

**In the Matter Of:**

*INDIANA HORSE RACING COMMISSION*

---

**Meeting**

*April 17, 2017*

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INDIANA HORSE RACING COMMISSION  
MEETING

HELD ON  
APRIL 17, 2017  
2:00 P.M.

INDIANA HORSE RACING COMMISSION OFFICES  
1302 N. MERIDIAN STREET  
INDIANAPOLIS, INDIANA

TAKEN BY:  
ROBIN P. MARTZ, RPR  
NOTARY PUBLIC

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APPEARANCES

Philip Borst, Chairman  
Greg Schenkel, Vice-Chairman  
George Pillow  
William McCarty (via phone)

Deena Pitman

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

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1 CHAIRMAN BORST: This is Phil Borst. Welcome,  
2 Bill.

3 COMMISSIONER MCCARTY: Thank you and to you.

4 CHAIRMAN BORST: And to me too. In that case  
5 we'll call this meeting of the Indiana Horse Racing  
6 Commission to order. First I will swear in our  
7 court reporter.

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

10 CHAIRMAN BORST: Minutes, any corrections to  
11 minutes?

12 MS. ELLINGWOOD: We're actually going to  
13 handle both the minutes from the last meeting and  
14 the minutes from this meeting at the next  
15 Commission meeting.

16 CHAIRMAN BORST: In that case let's move onto  
17 the consideration of the settlement agreement in  
18 IHRC Staff and Centaur Gaming.

19 MS. ELLINGWOOD: Thank you, Chairman. This  
20 settlement agreement, which has been included in  
21 your packet, is related to a number of small  
22 candidate or contributions made to a candidate or a  
23 committee over the course of a couple of years.  
24 They aggregated only in the total amount of \$2,580.

25 Centaur self-reported the incident, conducted

1 an investigation and has taken a number of steps to  
2 negate the violation. Staff does not believe that  
3 Centaur or its employees who made the contributions  
4 did so with specific intent to knowingly or  
5 intentionally violate that rule.

6 In light of all the steps that were taken,  
7 which included giving the money back, the  
8 Commission and Centaur entered into an agreement,  
9 the terms of which are outlined before you.

10 Centaur has paid the penalty, the fine rather.

11 And the Commission would respectfully, or  
12 staff would respectfully request the Commission  
13 adopt the settlement agreement.

14 COMMISSIONER SCHENKEL: The only question I  
15 had, Mr. Chairman, was is the thousand dollar fine  
16 a prescribed amount by statute or is that something  
17 you arrived at in determining the agreement? I am  
18 just curious. Sometimes those fines are set out  
19 statutorily.

20 MS. ELLINGWOOD: It's not a penalty that's on  
21 line in statute or rule. It's one we had assessed  
22 based on the number of people who were involved in  
23 the contributions.

24 COMMISSIONER SCHENKEL: That's fine. I've got  
25 no problem with it. I was just curious as to how.

1 Thanks.

2 CHAIRMAN BORST: Any other questions,  
3 comments?

4 COMMISSIONER PILLOW: Where does the fine go,  
5 the General Fund?

6 MS. ELLINGWOOD: Yes, same place all our fines  
7 go. I would point out though that it doesn't apply  
8 to this particular fine, but there is a proposed  
9 statutory change that would make all of our fines  
10 go into a fund for retired racehorses. So you can  
11 expect to hopefully see that take effect after  
12 July 1st of this year or earlier depending.

13 COMMISSIONER PILLOW: Do we have to vote on it  
14 or is it something staff is going to?

15 MS. ELLINGWOOD: No. It's the legislature.

16 COMMISSIONER PILLOW: Okay. Fantastic. By  
17 statute. Okay.

18 CHAIRMAN BORST: Is that in the current  
19 legislation?

20 MS. ELLINGWOOD: It's in current proposed  
21 legislations in House Bill 1350.

22 CHAIRMAN BORST: Still alive.

23 MS. ELLINGWOOD: Yes. As soon as the  
24 legislative session is over, I'll put together a  
25 synopsis of the legislation and forward it to you

1 guys, as well as give you an update at the  
2 following Commission meeting.

3 COMMISSIONER SCHENKEL: I move approval of the  
4 agreement.

5 COMMISSIONER PILLOW: I second it.

6 CHAIRMAN BORST: Been moved and seconded. Any  
7 further comments?

8 All those in favor say "aye."

9 THE COMMISSION: Aye.

10 CHAIRMAN BORST: Opposed?

11 (No response.)

12 CHAIRMAN BORST: Ayes have it. We are going  
13 to keep him awake.

14 Number two, consideration of proposed  
15 emergency rule changes.

16 MS. ELLINGWOOD: That is also going to be  
17 handled by me, Chairman. These proposed rules were  
18 circulated to industry stakeholders as well as our  
19 judges and stewards. I don't believe that it  
20 contains anything that's controversial.

21 We established a deadline of April 14th by  
22 which we wanted to receive written comments either  
23 in support or in opposition to the rules. We  
24 hadn't received anything in writing. You'll see  
25 that the changes are or include rather an amendment

1 to the claiming rule and a correction to a  
2 typographical error that we had in the medication  
3 limits.

4 Specifically, you'll see on page five of the  
5 proposed rules, we had included the measurement as  
6 picograms. It should have been nanograms. So that  
7 has been corrected both for Standardbreds, Quarter  
8 Horse, and Thoroughbred.

9 In addition, we are also proposing to change  
10 or remove, rather, the language that says that  
11 licenses expire December 31st of each year because  
12 there is proposed legislation that removes that  
13 requirement in statute. So that change is meant to  
14 make our rule consistent with what we anticipate  
15 the statutory change to be.

16 I'm happy to answer any questions, if there  
17 are any.

18 CHAIRMAN BORST: Any questions, Commission  
19 members?

20 COMMISSIONER PILLOW: Mike, are you guys okay  
21 with all these?

22 MIKE BROWN: Yes, we're glad to see them.

23 COMMISSIONER SCHENKEL: I wondered the same  
24 thing. Wendy, I remember I was at one of the breed  
25 development meetings when some of this came up



1 about claiming. Is this suitable to everyone?

2 WENDY BROWN: Yes.

3 COMMISSIONER PILLOW: Okay. Everybody is good  
4 with it.

5 CHAIRMAN BORST: How about a motion?

6 COMMISSIONER SCHENKEL: I'll move approval.

7 COMMISSIONER MCCARTY: Second.

8 MS. ELLINGWOOD: Chairman, I apologize, one  
9 thing real quick. What I failed to mention is that  
10 staff recommends that these rules be adopted  
11 through our established emergency rule adoption  
12 procedure, which means that it will go into effect  
13 as soon as they're filed. Because the race meet  
14 starts tomorrow, we'll file them tomorrow so they  
15 go into effect. Just to clarify that this rule is  
16 intended to become effective immediately and not  
17 through the regular process.

18 CHAIRMAN BORST: Any other questions? Seeing  
19 none, all those in favor say "aye."

20 THE COMMISSION: Aye.

21 CHAIRMAN BORST: Opposed?

22 (No response.)

23 CHAIRMAN BORST: The ayes have it, 4-0.

24 Number three, review of Commission rulings  
25 from February 1, 2016 through March 31, 2017.

1 MS. NEWELL: You guys have a total of ten  
2 rulings in front of you. Many of these are  
3 administrative. Some of them just memorialize  
4 positions that this Commission actually has made.  
5 I feel like I keep saying this, but we will get to  
6 a point where you will see a lot more rulings. At  
7 the next meeting, I promise you you'll have a lot  
8 more to look at. For now, it's just these ten.

9 WENDY BROWN: Hopefully not.

10 MS. PITMAN: Past history dictates.

11 CHAIRMAN BORST: Should that have really said  
12 February 1, 2017?

13 MS. PITMAN: Yes, that is a typo.

14 CHAIRMAN BORST: We don't need any motion on  
15 this?

16 MS. NEWELL: No, this is just to keep the  
17 Commission informed.

18 CHAIRMAN BORST: Okay. Any questions,  
19 Commissioner McCarty?

20 COMMISSIONER MCCARTY: No, not from me.

21 CHAIRMAN BORST: Next, then we move onto  
22 approval of additional out of competition split  
23 sample laboratory for 2017 and beyond.

24 MS. ELLINGWOOD: Thank you, Chairman. This is  
25 in addition to the list of labs that were approved

1 by the Commission at its last meeting. Pursuant to  
2 our administrative rules, the Commission has to  
3 approve the list of laboratories that are used as  
4 split labs. A split lab is a lab that does a test  
5 on the second sample that is taken from a  
6 racehorse. A licensee has a right to ask that the  
7 split sample be tested if there's a positive on the  
8 primary sample.

9 This is just the addition of LGC Laboratories  
10 in Kentucky. We've used them a number of years  
11 now. They've been great. Their results are great.

12 And so we respectfully request the Commission  
13 approve the use of LGC as a split lab for the 2017  
14 racing season.

15 CHAIRMAN BORST: How many laboratories are  
16 there in the country that are?

17 MS. ELLINGWOOD: Not a ton. I would actually  
18 defer to Deena on that.

19 MS. PITMAN: It's probably between 10 and 15  
20 that are interested in even doing this type of  
21 work. And then once you have a lab that's  
22 interested, then they have to go through  
23 certifications. And so at this point in time,  
24 there's probably ten that are actually certified,  
25 either completely certified or in the process of

1 being certified by the RMTC, which is the Racing --

2 COMMISSIONER SCHENKEL: And the last time we  
3 went through a review and looked at awarding the  
4 contract, there were, what, only three?

5 MS. PITMAN: That actually bid, right. That's  
6 for the primary lab.

7 COMMISSIONER SCHENKEL: Yeah, as the primary  
8 lab. That was the interesting thing that I  
9 learned.

10 COMMISSIONER PILLOW: Was that the one in  
11 Kentucky?

12 COMMISSIONER SCHENKEL: That's when we had  
13 trouble years ago.

14 COMMISSIONER PILLOW: We weren't getting them  
15 back on a timely basis.

16 COMMISSIONER SCHENKEL: When the contract was  
17 awarded, there were only three. There was one out  
18 of Denver, the one out of California. There were  
19 very few that actually stepped forward and met all  
20 the requirements.

21 CHAIRMAN BORST: Purdue's animal disease  
22 diagnostic lab doesn't?

23 MS. PITMAN: No. And I think Mike's had some  
24 conversations with a few people. And it wasn't  
25 like they even had an interest.

1 CHAIRMAN BORST: There's a few problems going  
2 on up there.

3 MS. PITMAN: I know it's an immense amount of  
4 work. It takes a lot of equipment.

5 CHAIRMAN BORST: You have to get certified.

6 MS. PITMAN: And the certification is very  
7 difficult.

8 CHAIRMAN BORST: Which is good. Any further  
9 questions on the split lab?

10 COMMISSIONER SCHENKEL: Move approval.

11 COMMISSIONER PILLOW: I'll second.

12 CHAIRMAN BORST: Been moved and seconded. Any  
13 further discussions? If not, all those in favor  
14 say "aye."

15 THE COMMISSION: Aye.

16 CHAIRMAN BORST: Opposed, nay.

17 (No response.)

18 CHAIRMAN BORST: There's no opposed.

19 Okay. So we move onto the request for the  
20 IHRC Commission to delegate authority to approve  
21 outstanding 2017 horsemen's contracts to the  
22 Executive Director.

23 MS. ELLINGWOOD: Yeah, Chairman, pursuant to  
24 Indiana, I'm sorry, 71 IAC 11-1-12(a)(3), the  
25 Commission is required to approve contracts between

1 the permit holder and the horsemen's associations.  
2 One of those has been committed to writing, and the  
3 other two are still being worked on.

4 So given that the race meets are either  
5 underway or very close to being underway, the staff  
6 requests that the Commission delegates to the  
7 Executive Director the authority to approve those  
8 contracts once they have been finalized.

9 CHAIRMAN BORST: And then does he forward  
10 those to the Commission members then?

11 MS. ELLINGWOOD: He absolutely can. Once the  
12 Executive Director approves them, assuming that he  
13 does, we could scan those, the signed copies to you  
14 and make sure that you all review them. Then if  
15 you have any questions after that, we'll be more  
16 than happy to work with the association and Centaur  
17 too to answer any questions or concerns you might  
18 have.

19 CHAIRMAN BORST: Is this something that's been  
20 done in the past?

21 MS. ELLINGWOOD: This is the first time we  
22 have had this particular approval delegated. We  
23 have certainly had the occasion where the  
24 Commission has delegated to the Executive Director  
25 the authority to either approve a contract or

1 approve construction plans, things of that nature.  
2 This is consistent with past practice in that we  
3 have directly delegated this type of authority  
4 before.

5 CHAIRMAN BORST: Then you get it to us so the  
6 Commission members can see. Good check and balance  
7 probably.

8 Do we need a motion on this one?

9 MS. ELLINGWOOD: Yes, you do.

10 COMMISSIONER SCHENKEL: So moved.

11 COMMISSIONER MCCARTY: Second.

12 CHAIRMAN BORST: Any further questions?  
13 Seeing none, all those in favor say "aye."

14 THE COMMISSION: Aye.

15 CHAIRMAN BORST: Opposed, nay.

16 (No response.)

17 CHAIRMAN BORST: I think the ayes have it  
18 again.

19 Do we have any old business?

20 MS. ELLINGWOOD: None that I'm aware of.

21 CHAIRMAN BORST: Do we have any new business?

22 MS. PITMAN: Yes. I just wanted to give the  
23 Commission a heads up on what we've been doing,  
24 what staff has been doing for licensing. We've  
25 implemented a new licensing system because our old

1 one was so outdated. We were successful in getting  
2 the state's IT department to go through and put  
3 together a new program for us. Not only have they  
4 put together the new program for our inner office  
5 use for licensing, but they've added an online  
6 process to that.

7 So we have kind of done a soft opening with  
8 the online process. And we've had some decent  
9 feedback. It's going pretty well. When you do  
10 something like this, you never get it right the  
11 first time around. There's always things that come  
12 up. And there are fixes that are still being made  
13 and some new things still being added, but it's  
14 going well, I think, for this type of situation.

15 And some of the paper processes did not quite  
16 flow the way you would think they would when it  
17 turned into an online process. So we've had to  
18 make a few adjustments to our processes to enable  
19 us to continue on with the online option. So I  
20 think most people that use it are going to be okay  
21 with it and appreciate the convenience of it, not  
22 to mention the fact that it's just time to move in  
23 that direction.

24 CHAIRMAN BORST: Good. Are there other things  
25 like that coming down the road?



1 MS. PITMAN: Yes, we're going to continue to  
2 do this licensing process. And then the breed  
3 development programs will go as the next process  
4 that we do for an online option. And then we also  
5 just completed -- and I think Jessica can speak to  
6 this more so -- a social media campaign.

7 JESSICA BARNES: Yes, we just instituted  
8 social media pages for all three of our breed  
9 development programs; Standardbred, Thoroughbred,  
10 and Quarter Horse. Each have their own individual  
11 social media accounts. We are doing weekly  
12 newsletters to the horsemen. Quarter Horse goes  
13 out the first week of the month. Standardbred goes  
14 out the second week of the month. Thoroughbred is  
15 the third week of the month, and then a general  
16 newsletter from the Commission the fourth week of  
17 the month.

18 We've worked with Travel Indiana magazine.  
19 Their most recent magazine that came out, we had  
20 some marketing in that publication. There's an  
21 actual four-page spread that was sponsored by the  
22 breed development programs that is presented as an  
23 awareness campaign. It talks about the aspects of  
24 horse racing. Horse racing for Indiana is  
25 tradition. It's history. It's excitement. It's a

1 family industry, different aspects of the industry.  
2 And then it ultimately culminates in horse racing  
3 is good for Indiana. And we talk about the  
4 economic benefits to Indiana. We've been working  
5 with them.

6 With the new database for breed development,  
7 right now we can do online registrations for our  
8 breed development programs, but it's basically just  
9 going in and filling out a form. If a horsemen has  
10 20 horses, they're going to have to repeat the same  
11 information the way it's set up for their farm.  
12 And from year to year, they have to put in new  
13 information. Once we get the new build-out on the  
14 database, horsemen will be able to keep a profile  
15 and upload their information so they can just hit a  
16 renewal --

17 MS. PITMAN: Which is exactly what they do  
18 with their licensing.

19 JESSICA BARNES: -- and renew those horses.  
20 So that will help us a lot in tracking those  
21 things.

22 COMMISSIONER PILLOW: Jessica, did we hire a  
23 new PR person?

24 JESSICA BARNES: Yes, her name is Megan.  
25 She's not in today. She was at the last meeting.

1 Megan Arzman Weisbrodt. She is our communications  
2 coordinator.

3 COMMISSIONER PILLOW: She reports to you?

4 JESSICA BARNES: Yes, she does.

5 MS. PITMAN: We're trying to improve our  
6 digital footprint so to speak.

7 MS. ELLINGWOOD: Breaking into the century.

8 MS. PITMAN: That's right. Just to give you  
9 an update on what's going on.

10 JESSICA BARNES: We're hoping to partner more  
11 with the racetracks and the horsemen's  
12 associations. She has a lot of ideas she's been  
13 talking to me about and to do some more things.

14 COMMISSIONER SCHENKEL: I saw that last week  
15 in the travel magazine. It's very well written.

16 JESSICA BARNES: I haven't seen the actual  
17 yet. Stephanie is going to come in this week and  
18 bring it to us.

19 COMMISSIONER SCHENKEL: It's good. I saw it  
20 last week.

21 JESSICA BARNES: I know she worked with the  
22 racetracks on it also. I think there was a total  
23 of 15 pages on horse racing in that magazine when  
24 it was all said and done.

25 MS. PITMAN: I can't wait to see it.

1 JESSICA BARNES: Great exposure for our sport.

2 COMMISSIONER PILLOW: I, for some reason, had  
3 lunch with the governor last week. It was a good  
4 reason. But I mentioned to him that we might be  
5 having a summit and then to introduce Phil to  
6 the -- I don't know if you know most of the people,  
7 being a veterinarian in the community, of the horse  
8 racing industry.

9 CHAIRMAN BORST: Well, not too many horses  
10 come in my clinic. We've had some ponies.

11 COMMISSIONER SCHENKEL: You will have to build  
12 a bigger door.

13 COMMISSIONER PILLOW: Have we given any  
14 thought to another summit?

15 MS. PITMAN: I've had a couple of  
16 conversations with Mike about it since he's come on  
17 board. He's just been so busy, I think, getting  
18 his feet wet and trying to figuring out the ins and  
19 outs that he really hasn't had time to get into  
20 that. But that is something I can let him know  
21 you're interested in.

22 COMMISSIONER PILLOW: Yeah because I asked the  
23 governor if he would attend if we had one, and he  
24 didn't have a problem with it. So I thought it  
25 would be great as we kind of push. Phil, we've

1 been looking at working through the Department of  
2 Agriculture, lieutenant governor's office to try to  
3 increase visibility to make Indiana a horse  
4 friendly state, for lack of a better term, if  
5 people want to buy land here and start breeding  
6 horses here in Indiana. We have gotten onto that.  
7 And it kind of fizzled, but I would still like for  
8 us to continue on that road to kind of push it.

9 And Ted McKinney -- you know Ted -- we met  
10 with him a couple different times. He's on board.  
11 I would like to get that interest renewed in that,  
12 if possible.

13 CHAIRMAN BORST: Anything we can do to promote  
14 the industry. Anything we can do to help you with  
15 ideas you guys have, let us know to make things  
16 more efficient and help the horse racing community  
17 period.

18 Any other new business? None? Well, how  
19 about a motion for adjournment?

20 COMMISSIONER MCCARTY: So moved.

21 COMMISSIONER SCHENKEL: Second.

22 CHAIRMAN BORST: I don't think we'll have any  
23 problems with the ayes. Thanks, Bill.

24 COMMISSIONER MCCARTY: Congratulations, Mr.  
25 Chairman. You run a tight ship. This meeting was

1 shorter than the traffic tie-ups on 37.

2 CHAIRMAN BORST: I still hold the record for  
3 the fastest Indianapolis City County Council  
4 meeting. We did one in 18 minutes one time.

5 (The IHRC meeting adjourned at 2:22 p.m.)

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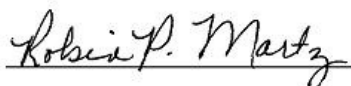
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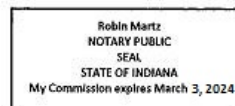
1 STATE OF INDIANA  
2 COUNTY OF JOHNSON  
3

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 19th day of  
16 April 2017.

17  
18 



20 My Commission expires:  
21 March 3, 2024

22 Job No. 117881  
23  
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**1** 8:25 9:12  
**10** 10:19  
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**31** 8:25  
**31st** 7:11

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**4-0** 8:23

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**71** 12:24

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