

In The Matter Of:
Indiana Horse Racing Commission Meeting

IHRC Meeting
March 5, 2014

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INDIANA HORSE RACING COMMISSION
MEETING

Held on
March 5, 2014
9:00 a.m.

Indiana State Library
315 West Ohio Street
Room 211
Indianapolis, Indiana

Taken by
Michele K. Dew, CRR-RPR
Notary Public

APPEARANCES

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William Diener, Chairman
Steve Schaefer
Greg Schenkel
Tom Weatherwax
George Pillow

Joseph Gorajec, Executive Director

Lea Ellingwood, Esq.
Holly Newell, Esq.

1 AGENDA

2 I. Call to Order

3 II. Approval of minutes of the December 10, 2013
4 meeting.

5 III. Agenda

6 1. Presentation by Centaur regarding 2013
7 race meets and a 2014 preview.8 2. Consideration of emergency rules
9 including Association of Racing Commissioners
10 International's Model Rules regarding medication and
11 penalties -- Dr. Dionne Benson, Executive Director,
12 Racing Medication and Testing Consortium.13 a. 71 IAC 1-1-94.1 and 71 IAC 1.5-1-94.1
14 "Sample" defined15 b. 71 IAC 8-1-4.1 and 71 IAC 8.5-1-4.1
16 Nonsteroidal anti-inflammatory drugs17 c. 71 IAC 8-1-4.2 and 71 IAC 8.5-1-4.2
18 Threshold levels19 d. 71 IAC 8-1-5.7 and 71 IAC 8.5-1-5.6
20 Anti-ulcer medications21 e. 71 IAC 8-1-8 and 71 IAC 8.5-1-8
22 Androgenic-anabolic steroids23 f. 71 IAC 8-3-5 and 71 IAC 8.5-2-5
24 Out of competition testing25 g. 71 IAC 8-6-2 and 71 IAC 8.5-5-2
Prohibited practicesh. 71 IAC 8-1-7.1 and 71 IAC 8.5-1-7.1
Multiple violation rule3. Approval of settlement agreement between
United Tote and commission staff.4. Review of Commission Rulings --
December 1, 2013 through January 31, 2014.5. Approval of split sample laboratories
for 2014 and beyond pursuant to 71 IAC 8-4-3 and
71 IAC 8.5-3-3.6. Approval of laboratories for
out-of-competition testing for 2014 and beyond
pursuant to 71 IAC 8-3-5(h) and 8.5-2-5(h).

7. Waiver of 71 IAC 5.5-3-1(h) Eligibility.

1 8. Consideration of Request to Repeal
2 71 IAC 10-3-20(b).

3 9. Consideration of Request to Repeal
4 71 IAC 1.5-1-40 "Foreign Substance" defined.

5 10. Presentation of the 2014 program by
6 Thoroughbred Breed Development Advisory Committee and
7 consideration of emergency rules 71 IAC 13.5-3-3
8 Out-of-state breeder's awards and 71 IAC 13.5-3-5
9 Purse supplement in open races.

10 11. Presentation of the 2014 program by
11 Quarter Horse Breed Development Advisory Committee and
12 consideration of emergency rules 71 IAC 14.5-3-4
13 Purse supplement in open races and 71 IAC 14.5-3-6
14 Sired purse supplement.

15 12. Consideration of petition from Centaur
16 to expand Fast Bet Mobile to Indiana Downs.

17 13. Approval of Hoosier Park's 2014
18 Standardbred racing official list pursuant to 71 IAC
19 3-1-2.1.

20 IV. Old Business

21 V. New Business

22 VI. Adjournment
23
24
25

1 CHAIRMAN DIENER: We call our Commission's
2 meeting today to order, and please silence anything
3 that makes noise. I don't know what those things
4 are, but you all know. First item today is to
5 swear in the reporter.

6 (Court reporter was sworn in at this time)

7 CHAIRMAN DIENER: I hereby appoint you the
8 official reporter to prepare a true and correct
9 copy of the minutes of the Commission's meeting and
10 a transcript of today's hearings before the
11 Commission. Thank you.

12 First item on the agenda is consideration by
13 the Commissioners of the minutes of our December 10
14 meeting, which we previously distributed.

15 Comments? Questions? Corrections?

16 COMMISSIONER SCHENKEL: Move approval.

17 COMMISSIONER WEATHERWAX: Second.

18 CHAIRMAN DIENER: All in favor.

19 THE COMMISSION: "Aye".

20 CHAIRMAN DIENER: Minutes are so approved.

21 First item on the agenda today is a
22 presentation by Centaur regarding last year's race
23 meets and a preview of what they plan for this
24 year. And I'll turn that over to Mr. Keeler or
25 whomever, Mr. Brown, Mr. Elmore.

1 MR. ELMORE: I'll lead off.

2 CHAIRMAN DIENER: And everybody today, because
3 there are some new people, but for purposes of the
4 transcript and for the benefit of the reporter,
5 when you address the Commission, if you'd spell
6 your last name for the court reporter and for the
7 Commission. Thank you.

8 Go ahead, Mr. Elmore.

9 MR. ELMORE: Brian Elmore, E-l-m-o-r-e, vice
10 president of racing for Centaur.

11 Couple housekeeping items before I really get
12 into the meat of the presentation today. You'll
13 notice that blue suit and red tie is exactly what
14 I'm wearing today. I'm very limited in my clothing
15 allowance. Two weeks ago I went to get a new
16 passport because mine had expired. It had been
17 ten years. When the postal guy took my picture, he
18 started laughing. I asked what was the problem,
19 and I was wearing the same flannel shirt I wore
20 ten years ago.

21 CHAIRMAN DIENER: I'm glad to hear that
22 Mr. Brown runs a tight ship up there.

23 MR. ELMORE: We're frugal.

24 In starting out this presentation today, we
25 appreciate being able to come in front of the

1 Commission and share some things. It would be very
2 helpful, as we've been at it for 13 seasons, into
3 the 14th season, Mr. Chairman, if you and the
4 Commissioners might consider declaring a
5 proclamation to the end of winter and the start of
6 spring immediately. We would appreciate it.

7 CHAIRMAN DIENER: It might be premature based
8 on this year's weather.

9 MR. ELMORE: Going forward. 2013 versus 2012
10 total live handle -- and this is all sources of
11 monies, whether it be live, on track, simulcast,
12 account wagering, whatever it is -- this is all
13 money bet on live signals from either Hoosier Park
14 or Indiana Downs. Hoosier Park -- and this is
15 breed to breed, this is comparing the total number
16 of breed days in 2012 to the total number of breed
17 days in 2013 -- Hoosier Park saw a remarkable
18 25.5 percent increase in year-over-year handle,
19 going from \$62.7 million to \$78.7 million.
20 Indiana Downs on the thoroughbred and quarter horse
21 meet saw a 5.7 percent increase, from
22 \$101.3 million to \$107 million.

23 Moving forward to the total commissions from
24 all sources. Hoosier Park experienced a
25 35.5 percent increase; Indiana Downs, a

1 16.7 percent increase. And you may ask, well, why
2 is the commission much greater than the handle
3 increase, and it's this: By combining our two
4 tracks, we were able to get a contract and work
5 very closely with Churchill Downs simulcast network
6 to be the provider of both of our signals. And due
7 to their ability and the other tracks they market,
8 along with their own, they were able to get us a
9 larger commission on our signal that we send out.

10 So the results are very, very positive, and
11 these are the things that we share with both the
12 horsemen and within the state with the Commission
13 on taxes paid.

14 CHAIRMAN DIENER: For purposes of the
15 Commissioners, could you explain just very briefly
16 what you mean by commission?

17 MR. ELMORE: Yes. The commission is the
18 amount of money paid to an association for the
19 providing of content to other jurisdictions for
20 people to wager on.

21 MR. BROWN: Revenue.

22 MR. ELMORE: Revenue.

23 CHAIRMAN DIENER: Thank you.

24 MR. ELMORE: Yes, sir.

25 Moving forward, handle in millions. As you

1 can see, for a four-year period we were kind of
2 trending downward. One breed, one track,
3 consolidation of ownership, working our marketing
4 teams together, working with the Commission and
5 others, we were able to turn this around
6 significantly. We had a 12.5 percent increase in
7 handle in 2013 over 2012 to \$187.7 million. We're
8 hopeful next year to take that to \$200 million.

9 More good news is we had a reduction by
10 one-third in the number of catastrophic breakdowns.
11 And that's something that we've talked about in the
12 past. We continue to work on this, on how we set
13 up our tracks, the consultants we use to make the
14 safest race surface possible. You'll never
15 eliminate this number. Our goal is to keep this as
16 low as possible.

17 CHAIRMAN DIENER: Question.

18 MR. ELMORE: Yes, sir.

19 COMMISSIONER WEATHERWAX: What is catastrophic
20 breakdowns? Is this equipment or accidents?

21 MR. ELMORE: No, sir. That's an incident in
22 which a horse is so severely injured that it has to
23 be euthanized.

24 COMMISSIONER WEATHERWAX: Okay.

25 MR. ELMORE: 2013 was a year of racing

1 financial investments. Throughout 2013
2 Centaur Gaming invested more than \$10 million into
3 upgrading the racing infrastructures and facilities
4 of both Indiana Grand Racing & Casino and
5 Hoosier Park Racing & Casino. Of the total
6 projects undertaken and completed, the following
7 represent the key investments in 2013.

8 At Indiana Downs we have the new barns. Those
9 are each 76-stall barns, state of the art. We're
10 very proud of them. It will allow us to stable
11 another 304 horses at Indiana Downs this year. We
12 will now be able to have 964 horses stabled on the
13 grounds. Prior it was 660.

14 And if this gives you any idea the kind of job
15 that we all are doing -- the Commission, the
16 racetracks, the horsemen -- we had a record number
17 of stall applicants this year of over 2,200 for the
18 964 stalls. So people know that we're out there;
19 people want to come here.

20 Trakus at Hoosier Park, North America's only
21 harness track is Hoosier Park using the Trakus
22 technology. Those are chicklets that go inside
23 each of the saddle pads that are tracked by GPS
24 around the racing surface. It'll tell you the
25 position of your horse -- first, second, third, and

1 fourth -- by how many feet, and in the end it'll
2 give you a report of how many feet your horse
3 traveled, at every fraction -- every quarter, half,
4 three-quarter -- it'll give you your horse's time.
5 This is something that's become very, very popular
6 for race fans.

7 COMMISSIONER PILLOW: Brian, is this new, this
8 Trakus?

9 MR. ELMORE: Trakus was developed about
10 five years ago, Commissioner Pillow. And there's
11 probably about seven thoroughbred tracks in the
12 United States that use it, and we signed on as the
13 first standardbred track to incorporate this
14 technology.

15 COMMISSIONER PILLOW: Okay.

16 MR. ELMORE: The new Hoosier Park grandstands
17 and clubhouse, that's having a big facelift.

18 And if I can, I'd like to call your attention
19 to the lower left-hand picture. One of our
20 wagering suites that are available for live racing.
21 As you see, there's padded chairs, couch, and
22 you'll notice a big flat-screen TV towards the
23 front of the suite and the corner of a wagering
24 machine in the back. There's food service
25 available in these suites, and we think it's a very

1 nice enhancement for people that come out, group
2 maybe, couples, sit there and watch, wager on
3 horses.

4 The Hoosier Park and Indiana Grand racing
5 surface renovations. Started in 2013 and set for
6 completion before the start of live racing in 2014,
7 more than \$1.5 million will be invested into the
8 improvement of racing surfaces at both racetracks.
9 Hoosier Park Racing & Casino retained the services
10 of Charles E. Coon & Sons Incorporated, the leading
11 builder of standardbred tracks in North America.
12 Was hired as a consultant to improve the racing
13 surface at Hoosier Park Racing & Casino.

14 At Indiana Grand Racing & Casino, Michael
15 "Mick" Peterson, Ph.D., University of Maine, and he
16 is the executive director of the Racing Surfaces
17 Testing Laboratory and the Libra Foundation
18 professor for the college of engineering at the
19 University of Maine. Dr. Peterson's research links
20 traditional understanding of engineering mechanics
21 and materials to the biomechanics of animals.
22 Dr. Peterson developed a passion for understanding
23 racing surfaces and established safety guidelines.

24 Also at Indiana Grand Racing & Casino, we
25 consulted and brought in the services of

1 Butch Lehr. Butch served forty-five years as track
2 superintendent at Churchill Downs. He oversaw the
3 major track renovations of not only dirt but turf
4 tracks at Arlington Park, Hollywood Park,
5 Calder Race Course, and the Fair Grounds in
6 New Orleans. He also was brought in to consult by
7 the Sheikh in Dubai to oversee the renovation of
8 the racetracks over there.

9 I can assure you one thing: That all our
10 consultants and our track superintendents are teed
11 up and ready to go. Soon as we get a little break
12 in this weather, and the extended forecast is for
13 the first time looking favorable that we'll be able
14 to do work by the end of the week. I feel that we
15 are on target to meet our opening date of March 28
16 at Hoosier Park and May 6 at Indiana Grand.

17 Now, I'm 90 percent sure at Hoosier Park and
18 I'm 95 percent sure at Indiana Grand. And as
19 Commissioner Pillow, back in his days as a power
20 forward at Indiana State, and Mr. Schenkel with his
21 association with the Pacers know that when the
22 game's on the line and you're down one shooting
23 one-and-one with a second on the clock, you want
24 that 90, 95 percent free throw shooter going to the
25 line. Our team is ready. We're ready to go. We

1 just need a little break in this weather. We'll go
2 24/7 and get this job ready. For whatever reason
3 in the event that something catastrophic would
4 happen, we would be in contact with the staff; and
5 in the event we had to postpone opening day or two,
6 we would come back with alternate dates to make up
7 those days at some time later in the year.

8 That's 2013 on my portion. I'm now going to
9 turn it over to my esteemed colleague, Jim Brown,
10 president and chief operating officer of Centaur.

11 MR. BROWN: Thank you, Brian. I borrowed
12 Brian's suit for my photo. I'm Jim Brown. I'm the
13 president and chief operating officer for Centaur,
14 B-r-o-w-n.

15 I'd like to start my portion of today's
16 presentation with something unique and extremely
17 important to racing in Indiana now and in the
18 future that occurred over the last year-plus.
19 Starting with the acquisition of Indiana Grand that
20 put racing in Indiana from an ownership standpoint
21 in the hands of a company that is passionate about
22 racing, has been involved in racing since its
23 inception in Indiana, and feels that Indiana's
24 racing product and sport and agribusiness deserves
25 to be on the national platform.

1 One of the first items that we put on our
2 agenda to work with the Commission and the horsemen
3 on during the acquisition process was getting the
4 right breeds at the right tracks. Hoosier Park is
5 a 7/8 of a mile track built for harness racing.
6 Indiana Downs is a mile dirt course, 7/8 of a mile
7 turf course, that's built for thoroughbred and
8 quarter horse racing. And we were able to
9 accomplish that.

10 I think I heard Joe about a year ago say if we
11 look at some of the accomplishments we've made,
12 this is probably one of the biggest that we're
13 going to see. And after the first year of one
14 breed per track in Indiana, I completely agree with
15 that statement.

16 The next step was favorable legislation in
17 Senate Bill 609, creating a stable environment for
18 racing purse monies and investment in racing in
19 Indiana and those that wanted to invest in horse
20 farms in Indiana, those that wanted to bring sires
21 to Indiana, broodmares to Indiana, invest in
22 Indiana racing, and every year sweated through is
23 the money going to be taken away, am I making a
24 multimillion dollar investment in something that
25 I'm going to see a completely different purse

1 structure the next year that could potentially be
2 cut in half. This stabilized that for years to
3 come in an unprecedented move.

4 And followed by negotiations with our
5 horsemen, who I've made a lot of new friends, and I
6 know a lot of us did. It was great to see the
7 breeds all working together to accomplish a goal of
8 providing an agreement that we could go forward
9 with that gave further stability to the industry of
10 racing in Indiana for years to come.

11 Having accomplished that, I'm going to turn to
12 marketing. I'm going to go back in time a little
13 bit before I get to last year. This is a little
14 bit more from Hoosier Park's perspective.

15 Jon Schuster, he was out, him and his team,
16 literally with no money to capitally invest, not a
17 lot of money for marketing or to continue to
18 improve the perception of racing at Indiana Downs.
19 They did an admirable job, in my opinion, running
20 their meets, but were limited in their toolbox.

21 At Hoosier Park, after watching racing for
22 several years once the casino opened, and looking
23 at how we were presenting our product, what's
24 happening with racing across the country -- and in
25 that I mean handle declining year after year --

1 there was a message that went out in 2011, and I'll
2 read an excerpt from that. It was on October 17.

3 We need to put a group of people together,
4 management, staff from Hoosier Park. The purpose
5 of the group will be to stop the bleeding in
6 racing. We will discuss how to impact the serious
7 player, the casual player, get more people out to
8 the track, improve our export signal, our marketing
9 efforts, our technical improvements, while creating
10 fun and improving the perception of our customers
11 at the track. And that got us started.

12 We put a group together consisting of a cross
13 section of the entire management team at
14 Hoosier Park, from casino marketing operations to
15 information technology to everyone associated
16 directly or indirectly with racing, and we started
17 on a project. Now, already had the slot money.
18 The fields were getting bigger. They were getting
19 more competitive and we had a better product to
20 present, but we weren't taking the time to present
21 the product in all facets of how we present racing
22 to our customers.

23 We spent two days locked in a room looking at
24 our live racing product, the on-track experience to
25 the core better, the casual better, the new

1 customer, the convenience of racing, how to keep it
2 interesting, the show itself. At A lot of tracks
3 you see the race, then it's dead, then the horses
4 come out on the track, they introduce the horses,
5 then they go to the gate, and the race is on. This
6 is 2014, at the time 2012. Look at minor league
7 baseball. Look at NBA basketball. Look at what's
8 happened. This is a complete entertainment
9 experience that folks need nowadays to keep them
10 interested.

11 Without our core racing product and sport
12 suffering at all but bringing new people into the
13 track, new families, new casual betters, allowing
14 them to enjoy three hours of entertainment on a
15 daily basis. Attract them, educate them, and
16 entertain them.

17 We looked at the live program, how to create
18 fun in between racing. And this went from what
19 music do we play on a race replay to completely
20 redoing our Hoosier button, to creating celebrity
21 race commentators that people could associate
22 themselves with, to having an entire production
23 schedule for every single night of racing at
24 Hoosier Park.

25 We looked at the export signal of what people

1 were seeing across the country, what our templates
2 looked like, how do we get shelf space. If you go
3 to the grocery store and look at detergent,
4 probably eight out of the twenty are made by
5 Proctor & Gamble, but the labels bring people to
6 them. There are people that bet on their tracks,
7 but there's others that are scanning boards across
8 the country and world looking for a race to bet.
9 We needed to pull ourselves out front.

10 We also needed to look at what we were showing
11 on the TV screens. If you have a camera pointed at
12 the winner's circle at an empty apron on a weekday,
13 people are going to say this is just some Midwest
14 cornfield track. They want to bet at
15 Madison Square Garden. So we actually have two
16 production schedules with cameras. One goes to our
17 local audience that shows the T-shirt toss and
18 other things, and one stays focused on, if I'm in
19 New York City, I think this is -- and it is -- a
20 major league track with major league horses,
21 drivers, and purses.

22 That was the level that we went to in each and
23 every facet of how we present and how we market our
24 racing product to our customers. We created an
25 all-star driver program. Drivers are easier than

1 jockeys. They wear the same colors every night.
2 You can create personalities, like NASCAR did, and
3 we followed the NASCAR model. So there was a lot
4 of heart, soul, effort, sleeves rolled up, time
5 spent developing what was to be our racing product
6 of the future.

7 Our OTBs, the model of make a bet, buy a
8 hamburger, OTBs are closing across the country. We
9 needed a new business model, something that
10 incorporated a broader entertainment experience,
11 and that included a pub, grill, and an OTB that you
12 could bring your spouse to, that you could bring
13 groups to, that you could have fun; but a guy that
14 wants to sit at a carol and handicap all night,
15 that they would have the experience that they want.
16 That's what created the Winner's Circle brand that
17 you'll hear a little bit more about.

18 We went through everything. I think we've
19 covered most on here. Trakus is part of marketing.
20 Typically at the end of the racing season, handle
21 declines. Our handle increased once we had Trakus
22 on the program where people could actually follow
23 the races. Most races are broadcast in analog on
24 tube TVs across the country. When those horses hit
25 the stretch, let's watch a race together and see if

1 we can even tell what number's what half the time.
2 Trakus changed the world in that respect.

3 This year, unprecedented agreement with HRTV.
4 We have more coverage than we have ever had. We
5 did have to pay our way in, but when we're on HRTV,
6 our handle moves materially.

7 CHAIRMAN DIENER: Question.

8 COMMISSIONER PILLOW: Jim, who owns Trakus?

9 MR. BROWN: Trakus.

10 COMMISSIONER PILLOW: But do you guys buy it?

11 MR. BROWN: No. We make a capital invest.
12 The ISA and us partnered in Trakus. So we invested
13 money to put the Trakus technology at the track --
14 and that would be all the communication systems,
15 all of the computer technology -- and then we pay
16 an operating fee on a daily basis to them for
17 operating Trakus.

18 Trakus is in front of the scene letting you
19 follow a race. It's also behind the scenes giving
20 you charts and clear and accurate information. You
21 could even go to one of our pages behind our main
22 website, and if you've ever played a horse racing
23 video game, you can watch a duplicate animated
24 version of the Hoosier Park track and watch the
25 race as if you're one of the drivers, and you can

1 pick your horse to drive to watching the race
2 overhead or watching the race as it was shown on
3 TV.

4 It's been exciting, and we feel like we're
5 getting a great return on our investment right now.

6 COMMISSIONER PILLOW: Thank you.

7 MR. BROWN: As you go through, we really tried
8 to cover every facet of our racing marketing areas.
9 Those are some of the highlights. And we saw the
10 results last year, 2012, at Hoosier Park.

11 Hoosier Park's handle started to ramp up,
12 Indiana Downs was still declining, and last year
13 both tracks, just it was a game-changing year for
14 us. Adding one breed per track and the marketing
15 efforts that were being made and the product that
16 we had to market, most importantly, and our
17 partnerships with everybody that we are partners
18 with in this endeavor.

19 Part of our marketing was creating race
20 commentators, getting them recognized. And I
21 believe that in five, ten years we're going to see
22 one or both of them on ESPN or someplace
23 nationally. We have our race announcers, Steve and
24 Bill, and our racing commentators, and they do a
25 spectacular job. Since 80 percent of our customers

1 are male, we know it's better to have Rachel and
2 Emily there than Gene and Barr (indicating). But
3 both ladies are extremely talented, as the most
4 important element of all this.

5 These are some examples of our racing
6 partnerships and signature race showcases. And as
7 we've upped the ante in terms of even TwinSpires,
8 we have million dollar point days, we have multiple
9 point days. Our handle through TwinSpires has gone
10 up almost 40 percent in the last year on racing.
11 TwinSpires controls approximately 10 percent of the
12 national handle on horse racing in the
13 United States today.

14 COMMISSIONER SCHAEFER: Jim, if I could ask.
15 Do you pay them a percentage of the handle?

16 MR. BROWN: It's like export handle. When we
17 were talking about handle and commission,
18 commission is revenue. On our tracks betting live,
19 we keep about 20 percent, pay 80 percent out. It's
20 18 percent on straight wagers, 21 1/2 percent on
21 exotic wagers.

22 When races come in and we simulcast at one of
23 our facilities and they bet at Santa Anita, say, we
24 hold what Santa Anita would have held with what
25 their take percentages are, but we pay them an

1 entertainment fee, which averages 3 to 4 percent.
2 At TwinSpires that's what the relationship is.
3 They pay us a fee for our outgoing signal. So if
4 we have our signal shown at Santa Anita and
5 somebody bets on us at Santa Anita, we keep between
6 3 and 4 percent of the handle. So at TwinSpires
7 same relationship.

8 So right now our handle at both tracks during
9 live racing is about 95 percent export, coming from
10 all the simulcast and Internet outlets across the
11 world. The commission or revenue, about 80 percent
12 of it is coming from those sources and 20 percent
13 of it is coming from on-track wagering.

14 COMMISSIONER SCHAEFER: How far does HRTV go?

15 MR. BROWN: Throughout the United States. And
16 maybe in other places in the world, but throughout
17 in the United States. That and TVG are the big
18 players in race broadcasting.

19 And we had tried to get a better relationship
20 with HRTV, but as Brian and I got told when we were
21 talking to the CEO a year and a half ago, we make
22 more money showing taped equestrian racing at night
23 than showing live racing and that's our business
24 model. He didn't want anything to do with us. And
25 they've changed their business model, and we've

1 bought a package that they're here for all our
2 major races and we have a supplemental package this
3 year that we're on as much space during the live
4 racing nights as they'll give us.

5 And because of our relationship with
6 Churchill Downs simulcast network, we're not
7 allowed to be on TVG.

8 An increase in racing-centric advertising.
9 I'm sure you've seen some or all of these out
10 there. TV commercials that we've been dotting
11 coverage over the past year, radio, billboards,
12 newspapers, and we have more planned.

13 Themed days and stakes race days, and I'm
14 going to jump to 2014 for a moment with some things
15 that we have planned for 2014. The Dan Patch. Our
16 meet, even up to last year because we weren't on
17 one breed per track, was centered around at
18 Hoosier Park harness in the spring, Indiana Downs
19 harness in the fall, so our stake schedules were
20 based on that and the Dan Patch ran in May.

21 This year we have the full race year to
22 reposition the Dan Patch stakes. Everybody puts
23 their major stakes races on Saturdays. Well, you
24 find a fair amount of thoroughbred stakes races
25 these days moving to Sunday because Saturday's more

1 saturated.

2 We looked at the Dan Patch and said, You know
3 what? Our live handles are strong and our export
4 handle is even stronger on Fridays than it is on
5 Saturdays. We'll be able to get better horses on
6 Fridays and drivers because of commitments on
7 Saturdays. Let's make it a Dan Patch festival
8 weekend. And we're hosting the Dan Patch stakes on
9 a Friday night. Saturday we have a special racing
10 program. We're going to start a little earlier,
11 and then we're going to end the evening with a
12 concert by the national country act, Little Big
13 Town, and fireworks. So we're turning Dan Patch
14 into a weekend event.

15 And although we haven't finalized plans for
16 the Indiana Derby, the Indiana Derby festival will
17 be bigger and better than anything we've seen
18 before.

19 With our celebrity driver program, we're
20 starting a competitive aspect to our celebrity
21 driver program. Although this is now proposed, not
22 finalized or approved, at mid-meet -- well, it's
23 the all-star driver program -- we're going to make
24 it competitive. We're going to take our top 10
25 drivers at that time, have them race against each

1 other in five races that owners agree that by pick
2 of the draw the driver that picks their horse will
3 drive their horse. They're going to earn points.

4 So it'll be a competition that night that we
5 think we'll get a heck of a lot of publicity for.
6 Will be fun for the drivers, the owners, and
7 especially our fans.

8 Then we're going to wrap it up in the fall
9 with a final championship, and right now we're
10 talking about prize money or maybe even a one-year
11 lease on a Corvette or something for our winning
12 driver of the two-night series.

13 On Dan Patch night we're putting together an
14 East meets Midwest all-star driver program, because
15 we'll have a fair amount of East Coast drivers that
16 are big names here, and we're trying to put
17 together three races that they by the luck of the
18 draw pick a horse and make it competitive from a
19 driver's standpoint.

20 So those are some of the plans we have for
21 this year that fit specific points in time. We've
22 done so many other things. We're making Friday
23 nights fan night. We do a dollar beer, a dollar
24 hot dog, and if you buy both, you get a free
25 program. And I can't tell you how many young guys

1 especially I see out at the track that are just
2 watching, drinking their dollar beer; you put a
3 program in their hand, a month later than
4 handicapping horses trying to out-pick their
5 friends.

6 Saturdays are family fun day, and we do a lot
7 of events surrounding bringing families out to the
8 track. And we're going to do more with farm
9 festivals and other things on Saturdays this year
10 at both tracks.

11 There is a lot more that has been done, will
12 be done in racing marketing, and it's through our
13 partnerships with our associations, authorization
14 by the Commission, and the hard work of the teams
15 at Hoosier Park and Indiana Grand. As we talked
16 about Jon at the beginning that he didn't have the
17 toolbox, I think Jon and our entire team at
18 Indiana Grand last year teed things up. This year
19 they have a beautiful new tote board with a
20 jumbotron, a completely renovated track, more barns
21 to put more horses in, a new starting gate, and a
22 lot of new fun things in the grandstand and
23 clubhouse. So this year we're moving both up, and
24 everybody's very excited about an exciting 2014
25 race meet.

1 Racing is going to have a slightly different
2 look in 2014. And since we're integrating the
3 properties and we have Hoosier Park Racing &
4 Casino, we now have Indiana Grand Racing & Casino.
5 But we were always a two-headed monster,
6 Indiana Grand Racing & Casino and Indiana Downs.
7 We've done some work on this.

8 We wanted to dissolve the Indiana Downs name.
9 It didn't fit with creating the brand we're trying
10 to create, fully driving Indiana racing to a
11 national premier level and getting both gaming and
12 racing products under the same umbrella. Better
13 aligning the properties of Centaur's goals of
14 providing guests with a fully-integrated gaming and
15 racing experience. And also taking our
16 Winner's Circle brands and moving forward with
17 them.

18 This is the new Indiana Grand Race Course
19 logo, and Indiana Downs will now be known as
20 Indiana Grand Race Course. We researched track
21 names across the country, and if you look at
22 premier tracks, from Keeneland to Saratoga, you'll
23 see Race Course, Raceways, Downs, Parks. The list
24 goes on. Felt this was the best fit for
25 Indiana Grand when we're doing racing-centric

1 marketing, which would be Daily Racing Form,
2 Equibase, Brisnet, advertising the Indiana Derby.
3 99 percent of the time we'll be using Indiana Grand
4 Racing & Casino, like we do at Hoosier Park that's
5 known as Hoosier Park Racing & Casino.

6 We also wanted to promote the fact that this
7 is Indiana racing. This is Indiana agribusiness.
8 Indiana is an emerging racing state across the
9 country and not something that's being swept under
10 a carpet. We're moving to national prominence, and
11 we wanted to get the state logo in an exciting
12 logo.

13 We also added to the Hoosier Park logo for
14 racing-centric needs and purposes. And from time
15 to time you will see the Hoosier Park Racing logo,
16 but mainly the Hoosier Park Racing & Casino logo.

17 We did some real work on how we present our
18 simulcast product. That's the old Indiana brand
19 simulcast graphics template that my staff with a
20 few people at the Winner's Circle one night last
21 year were looking at Hoosier Park and
22 Indiana Downs, said, Why can't Indiana Downs look
23 as good as Hoosier Park? We do have an outside
24 company, but we needed to do some work, so we did
25 some work.

1 That's what you'll see on TV this year. And
2 we're very excited about the Indiana Grand
3 simulcast graphics package and have done some work
4 on cameras and some other items associated with
5 what we'll be presenting to fans on TV at the track
6 and across the country.

7 We also did a little work on Hoosier Park, and
8 traded some gradation in an effective template.
9 You don't see Trakus yet because the race hasn't
10 started. But that's the look of identifiable
11 sister tracks in simulcast and on live on-track
12 racing this year.

13 The Winner's Circle, we feel we've hit a model
14 that works. We have a Winner's Circle Pub, grill
15 and OTB, in Indianapolis. We're in the process of
16 relocating our Fort Wayne OTB to the New Haven
17 area, and our Fort Wayne product will be the
18 Winner's Circle Brewpub & OTB.

19 At Indiana Grand, the Grandstand Sports Bar,
20 we have now closed effective Monday, and by late
21 May we will be reopening as the Winner's Circle
22 Brewpub & OTB at Indiana Grand Racing & Casino.
23 And that will work alongside the racing building,
24 our simulcast center there, and our clubhouse and
25 grandstand during the live meet.

1 We have some exciting surprises, we believe,
2 in store for our customers in this outlet, through
3 TV walls and the products that we offer in a
4 brewpub theme. And we're hoping that we're able to
5 take this to Clarksville next year. That's on the
6 drawing board. Clarksville is an aging dinosaur,
7 but our most profitable OTB.

8 CHAIRMAN DIENER: Any plans for the
9 Merrillville facility?

10 MR. BROWN: Right now we're discussing that.

11 CHAIRMAN DIENER: Okay.

12 MR. BROWN: Think we're going to go back to
13 Brian.

14 MR. ELMORE: Thank you, Jim.

15 MR. BROWN: Thank you, Brian.

16 MR. ELMORE: Brian Elmore, vice president of
17 racing, Centaur.

18 As we move forward, you ask what is next.
19 2013 racing saw many investments in the racing
20 infrastructure, racing fan on-track and simulcast
21 experience, and the overall quality of life for our
22 horsemen. 2014 season will see the completion of
23 some of these efforts, as well as the beginning of
24 new initiatives to improve Centaur Gaming's overall
25 racing product.

1 Investments in improving the racing experience
2 will include the completion of track renovations
3 for both racetracks; the expansion and further
4 promotion of signature races, like the Dan Patch
5 and Indiana Derby that Jim touched on; an amazing
6 new Indiana Grand video and tote board. And that
7 video is in place now and they fired it up last
8 week, and if you can imagine something slightly
9 than that mural, almost the size of that wall,
10 18 1/2 by 32 1/2 out there in the infield now, and
11 it lights it up and it's a beautiful scene. I
12 can't be any more happier with that addition we're
13 putting in up there this year.

14 Racetrack infield landscaping at both
15 racetracks. As Jim mentioned, this is very
16 important to our simulcast customer. They like to
17 see things that look nice and pretty and look like
18 they're first class, and that's what we want to
19 provide.

20 Jim touched on the Winner's Circle Brewpub &
21 OTBs. We also will have a new starting gate at
22 Indiana Grand and a new starting car at
23 Hoosier Park. We will complete our NTRA
24 accreditation at Indiana Grand. And we look
25 forward to beginning the start of construction of

1 100 new quarter horse stall barn at Indiana Grand.

2 Some of the investments we're making in the
3 quality of life for our horsemen. At Indiana Grand
4 the renovations of the existing dorms and the
5 construction of 45 new dormitories, which will be
6 larger. Construction of the Hoosier Park driver's
7 lounge, horsemen's recreation area, and office
8 space for chaplain and ISA representatives.

9 Indiana Grand will renovate backside food outlets,
10 along with the opening of a convenience store.

11 Construction of an Indiana Grand recreational
12 horsemen's soccer field. And off campus, located
13 in Shelbyville, Centaur has committed \$2.7 million
14 over eight years for the construction of equine
15 surgery center.

16 CHAIRMAN DIENER: Brian, I just want to
17 interrupt you for a minute. Just let you know
18 something dear to my heart. I'm very glad to see
19 the items 1, 2, 3, and 4 you have there. Those are
20 things that none of us ever see visually, but they
21 do a lot to improve the quality of life for people
22 on the backside. I applaud that.

23 MR. ELMORE: Absolutely, Mr. Chairman. Thank
24 you.

25 So in addition to the brick and mortar

1 investments. Every time a rider's legged up on a
2 horse, there's a risk of injury to both the equine
3 and human athlete. It's a dangerous sport. At
4 Indiana Grand we've entered into an agreement with
5 the Jockey's Guild. Our agreement will provide
6 increased benefits for the jockey in the event they
7 suffer temporary disability, the need of life
8 insurance, accidental death and dismemberment, and
9 permanent disability benefits.

10 The Guild pledges to work with the track and
11 the regulators to improve safety, provide valuable
12 input regarding rules and regulations, and to help
13 market the sport within the community and within
14 our state.

15 Lastly, March 29 of this year at Tampa Bay
16 Downs, there's going to be the first annual what's
17 called Jockeys and Jeans, and Indiana Grand Racing
18 & Casino will be a participating sponsor of this
19 event. Jockeys from across the nation will gather
20 to honor their fallen comrades at Jockeys and
21 Jeans, the nation's only charity event organized by
22 former jockeys and other former riders, with
23 proceeds going to the Permanently Disabled Jockey
24 Fund.

25 Hosted by Tampa Bay Downs, it will feature an

1 autograph session by famous riders, including
2 several members, catered barbecue luncheon, and
3 programs featuring real-life, yet uplifting stories
4 of former jockeys whose successful careers ended
5 with catastrophic injuries.

6 Since 1940 there have been 150 North American
7 riders who have been killed in racing or training
8 incidents. Ronnie Turcotte, winner of
9 world-renowned Secretariat, is one of over 40
10 former jockeys made paraplegics in racing
11 accidents. During 2011 and 2012 almost one in
12 every five Jockeys Guild members suffered
13 career-interrupting spills. In recent years famous
14 riders Ramon Dominguez, Higar Solo (sp.),
15 Richie Nugori (sp.), Jose Santos, Rene Douglas, and
16 quarter horse great Jacky Martin suffered
17 debilitating, career-ending injuries.

18 This event presents a rare opportunity to
19 partner with great riders who come together at
20 their own expense to honor their less fortunate
21 brothers and sisters and pay tribute to this
22 group's courage and fortitude as they build new
23 lives.

24 I'm so happy that Mr. Schuster and the team
25 from Indiana Grand will be going down there. Our

1 intent is not only to participate in this. But we
2 have talked to the committee members on this,
3 Jockeys and Jeans, and we will be visiting with
4 them and it's our intent to try and bring this
5 event next year to Shelbyville. It only makes
6 sense to hold this in the Midwest, where you're in
7 close proximity to Louisville, Lexington,
8 Cincinnati, Columbus, Chicago, St. Louis, because
9 for so many race fans to have the opportunity to
10 come, mingle, have dinner, ask questions with hall
11 of famers and guys that have been a pioneer to this
12 sport would be a wonderful opportunity. We're
13 hopeful to be successful in doing that.

14 I could not be any prouder to work with the
15 company I work with. The commitments that
16 Mr. Ratcliff and Mr. Brown are making, we're
17 investing in our backside facilities, we're
18 enhancing our racing fan experience, we are
19 remembering and acknowledging the needs of the
20 backside grooms, we're helping to build an equine
21 surgery center to take care of the horses, and now
22 we've taken that two steps further in our agreement
23 with the Jockeys Guild and our willingness to
24 participate for those riders that have been
25 permanently disabled. I want to applaud this

1 Commission. I want to applaud the horsemen that
2 are here today. I just wanted to let you know I
3 could not be any prouder to be working for this
4 company here in this state.

5 I'm going to turn it back over to Jim.

6 MR. BROWN: Thank you, Brian.

7 We're sending five people down this year to
8 see the event, participate in the event, and
9 hopefully bring the event to Indiana Grand next
10 year.

11 COMMISSIONER SCHAEFER: Is this the first
12 year?

13 MR. ELMORE: Yes, it is.

14 MR. BROWN: Yes.

15 2013 was a great and historical year for
16 Indiana racing. Our achievements were the result
17 of a partnership between the Indiana Horse Racing
18 Commission, its staff, our General Assembly, the
19 horsemen, their associations, and the Centaur team.
20 And as our theme has been throughout the year, we
21 were all in this together. The IHRC played a large
22 part in the success of the industry. We could not
23 have done it without you, and on behalf of Centaur
24 and all participants, thank you, sincerely, from
25 our hearts.

1 2014 is shaping up to be another great year.
2 Indiana Grand and Hoosier Park are now in the midst
3 of entering premier racetrack status on a national
4 scale.

5 This is just a symbol with our Hoosier Buddy
6 of when we go back to marketing, how we presented
7 our racing product before and today. And for what
8 fun it may be, this really does sum it up in so
9 many ways; that we've learned over the years what's
10 important to our customers, what's important to our
11 horsemen, what's important to our industry, the
12 partnerships that are so important, the
13 collaboration and cooperation that's so important,
14 the determination, the initiative, the teamwork,
15 and the true commitment of purpose that has gone on
16 collaboratively between our horsemen, our
17 associations, our teams at both properties, our
18 Racing Commission, and other stakeholders and
19 constituents to truly take the old Hoosier Buddy
20 and turn him into the new Hoosier Buddy.

21 Indiana racing is on the rise and continuing
22 to rise, and I think we're going to see for years
23 to come Indiana racing become more prominent in the
24 national scene.

25 And although I didn't write a full

1 presentation, I did write this last night. We have
2 all together materially enhanced the quality, the
3 safety, the integrity, the fun, the sport, the
4 visibility, the customer entertainment, and
5 customer appreciation of horse racing in Indiana,
6 and for that we should all be very proud and
7 looking forward to the years ahead. Thank you on
8 behalf of all us at Centaur.

9 CHAIRMAN DIENER: Thank you, Mr. Brown.
10 Mr. Elmore, thank you very much.

11 Questions?

12 COMMISSIONER SCHAEFER: No. What did
13 Brian Elmore do with his Hoosier Buddy costume?

14 MR. ELMORE: Unfortunately it fits.

15 MR. BROWN: Well, we are putting together a
16 mascot for Indiana Grand Race Course, so we do have
17 a candidate in mind. Because it's only two days a
18 week that we'll need him to be in costume, and he
19 does fit it and he does look better in it.

20 CHAIRMAN DIENER: I just want to note that in
21 most states that have racinos, horse racing is
22 simply an entry level to get your slots. It's an
23 entry fee, a little stepchild. And Mr. Ratcliff
24 assured us that was not going to be the case here,
25 and his assurances have borne out. He's got a

1 solid management team with Mr. Brown, Mr. Elmore,
2 Mr. Schuster, and back again Mr. Moore, and it's
3 good to see that horse racing is still front and
4 center. Indiana may not be yet California,
5 Kentucky, or New York, but there's not many states,
6 if any, that have shown a big increase in the live
7 handle year over year.

8 So my own personal comments are kudos to the
9 team of Centaur Gaming and what you've done with
10 horse racing.

11 MR. BROWN: Thank you. Thank you for allowing
12 us to tell the story.

13 COMMISSIONER SCHAEFER: Second.

14 MR. BROWN: Thank you.

15 COMMISSIONER SCHENKEL: Good job.

16 CHAIRMAN DIENER: We've got a full agenda.
17 Rather than breaking now, we're going to start with
18 No. 2. Item No. 2 is likely to take a little bit
19 of time. And I'm going to wear the hat of at least
20 introducing medication rules and what we've done
21 here at the Commission, and then turn it over to
22 Joe and he can talk about RCI and who they are and
23 how this came to fruition. There are some
24 representatives here that Joe will introduce.

25 With that, we'll just get started. RCI is

1 Racing Commissioners International. On April 20 of
2 last year, about eleven months ago, that entity
3 gave final approval to the Controlled Therapeutic
4 Medication Schedule. That is a list of 24
5 substances. Substances not on that schedule would
6 be prohibited from horse racing. On July 31 RCI
7 approved a penalty point system for suspensions for
8 trainers with multiple medication violations.

9 To date, I believe 17 states have passed these
10 model rules of RCI or those rules are in the
11 process of adoption. No state has yet rejected
12 these model rules, although they still are under
13 consideration in several states. New York, Ohio,
14 and Pennsylvania will have separate rules for each
15 breed. Whether or not they're different, I don't
16 have that information, but I know they will be
17 separate. Whether they acknowledge any
18 differences, I do not know. The model rule for the
19 penalty point system has been approved in seven
20 states and it's being considered in numerous other
21 states.

22 On September 18 of last year, Dr. Angela
23 Demaree, the Commission's Equine Medical Director,
24 distributed for comment within Indiana to the
25 industry, to veterinarians, etc., both the RCI

1 medication rule and the penalty point system that
2 had been adopted. Comments have been received from
3 numerous entities. The Indiana Quarter Horse
4 Association generally supports both the rules.

5 The Indiana HBPA was also generally supportive
6 of the concept, but they had some objections and
7 concerns about having only 24 approved medications
8 as well as proposed changes to the penalty point
9 system. Similarly, the ISA generally was opposed
10 and felt more time should be considered before
11 adopting anything.

12 On November 25 of last year, the
13 Racing Medication and Testing Consortium -- that is
14 the group that ultimately came up with the proposed
15 recommendations to the RCI -- addressed the
16 concerns of the Indiana HBPA. Similarly, on
17 December 20 of last year, representatives from RCI
18 addressed the concerns of the Indiana HBPA.

19 The main issue, as I get it, is the medication
20 thresholds for clenbuterol and anabolic steroids is
21 an issue, particularly for standardbreds. And
22 secondly, whether there should be different
23 medication rules between thoroughbreds and
24 standardbreds. Now, on that issue I'm not smart
25 enough. I figure a horse is a horse is a horse, so

1 I don't know the differences. I think it has more
2 to do with how the trainers like to race their
3 horses, kind of the economics, rather than anything
4 to do with the equine health and safety.

5 That's what we've done here in Indiana to
6 date. Before the Commission this morning, we have
7 proposed emergency rules, which do adopt the
8 medication thresholds for the 24 substances listed,
9 with some minor tweaks maybe in some of the
10 procedures but not the substance of the threshold
11 levels, as well as rules to do the penalty point
12 system for multiple violations.

13 That's just a quick overview. With that, I'll
14 turn it over to Mr. Gorajec to go over staff
15 review, staff's comments, and make some
16 introductions of representatives here today.

17 MR. GORAJEC: Thank you, Chairman Diener.

18 I will start with an introduction. Over the
19 past twenty years, the Commission has used
20 exclusively one primary laboratory for testing all
21 of its equine samples. That laboratory is
22 Truesdell Laboratory located in California. Every
23 so often, every four years or so, the contract for
24 laboratory testing services comes up for review,
25 and the Commission staff works closely with the

1 State Department of administration to solicit
2 proposals from all laboratories in the country
3 interested in bidding on our services.

4 So every four years or so over the last
5 twenty years, we've gone through what we would call
6 an RFP process, request for proposal, and over the
7 last twenty years the State of Indiana, more
8 specifically the Department of Administration, has
9 selected, with our input and recommendation,
10 Truesdell Laboratory.

11 Truesdell Laboratory has done a fine job for
12 this Racing Commission. We are closing the book
13 with regard to Truesdell Laboratory, in the fact
14 that they did not prevail in the last round of the
15 RFP. There was a process that we started this past
16 fall. We had a couple laboratories bid on our
17 services, and the Department of Administration,
18 with our blessing and recommendation, chose a
19 laboratory located in Lexington, Kentucky, known as
20 HFL Laboratory.

21 Their lab director, Dr. Rick Sams, is here.
22 Rick is known amongst my peers as one of the elite
23 racing chemists in the country. I've known Rick
24 for well over twenty-five years. When I got out of
25 the racetrack management administrative end of the

1 business and went to the regulatory end of the
2 business in the late 1980s, Rick was the racing
3 chemist at the laboratory at Ohio State University.
4 He subsequently moved on to Florida, and now he's
5 managing the lab in Kentucky. We're going to be
6 looking forward to working closely with Rick.

7 In addition to being the laboratory director
8 at HFL, Dr. Sams is known to myself and my peers as
9 one of the go-to guys in the business with regard
10 to anything medication. Dr. Sams serves on the
11 RMTTC, Racing Medication and Testing Consortium; he
12 serves on its scientific advisory committee; he's
13 also the chairman of the RCI, Association of Racing
14 Commissioners International, veterinary
15 pharmacology subcommittee. So like I said, he is a
16 go-to guy. We'll be going to him this year and
17 improving testing for our equine drug samples.

18 Dr. Sams, delighted to have you on board.

19 DR. SAMS: Thank you very much.

20 CHAIRMAN DIENER: Welcome. Nice to have you
21 here.

22 DR. SAMS: Thank you.

23 MR. GORAJEC: With regard to the rules that we
24 have in front of us. One of the few success
25 stories in horse racing regulation over the last

1 ten years has been the creation of the RMTC, and
2 that's the Racing Medication and Testing
3 Consortium. We have their executive director,
4 Dr. Dionne Benson, here with us. She will be
5 making the presentation on these rules and
6 regulations.

7 The RMTC is a racing stakeholder group that
8 includes basically a who's who of every special
9 interest in horse racing that sits at a table and
10 tries to design proposed rules and regulations for
11 our trade association. The RCI considered to
12 strive for uniformity in medication regulations.
13 They are focused on safety; they are focused on
14 integrity; and they've had some major successes in
15 moving the racing industry forward in those areas.

16 One of which, going back, I want to say, six
17 or seven years, a decade ago, it was very common
18 for horses to be racing in every race in the
19 country on anabolic steroids. Not every horse in
20 the country was on anabolic steroids, but it was so
21 prevalent it would be difficult to find a race
22 where horses were competing that didn't have
23 anabolic steroids in its system. Because it wasn't
24 a banned substance and it wasn't a highly-regulated
25 substance.

1 Through the good work of the RMTC and all the
2 stakeholders in the business, they came together;
3 they did the research, which is very important;
4 they made a proposal to the RCI, which the staff
5 did; and then from state to state the RMTC went and
6 made presentations in front of racing
7 commissioners, and one state after another passed
8 model rules on anabolic steroids. Now -- Dionne
9 can correct me if I'm wrong -- I don't believe
10 there's a state in the country that allows anabolic
11 steroids to go unregulated.

12 Now we have another wave of rules in front of
13 us. I wouldn't call these particular rules myself
14 reform, although there is a safety aspect to it,
15 although there is an integrity aspect to it. In my
16 mind this is the industry striving for uniformity.

17 One of the things that we've heard over and
18 over again for well over twenty years -- I've done
19 research and gone to the library at Keeneland and
20 looked up old Blood-Horse magazines from the 1930s
21 and 1940s -- where people have lamented the fact
22 that there are not uniform medication rules from
23 state to state, so horsemen training an animal in
24 one state has certain medication rules that he has
25 to know but if he's going to another state there's

1 a whole set of other medication rules.

2 We used a basketball analogy a while ago, and
3 we know we have people involved in that particular
4 sport sitting on the Commission. It would be like
5 having the rim at 10 feet at one arena and 12 feet
6 at another and a foul line that was different from
7 arena to arena.

8 So there's been this strive for uniformity.
9 It's very, very difficult to come by, and one of
10 the reasons is the devil's always in the detail.
11 People say they want uniformity the same way they
12 say they want integrity. But when push comes to
13 shove and you look at the details, there's always
14 people that can pick apart the details and say I
15 like A, B, and C, but I don't like the rest.

16 The rules that the Commission has in front of
17 them that Dionne will present, I would encourage
18 the Commission to consider. I would encourage the
19 Commission to consider favorably. I would ask the
20 Commission to consider without making changes to
21 those rules. And the reason I say that is that to
22 the extent that these rules are going to be uniform
23 from state to state, if every state takes a look at
24 these rules, if every Commission takes a look at
25 these rules and changes one or two things, if we

1 change one or two things and Illinois changes one
2 or two things and Kentucky changes one or two
3 things, well, that defeats the entire purpose of
4 uniformity.

5 These rules came from the RMTC. The RMTC then
6 ponded these rules to the RCI, Association of
7 Racing Commissioners International, which is our
8 trade association, which is the trade association
9 that we belong to, that we've paid dues to for the
10 last twenty-five years. It's an association of
11 racing regulators. They've looked at these rules,
12 and the people who voted to approve these rules are
13 people like you and I, commissioners and executive
14 directors.

15 But above and beyond that, the RCI has a
16 committee, which I referred to a moment ago -- and
17 that is the veterinary pharmacology committee --
18 it's a subcommittee to a committee called the DTSP.
19 The DTSP stands for Drug Testing Standards and
20 Practices. It's a committee of the RCI that's
21 focused on drug testing. It's focused on
22 integrity. That committee has experts that are
23 credentialed in the fields of the veterinarians,
24 the racing chemists, Dr. Sams, people like Dr. Sams
25 have all looked at this particular proposal.

1 So without further ado -- I like to give you
2 that little background -- I'd like to introduce
3 Dr. Dionne Benson, Executive Director of the RMTTC.
4 She's been spending most of the last several months
5 flying from Commission to Commission, state to
6 state, preaching the good word on these rules.

7 We're delighted to have you here.

8 DR. BENSON: Thank you very much for having
9 me. My name is Dr. Dionne Benson. Last name is
10 B-e-n-s-o-n. I'm very happy to be here. I was
11 actually in Florida yesterday so the weather's a
12 little bit of a change, but other than that, it's
13 just fine.

14 I think that one of the most important things
15 I can do for you, other than answer any questions
16 you have, is certainly to take you first through
17 the process of how we came up with these rules --
18 it's a very measured process -- and secondly talk
19 to you about some of the misconceptions.

20 I'm going to actually start with one of the
21 misconceptions that we hear often, and that is that
22 the 24 therapeutic medications is a closed list.
23 That's never been the intention. As new research
24 is completed, as new medications are discovered or
25 developed, this will be a living document, so to

1 speak. In fact, at our board meeting in March, I'm
2 presenting a document that will outline the process
3 to formally add medications to this list. So any
4 discussion about this being a closed list and there
5 are only 24 drugs and that ties the hands of the
6 veterinarians, that is not the case.

7 Secondly, oftentimes I hear veterinarians' and
8 trainers' concerns that they can't medicate their
9 horse. These horses have problems and they need
10 medication. We have no problem with people
11 medicating horses. It's whether they can run on a
12 specific medication. We don't prohibit any
13 appropriate medication from being used or even
14 being kept on the backside of a racetrack. What we
15 are concerned about is the integrity and safety of
16 the horse and whether that horse should actually
17 have that medication and at what level in its
18 system at the time that it actually competes.

19 There are currently 24 thresholds. Those
20 thresholds are also open for review. We're
21 revisiting a couple of them at this point. As
22 those revisions come through, they will go through
23 the same process that I'm going to describe.

24 So essentially the way the list of 24 came
25 about is there was a meeting in Baltimore that was

1 called by RCI, and RCI asked individuals, from
2 chemists and racetrack veterinarians to racetrack
3 regulating veterinarians, to come in and discuss
4 what medications they felt were crucial to have
5 available to them to the point where they would be
6 in a horse on race day. This is where the list of
7 24 came from, this initial list.

8 We also had a preference for those medications
9 that were FDA-approved for use in the horse. If
10 there were no FDA-equivalent or there was a strong
11 need for an additional medication that was not
12 FDA-approved for use in the horse, we looked at
13 those that were FDA-approved for use in another
14 species -- dog, cat, human -- and then finally
15 whether there was significant research to show
16 efficacy, safety, lack of side effects, racing
17 integrity, as well as health of the horse. So we
18 were really deliberate in how we chose these
19 specific medications.

20 CHAIRMAN DIENER: Can I interrupt you?

21 DR. BENSON: Yes.

22 CHAIRMAN DIENER: Quick question. When you
23 say we, who is the we?

24 DR. BENSON: So in the group that RCI pulled
25 together, it was Dr. Tom Lurkin, who's a practicing

1 veterinarian; Dr. Sams; Dr. Stanley, who's a
2 chemist at UC Davis. Dr. Soma was there for some
3 of the meetings, as well as Dr. Uboh, who are both
4 from Penn. Dr. Tobin from the HBPA represented the
5 HBPA there. Dr. Maylin from New York testing lab.
6 Dr. Hovda from the Minnesota Racing Commission was
7 there. So it was a wide variety of individuals.

8 CHAIRMAN DIENER: Were there any standardbred
9 representatives? That's my specific question.

10 DR. BENSON: Dr. Hovda regulates both
11 standardbred and thoroughbreds. Dr. Sams and
12 Dr. Stanley and Dr. Soma are in jurisdictions where
13 both breeds race. There was not a specific private
14 veterinarian on that committee, but I can get to
15 one later where we actually asked an individual who
16 practices privately as a standardbred.

17 CHAIRMAN DIENER: My point is: This was just
18 not a closed group dealing only with thoroughbreds.
19 Came up with model rules for all breeds.

20 DR. BENSON: Not at all. As I'll describe,
21 from that group the RMTC scientific advisory
22 committee took the list.

23 It was funny. I went through this morning to
24 write down the individuals, and it's some of the
25 same individuals. I looked at the number of years.

1 You can look at me and say I'm a younger
2 veterinarian, I don't have much experience, how do
3 I belong up here in front of you making these
4 recommendations. You're not hearing the
5 recommendations from me.

6 The scientific advisory committee, when I
7 totaled up their experience, conservatively they
8 have 300 years of experience in horse racing.
9 Dr. Sams, he's had 30 years as a lab director.
10 Dr. Arthur, who's the equine medical director in
11 California, he's got 20 years in private racetrack
12 practice and he's the equine medical director in
13 California since 2006 for both standardbred and
14 thoroughbred as well as quarter horse. Dr. Maylin
15 from New York, he's got 30 years and deals with
16 multiple breeds. Dr. Stanley, also from
17 California. Petra Hartmann from
18 Industrial Laboratories, she tests for
19 jurisdictions that have thoroughbred, standardbred,
20 and quarter horse.

21 Dr. Knych and Dr. Robinson are RMTC
22 postdoctoral grant recipients, and they've done so
23 much research in the last three years while they
24 have been under the grants. They've done more
25 research in corticosteroids, clenbuterol,

1 butorphanol, dantrolene, pyrotoxin (sp.), tramadol,
2 flunixin, ITTP, shock wave. I mean, the list is
3 just very impressive, the amount of work that
4 they've gotten done.

5 Dr. Hovda, again, she's a veterinarian. She
6 has credentials with the American College of
7 Veterinary Internal Medicine Specialists. She's
8 also a human pharmacologist and teaches toxicology.

9 We're not talking about lightweight people in
10 this industry. We've got private veterinarians,
11 surgeons, and other equine medical directors. So
12 it's a very diverse group; it's a very well-rounded
13 group; and, again, like I said, as I totaled them
14 up this morning, I figured they had well over
15 300 years of experience, which is pretty
16 impressive, on that list.

17 So talking about the thresholds. There are
18 generally two kinds of thresholds on that list.
19 One group is historical. The butes, the bamines,
20 those are historic thresholds that have been around
21 forever. What makes it easy for you is these will
22 not change. We will be keeping the same thresholds
23 that you currently have. We're recommending that
24 you maintain the same thresholds that you had in
25 your rules prior to the enactment of these

1 thresholds.

2 Then the second way we look at thresholds and
3 develop thresholds is through research. We either
4 do research that's sponsored by RMTC or research
5 that's sponsored outside of RMTC. Now, either way
6 when we do research, we do what's called a 95/95
7 tolerance interval calculation. I promise I won't
8 go through the statistics. It's not fun.

9 Essentially I want to get the point across
10 that usually these are three or four standard
11 deviations away from the mean. What that means is
12 they're very conservative. We have very
13 conservative thresholds. In other words, a horse
14 is very unlikely to test positive by following the
15 guidelines under the threshold.

16 It's the same calculation done in Europe on
17 milk. So if you were going to administer a drug to
18 a dairy cow, that same determination is made when
19 is the milk safe to drink. So it's conservative,
20 safe, and it also takes into account the number of
21 horses in the study. If we have six horses in the
22 study, it's actually a more generous threshold
23 than, say, twenty or twenty-two where it becomes
24 more conservative. The goal of all this is, to the
25 best of our knowledge, make sure that the

1 thresholds are set at a point where they don't
2 interfere with the integrity or safety of racing.

3 It doesn't account for a potential interaction
4 between drugs. We really anticipate that the
5 veterinarians who have been doing these risk
6 assessments all along can determine how many
7 medications or which medications might interact
8 together to increase the length of time for
9 clearing a medication.

10 One of the things that we have had and one of
11 the concerns that have been raised is by the
12 standardbred community, specifically as it relates
13 to corticosteroids and clenbuterol. We prepared
14 two white papers, which are in your packets. We
15 actually, after the standardbred community came to
16 us, talked to us about these issues, we formed yet
17 another subcommittee. So it had been through the
18 scientific advisory committee, the RMTC board. It
19 then went on to RCI, where it went through another
20 two committees.

21 The USTA came to us and said, We're concerned
22 about these two drugs. We said, We're happy to
23 take a look at it. We'll appoint another
24 committee. We'll get a practicing standardbred vet
25 to participate. We ended up having a subcommittee

1 that was largely made up of our scientific advisory
2 committee. We also added Dr. Bramlage and
3 Dr. McElroy (sp.), both surgeons who are experts in
4 corticosteroids. Dr. Bramlage sees probably more
5 racehorses than most veterinarians will in their
6 life. Dr. Scott Haag, who's another practicing
7 vet, and Dr. Paul Nolan, who is a standardbred
8 veterinarian in Pennsylvania.

9 We came up with consensus statements. In
10 other words, these were not released until all
11 parties were okay with it. It wasn't a matter of
12 majority rules and the standardbred interest lost
13 out. In fact, the only person on that committee
14 that had no ties to standardbred practice at all or
15 no regulation was the one thoroughbred practicing
16 veterinarian. So everyone else saw or had
17 regulated or did surgery on standardbred horses as
18 well as other horses.

19 The ultimate recommendation of that group was
20 that -- as you said, apparently I'm not any smarter
21 when it comes to these issues than you are -- a
22 horse is truly a horse and there was no physiologic
23 difference with regard to how these medications
24 work in these horses that justified different
25 regulations. So we looked at that issue again;

1 that went back through our board; and we released
2 the white papers, which I hope are fairly
3 explanatory the concerns that were raised by the
4 committee.

5 CHAIRMAN DIENER: I'm sorry to interrupt.
6 Clenbuterol, if I understand it correctly, is a
7 bronchodilator --

8 DR. BENSON: Yes.

9 CHAIRMAN DIENER: -- but it has the effects of
10 an anabolic steroid.

11 DR. BENSON: Correct.

12 CHAIRMAN DIENER: And clenbuterol is
13 prohibited in any human athletic contest?

14 DR. BENSON: Absolutely, yes. Clenbuterol is
15 completely banned in any human sports. It is
16 allowed for horses for the bronchodilator and it
17 thins mucus secretions in the trachea, so it allows
18 them to cough up easier. Doesn't actually cause
19 them to cough, but thins things so that they can
20 cough it up easier.

21 CHAIRMAN DIENER: One of the medications being
22 considered now, I think -- correct me if I'm
23 wrong -- something like albuterol, which is a
24 bronchodilator but does not have the negative
25 impacts such as an anabolic steroid.

1 DR. BENSON: Correct. Albuterol will be on
2 our board agenda for March 17 for a threshold to be
3 approved.

4 CHAIRMAN DIENER: That's about all I know
5 enough to ask the questions. Sorry if I appear too
6 dumb. That's the way I was looking at it.

7 DR. BENSON: Not at all. Actually, you hit it
8 right on the head. The problem that we have with
9 clenbuterol, even a short horse. There's some
10 research that hasn't yet been published, but it is
11 included in our white paper -- it's actually being
12 prepared for publication and comes out of the
13 University of Pennsylvania -- that talks about the
14 decrease in fat in the rump, which is an anabolic
15 effect. It's decreasing fat, increasing muscle.

16 The decrease in rump fat, which they measure
17 with ultrasound, didn't appear until day six. So
18 on a low-dose treatment, which we've recommended,
19 at day six you've already started seeing a
20 significant anabolic effect. Well, they also
21 looked at the tracheal ciliary mucus, so the
22 clearance of the stuff in the throat. That also
23 did not appear significant until day six. So
24 they're very much tied together, unfortunately.

25 The other problem with clenbuterol is if you

1 give it to a horse for two days, you can't
2 determine whether that horse has been on it for
3 two weeks getting the anabolic effect or it's just
4 been on it for two days. In fact, most
5 veterinarians that I've spoke with don't believe
6 that a two-day course is effective. They don't see
7 a difference with those.

8 We're also working on other medications, some
9 expectorants that will help. We have a couple on
10 the list -- glycopyrrolate is an expectorant -- and
11 we're looking at adding more.

12 CHAIRMAN DIENER: But until you get to that
13 point. I'm a trainer of a standardbred. I'm used
14 to racing my horse every week, once a week. So
15 your proposed rule has hurt my only economics,
16 standardbred racing. What do you say to that?

17 DR. BENSON: Well, in part, the issue of
18 integrity and safety and health of the horse to me
19 is paramount over the economics of the sport. Now,
20 I'm not unsympathetic, and I do think that before
21 too long we will certainly have albuterol. And
22 more than that, we will have guidance very quickly
23 on how long albuterol can be tested for. At this
24 point we're looking at about four days. It's going
25 to be about a four-day withdrawal time. So that

1 will come very quickly.

2 We're very diligent about getting our rules in
3 front of the RCI quickly, which means that we will
4 have that to them by their April meeting, and
5 hopefully if that passes. They've been very
6 receptive. Provided it passes my board and RCI, it
7 will be available middle of April, so that
8 information will be out there. We try to give as
9 much information as we can when we set out these
10 rules.

11 CHAIRMAN DIENER: I understand. I know your
12 focus is only on equine health and safety, but this
13 Commission has some other factors to consider. I'm
14 going to ask Mr. Elmore, Mr. Moore, somebody at the
15 appropriate time. If the Commission were to adopt
16 the rules as is, what would the impact be in
17 Indiana, particularly on standardbred racing. We
18 going to end up with a lot of short fields? Are we
19 going to end up with trainers leaving this state
20 and go race somewhere else because we've adopted
21 these rules? I'm not asking you to comment. I'm
22 just saying these are considerations that we need
23 to take into account.

24 DR. BENSON: The other side of that coin is if
25 that high number of your horses are truly on

1 clenbuterol, then they're using it for more than
2 the expectorant effects. So the things that
3 they've found, the true incidence of IAD or RAO,
4 which are the equivalents of human COPD, the true
5 incidence in the horse is very small.

6 For example, I spent this weekend some time
7 with a friend of mine who does hunter jumper barns
8 in Florida. If you look at the hunter jumper
9 world, prescribing clenbuterol is an exception, not
10 the rule. It's becoming too much of a rule in
11 racing.

12 The corticosteroid regulation was largely
13 driven by the practicing veterinarians. Their main
14 concern about corticosteroids was the injection of
15 corticosteroids intra-articularly was being driven
16 by the entry box. So in other words, you entered
17 your race and then you inject the horse, which is
18 usually three to four days before the race goes,
19 which means that horse will not work, you will not
20 have time to evaluate the effects of that
21 treatment. The corticosteroids last
22 intra-articularly particularly long. In fact,
23 longer in many cases than we can regulate them
24 through these thresholds. They can last and
25 persist in the joint for a lot longer than we can

1 test for them in the blood.

2 I don't blame a trainer for not wanting to
3 start pulling joint fluid from their horses to
4 test. I don't think that would be appropriate.
5 These regulations were based on the most recent
6 science. They were considered with a number of
7 practitioners in the room as well as regulators.
8 Really the practitioners wanted the opportunity to
9 see a horse work or train, as they do in
10 standardbreds, prior to entering a race and running
11 in company.

12 We're actually looking at adding one more
13 corticosteroid this month. It will be
14 isoflupredone. Some of the practitioners wanted a
15 different corticosteroid that they can use a little
16 bit differently. They use it in sore high
17 suspensory ligaments. We're planning on adding
18 that one this month.

19 I think ultimately the issue here is these
20 have been very well vetted, they're very well
21 considered. If I were to think about the number of
22 people who have talked about this or debated it,
23 it's been quite a few. I know that we provided a
24 list of references for research articles that
25 reference the research for each of these

1 medications that we in part rely on in one way or
2 another.

3 I also last week -- and I'm hoping that Joe
4 got these to you -- provided some graphs of summary
5 data for those unpublished articles. There are a
6 few articles that are unpublished, and because of
7 the way the scientific advisory committee works, we
8 have a confidentiality agreement. When I started
9 at RMTTC, there was no confidentiality agreement,
10 and researchers were hesitant to share their
11 information. We also had a body of work in Europe
12 that we couldn't use because that was subject to a
13 confidentiality agreement. So one of the first
14 things I did, the lawyer and me made everyone sign
15 a confidentiality agreement; and if they didn't,
16 they didn't remain on the scientific advisory
17 committee.

18 In order to give some information, we've tried
19 to in every case provide summaries of the data or
20 information regarding what the decision was based
21 upon. So I forwarded a summary of information for
22 acepromazine, and it's the same summary that our
23 board saw. So that will give you an idea of what
24 decision was made, and then that's the same for
25 betamethasone. Also I forwarded one for firocoxib,

1 but there is an article that's currently out that
2 should help.

3 So I think that the important thing is that
4 we've done a lot of work. We've spent a lot of the
5 industry's money on this. We are nonprofit. We
6 are funded by the stakeholders in this industry,
7 the tracks and the groups who have an interest in
8 this game. Horsemen's associations are actually
9 quite big funders of ours. They have all looked at
10 this. While I will tell you not everyone is happy
11 with everything, they all realize that it's more
12 important to compromise and get to uniformity than
13 it is to have everything the way that each
14 individual would want it and continue on.

15 I can tell you as I went to Kentucky, they're
16 unhappy that I raised some of the thresholds and
17 shortened some of the withdrawal times, and then
18 the horsemen on the other side are upset. It's
19 really all about compromising, moving the whole
20 sport together forward for the better.

21 Now with that long list of medications that's
22 probably put you to sleep, I'm going to give you a
23 brief update on the multiple medication violation
24 penalty system. The whole purpose of this was to
25 address the small number of repeat violators. It's

1 a very small percentage of trainers responsible for
2 a high number of positives. For those of you who
3 follow racing at all, Rick Dutrow is the poster boy
4 for this. Whether right or wrong, he basically is
5 now serving a ten-year suspension because he had so
6 many medication violations that went unchecked for
7 so long, and he is constantly the individual that
8 the industry and the public points to as why we
9 need to clean up racing.

10 The way that this works is it's very simply a
11 point system, very similar to a driver's license
12 system. The number of points are based on the
13 seriousness of the medication involved. The more
14 serious, the more points. As you collect points
15 and have more than one violation, there are
16 different levels of penalties that are involved.

17 The only penalty that this covers is a
18 suspension. It does not interfere with the
19 discretion of the stewards. They have all the
20 discretion on the underlying penalty. They can
21 have suspension, fine, revocation of purse. But
22 the suspension of this runs consecutively, not
23 along with the other suspensions. So, for example,
24 if the stewards hand down a thirty-day penalty and
25 there's a three-point violation, they now have a

1 sixty-day suspension.

2 I can tell you very few trainers actually fall
3 into this. Everyone started at zero on January 1.
4 When I went back and looked at the databases on the
5 trainers, even some of the biggest trainers in the
6 country would never have run into a problem. It
7 has nothing to do with size of stable; it has to do
8 with management of stable. The number of
9 individuals who would violate this, I actually had
10 to get suggestions on where to look. I actually
11 had to go back to my own history working at
12 Canterbury Park to know a few trainers who were a
13 little bit more liberal with the medication rules.

14 The only other big point of this is points for
15 the less serious violations, your bamines, can be
16 expunged after a set period of time. So, again,
17 it's very much like a license program where the
18 points go on, you serve the suspension if you have
19 more than one violation and more than the set
20 number of points in a set time, and then the points
21 can fall off. Where the points do not fall off for
22 the purposes of multiple medication violations are
23 the most serious violations, the EPOs, the
24 dermorphins, those kinds of drugs that have no
25 business getting into a horse and don't

1 accidentally get into a horse.

2 Those are the cases where we don't want these
3 to fall off. Oftentimes people say that seems very
4 punitive, but everyone starts at zero. So they're
5 on notice that if they do it and get caught that
6 they're running the risk with their license.

7 So that is all I had, unless you have any
8 other questions.

9 CHAIRMAN DIENER: I'm sorry. I just want to
10 mention for the other Commissioners here, our own
11 rules on things other than medications largely
12 adopt the model rules of RCI, separate and apart
13 from the drug thing, the medication thresholds or
14 penalties. We generally, our rule book, mimics
15 RCI's rules. There's going to be some variances,
16 but this is not just a single little isolated
17 thing. We're with RCI on just about every rule
18 that we've ever adopted.

19 I'm sorry. George?

20 COMMISSIONER PILLOW: Just out of curiosity.
21 Did the Kentucky commissioners vote on this?

22 DR. BENSON: Yes, they have. It is in the
23 process of adoption. I believe it is out for
24 comment period, and they anticipate that it will be
25 in place in mid-May to early June. Illinois also

1 did, and they approved it.

2 COMMISSIONER PILLOW: I think Joe said 17
3 states have adopted this.

4 DR. BENSON: Have adopted the therapeutic
5 medication schedule, or they're in process.
6 Actually, if you look at the ones that are in
7 process or adopting, have adopted, or are
8 discussing it, it turns out to be some 80 percent.

9 CHAIRMAN DIENER: Some states have different
10 procedures where you can approve medication and
11 then you have to go through a rule-making process
12 and receive comments.

13 COMMISSIONER PILLOW: Okay.

14 DR. BENSON: They're all in a little bit
15 different position because of that.

16 COMMISSIONER WEATHERWAX: So has Illinois
17 adopted these rules or are they in the process?

18 DR. BENSON: Their Commission has approved it,
19 and then I believe they have to go out to a comment
20 period or a rule-making period. They adopted it, I
21 want to say, in November. That's with regards to
22 the therapeutic medication schedule, the
23 third-party administration of Lasix, and the lab
24 accreditation. You don't have to worry about lab
25 accreditation because you already have supervised

1 administration and the laboratory is already
2 accredited.

3 COMMISSIONER WEATHERWAX: Is clenbuterol now
4 allowed in our state?

5 DR. BENSON: Yeah, it is. I believe you have
6 a 96-hour withdrawal time, five days.

7 COMMISSIONER WEATHERWAX: But is it true,
8 then, that the albuterol is going to be a
9 substitute for that in the future?

10 DR. BENSON: It will be an addition to this
11 list, I believe. I don't think we need to take
12 clenbuterol off the list, because if a horse is
13 taking a couple of weeks off, it's not a bad
14 medication by any means. It's very easy to use to
15 treat. Albuterol is certainly more effort to
16 treat, because you have to treat four times a day
17 versus twice a day orally. So for that option I
18 think it's okay to leave on the list and leave in
19 the arsenal of the vet, but I think that they would
20 complement one another well.

21 COMMISSIONER WEATHERWAX: So evidently the
22 clenbuterol does a good thing on the medication
23 side, but the bad thing is the steroids?

24 DR. BENSON: Right.

25 COMMISSIONER WEATHERWAX: So if you use too

1 much, you create a false steroid effect.

2 DR. BENSON: Unfortunately it's not even using
3 too much. You can use the absolute low recommended
4 dose and within six days see an anabolic effect.
5 So if it were that easy, it would be a little bit
6 maybe easier to control; but even with the
7 therapeutic dose, low end, you get the effect.

8 COMMISSIONER SCHENKEL: Maybe it'll come up in
9 the Chairman's reference to talking about impact
10 and so forth in Indiana. Give me an idea of timing
11 of all this. If there are varying states doing
12 this and they're in different stages, what is our
13 time frame? Do we have some sort of deadline or
14 ideal timeliness of this?

15 CHAIRMAN DIENER: No. We make up our
16 decisions when we make up our decisions.

17 COMMISSIONER SCHENKEL: Nobody's ever talked
18 about that, so I'm just kind of curious about that.

19 MR. GORAJEC: I'm not going to make a comment
20 that's contrary to the comment the Chairman just
21 made. I think it makes all the sense in the world
22 to start these rules now, which is the beginning of
23 our race meet. These rules could have been put
24 forth to the Commission back in September or
25 October. We chose to get as much comment as

1 possible. As you can see by what was filed in your
2 packet that we've gone out of our way on more than
3 one occasion to go to the stakeholders in our state
4 and solicit their input, and we've been doing that
5 for quite some time.

6 We have a race meet starting at the end of
7 this month. We have thoroughbred starting at the
8 beginning of May. Ideally these regulations would
9 be in place and enforced in time for the beginning
10 of the race meet.

11 One of the things I'd like to bring up. In
12 your packet I provided a letter from the NTRA.
13 It's behind this buffer brown-colored piece of
14 paper (indicating).

15 COMMISSIONER PILLOW: What section is that?

16 MR. GORAJEC: It's under Tab 2, down maybe
17 halfway through.

18 CHAIRMAN DIENER: Letter from Mr. Waldrop.

19 MR. GORAJEC: Yes, from Alex Waldrop. That
20 letter in some way really got the ball rolling,
21 because it's an official request that the
22 Commission received for consideration of these
23 rules.

24 What's interesting is that attached to the
25 letter is a list of signatories, of different

1 groups that are asking the Commission to pass this,
2 or at least say that they support these
3 regulations. When you look through that list, with
4 a few conspicuous exceptions, almost every major
5 racing-related association is listed. You have
6 racetracks like Churchill Downs and their family of
7 tracks. You have Stronach Group and their family
8 of tracks. You have Penn National and their family
9 of tracks. You have national racing-related
10 associations. You have the American Quarter Horse
11 Association has signed off on this. Of course, you
12 have the RMTC.

13 Intermixed in this list are a number of
14 horsemen's associations. The reason I bring this
15 up is that we have two letters in our packets, one
16 from the HBPA and one from the ISA, voicing
17 concerns with regard to the proposed rules and
18 regulations, but I think I would be remiss if I
19 didn't bring up to the Commission that horsemen
20 around the country, okay, not all of them are
21 against these medication rules. I'm just
22 reading -- I've highlighted a handful of
23 horsemen-related associations that have signed off
24 on these rules -- the California Thoroughbred
25 Breeders Association, the Florida Thoroughbred

1 Breeders and Owners Association, the
2 Kentucky Thoroughbred Association, the New York
3 Thoroughbred Association, the Thoroughbred Owners
4 and Breeders Association, the Thoroughbred Owners
5 of California. And I think most importantly the
6 Thoroughbred Horsemen's Association, which along
7 with the HBPA is a national group of horsemen.
8 They don't represent horsemen in just one state;
9 they represent horsemen in multiple states.

10 Maybe if I can ask Dionne. With regard to
11 that particular association, because I see they
12 represent horsemen in Delaware, Illinois, Maryland,
13 New Jersey, New York, and Pennsylvania, did they
14 participate in the process? And can you share with
15 the Commission their thoughts on this particular
16 list of medications?

17 DR. BENSON: Sure, absolutely. The meeting
18 that I talked to you about in Baltimore was chaired
19 by Alan Foreman, their executive director. He's
20 the national organization's executive director. He
21 also was the chair of the penalty committee that
22 wrote the multiple medication violations penalty.
23 Horsemen have been intricately integrated in this
24 process.

25 I think that to a certain extent, it will

1 benefit them greatly. I mean, there will be strict
2 rules, but they will all have the same rules.
3 These thresholds that we've given are ones that we
4 know can be enforced in the laboratory. We've
5 gotten rid of any of the false thresholds. In the
6 new research we're getting rid of any false
7 thresholds, where if there was a withdrawal
8 guideline of four days and really we could only
9 find it for two and a half days. We're eliminating
10 those issues. We're trying to be as open as
11 possible about that.

12 Really that way in my mind it tells all the
13 horsemen they are in the same position. Just
14 because maybe the guy next to you may be willing to
15 ask his vet to do something closer or may be
16 willing to try something closer, that can't happen
17 as easily anymore because of these rules.

18 CHAIRMAN DIENER: The main holdout amongst the
19 horsemen associations is the United States Trotting
20 Association, the association representing the
21 standardbreds.

22 DR. BENSON: Correct.

23 CHAIRMAN DIENER: That related principally, if
24 not solely, on clenbuterol and steroids.

25 DR. BENSON: Correct, the corticosteroids and

1 clenbuterol. Although I will say that they are
2 planning on attending our next meeting and making
3 another presentation. They actually withdrew from
4 the RMTC and took significant amount of funding
5 away from us. Whether they decide to return or are
6 asked to return to the RMTC, that could still
7 happen. I don't think that door is shut by any
8 means. By the same token, just because they gave
9 up their seat at the table, it does not mean we
10 don't consider all breeds.

11 CHAIRMAN DIENER: Anything else?

12 MR. GORAJEC: The only other thing I would
13 add, and this is to the standardbred issue. The
14 RCI is in the process of doing a survey of their
15 member jurisdictions with regard to the status on
16 these particular rules, and they asked a question
17 with regard to whether racing commissions were
18 inclined to have separate medication rules for
19 standardbreds versus thoroughbreds. And of the, I
20 believe there were, 16 responses -- 16 different
21 commissions responded to that survey that have
22 standardbred racing -- and only 3 of the 16 said
23 that they are considering or likely to have
24 separate rules. The other 13 said that the rules
25 for thoroughbreds and quarter horses will be the

1 same for standardbreds. And the three
2 jurisdictions that indicated that they were looking
3 at different rules were New York, Pennsylvania, and
4 Ohio.

5 DR. BENSON: And Delaware may end up in that.
6 They lost their executive director, so I don't
7 think that they know what's going on yet.

8 CHAIRMAN DIENER: Thank you.

9 DR. BENSON: Thank you.

10 CHAIRMAN DIENER: We're going to take a break
11 in just a couple minutes. When we get back, I want
12 the Commission to have a chance to reflect on where
13 I'm vetted on this.

14 The model rules that were sent out were
15 exactly as passed by RCI. Those are the ones that
16 have been sent out and made available for comment
17 to date from the stakeholders here in Indiana. The
18 proposed rules the Commission would adopt have the
19 same identical threshold levels in them as the
20 model rules, but we did not include pre-race
21 treatment times for each medication in our proposed
22 rules. Those are in the model rules.

23 Because of that slight variation, it's going
24 to be at least my proposal -- and think about it
25 over the quick ten-, fifteen-minute break -- we

1 adopt the threshold levels to get this thing going
2 with our racing starting March 28, but we will
3 allow supplemental comments from all stakeholders
4 by a time certain -- let's call it April
5 the 7th -- and we will formally adopt the
6 emergency rules at our next Commission meeting
7 scheduled for the latter part of April.

8 That's what I would think, and you can mull
9 that over. I personally feel like a nitpicky
10 lawyer, since we changed something that we didn't
11 send out for comment, allow some supplemental
12 comments.

13 When we also come back from our break, I'd
14 like to hear if the track has any thoughts about
15 impact on fields or owners leaving the state or
16 that kind of thing in Indiana.

17 Let's take a break. 11:00, we'll reconvene.

18 (A brief recess was taken.)

19 CHAIRMAN DIENER: Commission meeting has been
20 reconvened.

21 Just a quick comment, if you have any
22 comments, from Hoosier Park, Indiana Downs,
23 Centaur Gaming whether if the Commission were to
24 adopt the RCI model rules what would be the impact
25 on horse racing at Anderson, or maybe even

1 Shelbyville, but primarily standardbreds? Would
2 you end up with a bunch of short fields? Would
3 some of your favorite trainers be shipping out to
4 more friendly states? I just don't know. Maybe
5 I'm just making up questions that there are
6 problems that don't even exist. I don't know. You
7 have any thoughts, Mr. Elmore?

8 MR. ELMORE: Just a few, Mr. Chairman. I got
9 more questions than solutions, as always.
10 Brian Elmore, vice president of racing, Centaur.

11 I think I'm 90 percent in favor of this. I
12 understand the penalty process. It functions like
13 the Bureau of Motor Vehicles. Start out at zero,
14 get speeding ticket, you accumulate. After so many
15 times, you go back to zero or you lose your
16 license. I understand that. I like that. I worry
17 about false positives, and I want to have a little
18 more clarification on that, or better understanding
19 for me, because that can create a lot of issues.

20 The key to me operation as far as the
21 racetracks is the communication of these rules.
22 That is going to be absolutely key, that not only
23 all the Indiana trainers and practicing
24 veterinarians but all those in the Midwest that
25 also ship horses in here to race know these.

1 If we get in a situation where it's not
2 properly communicated, there could be a significant
3 number of positives, which ties up an awful lot of
4 these ladies' time, and the judges and stewards, as
5 well as purse redistributions. Sometimes it's very
6 hard to get money back out of an owner who has been
7 paid the winning purse and then you find out that
8 his purse has been taken away from him and you
9 spend that time redistributing that to the rest of
10 the participants in the race.

11 I think the bottom line on this will be those
12 trainers and veterinarians who might think about
13 improperly medicating might reconsider and those
14 trainers and veterinarians who choose to improperly
15 medicate will probably not stay in Indiana very
16 long. Thank you.

17 CHAIRMAN DIENER: Thank you, Mr. Elmore.

18 This issue is not closed. I probably
19 misstated what I'm suggesting the Commission to
20 consider this morning. Because the proposed
21 emergency rules in front of us today are not
22 identical to the rules that were submitted for
23 comment to the industry here in Indiana --
24 specifically, pre-race treatment times are not in
25 the proposed rules before the Commission -- that

1 two things: One, the Commission consider setting a
2 date of April the 7th for any supplemental
3 comments from industry stakeholders, veterinarians,
4 whatever, on the proposed rules being considered by
5 this Commission for adoption. Two, the proposed
6 rules that are in front of the Commission right now
7 would be acted upon one way or the other after
8 receipt of those comments at our next Commission
9 meeting, which is scheduled for sometime in late
10 April.

11 What that means would be that when harness
12 racing starts on March 28, the threshold levels in
13 the current Commission rules would still be in
14 effect until the Commission changes those, if it
15 chooses to do so, at its next meeting when it
16 considers these new emergency rules. Is that too
17 fuzzy for the Commissioners to consider?

18 COMMISSIONER SCHENKEL: No. I understand what
19 you're suggesting. I guess I'd ask if there's
20 comment about what does that do to maybe Mr. Elmore
21 or somebody again. Does that further confuse
22 things?

23 MR. ELMORE: No, sir. It actually is helpful.

24 COMMISSIONER SCHENKEL: That's my . . .

25 CHAIRMAN DIENER: Does that make sense?

1 COMMISSIONER PILLOW: That makes sense.

2 CHAIRMAN DIENER: Joe, comment?

3 MR. GORAJEC: I'm comfortable with everything
4 you've just laid out.

5 I would add one thing, and the one thing I
6 would add is we only have threshold levels in our
7 current rules on a few drugs, our nonsteroidal
8 anti-inflammatories, Salex, and a few others. As
9 you said, they're not going to change. What we do
10 every year is we give the horsemen and the
11 veterinarians guidance with regard to withdrawal
12 times. This is something that the Commission has
13 never taken action on. This is something that's
14 driven by staff in working with the lab.

15 What I would propose and what I would do,
16 unless the Commission instructs me otherwise, is
17 the guidance that we give the veterinarians and the
18 horsemen leading up to the next meeting with regard
19 to withdrawal times would be consistent with the
20 current RMTC proposal. What we do is we work with
21 the lab and based upon the best available science
22 we give horsemen guidance on withdrawal times.
23 That doesn't change.

24 Quite frankly, in my mind the best available
25 science is what the RMTC has proposed and the RCI

1 has approved. So with regard to the guidance on
2 all these other drugs, the guidance that we would
3 give is going to be consistent with what is
4 currently in front of the Commission.

5 CHAIRMAN DIENER: Question, Greg?

6 COMMISSIONER SCHENKEL: Is that basically
7 saying we're adopting them, sort of?

8 MR. GORAJEC: Well, for example, let's take
9 the one that's probably getting the most
10 discussion. That's clenbuterol, okay. Clenbuterol
11 right now is five days out. We've just heard
12 testimony, okay, that five days out the horse is
13 going to have an anabolic effect when it races.
14 That's something that we should not want in
15 Indiana, horses racing with the effects of anabolic
16 steroids in their system.

17 The recommendation that's been proposed by the
18 RMTC has a withdrawal time of fourteen days. So
19 what I'd be saying right now is that the guidance
20 that we would give the horsemen, okay, would be
21 consistent with what is proposed by the RMTC. If
22 we don't do that, then basically what we're saying
23 is that we're knowingly allowing horses in our
24 jurisdiction to race with the anabolic effect of
25 clenbuterol in their system, and I don't think

1 that's something that we want to do.

2 CHAIRMAN DIENER: Does that answer your
3 question?

4 COMMISSIONER SCHENKEL: Sort of, I guess.

5 CHAIRMAN DIENER: See, we don't have
6 withdrawal times in our rules and regulations.

7 MS. ELLINGWOOD: Maybe to help clarify what
8 Joe is saying. With respect to the guidance, it's
9 just a best practices recommendation. If a
10 horsemen didn't follow the guidelines and they
11 didn't violate the rule, that's not a rule
12 violation. Failing to follow the recommendations
13 or the guidelines isn't a rule violation.

14 COMMISSIONER SCHENKEL: It's a suggestion.

15 MS. ELLINGWOOD: Exactly.

16 COMMISSIONER SCHENKEL: Okay.

17 CHAIRMAN DIENER: But if you violate the old
18 rules threshold levels, yes, then you get a
19 violation.

20 COMMISSIONER SCHENKEL: Thank you.

21 CHAIRMAN DIENER: Is that clear on what we're
22 proposing?

23 COMMISSIONER WEATHERWAX: Let me try and put
24 it in what I understand what you're doing. I agree
25 with you, Mr. Chairman, that this is a smart move

1 to move this to next month, so we get input,
2 critiquing. What Joe's saying if you don't get
3 some of these guidelines to people before the
4 season starts, we're going to be back here again
5 with the same questions at the end of April. I
6 guess what you're saying is a heads up?

7 MR. GORAJEC: The race meet's starting when
8 it's starting. No one's suggesting because we
9 haven't approved the rules that we're going to push
10 our race meets back. We're going to have racing at
11 the end of March, and we're going to need to give
12 the horsemen guidance on what the withdrawal times
13 should be for certain drugs.

14 What I'm saying is that we've always done that
15 on basically the best science available after
16 discussion between myself, our equine medical
17 director, and the laboratory, okay. Quite frankly,
18 unless someone can convince me otherwise, the best
19 available science is what the RMTC has in front of
20 us.

21 COMMISSIONER PILLOW: Mr. Chairman, is there
22 anyone here that can speak on behalf of the
23 horsemen for five minutes? I don't want to prolong
24 the meeting. I don't know if you want to do that
25 or not. I'd like to just hear more, five minutes'

1 worth.

2 CHAIRMAN DIENER: Well, the substantive
3 comments from the horsemen, we're going to get to
4 hear that when we vote on the new threshold levels.

5 COMMISSIONER PILLOW: At the next meeting?

6 CHAIRMAN DIENER: At the next meeting.

7 COMMISSIONER PILLOW: Okay. That's fine.

8 CHAIRMAN DIENER: So I made a motion. If it's
9 obscure, I'll try to restate it. It was never
10 seconded.

11 COMMISSIONER SCHAEFER: I'll second it.

12 CHAIRMAN DIENER: Let me try to restate it.

13 The Commission will be receiving on or before
14 April 7 any supplemental or additional comments
15 from the industry, any stakeholders, what have you,
16 on the proposed emergency rules to be considered by
17 the Commission which adopt the threshold levels for
18 the 24 medications listed by RCI and the penalty
19 point system for multiple violations by trainers.
20 That will be considered at the next Commission
21 meeting. In the interim, until that time, the
22 current threshold levels in the Commission's
23 current rules will remain in effect and force until
24 changed by the Commission.

25 COMMISSIONER SCHAEFER: Is that your motion?

1 CHAIRMAN DIENER: That's what I'm trying to
2 restate so it's clearer, I guess.

3 COMMISSIONER SCHAEFER: I second that.

4 CHAIRMAN DIENER: Discussion?

5 All in favor.

6 THE COMMISSION: "Aye".

7 CHAIRMAN DIENER: Thank you.

8 No. 3, settlement agreement between
9 United Tote and commission staff. I don't know
10 who's handling this. Lea? Holly?

11 MS. ELLINGWOOD: Holly's up.

12 MS. NEWELL: Thank you. The settlement
13 agreement between the IHRC and United Tote relates
14 to a licensing issue that came to light last fall.
15 United Tote provides tote services at Hoosier Park.
16 Pursuant to IHRC rules, all employees of
17 United Tote, or any track vendor, must be licensed
18 by us, the Horse Racing Commission. Three
19 individuals worked for United Tote at Hoosier Park
20 in 2013 without an IHRC license.

21 The Commission discovered this in October and
22 immediately acted to make sure all those employees
23 were licensed. However, United Tote was in
24 violation of our rule that prohibits the harboring
25 of unlicensed help. Commission staff filed a

1 complaint against United Tote, and we were able to
2 reach a settlement, which is contained in your
3 materials. United Tote has agreed to pay a \$7,500
4 fine to resolve the issue.

5 We request that the Commission approve the
6 settlement as presented.

7 CHAIRMAN DIENER: Questions, comments from the
8 Commission?

9 All in favor.

10 THE COMMISSION: "Aye".

11 CHAIRMAN DIENER: Dissenting, same sign.

12 (No response)

13 CHAIRMAN DIENER: Hearing none, it is
14 approved.

15 I will tell you, personal matter. I view the
16 unlicensed employees of United Tote being at a
17 track in restricted areas unexcusable, and I would
18 not approve anything such as this in the future. I
19 think there's just no excuse to have an unlicensed
20 tote employee in restricted areas at either track.
21 United Tote has been around a while. They know how
22 to do this. This is, I hope, the last we receive
23 of something like this.

24 I'm sorry. Go ahead.

25 That's approved. We're back to No. 4, which

1 is Miss Newell again, ruling logs.

2 MS. NEWELL: Yes. You have the small number
3 of rulings that have been issued in the off season.
4 To the extent you have any questions, I can address
5 them at this time.

6 CHAIRMAN DIENER: Few rulings when there's no
7 live racing. Any questions from the Commission?

8 (No response)

9 CHAIRMAN DIENER: Hearing none, thank you for
10 the report.

11 No. 5, approval of split sample laboratories
12 for this year and beyond. Mr. Gorajec?

13 MR. GORAJEC: Yes. As I had mentioned
14 earlier, we do have a new primary testing
15 laboratory. Dr. Sams and HFL last year was a split
16 sample laboratory, so the change in the primary
17 laboratory has caused us to change our menu for
18 split sample labs. We have two. Both are
19 ISO 17025 accredited, and I recommend to the
20 Commission that they approve these two labs for
21 split samples.

22 CHAIRMAN DIENER: Just as a matter of
23 information. What does ISO accredited mean? Is
24 that a trade association that accredits?

25 MR. GORAJEC: That's a company that accredits,

1 like, almost everything under the sun, probably
2 including some things that Steve Schaefer and his
3 company use.

4 CHAIRMAN DIENER: Okay.

5 COMMISSIONER WEATHERWAX: It's tough.

6 COMMISSIONER SCHAEFER: I've been through it.

7 CHAIRMAN DIENER: Mr. Hartman, do you have a
8 comment?

9 MR. HARTMAN: Jim Hartman, Indiana Breeder &
10 Owner Protection.

11 Just a quick question. Obviously there's been
12 a different selection for the primary lab here, and
13 I noticed that Truesdell is not on the list of
14 split sample. Now, I also noticed in the
15 regulations that not only does the Commission
16 approve the split company but also the primary lab
17 does too. So has that approval taken place? Or is
18 there a particular reason why Truesdell wouldn't be
19 on the list, given the great work that they've done
20 for the Racing Commission over the years?

21 MR. GORAJEC: Well, there's a lot of labs that
22 are ISO 17025 accredited, and there's really no
23 reason that Truesdell's not on the list other than
24 we chose not to put them on the list.

25 MR. HARTMAN: Okay. So then these two have

1 been approved by the primary lab, then, as well?
2 Or is that contract not in place yet?

3 MR. GORAJEC: The contract's not in place, but
4 we've talked to the primary lab who will have the
5 contract to make sure that they're comfortable with
6 the split sample laboratories that are before the
7 Commission, because we wouldn't put them before the
8 Commission unless the primary lab was comfortable
9 with them.

10 So the answer to your question is yes.

11 MR. HARTMAN: Okay. Thank you.

12 CHAIRMAN DIENER: Item No. 6 is approval of
13 labs for out-of-competition testing for this year
14 and thereafter. Joe, again, that's talking about
15 HFL here?

16 MR. GORAJEC: The reason that we have two
17 separate lists is that when you're looking at
18 certain types of drugs that are tested for
19 out-of-competition, the epogens, agents, not all
20 laboratories are experienced in testing for those
21 drugs. Fortunately for us, HFL is able to both do
22 the primary screening and the confirmation, so they
23 will be our primary testing lab for the
24 out-of-competition testing samples.

25 For the split labs we have two others. One of

1 them is UC Davis, which the Commission's familiar
2 with with regard to the previous split samples.
3 The other laboratory is University of Pennsylvania,
4 which is the lab that actually invented or
5 discovered the methodology for testing EPO.

6 So we basically have as our split laboratories
7 for EPO and EPO-type drugs, the two most common
8 laboratories that are for split sample testing.

9 CHAIRMAN DIENER: Any questions, comments?

10 (No response)

11 CHAIRMAN DIENER: Dr. Sams, do you have
12 anything to add to this?

13 DR. SAMS: I'm sorry.

14 CHAIRMAN DIENER: That's all right. Do you
15 have anything to add to the approval of your lab?

16 DR. SAMS: No, thank you.

17 CHAIRMAN DIENER: All right. Thank you.

18 Motion to approve the out-of-competition
19 testing labs.

20 COMMISSIONER SCHENKEL: Second.

21 CHAIRMAN DIENER: All in favor.

22 THE COMMISSION: "Aye".

23 CHAIRMAN DIENER: Opposed, same sign.

24 (No response)

25 CHAIRMAN DIENER: No. 7, a waiver of a rule on

1 eligibility. Mr. Gorajec?

2 MR. GORAJEC: This is an issue that has come
3 up to the Commission in the past, and it's coming
4 up again, in that I'm giving the Commission
5 notification that I'm actually waiving a rule,
6 which is in my purview. The rule stated in the
7 agenda is 71 IAC 5.5-3-1(h). It's really the rule
8 below that (i), and it has to do with our
9 continuing education.

10 When we started this program, one of the
11 pillars of the program was going to be a fallback
12 position for those who haven't attended a live
13 seminar to be able to get their credit online.
14 We've been anxiously awaiting some progress from
15 the California Horse Racing Board and UC Davis, who
16 are designing modules for continuing education. We
17 had hoped that they would be available last year;
18 they were not. Last year at this time we were
19 hoping they'd be available this year, and they're
20 not.

21 I just don't feel comfortable requiring to be
22 enforced until such time as the online component is
23 available. So what I am doing -- and the reason
24 I'm doing it now rather than suspending out the
25 memo -- I wanted to do it in the most public forum

1 so that the Commission and the public audience know
2 that this particular year, that requirement about
3 continuing education is going to be waived.

4 CHAIRMAN DIENER: Question.

5 COMMISSIONER WEATHERWAX: Is this for you and
6 all the staff?

7 MR. GORAJEC: No. This is the education of
8 trainers.

9 COMMISSIONER WEATHERWAX: It doesn't exist
10 right now, so it can't even be a qualification.
11 You're not able to qualify because you can't even
12 get the training.

13 MR. GORAJEC: We've had over the past few
14 years a number of live seminars at the track for
15 trainers.

16 COMMISSIONER WEATHERWAX: Okay.

17 MR. GORAJEC: Quite frankly, the turnout has
18 been extremely well. The trainers who have
19 received their continuing education represent
20 approximately 80 percent of the horses that race at
21 the track. The issue, though, is primarily horses
22 shipping in from out of state. Those trainers are
23 unlikely or less likely to attend a seminar in
24 Indiana, especially when they train out of state,
25 and as that fallback provision that I feel is so

1 important to allow them to go online rather than
2 come to Indiana to get the accreditation.

3 Basically for two years in a row we've been
4 disappointed that that online component's not
5 available. I've seen some of the work that the
6 California Horse Racing Board has done along with
7 UC Davis, and it's excellent, very good work. It's
8 just not finished and it's just not available.

9 COMMISSIONER WEATHERWAX: Okay.

10 COMMISSIONER SCHAEFER: This is the online
11 version you were trying to get two or three years
12 ago; right?

13 MR. GORAJEC: At least two years ago.

14 CHAIRMAN DIENER: Further questions, concerns?

15 (No response)

16 CHAIRMAN DIENER: All in favor of granting the
17 waiver of this particular rule for 2014, please say
18 aye.

19 THE COMMISSION: "Aye".

20 CHAIRMAN DIENER: Opposed, same sign.

21 (No response)

22 CHAIRMAN DIENER: Waiver is granted.

23 Items 8 and 9 are petitions for repeals of
24 rules by the Indiana Breeder & Owner Protection,
25 Inc. The petitions are what they are.

1 Mr. Hartman, why don't you come on up. What I
2 propose to do, just to shorten things up, because I
3 think I understand where you're coming from, is see
4 what Ms. Ellingwood thinks, give you a chance to
5 respond that, if that's satisfactory.

6 MR. HARTMAN: Sure.

7 CHAIRMAN DIENER: Go ahead, Ms. Ellingwood, on
8 No. 8.

9 MS. ELLINGWOOD: As you can see from the
10 material in your packet, IBOP has submitted a
11 petition recommending that the Commission repeal
12 71 IAC 10-3-20(b). Again, you can see is a rule in
13 which the Commission has delegated to the executive
14 director the authority to draft an administrative
15 complaint.

16 I don't want to put words in Mr. Hartman's
17 mouth, but what I've taken from the petition is
18 that IBOP identifies two statutes which changed as
19 a result of Senate Enrolled Act 609, which was
20 effective January 1 of this year. That legislation
21 removed certain language from the statutes, which
22 had the effect of prohibiting the executive
23 director from doing certain things. Specifically,
24 the executive director is not allowed to impose
25 sanctions upon a licensee or to deny, suspend, or

1 revoke a permit or license.

2 The rule that IBOP has asked to be repealed
3 delegates, again, to the executive director the
4 ability to draft an administrative complaint. The
5 basis of the request is that basically Joe can no
6 longer do that. IBOP fails to understand, though,
7 that drafting an administrative complaint does not
8 constitute the end position of a sanction, nor does
9 it constitute the revocation, denial, or suspension
10 of a license.

11 Essentially an administrative complaint is
12 just a document that begins the disciplinary
13 process. It's simply notice to a licensee that
14 disciplinary process is going to begin and
15 identifies the recommendation that the executive
16 director makes with respect to a penalty. In other
17 words, the executive director is simply making a
18 recommendation to the Commission with respect to
19 the penalty that he believes, based on his years of
20 experience in the industry, you as the Commission
21 should impose on the licensee. Those people who
22 are able to impose a sanction or who are able to
23 deny, revoke, or suspend a license are those
24 identified in statute, and those are the judges and
25 stewards and the Commission itself.

1 So staff would recommend against granting this
2 petition because we do not believe that the rule
3 that has been identified is contrary to the change
4 in the statute. Furthermore, if that change is
5 made, the Commission itself would be responsible
6 for drafting its own administrative complaints,
7 which would be both practically and procedurally
8 difficult.

9 CHAIRMAN DIENER: Mr. Hartman?

10 MR. HARTMAN: One of the goals of this
11 petition was to get on record exactly what the
12 position was on this, so we've accomplished that.

13 The only thing that I would say is that an
14 administrative complaint of this manner can be sent
15 to a person and a person says I accept that
16 penalty, so it doesn't necessarily go each and
17 every time to the Commission for review. So that's
18 essentially handing down a penalty.

19 MS. ELLINGWOOD: When the Commission staff
20 drafts the administrative complaint and sends it to
21 a licensee, many times the licensee then engages in
22 settlement negotiations. I think that's what
23 Mr. Hartman's referring to. In that case every
24 time we have an administrative complaint where it
25 results in a settlement agreement, that settlement

1 agreement comes before the Commission for approval.
2 Or if it's small enough penalty, the judges and the
3 stewards will consider.

4 So every time the end position of sanction, a
5 denial, suspension, or revocation of license, every
6 time is considered by the Commission or an entity
7 that is being given authority by the statute.

8 COMMISSIONER SCHENKEL: And not staff.

9 MR. HARTMAN: So what you're saying is it's
10 only a recommendation in any case?

11 MS. ELLINGWOOD: Absolutely.

12 MR. HARTMAN: Okay. Thank you very much.

13 COMMISSIONER PILLOW: How often does
14 administrative complaints occur?

15 MS. ELLINGWOOD: I'd have to check the log,
16 but I think in 2013 we issued maybe, I want to say,
17 between five and ten administrative complaints.

18 COMMISSIONER PILLOW: So it's not a huge
19 number?

20 MS. ELLINGWOOD: No, it's not. Again, every
21 time we initiate that process, in one way or
22 another, whether that ends by settlement agreement
23 or by a proposed final order, it always comes
24 before the Commission.

25 Point in fact. With respect to the Adams case

1 which the Commission heard last year, which you
2 were not a part of the Commission at that time, the
3 executive director recommended a proposed penalty
4 and the Commission changed that penalty, as
5 evidence that the Commission itself is the entity
6 that has the authority to impose a sanction.

7 COMMISSIONER PILLOW: Okay.

8 CHAIRMAN DIENER: So I would go ahead and make
9 the a motion that we deny the petition to repeal
10 71 IAC 10-3-20(b).

11 COMMISSIONER SCHAEFER: Second.

12 CHAIRMAN DIENER: All in favor.

13 THE COMMISSION: "Aye".

14 CHAIRMAN DIENER: All opposed, same sign.

15 (No response)

16 CHAIRMAN DIENER: Hearing nothing . . .

17 No. 9, Mr. Hartman again. Again, requests a
18 repeal of a rule because it kind of duplicates
19 what's in the statute is what I gather.

20 MS. ELLINGWOOD: I'm under the same impression
21 too. The petition requests the Commission repeal
22 specifically 71 IAC 1.5-1-40, which is the
23 definition of Foreign Substance. The basis of the
24 request appears to be Indiana statute which
25 provides in pertinent part that to the extent

1 possible a rule adopted by an agency shall avoid
2 duplicating standards found in state or federal
3 law. IBOP specifically mentions that the same
4 definition of foreign substance is also included in
5 the Indiana statute.

6 First, the statute that IBOP cites is one that
7 is generally considered by agencies at the time the
8 agency's adopting an administrative rule, which is
9 not happening here. This rule was actually
10 re-adopted by the Commission, and I don't believe
11 we received any comments at that time.

12 Second, the statute that IBOP has listed,
13 which discourages agencies from duplicating
14 standards, is in my mind inapplicable, as what you
15 find in the rule is not a duplication of standards.
16 It's a duplication of definitions. There's a
17 difference between standard and definition. A
18 standard is generally a level of quality used as
19 the norm. The definition is just a statement as to
20 the meaning of the word. So in my opinion, that
21 basis for repealing this rule doesn't apply.

22 Notwithstanding those points, though, staff
23 believes that keeping the definition where it is in
24 the rule -- and little bit let the executive
25 director expound on this if he wants to -- in my

1 mind it can be helpful to regulate an entity when
2 they're trying to look to find these definitions.
3 In other words, you don't have to go to multiple
4 locations to find it. It's all in the rule. As a
5 matter of fact, there are at least eight other
6 places where we have a definition in our rule that
7 mirrors the definition in the statute.

8 So I recommend that the Commission deny this
9 petition as well, or maybe the alternative allow
10 the industry the opportunity to comment as to
11 whether or not having this definition in the rule
12 assists them.

13 CHAIRMAN DIENER: I guess I have a practical
14 concern about this. I know there are licensees --
15 and I'm primarily talking about the people on the
16 backside -- that are charged with being responsible
17 for compliance with and familiarity with our rules
18 and regulations. I don't see as a practical matter
19 they're expected to also be carrying around in
20 their back pocket a copy of the pari-mutuel
21 statute. I just think no harm, no foul. I think
22 it's easier for those in the licensed area that
23 they're charged to be familiar with our rules and
24 regulations, that's it. They're not charged with
25 familiarity with our statute.

1 Executive director on Lea's comments?

2 MR. GORAJEC: If the Commission approved the
3 petition, the change wouldn't impact Commission
4 staff, but just piggybacking on what you just said.
5 I mean, take this particular definition,
6 Foreign Substance. In our rule book Chapter 8
7 deals with medication, and the definition of
8 Foreign Substances kind of is the building block on
9 our entire chapter. A lot of horsemen, even though
10 they're required to know the rules, a lot of them
11 don't go to our rule book. Having said that, I
12 don't think any of them go to our statute.

13 So to the extent that you can get a horseman
14 to go to the rule book to know what our rules and
15 regulations are, I would think that to the extent
16 that we have important definitions in our rules
17 would be a plus. I would assume that the horsemen
18 would prefer that and appreciate that.

19 Like I said, it doesn't make a difference to
20 the Commission staff. I'm just thinking that, you
21 know, to the extent there are important
22 definitions, if they're in our rule book, I think
23 that's a good thing.

24 CHAIRMAN DIENER: Mr. Hartman, give you a
25 chance.

1 MR. HARTMAN: Well, I guess there's the
2 distinction between important definitions and all
3 definitions, because there's a number of
4 definitions that are in the statute that don't
5 exist in the Indiana Administrative Code.

6 What I would point to on the petition is that,
7 in fact, the Foreign Substance definition in the
8 standardbred rules is expired. It's been allowed
9 to expire. That also ties into the medication rule
10 in the standardbred rule book because it refers
11 directly back to the definition.

12 So in a way the point is that this rule is
13 expired and the last paragraph here says -- should
14 you believe otherwise, which I'm thinking that's
15 the case -- then an effort should be made to
16 promulgate Foreign Substance definition within the
17 standardbred rule book, because as of today it
18 doesn't exist.

19 MS. ELLINGWOOD: Mr. Hartman is right that the
20 rule defining Foreign Substance did expire. As you
21 may remember, Commission staff last year was in the
22 process of attempting to renew 900 administrative
23 rules that were scheduled to expire. Frankly, the
24 fact that the definition of foreign substances did
25 get renewed in thoroughbred and not in standardbred

1 was not by design. To the extent that Commission
2 staff can in the future make that consistent, we
3 certainly will.

4 To the heart of this request, which is to
5 repeal the definition from thoroughbred, still I
6 would recommend that the Commission not grant this
7 request. Then if we need to move forward with
8 defining Foreign Substance in the standardbred
9 again, we certainly can do that.

10 CHAIRMAN DIENER: You would go ahead and
11 recommend denying the petition for repeal of the
12 rule, but you're agreeable to submitting a rule to
13 reinstate Foreign Substance definition for
14 standardbreds at our next Commission meeting,
15 something like that?

16 MS. ELLINGWOOD: Yes, Chairman. My point is
17 simply that I think there is a need for the
18 definition of Foreign Substance in the rule, so
19 this petition should be denied.

20 COMMISSIONER SCHAEFER: So moved.

21 CHAIRMAN DIENER: So moved.

22 MR. HARTMAN: Chairman Diener, then if the
23 definition is not in place until the next meeting,
24 which I think is after the standardbred meet
25 starts, then the medication rule, 8-1-1.5, has no

1 meaning. It starts out saying, No horse
2 participating in a race or entered in a race shall
3 carry in its body any Foreign Substance as defined
4 in 71 IAC 1.

5 CHAIRMAN DIENER: Our governing pari-mutuel
6 statutes will trump any rule. We'll have a basis
7 for enforcing that, even if it's not a rule.

8 MR. HARTMAN: I hope so.

9 CHAIRMAN DIENER: Don't worry about it.

10 Any further discussions?

11 (No response)

12 CHAIRMAN DIENER: All in favor.

13 THE COMMISSION: "Aye".

14 CHAIRMAN DIENER: Opposed, same sign.

15 (No response)

16 CHAIRMAN DIENER: Motion carries.

17 Item No. 10, we're going to have to ask
18 Jessica Barnes to present her own views but to
19 pinch hit for Wendy Brown. Wendy has some home
20 responsibilities, and Ms. Brown did deliver her
21 remarks to Jessica, which Jessica can either read
22 or ask the court reporter to enter them in the
23 record. Good morning.

24 MS. BARNES: Good morning. I will just go
25 ahead and read Wendy's remarks. They're pretty

1 short here.

2 The Indiana Thoroughbred Breed Development
3 Advisory Committee asks for your approval of the
4 2013 Indiana-bred program. I want to thank my
5 fellow committee members, Paul Tinkle and
6 Steve Stults. I'd also like to thank Brian Elmore,
7 Jon Schuster, and Kevin Greely of Indiana Grand;
8 Christina Lawton, director of ITOBA; and various
9 others at the Indiana HBPA and director Mike Brown.
10 They all came to our meetings with useful and
11 valuable ideas.

12 The IHRC staff did an excellent job of keeping
13 us informed and within our budget. The depth and
14 breadth of knowledge of the thoroughbred industry
15 shown by these individuals made quick work of our
16 job.

17 I believe this committee enjoyed great
18 cooperation and communication with breeders,
19 owners, and trainers of Indiana-bred horses. We
20 tried to listen to their concerns and address their
21 issues. We will be partnering with the racetrack
22 and ITOBA to help fund two stallion season stakes
23 during 2014.

24 It's a new era in Indiana horse racing. The
25 ownership of Indiana Grand by Centaur and the

1 direction of Rod's management team has been a boom
2 to the Indiana breed development program. To keep
3 each breed at their racetrack will lead to safer
4 racing and greater success for everyone.

5 Two things this committee has heard from
6 horsemen is their desire for more opportunities to
7 race their Indiana-breds and Indiana-sired horses.
8 In 2013 we raced 20 more Indiana-bred races than in
9 2012.

10 When the Commission approved the new
11 thoroughbred distribution policy last fall, it
12 allowed Indiana Grand more leeway in the purse
13 structure between open races and Indiana-bred
14 races. Indiana Grand has shown their commitment to
15 take Indiana breeders by allotting enough purse
16 money to race Indiana-bred and sired races by
17 \$2,000 above open races for 2014.

18 Indiana Grand has also agreed to two
19 additional stakes for three-year-old Indiana-sired
20 horses. These stakes races will be contested
21 (inaudible). The committee named the filly
22 division of this new stakes the Swifty Stakes, in
23 honor of the late Don Myers of Swifty Farms and
24 their contribution to the Indiana program. The
25 (inaudible) will be called the Idaho Stakes, a

1 symbol of Hoosier excellence. It's important to
2 promote excellence. Whenever incentives are
3 provided, people are try.

4 Breeding is an important part of Indiana's
5 agribusiness, but the quality thoroughbred makes
6 money for more people here in Indiana. With better
7 handle, more quality races, so management makes
8 more and everyone benefits. Better horses are less
9 likely to become unwanted horses, and I feel that
10 the breed development program has grown a little
11 more each year. This program is fostering better
12 horses and Indiana-breds are winning more in open
13 company than in other states where breeding program
14 has existed.

15 Wendy notes that she's proud of what Indiana
16 has done for her horsemen and feels that the 2014
17 breed development program is one more step toward
18 excellence in Indiana thoroughbred breeding.

19 So I just echo those remarks. The program is
20 laid out in front of you here. This program is put
21 together with the cooperation of all the
22 entities -- the Indiana HBPA, ITOBA, and the
23 racetracks -- and everyone working together to
24 build a unified program that'll work within our
25 budget and work for the thoroughbred industry in

1 Indiana.

2 Then you'll also see that there are actually
3 two rule changes that are outlined in this
4 proposal. The first has to do with out-of-state
5 breeder's awards. When this rule was originally
6 written, it did not specify Puerto Rico. We
7 actually had an Indiana-bred horse race in
8 Puerto Rico. So it was brought to our attention,
9 and the committee felt like that was within
10 North America; and if an Indiana-bred races in
11 Puerto Rico, it should be included and get
12 Indiana-bred breeder's award if it's within the
13 guidelines of breeder's awards. The second is
14 purse supplement in open races, and this makes this
15 language consistent with the language in
16 71 IAC 13-5-3-2.

17 So I would ask for the Commission's approval
18 of this program.

19 CHAIRMAN DIENER: Questions? Go ahead.

20 COMMISSIONER WEATHERWAX: I've never seen the
21 budget before, but is this an increase or is it the
22 same dollars?

23 MS. BARNES: It is about the same. I mean, it
24 varies because of slots coming in, and we have seen
25 a bit of a decline in slots. So it is a little bit

1 less than the previous years. We're hoping things
2 are going to level out and stay. Basically we sit
3 down each year and what I do is I look at slots
4 from the previous year and then we try and make our
5 budget based off of those recommendations, so . . .

6 COMMISSIONER SCHAEFER: Jessica, along with
7 that. Would you next year put the previous budget?
8 I did have last year's budget, but my filing system
9 took me a minute to find it. I did have it from
10 last year.

11 MS. BARNES: That's fine. We can actually
12 show a comparison from year to year. I have those
13 figures and will include them in the future.

14 CHAIRMAN DIENER: Any additional questions?

15 (No response)

16 CHAIRMAN DIENER: All in favor of approving
17 the Thoroughbred Breed Development Advisory
18 Committee program for this year and the proposed
19 amendments to the rules, to implement that, please
20 say aye.

21 THE COMMISSION: "Aye".

22 CHAIRMAN DIENER: Opposed, same sign.

23 (No response)

24 CHAIRMAN DIENER: It's approved.

25 I got to ask a question, Brian, just to clear

1 it up. Is there anything to prohibit having a
2 graded stakes race or a restricted race?

3 MR. ELMORE: Yes, I believe there is.

4 CHAIRMAN DIENER: That's what I thought, but I
5 wasn't sure. I'm sorry. That just occurred to me.

6 MS. ELLINGWOOD: Chairman, before we go on, I
7 just wanted to make it clear. With respect to the
8 rules that were adopted, I assume that this
9 qualifies as an emergency rule because there's a
10 timeliness issue with respect to this for the fact
11 that this is for the upcoming season, but I don't
12 want to speak for Ms. Barnes. Can you confirm that
13 that is the case?

14 MS. BARNES: Yes.

15 MS. ELLINGWOOD: This is before the Commission
16 as an emergency rule.

17 CHAIRMAN DIENER: As long as it complies with
18 the emergency rule guidelines. I believe it does.

19 And Mike isn't here, so you're on your own for
20 Quarter Horse Breed Development Advisory Committee.

21 MS. BARNES: Yes. Our chairman, Mike Gross,
22 could not be here today, so he asked me to make
23 this presentation. Even though his presentation
24 says quarter horse breed development, it's really a
25 document that comes out because of the efforts of a

1 lot of entities. The Quarter Horse Racing
2 Association, the management and staff of
3 Indiana Grand all worked together to make this
4 program work.

5 The quarter horse breed development program
6 receives 30 percent of the money that goes to
7 quarter horses in Indiana, so it's vital that the
8 breed development committee works hand in hand with
9 the horsemen's association and the racetracks when
10 putting their proposal together, because it
11 intertwines so greatly with the open quarter horse
12 program.

13 So you can see here what our projected revenue
14 is, what our reserve amount is. One of the
15 problems or successes that quarter horse breed
16 development program has is there's been a couple
17 elements of our program that have almost been too
18 successful the last couple years and has caused us
19 to go over budget for those specific items. So
20 each year we've had to take a really hard look at
21 them and try to tweak them, get us back reined in.

22 So that's one of the things that has changed
23 in this year's program is changing that supplement
24 in open races to a percentage instead of a flat
25 amount. And it ties in with the overall purses.

1 Also, you'll see the elimination of sired
2 overnights but an initiation of a bonus program.
3 We think that would serve the program better
4 because it will actually force sired horses to race
5 against open Indiana-breds -- there's kind of a
6 tiered system -- and encourage those horses to
7 become better. So I think long term you'll see an
8 improvement in the quality of sired horses.

9 Our stakes program has pretty much stayed the
10 same.

11 Then there's two applicable rule changes. The
12 purse supplement in open races, which changes it to
13 a percentage, and the sired purse supplement, which
14 is a new element to the program. I also ask that
15 these be addressed as emergency rules, as they do
16 affect the upcoming budget and the race meet.

17 CHAIRMAN DIENER: Questions from any of the
18 Commissioners?

19 COMMISSIONER WEATHERWAX: I guess you're just
20 trying to use your money as wisely as you can to
21 promote yourself in the best way you can, but each
22 of you as a horse association have to do that. So
23 you look at this and you say, okay, open races
24 meets, more interest, more participation. You put
25 more money in there than you took it away from last

1 year. You increased the budget in open from last
2 year. So you don't have to be an Indiana-bred, but
3 they're evidently looking at that as something to
4 help.

5 MS. BARNES: One of the things that happened
6 was they looked at the overall program between
7 Indiana-bred races and the open program, and they
8 found that there was a really large gap between
9 Indiana-bred races and open races. So when looking
10 at what is best for the overall program, it was
11 determined that it would be better to kind of shift
12 those open races up a bit. There is a large
13 majority of Indiana-bred horses that are racing in
14 the open program. So when you shift those numbers,
15 it helps the balance between the supplement in open
16 races and everything kind of fits together like a
17 puzzle piece, so . . .

18 CHAIRMAN DIENER: Any other questions?

19 (No response)

20 CHAIRMAN DIENER: All in favor of approving
21 the Quarter Horse Breed Development Advisory
22 Committee program for 2014 and the implementing
23 rules therein, please signify by saying aye.

24 THE COMMISSION: "Aye".

25 CHAIRMAN DIENER: Opposed, same sign.

1 (No response)

2 CHAIRMAN DIENER: It is approved. Thank you
3 very much, Jessica.

4 MS. BARNES: Thank you.

5 CHAIRMAN DIENER: Just for George. These
6 breed development committees, their representatives
7 on those committees are appointed by the Governor's
8 office and they work closely with Jessica and
9 others at the Commission, and their work is always
10 underappreciated and rarely noticed and they do a
11 good job.

12 COMMISSIONER PILLOW: Okay.

13 CHAIRMAN DIENER: Thank you, Jessica.

14 MS. BARNES: Thank you.

15 CHAIRMAN DIENER: Okay. Mr. Keeler, petition
16 from Centaur to expand gambling. I'm sorry. It's
17 getting late in the morning, John.

18 MR. KEELER: Thank you, Mr. Chairman, members
19 of the Commission. My name is John Keeler. I'm
20 general counsel for Centaur. That's K-e-e-l-e-r.
21 I'll be very brief. This petition seeks to expand
22 our ability to use the Fast Bet Mobile technology
23 at Indiana Grand Racing & Casino, which we now call
24 it.

25 As you'll recall, we've had this technology in

1 place for over twenty-two months at both
2 Winner's Circle and at Hoosier Park, and the
3 Commission's previously authorized it for our new
4 facility to be in New Haven. In December the
5 Commission approved using United Tote, which is the
6 supplier of Fast Bet Mobile, as the totalizer
7 company for Indiana Grand. That now makes it
8 possible to have Fast Bet Mobile in use at
9 Indiana Grand, with the permission of the
10 Commission.

11 It's really not much more complicated than
12 that, and I'd be happy to answer any questions you
13 might have.

14 CHAIRMAN DIENER: Questions from the
15 Commission?

16 (No response)

17 CHAIRMAN DIENER: Make the motion to approve
18 the petition from Centaur to expand the Fast Bet
19 Mobile system at Indiana Downs.

20 COMMISSIONER WEATHERWAX: Second.

21 CHAIRMAN DIENER: All in favor.

22 THE COMMISSION: "Aye".

23 CHAIRMAN DIENER: Opposed, same sign.

24 (No response)

25 CHAIRMAN DIENER: Thank you very much.

1 MR. KEELER: Thank you.

2 CHAIRMAN DIENER: Last item on the agenda is
3 the approval of Hoosier Park's standardbred racing
4 officials for 2014. Mr. Gorajec?

5 MR. GORAJEC: I think Rick Moore is going to
6 speak to this.

7 CHAIRMAN DIENER: I'm sorry.

8 MR. MOORE: Thank you, Mr. Chairman.
9 Rick Moore, vice president and general manager of
10 racing at Hoosier Park.

11 I'd just like to point out since the time of
12 this petition, very recently, there's two
13 individuals, in fact, one just yesterday I found
14 out, that will not be returning. So I just wanted
15 to point out before you approve this list that the
16 photo finish technician, Amie Alexander, and judges
17 stand tote assistant, Kristen Stahl, will not be
18 returning. When those positions are filled, I will
19 submit those to Mr. Gorajec immediately for his
20 approval, your approval. So I just wanted to point
21 that out.

22 Thank you very much.

23 CHAIRMAN DIENER: Any questions about approval
24 of the remaining officials? Do we need delegation
25 of authority on an interim basis for those two open

1 slots until the Commission meets again?

2 MR. GORAJEC: I think that makes sense,
3 because they're going to be racing in three weeks.

4 CHAIRMAN DIENER: So I think, if I'm reading
5 this right, we would approve the list of 2014
6 standardbred meet officials as submitted and as
7 amended today by Mr. Moore and delegate the
8 authority to Mr. Gorajec to approve a photo finish
9 technician and to approve a person to stand as the
10 judges stand tote assistant in the interim.

11 MR. GORAJEC: Well, let me ask you this: Is
12 the approval permanent or do you want me to bring
13 this up at the next Commission meeting for
14 ratification?

15 CHAIRMAN DIENER: Permanent and just report to
16 the Commission, please.

17 All in favor.

18 THE COMMISSION: "Aye".

19 CHAIRMAN DIENER: Opposed, same sign.

20 (No response)

21 CHAIRMAN DIENER: Thank you, Mr. Moore.

22 MR. MOORE: Thank you very much.

23 MR. GORAJEC: Just on that point, I would ask
24 Rick, because these two people in particular work
25 so closely with the judges upstairs, that you work

1 with Tim Schmitz and the judges with regard to
2 finding replacements for these two individuals.

3 MR. MOORE: Absolutely.

4 CHAIRMAN DIENER: As I mentioned earlier,
5 we're trying to schedule yet amongst the five of us
6 a date, but we're looking for our next Commission
7 meeting to be that last week of April. Possibly
8 carried over to the first week of May, but
9 hopefully in April. Major thing will be the
10 consideration of the emergency rules for medication
11 and the penalty point provision for multiple
12 violations.

13 I would encourage any supplemental comments to
14 be filed on or before April 7, and I really would
15 like the thoughts or input, if there is any, from
16 the tracks. I know this is really not your thing,
17 but I keep thinking what's the impact going to be
18 on racing or what's going to be . . . So if you
19 have something other than questions -- I'd rather
20 have some answers, Mr. Elmore -- we really
21 appreciate it.

22 With that, this meeting stands adjourned.

23 Thank you all.

24 (The meeting was adjourned at 12:00 p.m. on
25 March 5, 2014.)

STATE OF INDIANA

COUNTY OF MARION


I, Michele K. Dew, CRR-RPR, a Notary Public in and for said county and state, do hereby certify that the witnesses herein were by the Chairman duly sworn to tell the truth, the whole truth, and nothing but the truth in the aforementioned matter;

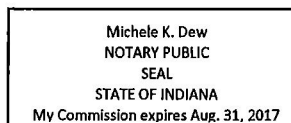
That said meeting/hearing was taken down in stenograph notes and afterwards reduced to typewriting under my direction; and that the typewritten transcript is a true record of the testimony given by said deponents;

That said meeting/hearing complies with all applicable rules;

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 10th day of March, 2014.





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