

Agenda Item # 2

Ruling Log

Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fines	Suspended From	Suspended To	Days Suspended
14531	6/3/2014	Juan Guerrero	QH	5/30/2014	Riding infraction		6/6/2014	6/10/14	3
14532	6/3/2014	Aron Hunt	QH	5/31/2014	Whip-excessive	\$200			
14529	6/3/2014	Robert West	TB	6/3/2014	License surrendered				
14530	6/3/2014	Orlando Mojica	TB	5/7/2014	Riding infraction		6/7/2014	6/11/14	3
14025	6/4/2014	Jamie Rucker	SB	3/18/2014	Trainer responsibility	\$500			
14026	6/4/2014	Ronald Burke	SB	3/24/2014	Trainer responsibility	\$500			
14533	6/4/2014	Michael Passero	TB	6/4/2014	License surrendered				
14534	6/4/2014	Penny Rone	TB	6/4/2014	License surrendered				
14535	6/4/2014	Mickel Norris	TB	6/4/2014	Trainer responsibility	\$100			
14027	6/5/2014	Pasko Vucinaj	SB	5/10/2014	Contraband/drugs		5/10/2014	6/8/14	30
14028	6/5/2014	Pasko Vucinaj	SB	4/4/2014	Isoflupredone	\$2000			
14029	6/5/2014	Pasko Vucinaj	SB	4/16/2014	Drug test-equine	\$2000			
14538	6/6/2014	Marlon St Julien	TB	5/23/2014	Drug test - human		5/23/2014	7/21/14	60
14537	6/6/2014	Smitty Oxendine	TB	5/23/2014	Drug test - human		5/24/2014	6/22/14	30
14539	6/6/2014	Marlon St Julien	TB	5/23/2014	Conduct/behavior		7/22/2014	3/18/2015	240
14030	6/6/2014	Ronnie Roberts	SB	6/2/2014	In reciprocity w/others		6/6/2014	indefinite	
14536	6/6/2014	Smitty Oxendine	TB	5/23/2014	Conduct/behavior		6/22/2014	2/16/15	240
14031	6/7/2014	April Selg	SB	4/11/2014	Failure to obtain lic.	\$250			
14038	6/7/2014	Lewayne Miller	SB	5/23/2014	Whip-bleeding/welts	\$500			

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14039	6/7/2014	Michael Micallef	SB	5/23/2014	Whip-bleeding/welts	\$500			
14040	6/7/2014	Richard Macomber	SB	5/30/2014	Driving infraction	\$100			
14036	6/7/2014	Tyler Smith	SB	6/6/2014	Driving infraction	\$100			
14034	6/7/2014	Raynia Ginder	SB	4/11/2014	Failure to obtain lic.	\$250			
14033	6/7/2014	Ashley Martino	SB	4/11/2014	Failure to obtain lic.	\$250			
14032	6/7/2014	Susan Bray	SB	4/11/2014	Failure to obtain lic.	\$250			
14037	6/7/2014	Brandon Bates	SB	5/28/2014	Whip-excessive	\$100			
14540	6/9/2014	John Stearns	TB	5/31/2004	Trainer responsibility	\$100			
14035	6/9/2014	Community Health	TB	4/11/2014	Failure to obtain lic.	\$1000			
14543	6/11/2014	Avilio Garcia	TB	5/18/2014	Conduct/behavior	\$100			
14542	6/11/2014	Ivan Davis	TB	6/3/2014	Refused breath	\$100	6/11/2014	6/17/14	7
14541	6/11/2014	Valentin Castro	TB	5/31/2014	Summarily suspended		6/11/2014	indefinite	
14041	6/12/2014	Terry Pyle	SB	4/1/2014	Miscellaneous	\$500			
14042	6/13/2014	Angela Demaree	SB	4/11/2014	Refused breath	\$100	6/22/2014	6/28/14	7
14544	6/16/2014	William Crissup	TB	5/17/2014	Drug test-human		6/6/2014	7/5/14	30
14547	6/17/2014	Aron Hunt	QH	6/13/2014	Failure to obey jds/stw	\$100			
14546	6/17/2014	Christian Esqueda	QH	6/13/2014	Whip-indiscriminate	\$250			
14545	6/17/2014	Christian Esqueda	QH	6/13/2014	Riding infraction		6/20/2014	7/19/14	30
14548	6/17/2014	Roger Bureggemann	TB	6/14/2014	Trainer responsibility	\$100			
14549	6/17/2014	Daniel Coa	TB	5/28/2014	Summarily suspended		6/17/2014	6/20/14	4
14043	6/18/2014	Carl Sibiga	SB	6/18/2014	Change of occupation				
14550	6/19/2014	Alejandro Contreras	TB	6/18/2014	Whip-indiscriminate	\$200			
14551	6/20/2014	Indiana Grand Racing	TB	5/28/2014	Unauthorized access	\$2000			
14552	6/20/2014	Daniel Coa	TB	5/28/2014	Drug test-human		6/17/2014	8/15/14	60

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14553	6/21/2014	Larry Demeritte	TB	6/14/2014	Trainer responsibility	\$100			
14556	6/25/2014	Charles McMahon	TB	9/17/2013	Conduct/behavior		6/26/2014	7/27/14	32
14554	6/25/2014	Carlos Villasana	TB	6/24/2014	Late to jocks quarters	\$100			
14047	6/25/2014	Steven Weimer	SB	6/13/2014	Late Driver Change	\$50			
14046	6/25/2014	Rocky Stidham	SB	5/20/2014	Starter violation	\$100			
14045	6/25/2014	Dirk Simpson	SB	5/20/2014	Fail to Hon Declar	\$100			
14044	6/25/2014	Benjamin Graber	SB	5/31/2014	Miscellaneous	\$250			
14555	6/25/2014	Christopher Binder	TB	6/24/2014	Trainer responsibility	\$100			
14557	6/26/2014	Charles Lopez	TB	6/20/2014	Riding infraction		6/28/2014	7/2/14	3
14558	7/1/2014	Julian Serrano	QH	6/27/2014	Riding infraction	\$200			
14048	7/2/2014	Edward Hensley	SB	6/27/2014	Driving infraction	\$300			
14050	7/2/2014	Tyler Smith	SB	6/27/2014	Ft-n-stirp/kicking	\$100			
14559	7/2/2014	Jamie Orellana	TB	6/29/2014	Summarily suspended		7/2/2014	Indefinite	
14049	7/2/2014	Donald Eash	SB	6/21/2014	Whip-excessive	\$200			
14560	7/3/2014	Salvador Rojas	TB	7/2/2014	Trainer responsibility	\$100			
14561	7/4/2014	James Eilers	TB	5/30/2014	Previous ruling resc.				
14562	7/4/2014	Antonio Osorio	TB	8/29/2013	Restored-FP rec'd				
14563	7/5/2014	Rene Cazares	TB	7/4/2014	Refused breath	\$100	7/4/2014	7/10/2014	7
14565	7/5/2014	Ricardo Martinez	QH	7/5/2014	Trainer responsibility	\$200			
14564	7/5/2014	Paul Darjean	TB	7/4/2014	Trainer responsibility	\$200			
14567	7/8/2014	Callie Ramey	TB	7/8/2014	License surrendered				
14566	7/8/2014	Michael Passero	TB	7/8/2014	License surrendered				
14568	7/9/2014	Aaron West	TB	7/8/2014	Trainer responsibility	\$100			
14569	7/10/2014	Nicholas Rennekamp	TB	7/9/2014	Trainer responsibility	\$200			

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14053	7/12/2014	Andy Shetler	SB	7/1/2014	Whip-bleeding/welts	\$500			
14570	7/12/2014	Jon Frankel	TB	9/3/2013	Restored-FP rec'd				
14052	7/12/2014	Lyle Scurlock	SB	7/8/2014	BGA-High reading				
14051	7/12/2014	Lewayne Miller	SB	7/1/2014	Whip-bleeding/welts	\$1000			
14572	7/15/2014	Julian Serrano	QH	7/11/2014	Whip-excessive	\$200			
14571	7/15/2014	John Frazier	QH	7/11/2014	Wrong horse to pdck	\$200			
14054	7/16/2014	Mark P'Pool	SB	7/16/2014	Miscellaneous				
14573	7/16/2014	Christina Estvanko	TB	7/16/2014	Change of occupation				
14575	7/22/2014	Melissa Conover	TB	6/30/2014	Unprop. Bus. Manner	\$200			
14576	7/22/2014	Caleb Baird	TB	7/21/2014	Smoking in barn	\$100			
14577	7/22/2014	Ronald Baird	TB	7/21/2014	Smoking in barn	\$100			
14574	7/22/2014	Olaf Hernandez	TB	7/18/2014	Riding infraction		7/30/2014	7/25/14	3
14578	7/22/2014	Alvin Bright	TB	7/22/2014	License terminated				
14581	7/25/2014	Bryan Fraley	TB	6/24/2014	F-print requirements		7/25/2014	Pending FP	
14582	7/25/2014	Juan Lagunes	QH	7/24/2014	Fail to honor ride	\$200			
14583	7/25/2014	Ivan Valasquez	TB	4/29/2014	Summarily suspended		7/25/2014	indefinite	
14580	7/25/2014	Paul O'Reilly	TB	6/30/2014	F-print requirements		7/25/2014	Pending FP	
14579	7/25/2014	Donna Hays	TB	5/20/2014	F-print requirements		7/25/2014	Pending FP	
14584	7/26/2014	Francisco Ramos	QH	5/30/2014	Summarily suspended		7/26/2014	indefinte	
14585	7/26/2014	Francisco Figueroa	TB	4/29/2014	Summarily suspended		7/26/2014	indefinite	
14586	7/29/2014	Larry Carter	TB	7/15/2014	Claiming violation				
14587	7/29/2014	Humberto Reyes	TB	6/25/2014	Summarily suspended		7/29/2014	indefinite	
14589	7/30/2014	Julie Veltman	QH	7/26/2014	Riding infraction		7/31/2014	8/2/2014	3
14588	7/30/2014	Ricardo Martinez	QH	7/8/2014	Conduct/behavior	\$250			

Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fines	Suspended From	Suspended To	Days Suspended
14590	7/30/2014	Timothy Heniser	TB	7/17/2014	Improper salix	\$2000			
14055	7/31/2014	Jocelyn Overby	SB	1/1/2013	Failure to obtain lic.	\$1000			
14056	7/31/2014	Bonnie Mattingly	SB	5/18/2014	Tripelennamine	\$500	8/2/2014	8/16/2014	15
14057	7/31/2014	Robert Reeser	SB	5/9/2014	Bute				
14591	7/31/2014	Ralph Martinez	TB	5/28/2014	Dexamethasone	\$2000			

Agenda Item # 3

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is entered into between the Indiana Horse Racing Commission ("Commission"), by Joe Gorajec, Executive Director of the Indiana Horse Racing Commission Staff ("Commission Staff") and James Eilers ("Eilers"), a license applicant subject to regulation by the Commission. Collectively, the Commission Staff and Eilers shall be referred to herein as "the Parties." This Agreement is subject to the review and approval of the Commission.

RECITALS

1. The Indiana Horse Racing Commission ("IHRC") is the administrative agency in the State of Indiana that regulates horse racing pursuant to provisions of the Indiana Code, Title 4, Article 31.
2. On or about April 22, 2014, James Eilers applied for a gate crew and an exercise rider's license with the IHRC.
3. On or about May 2, 2014, the IHRC refused Mr. Eilers' license application.
4. Pursuant to 71 IAC 5-1-1, everyone participating in pari-mutuel racing under the jurisdiction of the Indiana Horse Racing Commission must be licensed by the commission. 71 IAC 5-1-1(a) provides:

Sec. 1. (a) A person shall not participate in pari-mutuel racing under the jurisdiction of the commission without a valid license issued by the commission. License categories shall include the following and others as may be established by the commission:

(1) Racing participants and personnel (including owner, authorized agent, trainer, driver, assistant trainer, veterinary helper, farrier, stable employees, groom, pari-mutuel clerk, track employee, track security, vendor employee, starting gate crew, farrier's assistant, valet, track management, practicing or racing veterinarian, equine dentist, or other).

(2) Racing officials as listed in 71 IAC 3.

(3) Persons employed by the association, or employed by a person or concern contracting with or approved by the association or commission to provide a pari-mutuel related service or commodity, with job duties which require their presence in a restricted area or which require their presence anywhere on association grounds.

(4) Sole proprietors and all partners of a partnership contracting with or approved by the association or commission to provide a service or commodity.

(5) Shareholders in a corporation, acting as a contractor or vendor, if required by the commission.

(6) Commission employees with job duties which require their presence in a restricted area or which require their presence anywhere on association grounds.

(emphasis added).

5. On or about May 28 and May 29, 2014, Mr. Eilers was observed on the backside of Indiana Grand, in a secured area where entry is restricted to only licensed persons.
6. On or about May 30, 2014, the IHRC excluded Mr. Eilers from the regulated areas at Indiana Grand and Hoosier Park.
7. Mr. Eilers requested a hearing before the IHRC stewards regarding the exclusion.
8. At a hearing before the IHRC Stewards on or about June 27, 2014, Mr. Eilers admitted to having been on the backside of Indiana Downs, working with horses, for a "couple weeks".
9. Given Mr. Eilers' willingness to cooperate, the Commission's Executive Director is executing this Agreement in lieu of Commission Staff taking further action.
10. Now, in full and complete resolution of any and all further administrative proceedings involving Mr. Eilers relative to the violations referenced above, the Commission Staff and Mr. Eilers agree to the terms and conditions set forth in this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing, and the promises and covenants to be performed as set forth herein, the Parties agree as follows:

1. Mr. Eilers admits that he was on the backside of Indiana Grand¹, working with horses, while unlicensed, in violation of 71 IAC 5-1-1.
2. Mr. Eilers agrees to not apply for licensure with the Indiana Horse Racing Commission for a period of five years from the date of execution of this Agreement.
3. Mr. Eilers acknowledges that this Agreement is not a guarantee of licensure after five years.
4. The Stewards will write a ruling lifting the exclusion issued by the IHRC.
5. Upon approval from the Indiana Horse Racing Commission, Commission Staff will enter a ruling consistent with this Agreement, which will make clear that the sanctions set forth herein are the total sanctions for the violations referenced in this Settlement Agreement.
6. Any waiver of any provision of this Agreement must be in writing and must be approved by the Commission or the Commission Staff. No waiver of any provision of this Agreement

¹ The backside of Indiana Grand is an area regulated by the Indiana Horse Racing Commission.

shall constitute either a waiver of any provision hereof (whether or not similar) or a continuing waiver.

7. The Parties agree that this Agreement shall be interpreted, enforced, and governed by the laws of the State of Indiana.

8. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, fully enforceable counterpart of all purposes, but all of which constitute one and the same instrument.

9. Mr. Eilers represents that he has carefully read and reviewed the foregoing Agreement, acknowledges its contents, has had the right to consult with his own counsel, and agrees to be bound by its terms. Mr. Eilers acknowledges that he has voluntarily entered into this Agreement as of the date and year herein set forth.

IN WITNESS HEREOF, the Parties have executed this Agreement on the dates listed below.

I swear, under penalties for perjury, that the foregoing representations that have been made by me are true and correct.

7-4-14
Date

James Eilers
James Eilers

Witnessed and Approved:

Stanley K. Bowker
7-4-14

ON BEHALF OF THE INDIANA HORSE RACING COMMISSION:

7/3/14
Date

Joe Gorajec
Joe Gorajec, Executive Director

Approved as to form:

Holly C. Newell
Holly Newell, Deputy General Counsel

Agenda Item # 4

Discussion on Re-Adoption of expiring rules

The rules to be re-adopted can be found at:

<http://www.in.gov/legislative/iac/title71.html>

Agenda Item # 5

**Indiana Grand to speak re: increase
purse supplement request**