

# **Agenda Item # 1**



## State of Indiana Indiana Horse Racing Commission

Michael R. Pence, Governor

[www.in.gov/hrc](http://www.in.gov/hrc)

February 1, 2016

Dear Industry Stakeholder,

There has been much activity in the past few months as we prepare for the 2016 racing season, and we look forward to a wonderful year. As you are likely aware, in recent weeks the Indiana Horse Racing Commission undertook a nation-wide search for an Executive Director, and we were fortunate to have had many qualified candidates. After conducting interviews, the Commission has selected a person who possesses the combination of management and over-all skills we were seeking.

We are most pleased to introduce Michael (Mike) Smith of Rensselaer, Indiana as the new Executive Director of the Indiana Horse Racing Commission.

Mike, who begins work today, brings outstanding skills and experience that will continue to move Indiana horse racing forward. He started his involvement in horse racing in the '60s with his father as owners of thoroughbreds, then moving on to owning, training and driving standardbreds. He continues to maintain a qualifying drivers and trainers license.

Mike's over-all business and management experiences are remarkable---owning and operating a successful insurance and investment firm; President and CEO of a major trade association in Indiana (Casino Association of Indiana); and served as a member of the Indiana House of Representatives from 1993-2002 where he was Republican Floor Leader. His hands-on background in horse racing coupled with his successful business experience and as a leader in the Indiana General Assembly make him uniquely qualified to lead the IHRC.

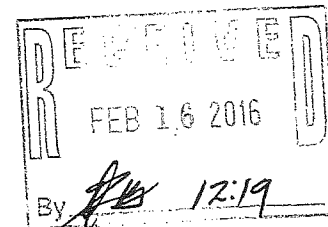
The Commission continues its commitment to maintain the highest integrity for Indiana's racing along with fostering and promoting an environment that will encourage investment and growth of Indiana horse racing to expand the industry's role in Indiana's economy. Knowing that Mike shares the Commission's goals, we believe his leadership will continue our progress.

We trust you will welcome Mike Smith as the Executive Director of IHRC. On behalf of the entire Indiana Horse Racing Commission, we wish you much success in the days ahead.

Yours truly,

Thomas K. Weatherwax  
Chairman

# **Agenda Item # 2**



## SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is entered into between the Indiana Horse Racing Commission ("Commission"), by Deena Pitman, Executive Director of the Indiana Horse Racing Commission Staff ("Commission Staff") and Kelly Goodwin ("Goodwin"), a 2014 licensee subject to regulation by the Commission. Collectively, the Commission Staff and Goodwin shall be referred to herein as "the Parties." This Agreement is subject to the review and approval of the Commission.

### RECITALS

1. The Indiana Horse Racing Commission ("IHRC") is the administrative agency in the State of Indiana that regulates horse racing pursuant to provisions of the Indiana Code, Title 4, Article 31.
2. Kelly Goodwin was licensed as an owner/trainer with the IHRC during 2014, and at all times relevant to this Settlement Agreement.
3. Title 71 of the Indiana Administrative Code regulates trainers participating in pari-mutuel racing in Indiana.
4. The following horse was at all relevant times owned and trained by Goodwin: Hall Pass Helen.
5. Goodwin entered Hall Pass Helen in the 8<sup>th</sup> Race on September 6, 2014, at Hoosier Park.
6. Hall Pass Helen finished first in the 8<sup>th</sup> Race on September 6, 2014 at Hoosier Park.
7. Goodwin entered Hall Pass Helen in the 3<sup>rd</sup> Race on October 11, 2014, at Hoosier Park.
8. Hall Pass Helen finished first in the 3<sup>rd</sup> race on October 11, 2014, at Hoosier Park.
9. Industrial Laboratories tested blood from the sample taken from Hall Pass Helen on September 6, 2014, and established the presence of methylprednisolone on the race date identified in Paragraph 5.
10. Split sample testing performed by the University of California-Davis confirmed the presence of methylprednisolone in the sample.
11. Industrial Laboratories tested blood from the sample taken from Hall Pass Helen on October 11, 2014, and established the presence of methylprednisolone on the race date identified in Paragraph 7.

12. 71 IAC 8-1-2 provides: No horse participating in a race or entered in a race shall carry in its body any foreign substance except as provided by these rules.

13. Methylprednisolone was not among the substances that a horse participating in a race may carry in its body.

14. Pursuant to the authority provided by 71 IAC 10-3-20, the Commission's Executive Director issued Administrative Complaint No. 215004<sup>1</sup> on or about January 14, 2015. The Executive Director's Administrative Complaint proposed the following penalty: a 15-day suspension, a \$1,500.00 fine, and redistribution of the purses earned.

15. The Commission's Executive Director, given Goodwin's willingness to enter into this Agreement, is executing this Agreement in lieu of prosecuting Administrative Complaint No. 210014, issued on January 14, 2015.

16. Now, in full and complete resolution of any and all further administrative proceedings involving Goodwin relative to the violations referenced in Preliminary Report No. 215004, the Commission Staff and Goodwin agree to the terms and conditions set forth in this Agreement.

17. Now, in full and complete resolution of any and all further administrative proceedings involving Goodwin relative to the violations referenced above, the Commission Staff and Goodwin agree to the terms and conditions set forth in this Agreement.

#### AGREEMENT

NOW, THEREFORE, in consideration of the foregoing, and the promises and covenants to be performed as set forth herein, the Parties agree as follows:

18. Goodwin hereby admits the Findings of Fact referenced in Administrative Complaint No. 215004.

19. Goodwin has acknowledged participation in and/or knowledge of violations of Articles 8 of Title 71 of the Indiana Administrative Code, and the following race is affected:

- a. Hall Pass Helen is disqualified from 1<sup>st</sup> place and is unplaced for the purposes of receiving purse money from the 8<sup>th</sup> race on September 6, 2014 and the 3<sup>rd</sup> race on October 11, 2014, both of which took place at Hoosier Park Racing and Casino.

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<sup>1</sup> The Penalty assessed in the Complaint should have been \$1,000 (absent mitigating circumstances) because Goodwin was not notified of the first positive in enough time to correct the dosage administered in advance of entering Hall Pass Helen for the second race. Commission Staff was not aware of that fact when the Complaint was issued.

20. As a penalty for the referenced violation, Goodwin agrees to a \$250 fine.

21. The Commission will enter a ruling consistent with this Agreement which will make clear that the sanctions set forth in Paragraph 19 is the total sanctions for the violation referenced in this Settlement Agreement.

22. The Commission will issue a letter in support of a lengthy repayment period of the purses earned in races referenced in Paragraphs 6 and 8 on behalf of Mr. Goodwin to the appropriate Hoosier Park Racing and Casino Personnel. However, Mr. Goodwin acknowledges that Hoosier Park Racing and Casino is the sole entity responsible for establishing terms of purse repayment.

23. The Parties agree that this Agreement shall be interpreted, enforced, and governed by the laws of the State of Indiana.

24. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, fully enforceable counterpart of all purposes, but all of which constitute one and the same instrument.

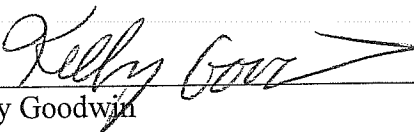
25. Goodwin represents that he has carefully read and reviewed the foregoing Agreement, acknowledges its contents, has had the right to consult with his own counsel, and agrees to be bound by its terms. Goodwin acknowledges that he has voluntarily entered into this Agreement as of the date and year herein set forth.

IN WITNESS HEREOF, the Parties have executed this Agreement on the dates listed below.

I swear, under penalties for perjury, that the foregoing representations that have been made by me are true and correct.

2-10-16

Date



Kelly Goodwin

Witnessed and Approved:

\_\_\_\_\_

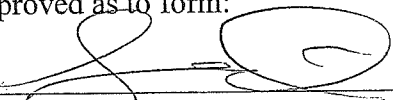
ON BEHALF OF THE INDIANA HORSE RACING COMMISSION:

\_\_\_\_\_

Date

  
\_\_\_\_\_  
Deena Pitman, Executive Director

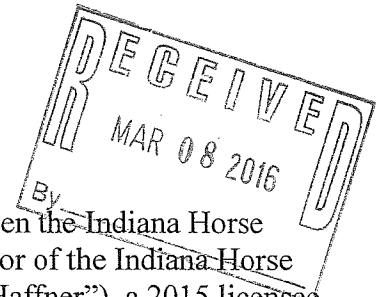
Approved as to form:

  
\_\_\_\_\_  
Lea Ellingwood, General Counsel

# **Agenda Item # 3**



## SETTLEMENT AGREEMENT



This Settlement Agreement (“Agreement”) is entered into between the Indiana Horse Racing Commission (“Commission”), by Mike Smith, Executive Director of the Indiana Horse Racing Commission Staff (“Commission Staff”) and Randy Haffner (“Haffner”), a 2015 licensee subject to regulation by the Commission. Collectively, the Commission Staff and Haffner shall be referred to herein as “the Parties.” This Agreement is subject to the review and approval of the Commission.

### RECITALS

1. The Commission is the administrative agency in the State of Indiana that regulates horse racing pursuant to provisions of the Indiana Code, Title 4, Article 31.
2. Haffner was licensed as a trainer with the Commission during 2015, and at all times relevant to this Agreement.
3. Title 71 of the Indiana Administrative Code regulates trainers participating in pari-mutuel racing in Indiana.
4. The thoroughbred race horse Ladystarturengine was at all relevant times trained by Haffner.
5. The thoroughbred race horse Ladystarturengine was at all times relevant owned by 48 Flat Racing, LLC.
6. Haffner entered the aforementioned horse in the 3<sup>rd</sup> Race on June 26, 2015, at Indiana Grand Racing and Casino (“Indiana Grand”).
7. Ladystarturengine participated in and finished 1<sup>st</sup> in the 3<sup>rd</sup> Race on June 26, 2015 at Indiana Grand.
8. Industrial Laboratories (“Industrial”) was at all times relevant the Primary Testing Laboratory for the Indiana Horse Racing Commission.
9. Industrial analyzed blood taken from Ladystarturengine and established the presence of dexamethasone at a level of 36 picograms/milliliter, which is in excess of the identified allowable threshold on the race date identified in Paragraphs 6 and 7.
10. Split sample testing performed by Texas A&M Veterinary Medical Diagnostic Laboratory confirmed the presence of dexamethasone at a level of 36 picograms/milliliter, which is in excess of the identified allowable threshold in the blood taken from Ladystarturengine after the 3<sup>rd</sup> Race on June 26, 2015 at Indiana Grand.

11. 71 IAC 8.5-1-2 provides: No horse participating in a race shall carry in its body any foreign substance except as provided by these rules.
12. 71 IAC 8.5-1-4.2(8) provides: The official blood (serum or plasma) and urine samples may contain only the following therapeutic medications, their metabolites or analogues, and shall not exceed the threshold concentrations specified in this rule: (8) The use of dexamethasone shall be permitted under the following conditions: Not to exceed five (5) picograms per milliliter of dexamethasone in plasma or serum.
13. The quarter horse race horse Zoom Zoom Ava was at all relevant times trained by Haffner.
14. The quarter horse race horse Zoom Zoom Ava was at all times relevant owned by Dean and Teresa Gibbs.
15. Haffner entered the aforementioned horse in the 9<sup>th</sup> Race on October 6, 2015, at Indiana Grand.
16. Zoom Zoom Ava participated in and finished 1<sup>st</sup> in the 9<sup>th</sup> Race on October 6, 2015 at Indiana Grand.
17. Pursuant to its agreement with the Commission, Industrial outsources Commission samples for cobalt testing at the University of Kentucky Veterinary Diagnostic Laboratory (“UKVDL”).
18. UKVDL analyzed blood taken from Zoom Zoom Ava and established the presence of cobalt at a level of 82.8 parts per billion and 87.4 parts per billion, which was in excess of the identified allowable threshold on October 6, 2015.
19. Split sample testing performed by Texas A&M Trace Element Research Laboratory confirmed the presence of cobalt at a level of 80 parts per billion, which was in excess of the identified allowable threshold on October 6, 2015.
20. 71 IAC 8.5-1-9(b)(3) provides: (b) Regulatory thresholds have been set for the following substances: ... (3) Cobalt—not to exceed twenty-five (25) parts per billion of cobalt in serum or plasma. A sample from a horse tested and found by the commission's primary lab to have cobalt in excess of this threshold shall be placed and remain on the veterinarian's list until the concentration of cobalt in serum or plasma has fallen below the designated threshold, or until the conclusion of the race meet. However, horses testing at a concentration of one hundred (100) parts per billion shall be placed on the veterinarian's list for a minimum of thirty (30) days.

21. The Commission's Executive Director, given Haffner's willingness to enter into this Agreement, is executing this Agreement in lieu of litigating Haffner's appeal of the Stewards' ruling No. 15598, which related to the dexamethasone finding.

22. The Commission's Executive Director, given Haffner's willingness to enter into this Agreement, is executing this Agreement in lieu of issuing an Administrative Complaint against Haffner relating to the cobalt finding.

23. Now, in full and complete resolution of any and all further administrative proceedings involving Haffner relative to the positive findings of dexamethasone in the horse Ladystarturengine after the 3<sup>rd</sup> Race on June 26, 2015 at Indiana Grand, and cobalt in the horse Zoom Zoom Ava after the ninth race on October 6, 2015, the Commission Staff and Haffner agree to the terms and conditions set forth in this Agreement.

24. Now, in full and complete resolution of any and all further administrative proceedings, sanctions, penalties and discipline involving Haffner relative to Stewards' Ruling No. 15598 and the cobalt positive referenced above, the Commission Staff and Haffner agree to the terms and conditions set forth in this Agreement.

#### AGREEMENT

NOW, THEREFORE, in consideration of the foregoing, and the promises and covenants to be performed as set forth herein, the Parties agree as follows:

25. Haffner hereby admits that Ladystarturengine did, at the time of the 3<sup>rd</sup> Race on June 26, 2015 at Indiana Grand, carry in its body dexamethasone in excess of the identified allowable threshold, which is a violation of 71 IAC 8.5-1-4.2(8).

26. Haffner agrees to withdraw his appeal of Stewards Ruling No. 15598.

27. Haffner hereby admits that Zoom Zoom Ava did, at the time of the 9<sup>th</sup> Race on October 6, 2015 at Indiana Grand, carry in its body cobalt in excess of the identified allowable threshold, which is a violation of 71 IAC 8.5-1-7(b) and 71 IAC 8.5-1-9(b)(3).

28. Haffner has acknowledged participation in and/or knowledge of violations of Article 8.5 of Title 71 of the Indiana Administrative Code, and the following races are affected:

- a. Ladystarturengine is disqualified from 1<sup>st</sup> place and is unplaced for the purposes of receiving purse money from the 3<sup>rd</sup> race on June 26, 2015 at Indiana Grand Racing and Casino.
- b. Zoom Zoom Ava is disqualified from 1<sup>st</sup> place and is unplaced for the purposes of receiving purse money from the 9<sup>th</sup> race on October 6, 2015 at Indiana Grand Racing and Casino

29. As a penalty for the referenced violation, Haffner agrees to a 75-day suspension from participating in pari-mutuel racing, with 30 days stayed pending no positive medication findings that are in violation of 71 IAC 8.5 or any other racing jurisdiction's rules throughout 2016.
30. Haffner's 45-day suspension during the Indiana Grand race meet shall be effective from May 1, 2016 to and including June 14, 2016.
31. Haffner agrees that in the event of any positive medication findings that are in violation of 71 IAC 8.5 or any other racing jurisdiction's rules, at any point in 2016, he will immediately serve the 30 days of suspension that has been stayed. The 30-day suspension is separate from any penalty that would arise from a new medication violation.
32. Haffner agrees to pay a fine of \$1,500.00 for the presence of dexamethasone in the thoroughbred horse Ladystarturengine and Haffner agrees to pay a fine of \$1,000.00 for the presence of cobalt in the quarter horse Zoom Zoom Ava.
33. Haffner shall be assessed 3 points pursuant to 71 IAC 8.5-1-7.1.
34. All transfers of Haffner-trained horses to a new trainer are subject to approval, which approval shall not be unreasonably withheld, by the Commission Staff and shall be made in accordance with 71 IAC 7.5-5-2 and 71 IAC 5.5-1-30.
35. All sales of Haffner-owned (or partially owned) horses are subject to approval, which approval shall not be unreasonably withheld, by the Commission Staff and shall be made in accordance with 71 IAC 5.5-1-2.
36. The Commission will enter a ruling consistent with this Agreement which will make clear that the sanctions set forth in Paragraphs 28, 29, 30, 31, 32, and 33 are the total sanctions for the violations referenced in this Agreement and no other sanctions, penalties, or discipline shall be assessed for said violations.
37. The Parties agree that this Agreement shall be interpreted, enforced, and governed by the laws of the State of Indiana.
38. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, fully enforceable counterpart of all purposes, but all of which constitute one and the same instrument.
39. Haffner represents that he has carefully read and reviewed the foregoing Agreement, acknowledges its contents, has had the right to consult with his own counsel, and agrees to be bound by its terms. Haffner acknowledges that he has voluntarily entered into this Agreement as of the date and year herein set forth.

IN WITNESS HEREOF, the Parties have executed this Agreement on the dates listed below.

I swear, under penalties for perjury, that the foregoing representations that have been made by me are true and correct.

3-7-16  
Date

Randy Haffner  
Randy Haffner

Witnessed and Approved:

[Signature]

ON BEHALF OF THE INDIANA HORSE RACING COMMISSION:

3/8/16  
Date

[Signature]  
Mike Smith, Executive Director

Approved as to form:

Holly Newell  
Holly Newell, Deputy General Counsel

# **Agenda Item # 4**

## Standardbred Proposed Rule Changes

### 71 IAC 3-2-9 Judge's list

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. (a) The judges shall maintain a judge's list of the horses that are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the race track that may endanger the health and safety of the participants and for the protection of the wagering public. The reasons for a horse to be placed on the judge's list and ordered to qualify shall include, but not be limited to, the following on a fast or good track:

- (1) Making a break in a qualifying race.
- (2) Making a break in a race following a qualifying race unless finishing first, second, or third. Two (2) year old non-wagering purse races for three hundred dollars (\$300) or less shall be considered a qualifying race.
- (3) Poor performance or failure to go in a qualifying time.
- (4) Poor performance in a qualifying race regardless of going in qualifying time.
- (5) Making breaks in two (2) consecutive starts unless finishing first, second, or third in one (1) of the two (2).
- (6) Being scratched sick or lame in two (2) consecutive programmings ~~or scratched sick or lame from a race following a qualifying race.~~
- (7) Scratched sick/lame in a race previous or subsequent to a break line.
- (8) Numerous bad lines in its last six (6) starts regardless of being consecutive on finishing first, second, or third.
- (9) Poor performance while competing in a race followed by a break later in that race.

(b) Horses racing at all county fair race tracks that return to pari-mutuel race tracks to compete shall be bound by the same qualifying and judge's list standards as horses racing at the Indiana pari-mutual *[sic]* tracks. Time allowances for half-mile tracks shall be set by the race secretary at the pari-mutuel track, except as indicated in the conditions of the Indiana sires stakes.

(c) Horses that are on the judge's list or are not eligible to compete due to the qualifying standards at the Indiana pari-mutuel race track may be allowed to compete in "paid in events" if they have a clean line in qualifying time in the last thirty (30) days (race date to race date) unless declared ineligible under 71 IAC 3-2-9(g) or 71 IAC 3-2-9(h) [subsections (g) and (h)].

(d) Horses allowed to race in a "paid in event" under 71 IAC 3-2-9(c) [subsection (c)] that fail to show a clean line or go in qualifying time in that event shall be placed on the judge's list and show a successful qualifying race prior to competing in another "paid in event".

(e) The judges may place a horse on the judge's list when there exists a question as to the exact identification, ownership, or trainer of a horse.

(f) A horse may not be released from the judge's list without permission of the judges.

(g) Qualifying standards shall not be waived for non-Indiana late closers, Indiana sire stakes finals, late closer finals, and all "paid in events" if there exist [sic, exists] a compromise with the health and safety of the participants in those races.

(h) Horses that are placed on the vets or judge's list as sick, lame, or injured for a specified number of days, which includes the race date or are required to qualify before racing by the vet or starter, shall not be eligible to race under rule 71 IAC 3-2-9(c)

#### 71 IAC 3-9-3 Timing races

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) In every race, the time of each heat shall be accurately recorded by two (2) timers or an approved electrical timing device, in which case, there shall be one (1) timer.

(b) Times of heats shall be recorded in ~~minutes, seconds, and fifths of a second~~ a manner consistent with the rules and regulations as adopted by United States Trotting Association (USTA) in 2014 and any other subsequent revision effective after said date, which is incorporated by reference herein, copies of which are available at the commission office.

(c) Immediately following each heat, the elapsed time of the heat shall be publicly announced or posted on the totalizator board.

(d) No unofficial timing shall be announced, posted, or entered into the official record.



**71 IAC 4-4-10 "In Today" program**

Authority: IC 4-31-3-9; IC 4-31-12-1; IC 4-31-13-4

Affected: IC 4-31

Sec. 10. (a) The association shall, along with the assistance of the trainer or his or her licensed designee, identify each horse ~~prior to 10:00 a.m.~~ on the day of the scheduled race.

(b) The association shall provide security personnel to patrol the stable area on race day in order to deter violations of commission rules, to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interests of the public.

(c) The association shall establish track rules for the implementation of the "In Today" program that shall be subject to the approval of the commission or its executive director. *(Indiana Horse Racing Commission; 71 IAC 4-4-10; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2210; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3032; emergency rule filed Mar 20, 2007, 1:43 p.m.: 20070404-IR-071070198ERA, eff Mar 16, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

**71 IAC 7-1-28 Qualifying races**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 28. Declarations for qualifying races shall be governed by the following:

- (1) A horse that has not raced previously at the gait chosen must go a qualifying race under the supervision of the judges and acquire at least one (1) charted line within the qualifying standards of the track.
- (2) A horse that does not show a charted line within its last six (6) starts must go a qualifying race within the time standards of the track.
- (3) Horses racing with or without pacing or trotting hoppers for the first time must qualify.
- (4) When a horse is used for the sole purpose of qualifying a driver, that horse must go in qualifying time or be placed on the list to requalify, and the race must be charted.

(5) If a horse takes a win record in a qualifying race, that record must be prefaced with a "Q". The record will not be considered official unless the horse is post-race tested (urine and blood).

~~(6) If a qualified horse is entered in a qualifier, that qualifier will not be considered if the horse fails to qualify. Only one (1) such failed qualifier will be permitted.~~

(7) In a qualifying race, if a horse has verifiable interference that results in a break or failure to go in qualifying time, the horse shall be qualified if it races within two (2) seconds of the allowable time.

(8) Under 71 IAC 7-1-28(7) [subdivision (7)], no consideration will be given for drivers not finishing the qualifier in competitive fractions, carelessness, or for broken equipment.

#### 71 IAC 7-3-7 Driving rules

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 7. (a) Although a leading horse is entitled to any part of the track, neither the driver of the first horse or any other driver in the race shall do any of the following, which shall be considered a violation of driving rules:

(1) Change either to the right or left during any part of the race when another horse is so near that in altering the position the horse behind is compelled to shorten its stride or the driver of the horse behind is forced to pull the horse out of its stride.

(2) Jostle, strike, hook wheels, or interfere with another horse or driver.

(3) Cross sharply in front of a horse or cross over in front of a field of horses in a reckless manner, endangering other drivers.

(4) Swerve in and out or pull up quickly.

(5) Crowd a horse or driver by putting a wheel under the horse or driver.

(6) Carry a horse out.

(7) Sit down in front of a horse or take up abruptly in front of other horses so as to cause confusion or interference among trailing horses.

(8) Let a horse pass inside or outside needlessly or otherwise help another horse to improve its

position in the race.

(9) Commit any act which shall impede the progress of another horse or cause it to break.

(10) Change course after selecting a position in the homestretch, swerve in and out, or bear in and out in such a manner as to interfere with another horse or cause it to break.

(11) Drive in a careless or reckless manner.

(12) Maintaining a position of half in and half out.

(13) Lay off a normal pace and leave a hole when it is well within a horse's capacity to keep the hole closed when there is no strategic reason to do so.

(14) If any of the violations in this subsection is committed by a person driving a horse coupled as an entry in the betting, the judges shall set both horses back if, in their opinion, the violation helped improve the entry's finishing position. Otherwise, penalties may be applied individually to the drivers of any entry.

**(15) Drivers must set and maintain a pace comparable to the class in which the driver is racing or the horse's abilities.**

(b) All complaints by drivers of any foul driving or other misconduct during the heat must be made at the termination of the heat, unless the driver is prevented from doing so by an accident or injury. Any driver desiring to enter a claim of foul or other complaint of violation of this section must, before dismounting, indicate to the judges or patrol judge his or her desire to enter such claim or complaint and forthwith upon dismounting shall proceed to the telephone or judges' stand where and when such claim, objection, or complaint shall be immediately entered. The judges shall not cause the official sign to be displayed until such claim, objection, or complaint has been entered and considered.

(c) In case of interference, collision, or violation of any of the restrictions in subsections (a) and (b), the offending horse may be placed back one (1) or more positions in that heat or dash. In the event such collision or interference prevents any horse from finishing the heat or dash, the offending horse may be disqualified from receiving any winnings and the driver shall be fined, suspended, or both. In the event a horse is set back under this subsection, it must be placed behind the horse with whom it interfered. An interference that occurs to a horse(s) not in contention that did not affect the outcome of a race to that horse or any other horse as it applies to purse money won may not be grounds for a disqualification. Although, the driver causing the interference may still be penalized.

(d) If there be any purse money for which horses have started but were unable to finish due to interference and/or an accident, all unoffending horses who did not finish will share equally in such purse money.

(e) A driver shall not:

(1) fail to display competitive urging or cease driving while in contention in the home stretch;

(2) race in an inconsistent manner;

(3) drive in an unsatisfactory manner due to lack of effort;

(4) drive in an unsatisfactory manner due to carelessness; or

(5) drive in such a manner as to have the horse remain classified or eligible to the same or easier conditions.

(f) If the judges determine that any of the above actions were such that they compromised the integrity of racing or were to aid or perpetrate a fraud, then the licensee may be summarily suspended pending a judges hearing.

(g) Anyone acting in concert with the driver to so effect the outcome of the race or races may be summarily suspended pending a judges hearing.

#### **71 IAC 7-3-13 Whip restriction**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 13. (a) In all pari-mutuel and qualifying races drivers will be allowed whips not to exceed four (4) feet plus a snapper not longer than six (6) inches. Drivers must have control of their horses at all times and handholds must be adjusted so as to be taut with the elbows in front of the chest.

(b) Whipping action shall be limited to wrist action with minimal elbow movement.

(c) The whip may strike above and between the shafts only. Whipping below the shaft in the stifle area may result in disqualification.

(d) The following actions shall be considered as excessive and/or indiscriminate:

(1) Whipping of a horse during post parade or after the finish.

(2) Continuous use of the whip.

(3) Striking any part of the whip under the tail or between the legs.

(4) Whipping a horse not advancing through the field.

(5) Causing visible injury.

(6) The use of any sharp object or stimulating device.

(7) Any part of the whip may not be used for jabbing.

(e) Drivers shall keep a line in each hand from the start of the race until the ~~top of the homestretch~~  
~~finishing the race~~ **finish of the race.**

(f) Violation of any of these rules may result in a fine and/or suspension or commission referral.

**71 IAC 7-3-22 Driver must be seated**

Authority: IC 4-31-3-9

Affected: IC 4-31

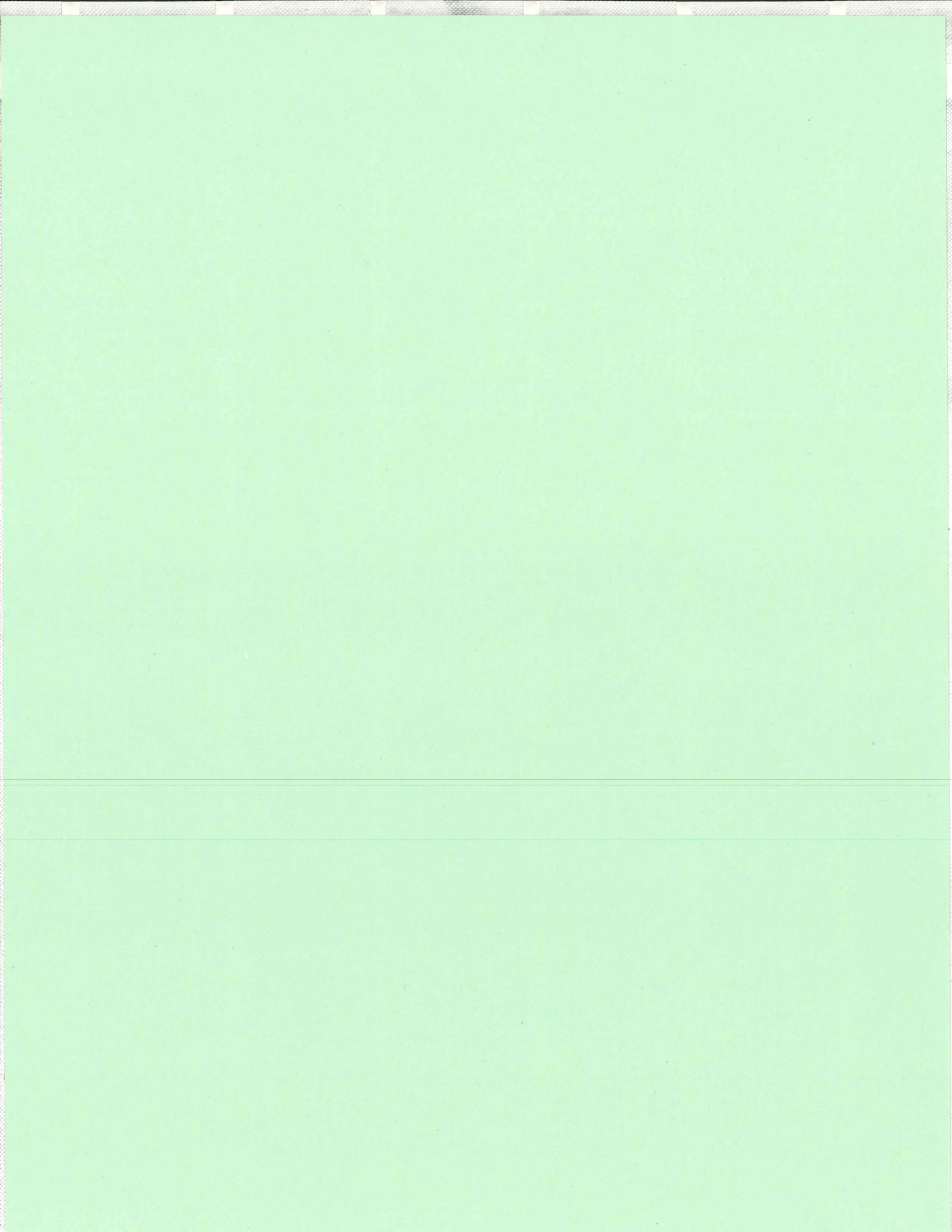
Sec. 22. A driver must ~~be seated in his or her sulky at~~ **remain within the confines of the bike from the start of the race until** the finish of the race or the horse will be placed as not finishing.

**71 IAC 7-3-24 Horse falls on track**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 24. Should any horse in the current program fall or get loose on the track or be involved in an accident of any kind after starting to warm up, that horse will only be permitted to start after examination and approval by the racing veterinarian **and judges.** ~~Should any horse fall or get loose during the post parade or during the time elapsed before the word "go" is given, the horse shall be scratched by the judges and a refund ordered of all wagers on the horse.~~



**Pitman, Deena**

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**From:** John Kieninger [jack-jeri@rtcol.com]  
**Sent:** Friday, March 04, 2016 11:23 AM  
**To:** Pitman, Deena  
**Subject:** RE: Industry comment re: Judge's 2016 proposed rules

\*\*\*\* This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\*\*

Dear Deena

In response to your request for feedback the ISA is in full support of the judges recommend rule changes.

Thank you for the opportunity to comment.

Jack Kieninger

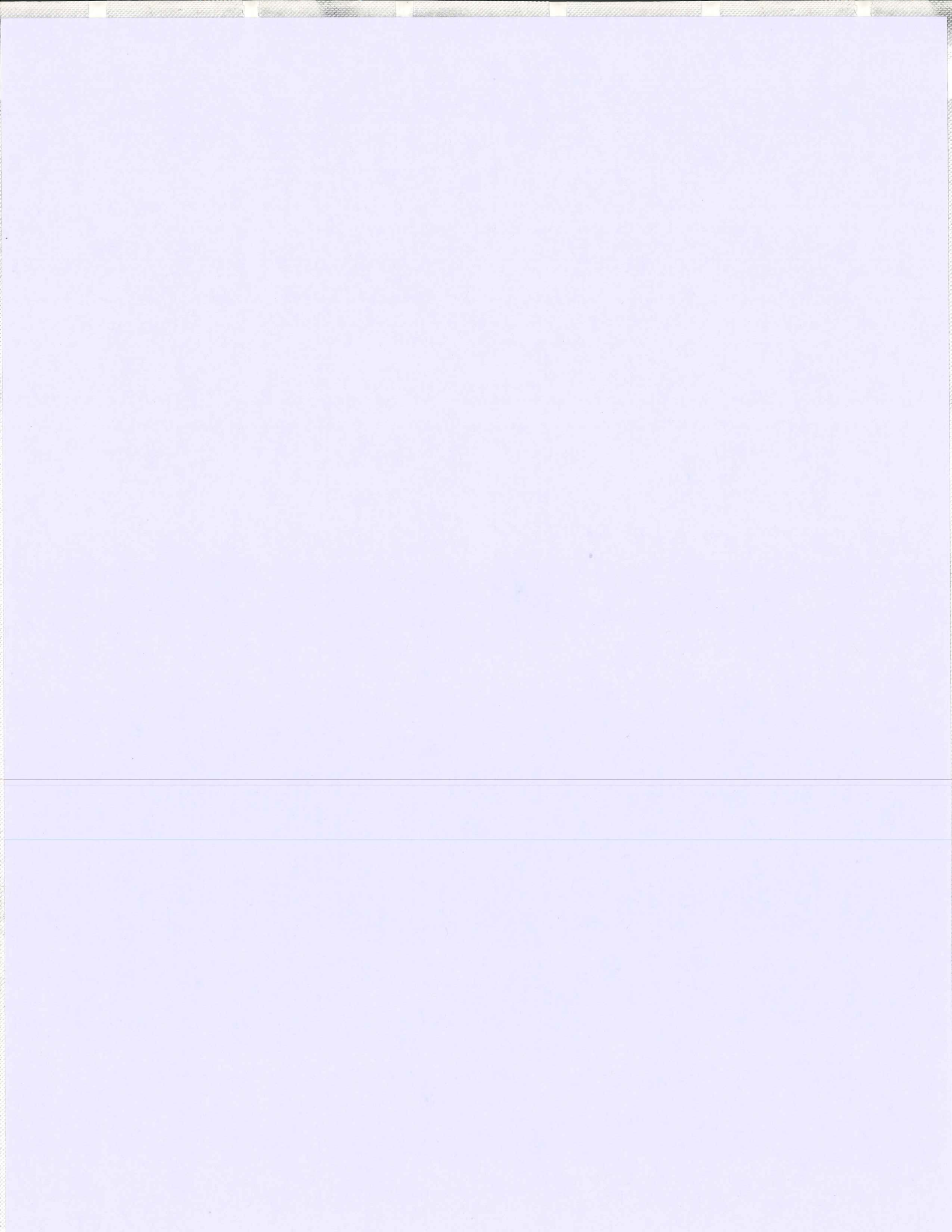
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**From:** Pitman, Deena [mailto:dpitman@hrc.IN.gov]  
**Sent:** Friday, February 26, 2016 3:02 PM  
**To:** IN Standardbred Association; jack-jeri@rtcol.com  
**Subject:** Industry comment re: Judge's 2016 proposed rules  
**Importance:** High

Dear Jack, attached are recommended rules submitted by the Hoosier Park Judges for 2016.

I am asking that you in your capacity of President and any others you wish to designate, please review the attached rules and submit comments & or concerns to my attention by Friday, March 4<sup>th</sup>.

Your feedback is very much appreciated. Thank you in advance for your time. ~Deena





## Thoroughbred/Quarter Horse Proposed Rule Changes

### 71 IAC 4.5-4-10 "In Today" program

Authority: IC 4-31-3-9; IC 4-31-12-1; IC 4-31-13-4

Affected: IC 4-31

Sec. 10. (a) The association shall, along with the assistance of the trainer or his or her licensed designee, identify each horse ~~prior to 10:00 a.m.~~ on the day of the scheduled race.

(b) The association shall provide security personnel to patrol the stable area on race day in order to deter violations of commission rules, to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interests of the public.

(c) The association shall establish track rules for the implementation of the "In Today" program that shall be subject to the approval of the commission or its executive director. (*Indiana Horse Racing Commission; 71 IAC 4.5-4-10; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2210; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3033; emergency rule filed Mar 20, 2007, 1:43 p.m.: 20070404-IR-071070198ERA, eff Mar 16, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

### 71 IAC 6.5-1-4 Prohibitions (Claiming of Horses)

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. (a) A person shall not claim a horse in which the person has a financial or beneficial interest as an owner or trainer.

(b) A person shall not cause another person to claim a horse for the purpose of obtaining or retaining an undisclosed financial or beneficial interest in the horse.

(c) A person shall not enter into an agreement for the purpose of preventing another person from obtaining a horse in a claiming race.

(d) A person shall not claim a horse, or enter into any agreement to have a horse claimed, on behalf of an ineligible or undisclosed person.

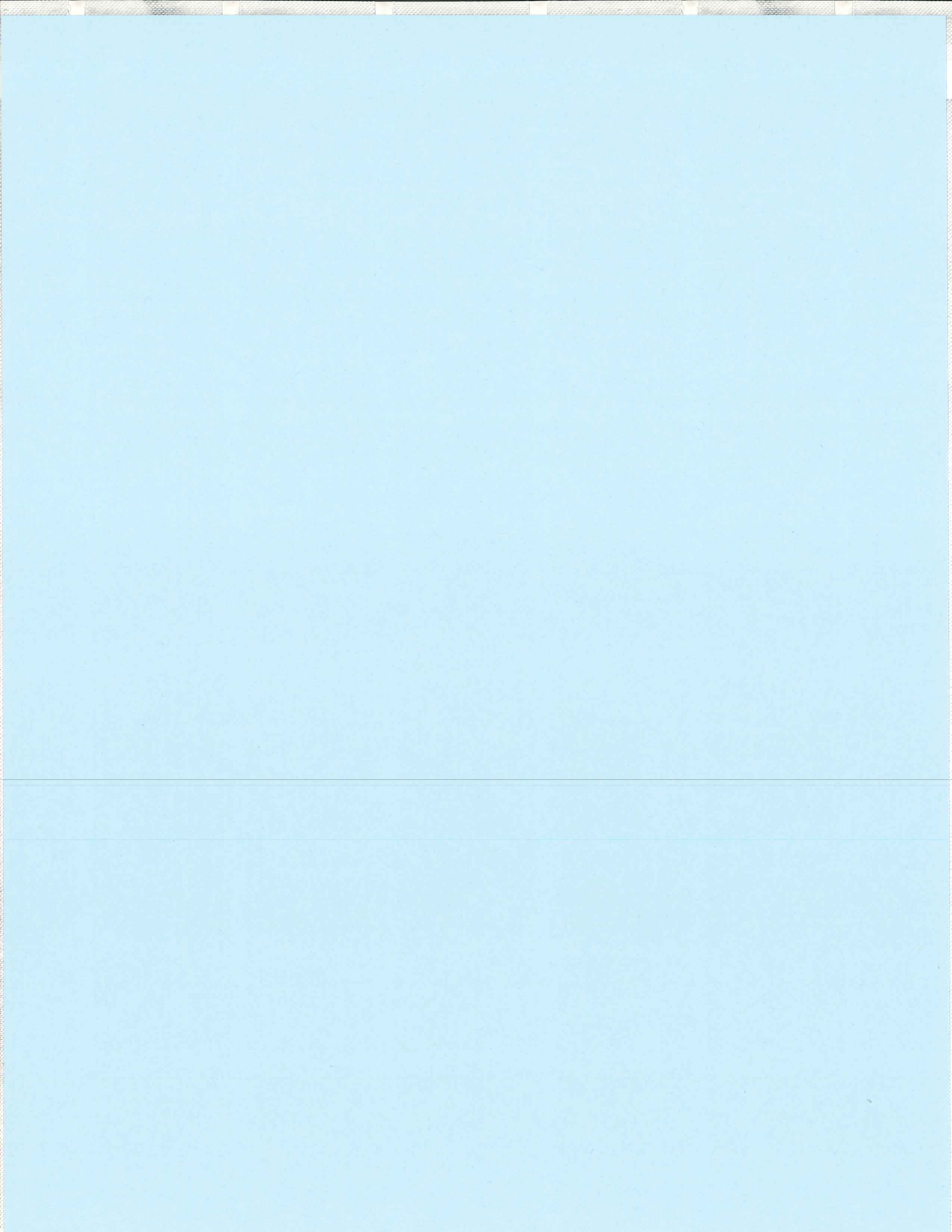
(e) A person shall not file a claim more than one (1) horse in a race or file more than one (1) claim for the same horse. However, owners utilizing the same trainer may claim different horses from the same race.

(f) A person shall not claim more than one (1) horse in a race. However, owners utilizing the same trainer may claim different horses from the same race.

(g) The association shall ensure the claim box is locked. The association shall unlock the claim box only after the deadline for claiming a horse has passed.

(h) For a period of thirty (30) days after a claim, a horse shall not start in a race in which the determining eligibility price is less than the price at which it was claimed. The day claimed shall not count for purposes of counting the applicable thirty (30) day period, and for this purpose the immediate following calendar day after the day claimed shall be the first day. The horse shall be entitled to enter whenever necessary so that the horse may start on the thirty-first calendar day following the claim for any claiming price.

(i) ~~The enforcement of regulations prohibiting a horse claimed in another state from racing in Indiana shall be the responsibility of the jurisdiction in which the horse was claimed. No horse claimed out of a claiming race shall race outside of the state of Indiana for a period of sixty (60) days without the permission of the Stewards and racing secretary, or until the conclusion of the race meet.~~ *(Indiana Horse Racing Commission; 71 IAC 6.5-1-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2862, eff Jul 1, 1995; emergency rule filed June 8, 1999, 9:30 a.m.: 22 IR 3121, eff May 26, 1999 [NOTE: IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2780; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Aug 20, 2002, 3:00 p.m.: 26 IR 55; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 12, 2008, 1:53 p.m.: 20080326-IR-071080191ERA, eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Apr 30, 2010, 1:34 p.m.: 20100505-IR-071100256ERA; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*



## Proposed Rule Changes – All Breeds

### 71 IAC 9-1-13 Pools dependent on betting interests

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 13. (a) Unless the commission otherwise provides, one-half (½) hour prior to post time for the first race, the association:

(1) may offer win, place, and show wagering on all contests with six (6) or more betting interests;

(2) may be allowed to prohibit show wagering on any contest with five (5) or fewer betting interests scheduled to start;

(3) may be allowed to prohibit place wagering on any contest with four (4) or fewer betting interests scheduled to start;

(4) may be allowed to prohibit quinella wagering on any contest with three (3) or fewer betting interests scheduled to start;

(5) may be allowed to prohibit quinella double wagering on any contests with three (3) or fewer betting interests scheduled to start;

(6) may be allowed to prohibit exacta wagering on any contest with three (3) or fewer betting interests scheduled to start;

(7) shall prohibit trifecta wagering on any contest with five (5) or fewer betting interests scheduled to start;

(8) may be allowed to prohibit twin quinella wagering on any contests with three (3) or fewer betting interests scheduled to start;

(9) shall prohibit twin trifecta wagering on any contests with five (5) or fewer betting interests scheduled to start;

(10) shall prohibit superfecta wagering on any contest with six (6) or fewer betting interests to start;

(11) shall prohibit pentafecta wagering on any contest with seven (7) or fewer betting interests; and

(12) may be allowed to prohibit odd-even wagering on any contest with four (4) or fewer betting interests.

(b) Notwithstanding subsection (a), the timing of advance performance wagering shall be governed by 71 IAC 9-1-5 [section 5 of this rule]. (Indiana)

SECTION 1. 71 IAC 9-1-13 IS ADDED TO READ AS FOLLOWS:

**71 IAC 9-4-17 Pentafecta wagering**

**Authority: IC 4-31-3-9**

**Affected: IC 4-31**

**Sec. 17 (a) The pentafecta wager requires selection of the first five finishers, in their exact order, for a single contest.**

**(b) Winnings shall be distributed as follows:**

**(1) The net pentafecta pool shall be distributed to winning wagers in the following order, based on the official order of finish:**

**(A) As a single price pool, including any applicable carryover, to those whose combination finished in correct sequence as the first five betting interests.**

**(B) If there are no wagers as outlined in (A), then the entire net pool shall be retained and added to a corresponding carryover pool into the next designated pentafecta race.**

**(C) If the contest race is cancelled, declared no contest, or the Pentafecta is cancelled, all Pentafecta wagers will be refunded for that contest and any carryover from previous contests will be carried over to the next contest.**

**(D) If any betting interest is scratched or officially withdrawn, all Pentafecta wagers with the scratched betting interest shall be refunded and deducted from the Pentafecta pool.**

**(2) On the last pentafecta race on the final day of the meeting, the net pool, including any applicable carryover shall be distributed to**

winning wagers in the following order, based upon the official order of finish:

(A) As a single price pool to those whose combination finished in correct sequence as the first five betting interests;

(B) If there are no wagers as described in (A), then as a single price pool to those whose combination finished in correct sequence as the first four betting interests;

(C) If there are no wagers as described in (A) or (B), then as a single price pool to those whose combination included, in correct sequence, the first three betting interests;

(D) If there are no wagers as described in (A), (B), or (C), then as a single price pool to those whose combination included, in correct sequence, the first two betting interests;

(E) If there are no wagers as described in (A), (B), (C), or (D), then as a single price pool to those whose combination correctly selected the first-place betting interest only;

(F) If there are no wagers as described in (A), (B), (C), (D), or (E), then the entire pool shall be refunded on Pentafecta wagers for that contest and any carry over from previous contests will be carried over to the next contest of the subsequent race meet.

(c) If for any reason the Pentafecta carryover must be held over to the corresponding Pentafecta pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Commission and maintained by the permit holder. The Pentafecta carryover plus accrued interest shall then be added to the net Pentafecta pool of the following meet on a date and performance so designated by the Commission.

(d) If fewer than five betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection on any ticket beyond the number of betting interests completing the contest shall be ignored. If the pools are being distributed under subsection (b)(1)(A) any previous Pentafecta contest's carryover will not be included in the payoff and will be retained for the next contest's carryover. This contest's net Pentafecta pool will be distributed using the method described in subsection (b)(1)(A).

(e) If there is a dead heat in any finishing position, all wagers selecting either of the dead heated positions with the correct non-dead heated positions shall be winners and share in the single prize.

(f) In the event that more than one component of a coupled entry or mutuel field finishes within the first five positions, the first member of the coupled entry or mutuel field to finish shall determine the position of the single betting interest. The net pool shall be distributed to those whose selection included the coupled entry or mutuel field and each of the other four betting interests.