

Minutes of the Regular Meeting of the
Indiana Horse Racing Commission

July 15, 2015

Indiana State Library, Author's Room 203
315 W. Ohio Street
Indianapolis, IN 46204

Commission members present: Thomas Weatherwax, Chairman; Greg Schenkel, Vice-Chairman, and Commissioners George Pillow, William McCarty and Susie Lightle. Also present were Joe Gorajec, IHRC Executive Director; Lea Ellingwood, IHRC General Counsel; Holly Newell, IHRC Deputy General Counsel; Deena Pitman, IHRC Assistant Executive Director; Jessica Barnes, IHRC Director of Breed Development; Mike Hall, IHRC Presiding Judge; John Shanks, Attorney, Shanks Law Office; Robin Babbitt, Attorney, Ice Miller; Bernard Pylitt, Administrative Law Judge; and Pete Sacopulos, Attorney, Sacopulos, Johnson & Sacopulos.

I. Call to Order

Chairman Weatherwax called the meeting to order at approximately 9:15 a.m. A quorum was present. Chairman Weatherwax then swore in Court Reporter Robin Martz.

II. Approval of the April 16, 2015 meeting minutes.

Commissioner Schenkel moved to accept the minutes for the April 16, 2015 meeting. Commissioner McCarty seconded. The April 16, 2015 minutes were unanimously approved.

III. Agenda

Note: All items on the agenda were transcribed by a court reporter from Stewart Richardson. Transcripts are available at www.in.gov/hrc.

1. IHRC consideration of Settlement Agreement in the matter of the IHRC Staff vs. Thomas Amoss.

General Counsel Lea Ellingwood advised the Commission that Commission Staff and Thomas Amoss had reached a settlement wherein Mr. Amoss would be suspended 45 days, pay a \$5,000 fine, and the relevant purse would be redistributed. Commissioner McCarty moved to accept the terms of the Settlement Agreement; Vice Chairman Schenkel seconded. The agreement was approved, 5-0.

2. IHRC consideration of Settlement Agreement in the matter of the IHRC Staff vs. Bradley Moffit (EPO).

Deputy Counsel Holly Newell advised the Commission that Commission Staff and Bradley Moffitt had reached a settlement wherein Mr. Moffitt would be suspended for 10 years, and the relevant purse would be redistributed.

Vice Chairman Schenkel moved to approve the Settlement Agreement;
Commissioner Lightle seconded the motion. The agreement was approved, 5-0.

3. IHRC consideration of Settlement Agreement in the matter of IHRC Staff vs. Salvador Rojas.

Ms. Newell advised the Commission of a settlement agreement between the Commission Staff and Salvador Rojas. Mr. Rojas agreed to a \$1,000 fine and a purse redistribution.

Commissioner Pillow moved to approve the settlement agreement; Commissioner McCarty seconded. The Commission approved the agreement 5-0.

4. IHRC consideration of Settlement Agreement in the matter of the IHRC Staff vs. Libby Rees.

Item #4 was removed from the Agenda.

5. IHRC consideration of Settlement Agreement in the matter of the IHRC Staff vs. Carolyn Murphy.

Ms. Newell advised the Commission of a settlement agreement between the Commission Staff and Carolyn Murphy. Ms. Murphy agreed to a \$1,000 fine and a purse redistribution.

Commissioner McCarty moved to approve the settlement agreement; Commissioner Lightle seconded. The Commission approved the agreement 5-0.

6. IHRC consideration of the ALJ's Proposed Findings of Fact, Conclusions of Law, and Recommended Order in the IHRC Staff vs. Mikel Norris Order.

Ms. Newell and Attorney John Shanks presented oral arguments relating to the ALJ's recommended order in the Norris case. The ALJ's order recommended a 3-year suspension, a \$15,000 fine, and purse redistributions.

Vice Chairman Schenkel moved to approve the recommended order. Chairman Weatherwax seconded, and the motion carried 5-0.

7. IHRC consideration of the ALJ's Proposed Findings of Fact, Conclusions of Law regarding Russell's Motion to Disqualify the ALJ in the matter of IHRC Staff vs. Ross Russell.

IHRC Staff Counsel Robin Babbitt and Attorney Peter Sacopulos presented oral arguments relating to the ALJ's recommended order in which the ALJ did not disqualify himself.

Chairman Weatherwax moved approve the recommended order. Commissioner Lightle seconded, and the motion carried 5-0.

8. Staff Report on equine drug testing laboratory matters.

Executive Director Joseph Gorajec presented details of the Commission Staff's status on equine drug testing laboratory concerns. He disclosed that Purdue University will work with the Commission on a double-blind program. The double blind sample program will replace the audit-based program now in place.

9. Approval of Texas Veterinary Medical Diagnostic Laboratory as a split sample laboratory for 2015 and beyond pursuant to 71 IAC 8-4-3 and 8.5-3-3.

Mr. Gorajec presented the Texas Veterinary Medical Diagnostic Laboratory as a split sample laboratory for 2015 and beyond pursuant to 71 IAC 8-4-3 and 8.5-3-3. Two of the three Commission approved split sample laboratories, UC Davis and University of Pennsylvania, which were previously approved, are temporarily not taking split samples, which left horsemen with a single split lab.

Vice Chairman Schenkel moved to accept Texas Veterinary Medical Diagnostic Laboratory as a split sample lab. Commissioner Pillow seconded. The Commission voted to approve the split lab, 5-0.

10. Approval of and waivers on cobalt primary and split laboratories.

Mr. Gorajec requested that the Commission allow a blanket waiver that for the testing of cobalt a laboratory does not have to be ISO accredited.

Commissioner Lightle moved to allow for the limited waiver; Vice Chairman Schenkel seconded. The motion carried, 5-0.

11. 2015 Legislative Update.

Ms. Ellingwood updated the Commission on relevant legislation

12. Promotions update regarding legislative changes enacted by Senate Enrolled Act 252.

Jessica Barnes, Racing and Breed Development Director elaborated on the legislative changes enacted by the Senate Enrolled Act 252, which increased the funds available for marketing. She emphasized the responsibility to help promote the business of racing and breed development.

13. Review of commission rulings – March 31, 2015 – June 30, 2015.

Ms. Newell presented the most recent rulings for the Commission's review.

14. Consideration of an Emergency Rule regarding fair start pole pursuant to 71 IAC 7-2-3.5.

15. IHRC Standardbred Presiding Judge Mike Hall presented the need for a rule that would establish a fair start pole.

Vice Chairman Schenkel moved to approve the installation of the fair start pole at Hoosier Park. Commissioner Lightle seconded, and the Commission approved the rule, 5-0.

16. Commission consideration of the readoption of Administrative Rules scheduled to expire December 31, 2015.

Ms. Ellingwood advised the Commission that two administrative rules needed to be readopted.

Commissioner McCarty moved to approve the readoption; Commissioner Lightle seconded. The motion carried, 5-0.

IV. Old Business

None.

V. New Business

General Counsel Lea Ellingwood advised the Commission that Staff had hired two legal interns for the summer of 2015: Dale Pennycuff and Tim Meils.

There was no date set for the next Commission meeting at this time.

VI. Adjournment

The meeting was officially adjourned at 11:32 a.m. on July 15, 2015.

Minutes of the Business Meeting of the
Indiana Horse Racing Commission

October 10, 2015

Indiana Horse Racing Commission Offices
1302 N. Meridian Street
Indianapolis, IN 46202

Commission members present: Thomas Weatherwax, Chairman; Greg Schenkel, Vice-Chairman, and Commissioners George Pillow and Susie Lightle. Also present were Lea Ellingwood, IHRC General Counsel; Holly Newell, IHRC Deputy General Counsel; and Deena Pitman, IHRC Assistant Executive Director.

I. Call to Order

Chairman Weatherwax called the meeting to order at approximately 10:03 a.m. A quorum was present. Chairman Weatherwax then swore in Court Reporter Laurie Morgan.

II. Agenda

Note: All items on the agenda were transcribed by a court reporter from Stewart Richardson. Transcripts are available at www.in.gov/hrc.

1. IHRC consideration of Motion to Remove Executive Director Joe Gorajec from office, effective immediately.

The Commission voted 4-0 in favor of the Motion.

2. IHRC consideration of Motion to Appoint Deena Pitman as Interim Executive Director, effective immediately.

The Commission voted 4-0 in favor of the Motion.

III. Old Business

None.

IV. New Business

None.

V. Adjournment

The meeting was officially adjourned.