

Minutes of the Regular Meeting of the
Indiana Horse Racing Commission

September 4, 2014

Indiana State Library, Authors Room 203
315 W. Ohio Street
Indianapolis, IN 46204

Commission members present: William Diener, Chairman; Greg Schenkel, Vice-Chairman; Commissioners Thomas Weatherwax and George Pillow. 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 Racing and Breed Development; Angela Demaree, IHRC Equine Medical Director; Dionne Benson, Executive Director, Racing Medications and Testing Consortium; Dr. Richard Sams, Lab Director, LGC Science, Inc., and chairman of the Veterinary Pharmacology Subcommittee of the RCI's Drug Testing and Standards and Practicing Committee; Brian Elmore, Vice-President of Racing for Centaur; Jack Kieninger, President of the Indiana Standardbred Association; Mike Brown, Executive Director of Indiana HBPA; Dwayne Rhule, Chairman of the Standardbred Breed Advisory Committee; Jon Schuster, General Manager for Racing at Indiana Grand Racing and Casino; and Wendy Brown, Chairman of the Thoroughbred Breed Development Advisory Committee. *Note: Vice Chairman Schenkel left the meeting before its conclusion and was not present to vote on any issues.*

I. Call to Order

Chairman William Diener called the meeting to order at approximately 9:00 a.m. A quorum was present. Chairman Diener swore in the court reporter.

II. Approval of the June 26, 2014 meeting minutes.

Ms. Ellingwood identified two necessary corrections to the June 26, 2014 minutes, and Commissioner Diener moved to accept the minutes for the June 26, 2014 meeting, as amended. The June 26, 2014 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. Consideration of IHRC Staff Report regarding the Regulation of Cobalt, and emergency rules related thereto.

Executive Director Joe Gorajec presented the IHRC Staff Report regarding cobalt. He introduced Dr. Richard Sams, lab director of LGC Science, Inc., and chairman of the ARCI Veterinary Pharmacology Subcommittee; Dr. Dionne Benson, RMTC Executive Director; and Dr. Angela Demaree, IHRC Equine Medical Director. Dr. Benson addressed the Commission regarding the science behind establishing a recommended cobalt threshold. Dr. Sams explained the potential performance enhancing effect of cobalt due to erythropoiesis stimulation. Dr. Demaree addressed the proposed threshold and how it would apply to Indiana horsemen.

Brian Elmore, Centaur Vice President for Racing, said that Centaur fully supported the cobalt regulation. Also offering support: Jack Kieninger, ISA President and Dwayne Rhule, Chairman of the Standardbred Breed Advisory Committee.

Mike Brown, IHBPA Executive Director, stated that IHBPA was concerned about the proposed rule and was opposed to its passage.

Chairman Diener moved to adopt emergency rules establishing a cobalt threshold of 25 parts per billion, which would be effective on September 30, 2014. The motion passed, 3-0 (quorum). Chairman Diener further moved to approve the University of Kentucky Veterinary Diagnostic Laboratory as the primary cobalt testing lab, and the University of California Davis as the cobalt split lab. Mr. Gorajec will have discretion to: make arrangements in the event a backup lab is needed, to waive 71 IAC 8-4-3 and 71 IAC 8.5-3-3, to direct Commission Staff to report to the Commission results of all cobalt testing completed pursuant to the new regulation; and to direct Commission Staff to update the Commission on cobalt regulation nationally. Motion passed, 3-0 (quorum).

2. Review of Commission Rulings – June 1, 2014 through July 31, 2014.
The commissioners reviewed the rulings.
3. Consideration of Settlement Agreement between IHRC Staff and James Eilers.
Ms. Newell presented the settlement agreement between Staff and James Eilers relating to Mr. Eilers' exclusion from Indiana tracks, and his subsequent agreement to not apply for licensure in Indiana for five years. Chairman Diener moved to approve the settlement agreement. Motion passed, 3-0 (quorum).
4. Re-adoption of expiring rules.
Item pulled from agenda.
5. Consideration of request from Indiana Grand to increase purse supplement pursuant to 71 IAC 13.5-3-5(b).
Mr. Jon Schuster, General Manager of Indiana Grand, requested the authority to increase the purse supplement for certain thoroughbred races. Executive Director Gorajec said he was supportive of the increase. Wendy Brown, Chairman of the Thoroughbred Breed Development Advisory Committee, also supported the increase. Chairman Diener moved to approve Indiana Grand's request to increase the purse supplement. Commissioner Weatherwax seconded the motion. Motion passed, 3-0 (quorum).

I. Old Business

- II. **New Business** – Chairman Diener announced that Steve Schaefer had resigned from the Commission, and that the Chairman had appointed Mr. Schenkel as Vice Chairman of the Commission.

III. Adjournment