

**In the Matter Of:**

*INDIANA HORSE RACING COMMISSION MEETING*

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**IHRC Meeting**

*January 13, 2016*

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INDIANA HORSE RACING COMMISSION  
MEETING

HELD ON

JANUARY 13, 2016

9:00 A.M.

AT

INDIANA STATE LIBRARY

315 W. OHIO STREET

INDIANAPOLIS, INDIANA

TAKEN BY:

ROBIN P. MARTZ, RPR

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APPEARANCES

Thomas Weatherwax, Chairman  
Greg Schenkel  
George Pillow  
  
Deena Pitman, Interim Executive Director  
  
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 WEATHERWAX: Welcome to our Indiana  
2 Horse Racing Commission meeting without microphones  
3 or any loud speakers. Why don't you just kind of  
4 come up forward a little bit in case you want to be  
5 a little closer to hear. I was being a little  
6 facetious. If I could conduct and start the  
7 meeting right now.

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

10           CHAIRMAN WEATHERWAX: So we have Chairman  
11 McCarty that could not join us. Commissioner, I  
12 should say, not Chairman. But Commissioner Bill  
13 McCarty and Susie Lightle could not be here. We  
14 have George Pillow, Greg Schenkel, and myself. We  
15 have a quorum.

16           I would ask my commissioners if they would  
17 please review or give me a vote on the minutes.

18           COMMISSIONER SCHENKEL: I move approval.

19           COMMISSIONER PILLOW: Second.

20           CHAIRMAN WEATHERWAX: All those in favor say  
21 "aye."

22           THE COMMISSION: "Aye."

23           CHAIRMAN WEATHERWAX: Next, we have something  
24 that I think could be very interesting. And you  
25 see it on the docket. It's called the passing lane

1 for Standardbred racing. This was a proposal that  
2 came to us by several people, mainly Centaur, but  
3 we've had input. I would like to hear your input.  
4 We have our judges with us today.

5 So I think, Brian, is this for you? Please go  
6 ahead with your presentation.

7 RICK MOORE: Rick Moore, vice-president and  
8 general manager of racing at Hoosier Park. We've  
9 put together a presentation. I'm not necessarily  
10 going to go through this booklet today, but there  
11 is a decent amount of information in it.

12 We look at the passing lane as the next  
13 evolution of the competitive racing that takes  
14 place at Hoosier Park on a nightly basis. And if  
15 you think of the passing lane, think about another  
16 lane on the interstate, which would have come in  
17 quite handy this morning.

18 But what it does, it provides another avenue,  
19 if you would, for horses to pass. Now horses have  
20 to try to go to the inside or the outside, but this  
21 will actually create another lane in the stretch.  
22 It will not come into play until the final stretch.  
23 It does not come into play during the start of the  
24 race.

25 And it will start at the start pole. So it

1 will be an eighth of a mile. Again, think of it as  
2 another lane that the horsemen will have the  
3 opportunity to move to during the stretch, an  
4 eighth of a mile. Obviously, it's 660 feet. So  
5 quite a long ways.

6 We think it will create even more competitive  
7 racing. It will give horsemen the opportunity to  
8 not only go to the outside but go to the inside.

9 I always look at things from the bettor's  
10 point of view. They're the ones we put on the show  
11 for. Even with the long stretch that Hoosier Park  
12 has, and we have one of the longest stretches in  
13 harness racing, there are still times when a horse  
14 gets boxed in.

15 The most frustrating thing for a bettor is to  
16 feel like he didn't get the opportunity for his  
17 horse to go for the win or even to be part of the  
18 exacta, trifecta, superfecta. We think now that  
19 argument is minimized because now horses will have  
20 the opportunity to go to the inside, go to the  
21 outside.

22 We believe there will be more blanket  
23 finishes. We believe the competition will increase  
24 even more. I think a bettor, while his horse may  
25 not be the best, if that horse at least has the

1 opportunity to compete for the win or compete for  
2 the top three or four spots, I think he can  
3 honestly say, all right, at least I got a run for  
4 my money.

5 We are very, very excited about the passing  
6 lane. We hope, you know, weather permitting, we  
7 hope to have it in operation, obviously, based on  
8 the approval of the Commission, but we would like,  
9 if you approve, we would like to have it for the  
10 start of the meet. It depends on the weather.

11 It will be constructed under the guidance of  
12 our new track superintendent Gary Wolf from the  
13 Meadowlands and also the nationally renowned track  
14 consultants from Coon and Sons Incorporated, Greg  
15 Coon and Dan Coon. So we will have the best minds  
16 in the business putting this passing lane in play.

17 COMMISSIONER PILLOW: I have a question. What  
18 was it before? Maybe I need to back up a little  
19 bit on this passing lane.

20 RICK MOORE: If you think about where it was,  
21 you had your stretch. You had the pylons that  
22 outlined the stretch. Those pylons now, the  
23 current stretch, when you get to the start pole,  
24 those pylons will now be, indented might be the  
25 wrong word. But they will be phased inward at a

1 minimum of seven feet, and, hopefully, maybe even  
2 more than seven feet.

3 So it will just be if you think about maybe  
4 driving on the shoulder of the road or think about  
5 driving down the road and another avenue opens up  
6 to you, that's exactly what the passing lane will  
7 be.

8 COMMISSIONER PILLOW: Oh, okay.

9 CHAIRMAN WEATHERWAX: It starts at the seven  
10 eighth.

11 RICK MOORE: It starts at the eight pole,  
12 which is the start pole, so eighth of a mile, which  
13 if you think about it, longer than two football  
14 fields. So the horsemen should have ample time to  
15 decide when they want to make that move to the  
16 inside. It might even be as they get very close to  
17 the finish line.

18 CHAIRMAN WEATHERWAX: But it starts at the  
19 seven-eighth pole, doesn't it, around number four?

20 RICK MOORE: You can look at it as the  
21 seven-eighth pole.

22 CHAIRMAN WEATHERWAX: I'm thinking the way the  
23 race runs.

24 RICK MOORE: You are correct.

25 CHAIRMAN WEATHERWAX: George, the beauty here

1 is we hear complaints on the pick of the slots.  
2 Seven, eight, nine, ten are not what people want to  
3 draw. This takes away that argument. And it  
4 almost makes it an interesting argument because now  
5 it's almost equal chance opportunity for every slot  
6 on the race, and you want to race that way.

7 COMMISSIONER SCHENKEL: In your handout, it  
8 looks very similar, it would be very similar to  
9 Balmoral.

10 RICK MOORE: Identical.

11 COMMISSIONER SCHENKEL: That's the one in  
12 looking through this.

13 RICK MOORE: It's identical. Chairman  
14 Weatherwax, you voiced it better than I could.

15 COMMISSIONER SCHENKEL: One question, Rick,  
16 that I've got, and maybe this is a question for the  
17 judges. Obviously, there is still the possibility  
18 that somebody goes into that lane and attempts to  
19 block in some way.

20 RICK MOORE: That's a great question.

21 COMMISSIONER SCHENKEL: How's that going to be  
22 dealt with or is that on the judges?

23 RICK MOORE: That will be up to the judges.  
24 Interestingly enough, say, you're in the lead, you  
25 cannot move into that passing lane. The judges can

1 speak to it better than me. You cannot move into  
2 that passing lane in an attempt to block.

3 COMMISSIONER SCHENKEL: Block somebody who's  
4 coming up.

5 RICK MOORE: Exactly. You have to retain your  
6 course.

7 COMMISSIONER SCHENKEL: If you're the lead  
8 horse, you stay where are you.

9 RICK MOORE: That's correct.

10 COMMISSIONER SCHENKEL: But if you're second,  
11 then you can go into that lane.

12 RICK MOORE: Correct.

13 COMMISSIONER SCHENKEL: Okay. That helps me.

14 CHAIRMAN WEATHERWAX: That's something I  
15 didn't understand because the judges look at that.  
16 You have to race a straight line.

17 COMMISSIONER SCHENKEL: I didn't want it to be  
18 the typical semi driving in the left lane in the  
19 interstate that blocks everybody.

20 CHAIRMAN WEATHERWAX: It's not like NASCAR.

21 RICK MOORE: That's a great question and  
22 great. I should also mention, we did this with  
23 consultations with the horsemen's group Indiana  
24 Standardbred Association. We spoke with President  
25 Kieninger, members of his association. I believe

1 they are -- I'm not going to speak for Jack, but I  
2 believe they are here to support the passing lane  
3 as well.

4 CHAIRMAN WEATHERWAX: Very good.

5 COMMISSIONER SCHENKEL: That answers my  
6 question.

7 CHAIRMAN WEATHERWAX: We don't have a list of  
8 people that wish to speak.

9 DEENA PITMAN: You can ask Jack.

10 CHAIRMAN WEATHERWAX: Jack, do you have a  
11 comment on this?

12 MS. ELLINGWOOD: The judges are here too.

13 CHAIRMAN WEATHERWAX: The judges, I want to  
14 hear from them too.

15 JACK KIENINGER: My name is Jack Kieninger.  
16 I'm president of the Indiana Standardbred  
17 Association. We've actually had several meetings  
18 on the passing lane. This was brought up a couple  
19 years ago. And some of the horsemen are in favor  
20 of it. Some of them aren't because the old time  
21 drivers, you know, they like to box people in and  
22 all that kind of stuff.

23 The fact of the matter is it does help the  
24 betting. It is more fair to the outside horses.  
25 You have a better shot if you draw outside the six

1 hole, you don't have to leave that gate a hundred  
2 miles an hour. You can actually -- it's going to  
3 change the strategy of the racing. I think the  
4 racing will be better. I think they will be  
5 closer.

6 We voted at our board meeting Monday. It was  
7 a unanimous vote in favor of the passing lane.

8 CHAIRMAN WEATHERWAX: It was unanimous?

9 JACK KIENINGER: Unanimous. So everybody's on  
10 board with it.

11 COMMISSIONER SCHENKEL: I talked to an  
12 owner-breeder who said if Centaur thinks this is a  
13 good deal and it will improve racing, then I'm for  
14 it. He was very noncommittal about it but said if  
15 it's good for racing, it's good for him.

16 CHAIRMAN WEATHERWAX: Brian.

17 BRIAN ELMORE: Brian Elmore, vice-president of  
18 racing Centaur. In addition to that, this is just  
19 a part of Centaur's commitment in preparation of  
20 the Breeders Crown races in 2017. We think that  
21 adding this passing lane, and we have it in the  
22 budget this year to put in all new high definition  
23 television cameras all around the track, which will  
24 improve the signal and quality coming across the  
25 TVs dramatically. That will be about a

1 \$1.2 million spend. This is all part of the  
2 program getting ready as we partner with the ISA  
3 for the Breeders Crown races in 2017.

4 DEENA PITMAN: Brian, you're also putting in  
5 the higher def for video feedback for the judges.

6 BRIAN ELMORE: Yes, everything outside will be  
7 high def.

8 CHAIRMAN WEATHERWAX: What do you estimate,  
9 Brian, the cost of the passing lane will be? Is  
10 that separate than the high def cameras?

11 BRIAN ELMORE: Yes, that will be about 150 to  
12 200,000, somewhere in that range.

13 CHAIRMAN WEATHERWAX: So you have to put a  
14 surface down there that's like a racing quality  
15 surface.

16 BRIAN ELMORE: Absolutely. It will be  
17 consistent with the whole track.

18 COMMISSIONER SCHENKEL: Brian or Rick, the  
19 other question I had was when we talked out there I  
20 heard some conversation about this before, that's  
21 about the size of it. The way you have worded this  
22 it says at least seven feet wide and not more than  
23 ten. So you feel that gives you enough leeway so  
24 if you find seven feet isn't enough, you can move  
25 it.

1 BRIAN ELMORE: Yes.

2 COMMISSIONER SCHENKEL: You don't think it  
3 needs to be more than ten?

4 BRIAN ELMORE: No, absolutely not. It needs  
5 to be a little bit more than the width of the bike.

6 COMMISSIONER SCHENKEL: You don't want to say  
7 it shall be five feet and find out it's not  
8 practical.

9 BRIAN ELMORE: Yes, sir.

10 COMMISSIONER SCHENKEL: So you give yourself  
11 some wiggle room.

12 BRIAN ELMORE: Yes, sir.

13 CHAIRMAN WEATHERWAX: Mike Hall, do you guys  
14 want to have some input? You are the guys that  
15 have to judge it.

16 MIKE HALL: Here's the -- I've worked at a lot  
17 of tracks with passing lanes, and they're not  
18 really a problem for the judges. It will cause a  
19 few inquiries and disqualifications because of  
20 something that you mentioned earlier. If someone  
21 goes in there and blocks a horse.

22 Say the guy that's sitting second is five  
23 lengths behind the leader, well, he doesn't need to  
24 go in there. The guy behind him might be right on  
25 his back, and he might want to use that lane to

1 pass him. We'll have a few issues, but it's  
2 nothing that can't be handled.

3 Everyone is in agreement right now. What  
4 you'll hear in the future is somebody will call up  
5 complaining why did they put that passing lane in.  
6 I'll tell you why they're going to say that. It's  
7 because they had a horse locked in behind him and  
8 the horse got out of there. The guy that gets free  
9 is going to be happy, and the guy that gets beat  
10 because of it's not. It's just a part of racing.

11 As far as the width of it goes, they first  
12 proposed, like, six feet. I was talking to the  
13 trackman. A little bit wider is better because  
14 they need a little bit of wiggle room. When you're  
15 driving a horse, you can't go exactly straight.

16 RICK MOORE: We hear that.

17 MIKE HALL: As far as we're concerned, there  
18 won't be any problem. There will be some  
19 complaints, like I said. I would say probably more  
20 tracks have it than don't have it.

21 COMMISSIONER SCHENKEL: So you don't know of  
22 any problems that have existed because of the  
23 passing lane, other than the typical complaint.

24 MIKE HALL: The biggest problem we'll probably  
25 have is guys get anxious to get in there. They go

1 inside the pylon that starts it. We don't allow  
2 that because that's giving unfair advantage of  
3 getting in there before it starts. If they go  
4 inside the pylon, it gives them an advantage, and  
5 the finish is real close, they win by half a nose,  
6 we'll have to have an inquiry to look at that.  
7 Every case will be different.

8 It's not going to be -- the length of the  
9 stretch is so long, I'm wondering by the time they  
10 get to the eighth, the last eighth, usually the  
11 horse that was on the front has drifted out a  
12 little bit. So I'm thinking the second and the  
13 third horse will be probably finding room up the  
14 inside too. So it should really make it less  
15 problems in the stretch for us and for the drivers.

16 CHAIRMAN WEATHERWAX: Because I've been up  
17 there where you guys are trying to watch all the  
18 cameras, but when you get to the seven-eighth  
19 marker, you have cameras that can tell this guy's  
20 going this way or right or left.

21 MIKE HALL: Yeah, we'll look at the head-on  
22 short for that, but we'll get together with the  
23 trackman. And what we'll have them do is right  
24 before the passing lane starts, like, put three  
25 pylons really close together so the drivers will be

1 able to see that better and maybe even a little  
2 taller or a different color. Because the biggest  
3 problem is drivers sometimes go in a little bit  
4 early.

5 As far as seeing it on the cameras, when they  
6 get the new cameras in, and then next year when  
7 they put in all new lights, it's going to be  
8 tremendous. Oh, I didn't say that.

9 COMMISSIONER PILLOW: Mike, how long do you  
10 think it will take the drivers to get acclimated to  
11 this or do they race like this at other tracks?

12 MIKE HALL: Yeah, they'll be used to it.  
13 Like, the tracks in Illinois have it. The tracks  
14 in Ohio have it and New York. Most places, I would  
15 say more than not have it.

16 CHAIRMAN WEATHERWAX: Very good. Anyone else  
17 like to have a comment either pro or con? We have  
18 heard the discussion, Commissioners.

19 COMMISSIONER SCHENKEL: I move acceptance for  
20 approval of this proposal.

21 COMMISSIONER PILLOW: Second.

22 CHAIRMAN WEATHERWAX: We have a motion and a  
23 second. All those in favor say "aye."

24 THE COMMISSION: "Aye."

25 MS. ELLINGWOOD: Mr. Chairman, I just wanted

1 to make sure the record reflects that this is an  
2 emergency rule. And it's appropriate to be an  
3 emergency rule because it fits under the timeliness  
4 exception.

5 CHAIRMAN WEATHERWAX: This is an emergency  
6 rule so we can move on that for the season because,  
7 otherwise, we couldn't do it. Good point.

8 RICK MOORE: Thank you, Commissioners.

9 COMMISSIONER SCHENKEL: Good luck.

10 CHAIRMAN WEATHERWAX: Jessica, are you going  
11 to do all three?

12 JESSICA BARNES: I am. Good morning. Mike  
13 Gross, our chairman of Quarter Horse Breed  
14 Development is tied up in court all day today. He  
15 sends his regrets for not being able to be here. I  
16 think he would probably rather be here than arguing  
17 cases in court. So you guys get me.

18 The first is the Quarter Horse Breed  
19 Development program. And the Quarter Horse Breed  
20 Development program, when you look at what we  
21 expended last year almost had a success problem.  
22 There are elements of the program that are very  
23 predictable. And then there is an element of the  
24 program that is not predictable.

25 And that is how well Indiana-bred horses do in

1 non-breed development races or open races. And we  
2 had a lot of Indiana-bred horses last year that did  
3 very well in open races.

4 Now, when we sat down and had meetings with  
5 Quarter Horse Breed Development people, the  
6 representatives from the racetrack, and the  
7 horsemen from the QHRAI, we all sat and looked at  
8 this. We tried to predict if we're going to have  
9 the same type of issues this coming year.

10 What we ultimately determined is because the  
11 whole program is such a puzzle piece, that the  
12 level of open purses affects how many horses  
13 compete, how many outside horses you're getting  
14 coming in. One of the things the QHRAI is working  
15 with is working with the racetracks to actually  
16 boost the open purses just a little bit to increase  
17 those. That should make the participation from  
18 Indiana-bred horses a little bit less. And because  
19 the horses that did so well are moving up in age  
20 categories, that also makes the problem a little  
21 bit less of a problem.

22 So considering that, we were still a little  
23 bit nervous about that element of the program. So  
24 we had a couple different options to look at. One,  
25 we could look at changing our program to allocate a

1 bunch more money to those open race awards or kind  
2 of rolling the dice and see.

3       When we looked at ways we could change the  
4 program to be able to allocate a bunch of money to  
5 those open awards for something that may not  
6 happen, the thought process was that type of change  
7 would be more detrimental to the program than  
8 keeping a close eye on the program the way that  
9 it's set up and maybe having to make a small change  
10 during the middle of the racing season this coming  
11 year.

12       That's why in that first paragraph it talks  
13 about the open race awards and watching them  
14 closely and then possibly having to make a minor  
15 modification to the program should it seem those  
16 things are going to trend over budget.

17       With that said, the Breed Development Advisory  
18 Committee does keep a reserve in their budget to  
19 handle those type of things. If we didn't have a  
20 reserve, I would be pretty adamant that we couldn't  
21 have anything open-ended in our budget whatsoever.  
22 With the reserve we have, we are able to cover  
23 those types of overages.

24       So, basically, when you look at the program,  
25 it's pretty identical to last year. We haven't

1 made many changes to it. The biggest change is  
2 there's going to be more money for advertising.  
3 There's a little bit more money allocated to the  
4 open race awards. And the stake races are going  
5 well. We work very well with the tracks in setting  
6 up the program. We've just got a success problem.

7 CHAIRMAN WEATHERWAX: That's well put because  
8 the success really ran them out of money as far as  
9 the open races.

10 JESSICA BARNES: Yes.

11 CHAIRMAN WEATHERWAX: I talked to Senator  
12 Jackman, and the word is out in the Quarter Horse  
13 world that this is a great program. Some of the  
14 owners of Quarter Horses were complaining to him  
15 that they had to get a higher quality horse to play  
16 the game. That's the way the game is going. And  
17 so that's a good thing.

18 JESSICA BARNES: Yes.

19 CHAIRMAN WEATHERWAX: Because you're in the  
20 negative in the open races by a pretty big hunk.

21 JESSICA BARNES: We are in the negative. One  
22 of the good things is slots trended up a little bit  
23 more so we had a little bit more revenue than we  
24 expected and because we had reserves in there.  
25 Even with our budget predicted, we'll still

1 maintain at least that \$250,000 in reserve.

2 CHAIRMAN WEATHERWAX: This is not like the  
3 thing I've sat there on your advisory commissions  
4 and heard the talk about how halfway through the  
5 year, Centaur is one part of the equation, and you  
6 guys are the other half or is this the same thing?

7 BRIAN ELMORE: This is still --

8 CHAIRMAN WEATHERWAX: This is the same thing.  
9 But in this case, you don't come in and do  
10 shortfall on the open?

11 JESSICA BARNES: No, no. It would be  
12 something that we will watch closely and plug in  
13 each week.

14 CHAIRMAN WEATHERWAX: Each horse breeder's  
15 association has to watch this part of their own  
16 puzzle.

17 JESSICA BARNES: Yes, each breed development  
18 program.

19 CHAIRMAN WEATHERWAX: Any other questions of  
20 Commissioners? Why don't you go to Standardbred.

21 JESSICA BARNES: Okay. Do you want me to go  
22 ahead to Standardbred or do you guys want to  
23 approve the Quarter Horse?

24 CHAIRMAN WEATHERWAX: Should we do one at a  
25 time?

1 MS. ELLINGWOOD: Usually, you do.

2 CHAIRMAN WEATHERWAX: Let's have a motion to  
3 approve and accept Quarter Horse association  
4 budget.

5 COMMISSIONER SCHENKEL: So moved.

6 COMMISSIONER PILLOW: Second.

7 CHAIRMAN WEATHERWAX: All those in favor say  
8 "aye."

9 THE COMMISSION: "Aye."

10 JESSICA BARNES: The next item under agenda  
11 number three is the Standardbred Breed Development  
12 proposed program. And as you know, the  
13 Standardbred program is just -- everybody is very  
14 happy with it. We had Wiggle It Jiggle It win the  
15 Little Brown Jug this year. Freaky Feet Pete,  
16 along with two other horses, win Breeder's Crown  
17 races. The statistics on the front page, if you  
18 look at those check marks, I think are pretty  
19 impressive. In 2015, Indiana-sired horses earned  
20 over \$49 million of the purses offered in North  
21 America.

22 COMMISSIONER PILLOW: That's outstanding.

23 (Audience applause).

24 JESSICA BARNES: And then if you look at those  
25 horses racing in Indiana, 29, there were 29

1 Indiana-sired horses that won over a hundred  
2 thousand dollars. So that's a pretty good  
3 investment in the program. And then 90 of those  
4 horses won over 50,000, and 237 of them earned over  
5 25,000.

6 So, you know, if a trainer is looking at, or  
7 an owner is looking at them costing 10 to \$15,000 a  
8 year to train their horse, then, you know, owners  
9 of 237 horses came out on top that had 10,000  
10 approximately. Then we had also had Wiggle It  
11 Jiggle It was the nation's three-year-old pacer of  
12 the year, three-year-old colt and gelding pacer of  
13 the year, three-year-old pacer of the year, and the  
14 nation's horse of the year.

15 (Audience applause)

16 JESSICA BARNES: So when we started looking at  
17 the program, there were very little changes we  
18 wanted to make. We think things are doing pretty  
19 well. So the changes that you see there are just  
20 budget adjustments based on population numbers and  
21 participation.

22 So the sires stakes format will stay the same.  
23 The county fair format will stay the same. Our  
24 late closer format will stay the same. Any changes  
25 that were discussed were relatively minor in the

1 scheme of things.

2 CHAIRMAN WEATHERWAX: Jessica, on promotion,  
3 do you share this with other states or have you  
4 already?

5 JESSICA BARNES: Yes, I'm working on  
6 advertisements that highlight those things. We are  
7 really excited about doing that.

8 CHAIRMAN WEATHERWAX: What happens to us when  
9 we have the Breeders Crown, does that change this  
10 whole thing or does that not affect it?

11 JESSICA BARNES: It doesn't change the breed  
12 development program. What I'm waiting to see is  
13 how many Indiana-sired horses would be  
14 participating. And we could possibly have a  
15 champion that year from Indiana as well.

16 CHAIRMAN WEATHERWAX: But because we're  
17 honored to have the Breeders Crown does not change  
18 this kind of budget?

19 JESSICA BARNES: No.

20 CHAIRMAN WEATHERWAX: This is money that comes  
21 from everywhere else to be at our track.

22 JESSICA BARNES: Yes.

23 COMMISSIONER SCHENKEL: Can I ask a question,  
24 Jessica? I don't remember if I participated in  
25 this meeting or not. It says in 2013, Commission

1 approved keeping a reserve in the amount of  
2 2.3 million.

3 JESSICA BARNES: Uh-huh.

4 COMMISSIONER SCHENKEL: How did we arrive at  
5 2.3 million? Is it as a percentage of something or  
6 is it some figure that -- I don't think it was  
7 randomly pulled out. But help refresh our memory  
8 as to why that number is that number.

9 JESSICA BARNES: We basically looked at our  
10 program and looked at if there was a legislative  
11 change, most legislative changes would be impacted  
12 July 1. So they would be effective July 1.

13 So if something came in and wiped out a bunch  
14 of the breed development dollars, it would impact  
15 your revenues coming in for that next half of the  
16 year. And we basically looked at how we could kind  
17 of sustain the rest of the program with the money  
18 coming in. It may need to be looked at again.

19 COMMISSIONER SCHENKEL: No, no. That helps.  
20 I guess my question, Mr. Chairman, I'm not used to  
21 seeing a specific dollar amount because the budget  
22 can change annually.

23 JESSICA BARNES: Right.

24 COMMISSIONER SCHENKEL: Conditions change  
25 potentially annually with legislation, etc. I just

1 wondered if we ought to look at some point of  
2 saying we ought to make sure there is a percentage  
3 basis so that it fluctuates because if some year we  
4 are flush with cash, and it makes sense to spend a  
5 little more of that, and we go down to 2 million, I  
6 don't know if that's wrong or right. A percentage  
7 is usually the way I remember looking at things  
8 like that of what your overall, percentage of your  
9 overall activities.

10 JESSICA BARNES: I can tell you when we kind  
11 of determined the numbers for Thoroughbred and  
12 Standardbred, that we applied that same percentage  
13 to Quarter Horse so that's how you got the Quarter  
14 Horse number.

15 COMMISSIONER SCHENKEL: The bottom line is  
16 reserve is important. I don't want to spend it  
17 down. Don't get me wrong. I just don't know if a  
18 set dollar amount makes as much sense as being able  
19 to give us some --

20 COMMISSIONER PILLOW: Percentage.

21 COMMISSIONER SCHENKEL: -- some flexibility  
22 percentage wise.

23 JESSICA BARNES: I will ask the breed  
24 development committees to start possibly this March  
25 looking at their programs in a long-term planning

1 process --

2 COMMISSIONER SCHENKEL: That makes sense.

3 JESSICA BARNES: -- and a long-range plan.

4 And I think that's something we should probably

5 readdress again and see if it is appropriate.

6 COMMISSIONER SCHENKEL: I'm not suggesting

7 that you change that today or anything like that,

8 but I think that's something we may want to look

9 at.

10 CHAIRMAN WEATHERWAX: Anything else you want

11 to add?

12 JESSICA BARNES: No.

13 CHAIRMAN WEATHERWAX: Any comments from our

14 guests? Jack, in for it?

15 JACK KIENINGER: Yes.

16 CHAIRMAN WEATHERWAX: Let's entertain a motion

17 to accept the Standardbred proposed budget and

18 plans.

19 COMMISSIONER PILLOW: So moved.

20 COMMISSIONER SCHENKEL: Second.

21 CHAIRMAN WEATHERWAX: All those in favor say

22 "aye."

23 THE COMMISSION: "Aye."

24 CHAIRMAN WEATHERWAX: Okay. Thanks Jessica.

25 Now Thoroughbred.

1           THE COMMISSION: The next one is the  
2 Standardbred Advisory Board. It's the one I  
3 e-mailed to you on Monday. You have a copy there  
4 with you.

5           The Standardbred Advisory Board actually moved  
6 over to the racing commission in 1999. It was  
7 originally in the Office of Commission of  
8 Agriculture from 1976 to 1999. And they receive an  
9 appropriation each year as their budget. They have  
10 a much smaller budget that they operate on.

11           Their primary purpose is working with the  
12 county fairs and setting up the county fair  
13 program. They cover the drug testing expenses,  
14 provide the personnel for the drug testing at the  
15 county fairs.

16           And then they also, for every county fair that  
17 hosts racing, we provide an operational amount per  
18 day. This helps the county fairs hire the  
19 officials that they need. When the county fair  
20 hosts a racing program, they have to have a USTA  
21 licensed starter, judge, clerk, photo finish,  
22 announcer. They have to have an ambulance on site.  
23 So those expenses help offset those costs for the  
24 county fair.

25           And that's one of the reasons we couldn't

1 submit this budget until Monday was each year the  
2 advisory board meets at the Indiana Association of  
3 Fairs and Festivals convention where each of the  
4 counties are setting their fairs. And then they  
5 set their dates. Then we know how many days we  
6 will have based on the calendar.

7 CHAIRMAN WEATHERWAX: This is freshly updated.

8 JESSICA BARNES: Yes.

9 CHAIRMAN WEATHERWAX: This is the thing I sat  
10 in on and listened to you.

11 JESSICA BARNES: You sat in on Standardbred  
12 Breed Development and Advisory Board.

13 CHAIRMAN WEATHERWAX: That was a joint thing.

14 JESSICA BARNES: Yes. Because their programs  
15 are so intertwined, they meet together. The  
16 advisory board actually makes recommendations for  
17 the conditions of the sires stakes, but breed  
18 development funds it. So they have to work  
19 together on everything.

20 The same goes with the county fair programs.  
21 They make recommendations on the rules of the  
22 program, but breed development funds it. They all  
23 have to be on the same page for it to work.

24 COMMISSIONER PILLOW: Jessica, how many county  
25 fairs are there?

1 JESSICA BARNES: There are --

2 COMMISSIONER SCHENKEL: With racing programs.

3 JESSICA BARNES: With racing, there are 11  
4 fairs that have races. A lot of those county fairs  
5 have multiple programs. So when you look at the  
6 calendar year, there's about 35 days of racing at  
7 the county fairs. The racing starts typically in  
8 June and goes until October at the county fairs.

9 If we have any type of problem -- I was just  
10 talking to Jack before the meeting -- is that the  
11 county fairs in Indiana, most of them like to race.  
12 They want to have additional race meets besides the  
13 ones that they have. So if there's anything  
14 controversial that happened at my meeting Saturday,  
15 it's that the fairs want more dates than what we  
16 can give them money wise and calendar wise.

17 COMMISSIONER SCHENKEL: I was going to ask  
18 Jack or you that question. Is county fair racing  
19 continuing to increase? It sounds like it is. The  
20 demand is good.

21 JESSICA BARNES: The demand is good. It  
22 provides -- the way we look at the county fairs is  
23 it's the minor leagues to the racetracks. We race  
24 two and three-year olds at the county fairs. These  
25 are horses that are not quite good enough for the

1 racetracks, but they're not ready to hang up their  
2 hat yet.

3 COMMISSIONER SCHENKEL: It's very competitive.  
4 George, I went to Elkhart County last summer, for  
5 example. They go, what, four days, three days that  
6 they race. And it's amazingly competitive and well  
7 attended and lots of horses, lots of fans. I was  
8 amazed. No offense but there were more fans, I  
9 think, at the one night race than I've seen at your  
10 place sometimes. Too bad we can't extend your  
11 services.

12 BRIAN ELMORE: That's great.

13 CHAIRMAN WEATHERWAX: When I was at the Little  
14 Brown Jug, I learned that Ohio has huge county fair  
15 Standardbred lead program, if you want to call it.  
16 The main point I'm trying to make is Ohio -- we're  
17 trying to improve promotion and promote the racing  
18 industry. That's how they do it from the young  
19 people at the county fair as a program to get to  
20 the big leagues. It creates huge public interest.

21 The only reason I'd argue against trying to do  
22 more here is it would help do that. Now, I know  
23 that takes money. It would take more people, more  
24 judges, more everything.

25 JESSICA BARNES: Right.

1           COMMISSIONER PILLOW: That was my question.  
2 Do we have enough personnel to go around? Do they  
3 go from one fair to another?

4           JESSICA BARNES: They do. We hire -- we have  
5 a Standardbred Breed Development coordinator that  
6 coordinates all the fairs. Rachel. Then we  
7 typically hire an intern during the summer. We  
8 actually just hired our intern that we've had these  
9 past two years onto a full-time position with the  
10 Commission. They go around. And then we also  
11 utilize our part-time test barn personnel from the  
12 racetrack. They come out and help with that aspect  
13 of it.

14          CHAIRMAN WEATHERWAX: I guess that's something  
15 that you guys will think about in the future is if  
16 there's anything you can do to expand it. You have  
17 to be able to do a good job. You can't just throw  
18 more dates on the calendar.

19          JESSICA BARNES: Right. We have to continue  
20 to look at the horse population and what can  
21 support those dates.

22          CHAIRMAN WEATHERWAX: Any other comments,  
23 Jessica?

24          JESSICA BARNES: No.

25          COMMISSIONER SCHENKEL: Move approval.

1 COMMISSIONER PILLOW: Second.

2 CHAIRMAN WEATHERWAX: All those in favor say  
3 "aye."

4 THE COMMISSION: "Aye."

5 JESSICA BARNES: Thank you.

6 CHAIRMAN WEATHERWAX: Okay. Now, Holly, do  
7 you have this part?

8 MS. NEWELL: I do. And it shouldn't take  
9 long. As you can see, we have three rulings that  
10 were issued in December. It was more just meet  
11 wrap-up. They were all related to medication  
12 overages and resulted in warnings.

13 CHAIRMAN WEATHERWAX: That's kind of like the  
14 end of the calendar racing year?

15 MS. NEWELL: Right. There are a few that will  
16 continue to hang out if there are trainers who want  
17 to have a hearing, but for the most part, 2015 is  
18 in the books.

19 CHAIRMAN WEATHERWAX: So do we vote on that,  
20 Lea?

21 MS. ELLINGWOOD: No.

22 CHAIRMAN WEATHERWAX: Just a report thing.  
23 Lea, you have giving us new judges.

24 MS. ELLINGWOOD: I do. We have, as you know,  
25 currently three administrative law judges who serve

1 upon appointment by the Chairman and as their  
2 schedules allow. We've had a lot of litigation.  
3 We thought it might be helpful to have a couple of  
4 other additional ALJs available for appointment, if  
5 necessary.

6 The first of those candidates is Ernie Yelton,  
7 who I think many of you are probably familiar with.  
8 Ernie was a judge in Clay County for 25 years. He  
9 was the executive director of the Gaming Commission  
10 for almost eight years and recently retired. I  
11 think he finds himself not really ready to retire.

12 So the second candidate is Kelly Eskew. She  
13 is an attorney. She worked -- she taught at the IU  
14 School of Law and is currently a professor in  
15 Bloomington. Her specialty is constitutional law.  
16 Kelly has been involved with horse racing  
17 litigation in the past about, I'd say, ten years  
18 ago or so.

19 So both of them have submitted their CVs,  
20 which have been forwarded on to you and are very  
21 interested in being appointed.

22 CHAIRMAN WEATHERWAX: They both look very  
23 qualified. I know Ernie very well. I don't know  
24 Kelly, I don't think. I'm surprised and happy he's  
25 willing to continue to work.

1 DEENA PITMAN: We were too.

2 CHAIRMAN WEATHERWAX: But these will be judges  
3 that Yours Truly, we can call upon to take on cases  
4 we are going to need.

5 MS. ELLINGWOOD: Precisely. Right now, as you  
6 know, you've got ALJ Buddy Pylitt, Jim Lauck, who  
7 was a former Commissioner, and Gordon White, who's  
8 with the Attorney General's Office. Gordon,  
9 particularly, has a very heavy caseload with his  
10 job already so he's not always available to take  
11 cases. We just want to make sure we have a number  
12 of people available should we run into a conflict  
13 or something of that nature.

14 CHAIRMAN WEATHERWAX: Very good. Again, is  
15 this a report only?

16 MS. ELLINGWOOD: It is a report. The next  
17 step is the Commission will put together a contract  
18 for each of them. It's a standard contract.  
19 Everybody has the same terms. That will go through  
20 DOA and the regular contract process. But as soon  
21 as you approve them, they would be eligible to be  
22 appointed by you once the contract has been  
23 executed.

24 CHAIRMAN WEATHERWAX: So today, do we approve  
25 them?

1 MS. ELLINGWOOD: Yes.

2 CHAIRMAN WEATHERWAX: So then you go through  
3 the next step when it comes.

4 MS. ELLINGWOOD: Right.

5 CHAIRMAN WEATHERWAX: Do I have a motion?

6 COMMISSIONER PILLOW: So moved.

7 COMMISSIONER SCHENKEL: Second.

8 CHAIRMAN WEATHERWAX: All those in favor say  
9 "aye."

10 THE COMMISSION: "Aye."

11 CHAIRMAN WEATHERWAX: We are glad they are  
12 able and willing to serve.

13 Next, there is an item on here that we've  
14 asked, that I've asked to please be on here. It's  
15 for the public's awareness of something that we're  
16 looking at. We will call it, for lack of a better  
17 word, the Blue Ribbon Commission. This sort of is  
18 an offshoot of what we've done on the summit.  
19 Remember the horse racing summit. All the input  
20 you gave us has come to a point where we would like  
21 to maybe do more active involvement and maybe some  
22 changes, if need be.

23 In that, we're still going to be guided by the  
24 highest principals of integrity and the ethical  
25 racing standards, always putting safety of the

1 drivers and the welfare of the horses first,  
2 recognizing again the importance of this industry  
3 and what it means for our state's economy.

4 But this Blue Ribbon Commission is also going  
5 to look into the therapeutic drug concepts of what  
6 we've learned and kind of heard from you. And then  
7 there is also something that we are trying to  
8 accomplish that fits into the national RCI, ARCI as  
9 far as far as other states, regional. It's very  
10 important, we think, that we have uniformity in  
11 therapeutic drugs, both usage, thresholds, and  
12 acceptance.

13 This is a huge deal for us to be competitive  
14 in this country and be able to be uniform. I would  
15 like to think if we can accomplish that, we've done  
16 an awful lot towards the future of racing.

17 And so this is something that is just being  
18 started. We haven't decided yet on how we're going  
19 to structure all this, but, yet, there will be a  
20 grass roots input of people on this commission.

21 I believe it is our thought we would be  
22 responsible for appointing these people. Some of  
23 these people would come from different walks of  
24 life, from different areas, veterinarians, of  
25 course, Centaur, of course, Standardbred,

1 Thoroughbred, Quarter Horse associations. But to  
2 try to get the best minds possible working together  
3 to accomplish this for our state and for the  
4 region. I just wanted to give you that overview of  
5 this.

6 And then also, I just received from Ed Martin  
7 this first draft of the national ARCI attempt to do  
8 town hall meetings. This is a lot like what we  
9 were just talking about with the summit we did.

10 The ARCI is going around the country. They  
11 are asking different states. They have a date  
12 picked, a spot picked. And everyone that walks and  
13 talks this business goes to these spots and gives  
14 input. They, too, are very much wanting to get  
15 uniformity, as well as clear guidelines.

16 We are mainly talking therapeutic drugs. We  
17 are not doing anything to change the drug  
18 enhancement part of life. This is strictly  
19 therapeutic.

20 A lot of what I've learned, and we also had a,  
21 Commissioner Schenkel and I had a nice brief  
22 meeting with the veterinarians because there is a  
23 lot of people in this world that think that we, as  
24 a state, should do more as far as the welfare of  
25 the horses. We are kind of sorely bad on that or

1 weak. Maybe I should use the word weak.

2 So a part of this, both from the ARCI and the  
3 Blue Ribbon Commission, is to make sure that we  
4 address the welfare of the horse and the uses of  
5 the horse and what goes on in the life after the  
6 horse is done racing.

7 And I learned that my friends in Ohio -- by  
8 the way, they do a super job in this area. When  
9 you go to the Little Brown Jug, they have this  
10 major raffle going on for two days where they raise  
11 a bunch of money. That's to be used for this  
12 purpose. Well, I also found out the Indianapolis  
13 Police Department's using a lot of their horses  
14 here that come from Ohio to do what I'm talking  
15 about. We are certainly not doing a good job.

16 I've tried to give you three or four things  
17 here. It's all under the term of the Blue Ribbon  
18 Commission. In the future I think we, as a  
19 Commission, need to put some practices into place.  
20 We haven't done that yet. We know that's something  
21 we have to do.

22 I don't know, Lea or Deena, when that is  
23 necessary or do we, as a commission, have to  
24 recognize this or is this enough said?

25 DEENA PITMAN: The RCI?

1           CHAIRMAN WEATHERWAX: Both the RCI and the  
2 Blue Ribbon Commission.

3           DEENA PITMAN: Well, I think you can just  
4 recognize that the RCI is out there. We are going  
5 to work with them and cooperate with them to the  
6 best of our ability. In the meantime, we are going  
7 to move forward with our own Blue Ribbon Committee  
8 and continue to do similar projects.

9           CHAIRMAN WEATHERWAX: As far as deadlines, I'm  
10 trying to think how we can make certain things  
11 happen so that it becomes more formal. We have to  
12 put a notice out to the public. We haven't done  
13 that yet. This is the first time we're doing that.  
14 Do you see this as something we could have ready by  
15 March?

16          DEENA PITMAN: To have a formal structure in  
17 place and have people appointed by then?

18          COMMISSIONER SCHENKEL: I would think that's a  
19 task that we give the new executive director in  
20 cooperation with the Commission. And we come back  
21 to the March meeting with a timeline and more  
22 information. It's got to be managed by this new  
23 executive director, whoever that's going to be. I  
24 don't want us getting ahead of that.

25          CHAIRMAN WEATHERWAX: It's a good framework --

1 COMMISSIONER SCHENKEL: Absolutely.

2 CHAIRMAN WEATHERWAX: -- to do a lot of things  
3 that we need to do.

4 COMMISSIONER SCHENKEL: Yeah.

5 CHAIRMAN WEATHERWAX: It's sort of deja vu  
6 because I think we started this first. We shared  
7 some of the things we were doing with Ed Martin.  
8 Nobody has ever told us that we know what we're  
9 doing. But we're sort of bold because we don't  
10 know what we're doing. Those are things that help.  
11 Okay.

12 COMMISSIONER SCHENKEL: What's the old saying,  
13 ignorance is bliss?

14 CHAIRMAN WEATHERWAX: Ed Martin is really  
15 working hard at doing this at the national level.

16 DEENA PITMAN: Yes, he is.

17 CHAIRMAN WEATHERWAX: I'm impressed with that.  
18 I'm pleased with that. Maybe that's enough said  
19 today.

20 So now, old business, do we have any old  
21 business? Do we have other new business?

22 DEENA PITMAN: No. I didn't know if you just  
23 wanted to speak generally about what we are doing  
24 with the search.

25 CHAIRMAN WEATHERWAX: The big 900-pound

1 gorilla in the room is our search for the new  
2 executive director. That's going along well.  
3 We've had 15 applicants that have come forward from  
4 all walks of horse racing experience, other states,  
5 the whole country. And then we, as the Commission,  
6 through an executive session went through, and we  
7 sort of narrowed those down to five that we really  
8 felt were key possible candidates. So now we're in  
9 the process of interviewing.

10 Our goal, Commissioners, is to probably have  
11 something done by March. Is that fair?

12 COMMISSIONER SCHENKEL: I want it sooner.  
13 I'll just be public with it.

14 CHAIRMAN WEATHERWAX: Maybe by the March  
15 meeting for sure because we do want to get this  
16 done.

17 COMMISSIONER PILLOW: Before the racing  
18 season.

19 CHAIRMAN WEATHERWAX: Before the racing  
20 season. That was always our goal.

21 It's been a good process. It's been work way  
22 beyond, but you learn a lot by doing that. You  
23 learn what other states are doing because you call  
24 these people to get a reference checked out to see  
25 what they're doing.

1 Another thing we've learned is not every state  
2 has three breeds of racing. A lot of states don't  
3 even have the opportunity to have a Standardbred,  
4 Thoroughbred, and Quarter Horse. So right off the  
5 bat, you're kind of, like, you're wearing a lot of  
6 hats here. You guys are wearing a lot of hats.

7 Now, on another matter if there is no other  
8 new business, I messed up on the June schedule.  
9 I'm going to be gone. And I think we had a date  
10 picked for June 15. This is something, Centaur,  
11 because we were going to come to Hoosier Park  
12 June 15th, which we still want to do. It's just  
13 either I have to excuse myself, Commissioner  
14 Schenkel can take over, he'll do a good job, or we  
15 could make it the week before or the week after.  
16 Now, does that bother?

17 RICK MOORE: Whatever you need, pick whatever  
18 date you need.

19 COMMISSIONER SCHENKEL: I'm okay.

20 DEENA PITMAN: I can tell you Susie is not  
21 okay. She said she would be available early June  
22 like 1, 2, 3 or late June 28, 29, 30.

23 CHAIRMAN WEATHERWAX: That's the trouble when  
24 you start moving dates around. As far as the  
25 calendar and Hoosier Park and the things you have

1 to get done or we have to get done.

2 DEENA PITMAN: We're fine. It's okay.

3 COMMISSIONER SCHENKEL: I'm fine with any of  
4 those. I mean, if we stay with the Wednesday, we  
5 move it to either the 8th or 22nd.

6 COMMISSIONER PILLOW: I'm okay.

7 CHAIRMAN WEATHERWAX: What is your preference?

8 COMMISSIONER SCHENKEL: I don't care.

9 BRIAN ELMORE: Eighth we can talk about  
10 Belmont and that Triple Crown winner.

11 CHAIRMAN WEATHERWAX: Is that a good day?

12 BRIAN ELMORE: Any day is a good day.

13 RICK MOORE: Whatever day works for you.

14 COMMISSIONER SCHENKEL: We don't want to make  
15 things more difficult.

16 BRIAN ELMORE: No. We can't wait for you to  
17 get there.

18 CHAIRMAN WEATHERWAX: This is going to be in  
19 your house. We don't want to mess up something  
20 going on there.

21 DEENA PITMAN: June 8th.

22 CHAIRMAN WEATHERWAX: Thank you for putting up  
23 with my self-imposed problem.

24 DEENA PITMAN: We will get that changed on the  
25 website.

1           COMMISSIONER SCHENKEL: Vacations are  
2 important.

3           CHAIRMAN WEATHERWAX: Well, they are at my  
4 age, especially when you're going to be out of the  
5 country.

6           I had that at 9:00; is that right?

7           DEENA PITMAN: Yes.

8           CHAIRMAN WEATHERWAX: June 8th. Any other  
9 things we should discuss?

10          COMMISSIONER PILLOW: I want Jessica to wait  
11 before she hires an intern. I might want the job  
12 myself.

13          CHAIRMAN WEATHERWAX: Can she afford you?

14          COMMISSIONER PILLOW: I will do it for free.  
15 You can learn more.

16          CHAIRMAN WEATHERWAX: Thank you so much. If  
17 there's no further business to come before this  
18 body, we are adjourned.

19          (The Indiana Horse Racing Commission meeting  
20 adjourned at 10:02 a.m.)

21

22

23

24

25

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 27th day of  
16 January 2016.

17 *Robin P. Martz*  
18



19  
20  
21 My Commission expires:  
22 March 2, 2016

23 Job No. 104355  
24  
25

<b>Exhibits</b>	<b>3</b>	
<b>IHRC Document</b>	<b>3</b> 43:22	<b>advantage</b> 15:2,4
<b>\$</b>	<b>30</b> 43:22	<b>advertisements</b> 24:6
<b>\$1.2</b> 12:1	<b>35</b> 30:6	<b>advertising</b> 20:2
<b>\$15,000</b> 23:7	<b>5</b>	<b>advisory</b> 19:17 21:3 28:2,5 29:2,12,16
<b>\$250,000</b> 21:1	<b>50,000</b> 23:4	<b>affect</b> 24:10
<b>\$49</b> 22:20	<b>8</b>	<b>affects</b> 18:12
<b>1</b>	<b>8th</b> 44:5,21 45:8	<b>afford</b> 45:13
<b>1</b> 25:12 43:22	<b>9</b>	<b>age</b> 18:19 45:4
<b>10</b> 23:7	<b>90</b> 23:3	<b>agenda</b> 22:10
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