

In the Matter Of:

INDIANA HORSE RACING COMMISSION MEETING

November 17, 2014

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INDIANA HORSE RACING COMMISSION
MEETING

HELD ON

NOVEMBER 17, 2014

9:00 A.M.

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INDIANAPOLIS, INDIANA

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1 APPEARANCES

2 Thomas Weatherwax, Chairman
 3 Greg Schenkel, Vice-Chairman
 4 George Pillow
 5 William McCarty
 6 Susie Lightle

7 Joe Gorajec, Executive Director

8 Lea Ellingwood, Esq.
 9 Holly Newell, Esq.
 10 INDIANA HORSE RACING COMMISSION
 11 1302 North Meridian Street, Suite 175
 12 Indianapolis, IN 46202

13 AGENDA

- 14 1. Hearing on Renewal Application of QHRAI for
 15 approval as a registered horsemen's association 5
 16
 17 2. Hearing on Renewal Application for ITOBA for
 18 approval as a registered horsemen's association 31
 19
 20 3. Hearing on Renewal Application for Indiana HBPA
 21 for approval as a registered horsemen's association 42
 22
 23 4. Hearing on Renewal Application for Indiana
 24 Standardbred Association for approval as a registered
 25 horsemen's association 61
 5. Review of Commission rulings 68
 6. Discussion regarding initial distribution agreement 69
 7. Review of Hoosier Park's permit renewal application
 and consideration of pari-mutuel permit for 2015 and
 consideration of live racing dates fro 2015 78
 8. Approval of the renewal of Hoosier Park's
 satellite facility licenses in Merrillville, Fort
 Wayne, and Indianapolis for 2015 81
 9. Renewal of Indiana Downs' permit renewal
 application and consideration of pari-mutuel permit
 for 2015 and consideration of Indiana Downs' request
 for live racing dates for 2015 83

1	10. Approval of the renewal of Indiana Downs' satellite facility license in Clarksville	85
2		
3	11. Consideration of an emergency rule regarding the definition of maiden race	87
4	12. Readoption without change of rules scheduled to expire December 31, 2014	88
5	OLD BUSINESS	91
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 CHAIRMAN WEATHERWAX: My name is Tom
2 Weatherwax. I'm the chairman of our Indiana Horse
3 Racing Commission. Before I get into the formal
4 business of the day, I have someone I want to
5 introduce you to. This is Senator Bill McCarty.
6 We welcome Bill because he has a vast background of
7 experience, which I promised I wouldn't share
8 everything. In the Senate, he served in a very
9 fine fashion from '82 to '97.

10 He was our chairman of the Indiana Utility
11 Regulatory Commission, the IURC, from 1997 to 2005.
12 He is a practicing attorney. He has a very serious
13 interest in what we are doing because he was very
14 instrumental back in the days when we first passed
15 the legislation that dealt with where we were going
16 to put this horse track in Anderson. Senator
17 McCarty represented that part of our state. He has
18 been very instrumental in making that happen but
19 also to make sure that throughout this process, the
20 horse racing community, the whole business, which
21 is a very vast business, is well managed and well
22 funded and is protected anyway we can.

23 Let's welcome Bill McCarty.

24 (Audience applause)

25 CHAIRMAN WEATHERWAX: We look forward to

1 having you here, Bill.

2 COMMISSIONER MCCARTY: Thank you, Chairman.

3 CHAIRMAN WEATHERWAX: We are now up to our
4 full complement of commissioners. I'm anxious to
5 get to work. Let us call this meeting to order
6 officially. First of all on my agenda, Lea, I have
7 the swearing in of our court reporter.

8 (At this time the oath was administered to the
9 court reporter by Chairman Weatherwax)

10 CHAIRMAN WEATHERWAX: First on our agenda
11 today we have to approve the minutes that I think
12 each of you maybe got for our last meeting. And if
13 there are questions, please look at those minutes,
14 and then I'll entertain a motion to accept those if
15 everybody is in agreement.

16 COMMISSIONER SCHENKEL: Move approval.

17 COMMISSIONER LIGHTLE: Second.

18 CHAIRMAN WEATHERWAX: I hear a motion with a
19 second. All those in favor say "aye."

20 THE COMMISSION: "Aye."

21 CHAIRMAN WEATHERWAX: Minutes are approved for
22 our last meeting. First item on our agenda, and by
23 the way, let me explain, the purpose of this
24 hearing is for the Commission to consider not only
25 the Quarter Horse Association's application yearly

1 renewal but also the Thoroughbred Owners and
2 Breeders, the Horsemen's Benevolent and Protective
3 Association, as well as the Standardbred
4 Association.

5 These are important detailed proceedings.
6 This is a part of what the law requires us to do
7 and for you to do to comply to be legal to make
8 this whole system work. So this seems like busy
9 work. It seems like a lot of detail, but it's very
10 important that we do this right because otherwise
11 this thing doesn't work.

12 So I ask you to please in this case we are
13 going to go through them one step at a time. I'll
14 make a statement afterwards to try to clarify what
15 I hope happens next year.

16 The purpose of this first agenda is for the
17 Commission to consider the Quarter Horse Racing
18 Association of Indiana's application for renewal
19 and approval of the registered horsemen's
20 association pursuant to 71 IAC 13-1-1 filed with
21 the Commission on or about September 1st of 2011
22 and as supplemented thereafter requesting
23 Commission approval to serve as the registered
24 horsemen's association for the calendar year 2015
25 to receive the monies specified by Indiana Code

1 Section 4-35-7-12 and to be distributed for the
2 benefit of the Quarter horse owners and trainers.

3 This matter will be heard and will continue
4 with appropriate recesses until complete. The
5 record will be closed at the conclusion of the
6 hearing. And, thereafter, the Commission will
7 deliberate on the decision whether the application
8 will be approved, approved with conditions, or
9 denied and does not comprehend discussion during
10 the deliberations with the applicant or other
11 persons.

12 First up, Lea, do you want to get us to the
13 next level?

14 MS. ELLINGWOOD: Just a few housekeeping
15 matters. As outlined in the prehearing order, the
16 application, the Quarter Horse Association's 2015
17 application, as well as previous applications are
18 to be made part of the record. To the extent that
19 there are any additional exhibits that the Quarter
20 Horse Association would like to make a part of the
21 record, it's its responsibility to do so.

22 As a reminder, every person who is here to
23 testify on behalf of an applicant needs to be sworn
24 in by the Chair. You'll need to, Mr. Chairman,
25 swear all of the witnesses in. In addition, if you

1 are going to speak on the record, please make sure
2 to say your name clearly and spell it for our long
3 suffering court reporter Robin so that she can get
4 that information entered into the transcript
5 accurately.

6 Finally, if you would like to speak to any of
7 the applications, there's a sign-up sheet in the
8 back. Please make sure to spell your name clearly
9 so that we can get everybody up here to testify who
10 is interested in doing so.

11 CHAIRMAN WEATHERWAX: So with regards to the
12 Quarter Horse Association, who will be speaking?
13 Tom.

14 MS. ELLINGWOOD: Mr. Chairman, at this point
15 we may want to go ahead and swear in all of the
16 witnesses who will be testifying for this
17 applicant.

18 CHAIRMAN WEATHERWAX: Do you have others?

19 TOM MOSLEY: I don't believe so. I'll be the
20 sole speaker for the QHRAI.

21 CHAIRMAN WEATHERWAX: I will swear you in.
22 Tom, state your full name.

23 TOM MOSLEY: My name is Tom Mosley, Jr.

24 CHAIRMAN WEATHERWAX: Please spell it.

25 TOM MOSLEY: M-O-S-L-E-Y.

1 (At this time the oath was administered by
2 Chairman Weatherwax.)

3 CHAIRMAN WEATHERWAX: Just so I can clarify
4 the time factor here, this is for everybody that's
5 speaking. Opening statements I would like to keep
6 them between, you know, less than ten minutes; oral
7 presentation, 15; testimony of commission staff,
8 Joe, ten minutes; interested persons other than
9 that, ten; and rebuttal a final five so we can sort
10 of keep this going.

11 We have an old-fashioned rule, Tom, in the
12 General Assembly. If your bill is proceeding
13 forward, don't kill it.

14 TOM MOSLEY: I think I have the full meaning
15 of that.

16 CHAIRMAN WEATHERWAX: Go ahead, Tom.

17 TOM MOSLEY: My name is Tom Mosley. I will be
18 representing the Quarter Horse Racing Association
19 of Indiana today. Like I say, good morning to
20 Chairman Weatherwax and Commissioners. A lot of
21 you I don't know very well yet, and also to Joe
22 Gorajec, and the rest of the Commission staff.
23 Thank you for the opportunity to present this this
24 morning.

25 I'm going to go through a couple of things in

1 our application. I'll read them, and if you want
2 to follow along. And if I skip from somewhere you
3 don't know where I'm reading from, just let me
4 know, and I'll make sure you get there.

5 The QHRAI was incorporated in 1966. We were
6 in business before that, but it got kind of serious
7 in 1966. We have represented the Quarter horse
8 racing industry in the state of Indiana from then
9 until now. Obviously, there's been a lot of
10 changes we have been through, especially in the
11 last 10 or 15 years.

12 Our application, as big as it is, it's not big
13 enough to mention all of the different things that
14 people have done over the last 40 years to promote
15 Quarter horse racing into what it is today, which
16 without any question is one of the most successful
17 race programs in the country of any breed.

18 We're made up of 15 directors. They serve
19 three-year terms. Our directors are elected at our
20 general meeting, our annual meeting by the members.
21 We have a president who is elected by the board of
22 directors. His term is two years. And then we
23 also have a vice-president, a recording secretary,
24 and a treasurer that are elected by the directors.
25 And they are serving one-year terms. They are all

1 volunteers. We have some employees, an executive
2 director and some other key personnel, but all of
3 these people are volunteers. We have a great group
4 of people, which is outlined in the application.

5 To be real honest, the application process
6 from the very beginning a few years ago is always
7 really a comfort and easy to me in our association.
8 One of the reasons -- and I don't mean to make that
9 that you should make it harder in any way. But
10 we've been doing what you're asking us since 1960.
11 We've been representing and growing and had
12 programs in place before the Commission was in
13 place. We are really proud of it.

14 To be honest, it's almost an exciting thing to
15 come up here and make it part of a public record to
16 brag on what we've done over the last 40 years.
17 Unfortunately, the time restraints limit how many
18 things I can get to.

19 There's a spider here that didn't come with
20 me.

21 I'm going to read -- on the very first page of
22 the application, there's a letter from the board of
23 directors to the Commission and its staff. I want
24 to highlight a couple of things that speaks to what
25 I'm talking about, this natural process.

1 Quite honestly, this past year has been
2 somewhat of a transitional year for our
3 association. We went through a few changes. As
4 I've thought about this, I really think that the
5 fact that I'm standing here today and able to speak
6 in such a positive way about what we do and when
7 the application is turned in, it actually is a sign
8 of how stable and how good our association is.

9 I think that's the reason you incorporate a
10 business. You're a businessman. I'm a horse
11 trainer and a horseshoer. But I think one of the
12 benefits to having a corporation is you can
13 transition through different personnel, and it
14 doesn't affect the business. The QHRAI certainly
15 hasn't missed a beat.

16 I mention in this opening letter from the
17 board to the Commission, you know, in the past 10
18 or 12 years, we went through four racing
19 secretaries, changes in track ownership and
20 management. We've got the onset of gaming revenue,
21 multiple legislative changes, two separate meets
22 turn into one, seven different breed development
23 advisers, three IHRC chairs. And the list goes on
24 because I wasn't sure how many new commissioners
25 there was going to be. I deleted that.

1 Then as far as the board of directors, we've
2 had nearly 30 different directors. This is just in
3 the last 10 or 12 years, seven different
4 presidents, countless officer changes, new bylaws.
5 Our annual budget went from roughly 25,000 to now
6 250,000 as far as an internal budget.

7 I'm able to stand here and very proudly say
8 that we do the right thing. We don't make
9 mistakes. We've met every audit. We've answered
10 every question. And our application from the first
11 time the Commission has ever mentioned this has
12 been exemplary. We don't make mistakes. We're
13 very proud of it. In fact, if we were any more
14 transparent about what we do, we would be
15 invisible. It's something to be proud of.

16 We have great communication with our horsemen.
17 We don't move forward unless we've talked to them.
18 If the Commission is going to move on something,
19 cobalt is a good example, we meet with our horsemen
20 and say this is what's happening, this is what
21 we're hearing. So when we come to the podium and
22 say we're representing the horsemen, we're
23 representing the horsemen, not a board of directors
24 and not five people we went and talked to. We are
25 representing our horsemen as best as possible.

1 The last thing I want to mention from this
2 opening page is, and another reason this comes very
3 natural to us, I think, is in our bylaws for a long
4 time, we had a mission statement. The mission
5 statement is very nearly parallel to what the
6 questions are in this application and what Indiana
7 Code requires of these associations and the
8 expectations of the associations.

9 Our mission statement says is to promote
10 Quarter horse racing, breeding, and ownership in
11 the state of Indiana, to foster humane treatment of
12 racing Quarter horses, and to promote a better
13 understanding of Quarter horse racing to the
14 general public. I think when the legislators
15 passed the gaming revenue legislation, and when
16 this Commission decided there needed to be some
17 process to vet the associations that would be
18 representing the horsemen, I think that's exactly
19 what they had in mind.

20 And that's pretty much my opening statements.
21 If you want to, I can just transition into it or I
22 can certainly talk longer.

23 CHAIRMAN WEATHERWAX: That's fine, Tom. I
24 agree with you. I'm so proud of the way you guys
25 present yourself. Lea, Joe, do you have any

1 questions to this point?

2 MS. ELLINGWOOD: No questions.

3 CHAIRMAN WEATHERWAX: Go ahead.

4 TOM MOSLEY: So now what I'm going to do, and
5 I don't know -- I'm obviously the non-lawyer person
6 that you will be hearing today. If I need to stop
7 and clarify something, twitch your nose or give me
8 a signal. I will be more than happy to stop. I'm
9 going to go through the application, obviously, not
10 verbatim. I know you've looked at it. I know Lea
11 has looked at it.

12 The first section I'm going to stop at is
13 section two here. To be honest, I've never set my
14 eyes on another association's application. And I
15 think sometimes there's a benefit to that. I've
16 heard a lot of stories from athletes that invented
17 their own way to shoot a basketball or catch a
18 football. It was kind of a hybrid, and they came
19 up with a better way.

20 I don't know if ours is better, but I think
21 there's some unique things, and I'll point a few of
22 them out. In section two, it talks about who is
23 actually handling our funds. The way our board is
24 set up, we don't believe there is a better way
25 we're aware of yet. We've created a position

1 called gaming revenue trustee. She does not sit on
2 the board of directors. And she's the only person
3 authorized to actually sign checks, which would
4 also include she's the only one authorized to use
5 any kind of debit card or pay for anything
6 electronically from gaming revenue. There's
7 procedures that are outlined in the application.

8 Your attorneys are giggling at me so I don't
9 know if I have something out of place.

10 MS. ELLINGWOOD: You're good, Tom.

11 TOM MOSLEY: In any case, we think this is a
12 very, very good way of doing it. It kind of takes
13 us through when our board changes over, we have one
14 person. We never are in a position where we're
15 caught off guard with an audit request or if the
16 Commission would have a question about one of our
17 expenditures.

18 I'll move on to section three. And this is
19 the number of owners and trainers. Only thing I
20 wanted to point out here, well, a couple things.
21 First of all, there's no requirement for a person
22 to be a member of our association. When we come to
23 the podium on this or any other matter, we feel
24 very confident that we're representing, if you race
25 a Quarter Horse or you're involved in some way, we

1 want to represent you. We want there to be a flow,
2 kind of a funnel effect of all the different
3 aspects of our industry to funnel through us.
4 That's why we're so open about when our meetings
5 are and have meetings on the backside.

6 One of the things that goes beyond, I think,
7 what the application asks is we feel very strongly
8 that we also represent stallion owners, which is a
9 big part of our industry and breeders but also our
10 jockeys. We have different programs and different
11 communications with our jockeys.

12 Just as a side bar, our jockeys because of a
13 lot of our jockeys only ride Quarter Horses, some
14 of them aren't eligible necessarily to be part of
15 the Jockey's Guild. So they're eligible through
16 our association for different benevolence programs.

17 COMMISSIONER SCHENKEL: Sorry, I don't mean to
18 make you go back. On section two just a quick
19 question about the trustee. Is there a requirement
20 that that person be a member of the board also or
21 is it a non-board member who does it?

22 TOM MOSLEY: I know that it's not a
23 requirement. I think --

24 COMMISSIONER SCHENKEL: So it's somewhat
25 independent of the board.

1 TOM MOSLEY: It's independent to the board,
2 yes. I don't think that would exclude a person
3 from being. It hasn't come up yet. Marge is very
4 young and in good health, and, hopefully, we won't
5 ever have to worry about it.

6 I'm going to move to section five. And the
7 next couple sections, I could easily speak hours
8 about, and I'm not going to. The way that our
9 application is laid out, in this particular
10 question they're asking for efforts to promote,
11 develop, and improve. I've divided these three
12 areas up onto three separate pages.

13 You have to forgive the corniness of this
14 about the pudding analogy. Sometimes I work very
15 late at night, and it sounds really good. The next
16 time is when Lea was asking me about this pudding
17 and whether it was approved by the Commission or
18 not.

19 What I want to mention in here is this is
20 really what we do. To me, all three of these
21 questions maybe could even be expanded next year.
22 It's one thing to ask what our efforts are, but I
23 think it's important to know what the results are.
24 Efforts are good but producing the right results
25 are probably more important.

1 To just go through some of these bullet
2 points, our program has grown from three races to
3 200 races in 2014. Our program has attracted some
4 of the leading horses and horsemen from around the
5 country. We continue to attract new owners,
6 breeders, and stallions from around the country.

7 Compared with similar Quarter horse programs
8 around the country, and our program dollar wise is
9 relatively small, our simulcasting is through the
10 roof compared to some Quarter horse states like
11 even Oklahoma, Louisiana, Iowa. And we rank right
12 up there towards the top nationally.

13 One thing we are very, very proud of is our
14 live handle on Quarter horse days. Most of the
15 days at Indiana Downs, it's a mixed meet where
16 they're running Thoroughbreds and Quarter horses.
17 Roughly once a month, there's a day where they only
18 run Quarter horses. Our association has really
19 made it a priority to us to promote that day to get
20 local people and people from around the Midwest to
21 come to the track just as spectators.

22 Centaur, Rod Ratcliff, and Brian, everyone has
23 been a great partner with that. If you haven't
24 attended one of these days, you can barely walk
25 from the grandstands to the paddock, the apron of

1 the racetrack is so packed with people. It's a
2 really exciting day.

3 I'm going to turn the page to the part about
4 developing. Again, the results, I think, really
5 speak for themselves. I'll just mention a couple
6 of the bullet points. In 2003, we ran 56 Quarter
7 horse races. In 2014, at the time I put this
8 together expected to run 230. In 2003, the Quarter
9 horse handle was 2.5 million. In 2013, it topped
10 9.1 million. That far exceeds percentage wise the
11 gaming revenue that was added to the purses. In
12 other words, the Indiana Quarter horse program is
13 one of the -- I'm unaware of any other program that
14 the simulcasting revenue is growing at a faster
15 rate than the purse money we're receiving.

16 There's been a 77 percent increase in starters
17 foaled in Indiana over the past four to five years,
18 and a 27 percent increase in starters owned by
19 Indiana residents. One thing you might want to
20 keep in mind, the 27 percent increase doesn't seem
21 as big as some of the others, but there's a point
22 of saturation where you have everyone that knew
23 anything about racing got in right away. So the
24 growth will be a little bit different, but still a
25 27 percent increase after you've already saturated

1 the market is very, very healthy. And we are proud
2 of that.

3 I'm going to turn the page and the last part
4 is to improve. One of the things that I said in a
5 lot of legislative hearings, and I listened to a
6 lot of the thought processes that went into the
7 racinos, and I've sat and listened to a lot of
8 things from the Commission. The quality of our
9 Indiana-bred Quarter horses has went through the
10 roof. It's unbelievable how good.

11 We've in the past several years had
12 Indiana-bred Quarter horses be at or at the top of
13 the nation in individual categories. We're talking
14 about against California, Texas, and New Mexico,
15 and Louisiana. You have Indiana horses in the top
16 five.

17 One the national magazines similar to the
18 Blood Horse or Daily Racing Forum is a magazine
19 called Speed Horse. The Speed Horse is getting
20 ready to put out a multiple-page article about an
21 all new breeder from here in Indiana. Last fall
22 there was a broodmare from Indiana that was
23 recognized as one of the top broodmares in the
24 country.

25 We have trainers, jockeys, owners, and horses

1 that are just really flourishing here. We are
2 proud of that. We think, obviously, we've
3 improved. We've been a partner with this
4 commission and Centaur to improve the program in a
5 way that has caused this to be a landscape to allow
6 this to happen.

7 I'm going to move to section six, specific
8 programs. I'm going to go through some of these.
9 I think the goal was to get out of here by lunch.
10 I like that idea.

11 But we have a scholarship program that we had
12 in place before gaming revenue, we ever heard of
13 it. We still have it. We did make some changes a
14 couple years ago that had to do with what they were
15 majoring in and what they were going to school for.
16 There was equine-related schooling. We've had a
17 race that the QHRAI invented and has managed since,
18 I believe, the early '80s or late '70s called the
19 SSA Futurity.

20 To put this in perspective, we didn't have a
21 track. This was run at the State Fair. We ran it
22 at Iowa and possibly Michigan we had to run this.
23 When Hoosier Park came on and we were able to run
24 Quarter horses, we ran it there. It used to be a
25 \$25,000 race. We collect the payments. We

1 advertise them. We do everything, all of the work
2 for this futurity. This year was 100,000 added
3 race, which is great. The part that we are the
4 most proud of is after the nominations and payments
5 were all collected, it was nearly a \$200,000 race.
6 So that's a way to use purse money. A hundred
7 thousand came out of gaming revenue. We nearly
8 doubled it the way the program was managed.
9 Several of our other stakes races are starting to
10 do the same thing.

11 Another program I want to mention real quick
12 is we have a program called Youth Day. It's
13 really, it's been talked about by other states as a
14 model program. What it is basically, we have a
15 group of teenagers come out to the track. They
16 spend the entire day with their parents and a group
17 of directors and go through all the different types
18 of employment and jobs. They spend time at the
19 starting gates, with the tellers. We have them
20 meet with the jockeys.

21 And then they hook up with a trainer and kind
22 of shadow him that evening during the races. When
23 it's all concluded, they take a test, which is real
24 similar to a trainer's test. The teen that -- I
25 know they don't want to be called children. The

1 teen that has the highest score goes on to a
2 national competition. We just have a really,
3 really great program. It's a really good way to
4 expose youth to this.

5 I'm going to move to section nine. This talks
6 about our different directors and officers and
7 talks about there nothing's changed. There has
8 been a change. I want to mention this. We have
9 already sent the information to Lea, but this was
10 done just recently. So there wouldn't have been a
11 way to get it in the application.

12 The QHRAI has just recently hired Danielle
13 Bryan as an executive director. I will just real
14 briefly tell you about Danielle. She is a Purdue
15 graduate in animal science. Apparently, she can't
16 do anything about the basketball team or football
17 team. She graduated in animal science. Then she
18 went to work for Lazy E Ranch. Lazy E Ranch is one
19 of the premiere Quarter horse racing farms in the
20 United States. They are known throughout the world
21 at a high quality level of breeding program,
22 stallions, and yearling sales.

23 After that and probably most important, she
24 was one of the forming members of an organization
25 called Racing Free. Racing Free was one of the

1 first national organizations whose sole purpose was
2 to eliminate performance-enhancing drugs in horse
3 racing. And Danielle was one of the founding
4 members of this and worked for that organization
5 for a long time traveling all over the United
6 States speaking to horsemen about this. And she
7 also is very passionate about getting more youth
8 and younger people into horse racing. So we are
9 really excited about that.

10 And I'm going to switch to section 12 real
11 quick. Section 12, and I will just flip through
12 this. And in the questioning time if you have
13 questions, I won't try to go into the details of
14 everything. The first page under it's actually
15 under tab 12-1 is a worksheet that we put together.
16 I'm not sure that we have to, but when we first put
17 the application together, probably one of the
18 hardest things to do is we're being asked in August
19 to estimate gaming revenue almost for a long way
20 out into the future. I think as this past January
21 showed, it's very difficult to do that sometimes.
22 This is the worksheet we used to generate the
23 revenue projections.

24 And then if you go to 12-A, that is our
25 welfare and promotion account. Those are just line

1 item expenses. There was nothing in any of our
2 budgets that was substantially changed. Some of
3 the numbers were downsized because the weather
4 really changed the revenue this past year and how
5 it came online. So we just kind of lowered our
6 revenue projections. The expenditures were lowered
7 by percentage real equally.

8 And 12-B is our backside benevolence account.
9 And the only thing I want to clarify, at the bottom
10 of that account on the line item, it shows the
11 balance as being a negative number. What that is,
12 one of the first years that we were receiving
13 gaming revenue, we really wanted to get some type
14 of insurance for our horsemen. There's a small
15 group of horsemen that this is what they do, and
16 there's no -- we wanted to get insurance. We
17 thought we had a way figured out to do it, but it
18 was going to be expensive.

19 So we funneled a bunch of money inside of this
20 account. Funneled is probably a bad word when I'm
21 talking about this. But anyway, we got rid of some
22 programs or were going to and were really going to
23 go after the insurance. It just turns out there is
24 no way to get real insurance. There's gimmicking
25 things that can be done, but there's no way to do

1 it.

2 What happened is we ended up having more
3 money -- when we decided not to do that, we ended
4 up having a higher balance in that account because
5 we were preparing for it. This is not our money.
6 We believe very honestly that we are just trustees
7 watching over money for our horsemen. We want this
8 money given back to them.

9 What we are doing is here we expect to get,
10 the revenue we're expecting is 106,000 and
11 expenditures are 113 so 6,000 would be out of any
12 money that had accumulated. I don't believe we
13 will have to do this anymore. It doesn't seem
14 reasonable, at least within our group, to hold
15 monies for something as long as we're able to
16 maintain the programs we have.

17 And I believe, let me go through here. Our
18 benevolence program is modeled nearly after
19 Oklahoma, which is one of the biggest programs in
20 the country. Without going through a lot of the
21 details, basically reimbursement program. If
22 something is not covered by insurance, you go pay
23 for it if you can. You turn in the receipt, and
24 you get the money reimbursed. If you can't pay for
25 it up front, there's a way built in that you can

1 ask the board of directors to pay for it. In that
2 case, the money would be paid directly to the
3 provider, whether it be medicine or what have you.

4 I think that's about it. In the very back of
5 the application, we included a bunch of the print
6 ads. They're loud and bold just like our horses
7 are and some of our people. I really think that's
8 about it.

9 I won't save a bunch of time for the closing
10 statement. You know, I shod horses for a long
11 time, and that's a hard way to make a living. I
12 started getting more into training, and now I train
13 horses full time. I didn't go to college, and I'm
14 not a lawyer.

15 It's really a heavy responsibility for me to
16 come here to this podium and look at you and ask
17 for this application to be approved that I put
18 together. And it's a big thing. I'm not a lawyer.
19 And the thing that makes me able to do this pretty
20 confidently is we're just a great association. And
21 you could look back at transcripts from these
22 commission meetings or you can ask Centaur or Jon
23 Schuster or Rod Ratcliff or some of the commission
24 staff. We do good business. We do good work, and
25 we do things right. We have a good group of people

1 running our board of directors.

2 We very much want and need our application
3 approved, not just for the gaming revenue funding.
4 I think sometimes it's overlooked. We are also
5 being approved as the sole representative of our
6 section of the breed of the racing.

7 So now if you have any, I forget if it's
8 comments or questions first.

9 CHAIRMAN WEATHERWAX: Thank you, Tom. You
10 truly are a true spokesman of your association.
11 You did a fine job.

12 TOM MOSLEY: Thank you.

13 CHAIRMAN WEATHERWAX: Any questions?

14 COMMISSIONER PILLOW: If we deny you, you
15 won't shoot us, will you?

16 TOM MOSLEY: I'm not a gun guy, and I'm not
17 very fast.

18 CHAIRMAN WEATHERWAX: Any questions from our
19 staff?

20 MS. ELLINGWOOD: No questions. One comment.
21 Tom has filed along with his association
22 application some marketing material in the form of
23 T-shirts, hats, and things like that that were very
24 impressive. He just gave us one. So I can't bring
25 it.

1 COMMISSIONER SCHENKEL: Auction it off.

2 MS. ELLINGWOOD: We will be giving it back to
3 you.

4 TOM MOSLEY: Understood.

5 MS. ELLINGWOOD: It was very impressive to let
6 you know.

7 COMMISSIONER PILLOW: Do you sell these at the
8 track?

9 TOM MOSLEY: In fact, I think everything we do
10 we give away. Some of the things that were
11 included in that box, we put, like, an annual
12 review together that would -- I'm going to say it's
13 as high a quality as any -- I mean, it's like a GQ
14 magazine, only it's horses. Until this stage of
15 life where I really think about the horses more
16 than about anything else.

17 In any case, it has a statistical review. It
18 talks about the champions, hats, T-shirts. We put
19 together a training guide, which is basically just
20 a training chart similar to what coaches would use
21 on some different sports.

22 CHAIRMAN WEATHERWAX: Thank you, Tom. Is
23 there any comments from interested persons here
24 today that would like to speak to this application?

25 Okay. I think we're ready for the closing of

1 this record. I will ask to close the record and
2 ask my commissioners if they have any remaining
3 questions, comments. If not, then I will call on
4 the Commission to make a motion.

5 COMMISSIONER SCHENKEL: I move approval.

6 COMMISSIONER MCCARTY: Second.

7 CHAIRMAN WEATHERWAX: We have a motion and a
8 second. All those in favor say "aye."

9 THE COMMISSION: "Aye."

10 CHAIRMAN WEATHERWAX: Thank you, Tom.

11 TOM MOSLEY: Thank you very much.

12 CHAIRMAN WEATHERWAX: Next we're going to have
13 the hearing for the Thoroughbred Owners and
14 Breeders Association. Who is going to speak?

15 MR. SACOPULOS: Good morning.

16 CHAIRMAN WEATHERWAX: State your name and
17 please spell it.

18 MR. SACOPULOS: My name is Pete Sacopulos.
19 Last name is S-A-C-O-P-U-L-O-S. I'm here on behalf
20 of ITOBA.

21 (At this time the oath was administered by
22 Chairman Weatherwax.)

23 MR. SACOPULOS: Thanks to all the
24 Commissioners, Mr. Gorajec, Lea, Holly for allowing
25 me to be here today to present this application on

1 behalf of the Thoroughbred owners, ITOBA. I will
2 tell you that I will be fairly brief. This is my
3 first trip around this lap doing this application.

4 And by way of background, the Thoroughbred
5 owners do not have quite the extensive history as
6 the Quarter horse owners. We began in 1992. We
7 represent 174 members, Thoroughbred owners here in
8 Indiana.

9 And our organization has submitted this
10 application in hopes for favorable review. Over
11 the course of this year, and I guess before I
12 start, I will tell you we have 15 members on the
13 board of directors. We lost one member this year,
14 Mr. Tinkle. We picked up one member in Amy
15 Elliott.

16 And our project this year that I think some of
17 you saw, the horse racing hall of fame program that
18 was recently heard was we had worked with Purdue
19 University, put together a promotional video that
20 has been used and will continue to be used
21 throughout the state. It includes a number of our
22 own representatives and board members, Bruce Murphy
23 and Mike Lauer.

24 In addition, our program has worked with
25 Purdue University on a number of other projects.

1 Purdue University is interested in constructing an
2 equine surgical center in Shelby County. They have
3 asked for contributions. And I believe all the
4 horse associations have made contributions. The
5 Thoroughbred owners have done so as well.

6 It's our hope that that will be able to be
7 accomplished in the next year. According to new
8 representatives, they are hoping to have the
9 balance of funds raised to begin construction on
10 that within the next 18 months.

11 In addition to our membership and what we are
12 doing, we conduct a number of different activities
13 each year. We have a horse auction, which I
14 provided in our materials, the application. We
15 have over a hundred horses auctioned each year. In
16 addition to that, we have a stallion auction, which
17 works by people donating the fees to their
18 stallion, and the money from that going to the
19 stakes race, the Indiana Sires Stakes race.

20 We are involved in educational efforts. We
21 have a column in the Fast Horse Resource every
22 month. We have members of our board of directors
23 that contribute articles. I myself did one on the
24 new track at Indiana Grand. We've had different
25 articles. One will be coming on informing the

1 members of both the Quarter horse membership and
2 the Thoroughbred membership on the new cobalt issue
3 and rule and different other developments in horse
4 racing.

5 In addition, we are involved in what happens
6 to Thoroughbreds in retirement after their racing
7 career is completed. We work with the trainers and
8 with the owners in trying to find them second
9 careers. And if I can digress for just a moment.

10 I had a personal success with that. I have a
11 daughter that is at Purdue University. She has one
12 of my first horses. I'm not a big time horse
13 person.

14 This season I had one horse at the track that
15 did reasonably well. But out of the stallion that
16 we had stood for a period of time, we had a filly.
17 And the filly came to the track, was gate carded
18 but never raced. The horse ended up with my
19 daughter.

20 I can tell you in planning, I tried to have a
21 college fund for my daughter. I planned fairly
22 well for that, but what I did not plan for was a
23 horse to go to college. And so my horse is at
24 Purdue University where she rides on the Purdue
25 equestrian team.

1 That horse qualified for a special award
2 because it was a retired Thoroughbred. And so two
3 weeks ago, I had my entire office staff racing
4 around getting the Indiana-bred card and the Jockey
5 Club papers so we can submit this to get this
6 award, which I thought might in some way pick up
7 ground on the investment I had in the horse. In
8 fact, we did get an award. We got a ribbon, and we
9 got a \$20 gift certificate someplace. So at least
10 it was a start.

11 I believe we have submitted to you everything
12 that we would like considered. Lea had, after we
13 had made the initial submission, had asked for some
14 additional information in the form of our tax
15 returns and insurance papers which we had provided.
16 We are also, there are conflict of interest forms
17 which we provided to you, Lea, this morning.

18 You will notice that Paul Tinkle is not there
19 because obviously he has passed away. Amy Elliott
20 is picked up as a new board member. Tony Wolf is a
21 member of our board. He is a veterinarian who
22 practiced here in Indiana but has since relocated
23 to the state of Kentucky. So he is no longer a
24 board member with us.

25 I would be glad to answer any questions, talk

1 to you about anything specifically about our
2 auctions or our newsletter or our video that we are
3 very proud of, anything in the application.

4 CHAIRMAN WEATHERWAX: I have one question, I
5 think, that speaks to some of us in the General
6 Assembly because we approved this legislation. I'm
7 kind of encouraged because I heard at one point in
8 time the equine hospital idea was not moving
9 forward, but you're saying you think it is moving
10 forward.

11 MR. SACOPULOS: Yes. I base that on, there is
12 a representative from Purdue school of equine,
13 veterinarian Timothy Lescun. Doctor Lescun had
14 come to meet with the Thoroughbred association, I
15 believe met with the Quarter horse and Standardbred
16 people as well. He came to the Indiana Derby with
17 us, I guess it would be last month, and informed us
18 that they have had additional success in raising
19 funds. And it is their hope that this will go
20 forward. They have the real estate, as I
21 understand, is approved. And they have made
22 additional strides in raising revenue in getting
23 the program off the ground.

24 CHAIRMAN WEATHERWAX: Just for the benefit of
25 those new commissioners that maybe don't know this,

1 this was a dream, a goal to have a state of the art
2 equine hospital in our state competitive with any
3 state around us, sort of like a subsidiary or
4 satellite operation for Purdue, was it?

5 MR. SACOPULOS: Yes.

6 CHAIRMAN WEATHERWAX: Technically connected to
7 Purdue but in the Shelbyville area. You say the
8 ground has been selected. And, therefore, the key
9 to this in the General Assembly was there had to be
10 a certain amount of private funding raised before
11 we would ever go forward to commit because it's a
12 big investment. I forget how many dollars was it.
13 It's probably antiquated by now because time has
14 gone forward. The cost has probably doubled.

15 MR. SACOPULOS: I think eight to ten million
16 dollars is the figure that was discussed. I don't
17 know if that's.

18 CHAIRMAN WEATHERWAX: I think it was more than
19 that. Does anybody know the exact amount of that
20 total project? It's been several years ago we
21 started this.

22 MR. SACOPULOS: The reason, if I can just add
23 something.

24 CHAIRMAN WEATHERWAX: Sure. Go ahead.

25 MR. SACOPULOS: One of the reasons that this

1 is important, especially with the one breed-one
2 track program that we have, all the Thoroughbreds
3 and Quarter horses being run in Shelbyville, as
4 that if there's a problem typically in the past,
5 the Indiana horsemen would either go to Purdue
6 University or University of Illinois or somewhere
7 in Kentucky.

8 This would provide immediate care. And it
9 would provide excellent care because it would be
10 staffed with staff overseen by Purdue University
11 employees and faculty and administrators. Of
12 course, they're as good as you get.

13 CHAIRMAN WEATHERWAX: Thank you for giving
14 that additional explanation. Questions from staff?

15 MS. ELLINGWOOD: Yes, I have a quick question,
16 Pete. As you know, these were submitted officially
17 after the deadline so they're not part of the
18 record yet. Did you want to make these part of the
19 record?

20 MR. SACOPULOS: Yes, I would. What we are
21 referring to for the record are the conflict of
22 interest forms. And so we have submitted those.
23 And just by way of explanation, on the board of
24 directors at the beginning of 2014, we had Paul
25 Tinkle, who passed away this year, and Tony Wolf,

1 who was a veterinarian who has left the state of
2 Indiana. He now practices veterinary medicine in
3 Kentucky.

4 MS. ELLINGWOOD: Our administrative rule 71
5 IAC13-1, paragraph four requires to be submitted
6 with an application a conflict of interest
7 statement that's signed by all the officers,
8 directors, and employees.

9 The documents that you gave to me this
10 morning, which you asked to be made part of the
11 record, does this constitute all of those conflict
12 of interest statements?

13 MR. SACOPULOS: I believe we have sent, and I
14 don't know if you've received them, we've sent
15 Director Bruce Murphy's, my own, and Ryan
16 Campbell's.

17 MS. ELLINGWOOD: I haven't yet received those.
18 I received Mr. Likens, Herb Likens and these. So
19 just to the extent that the Commission would move
20 forward with approving the association's
21 application, I would recommend that that approval
22 be conditioned upon confirmation that all of the
23 signed conflict of interest statements have been
24 submitted. If they have not, that they be so by
25 December 31st of this year.

1 CHAIRMAN WEATHERWAX: Is it your opinion,
2 Counsel, that this does represent all the loose
3 ends that were a part of this application?

4 MS. ELLINGWOOD: Assuming that the conflict of
5 interest statements have been submitted, then the
6 application will be complete.

7 CHAIRMAN WEATHERWAX: Any other questions from
8 those here at this hearing that would like to
9 testify? Thank you.

10 MR. SACOPULOS: Thank you for your time.

11 CHAIRMAN WEATHERWAX: Any comments? We have
12 closed the record. Call upon our commission
13 members to voice your thoughts, questions, or a
14 motion. Any comments from commission members?

15 I will entertain a motion. I guess we should
16 say that if you do this motion, it has to be
17 conditioned upon the full completion of the process
18 and your review as submitted.

19 MS. ELLINGWOOD: Yes. Just to clarify for the
20 record, it's a conditional approval. The condition
21 is that all of the required conflict of interest
22 statements have been executed and submitted to the
23 Commission by December 31, 2014.

24 CHAIRMAN WEATHERWAX: Did you hear the motion?
25 Do I entertain a motion?

1 COMMISSIONER PILLOW: I will entertain the
2 motion that we approve it on the condition that all
3 forms are completed by December 31st, 2014.

4 CHAIRMAN WEATHERWAX: Do I hear a second?

5 COMMISSIONER LIGHTLE: Second.

6 CHAIRMAN WEATHERWAX: Question? All those in
7 favor say "aye."

8 THE COMMISSION: "Aye."

9 CHAIRMAN WEATHERWAX: Opposed, the same.

10 (No response.)

11 CHAIRMAN WEATHERWAX: Very good. I think we
12 are taking a recess.

13 (A brief recess was taken.)

14 CHAIRMAN WEATHERWAX: I will call the meeting
15 back to order so we can get started and keep moving
16 forward.

17 Next on my agenda, I have a new item that's
18 not on the official record, but it's something I
19 would like to make part of the record that today is
20 Holly Newell's birthday.

21 (Audience applause.)

22 CHAIRMAN WEATHERWAX: I will not go into
23 greater detail.

24 MS. NEWELL: Thank you again.

25 CHAIRMAN WEATHERWAX: But we thank you and

1 congratulate you on that big day.

2 Next we have the Horsemen's Benevolent and
3 Protective Association. Steve, are you testifying?

4 MR. SHOCKLEY: I would be happy to be sworn
5 in. I'm mostly master of ceremonies in kind of
6 legal issues, but I'd be happy to be sworn in.
7 Actually, all three of us.

8 CHAIRMAN WEATHERWAX: Please stand and state
9 your names individually.

10 MR. SHOCKLEY: Steve Shockley,
11 S-H-O-C-K-L-E-Y.

12 DENNIS HASH: Dennis Hash, H-A-S-H.

13 MIKE BROWN: Mike Brown, B-R-O-W-N.

14 (At this time the oath was administered by
15 Chairman Weatherwax.)

16 CHAIRMAN WEATHERWAX: Go ahead, Steve.

17 MR. SHOCKLEY: Mr. Chairman, Members of the
18 Commission, commission staff, I'm not Tom Mosley.
19 I am a lawyer. I hope you won't hold that against
20 me.

21 My name is Steve Shockley. I'm representing
22 the Indiana Horsemen's Benevolent and Protective
23 Association on their application for registration
24 of 2015. I have a couple of housecleaning items I
25 need to take care of.

1 When we filed our application back in
2 September, we were unable to obtain the signatures
3 on conflict of interest policies and the
4 certificate about expenditures in the best interest
5 of horse racing from two of our directors, Kim
6 Hobson and Mike Norris. I understand Kim Hobson
7 has sent her signed and notarized conflict of
8 interest policy directed to Lea. Assuming Lea has
9 that, I would like to move to make that part of the
10 record.

11 CHAIRMAN WEATHERWAX: Is that right? Noted.

12 MR. SHOCKLEY: I understand that in direct
13 communications with Ms. Ellingwood, Miss Hobson has
14 declined to sign the certificate. I guess we will
15 deal with that later. We will continue to pursue
16 her for that, but she has declined to sign it.

17 As for Mr. Norris, he came on the board, I
18 think, in the late spring as a replacement for
19 someone that had retired from the board. He
20 attended two meetings before he received a summary
21 suspension from the Commission. He has not been
22 part of the board since then. We are continuing to
23 pursue him to obtain both signatures, but I
24 understand any approval of our application would be
25 conditional on obtaining those signatures.

1 Mike Brown will testify on behalf of the
2 association about the matters that have been
3 submitted in our application. Dennis Hash of Hash
4 CPA, who is the bookkeeper and accountant for the
5 association, is here to answer any questions you
6 may have about any financial information that has
7 been submitted. Otherwise, I don't think he will
8 testify. With that, I will turn it over to Mike
9 Brown.

10 CHAIRMAN WEATHERWAX: Thank you. Mike.

11 MIKE BROWN: I'm not a lawyer or Tom Mosley so
12 you'll have to bear with me.

13 My name is Mike Brown. I'm the executive
14 director of the Indiana Horsemen's Benevolent and
15 Protective Association. I would like to talk with
16 you a few minutes about our organization. Mindful
17 of the preliminary statement that we don't want to
18 kill our bill, I will be as brief as I can possibly
19 be, presuming we have a bill that is moving
20 forward.

21 I would like to talk to you, first of all,
22 about what we do. It's all contained in our
23 application. We represent all Thoroughbred owners
24 and trainers who have entered races in Indiana and
25 all the horsemen and women who work for them. We

1 consider ourselves lucky to have that opportunity.

2 We work on their behalf with our track
3 partners, whether it's working with the track man
4 on the condition of the track surface, working with
5 the race secretary on specific conditions of races,
6 or working with maintenance on conditions on the
7 backside of the track. I use the term work, but in
8 truth interacting with people of Centaur and
9 Indiana Grand is not work. They continue to make
10 it very easy to work with. The bottom line is any
11 of the details involved in racing, we are involved
12 in some way or another.

13 In addition, we represent our members before
14 this commission. When needed, we are their voice.
15 We try to make sure that that voice contributes to
16 policies that are building a successful and
17 productive racing program in the state. We try to
18 make sure that that voice is there when our members
19 need help when working with the regulatory and
20 adjudication process. A fair and balanced process
21 requires that our members' voices be heard and
22 considered. We are glad to be a part of that
23 consideration whenever we can.

24 Also, we work to educate the members of the
25 Indiana General Assembly and the executive branch

1 about this important industry, its needs, its
2 contributions to the state of Indiana through
3 economic activity and employment, promoting this
4 industry and the dynamic economic engine that we
5 can become is vital. And by the way, we don't use
6 funds received under Indiana Code 4-35-7-12 for
7 this purpose.

8 By statute, the industry receives funds
9 dedicated to specific areas of concern in addition
10 to monies directed to purse support and awards. We
11 hope to be the organization vested with the
12 responsibility of administering these funds for
13 Thoroughbreds in 2015. I would like to talk to you
14 a little bit about what we do with a couple of the
15 dedicated revenue streams.

16 The Indiana General Assembly was wise when
17 they dedicated a portion of the slot revenues
18 appropriated to racing to the areas of equine
19 welfare and promotion. Horsemen have the
20 responsibility to help build this industry in
21 partnership with the track. In addition, we must
22 ensure the safety of our equine athletes both
23 during their racing careers and after.

24 Last year we participated with the Quarter
25 horses and the track to resurface areas of the

1 receiving barn with a spongy, more forgiving
2 material that will be easier on the horses walking
3 through the aisles of that barn. Also, last year
4 we participated with the same partners to bring in
5 a new trailer for horses injured at the track.

6 Our 2014 funds were awarded at the beginning
7 of July, as you may recall. So our opportunities
8 to work with Indiana Grand in promotional
9 activities got a late break out of the gate.

10 Nonetheless, together we promoted and put on a
11 well-attended education night. We had a drawing
12 for tablets, gave away books on racing of famous
13 Thoroughbreds to all registrants at the tack that
14 didn't win tablets.

15 If we are fortunate enough to be awarded the
16 2015 funds, we will do a similar promotion and add
17 others in cooperation with our track partners. If
18 we can get people out to the track, they'll
19 understand the beauty and excitement of
20 Thoroughbred racing. We intend to do our part.

21 When racing careers are over, it's everyone's
22 responsibility to see that our horses have a place
23 to go, in some cases for retraining for a second
24 career, in other cases for adoption and retirement.
25 We take our responsibility to assist in this

1 function very seriously.

2 In 2011, we dedicated \$46,000 to equine
3 welfare. In 2012, we spent 72,500. In 2013, we
4 committed and spent \$87,500. Last year we made
5 equine welfare grants totaling \$90,000.

6 We gave money to a very well-recognized group,
7 New Vocations. They operate out of Ohio. They
8 have operations in three different states. They
9 are Thoroughbred Aftercare Alliance accredited.
10 They have a great reputation both nationally and
11 regionally.

12 We also gave money in Indiana to Horse Angels,
13 Incorporated. Doctor Sue Whitman runs that
14 organization in Spencer, Indiana. We gave money to
15 Friends of Ferdinand, who also in recent history
16 has received Thoroughbred Aftercare Alliance
17 accreditation. We gave money to the Indiana Horse
18 Council Foundation for their efforts in the Racing
19 Legacy Fund that are also targeted towards
20 donations for aftercare.

21 That continues the pledge that we made during
22 the initial slot proceedings when we were trying to
23 get slots at the track. We pledged that we would
24 work with the rest of the industry, including
25 non-racing portions of the industry to see what

1 mutual areas of agreement we can have with which we
2 can work together. The Horse Council Foundation is
3 one of those areas in which we are doing that.

4 We also made grants to the Kentucky Equine
5 Humane Center, which is located in Lexington, and
6 to Second Stride, which is located in the
7 Louisville area. And we made a grant to the
8 University of Kentucky Gluck Equine Research Center
9 for their work in equine health and welfare, and
10 pharmacology.

11 We propose to continue these efforts in equine
12 welfare if we're lucky enough to be awarded the
13 2015 funds and will continue to work with these
14 groups and other organizations that we identify
15 along the way.

16 In the area of benevolence, we have a trailer
17 on the backside of Indiana Grand through which we
18 deliver health care to the people who need it in
19 the form of on-site dentistry, an on-site clinic
20 with a visiting physician, staff from Major
21 Hospital and podiatry services. Our horsemen can
22 also come into the trailer for coffee, snacks,
23 copying services, programs and overnights or just
24 to relax and catch up.

25 When our members are away from the track, they

1 can also access needed health services wherever
2 they are, and they are covered by our benevolence
3 program. We provide chaplaincy services on track,
4 recreational activities, education programs,
5 translation services, and events throughout the
6 racing meet. In addition as needed we provide
7 daycare through a working arrangement with several
8 facilities in the Shelbyville area. We provide
9 access to substance abuse counseling, treatment,
10 mental health counseling when appropriate.

11 In the event of death, hardship, or emergency,
12 we provide appropriate assistance to our members
13 and their families. We also help supplement
14 jockey's health insurance with a line item
15 appropriation in our benevolence budget.

16 When we came before you in June 2014, it
17 doesn't seem like that long ago, we said we would
18 bring down our other trailer from Hoosier Park to
19 enhance the health care, recreational, and
20 educational services we provide on the backside of
21 the track. We're still working on that. We're
22 working with Rush-Shelby Electric to upgrade
23 electric capacity for that trailer and strengthen
24 the base upon which we put the trailer with
25 footings.

1 We wanted to wait until the horses left the
2 stable area and get the infrastructure work done
3 before the snow flew. Who knew. We will get the
4 trailer moved before the end of the year and have
5 it available when the meet opens in 2015. We are
6 looking forward to that. That will really help
7 what we can provide people on the backside of the
8 track.

9 Our Indiana HBPA benevolence program came from
10 nothing and has grown exponential over the years.
11 That creation process predated my involvement with
12 the HBPA, but I've had occasion to learn quite a
13 bit about our benevolence activities over the two
14 past two years, last year in particular since I
15 took on the added responsibility for the program.

16 Our program continues to evolve. We're proud
17 of it with good reason. We have a very good
18 benevolence program. With the guidance and
19 direction provided to us as a result of the
20 commission staff's examination, our benevolence
21 program is even better.

22 The eight month examination of the Indiana
23 HBPA benevolence program was in many ways a crisis
24 for the organization, but it was also an
25 opportunity. As I mentioned, this was a program

1 that developed from absolutely no model. We put in
2 place what we thought would be right. It continues
3 to evolve. Your staff identified areas of concern,
4 and we have acted on those areas.

5 One area was in the area of rules and
6 guidelines. We have rewritten our guidelines and
7 rules. Our rules and guidelines were no more than
8 three or four pages. The revised version we have
9 prepared as part of our supplement to the 2014
10 application is 14 pages. We defined eligibility.
11 We explained our criteria for evaluating
12 eligibility. We expanded the universe of horsemen
13 and women to include more of the Thoroughbred
14 community, clarified the documentation necessary to
15 establish eligibility, which includes limitations.
16 We delineated the appeals process, complaint
17 process, lines and responsibility throughout the
18 process, and the penalties for submitting false
19 information.

20 We now have four and a half months experience
21 with these rules. We are living by these
22 guidelines and will continue to operate by them.

23 After the guideline and rules revision, we
24 changed the application to correspond to these
25 rules. We defined the complaint policy, developed

1 a complaint form. We redefined appeals and review
2 process for anyone believing there has been an
3 eligibility error. We believe these revisions have
4 made this program more effective, more transparent,
5 and more accountable.

6 I might add that we've received no appeals in
7 the course of this process. In other words, no one
8 has complained to us about it on paper.

9 The report identified transparency as a
10 deficiency. We addressed this challenge in
11 multiple fronts. First, we dissolved the Benefit
12 Trust Board. And we put the responsibility for
13 administering benevolence completely under the HBPA
14 and the board of directors. The Indiana HBPA board
15 has full access to all information necessary to
16 administer the program, including who's receiving
17 benevolence, how much they're receiving,
18 corresponding yearly balance, who has applied, and
19 who has been denied.

20 The board met monthly during the meet to deal
21 with the benevolence matter. And we have delivered
22 four monthly reports to the Commission. Let me
23 emphasize, the board of directors of HBPA has total
24 responsibility for our benevolence program subject,
25 of course, to your oversight.

1 Another leg of the transparency spool is
2 communication. We have held multiple backside
3 meetings during the course of the meet, including
4 an initial meeting immediately after approval of
5 the 2014 application in which we described the
6 operating benevolence program, its new rules, and
7 what horsemen need to do to access the program. We
8 created Hispanic translations for all benevolence
9 documents and made them available in the trailer,
10 as well as on our website, and that of the national
11 HBPA. We distributed bilingual fliers describing
12 the program, posted information throughout the
13 backside of the track and in the barn. We included
14 informational pages in the programs we distribute
15 at the trailer, not just about benevolence but
16 about all that's going on at the track within HBPA.
17 We put HBPA news into a national publication, The
18 Horsemen's Journal, and on your website. We have
19 much more to do in the area of communication, but
20 we are headed in the right direction.

21 This year the Indiana HBPA benevolence program
22 has provided benevolence services so far to 128
23 horsemen and women through November 13th through
24 1,955 individual transactions. To date, we have
25 distributed more than \$464,000 this year in

1 benevolence monies. Including this year, we have
2 distributed more than \$4 million in benevolence
3 services over the past six years.

4 We are horsemen helping horsemen. That's our
5 motto. We live by it.

6 My father always told me when it came to
7 public speaking be brief, be sincere, be seated.
8 So now that I've missed the mark on brevity, let me
9 summarize.

10 The Indiana HBPA has followed all directives
11 of this commission. We've lived up to all promises
12 we made to this commission. We recognize both the
13 responsibility and the privilege of administering
14 the funds dedicated to Thoroughbred racing. We ask
15 that you approve our application to do so again in
16 2015. Before I'm seated, I would be happy to
17 attempt to answer any questions you might have for
18 me.

19 CHAIRMAN WEATHERWAX: Just an observation,
20 Mike, and this is for the benefit of our new
21 commissioners Lightle and McCarty, you may not
22 understand the magnitude of what Mike said in some
23 of his comments, but there was a serious question
24 of monies between horsemen, people, his association
25 that we had hearings on. I don't know if you were

1 here then, but we had to listen to that. And we
2 made recommendations.

3 Many changes were made for him to say to us
4 what he just said. I believe that's progress. I
5 think that's a significant structural change within
6 their organization. You heard him say they
7 dissolved their board of trustees.

8 MIKE BROWN: The Benevolence Trustee Board.

9 CHAIRMAN WEATHERWAX: Mr. Schenkel had very
10 good questions about liability, legal aspects. We
11 had a very thorough hearing on this whole area. I
12 applaud you, Mike, and your association for the
13 changes that you've made.

14 Any other comments from Commissioners? Let's
15 hear it.

16 COMMISSIONER PILLOW: Lea, I know Mr. Brown
17 said they made all the changes. Have you seen all
18 the changes that have been made?

19 MS. ELLINGWOOD: Yes. Mr. Shockley, the
20 HBPA's representative, has been very forthcoming
21 with all the information necessary to show us that
22 they made the changes they committed at that
23 hearing to make. Just as recently as late last
24 week, I received an update with respect to an
25 overview of the meeting, essentially minutes with

1 respect to the benevolence expenditures. They are
2 meeting that commitment.

3 CHAIRMAN WEATHERWAX: So who else will speak
4 next?

5 MIKE BROWN: Actually, we didn't have anybody
6 else scheduled to speak.

7 CHAIRMAN WEATHERWAX: Let me ask, are there
8 any other parties here that would like to speak to
9 this application that maybe I don't know about?
10 Hearing none -- Commissioner.

11 COMMISSIONER SCHENKEL: I just want to make
12 sure that because we did have discussions about the
13 trust and about dissolving that, in the documents
14 that I've seen, it looks like everything was -- I
15 think your financial and legal folks are here with
16 you, that all of those monies have been accounted
17 for properly. And I know that's not an easy legal
18 matter to dissolve a trust, but I'm assuming all
19 that's in place. And it looked like all the
20 financial things that I saw, Lea. I think it's
21 just worth noting that that's not easy, but I think
22 you have accomplished that. So thank you.

23 MR. SHOCKLEY: Well, to be entirely clear, the
24 trust itself has not been dissolved. It no longer
25 handles any of the benevolence funds.

1 COMMISSIONER SCHENKEL: I'm not a lawyer so my
2 terminology is probably incorrect. But in effect,
3 it's, yeah, operationally, it's changed.

4 MR. SHOCKLEY: Exactly, yes.

5 COMMISSIONER SCHENKEL: That was my concern so
6 thank you.

7 MS. ELLINGWOOD: Mr. Chairman, there's a
8 housekeeping matter that I forgot to cover at the
9 beginning of this hearing. In light of the
10 complaint that the commission staff received with
11 respect to the HBPA's 2014 application, when Miss
12 Hobson and Mr. Norris failed to submit their
13 respective conflict of interest statements and to
14 sign off on the certification that the expenditure
15 is going to the best interest of the industry, I
16 myself sent a letter to Miss Hobson and Mr. Norris
17 asking them to let us know specifically if they
18 were aware of any expenditures that were not in the
19 best interest of horse racing and to explain why
20 they had not submitted their conflict of interest
21 statement.

22 I gave them a deadline. I didn't hear from
23 either of them by the deadline. As Mr. Shockley
24 acknowledged, Miss Hobson did send us a conflict of
25 interest statement, which at his request has been

1 made part of the record. I wanted to ask the
2 Commission make part of the record the letters that
3 I sent to Miss Hobson and to Mr. Norris, which
4 Mr. Shockley has already seen and which you have
5 already seen as part of the information in your
6 packet.

7 CHAIRMAN WEATHERWAX: Very good. We will make
8 that part of the record. Okay. Thank you.

9 We have, as you hear, not a completed process
10 here. We are almost there but not yet. So,
11 Counsel, I think what we probably have to do is to
12 make a motion that is subject to condition.

13 MS. ELLINGWOOD: Yes. I would recommend that
14 the HBPA's application be conditionally approved.
15 Like I told them, the condition would be the
16 submission of all the required conflict of interest
17 statements by December 31st of 2014. In the
18 event they are not able to get those conflict of
19 interest statements, then the applicant would be
20 required to provide to the Commission evidence that
21 it had made every effort to get those statements
22 and a statement that to the best of their knowledge
23 there have been no expenditures that were not in
24 the best interest of horse racing.

25 CHAIRMAN WEATHERWAX: Very good. Now, do you

1 understand the motion?

2 COMMISSIONER SCHENKEL: That's exactly the way
3 I would have made it.

4 COMMISSIONER PILLOW: We were making the
5 motion, but her mouth was moving.

6 CHAIRMAN WEATHERWAX: That's very well put.
7 The recorder has it exactly right. Any other
8 comments from our fellow members?

9 Okay. You heard the motion. Do I hear a
10 motion to accept as stated?

11 COMMISSIONER SCHENKEL: So moved.

12 COMMISSIONER MCCARTY: Second.

13 CHAIRMAN WEATHERWAX: We have a motion to
14 accept as stated and second. All those in favor
15 say "aye."

16 THE COMMISSION: "Aye."

17 CHAIRMAN WEATHERWAX: Just for the record,
18 this has to be done by the end of this year. We
19 are talking millions of dollars of money that flows
20 through these applications, each and every one of
21 you. This is no light matter.

22 Also, I think I would like to tell you at this
23 time, we can do it now or we can do it later, that
24 we are going to be meeting in January. And that
25 announcement will be made here later, but that's

1 January 28th, which is officially a Wednesday.

2 So you can put that down on your calendar.

3 The next meeting will be March 10th, which
4 is a Tuesday. So I would hope that by
5 January 28th, this is a matter of history.

6 Hear the motion. We have already voted on it.
7 So we'll go onto the next item.

8 Next, I have the Standardbred Association and
9 we welcome you. And, Jack, if you want to stand
10 there, who else is going to be testifying?

11 JACK KIENINGER: Roger. I don't know if Roger
12 is but I hope will talk.

13 MR. YOUNG: I don't know. Maybe.

14 CHAIRMAN WEATHERWAX: State your name and I
15 will swear you in.

16 JACK KIENINGER: Jack Kieninger,
17 K-I-E-N-I-N-G-E-R, president of the Indiana
18 Standardbred Association.

19 MR. YOUNG: Roger Young, Y-O-U-N-G, attorney
20 for the Indiana Standardbred Association.

21 (At this time the oath was administered by
22 Chairman Weatherwax.)

23 JACK KIENINGER: Good morning, Mr. Chairman,
24 Commissioners, staff. We spent a lot of time on
25 our application. And I could bring it up here, but

1 carrying it up from the truck up here, I thought I
2 was going to get a hernia so I'm just going to
3 leave it there and try to just give you an update
4 of what we've done this past year.

5 We partnered with Hoosier Park, built a new
6 drivers' lounge or drivers' room to change their
7 clothes and stuff and a grooms' lounge with two
8 offices; one for your horsemen's representative and
9 one for our pastor. It's a fabulous building. If
10 you haven't had a chance to get out and look at it,
11 you should.

12 We continued to partner with Centaur Gaming on
13 Trakus. That's worked out really well this year.
14 I think we are up about six percent, but I'll let
15 them get into the percentage stuff.

16 Our trailer, our medical trailer for our
17 benevolence is up 300 percent from the first year
18 that we put it in. So we're really proud of that.
19 Our dental and optical are up about 70 percent. So
20 we're getting a lot of utilization with the health
21 products that we put out to the horsemen. Anybody
22 that is on the back stretch, including the
23 racetrack personnel, can go to our medical trailer
24 and have tests run and checkups, blood pressure,
25 all that stuff.

1 Our organization has always been the one that
2 has represented the Standardbreds since '94. We
3 are really proud of that. Our organization was
4 founded actually in 1926. It's one of the oldest
5 horsemen's groups in the country.

6 We continue to not only take care of our
7 horsemen this year, but we're looking to the
8 future. We had a board meeting the other night.
9 We agreed to support, partner with Centaur Gaming
10 to bring the Breeder's Crown to Indiana in 2017
11 with your approval. We haven't brought it to you
12 for approval yet. But we're really proud of that.
13 That's like bringing the Kentucky Derby to Hoosier
14 Park. It's really big.

15 And we have two horses that are -- they both
16 won their eliminations for the Breeder's Crown in
17 New Jersey at Meadowlands this last week. They
18 will be in the final of the Breeder's Crown, two
19 Indiana horses.

20 We are proud of our horses. Our sales were up
21 33 percent this year. We've had an overabundance
22 of horses, but we were having trouble getting
23 horses into the races. That is going to level out
24 here directly.

25 To have Indiana-sired horses competing on the

1 national level is just fabulous in a very short
2 time. We are really proud of not only our breeding
3 but also our racetrack people. You know, we had an
4 excellent meet this year, had really no major
5 problems other than maybe Joe's lab kind of threw
6 us a link. Yes, sir.

7 COMMISSIONER PILLOW: You said earlier in the
8 year there was a problem with getting enough horses
9 for each field and each race. You say that is
10 going to level out?

11 JACK KIENINGER: Yeah.

12 COMMISSIONER PILLOW: Why do you say that?

13 JACK KIENINGER: Our breeding program at the
14 beginning in '94 up to really the beginning of the
15 slots, you know, there was no slots in Ohio. There
16 was none in Illinois. We were the only show in
17 town basically. All these other breeders came to
18 this state. We have an abundance of Indiana-bred
19 horses. And a lot of them are racing in the Sires
20 Stakes program and through the county fairs.

21 And we have now those two-year olds that were
22 racing when we got slots are now three, four-year
23 olds. Our population is growing. The money is
24 good enough now that you want to retain some of
25 those older horses to race in Indiana.

1 There's always going to be a problem of
2 shortness of horses because the way Ohio does their
3 program, you have to be racing in Ohio to continue
4 to race when we're closed. And a lot of the people
5 that supported the meet the whole year with
6 racehorses went to Ohio so that they could continue
7 to race over in Ohio this winter.

8 However, the Indiana people, they block us
9 out. We don't block them out, but they block us
10 out. We've gone over this with Joe and other
11 commissioners over and over but...

12 COMMISSIONER PILLOW: Is this a problem?

13 JACK KIENINGER: It is for us. We have four
14 months where we don't get to race basically
15 anywhere.

16 COMMISSIONER PILLOW: Ohio is racing during
17 the winter.

18 JACK KIENINGER: Ohio is going ahead and
19 racing. They have two new tracks in Ohio. They
20 started, what, October the 6th, I believe. They'll
21 run right up until just before we run again. And
22 then they will all want to come back over here.
23 The shortage problem with horses, you know, our
24 main concern is Indiana-sired horses. That's what
25 we really focus on.

1 It's been a long meet this year. For some
2 reason it just seemed really long. A lot of horses
3 if you look at the program -- I was there Friday
4 night at the racetrack looking at the program.
5 We've got horses that's had 35 starts this year.
6 That's a lot of racing. Not only are the people
7 tired, but so are the horses. But there are some
8 people they'll get the horses ready early that want
9 to continue to race, and we have no place to race.

10 COMMISSIONER PILLOW: Could you field a full
11 field with the ones that were left that want to
12 continue to race?

13 JACK KIENINGER: We had 14 races last night.
14 Yes, I think we could. We have a top notch product
15 in the state of Indiana. Something really to be
16 proud of. Our fair program is really good. We
17 have 40-some races at the fairs. And those are
18 within the pipeline to come to the racetrack. So
19 each year there's more horses that want to come to
20 the track.

21 We are very proud of our organization, what
22 we've accomplished. We're proud to be working with
23 Centaur Gaming to enhance the horse racing, horse
24 breeding, horse training in Indiana. I think over
25 the years, I'm really proud of all the horsemen in

1 Indiana. You know, it's thanks to the legislature
2 and the Commission that we're in the position that
3 we are. We are very proud of our organization.

4 I think the record, if you guys got those big
5 folders, it says everything in there. I can go
6 through it page by page, but I don't want to bore
7 you to death like Tom Mosley. If you have any
8 questions, we would be glad to answer anything.

9 CHAIRMAN WEATHERWAX: Thank you. Counsel, do
10 you have any questions that we should add?

11 MS. ELLINGWOOD: None. Thank you.

12 CHAIRMAN WEATHERWAX: Is there anyone here
13 that would like to testify?

14 COMMISSIONER SCHENKEL: Was everything
15 submitted?

16 MS. ELLINGWOOD: Yes.

17 CHAIRMAN WEATHERWAX: This application was
18 completely submitted. I know it's a lot of work,
19 Jack, but we thank you for your efforts. All of
20 you.

21 This closes the record. Discussion from our
22 Commissioners. Any other things you would like to
23 add or question? If not, do I have a motion to
24 accept this application, which is thorough, as
25 submitted?

1 COMMISSIONER MCCARTY: I move to accept the
2 application for renewal from the Standardbreds.

3 COMMISSIONER PILLOW: I second that.

4 CHAIRMAN WEATHERWAX: We have a motion and
5 second. Questions?

6 All those in favor say "aye."

7 THE COMMISSION: "Aye."

8 CHAIRMAN WEATHERWAX: Opposed, same sign.

9 (No response.)

10 CHAIRMAN WEATHERWAX: It's accepted. Thank
11 you.

12 Holly, do you want to review the Commission
13 rulings for the last time since we have met?

14 MS. NEWELL: Yes. Thank you, Chairman. As
15 you can see, they are fairly voluminous. These
16 rulings date from August 1 through the end of
17 October, a variety of infractions with the rulings
18 that were issued by the judges and stewards at the
19 track. If you have any questions about any of the
20 particulars, I'm happy to address them.

21 CHAIRMAN WEATHERWAX: You can read those
22 rulings. They are in that tab. Is this number
23 four or number five?

24 MS. NEWELL: It's tab five.

25 CHAIRMAN WEATHERWAX: Commissioners, this is

1 the list of infractions, names, penalties, fines,
2 and what the suspension process was for all these
3 infractions. This is a busy time of the year.

4 MS. NEWELL: Yes, it is.

5 CHAIRMAN WEATHERWAX: It looks like a lot, and
6 it is, but still, this is the busiest time of the
7 year almost. All right. So, Commissioners, you
8 can see this listing of Commission rulings. Do I
9 have to just accept this into the record or make a
10 motion?

11 MS. ELLINGWOOD: You don't need to make a
12 motion. It's just for your review and opportunity
13 to ask any questions.

14 CHAIRMAN WEATHERWAX: Very good. Are there
15 any questions?

16 MS. NEWELL: Once you have reviewed it at this
17 meeting, we go ahead and post it on our website so
18 it is available to the public as well.

19 CHAIRMAN WEATHERWAX: This is to give us the
20 update we need because this is part of what we have
21 to do in our responsibilities as a commission.
22 Thank you, Holly.

23 Item six is a very important topic. It deals
24 with the distribution agreement. And, Robin, I'm
25 told that you are going to represent, not

1 Mr. Keeler, but the folks that are responsible for
2 this.

3 MR. BABBITT: I am. Thank you, Chair
4 Weatherwax, Vice-chair Schenkel, Members of the
5 Commission, Joe, Lea, birthday girl, and the long
6 suffering court reporter Robin Martz.

7 CHAIRMAN WEATHERWAX: Let me swear you in
8 first, even though you used to do this for a
9 living.

10 MR. BABBITT: I did.

11 CHAIRMAN WEATHERWAX: State your name and
12 spell it.

13 MR. BABBITT: Robin L. Babbitt, B-A-B-B-I-T-T.

14 (At this time the oath was administered by
15 Chairman Weatherwax.)

16 MR. BABBITT: It's my pleasure to address the
17 Commission today on behalf of Mr. Keeler. I'm
18 neither Tom Mosley or John Keeler, as you both
19 know, though I would like to take some credit for
20 getting Tom Mosley started because many years ago
21 he asked whether a non-lawyer could address the
22 Commission. I said, Tom, you can because you know
23 what you're doing, and you'll do it effectively and
24 well. He's a great advocate and has turned into a
25 good friend over the course of time.

1 I will try to keep my comments as brief as I
2 can, but this is a very important topic. I did
3 want to bring the Commission up to speed on what
4 has happened here with the initial distribution
5 agreement. We are not asking the Commission for
6 any action on that agreement. I will get into why
7 that's true, but I think the history is important
8 particularly for those of you who weren't here last
9 year.

10 Three members of the Commission participated.
11 I spent much time talking to the Commission, and
12 they spent more than the amount of time than they
13 would like listening to my colleague Phil Bayt and
14 I as we went through and discussed the initial
15 distribution agreement.

16 The legislature in its wisdom decided that
17 after the statute for gambling games at the track
18 had been put in place, the legislature determined
19 that there was a percentage amount that instead of
20 making that subject to the legislation, as the
21 Chair recognized in our October meeting, but that
22 it would make more sense to have the tracks work
23 with representatives of the horsemen's associations
24 to set a percentage within statutory guidelines of
25 10 to 12 percent of monies that would go to

1 horsemen's organizations that you have just
2 approved this morning.

3 And in October of last year, I had the
4 privilege of sitting at a table with
5 representatives of every horsemen's association who
6 was supportive of the initial distribution
7 agreement, which had been drafted and presented to
8 the Commission for approval. That was a unique and
9 humbling experience.

10 And having said that, just because we all
11 thought that it would be a good idea didn't mean
12 that it wasn't subject to strict administrative
13 oversight and it was. The Commission and staff,
14 Joe was kind enough to do a thorough staff report
15 that was supportive of the initial distribution
16 agreement. Lea, although we didn't see the legal
17 opinion, at the request of Chair Weatherwax did an
18 analysis of whether the initial distribution
19 agreement met Indiana statute regulation and law.
20 And our understanding is it did. We were very
21 appreciative of all of those efforts. But we were
22 incredibly appreciative of the efforts of the three
23 of you who sat through that process and ruled in
24 favor of the initial distribution agreement.

25 So what we now have is, and it's a complicated

1 agreement. It took a long time to vet it, to go
2 through it, and to explain it. But let's talk
3 about the terms because what it does is, in
4 essence, the short version is it's an agreement
5 that is between the track and horsemen's
6 associations and their representatives that say
7 that the tracks are going to pay the maximum
8 statutory amount to the horsemen's associations of
9 12 percent.

10 Now, the legislature gave both Centaur and the
11 horsemen's associations one opportunity to do an
12 initial distribution agreement. And so we went
13 through the very tedious, time-consuming process.
14 Mr. Keeler was intimately involved. And that's why
15 it's a verified petition by Mr. Keeler, who is the
16 secretary of the group, both horsemen's and
17 licensees to put this together saying that
18 basically updating the Commission on what has and
19 hasn't happened since the initial distribution
20 agreement was entered into.

21 But as of the term, there were, in essence,
22 three things that related to the term. One was the
23 initial term, which is the first year which would
24 expire at the end of this year. There was a second
25 extension term that could be invoked for an

1 additional seven years if certain things were done.
2 There are a lot of things that were set out for
3 that.

4 The extension term, those conditions have not
5 been satisfied. And so there's no request to
6 extend the agreement pursuant to the extension
7 term. That may happen in the future. It would be
8 a separate petition. We would ask for an
9 opportunity to have the Commission hear us to the
10 extent we get there, but we're not there yet.

11 So the last provision in the term was that if
12 no one opts out of the agreement, either on behalf
13 of the tracks or the horsemen's association by
14 October 1, then a subsequent term will come into
15 play so that the agreement will effectively
16 continue for another year. And it will continue
17 pursuant to the material terms that are in the
18 agreement, which include paying the maximum
19 12 percent to the horsemen's association. And that
20 will go forward either until another subsequent
21 term is invoked at the end of next year if no one
22 opts out or if the conditions for the extension
23 term are satisfied, again, then we would be filing
24 a request for the Commission to approve the
25 extension term. And there would be a lot of things

1 that would happen relative to that, which would be
2 a much more involved process.

3 So the short version is we're not asking you
4 for approval today. The Commission has issued a
5 very thoughtful order dated December 10 of 2013.
6 It approved of the initial distribution agreement.
7 The initial distribution agreement, because there's
8 been no opt out, continues for a subsequent term,
9 which will start January 1 of 2015 and will run
10 through the end of next year.

11 We're not asking for your approval, but I did
12 certainly want to let you know that no one had
13 opted out, the maximum percentage will continue to
14 be paid to the horsemen's associations pursuant to
15 statute. And I wanted to be here to answer any
16 questions that you may have.

17 CHAIRMAN WEATHERWAX: Very good, Robin. This
18 is a very important one-year extension. Without
19 it, this whole system wouldn't work. In case you
20 didn't know, this was the heart and soul of 609
21 that was passed here a year ago that makes a lot of
22 what we're talking about happen. In fact, it's the
23 reason it happened.

24 My question to you, Robin, is what didn't get
25 handled? I should know the answer to this and I

1 don't. Of the extended terms, what didn't happen?

2 MR. BABBITT: The extended terms provide for a
3 refinance, which did occur, but then there have to
4 be Section 5 compliance, which would provide for a
5 number of things. One, it would provide that the
6 tracks go to the horsemen's associations and make
7 financial projections that say we're going to have
8 27 and a half million dollars cash on hand for each
9 year. In exchange for that, the horsemen's
10 associations would look at the potential
11 restructuring of ownership, which would increase
12 the fully diluted ownership of management, which
13 has not taken place. That hasn't taken place yet.
14 But that proposed agreement would go to the
15 associations who would have to have comfort and
16 confidence that there was a substantial increase in
17 the current management's ownership position.

18 Then there would be the execution potentially
19 of subordination agreements that were the subject
20 of our discussions last year. All those things
21 would come into play. And it would be part of a
22 request for a transfer of ownership and approval of
23 subsequent financing.

24 So I understand it is complicated because the
25 Commission was kind enough to approve our

1 refinance, the bank financing. We talked about
2 that a couple meetings ago, which has been a huge
3 savings for the tracks. It's been a benefit to the
4 associations because it puts the tracks in a better
5 position, but we haven't gone through the Section 5
6 conditions, which would be part of the seven year
7 extension term. If that happens, then we would be
8 back before the Commission with lots of different
9 paperwork that will be vetted by counsel,
10 commission staff, and others. And then we would
11 make that presentation to the Commission.

12 So even though we have done some financing,
13 there would be a refinance which would be tied up
14 with a potential transfer of at least part of the
15 ownership that would increase management's share.

16 CHAIRMAN WEATHERWAX: Thank you for that
17 refresher course. This helps. New commission
18 members have to understand there was a lot of
19 things that happened on this last year and the year
20 before. So, really, this is unfinished business,
21 but, yet, that's why this is important we do this
22 one-year extension. Very good, Robin.

23 MR. BABBITT: Thank you so much. Any other
24 questions?

25 COMMISSIONER PILLOW: Good job, Robin.

1 CHAIRMAN WEATHERWAX: Anyone else here that
2 wants to testify on this particular very important
3 matter? Seeing none, Counsel, is there anything
4 you want to add?

5 MS. ELLINGWOOD: No, sir. I think we're ready
6 for the next agenda item.

7 CHAIRMAN WEATHERWAX: We don't have to take
8 this to motion?

9 MS. ELLINGWOOD: No. The Commission needs to
10 take no action on this.

11 CHAIRMAN WEATHERWAX: Next we have review of
12 Hoosier Park permits. And Brian Elmore, would you
13 spell your name and state it.

14 BRIAN ELMORE: Yes. Brian, B-R-I-A-N, Elmore,
15 E-L-M-O-R-E, vice-president of racing Centaur.

16 CHAIRMAN WEATHERWAX: May I swear you in.

17 (At this time the oath was administered by
18 Chairman Weatherwax.)

19 BRIAN ELMORE: Am I required to disclose I'm
20 not an attorney? My brother is, just so you know.
21 I'm not hiding anything from anybody.

22 Item number seven on the agenda coming up here
23 is Hoosier Park's request for renewal of
24 application of our pari-mutuel permit and also for
25 our live race dates. I would like to say on behalf

1 of Centaur, Mr. Jon Schuster, Mr. Rick Moore, Rod
2 Ratcliff, Jim Brown, and myself what a privilege it
3 is to be able to work with the four groups that got
4 up here this morning and made application; Jack
5 Kieninger with the Indiana Standardbred
6 Association; Mike Brown, the HBPA; Pete on behalf
7 of ITOBA; and Tom Mosley on behalf of the QHRAI.

8 We have something very special in this state.
9 And that's that we work together. We work to the
10 benefit of racing. And we also appreciate your
11 input and your support on that. But it's not like
12 this in other states. You can pick up the Daily
13 Racing Forum or trade magazines, you'll see where
14 the horsemen and management people are fighting and
15 can't get along. It's a privilege to be part of
16 this.

17 So before you, the Hoosier Park race dates
18 would be, again, 160 race dates at the Anderson
19 oval. It would begin on Friday, March 27th and
20 run through Saturday, November 14th. We would
21 take a one-week break in there in 2015 like we did
22 in 2014 in order for the Indiana State Fair to
23 conduct their races. It allows the horsemen at
24 Hoosier Park to come down to the State Fair and
25 support the race and give a few of the horses a

1 little break. At that time of year, they need it.
2 We respectfully request that you would approve
3 those dates as presented.

4 MS. ELLINGWOOD: Chairman, I just wanted to
5 make a point that the Hoosier Park race dates have
6 been amended. The amended dates were distributed
7 to you immediately prior to this meeting. I think
8 those are the set of dates that you're requesting
9 we adopt.

10 BRIAN ELMORE: Yes, a little more flavor on
11 that is we got some bad information from the State
12 Fairgrounds just when the State Fair would be and
13 their races. We were off a week so the amended
14 does take care of that. Thank you.

15 CHAIRMAN WEATHERWAX: The one we are going to
16 look at is the one you gave us today?

17 MS. ELLINGWOOD: Yes.

18 CHAIRMAN WEATHERWAX: So noted.

19 BRIAN ELMORE: Would you like to do these one
20 at a time?

21 MS. ELLINGWOOD: We can do each individually.
22 Then the Commission will need to take a vote to
23 approve the petition and accept the race dates.

24 CHAIRMAN WEATHERWAX: Should we do that first?

25 MS. ELLINGWOOD: Yes.

1 CHAIRMAN WEATHERWAX: What you see here is the
2 race dates that were handed out today. This is the
3 calendar. So do I have a motion -- this has to be
4 a part of what?

5 MS. ELLINGWOOD: What we would be doing is
6 approving their application for an annual permit
7 renewal and approving the 2015 race dates for
8 Hoosier Park.

9 CHAIRMAN WEATHERWAX: Do I have a motion?

10 COMMISSIONER MCCARTY: I would move to do that
11 with the race dates as submitted and the revised
12 schedule dated 11-14-14.

13 CHAIRMAN WEATHERWAX: Do I hear a second?

14 COMMISSIONER LIGHTLE: Second.

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

17 THE COMMISSION: "Aye."

18 CHAIRMAN WEATHERWAX: That's approved.

19 BRIAN ELMORE: Thank you. Along with that,
20 Mr. Chairman, for Hoosier Park we would like to
21 request the renewal of their three OTB facilities
22 in Indianapolis, Merrillville, and Fort Wayne and
23 ask for your approval of that as well, please.

24 CHAIRMAN WEATHERWAX: Fort Wayne, just for the
25 benefit of my new commission members, has been

1 moved. It's being remodeled or is it already in
2 place or is it up and going?

3 BRIAN ELMORE: It's in the process of
4 renovation. It will be moving to New Haven. We
5 are still operating in our current facility and
6 will be until about the middle of December this
7 year. In the New Haven, the new Winner's Circle
8 Pub Grill-OTB concept will be similar to what we
9 have down here at Indianapolis and what we've
10 opened at Indiana Grand. So you'll have that same
11 feel and concept.

12 CHAIRMAN WEATHERWAX: Very good. This is
13 going to be for Merrillville, Fort Wayne, and
14 Indianapolis?

15 BRIAN ELMORE: Yes, sir.

16 CHAIRMAN WEATHERWAX: Any discussion?
17 Anything from counsel?

18 MS. ELLINGWOOD: No, sir.

19 CHAIRMAN WEATHERWAX: Everything is in good
20 order. Do I have a motion to accept that
21 application for renewal of those three facilities?

22 COMMISSIONER SCHENKEL: So moved.

23 CHAIRMAN WEATHERWAX: Second?

24 COMMISSIONER PILLOW: I'll second it.

25 CHAIRMAN WEATHERWAX: All those in favor say

1 "aye."

2 THE COMMISSION: "Aye."

3 CHAIRMAN WEATHERWAX: Opposed, same sign.

4 (No response.)

5 BRIAN ELMORE: Thank you. Item nine is a
6 question for renewal of permit for our Indiana
7 Downs location and approval of the race dates.
8 These race dates will be 120 in total for flat
9 racing. Six will be dedicated to Quarter horse
10 racing only. The other 114 will be primarily
11 Thoroughbred racing with on certain dates an
12 occasional two or three Quarter horse races mixed
13 in. The calendar would start there on April 21st
14 and then would run through Breeder's Cup weekend,
15 which would conclude on Saturday, October 31st.

16 CHAIRMAN WEATHERWAX: Brian, is this a
17 continuation of the same number of race dates?

18 BRIAN ELMORE: Yes, sir, it is the same number
19 as last year.

20 CHAIRMAN WEATHERWAX: Are you starting
21 earlier?

22 BRIAN ELMORE: We're going to start a little
23 earlier in the calendar year, but we'll run four
24 days a week instead of five. It helps to fill
25 those races on that day. So, actually, we expanded

1 the calendar by about two weeks as far as time of
2 year, but it will be the same number of race days.

3 CHAIRMAN WEATHERWAX: You then determine what
4 you're going to do to designate the big race there.

5 BRIAN ELMORE: Yes, sir. Internally, we are
6 still discussing when we will hold the Indiana
7 Derby, if that's what you're referring to.

8 CHAIRMAN WEATHERWAX: Yes. The Indiana Derby,
9 just for the benefit of the Commissioners,
10 sometimes gets conflict with Kentucky and other big
11 races. So the goal here is to try to move this to
12 where we can draw more big name horses and
13 participation. So we don't have to decide this,
14 but this is the overall calendar for the year, as
15 well as the application for Indiana Downs.
16 Anything from counsel?

17 MS. ELLINGWOOD: No, sir.

18 CHAIRMAN WEATHERWAX: Very good. Do I hear a
19 motion to accept this application and schedule?

20 COMMISSIONER LIGHTLE: I'll make the motion.

21 CHAIRMAN WEATHERWAX: Commissioner Lightle
22 made the motion.

23 COMMISSIONER SCHENKEL: Second.

24 CHAIRMAN WEATHERWAX: Commissioner Schenkel
25 seconded. All those please vote. Call the vote

1 here. All those in favor say "aye."

2 THE COMMISSION: "Aye."

3 CHAIRMAN WEATHERWAX: Opposed, same sign.

4 (No response.)

5 CHAIRMAN WEATHERWAX: Passes.

6 BRIAN ELMORE: Thank you, Commissioner. And
7 finally the approval of the renewal of the Indiana
8 Downs' satellite facility in Clarksville. Lea, if
9 you would since we have a few new sitting
10 commission members, could you explain the status of
11 the Indiana Downs' Evansville OTB? That being,
12 like temporary shelved, we're not asking for a
13 renewal of it today, but it is a party and parcel
14 to the Indiana Downs' permit.

15 MS. ELLINGWOOD: Brian, I would love to if I
16 had about two minutes notice to think about that.

17 BRIAN ELMORE: Tom Mosley taught me that.

18 CHAIRMAN WEATHERWAX: You might want to give
19 some background music because not everybody
20 understands the question and humor in that.

21 MS. ELLINGWOOD: I'm sorry, Brian.

22 BRIAN ELMORE: When Centaur acquired Indiana
23 Downs at that time, now a/k/a Indiana Grand, that
24 there was an OTB facility in Evansville that
25 Indiana Downs had closed prior to the acquisition.

1 And a part of the record of the acquisition stated
2 at this time it was not Centaur's intent to reopen
3 that OTB, that that permit is still being held in
4 escrow. I don't know if that's a better record.
5 I'm sorry. I apologize.

6 MS. ELLINGWOOD: I have discussed this issue
7 with a couple of the Commissioners. The Evansville
8 facility had closed down. It wasn't doing very
9 well financially. That license still exists.
10 Centaur has opted not to reopen it at this point.
11 I think there's still some discussion about whether
12 to move it to a different location.

13 BRIAN ELMORE: Absolutely.

14 MS. ELLINGWOOD: But that license still
15 exists, it's just not operational.

16 COMMISSIONER SCHENKEL: Before that becomes
17 active and operational, you would come back?

18 BRIAN ELMORE: Absolutely. You would have to
19 approve it and the location.

20 COMMISSIONER SCHENKEL: That's the way I
21 understood it.

22 MS. ELLINGWOOD: Yes. It still exists. It's
23 just not operational.

24 COMMISSIONER SCHENKEL: It's in hibernation.

25 CHAIRMAN WEATHERWAX: So we have the approval

1 of the Indiana Downs' satellite facility in
2 Clarksville, I guess, is the only one we are going
3 to vote on right now knowing the other one is in
4 escrow.

5 Do I hear a motion from my commissioners for
6 that?

7 COMMISSIONER PILLOW: So moved as stated.

8 CHAIRMAN WEATHERWAX: Commissioner Pillow
9 votes to move it. Second?

10 COMMISSIONER LIGHTLE: Second.

11 CHAIRMAN WEATHERWAX: All those in favor say
12 "aye."

13 THE COMMISSION: "Aye."

14 CHAIRMAN WEATHERWAX: Passed.

15 BRIAN ELMORE: Thank you very much.

16 CHAIRMAN WEATHERWAX: Counsel, we have a one
17 sentence legal correction to explain what a maiden
18 means?

19 MS. ELLINGWOOD: One sentence but a very
20 important sentence. This rule is scheduled to
21 expire at the end of this year. Apparently there
22 was some confusion about what exactly a race was in
23 connection with the definition of a maiden horse.
24 So the Commission has made a change to clarify that
25 the word race is race as is defined elsewhere in

1 our rules. This is really a housekeeping matter,
2 just a clarification, but it falls under the
3 Commission's emergency rule adoption policy, not
4 just because it's a housekeeping matter but because
5 it's a timeliness issue because it will expire by
6 the end of this year.

7 Commission staff would recommend adopting this
8 rule as an emergency rule. I will file it this
9 week, at which time it will become effective.

10 CHAIRMAN WEATHERWAX: So that helps explain
11 that. So we have that in the form of a motion,
12 correct? So do I hear a motion to accept that
13 definition change in emergency rule?

14 COMMISSIONER MCCARTY: I move to approve the
15 change in definition of Section 52.

16 CHAIRMAN WEATHERWAX: We have a motion from
17 Commissioner McCarty.

18 COMMISSIONER SCHENKEL: Second.

19 CHAIRMAN WEATHERWAX: Second by Commissioner
20 Schenkel. All those in favor say "aye."

21 THE COMMISSION: "Aye."

22 CHAIRMAN WEATHERWAX: It's passed.

23 Also, Counsel, we do have some rules that we
24 must adopt that we evidently didn't cover before
25 the end of this year. They are spelled out under

1 tab 12.

2 MS. ELLINGWOOD: Yes, Chairman. For those
3 commissioners that don't know, an emergency rule
4 when it's adopted automatically expires seven years
5 after it's been adopted. Every year the Indiana
6 Register sends to staff a list of those rules which
7 are scheduled to expire. And the agency then takes
8 it upon themselves to decide if they are going to
9 readopt those rules without changes or if
10 substantive changes need to be made to the rules.

11 The list that you have in your packet is a
12 list of those rules which are scheduled to expire
13 at the end of this year, none of which staff
14 believes need to be changed. So staff respectfully
15 requests that the Commission move to adopt these
16 rules without changes. I will submit them to the
17 Register, and they will become effective, again,
18 before the end of this year.

19 CHAIRMAN WEATHERWAX: Is it your opinion that
20 this completes the list of all the rules we have to
21 look into?

22 MS. ELLINGWOOD: Yes, this list reflects the
23 list that was submitted to us by the Indiana
24 Register. It should include every rule that is
25 scheduled automatically to expire December 31st.

1 CHAIRMAN WEATHERWAX: This year, Commissioner
2 McCarty, we had over 1800.

3 MS. ELLINGWOOD: Last year 900 of our thousand
4 rules were scheduled to expire.

5 CHAIRMAN WEATHERWAX: We had a fun hearing on
6 that at one time. So we've gone through that so
7 that's good news.

8 Therefore, this can be a motion to accept this
9 as listed here with these rules with no changes as
10 a matter of record to be submitted. Do I hear a
11 motion?

12 COMMISSIONER MCCARTY: I move that we readopt
13 the rule here as listed without changes to readopt
14 them going forward.

15 CHAIRMAN WEATHERWAX: I have a motion. Do I
16 have a second?

17 COMMISSIONER LIGHTLE: Second.

18 CHAIRMAN WEATHERWAX: All those in favor say
19 "aye."

20 THE COMMISSION: "Aye."

21 CHAIRMAN WEATHERWAX: We are down to old
22 business. I don't have anything there but an open
23 paragraph. Do we have any old business that we
24 have to cover?

25 MS. ELLINGWOOD: No old business.

1 CHAIRMAN WEATHERWAX: Do we have new business?
2 Joe, would you like to share some of the new
3 business that we're going to talk about?

4 JOE GORAJEC: Absolutely. Excuse me,
5 Chairman, as you had just mentioned a few moments
6 ago, the next two Commission meetings will be on
7 January 28th and March 10th. And I would just
8 like to give you a brief preview on what you can
9 expect to hear at those two meetings.

10 The first meeting of the year has
11 traditionally focused on breed development. The
12 breed development programs for 2015 will be before
13 you to consider and approve at the January 28th
14 meeting. Each breed has an advisory committee
15 appointed by the Governor who works closely with
16 commission staff, and in particular Jessica Barnes,
17 our breed development director.

18 The last quarter of the year is a busy time
19 for the breed development committees because they
20 meet and put together their plans and programs for
21 the following year. In fact, this past week two of
22 the three committees had meetings to work on the
23 programs for 2015.

24 Those programs are usually finalized and on
25 paper by the first of the year. Once they're

1 ready, they'll be circulated to you so you'll have
2 time to view them prior to the meeting on the
3 28th.

4 The other thing that will happen on the 28th
5 is you'll hear from me with an executive director
6 report on a few issues, one of them being cobalt.
7 As you remember when the Commission passed the
8 regulation on cobalt, part of the approval was that
9 we would do an analysis of what happened during the
10 two race meets post regulation and share that with
11 the Commission. We don't have all the information
12 in.

13 Our Standardbred meet just ended this past
14 Saturday so we don't have the results for all of
15 the races. But I can tell you that what the
16 Commission had done with the regulation has proved
17 to be extremely successful. That the number of
18 high levels, particularly very high levels, those
19 levels of over 100 parts per billion -- as you
20 remember, we set our threshold at 25 -- the number
21 of samples, the results that we received for over
22 100 parts per billion has shrunk dramatically.

23 So the long and the short of it is that the
24 early indication is that our rule was effective in
25 deterring the abuse of cobalt, but, like I said,

1 you will get a full report in January.

2 The other issue that I will be reporting on is
3 our drug testing program, not only for 2014 but
4 looking forward to 2015. If there's one thing that
5 was problematic for commission staff and the
6 horsemen was the implementation of our drug testing
7 program this year. Almost all of the issues
8 related to the inability of our laboratory to
9 perform their promised services on time. That
10 created a backlog. It created a huge backlog
11 unprecedented.

12 Fortunately, we weren't alone in that. The
13 laboratory that we have used, LGC located in
14 Lexington, Kentucky also serves other racing
15 commissions, including Kentucky and Delaware. And
16 they were in a similar such position.

17 I think that when I make the presentation in
18 January, it will be clear that the commission staff
19 handled that unfortunate situation as best they
20 could. So we will talk and rehash what happened in
21 2014, but we'll also look forward to the future.
22 We will look forward to 2015.

23 I can tell you that commission staff is
24 putting on the street an RFP probably within the
25 next 30 days to have our lab services rebid for

1 next year. So I'll have more to report to you on
2 that come January.

3 Looking at March, what the commission staff
4 has always done in terms of the off-season is look
5 at our rules and regulations. We look at what
6 happened the previous year and look at situations
7 that have come up and look at our regulations to
8 see what can possibly be improved. We take input
9 from our judges and our stewards and also the
10 regulated entities, the horsemen and the track.

11 And we also look at what's going on
12 nationally. Our trade association, the RCI, the
13 Association of Racing Commissioners International,
14 often pass model rules that we review and put
15 before the Commission for consideration.

16 We will be working over the next month or so
17 to get together a list of rules that we would like
18 to consider to be pursued. We will circulate those
19 amongst all the stakeholders in the industry. The
20 tracks will get a copy. Each of the horsemen's
21 associations will get a copy, an opportunity to
22 comment. And once that's done, I will put those in
23 front of the Commission for their consideration.

24 So those are the things that we have to, you
25 have to look forward to come next winter.

1 CHAIRMAN WEATHERWAX: Very good, Joe. It
2 sounds like these are very important issues and
3 topics, some of which caused us real concern this
4 year. Hopefully, we can improve and make very
5 important needed corrections to all those steps you
6 brought out. All right.

7 Is there anything else to come before the
8 Commission? Counsel?

9 MS. ELLINGWOOD: No.

10 CHAIRMAN WEATHERWAX: I thank each and every
11 member. We are adjourned.

12 (The Indiana Horse Racing Commission meeting
13 was adjourned at 11:15 a.m.)

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1 STATE OF INDIANA
2 COUNTY OF JOHNSON
3

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

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

14 IN WITNESS WHEREOF, I have hereunto set my
15 hand and affixed my notarial seal this 1st day of
16 December 2014.

17 
18



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\$	1966 10:5,7	4
<hr/>	1992 32:6	<hr/>
\$20 35:9	1997 4:11	4-35-7-12 7:1 46:6
\$200,000 23:5	1st 6:21	40 10:14 11:16
\$25,000 22:25	<hr/>	40-some 66:17
\$4 55:2	2	<hr/>
\$46,000 48:2	<hr/>	5
\$464,000 54:25	2.5 20:9	5 76:4 77:5
\$87,500 48:4	200 19:3	52 88:15
\$90,000 48:5	2003 20:6,8	56 20:6
<hr/>	2005 4:11	<hr/>
1	2011 6:21 48:2	6
<hr/>	2012 48:3	<hr/>
1 68:16 74:14 75:9	2013 20:9 48:3 75:5	6,000 27:11
1,955 54:24	2014 19:3 20:7 38:24 40:23 41:3 47:6 50:16 52:9 54:5 58:11 59:17 79:22	609 75:20
10 10:11 12:17 13:3 71:25 75:5	2015 6:24 7:16 42:24 46:13 47:16 49:13 51:5 55:16 75:9 79:21 81:7	6th 65:20
100,000 23:2	2017 63:10	<hr/>
106,000 27:10	21st 83:13	7
10th 61:3	230 20:8	<hr/>
11-14-14 81:12	25,000 13:5	70 62:19
113 27:11	250,000 13:6	70s 22:18
114 83:10	27 20:18,20,25 76:8	71 6:20 39:4
12 12:18 13:3 25:10,11 71:25 73:9 74:19 89:1	27th 79:19	72,500 48:3
12-1 25:15	28th 61:1,5	77 20:16
12-A 25:24	<hr/>	<hr/>
12-B 26:8	3	8
120 83:8	<hr/>	<hr/>
128 54:22	30 13:2	80s 22:18
13-1-1 6:20	300 62:17	82 4:9
13th 54:23	31 40:23	<hr/>
14 52:10 66:13	31st 39:25 41:3 59:17 83:15 89:25	9
14th 79:20	33 63:21	<hr/>
15 9:7 10:11,18 32:12	35 66:5	A
160 79:18		<hr/>
174 32:7		a/k/a 85:23
18 33:10		absolutely 52:1 86:13,18
1926 63:4		abundance 64:18

abuse 50:9
accept 5:14 60:10,14 67:24 68:1
69:9 80:23 82:20 84:19 88:12
accepted 68:10
access 50:1,9 53:15 54:7
accomplished 33:7 66:22
account 25:25 26:8,10,20 27:4
accountable 53:5
accountant 44:4
accounted 57:16
accreditation 48:17
accredited 48:9
accumulated 27:12
accurately 8:5
acknowledged 58:24
acquired 85:22
acquisition 85:25 86:1
acted 52:4
action 71:6 78:10
active 86:17
activities 33:12 47:9 50:4 51:13
activity 46:3
add 37:22 47:16 53:6 67:10,23
78:4
added 20:11 23:2 51:15
addition 7:25 32:24 33:11,16
34:5 45:13 46:9,21 50:6
additional 7:19 35:14 36:18,22
38:14 74:1
address 68:20 70:16,21
addressed 53:10
adjudication 45:20
administer 53:16
administered 5:8 9:1 31:21
42:14 61:21 70:14 78:17
administering 46:12 55:13
administrative 39:4 72:12
administrators 38:11
adopt 80:9 88:24 89:15
adopted 89:4,5
adopting 88:7
adoption 47:24 88:3
ads 28:6
advertise 23:1
advisers 12:23
advocate 70:24
affect 12:14
aftercare 48:9,16,20
agency 89:7
agenda 5:6,10,22 6:16 41:17
78:6,22
agree 14:24
agreed 63:9
agreement 5:15 49:1 69:24 71:5,
6,15 72:7,16,19,24 73:1,4,12,20
74:6,12,15,18 75:6,7 76:14
agreements 76:19
ahead 8:15 9:16 15:3 37:24
42:16 65:18 69:17
aisles 47:3
Alliance 48:9,16
allowing 31:24
amended 80:6,13
amount 37:10,19 71:12,19 73:8
Amy 32:14 35:19
analogy 18:14
analysis 72:18
Anderson 4:16 79:18
Angels 48:12
animal 24:15,17
announcement 60:25
annual 10:20 13:5 30:11 81:6
antiquated 37:13
anxious 5:4
anymore 27:13
apologize 86:5
Apparently 24:15 87:21
appeals 52:16 53:1,6
applaud 56:12
applause 4:24 41:21
applicant 7:10,23 8:17 59:19
application 5:25 6:18 7:7,16,17
10:1,12 11:4,5,22 12:7 13:10 14:6
15:9,14 17:7 18:9 24:11 25:17
28:5,17 29:2,22 30:24 31:25 32:3,
10 33:14 36:3 39:6,21 40:3,6
42:23 43:1,24 44:3,23 52:10,24
54:5 55:15 57:9 58:11 59:14
61:25 67:17,24 68:2 78:24 79:4
81:6 82:21 84:15,19
applications 7:17 8:7 60:20
applied 53:18
appreciative 72:21,22
appropriated 46:18
appropriation 50:15
approval 5:16 6:19,23 31:5
39:21 40:20 43:24 54:4 63:11,12
72:8 75:4,11 76:22 81:23 85:7
86:25
approve 5:11 41:2 55:15 74:24
76:25 80:2,23 86:19 88:14
approved 5:21 7:8 28:17 29:3,5
36:6,21 59:14 72:2 75:6 81:18
approving 39:20 81:6,7
April 83:13
apron 19:25
area 49:7,16 50:8 51:2 52:5 54:19
56:11
areas 18:12 46:9,18,25 49:1,
52:3,4
arrangement 50:7
art 37:1
article 21:20
articles 33:23,25
asks 17:7
aspects 17:3 56:10
Assembly 9:12 36:6 37:9 45:25
46:16

assist 47:25**assistance** 50:12**association** 6:3,4,18,20,24 7:20
8:12 9:18 11:7 12:3,8 16:22 17:16
19:18 28:20 29:10,21 36:14 42:3,
23 44:2,5,15 55:24 56:12 61:8,18,
20 72:5 74:13,19 79:6**association's** 5:25 7:16 15:14
39:20**associations** 14:7,8,17 33:4
71:23 73:6,8,11 75:14 76:6,10,15
77:4**assuming** 40:4 43:8 57:18**athletes** 15:16 46:22**attempt** 55:17**attended** 19:24 43:20**attorney** 4:12 61:19 78:20**attorneys** 16:8**attract** 19:5**attracted** 19:3**auction** 30:1 33:13,16**auctioned** 33:15**auctions** 36:2**audience** 4:24 41:21**audit** 13:9 16:15**August** 25:18 68:16**authorized** 16:3,4**automatically** 89:4,25**award** 35:1,6,8**awarded** 47:6,15 49:12**awards** 46:10**aware** 15:25 58:18**aye** 5:19,20 31:8,9 41:7,8 60:15,
16 68:6,7 81:16,17 83:1,2 85:1,2
87:12,13 88:20,21

B

B-a-b-b-i-t-t 70:13**B-r-i-a-n** 78:14**B-r-o-w-n** 42:13**Babbitt** 70:3,10,13,16 76:2 77:23**back** 4:14 8:8 17:18 27:8 28:4,21
30:2 41:15 43:1 65:22 77:8 86:17**background** 4:6 32:4 85:19**backside** 17:5 26:8 45:7 49:17
50:20 51:7 54:2,13**bad** 26:20 80:11**balance** 26:11 27:4 33:9 53:18**balanced** 45:20**bank** 77:1**bar** 17:12**barely** 19:24**barn** 47:1,3 54:13**base** 36:11 50:24**basically** 23:14 27:21 30:19
64:17 65:14 73:18**basketball** 15:17 24:16**Bayt** 71:13**bear** 44:12**beat** 12:15**beauty** 47:19**began** 32:6**begin** 33:9 79:19**beginning** 11:6 38:24 47:6 58:9
64:14**behalf** 7:23 31:19 44:1 45:2
70:17 74:12 78:25 79:6,7**believes** 89:14**believing** 53:2**benefit** 7:2 15:15 36:24 53:11
55:20 77:3 79:10 81:25 84:9**benefits** 12:12**benevolence** 17:16 26:8 27:18
49:16 50:2,15 51:9,13,18,20,23
53:13,17,21,24 54:6,8,15,21,22
55:1,2 56:8 57:1,25 62:17**Benevolent** 42:2,22 44:14**big** 10:12 17:9 20:21 28:18 37:12
42:1 63:14 84:4,10,12**biggest** 27:19**bilingual** 54:11**bill** 4:5,6,23 5:1 9:12 44:18,19**birthday** 41:20 70:5**bit** 20:24 46:14 51:13**block** 65:8,9**blood** 21:18 62:24**board** 10:21 11:22 12:17 13:1,
15:23 16:2,13 17:20,25 29:1
32:13, 33:22 35:20,21,24 38:23
43:17,19,22 53:12,14,20,23 56:7,
63:8**bold** 28:6**bookkeeper** 44:4**books** 47:12**bore** 67:6**bottom** 26:9 45:10**box** 30:11**brag** 11:16**branch** 45:25**break** 47:9 79:21 80:1**breed** 10:17 12:22 29:6**breed-one** 38:1**breeder** 21:21**Breeder's** 63:10,16,18 83:14**breeders** 6:2 17:9 19:6 31:14
64:17**breeding** 14:10 24:21 64:2,13
66:24**brevity** 55:8**Brian** 19:22 78:12,14,19 80:10,
81:19 82:3,15 83:5,16,18,22 84:5
85:6,15,17,21,22 86:13,18 87:15**briefly** 24:14**bring** 29:24 47:4 50:18 61:25
63:10 71:3**bringing** 63:13**broodmare** 21:22**broodmares** 21:23**brother** 78:20**brought** 63:11

Brown 42:13 44:1,9,11,13 56:8,
16 57:5 79:2,6

Bruce 32:22 39:15

Bryan 24:13

budget 13:5,6 50:15

budgets 26:2

build 46:20

building 45:16 62:9

built 27:25 62:5

bullet 19:1 20:6

bunch 26:19 28:5,9

busiest 69:6

business 4:4,20,21 10:6 12:10,
14 28:24 77:20

businessman 12:10

busy 6:8 69:3

bylaws 13:4 14:3

C

calendar 6:24 61:2 81:3 83:13,23
84:1,14

California 21:14

call 5:5 31:3 40:12 41:14 84:25

called 16:1 21:19 22:18 23:12,
24:25

Campbell's 39:16

capacity 50:23

card 16:5 35:4

carded 34:17

care 38:8,9 42:25 49:18 50:19
63:6 80:14

career 34:7 47:24

careers 34:9 46:23 47:21

carrying 62:1

case 6:12 16:11 28:2 30:17 75:19

cases 47:23,24

cash 76:8

catch 15:17 49:24

categories 21:13

caught 16:15

caused 22:5

Centaur 19:22 22:4 28:22 45:8
62:12 63:9 66:23 73:10 78:15
79:1 85:22 86:10

Centaur's 86:2

center 33:2 49:5,8

ceremonies 42:5

certificate 35:9 43:4,14

certification 58:14

Chair 7:24 70:3 71:21 72:17

chairman 4:1,2,10,25 5:2,3,9,10,
18,21 7:24 8:11,14,18,21,24 9:2,
3,16,20 14:23 15:3 29:9,13,18
30:22 31:7,10,12,16,22 36:4,24
37:6,18,24 38:13 40:1,7,11,24
41:4,6,9,11,14,22,25 42:8,15,16,
17 43:11 44:10 55:19 56:9 57:3,
59:7,25 60:6,13,17 61:14,22,23
67:9,12,17 68:4,8,10,14,21,25
69:5,14,19 70:7,11,15 75:17
77:16 78:1,7,11,16,18 80:4,15,18,
24 81:1,9,13,15,18,20,24 82:12,
16,19,23,25 83:3,16,20 84:3,8,18,
21,24 85:3,5,18 86:25 87:8,11,14,
16 88:10,16,19,22 89:2,19

chairs 12:23

challenge 53:10

champions 30:18

chance 62:10

change 24:8 56:5 62:6 87:24
88:13,15

changed 24:7 26:2,4 52:24 58:3
89:14

chaplaincy 50:3

chart 30:20

checks 16:3

checkups 62:24

children 23:25

Circle 82:7

clarification 88:2

clarified 52:14

clarify 6:14 9:3 15:7 26:9 40:19
87:24

Clarksville 85:8 87:2

clear 57:23

clinic 49:19

close 31:1

closed 7:5 40:12 65:4 85:25 86:8

closes 67:21

closing 28:9 30:25

clothes 62:7

Club 35:5

coaches 30:20

cobalt 13:19 34:2

Code 6:25 14:7 46:6

coffee 49:22

colleague 71:13

collect 22:25

collected 23:5

college 28:13 34:21,23

column 33:21

comfort 11:7 76:15

comment 29:20

comments 29:8 30:23 31:3
40:11,14 55:23 56:14 60:8 71:1

commission 4:3,11 5:20,24
6:17,21,23 7:6 9:7,22 11:12,23
12:17 13:11,18 16:16 18:17 21:8
22:4 28:22,23 31:4,9 39:19 40:12,
14,23 41:8 42:18 43:21 45:14
51:20 53:22 55:11,12 58:10 59:2,
20 60:16 67:2 68:7,12 69:8,21
70:5,17,22 71:3,5,10,11 72:8,13
73:18 74:9,24 75:4 76:25 77:8,10,
11,17 78:9 80:22 81:17,25 85:2,
10 87:13,24 88:7,21 89:15

Commission's 88:3

Commissioner 5:2,16, 17:17,24
29:14 30:1,7 31:5,6 41:1,5 56:16
57:10,11 58:1,5 60:2,4,11,12
64:7, 65:12,16 66:10 67:14 68:1,3
77:25 81:10,14 82:22,24 84:20,
21,23,24 85:6 86:16,20,24 87:7,8,
10 88:14,17,18,19

commissioners 5:4 9:20 12:24
31:2,24 36:25 55:21 56:14 61:24
65:11 67:22 68:25 69:7 84:9 86:7
87:5 89:3

commit 37:11

commitment 57:2

committed 48:4 56:22

communication 13:16 54:2,19

communications 17:11 43:13

community 4:20 52:14

compared 19:7,10

competing 63:25

competition 24:2

competitive 37:2

complained 53:8

complaint 52:16,25 53:1 58:10

complement 5:4

complete 7:4 40:6

completed 34:7 41:3 59:9

completely 53:13 67:18

completes 89:20

completion 40:17

compliance 76:4

complicated 72:25 76:24

comply 6:7

comprehend 7:9

concept 82:8,11

concern 46:9 52:3 58:5 65:24

conclude 83:15

concluded 23:23

conclusion 7:5

condition 40:20 41:2 45:4 59:12,
15

conditional 40:20 43:25

conditionally 59:14

conditioned 39:22 40:17

conditions 7:8 45:5,6 74:4,22
77:6

conduct 33:12 79:23

confidence 76:16

confident 16:24

confidently 28:20

confirmation 39:22

conflict 35:16 38:21 39:6,11,23
40:4,21 43:3,7 58:13,20,24 59:16,
18 84:10

confusion 87:22

congratulate 42:1

connected 37:6

connection 87:23

consideration 45:23

considered 35:12 45:22

constitute 39:11

constructing 33:1

construction 33:9

contained 44:22

continuation 83:17

continue 7:3 19:5 32:20 43:15
45:9 49:11,13 52:22 63:6 65:3,6
66:9,12 74:16 75:13

continued 62:12

continues 48:21 51:16 52:2 75:8

continuing 43:22

contribute 33:23

contributes 45:15

contributions 33:3,4 46:2

cooperation 47:17

copying 49:23

corniness 18:13

corporation 12:12

correct 88:12

correction 87:17

correspond 52:24

cost 37:14

Council 48:18 49:2

counsel 40:2 59:11 77:9 78:3
82:17 87:16 88:23

counseling 50:9,10

countless 13:4

country 10:17 19:5,6,8 21:24
27:20 63:5

county 33:2 64:20

couple 9:25 11:24 16:20 18:7
20:5 22:14 42:24 46:14 77:2 86:7

court 5:7,9 8:3 70:6

cover 58:8 88:24

covered 27:22 50:2

CPA 44:4

created 15:25 54:8

creation 51:11

credit 70:19

crisis 51:23

criteria 52:11

Crown 63:10,16,18

Cup 83:14

current 76:17 82:5

D

Daily 21:18 79:12

Danielle 24:12,14 25:3

date 54:24 68:16

dated 75:5 81:12

dates 78:25 79:17,18 80:3,5,6,8,
23 81:2,7,11 83:7,8,11,17

daughter 34:11,19,21

day 4:4 19:17,19 20:2 23:12,16
42:1 83:25

daycare 50:7

days 19:14,15, 83:24 84:2

deadline 38:17 58:22,23

deal 43:15 53:20

deals 69:23

dealt 4:15

death 50:11 67:7

debit 16:5

December 39:25 40:23 41:3
59:17 75:5 82:6 89:25

decide 84:13 89:8

decided 14:16 27:3 71:16

decision 7:7

declined 43:14,16

dedicated 46:9,15,17 48:2 55:14
83:9

deficiency 53:10

defined 52:10, 87:25

definition 87:23 88:13,15

deleted 12:25

deliberate 7:7

deliberations 7:10

delineated 52:16

deliver 49:18

delivered 53:21

denied 7:9 53:19

Dennis 42:12 44:3

dental 62:19

dentistry 49:19

deny 29:14

Derby 36:16 63:13 84:7,8

describing 54:11

designate 84:4

detail 6:9 41:23

detailed 6:5

details 25:13 27:21 45:11

determine 84:3

determined 71:18

develop 18:11

developed 52:1,25

developing 20:4

development 12:22

developments 34:3

difficult 25:21

digress 34:9

diluted 76:12

direct 43:12

directed 43:8 46:10

direction 51:19 54:20

directives 55:10

directly 28:2 63:24

director 11:2 24:13 39:15 44:14

directors 10:18,19,22,24 11:23
13:1,2,23 16:2 23:17 24:6 29:1
32:13 33:22 38:24 39:8 43:5
53:14,23

disclose 78:19

discussed 37:16 71:14 86:6

discussing 84:6

discussion 7:9 67:21 82:16
86:11

discussions 57:12 76:20

dissolve 57:18

dissolved 53:11 56:7 57:24

dissolving 57:13

distribute 54:14

distributed 7:1 54:11,25 55:2
80:6

distribution 69:24 71:4,15 72:6,
15,18,24 73:12,19 75:6,7

divided 18:11

Doctor 48:13

documentation 52:14

documents 54:9 57:13

dollar 19:8

dollars 37:12,16 60:19 76:8

donating 33:17

donations 48:20

doubled 23:8 37:14

Downs 19:15 83:7 84:15 85:23,
25

Downs' 85:8,11,14 87:1

downsized 26:3

drafted 72:7

draw 84:12

drawing 47:11

dream 37:1

drivers' 62:6

drugs 25:2

dynamic 46:4

E

E-l-m-o-r-e 78:15

earlier 64:7 83:21,23

early 22:18 66:8

easier 47:2

easily 18:7

easy 11:7 45:10 57:17,21

economic 46:3,4

educate 45:24

education 47:11 50:4

educational 50:20

effect 58:2

effective 53:4 88:9 89:17

effectively 70:23 74:15

effort 59:21

efforts 18:10,22,24 33:20 48:18
49:11 67:19 72:21,22

elected 10:19,21,24

electric 50:22,23

electronically 16:6

eligibility 52:10,12,15 53:3

eligible 17:14,15

eliminate 25:2

eliminations 63:16

Ellingwood 8:14 15:2 16:10
29:20 30:2,5 38:15 39:4,17 40:4,
19 43:13 56:19 58:7 59:13 67:11,
16 69:11 78:5,9 80:4,17,21,25
81:5 82:18 84:17 85:15,21 86:6,
14,22 87:19 89:2,22

Elliott 32:15 35:19

Elmore 78:12,14,19 80:10, 81:19

82:3,15 83:5,18,22 84:5 85:6,17,
22 86:13,18 87:15

emergency 50:11 88:3,8,13 89:3

emphasize 53:23

employees 11:1 38:11 39:8

employment 23:18 46:3

encouraged 36:7

end 51:4 60:18 68:16 73:24 74:21
75:10 87:21 88:6,25 89:13,18

ended 27:2,3 34:18

ends 40:3

engine 46:4

enhance 50:19 66:23

ensure 46:22

entered 8:4 44:24 73:20

entertain 5:14 40:15,25 41:1

entire 23:16 35:3

equally 26:7

equestrian 34:25

equine 33:2 36:8,12 37:2 46:18,
22 48:2,5 49:4,8,9,11

equine-related 22:16

error 53:3

escrow 87:4

essence 73:4,21

essentially 56:25

establish 52:15

estate 36:20

estimate 25:19

evaluating 52:11

Evansville 85:11,24 86:7

evening 23:22

event 50:11 59:18

events 50:5

everyone's 47:21

evidence 59:20

evidently 88:24

evolve 51:16 52:3

exact 37:19

examination 51:20,22

exceeds 20:10

excellent 38:9 64:4

exchange 76:9

excited 25:9

excitement 47:19

exciting 11:14 20:2

exclude 18:2

executed 40:22

execution 76:18

executive 11:1 44:13 45:25

exemplary 13:12

exhibits 7:19

exists 86:9,15,22

expanded 18:21 52:12 83:25

expect 27:9

expectations 14:8

expected 20:8

expecting 27:10

expenditure 58:14

expenditures 16:17 26:6 27:11
43:4 57:1 58:18 59:23

expenses 26:1

expensive 26:18

experience 4:7 52:20 72:9

expire 73:24 87:21 88:5 89:7,12,
25

expires 89:4

explain 5:23 58:19 73:2 85:10
87:17 88:10

explained 52:11

explanation 38:14,23

exponential 51:10

expose 24:4

extend 74:6

extended 76:1,2

extension 73:25 74:4,6,22,25

75:18 77:7,22

extensive 32:5

extent 7:18 39:19 74:10

eyes 15:14

F

fabulous 62:9 64:1

facilities 50:8 82:21

facility 82:5 85:8,24 86:8 87:1

fact 12:5 13:13 30:9 35:8 75:22

factor 9:4

faculty 38:11

failed 58:12

fair 22:21 45:20 66:16 79:22,24
80:12

Fairgrounds 80:12

fairly 32:2 34:21 68:15

fairs 64:20 66:17

fall 21:21

falls 88:2

false 52:18

fame 32:17

families 50:13

famous 47:12

farms 24:19

fashion 4:9

fast 29:17 33:21

faster 20:14

father 55:6

favor 5:19 31:8 41:7 60:14 68:6
72:24 81:15 82:25 85:1 87:11
88:20

favorable 32:10

feel 16:23 17:7 82:11

fees 33:17

fellow 60:8

Ferdinand 48:15

field 64:9 66:10,11

fighting 79:14	formal 4:3	gaming 12:20 14:15 16:1,6 20:11 22:12 23:7 25:19 26:13 29:3 62:12 63:9 66:23
figure 37:16	forming 24:24	gate 34:17 47:9
figured 26:17	forms 35:16 38:22 41:3	gates 23:19
file 88:8	Fort 81:22,24 82:13	gave 29:24 39:9 47:12 48:6,12, 14,17 58:22 73:10 80:16
filed 6:20 29:21 43:1	forthcoming 56:20	general 9:12 10:20 14:14 36:5 37:9 45:25 46:16
filing 74:23	fortunate 47:15	generate 25:22
fill 83:24	Forum 21:18 79:13	get along 79:15
filly 34:16,17	forward 4:25 9:13 13:17 36:9,10, 20 37:11,14 39:20 41:16 44:20 51:6 74:20	gift 35:9
final 9:9 63:18	foster 14:11	giggling 16:8
finally 8:6 85:7	Foundation 48:18 49:2	gimmicking 26:24
financial 44:6 57:15,20 76:7	founded 63:4	girl 70:5
financially 86:9	founding 25:3	give 15:7 30:10 62:3 69:19 79:25 85:18
financing 76:23 77:1,12	four-year 64:22	giving 30:2 38:13
find 34:8	Free 24:25	glad 35:25 45:22 67:8
fine 4:9 14:23 29:11	Friday 66:3 79:19	Gluck 49:8
fines 69:1	friend 70:25	goal 22:9 37:1 84:11
flat 83:8	Friends 48:15	good 9:19 12:8 13:19 16:10,12 18:4,15,24 21:10 24:3 28:24,25 31:15 38:12 41:11 51:17 56:10 59:7,25 61:23 64:24 66:16 69:14 70:25 72:11 75:17 77:22,25 82:12,19 84:18
flavor 80:10	front 27:25	Gorajec 9:22 31:24
flew 51:3	fronts 53:11	GQ 30:13
fliers 54:11	full 5:4 8:22 9:14 28:13 40:17 53:15 66:10	graduate 24:15
flip 25:11	fully 76:12	graduated 24:17
flourishing 22:1	function 48:1	Grand 33:24 45:9 47:8 49:17 82:10 85:23
flow 17:1	fund 34:21 48:19	grandstands 19:25
flows 60:19	funded 4:22	grant 49:7
foaled 20:17	funding 29:3 37:10	grants 48:5 49:4
focus 65:25	funds 15:23 33:9 36:19 46:6,8,12 47:6,16 49:13 55:14 57:25	great 11:3 13:16 19:23 24:3 28:20 48:10 70:24
folders 67:5	funnel 17:2,3	greater 41:23
folks 57:15 70:1	funneled 26:19,20	Grill-otb 82:8
follow 10:2	future 25:20 63:8 74:7	grooms' 62:7
football 15:18 24:16	futurity 22:19 23:2	
footings 50:25		
forget 29:7 37:12		
forgive 18:13		
forgiving 47:1		
forgot 58:8		
form 29:22 35:14 49:19 53:1 88:11		
	<hr/> G <hr/>	
	gambling 71:17	
	games 71:17	

ground 35:7 36:23 37:8
group 11:3 23:15,16 26:15 27:14
 28:25 48:6 73:16
groups 49:14 63:5 79:3
growing 11:11 20:14 64:23
grown 19:2 51:10
growth 20:24
guard 16:15
guess 32:11 36:17 40:15 43:14
 87:2
guidance 51:18
guide 30:19
guideline 52:23
guidelines 52:6,7,22 71:24
Guild 17:15
gun 29:16
guy 29:16
guys 14:24 67:4

H

H-a-s-h 42:12
half 52:20 76:8
hall 32:17
hand 76:8
handed 81:2
handle 19:14 20:9
handled 75:25
handles 57:25
handling 15:23
happen 4:18 22:6 74:7 75:1,22
 76:1
happened 27:2 71:4 73:19 75:23
 77:19
happening 13:20
happy 15:8 42:4,6 55:16 68:20
hard 28:11
harder 11:9
hardest 25:18

hardship 50:11
Hash 42:12 44:3
hats 29:23 30:18
Haven 82:4,7
HBPA 51:9,12,23 53:13,14,23
 54:11,16,17,21 55:10 79:6
HBPA'S 56:20 58:11 59:14
headed 54:20
health 18:4 49:9,18 50:1,10,14,
 19 62:20
healthy 21:1
hear 5:18 40:24 41:4 56:15 58:22
 60:9 61:6 74:9 81:13 84:18 87:5
 88:12
heard 7:3 15:16 22:12 32:18 36:7
 45:21 56:6 60:9
hearing 5:24 7:6 13:21 15:6
 31:13 40:8 56:11,23 57:10 58:9
hearings 21:5 55:25
heart 75:20
heavy 28:15
held 54:2 86:3
helping 55:4
helps 77:17 83:24 88:10
Herb 39:18
hernia 62:2
hibernation 86:24
hiding 78:21
high 24:21 30:13
higher 27:4
highest 24:1
highlight 11:24
hired 24:12
Hispanic 54:8
history 32:5 48:15 61:5 71:7
Hobson 43:6,13 58:12,16,24
 59:3
hold 27:14 42:19 84:6
Holly 31:24 41:20 68:12 69:22

honest 11:5,14 15:13
honestly 12:1 27:6
hook 23:21
Hoosier 22:23 50:18 62:5 63:13
 78:12,23 79:17,24 80:5 81:8,20
hope 6:15 33:6 42:19 46:11 61:4,
 12
hopes 32:10
hoping 33:8
horse 4:2,16,20 5:25 6:17 7:2,16,
 20 8:12 9:18 10:7,15 14:10,13
 16:25 19:7,10,14 20:7,9,12 21:18,
 24:19 25:2,8 32:6,17 33:4,13,21
 34:1,3,12,14,18,23 35:1,7 36:15
 43:5 48:12,17 49:2 58:19 59:24
 66:23,24 83:9,12 87:23
horsemen 13:16,19,22,23,25
 14:18 19:4 25:6 26:14,15 27:7
 38:5 44:25 46:19 49:21 52:12
 54:7,23 55:4,24 62:21 63:7 66:25
 79:14,23
horsemen's 6:2,19,24 42:2,22
 44:14 54:18 62:8 63:5 71:23 72:1,
 73:5,8,11,16 74:13,19 75:14 76:6,
 9
horses 14:12 17:13 19:4,16,18
 21:9,12,15,25 22:24 28:6,10,13
 30:14, 33:15 34:12 38:3 46:25
 47:2,5,22 51:1 63:15,19,20,22,23,
 25 64:8,19,25 65:2,23,24 66:2,5,
 7,8,19 79:25 84:12
horseshoer 12:11
hospital 36:8 37:2 49:21
hours 18:7
housecleaning 42:24
housekeeping 7:14 58:8 88:1,4
huge 77:2
humane 14:11 49:5
humbling 72:9
humor 85:20
hundred 23:6 33:15
hybrid 15:18

I

IAC 6:20
IAC13-1 39:5
idea 22:10 36:8 72:11
identified 52:3 53:9
identify 49:14
IHRC 12:23
Illinois 38:6 64:16
immediately 54:4 80:7
important 6:5,10 18:23,25 24:23
 46:1 69:23 71:2,7 75:18 77:21
 78:2 87:20
impressive 29:24 30:5
improve 18:11 22:4
improved 22:3
include 16:4 52:13 74:18 89:24
included 28:5 30:11 54:13
includes 32:21 52:15
including 48:24 53:16 54:3 55:1
 62:22
incorporate 12:9
incorporated 10:5 48:13
incorrect 58:2
increase 20:16,18,20,25 76:11,
 16 77:15
incredibly 72:22
independent 17:25 18:1
Indiana 4:2,10 6:25 9:19 10:8
 14:6,11 19:15 20:12,17,19 21:15,
 21,22 32:8 33:19,24 35:22 36:16
 38:5 39:2 42:22 44:14,24 45:9,25
 46:2,6,16 47:8 48:12,14, 49:17
 51:9,22 53:14 54:21 55:10 61:17,
 20 63:10,19 64:25 65:8 66:15,24
 67:1 72:19 79:5,22 82:10 84:6,8,
 15 85:7,11,14,22,23,25 87:1 89:5,
 23
Indiana's 6:18
Indiana-bred 21:9,12 35:4 64:18
Indiana-sired 63:25 65:24

Indianapolis 81:22 82:9,14
individual 21:13 54:24
individually 42:9 80:21
industry 10:8 17:3,9 46:1,4,8,20
 48:24,25 58:15
information 8:4 24:9 35:14 44:6
 52:19 53:15 54:12 56:21 59:5
 80:11
informational 54:14
informed 36:17
informing 33:25
infractions 68:17 69:1,3
infrastructure 51:2
initial 35:13 48:22 71:4,14 72:6,
 15,18,24 73:12,19,23 75:6,7
injured 47:5
input 79:11
inside 26:19
instrumental 4:14,18
insurance 26:14,16,23,24 27:22
 35:15 50:14
intend 47:20
intent 86:2
interacting 45:8
interest 4:13 35:16 38:22 39:6,
 12,23 40:5,21 43:3,4,8 58:13,15,
 19,20,25 59:16,19,24
interested 8:10 9:8 30:23 33:1
internal 13:6
Internally 84:5
intimately 73:14
introduce 4:5
invented 15:16 22:17
investment 35:7 37:12
invisible 13:15
invoked 73:25 74:21
involved 16:25 33:20 34:5 45:11
 73:14 75:2
involvement 51:11

Iowa 19:11 22:22
issue 34:2 86:6 88:5
issued 68:18 75:4
issues 42:6
item 5:22 26:1,10 41:17 50:14
 61:7 69:23 78:6,22 83:5
items 42:24
ITOBA 31:20 32:1 79:7
IURC 4:11

J

Jack 61:9,11,16,23 64:11, 65:13,
 18 66:13 67:19 79:4
January 25:20 60:24 61:1,5 75:9
Jersey 63:17
Jim 79:2
job 29:11 77:25
jobs 23:18
Jockey 35:4
jockey's 17:15 50:14
jockeys 17:10,11,12,13 21:25
 23:20
Joe 9:8,21 14:25 65:10 70:5
 72:14
Joe's 64:5
John 70:18
Jon 28:22 79:1
Journal 54:18
Jr 8:23
judges 68:18
July 47:7
June 50:16

K

K-i-e-n-i-n-g-e-r 61:17
Keeler 70:1,17,18 73:14,15
Kentucky 35:23 38:7 39:3 49:4,8
 63:13 84:10

key 11:2 37:8**Kieninger** 61:11,16,23 64:11,
65:13,18 66:13 79:5**kill** 9:13 44:18**Kim** 43:5,6**kind** 10:6 15:18 16:5,12 17:2
23:21 26:5 36:7 64:5 72:14 76:25**knew** 20:22 51:3**knowing** 87:3**knowledge** 59:22

L

lab 64:5**laid** 18:9**landscape** 22:5**lap** 32:3**late** 18:15 43:18 47:9 56:23**Lauer** 32:23**law** 6:6 72:19**lawyer** 28:14,18 42:19 44:11 58:1**Lazy** 24:18**Lea** 5:6 7:12 14:25 15:10 18:16
24:9 31:24 35:12,17 43:8 56:16
57:20 70:5 72:16 85:8**leading** 19:4**learn** 51:12**leave** 62:3**left** 51:1 66:11**leg** 54:1**Legacy** 48:19**legal** 6:7 42:6 56:10 57:15,17
72:16 87:17**legislation** 14:15 36:6 71:20**legislative** 12:21 21:5**legislators** 14:14**legislature** 67:1 71:16,18 73:10**Lescun** 36:13**letter** 11:22 58:16**letters** 59:2**level** 7:13 24:21 63:23 64:1,10**Lexington** 49:5**liability** 56:10**license** 86:9,14**licensees** 73:17**life** 30:15**light** 58:9 60:21**Lightle** 5:17 41:5 55:21 81:14
84:20,21 87:10**Likens** 39:18**limit** 11:17**limitations** 52:15**lines** 52:17**link** 64:6**list** 12:23 69:1 89:6,11,12,20,22,
23**listen** 56:1**listened** 21:5,7**listening** 71:13**listing** 69:8**live** 19:14 55:5 78:25**lived** 55:11**living** 28:11 52:21 70:9**local** 19:20**located** 49:5,6**location** 83:7 86:12,19**long** 8:2 14:3 25:5,19 27:15 28:10
50:17 66:1,2 70:5 73:1**longer** 14:22 35:23 57:24**looked** 15:10,11 57:19**loose** 40:2**lost** 32:13**lot** 6:9 9:20 10:9 15:16 17:13
21:5,6,7 27:20 61:24 62:20 64:19
65:4 66:2,6 67:18 69:5 74:2,25
75:21 77:18**lots** 77:8**loud** 28:6**Louisiana** 19:11 21:15**Louisville** 49:7**lounge** 62:6,7**love** 85:15**lowered** 26:5,6**lucky** 45:1 49:12**lunch** 22:9

M

M-o-s-l-e-y 8:25**made** 10:18 19:19 33:4 35:13
36:21 39:10 48:4,21 49:4,7 53:4
54:9 55:12 56:2,3,13,17,18,22
59:1,21 60:3,25 79:4 84:22 87:24
89:10**magazine** 21:18 30:14**magazines** 21:17 79:13**magnitude** 55:22**maiden** 87:17,23**main** 65:24**maintain** 27:16**maintenance** 45:6**major** 49:20 64:4**majoring** 22:15**make** 4:19 6:7,14 7:20 8:1,8 10:4
11:8,9,15 13:8,12 17:18 22:13
28:11 31:4 38:18 41:19 45:9,15,
18 56:23 57:11 59:2,7,12 69:9,11
71:22 76:6 77:11 80:5 84:20**makes** 28:19 75:21**making** 4:18 60:4 71:20**man** 45:3**managed** 4:21 22:17 23:8**management** 12:20 76:12 79:14**management's** 76:17 77:15**March** 61:3 79:19**Marge** 18:3**mark** 55:8**market** 21:1

marketing 29:22
Martz 70:6
master 42:5
material 29:22 47:2 74:17
materials 33:14
matter 7:3 16:23 53:21 57:18
 58:8 60:21 61:5 78:3 88:1,4
matters 7:15 44:2
maximum 73:7 74:18 75:13
Mccarty 4:5,17,23 5:2 31:6 55:21
 60:12 68:1 81:10 88:14,17
Meadowlands 63:17
meaning 9:14
means 87:18
medical 62:16,23
medicine 28:3 39:2
meet 13:19 19:15 23:20 36:14
 50:6 51:5 53:20 54:3 64:4 65:5
 66:1
meeting 5:5,12,22 10:20 41:14
 54:4 56:25 57:2 60:24 61:3 63:8
 69:17 71:21 80:7
meetings 17:4,5 28:22 43:20
 54:3 77:2
meets 12:21
member 16:22 17:20,21 32:13,
 14 35:20,21,24
members 10:20 24:24 25:4 32:7,
 12, 33:22 34:1 40:13,14 42:17
 45:13,18,24 49:25 50:12 60:8
 70:4 71:10 77:18 81:25 85:10
members' 45:21
membership 33:11 34:1,2
mental 50:10
mention 10:13 12:16 14:1 18:19
 20:5 23:11 24:8
mentioned 13:11 51:25
Merrillville 81:22 82:13
met 13:9 36:15 53:20 68:13 72:19
Mexico 21:14
Michigan 22:22

middle 82:6
Midwest 19:20
Mike 32:23 42:13 43:6 44:1,8,10,
 11,13 55:20,22 56:8,12 57:5 79:6
million 20:9,10 37:15 55:2 76:8
millions 60:19
mind 14:19 20:20
Mindful 44:16
minutes 5:11,13,21 9:6,8 44:16
 56:25 85:16
missed 12:15 55:8
mission 14:4,9
mistakes 13:9,12
mixed 19:15 83:12
model 23:14 52:1
modeled 27:18
moment 34:9
money 20:15 23:6 26:19 27:3,5,
 7,8,12,24 28:2 33:18 48:6,12,14,
 17 60:19 64:23
monies 6:25 27:15 46:10 55:1,24
 57:16 71:25
month 19:17 33:22 36:17 51:22
monthly 53:20,22
months 33:10 52:20 65:14
Moore 79:1
morning 9:19,24 31:15 35:17
 39:10 61:23 72:2 79:4
Mosley 8:19,23,25 9:14,17 15:4
 16:11 17:22 18:1 29:12,16 30:4,9
 31:11 42:18 44:11 67:7 70:18,20
 79:7 85:17
motion 5:14,18 31:4,7 40:14,15,
 16,24,25 41:2 59:12 60:1,5,9,10,
 13 61:6 67:23 68:4 69:10,12 78:8
 81:3,9 82:20 84:19,20,22 87:5
 88:11,12,16
motto 55:5
mouth 60:5
move 5:16 13:17, 16:18 18:6 22:7
 31:5 39:19 43:9 68:1 81:10 84:11
 86:12 87:9 88:14 89:15

moved 51:4 60:11 82:1,22 87:7
moving 36:8,9 41:15 44:19 60:5
 82:4
multiple 12:21 53:11 54:2
multiple-page 21:20
Murphy 32:22
Murphy's 39:15
music 85:19
mutual 49:1

N

names 42:9 69:1
nation 21:13
national 21:17 24:2 25:1 54:10,
 17 64:1
nationally 19:12 48:10
natural 11:25 14:3
necessarily 17:14
needed 14:16 45:14 50:1,6
negative 26:11
NEWELL 41:24 68:14,24 69:4,16
Newell's 41:20
news 54:17
newsletter 36:2
night 18:15 47:11 63:8 66:4,13
nominations 23:4
non-board 17:21
non-lawyer 15:5 70:21
non-racing 48:25
Nonetheless 47:10
Norris 43:6,17 58:12,16 59:3
nose 15:7
notarized 43:7
notch 66:14
noted 43:11 80:18
nothing's 24:7
notice 35:18 85:16

noting 57:21**November** 54:23 79:20**number** 16:19 26:11 32:21,25
33:12 68:22,23 76:5 78:22 83:17,
18 84:2**numbers** 26:3

O

oath 5:8 9:1 31:21 42:14 61:21
70:14 78:17**observation** 55:19**obtain** 43:2,23**obtaining** 43:25**occasion** 51:12**occasional** 83:12**occur** 76:3**October** 65:20 68:17 71:21 72:3
74:14 83:15**office** 35:3**officer** 13:4**officers** 24:6 39:7**offices** 62:8**official** 41:18**officially** 5:6 38:16 61:1**Ohio** 48:7 64:15 65:2,3,6,7,16,18,
19**Oklahoma** 19:11 27:19**old-fashioned** 9:11**older** 64:25**oldest** 63:4**olds** 64:21,23**on-site** 49:19**one-week** 79:21**one-year** 10:25 75:18 77:22**online** 26:5**onset** 12:20**open** 17:4**opened** 82:10**opening** 9:5 12:16 14:2,20**opens** 51:5**operate** 48:7 52:22**operating** 54:6 82:5**operation** 37:4**operational** 86:15,17,23**operationally** 58:3**operations** 48:8**opinion** 40:1 72:17 89:19**opportunities** 47:7**opportunity** 9:23 45:1 51:25
69:12 73:11 74:9**Opposed** 41:9 68:8 85:3**opt** 75:8**opted** 75:13 86:10**optical** 62:19**opts** 74:12,22**oral** 9:6**order** 5:5 41:15 75:5 79:22 82:20**organization** 24:24 25:4 32:9
44:16 46:11 48:14 51:24 56:6
63:1,3 66:21 67:3**organizations** 25:1 49:14 72:1**OTB** 81:21 85:11,24 86:3**outlined** 7:15 11:4 16:7**oval** 79:19**overabundance** 63:21**overlooked** 29:4**overnights** 49:23**overseen** 38:10**oversight** 53:25 72:13**overview** 56:25**owned** 20:18**owners** 6:1 7:2 16:19 17:8 19:5
21:25 31:13 32:1,5,6,7 33:5 34:8
44:23**ownership** 12:19 14:10 76:11,
12,17,22 77:15

P

packed 20:1**packet** 59:6 89:11**paddock** 19:25**pages** 18:12 52:8,10 54:14**paid** 28:2 75:14**paper** 53:8**papers** 35:5,15**paperwork** 77:9**paragraph** 39:5**parallel** 14:5**parcel** 85:13**parents** 23:16**pari-mutuel** 78:24**Park** 22:23 50:18 62:5 63:14
78:12 79:17,24 80:5 81:8,20**Park's** 78:23**part** 4:17 6:6 7:18,20 11:15 17:9,
14 23:3 38:17,18 39:10 40:3
41:19 43:9, 45:22 47:20 52:9
59:1,2,5,8 69:20 76:21 77:6,14
79:15 81:4 86:1**participated** 46:24 47:4 71:10**participation** 84:13**particulars** 68:20**parties** 57:8**partner** 19:23 22:3 62:12 63:9**partnered** 62:5**partners** 45:3 47:4,17**partnership** 46:21**party** 85:13**passed** 4:14 14:15 35:19 38:25
75:21 87:14 88:22**Passes** 85:5**passionate** 25:7**past** 12:1, 20:17 21:11 25:20 38:4
51:14 55:3 62:4**pastor** 62:9

Paul 35:18 38:24
pay 16:5 27:22,24 28:1 73:7
paying 74:18
payments 22:25 23:4
penalties 52:18 69:1
people 10:14 11:3,4 13:24 19:20
20:1 25:8 28:7,25 33:17 36:16
45:8 49:18 51:7 55:24 64:3 65:4,8
66:6,8 79:14
percent 20:16,18,20,25 62:14,17,
19 63:21 71:25 73:9 74:19
percentage 20:10 26:7 62:15
71:19,24 75:13
performance-enhancing 25:2
period 34:16
permit 78:24 83:6 85:14 86:3
permits 78:12
person 7:22 15:5 16:2,14,21
17:20 18:2 34:13
personal 34:10
personnel 11:2 12:13 62:23
persons 7:11 9:8 30:23
perspective 22:20
Pete 31:18 38:16 79:6
petition 73:15 74:8 80:23
pharmacology 49:10
Phil 71:13
physician 49:20
pick 35:6 79:12
picked 32:14 35:20
Pillow 29:14 30:7 41:1 56:16
60:4 64:7, 65:12,16 66:10 68:3
77:25 82:24 87:7,8
pipeline 66:18
place 11:12,13 16:9 22:12 47:22
52:2 57:19 66:9 71:18 76:13 82:2
plan 34:22
planned 34:21
planning 34:20
play 74:15 76:21
pleasure 70:16
pledge 48:21
pledged 48:23
podiatry 49:21
podium 13:21 16:23 28:16
point 8:14 15:1,21 16:20 20:21
36:7 80:5 86:10
points 19:2 20:6
policies 43:3 45:16
policy 43:8 52:25 88:3
population 64:23
portion 46:17
portions 48:25
position 15:25 16:14 67:2 76:17
77:5
positive 12:6
possibly 22:22 44:18
post 69:17
posted 54:12
potential 76:10 77:14
potentially 76:18
practiced 35:22
practices 39:2
practicing 4:12
predated 51:11
prehearing 7:15
preliminary 44:17
premiere 24:19
prepared 52:9
preparing 27:5
present 9:23 31:25
presentation 9:7 77:11
presented 72:7 80:3
president 10:21 61:17
presidents 13:4
pressure 62:24
presuming 44:19
pretty 14:20 28:19
previous 7:17
primarily 83:10
print 28:5
prior 80:7 85:25
priority 19:19
private 37:10
privilege 55:13 72:4 79:2,15
problem 38:4 64:8 65:1,12,23
problems 64:5
procedures 16:7
proceeding 9:12
proceedings 6:5 48:22
process 4:19 11:5,25 40:17
45:20 51:11 52:16,17,18 53:2,7
59:9 69:2 72:23 73:13 75:2 82:3
processes 21:6
producing 18:24
product 66:14
productive 45:17
products 62:21
program 19:2,3,8 20:12,13 22:4,
11 23:8,11,12,14 24:3,21 27:18,
21 32:17,24 36:23 38:2 45:17
50:3 51:9,15,16,18,21,23,25 53:4,
16,24 54:6,7,12,21 64:13,20 66:3,
4,16
programs 10:17 11:12 17:10,16
19:7 22:8 26:22 27:16,19 49:23
50:4 54:14
progress 56:4
project 32:16 37:20
projections 25:23 26:6 76:7
projects 32:25
promised 4:7
promises 55:11
promote 10:14 14:9,12 18:10
19:19
promoted 47:10
promoting 46:3

promotion 25:25 46:19 47:16
promotional 32:19 47:8
properly 57:17
propose 49:11
proposed 76:14
protected 4:22
Protective 6:2 42:3,22 44:15
proud 13:13,15 14:24 19:13 21:1
 22:2 23:4 36:3 51:16 62:18 63:3,
 12,20 64:2 66:16,21,22,25 67:3
proudly 13:7
provide 38:8,9 50:3,6,8,12,20
 51:7 59:20 76:2,4,5
provided 33:14 35:15,17 51:19
 54:22
provider 28:3
provision 74:11
Pub 82:8
public 11:15 14:14 55:7 69:18
publication 54:17
pudding 18:14,16
Purdue 24:14 32:18,25 33:1
 34:11,24 36:12 37:4,7 38:5,10
purpose 5:23 6:16 25:1 46:7
purse 20:15 23:6 46:10
purses 20:11
pursuant 6:20 74:6,17 75:14
pursue 43:15,23
put 4:16 20:7 22:20 25:15,16
 28:17 30:11,18 32:19 47:10 50:24
 52:1 53:12 54:17 60:6 61:2 62:18,
 21 71:18 73:17
puts 77:4

Q

QHRAI 8:20 10:5 12:14 22:17
 24:12 79:7
qualified 35:1
quality 21:8 24:21 30:13
Quarter 5:25 6:17 7:2,16,19 8:12

9:18 10:7,15 14:10,12,13 16:25
 17:13 19:7,10,14,16,18 20:6,8,12
 21:9,12 22:24 24:19 32:6 34:1
 36:15 38:3 46:24 83:9,12
question 10:16 13:10 16:16
 17:19 18:10 36:4 38:15 41:6
 67:23 75:24 83:6 85:20
questioning 25:12
questions 5:13 14:6 15:1,2
 18:21 25:13 29:8,13,18,20 31:3
 35:25 38:14 40:7,13 44:5 55:17
 56:10 67:8,10 68:5,19 69:13,15
 75:16 77:24
quick 17:18 25:11 38:15

R

race 10:17 16:24 22:17,25 23:3,5
 33:19 45:5 64:9,25 65:4,7,14
 66:9,12 78:25 79:17,18,25 80:5,
 23 81:2,7,11 83:7,8,17 84:2,4
 87:22,25
raced 34:18
racehorses 65:6
races 19:2,3 20:7 23:9,22 44:24
 45:5 63:23 66:13,17 79:23 80:13
 83:12,25 84:11
racetrack 20:1 62:23 64:3 66:4,
 18
racings 4:3,20 6:17 9:18 10:8,15
 12:18 14:10,12,13 20:23 21:18
 24:19,25 25:3,8 29:6 32:17 34:4,6
 35:3 43:5 45:11,17 46:18,23
 47:12,20,21 48:18 50:6 55:14
 58:19 59:24 64:19,22 65:3,16,19
 66:6,23 78:15 79:10,13 83:9,10,
 11
racinos 21:7
raised 33:9 37:10
raising 36:18,22
ran 20:6 22:21,24
Ranch 24:18
rank 19:11
Ratcliff 19:22 28:23 79:2
rate 20:15

read 10:1 68:21
reading 10:3
readopt 89:9
ready 21:20 30:25 66:8 78:5
real 11:5 23:11,23 24:13 25:10
 26:7,24 36:20
reason 12:9 14:2 37:22 51:17
 66:2 75:23
reasonable 27:14
reasons 11:8 37:25
rebuttal 9:9
recall 47:7
receipt 27:23
receive 6:25
received 39:14,17,18 43:20 46:6
 48:16 53:6 56:24 58:10
receives 46:8
receiving 20:15 26:12 47:1
 53:16,17
recent 48:15
recently 24:10,12 32:18 56:23
recess 41:12,13
recesses 7:4
recognize 55:12
recognized 21:23 71:21
recommend 39:21 59:13 88:7
recommendations 56:2
record 7:5,18,21 8:1 11:15 31:1
 38:18,19,21 39:11 40:12,20
 41:18,19 43:10 59:1,2,8 60:17
 67:4,21 69:9 86:1,4
recorder 60:7
recording 10:23
recreational 50:4,19
redefined 53:1
referring 38:21 84:7
refinance 76:3 77:1,13
reflects 89:22
refresher 77:17

regionally 48:11
Register 89:6,17,24
registered 6:19,23
registrants 47:13
registration 42:23
regulation 72:19
regulatory 4:11 45:19
reimbursed 27:24
reimbursement 27:21
related 73:22
relative 75:1
relax 49:24
relocated 35:22
remaining 31:2
reminder 7:22
remodeled 82:1
renewal 6:1,18 68:2 78:23 81:7,
82:21 83:6 85:7,13
renovation 82:4
reopen 86:2,10
replacement 43:18
report 53:9 72:14
reporter 5:7,9 8:3 70:6
reports 53:22
represent 17:1,8 32:7 40:2 44:23
45:13 69:25
representative 29:5 36:12 56:20
62:8
representatives 32:22 33:8
71:23 72:5 73:6
represented 4:17 10:7 63:2
representing 9:18 11:11 13:22,
23,25 14:18 16:24 42:21
reputation 48:10
request 16:15 58:25 72:17 74:5,
24 76:22 78:23 80:2 81:21
requesting 6:22 80:8
requests 89:15
required 40:21 59:16,20 78:19
requirement 16:21 17:19,23
requires 6:6 14:7 39:5 45:21
Research 49:8
residents 20:19
Resource 33:21
respect 56:24 57:1 58:11
respectfully 80:2 89:14
respective 58:13
response 41:10 68:9 85:4
responsibilities 69:21
responsibility 7:21 28:15 46:12,
20 47:22,25 51:15 52:17 53:12,24
55:13
responsible 70:1
rest 9:22 48:24
restraints 11:17
restructuring 76:11
result 51:19
results 18:23,24 20:4
resurface 46:25
retain 64:24
retired 35:2 43:19
retirement 34:6 47:24
retraining 47:23
returns 35:15
revenue 12:20 14:15 16:1,6
20:11,14 22:12 23:7 25:19,23
26:4,6,13 27:10 29:3 36:22 46:15
revenues 46:17
review 30:12,17 32:10 40:18 53:1
69:12 78:11
reviewed 69:16
revised 52:8 81:11
revision 52:23
revisions 53:3
rewritten 52:6
ribbon 35:8
Rick 79:1
rid 26:21
ride 17:13
rides 34:24
Robin 8:3 69:24 70:6,13 75:17,24
77:22,25
Rod 19:22 28:23 79:1
Roger 61:11,19
roof 21:10
room 62:6
roughly 13:5 19:17
rule 9:11 34:3 39:4 87:20 88:3,8,
13 89:3,24
ruled 72:23
rules 52:5,7,21,23,25 54:6 88:1,
23 89:6,9,10,12,16,20
rulings 68:13,16,17,22 69:8
run 19:18 20:8 22:21,22,23 38:3
62:24 65:21 75:9 79:20 83:14,23
running 19:16 29:1
runs 48:13
Rush-shelby 50:22
Ryan 39:15

S

S-a-c-o-p-u-l-o-s 31:19
S-h-o-c-k-l-e-y 42:11
Sacopulos 31:15,18,23 36:11
37:5,15,22,25 38:20 39:13 40:10
safety 46:22
sales 24:22 63:20
sat 21:7 72:23
satellite 37:4 85:8 87:1
satisfied 74:5,23
saturated 20:25
saturation 20:22
Saturday 79:20 83:15
save 28:9
savings 77:3

schedule 81:12 84:19
scheduled 57:6 87:20 89:7,12, 25
Schenkel 5:16 17:17,24 30:1 31:5 56:9 57:11 58:1,5 60:2,11 67:14 70:4 82:22 84:23,24 86:16, 20,24 88:18,20
scholarship 22:11
school 22:15 36:12
schooling 22:16
Schuster 28:23 79:1
science 24:15,17
score 24:1
season 34:14
seated 55:7,16
seconded 84:25
secretaries 12:19
secretary 10:23 45:5 73:16
section 7:1 15:12,13,22 17:18 18:6 22:7 24:5 25:10,11 29:6 76:4 77:5 88:15
sections 18:7
selected 37:8
sell 30:7
Senate 4:8
Senator 4:5,16
send 58:24
sends 89:6
sense 71:22
sentence 87:17,19,20
separate 12:21 18:12 74:8
September 6:21 43:2
serve 6:23 10:18
served 4:8
services 49:21,23 50:1,3,5,20 54:22 55:3
serving 10:25
set 15:13, 71:24 74:2 80:8
shadow 23:22
share 4:7 77:15
sheet 8:7
Shelby 33:2
Shelbyville 37:7 38:3 50:8
shelved 85:12
Shockley 42:4,10,17,21 43:12 56:19 57:23 58:4,23 59:4
shod 28:10
shoot 15:17 29:15
short 64:1 73:4 75:3
shortage 65:23
shortness 65:2
show 56:21 64:16
showed 25:21
shows 26:10
side 17:12
sign 12:7 16:3 43:14,16 58:14 68:8 85:3
sign-up 8:7
signal 15:8
signatures 43:2,23,25
signed 39:7,23 43:7
significant 56:5
similar 19:7 21:17 23:24 30:20 47:16 82:8
simulcasting 19:9 20:14
sincere 55:7
sir 64:6 78:5 82:15, 83:18 84:5,17
Sires 64:19
sit 16:1
sitting 72:4 85:9
skip 10:2
slot 46:17 48:22
slots 48:23 64:15,22
small 19:9 26:14
snacks 49:22
snow 51:3
sole 8:20 25:1 29:5
someplace 35:9
sort 9:9 37:3
soul 75:20
sounds 18:15
speak 8:1,6 12:5 18:7 20:5 30:24 31:14 57:3,6,8
speaker 8:20
speaking 8:12 9:5 25:6 55:7
speaks 11:24 36:5
special 35:1 79:8
specific 22:7 45:5 46:9
specifically 36:1 58:17
spectators 19:21
speed 21:19 71:3
spell 8:2,8,24 31:17 70:12 78:13
spelled 88:25
Spencer 48:14
spend 23:16,18
spent 48:3,4 61:24 71:11,12
spider 11:19
spokesman 29:10
spongy 47:1
spool 54:1
sports 30:21
spring 43:18
SSA 22:19
stable 12:8 51:2
staff 9:7,22 11:23 28:24 29:19 35:3 38:10,14 42:18 49:20 52:3 58:10 61:24 72:13,14 77:10 88:7 89:6,13,14
staff's 51:20
staffed 38:10
stage 30:14
stakes 23:9 33:19 64:20
stallion 17:8 33:16,18 34:15
stallions 19:6 24:22
stand 13:7 42:8 61:9

Standardbred 6:3 36:15 61:8, 18,20 79:5
Standardbreds 68:2
standing 12:5
start 32:12 35:10 75:9 83:13,22
started 28:12 37:21 41:15 70:20
starters 20:16,18
starting 23:9,19 83:20
starts 66:5
state 4:17 8:22 10:8 14:11 22:21 31:16 32:21 35:23 37:1,2,3 39:1 42:8 45:17 46:2 61:14 64:18 66:15 70:11 78:13 79:8,22,24 80:11,12
stated 60:10,14 86:1 87:7
statement 6:14 14:4,5,9 28:10 39:7 44:17 58:21,25 59:22
statements 9:5 14:20 39:12,23 40:5,22 58:13 59:17,19,21
states 19:10 23:13 24:20 25:6 48:8 79:12
statistical 30:17
status 85:10
statute 46:8 71:17 72:19 75:15
statutory 71:24 73:8
step 6:13
Steve 42:3,10,16,21
stewards 68:18
stood 34:16
stop 15:6,8,12
stories 15:16
streams 46:15
strengthen 50:23
stretch 62:22
strict 72:12
Stride 49:6
strides 36:22
strongly 17:7
structural 56:5

stuff 62:7,15,25
subject 53:24 59:12 71:20 72:12 76:19
submission 35:13 59:16
submit 35:5 58:12 89:16
submitted 32:9 35:11 38:16,22 39:5,24 40:5,18,22 44:3,7 58:20 67:15,18,25 81:11 89:23
submitting 52:18
subordination 76:19
subsequent 74:14,20 75:8 76:23
subsidiary 37:3
substance 50:9
substantial 76:16
substantially 26:2
substantive 89:10
success 34:10 36:18
successful 45:16
Sue 48:13
suffering 8:3 70:6
summarize 55:9
summary 43:20
supplement 50:13 52:9
supplemented 6:22
support 46:10 63:9 79:11,25
supported 65:5
supportive 72:6,15
surface 45:4
surgical 33:2
suspension 43:21 69:2
swear 7:25 8:15,21 61:15 70:7 78:16
swearing 5:7
switch 25:10
sworn 7:23 42:4,6
system 6:8 75:19

T

T-shirts 29:23 30:18
tab 25:15 68:22,24 89:1
table 72:4
tablets 47:12,14
tack 47:13
takes 16:12 89:7
taking 41:12
talk 14:22 35:25 44:15,21 46:13 61:12 73:2
talked 13:17,24 23:13 77:1
talking 11:25 21:13 26:21 60:19 71:11 75:22
talks 15:22 24:5,7 30:18
targeted 48:19
taught 85:17
tax 35:14
team 24:16,17 34:25
Technically 37:6
tedious 73:13
teen 23:24 24:1
teenagers 23:15
tellers 23:19
temporary 85:12
ten 9:6,8,9 37:15
term 10:22 45:7 73:21,22,23,25 74:4,7,11,14,21,23,25 75:8 77:7
terminology 58:2
terms 10:19,25 73:3 74:17 76:1,2
test 23:23,24
testify 7:23 40:9 44:1,8 67:13 78:2
testifying 8:16 42:3 61:10
testimony 9:7
tests 62:24
Texas 21:14
themselves 89:8

thing 6:11 11:14 13:8 14:1 16:19
18:22 19:13 20:19 23:10 26:9
28:18,19

things 9:25 10:13 11:18,24 15:21
16:20 17:6 21:4,8 25:18 28:25
29:23 30:10 57:20 73:22 74:1,2,
25 76:5,20 77:19

Thoroughbred 6:1 31:13 32:1,4,
7 33:5 35:2 36:14 44:23 47:20
48:9,16 52:13 55:14 83:11

Thoroughbreds 19:16 34:6
38:2 47:13

thought 12:4 21:6 26:17 35:6
52:2 62:1 72:11

thoughtful 75:5

thoughts 40:13

thousand 23:7

three-year 10:19

threw 64:5

tied 77:13

time 5:8 6:13 9:1,4 11:17 13:11
14:4 18:16 20:7 23:18 25:5,12
28:9,11,13 31:21 34:12,16 36:8
37:13 40:10 42:14 60:23 61:21,24
64:2 68:13 69:3,6 70:14,25 71:11,
12 73:1 78:17 80:1,20 84:1 85:23
86:2 88:9

time-consuming 73:13

timeliness 88:5

Timothy 36:13

Tinkle 32:14 35:18 38:25

tired 66:7

today 5:11 9:19 10:15 12:5 15:6
30:24 31:25 41:19 70:17 75:4
80:16 81:2 85:13

told 55:6 59:15 69:25

Tom 4:1 8:13,19,22,23,25 9:11,
14,16,17 14:23 15:4 16:10,11
17:22 18:1 29:9,12,16,21 30:4,9,
22 31:10,11 42:18 44:11 67:7
70:18,20,22 79:7 85:17

Tony 35:20 38:25

top 21:12,15,23 66:14

topic 69:23 71:2

topped 20:9

total 37:20 53:23 83:8

totaling 48:5

town 64:17

track 4:16 12:19 22:21 23:15
30:8 33:24 34:14,17 45:2,3,4,7
46:21,25 47:5,17,18 48:23 49:25
50:3,21 51:8 54:13,16 66:20
68:19 71:17 73:5

tracks 65:19 71:22 73:7 74:13
76:6 77:3,4

trade 79:13

trailer 47:5 49:16,22 50:18,23,24
51:4 54:9,15 62:16,23

train 28:12

trainer 12:11 23:21

trainer's 23:24

trainers 7:2 16:19 21:25 34:7
44:24

training 28:12 30:19,20 66:24

Trakus 62:13

transactions 54:24

transcript 8:4

transcripts 28:21

transfer 76:22 77:14

transition 12:13 14:21

transitional 12:2

translation 50:5

translations 54:8

transparency 53:9 54:1

transparent 13:14 53:4

traveling 25:5

treasurer 10:24

treatment 14:11 50:9

trip 32:3

trouble 63:22

truck 62:1

true 29:10 71:7

trust 53:12 57:13,18,24

trustee 16:1 17:19 56:8

trustees 27:6 56:7

truth 45:8

Tuesday 61:4

turn 12:22 21:3 27:23 44:8

turned 12:7 70:24

turns 26:23

twitch 15:7

two-year 64:21

type 26:13

types 23:17

typically 38:4

U

unable 43:2

unaware 20:13

unbelievable 21:10

understand 36:21 43:6,12,24
47:19 55:22 60:1 76:24 77:18

understanding 14:13 72:20

understands 85:20

understood 30:4 86:21

unfinished 77:20

unique 15:21 72:8

United 24:20 25:5

universe 52:12

University 32:19,25 33:1 34:11,
24 38:6,10 49:8

update 56:24 62:3 69:20

updating 73:18

upgrade 50:22

Utility 4:10

utilization 62:20

V

variety 68:17

vast 4:6,21

verbatim 15:10
verified 73:15
version 52:8 73:4 75:3
vested 46:11
vet 14:17 73:1
veterinarian 35:21 36:13 39:1
veterinary 39:2
vetted 77:9
Vice-chair 70:4
vice-president 10:23 78:15
video 32:19 36:2
visiting 49:20
vital 46:5
Vocations 48:7
voice 40:13 45:14,15,18
voices 45:21
voluminous 68:15
volunteers 11:1,3
vote 80:22 84:25 87:3
voted 61:6
votes 87:9

W

wait 51:1
walk 19:24
walking 47:2
wanted 16:20 26:13,16 59:1
 75:15 80:4
watching 27:7
Wayne 81:22,24 82:13
ways 51:23
weather 26:3
Weatherwax 4:1,2,25 5:3,9,10,
 18,21 8:11,18,21,24 9:2,3,16,20
 14:23 15:3 29:9,13,18 30:22 31:7,
 10,12,16,22 36:4,24 37:6,18,24
 38:13 40:1,7,11,24 41:4,6,9,11,
 14,22,25 42:8,15,16 43:11 44:10
 55:19 56:9 57:3, 59:7,25 60:6,13,
 17 61:14,22 67:9,12,17 68:4,8,10,
 21,25 69:5,14,19 70:4,7,11,15
 75:17 77:16 78:1,7,11,16,18
 80:15,18,24 81:1,9,13,15,18,24
 82:12,16,19,23,25 83:3,16,20
 84:3,8,18,21,24 85:3,5,18 86:25
 87:8,11,14,16 88:10,16,19,22
 89:19
website 54:10,18 69:17
Wednesday 61:1
week 56:24 63:17 80:13 83:24
 88:9
weekend 83:14
weeks 35:3 84:1
welfare 25:25 46:19 48:3,5 49:9,
 12
well-attended 47:11
well-recognized 48:6
Whitman 48:13
win 47:14
Winner's 82:7
winter 65:7,17
wisdom 71:16
wise 19:8 20:10 46:16
witnesses 7:25 8:16
Wolf 35:20 38:25
women 44:25 52:13 54:23
won 63:16
word 26:20 87:25
words 20:12 53:7
work 5:5 6:8,9,11 18:14 23:1
 24:18 28:24 34:7 44:25 45:2,7,9,
 10,24 47:8 48:24 49:2,9,13 51:2
 67:18 71:22 75:19 79:3,9
worked 25:4 32:18,24 62:13
working 45:3,4,6,19 50:7,21,
 66:22
works 33:17
worksheet 25:15,22
world 24:20
worry 18:5
worth 57:21

Y

Y-o-u-n-g 61:19
year 6:15,24 12:1,2 18:21 23:2
 26:4 32:11,13,16 33:7,13,15
 39:25 46:24 47:3 51:4,14 54:21,
 25 55:1 60:18 62:4,13,17 63:7,21
 64:4,8 65:5 66:1,5,19 69:3,7 71:9
 72:3 73:23,24 74:16,21 75:10,21
 76:9,20 77:6,19 80:1 82:7 83:19,
 23 84:2,14 87:21 88:6,25 89:5,13,
 18
yearling 24:22
yearly 5:25 53:18
years 10:11,14,22 11:6,16 12:18
 13:3 20:17 21:11 22:14 26:12
 37:20 51:10,14 55:3 66:25 70:20
 74:1 89:4
young 18:4 61:13,19
younger 25:8
youth 23:12 24:4 25:7