

Minutes of the Regular Meeting of the
Indiana Horse Racing Commission

November 4, 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 Deena Pitman, Interim IHRC Executive Director; Lea Ellingwood, IHRC General Counsel; Holly Newell, IHRC Deputy General Counsel; Jessica Barnes, IHRC Director of Racing and Breed Development; Robin Babbitt, Attorney from Ice Miller; Jon Schuster, Vice President and General Manager of Racing Indiana Grand Racing & Casino; Joseph Eddingfield, Attorney for Anthony Granitz and Richard Estvanko; Pete Sacopulos, Attorney for Dr. Ross Russell; Joe Chapelle, Attorney for Peter Wrenn; and Mike Brown, Executive Director, Indiana Horsemen's Benevolent & Protective Association.

I. Call to Order

Chairman Weatherwax called the meeting to order at approximately 9:09 a.m. A quorum was present. Chairman Weatherwax then swore in Court Reporter Robin Martz.

II. Approval of the July 15, 2015 and the October 10, 2015 meeting minutes.

Commissioner Pillow moved to accept the minutes for the July 15, 2015 and October 10, 2015 meetings. Commissioner Schenkel seconded the motion. The minutes from both meetings 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 the ALJ's Proposed Findings of Fact, Conclusions of Law, and Recommended Order in the IHRC Staff vs. Granitz/Estvanko.

Attorney Joe Eddingfield presented oral argument on behalf of his clients, Anthony Granitz and Richard Estvanko. IHRC Deputy General Counsel, Holly Newell presented argument on behalf of IHRC Staff. Vice Chairman Schenkel moved to affirm the ALJ's recommended order. Commissioner McCarty seconded the motion. The Commission approved recommended order, 5-0.

2. IHRC consideration of the ALJ's Proposed Motion to Disqualify ALJ Buddy Pylitt in the matter of IHRC Staff vs. Ross Russell (2nd).

Attorney Pete Sacopulos presented oral argument on behalf of Dr. Ross Russell, and Attorney Robin Babbitt presented the case for IHRC Staff. Vice Chairman Schenkel moved to adopt the ALJ's order recommending denial of the second Motion to Disqualify; Commissioner McCarty seconded. The motion carried, 5-0.

3. IHRC consideration of a Motion for Mediation in the IHRC Staff vs. Ross Russell matter.

General Counsel Lea Ellingwood introduced the Dr. Russell's Motion, stating that there would be no oral argument, but the Commissioners could ask questions. Chairman Weatherwax moved to deny Dr. Russell's motion for mediation; Commissioner Lightle seconded. The motion carried, 5-0.

4. IHRC consideration of the ALJ's Proposed Findings of Fact, Conclusions of Law, and Recommended Order for Summary Judgment in the matter of IHRC Staff vs. Donald Grego.

Commissioner Schenkel moved to approve the Recommended Order; Commissioner Lightle seconded. The motion carried, 5-0.

5. IHRC consideration of the ALJ's Proposed Findings of Fact, Conclusions of Law, and Recommended Order for Summary Judgment in the matter of IHRC Staff vs. Jeff Yoder.

Commissioner Pillow moved to accept the ALJ's Recommended Order; Commissioner McCarty seconded the motion. The Commission voted 5-0 to approve.

6. IHRC consideration of the ALJ's Proposed Findings of Fact, Conclusions of Law, and Recommended Order for Summary Judgment in the matter of IHRC Staff vs. Jimmy Martin Rodgers.

Commissioner McCarty moved to approve the Recommended Order; Commissioner Lightle seconded. The Commission voted 5-0 to approve.

7. IHRC consideration of Settlement Agreement in the matter of IHRC Staff vs. Peter Wrenn.

General Counsel Ellingwood presented the terms of the agreement reached between IHRC Staff and Peter Wrenn. Commissioner Schenkel moved to adopt the agreement; Commissioner Pillow seconded. The vote carried, 5-0.

8. IHRC consideration of Settlement Agreement in the matter of the IHRC Staff vs. Rolando Aragon.

Deputy Counsel Newell presented the terms of the agreement between the IHRC Staff and Mr. Aragon. Commissioner Pillow moved to approve the Settlement Agreement, and Commissioner Lightle seconded the motion. The Commission voted to approve the Settlement Agreement, 5-0.

9. IHRC consideration of Settlement Agreement in the matter of the IHRC Staff vs. Richard Estvanko.

Deputy Counsel Newell presented the agreement between IHRC Staff and Richard

Estvanko for approval. Commission McCarty moved for approval and the motion was seconded by Commissioner Pillow. The Commission voted to approve, 5-0.

10. Review of commission rulings – June 30, 2015 – September 30, 2015.

11. IHRC consideration of the adoption of 71 IAC 14-4-4 as an emergency rule.

Jessica Barnes, IHRC Director of Racing and Breed Development, presented an emergency rule to clarify inconsistencies in the Standardbred breed development program. Commissioner Schenkel moved to approve the emergency rule; Chairman Weatherwax seconded the motion. The rule was approved, 5-0.

IV. Old Business

Mike Brown, Executive Director, Indiana Horsemen's Benevolent & Protective Association presented two concerns of the members of the board of his association in relation to disciplinary matters that had concluded.

V. New Business

Chairman Weatherwax announced the details of the first IHRC industry summit, to be held from 1 p.m. to 3 p.m. on November 20, 2015, in the Farm Bureau Building at the Indiana State Fairgrounds.

Chairman Weatherwax also announced that the search for a new executive director will be moving forward as soon as a formal job description is complete.

General Counsel Ellingwood introduced the final draft of a required policy to allow for electronic participation in Commission meetings. Commissioner Schenkel moved to adopt the final draft of the policy; Chairman Weatherwax seconded the motion. The Commission voted 5-0 to approve the policy.

VI. Adjournment

Chairman Weatherwax adjourned the meeting at 11:02 a.m.