the change was good and the net results were
18 positive for owners of winning Indiana bred. Not
19 only did it put more money in the pockets of the
20 owners of Indiana-bred horses, but those earnings
21 were then eligible to be shown in the horse's
22 record making the horse more marketable. It was
23 not as sexy to advertise and difficult for some
24 people to understand but in my opinion the right
25 thing to do.

1 You have heard about the decline of foal
2 crops. Again, statistics can be skewed, but about
3 the same time the change in owners' awards was
4 made, breed development lost its funding for
5 promotion. Concurrently, there was a tightening of
6 the economy. Then there was the expansion of
7 racinos in Ohio creating more competition.

8 You don't always hear the success stories.
9 Winners have no reason to complain, but those
10 millions of dollars did not go into a back hole.
11 You have heard and will hear people say the money
12 is going out of state. This, like any xenophobia,
13 is not really true. We invite other countries to
14 come and invest in our great state. Governors take
15 trips to foreign countries to look for investments
16 in our economy. This is a good thing. We reward
17 Indiana breeders, but we also welcome outside
18 investment in our horses.

19 Competition grows business. Better horses
20 means better trainers and more owners. Better
21 trainers generally get a better day rate, which
22 translates to more employees and better pay scale
23 for backside employees. More money on the backside
24 means a demand for better hay, grain, bedding,
25 goods, and services.

1 Out of state owners and trainers need lodging
2 and meals. Some will make Indiana home. A demand
3 for better horses means a demand for better Indiana
4 breds. If someone from out of state wants an
5 Indiana bred, they will buy more Indiana-bred
6 horses.

7 It's all good. It all feeds into our economy.
8 We are growing and will continue to grow if we stay
9 the course and continue to make adjustments as
10 needed.

11 I encourage you to have faith in your
12 Commission Staff. They have done a stellar job
13 shepherding this program through the years lean and
14 good. I particularly want to thank Jessica Barnes,
15 Rod Ratcliff, Brian Elmore, Jon Schuster, and Kevin
16 Greely have taken the Indiana-bred program to heart
17 and made countless contributions in ideas and
18 actions. Already the addition of Jon Schuster and
19 Pete Sacopulos to our committee is paying
20 dividends.

21 I have might also add ITOBA and HBPA have
22 attended our meetings and helped us address their
23 issues. It has been a privilege to work with all
24 these talented, dedicated people.

25 In your packet you have the nuts and bolts of

1 the Indiana Thoroughbred Breed Advisory Committee's
2 recommended 2016 program. You will see due to the
3 adjustments the legislature made to the breed
4 developments share of the slots and due to the
5 additional contributions management has granted
6 from the purse accounts to the base purses, we have
7 more money and, thus, more races.

8 We continue to feel that rewarding excellence
9 is an important component of the breed development
10 program and so having increased the \$85,000 stakes
11 races to 100,000. I believe you are aware that the
12 advertising dollars allocated to breed development
13 have already been useful in our partnership with
14 Centaur and WISH TV in promoting our breed.

15 I urge you to adopt our recommendations for
16 2016. Thank you for the opportunity to work on
17 this great component of our Indiana horse racing
18 industry. And if Pete or Jon have anything to add,
19 you're welcome to. Jessica can help me answer any
20 questions you have and do her own presentation.

21 JESSICA BARNES: I just have a couple of
22 things. I was just going to say that I am very
23 excited to be standing here with this proposal
24 today. It's always a good thing when you have more
25 dollars to spend and you can look at improvements

1 to the program. I also want to echo Wendy's
2 comments that none of these improvements would be
3 possible without the cooperation and support of
4 Indiana Grand management and the horsemen's groups.

5 When putting these programs together, many
6 times we have to balance the open racing program at
7 the track with the breed development program. In
8 essence, it's like putting a puzzle together. If
9 you have one piece that doesn't fit, it messes up
10 the whole picture. So we really have to try to
11 take everyone's needs into account.

12 I would also like to add that during the horse
13 racing summit, there was a lot of ideas about the
14 Thoroughbred breed development program. Those
15 ideas haven't fallen on deaf ears.

16 So at the last Thoroughbred breed development
17 committee meeting, we actually talked about
18 scheduling some meetings starting in the spring to
19 really take an in-depth look at the structure of
20 the program and try to formulate a long-term
21 strategic plan and say here's where we are and
22 here's where we want to be, and really give all of
23 the ideas that the horsemen brought the time and
24 effort they deserve to be looked into.

25 Just to highlight some of the things that

1 Wendy has already said about the proposal: The
2 legislative change to the funding did give the
3 breed development program an additional
4 \$1.4 million to be used. We asked horsemen in our
5 meetings, what would it take to increase your
6 investments in Indiana. Those answers were more
7 racing opportunities. We took that to heart.

8 This proposal provides an increase of 30
9 additional races to the scheduled races. It also
10 allows for 48 additional races to be ran from the
11 discretionary fund. This gives the racing
12 secretary a lot of flexibility in setting up the
13 race cards and being able to schedule races for the
14 horses he has available.

15 Those 48 races would be an average purse of
16 \$30,000. Of course, if that average is a little
17 bit lower than that, he can write more than 48
18 races. If it's higher than that, he won't be able
19 to write quite 48 races.

20 All together, this gives you racing program
21 and opportunity to run about 322 to 325 races for
22 Indiana-bred horses. It's an increase of over
23 15 percent from 2015.

24 As Wendy said, it increases purses for 20 of
25 the Indiana-bred stake races from 85,000 to

1 \$100,000. So we'll be able to advertise we have 20
2 stake races at \$100,000 for Indiana-bred horses.
3 This is something that is shared equally between
4 the breed development fund and the racetracks. So
5 this wouldn't be possible without their support.
6 We'll still have four signature stakes that will be
7 at 150,000.

8 I think it's a really great program, a step in
9 the right direction. And I think that it's a great
10 opportunity for Thoroughbred horsemen.

11 CHAIRMAN WEATHERWAX: It's outstanding. I
12 don't know how my other Commissioners feel, but
13 that's why I was asking you to put this on our
14 agenda today so you can do everything you can to
15 market this. This has got to be a story you tell
16 the world.

17 JESSICA BARNES: If it's approved, I have a
18 press release ready to go out.

19 COMMISSIONER PILLOW: Jessica, could you put
20 together a yearly calendar of your meetings to the
21 Commission so at some point maybe one or four or
22 five of us might come?

23 CHAIRMAN WEATHERWAX: I went to one. I tell
24 you what, it's an educational experience. These
25 guys and gals study these issues very thoroughly

1 before they ever get here, which is a good thing
2 because I told them you better do that because you
3 don't want us to put all the eggs in our basket.
4 The thing that I will tell you, and you should say
5 this because this has already gone through the
6 whole process of approval from all the different
7 players of all your different Thoroughbred side of
8 life, I think, and Centaur. You've had to put a
9 lot of things together to get here by today. I
10 don't know when you started this, but it was pretty
11 much fast track, wasn't it?

12 DEENA PITMAN: Yes.

13 JESSICA BARNES: The Thoroughbred breed
14 development program is typically approved mid
15 January. Fortunately, we were able to get this one
16 done early and get it in front of the Commission so
17 we can get the word out to the horsemen before the
18 breeding season even starts here.

19 CHAIRMAN WEATHERWAX: That's the whole
20 purpose. Thank you, Jessica.

21 COMMISSIONER LIGHTLE: Fantastic.

22 CHAIRMAN WEATHERWAX: Thank you both. Now
23 this does require our approval --

24 DEENA PITMAN: Yes.

25 CHAIRMAN WEATHERWAX: -- and vote. This is a

1 good report, but it also requires that. You have
2 heard the report. Outstanding improvement in purse
3 sizes and race dates, which are what we needed and
4 what we heard. Do I hear a motion to accept?

5 COMMISSIONER PILLOW: So moved.

6 COMMISSIONER SCHENKEL: Second.

7 CHAIRMAN WEATHERWAX: All those in favor say
8 "aye."

9 THE COMMISSION: "Aye."

10 CHAIRMAN WEATHERWAX: New business, as many of
11 you were there for our summit, we want to thank you
12 because it was an outstanding success of input from
13 everybody.

14 So what the Staff has done is they've tried to
15 go through and summarize. This is just a general
16 summary. We are going to look at all these because
17 we have to, we want to. But here's the basic
18 consensus of the topics that were written to us and
19 presented in person.

20 If you remember, there was over, I think, 120
21 people there. But 15 people presented their
22 thoughts personally at the microphone. We had many
23 with e-mail.

24 Here's the way they kind of boiled down into
25 groups: Number one, breed development programs and

1 related breed development rules. Those are topics
2 that were on people's minds. Marketing and
3 promotion of Indiana-bred programs, which we just
4 talked about; bleeder list rules; medication rules,
5 and the effect on different breeds. These are
6 major unfinished business topics. Racehorse rescue
7 and after-care programs. The last one on the
8 summary is more race dates. We've already
9 addressed a couple of those in what you're doing
10 here on the Thoroughbred side.

11 But over the winter, we're going to take these
12 and look at them in depth. We each, as
13 Commissioners, need to look at these, as well as
14 our staff has already done that. We will be asking
15 for additional input over this period of time.

16 I want to just thank all of you for being
17 there and making that first-ever summit such a
18 success because we learned a lot. Hopefully, you
19 gave us your ideas. That's what we're trying to
20 accomplish. It was an outstanding date and day.

21 Now, the last thing to do -- we have to get
22 out of here -- is I want Deena to report to you
23 what we are trying to do. Commissioner Schenkel
24 made this as a suggestion, I think it's a good one,
25 to try to give you -- because we heard criticism

1 that you guys don't always know when we're going to
2 meet.

3 We thought we would do something different.
4 We thought we would tell you our schedule for next
5 year right now. I don't want any more excuses on
6 that point. But we're also trying to go out to
7 reach some of you and be closer to you. Not
8 everybody wants to come here to the State Library.
9 It's not the most handy place to get to. Parking
10 is always an issue.

11 DEENA PITMAN: Okay. So for 2016, what we're
12 trying to do is pull together some pre-set
13 Commission dates. So we are looking at having a
14 meeting in January, March, June, September, and
15 December. And from the location standpoint, we
16 were thinking as we get closer to the race meet,
17 for instance, in the March meeting, we are going to
18 try to see if we can find an available room at the
19 Fairgrounds.

20 For the June meeting, possibly Hoosier Park
21 could host us in some way. For the September
22 meeting, same thing for Indiana Grand, and then
23 probably circle back to the library come December.
24 So that's the system that we're looking at for
25 2016. I have some tentative dates if you would

1 like to go ahead and write those down. January
2 13th.

3 CHAIRMAN WEATHERWAX: State Library.

4 DEENA PITMAN: March 15th, Fairgrounds;
5 June 15th, and that would be Hoosier Park;
6 September 14th, Indiana Grand; December 6th, back
7 to the library.

8 COMMISSIONER SCHENKEL: Since Tom has said
9 this was partially my idea, I don't want you to
10 think -- I didn't suggest -- this is maybe more
11 meetings that we've had in the past. I'm not one
12 who wants to meet for meeting sake. So don't get
13 me wrong.

14 The comment I made to Tom and Deena is it's
15 full well one or more of these meetings could be
16 canceled if there's not a need, if there's not
17 agenda items. It's likely we will need some of
18 these meetings. I figured if we could get it on
19 everybody's calendar, we can always cancel.

20 DEENA PITMAN: On the flip side, if there's an
21 emergency that comes up, we might have to schedule
22 an additional meeting, but these will be listed on
23 our website should you want to take a look.

24 CHAIRMAN WEATHERWAX: We want to try to be
25 more accessible. You also notice we didn't have a

1 November meeting because we thought why not just
2 wait until the season is over and do it the first
3 of December. But that's kind of the logic behind
4 it.

5 We thank everyone for being here. If there is
6 no further business, we are adjourned.

7 (The Indiana Horse Racing Commission meeting
8 adjourned at 11:45 a.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 22nd day of
16 December 2015.

17
18 *Robin P. Martz*
19



20
21
22 My Commission expires:
23 March 2, 2016

24 Job No. 101908
25

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