

In the Matter Of:
INDIANA HORSE RACING COMMISSION MEETING

Transcript of Proceedings

January 24, 2025

StewartRichardson
DEPOSITION SERVICES

800.869.0873 | www.StewartRichardson.com

Reporting Driven by Excellence — Since 1975

INDIANAPOLIS | CARMEL | EVANSVILLE | FORT WAYNE | SOUTH BEND | VALPARAISO

1
2 INDIANA HORSE RACING COMMISSION
3 MEETING
4

5 HELD ON

6 JANUARY 24, 2025

7 AT

8 1:05 P.M.

9 INDIANA HORSE RACING COMMISSION
10 1302 N. MERIDIAN STREET, SUITE 175
11 INDIANAPOLIS, INDIANA
12
13

14 TAKEN BY:

15 ROBIN P. MARTZ, RPR

16 NOTARY PUBLIC
17
18
19
20
21
22
23

24 STEWART RICHARDSON & ASSOCIATES
25 Registered Professional Reporters
(800)869-0873

APPEARANCES

Philip Borst, DVM, Chairman

Gus Levengood

Bill Estes

William McCarty

Becca McCuaig

Deena Pitman, Executive Director

Matthew Eggiman, Esq.

David Rothenberg, Esq.

Dale Pennycuff, Esq.

INDIANA HORSE RACING COMMISSION

1302 North Meridian Street, Suite 175

Indianapolis, IN 46202

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AGENDA

I. Call to Order	4
II. Consideration of IHRC personnel matters.	4
New Business	7

1 CHAIRMAN BORST: Let's call the meeting to the
2 order on January 24th, Indiana Horse Racing
3 Commission. First we will swear in Robin.

4 (The oath was administered to the court
5 reporter by Chairman Borst.)

6 CHAIRMAN BORST: Very well. Well, thank you
7 all for being here. It's a very short meeting,
8 very short agenda. As you all know, we've been out
9 searching looking for an assistant director. And
10 we've got some candidates. And hopefully today
11 we'll be able to get somebody appointed as the
12 assistant director. Again, state law requires the
13 Commission do the appointment and not the staff.
14 So that's why we're here doing this.

15 Just for everybody's benefit, in January of
16 last year, the assistant director position became
17 vacant. And then in early July, a new staff
18 reporting structure was developed by the staff
19 here, and the state personnel agreed to it. And
20 the Commission, we did also approve it.

21 And then late in July, the assistant director
22 job opening was posted to the state website. It
23 fanned out to several sites, such as Indeed and
24 other job, online job sites, as well as multiple
25 trade publications picked up the news release sent

1 by the Commission announcing the position, and then
2 numerous industry outlets posted it on their
3 website. So it's been well distributed.

4 In response to the postings, the Commission
5 received about 28 resumes. State personnel and
6 Director Pitman met and looked at those 20, 28.
7 And there were 20 of them that didn't qualify at
8 all, didn't have the minimum so those were thrown
9 out. And then following that, I established a
10 subcommittee with Commissioners Levengood and
11 Commissioner McCuaig, as well as Deena to whittle
12 them all down and look at those ones that are left.

13 And they got it down to five. And then they
14 narrowed it down even more. In September we had
15 three. And then after that in November, 8th and
16 14th, our Commission did meet executive session,
17 and we did interview the three candidates. And so
18 here we are today with three candidates. And
19 hopefully somebody will make a motion here, and
20 then we can discuss.

21 COMMISSIONER LEVENGOOD: As one of those
22 commissioners that participated, I would like to
23 offer the name of Jessica Barnes for approval as
24 the next Indiana Horse Racing Commission assistant
25 director.

1 CHAIRMAN BORST: Do we have a second?

2 COMMISSIONER ESTES: I would second that.

3 CHAIRMAN BORST: Thank you, Bill. Is there
4 any further discussion? I know we've had resumes.
5 We've done our interviews and all so unless there's
6 something new or different. If there's no further
7 discussion, I guess we'll have to have a roll call
8 vote.

9 MR. ROTHENBERG: All right.

10 CHAIRMAN BORST: Who's going to do that?

11 MR. ROTHENBERG: I can take care of that.

12 Chairman Borst.

13 CHAIRMAN BORST: Aye.

14 MR. ROTHENBERG: Commissioner McCarty.

15 COMMISSIONER MCCARTY: Aye.

16 MR. ROTHENBERG: Commissioner Estes.

17 COMMISSIONER ESTES: Aye.

18 MR. ROTHENBERG: Commissioner McCuaig.

19 COMMISSIONER MCCUAIG: Just before I make my
20 motion, I wanted to just say I much appreciated the
21 Commission staff and others for the process that
22 was established and the thorough vetting and also
23 to all three of the candidates that were part of
24 the final interviews because they even provided
25 follow-up information on some of the questions we

1 asked.

2 So with that, I will have my vote as aye.

3 MR. ROTHENBERG: And Commissioner Levengood.

4 COMMISSIONER LEVENGOOD: I echo that. I
5 thought all the candidates were good. We had to
6 make a decision. And I vote aye.

7 CHAIRMAN BORST: Thank you. I want to thank
8 you guys for doing that too because that's an
9 important thing to try to whittle it down a little
10 bit. Well, the motion passes unanimously. So we
11 have just now appointed a new assistant director
12 Jessica Barnes.

13 Do we have any old business?

14 MR. ROTHENBERG: We don't, but we do have new
15 business.

16 CHAIRMAN BORST: We have new business.

17 MR. ROTHENBERG: I'm going to let
18 Mr. Pennycuff address that.

19 MR. PENNYCUFF: Yes, Commissioners, each year
20 there are matters that arise during the race
21 meeting that require quick turnaround and quick
22 decision making. And because the Commission may
23 not meet often enough for these immediate matters
24 be handled, Commission staff routinely requests
25 that the Commission delegate authority to the

1 Executive Director Deena Pitman to handle the
2 matters that arise between Commission meetings.

3 Pursuant to 71 IAC 2-2-1, the Commission may
4 delegate authority to the executive director to
5 implement and execute the duty of regulating each
6 race meet and persons participating in each
7 meeting.

8 At this time the Commission staff respectfully
9 requests delegation of authority to Director Pitman
10 to make race meet decisions as required, including
11 but not limited to equipment, race calendars, ADWs,
12 SPMOs, and personnel until the next Commission
13 meeting.

14 CHAIRMAN BORST: Would someone like to make
15 that motion.

16 COMMISSIONER MCCARTY: I would make that
17 motion.

18 COMMISSIONER LEVENGOOD: Second.

19 CHAIRMAN BORST: Somewhat routine. That just
20 gives Deena the authority until we meet again and
21 we can approve whatever she's done in case
22 something comes up. Any discussion? Roll call
23 vote, I guess.

24 MR. ROTHENBERG: Commissioner Borst.

25 CHAIRMAN BORST: Aye.

1 MR. ROTHENBERG: Chairman Borst. Sorry.
2 Commissioner McCarty.

3 COMMISSIONER MCCARTY: Aye.

4 MR. ROTHENBERG: Commissioner Estes.

5 COMMISSIONER ESTES: Aye.

6 MR. ROTHENBERG: Commissioner McCuaig.

7 COMMISSIONER MCCUAIG: Aye.

8 MR. ROTHENBERG: Commissioner Levengood.

9 COMMISSIONER LEVENGOOD: Aye.

10 CHAIRMAN BORST: Passes unanimously. Seeing
11 no further business, we're adjourned.

12 (The Indiana Horse Racing Commission meeting
13 adjourned at 1:11 p.m.)

14
15
16
17
18
19
20
21
22
23
24
25

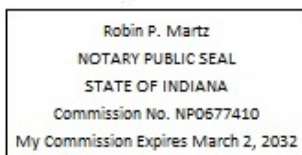
1 STATE OF INDIANA
2 COUNTY OF JOHNSON
3

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 3rd day of
16 February, 2025.

17
18 *Robin P. Martz*



22 My Commission expires:
23 March 2, 2032

24 Job No. 196823
25

1

1302 1:10 2:9**14th** 5:16**175** 1:10 2:9**196823** 10:23**1:05** 1:8**1:11** 9:13

2

2 10:22**2-2-1** 8:3**20** 5:6,7**2025** 1:6 10:16**2032** 10:22**24** 1:6**24th** 4:2**28** 5:5,6

3

3rd 10:15

4

4 3:3,4**46202** 2:9

7

7 3:5**71** 8:3

8

800 869-0873 1:25**8th** 5:15

A

able 4:11**about** 5:5**address** 7:18**adjourned** 9:11,13**administered** 4:4**ADWS** 8:11**affixed** 10:15**after** 5:15**afterwards** 10:7**again** 4:12 8:20**agenda** 3:2 4:8**agreed** 4:19**all** 4:7,8 5:8,12 6:5,9,23 7:5**also** 4:20 6:22**am** 10:11,12**an** 4:9 7:8**and** 4:9,10,13,17,19,21,23 5:1,5,6,7,9,10,12,13,15,17,18,19 6:5,21,22 7:3,6,21,22 8:5,6,12,20 10:4,5,7,8,15**announcing** 5:1**any** 6:4 7:13 8:22 10:13**APPEARANCES** 2:1**appointed** 4:11 7:11**appointment** 4:13**appreciated** 6:20**approval** 5:23**approve** 4:20 8:21**are** 5:12,18 7:20**arise** 7:20 8:2**as** 4:8,11,23,24 5:11,21,23 7:2 8:10**asked** 7:1**assistant** 4:9,12,16,21 5:24 7:11**ASSOCIATES** 1:24**at** 1:7 5:6,7,12 8:8 9:13**attorneys** 10:13**authority** 7:25 8:4,9,20**aye** 6:13,15,17 7:2,6 8:25 9:3,5,7,9

B

Barnes 5:23 7:12**be** 4:11 7:24**became** 4:16**because** 6:24 7:8,22**Becca** 2:4**been** 4:8 5:3**before** 6:19**being** 4:7**benefit** 4:15**between** 8:2**Bill** 2:3 6:3**bit** 7:10**Borst** 2:2 4:1,5,6 6:1,3,10,12,13 7:7,16 8:14,19,24,25 9:1,10**business** 3:5 7:13,15,16 9:11**but** 7:14 8:11**by** 1:14 4:5,18 5:1

C

calendars 8:11**call** 3:3 4:1 6:7 8:22**can** 5:20 6:11 8:21**candidates** 4:10 5:17,18 6:23 7:5**care** 6:11**case** 8:21**certify** 10:5,11**Chairman** 2:2 4:1,5,6 6:1,3,10,12,13 7:7,16 8:14,19,25 9:1,10**comes** 8:22**Commission** 1:2,9 2:8 4:3,13,20 5:1,4,16,24 6:21 7:22,24,25 8:2,3,8,12 9:12 10:9,21**Commissioner** 5:11,21 6:2,14,15,16,17,18,19 7:3,4 8:16,18,24 9:2,3,4,5,6,7,8,9**commissioners** 5:10,22 7:19

Consideration 3:4**county** 10:2,5**court** 4:4

D

Dale 2:8**David** 2:7**day** 10:15**decision** 7:6,22**decisions** 8:10**Deena** 2:5 5:11 8:1,20**delegate** 7:25 8:4**delegation** 8:9**developed** 4:18**did** 4:20 5:16,17**didn't** 5:7,8**different** 6:6**direction** 10:8**director** 2:5 4:9,12,16,21 5:6,25
7:11 8:1,4,9**discuss** 5:20**discussion** 6:4,7 8:22**disinterested** 10:11**distributed** 5:3**do** 4:13 6:1,10 7:13,14 10:5,11**doing** 4:14 7:8**don't** 7:14**done** 6:5 8:21**down** 5:12,13,14 7:9 10:6**during** 7:20**duty** 8:5**DVM** 2:2

E

each 7:19 8:5,6**early** 4:17**echo** 7:4**Eggiman** 2:7**enough** 7:23**equipment** 8:11**Esq** 2:7,8**established** 5:9 6:22**Estes** 2:3 6:2,16,17 9:4,5**even** 5:14 6:24**everybody's** 4:15**execute** 8:5**executive** 2:5 5:16 8:1,4**expires** 10:21

F

fanned 4:23**February** 10:16**final** 6:24**First** 4:3**five** 5:13**follow-up** 6:25**following** 5:9**for** 4:7,9,15 5:23 6:21 7:8,23 10:4,
13**foregoing** 10:6**further** 6:4,6 9:11 10:11

G

get 4:11**gives** 8:20**going** 6:10 7:17**good** 7:5**got** 4:10 5:13**guess** 6:7 8:23**Gus** 2:3**guys** 7:8

H

had 5:14 6:4 7:5**hand** 10:15**handle** 8:1**handled** 7:24**have** 5:8 6:1,7 7:2,11,13,14,16
10:14**HELD** 1:5**here** 4:7,14,19 5:18,19**hereby** 10:5**hereunto** 10:14**hopefully** 4:10 5:19**Horse** 1:2,9 2:8 4:2 5:24 9:12
10:9

I

I'M 7:17**IAC** 8:3**If** 6:6**IHRC** 3:4**II** 3:4**immediate** 7:23**implement** 8:5**important** 7:9**in** 2:9 4:3,15,17,21 5:4,14,15 8:6,
21 10:4,6,12,14**including** 8:10**Indeed** 4:23**Indiana** 1:2,9,11 2:8 4:2 5:24
9:12 10:1,9**Indianapolis** 1:11 2:9**industry** 5:2**information** 6:25**interview** 5:17**interviews** 6:5,24**is** 6:3 10:8**it** 4:19,20,22 5:2,13,14 7:9**it's** 4:7 5:3

J

January 1:6 4:2,15**Jessica** 5:23 7:12**job** 4:22,24 10:23**JOHNSON** 10:2**July** 4:17,21**just** 4:15 6:19,20 7:11 8:19

K

know 4:8 6:4

L

last 4:16**late** 4:21**law** 4:12**left** 5:12**let** 7:17**Let's** 4:1**Levengood** 2:3 5:10,21 7:3,4
8:18 9:8,9**like** 5:22 8:14**limited** 8:11**little** 7:9**look** 5:12**looked** 5:6**looking** 4:9

M

make 5:19 6:19 7:6 8:10,14,16**making** 7:22**March** 10:22**Martz** 1:15 10:4**matter** 10:6**matters** 3:4 7:20,23 8:2**Matthew** 2:7**may** 7:22 8:3**Mccarty** 2:4 6:14,15 8:16 9:2,3**Mccuaig** 2:4 5:11 6:18,19 9:6,7**meet** 5:16 7:23 8:6,10,20**meeting** 1:2 4:1,7 7:21 8:7,13
9:12 10:10**meetings** 8:2**Meridian** 1:10 2:9**met** 5:6**minimum** 5:8**more** 5:14**motion** 5:19 6:20 7:10 8:15,17**Mr** 6:9,11,14,16,18 7:3,14,17,18,
19 8:24 9:1,4,6,8**much** 6:20**multiple** 4:24**my** 6:19 7:2 10:7,14,15,21

N

name 5:23**narrowed** 5:14**new** 3:5 4:17 6:6 7:11,14,16**news** 4:25**next** 5:24 8:12**no** 6:6 9:11 10:23**North** 2:9**not** 4:13 7:23 8:11 10:12**notarial** 10:15**Notary** 1:16 10:4**notes** 10:6**November** 5:15**now** 7:11**numerous** 5:2

O

oath 4:4**of** 3:4 4:15 5:7,21,23 6:11,23,25
8:5,9 10:1,2,9,12,13,15**offer** 5:23**often** 7:23**old** 7:13**on** 1:5 4:2 5:2 6:25**one** 5:21**ones** 5:12**online** 4:24**opening** 4:22**or** 6:6**order** 3:3 4:2**other** 4:24**others** 6:21**our** 5:16 6:5**out** 4:8,23 5:9**outlets** 5:2

P

p.m. 1:8 9:13**part** 6:23**participated** 5:22**participating** 8:6**parties** 10:13**passes** 7:10 9:10**Pennycuff** 2:8 7:18,19**person** 10:12**personnel** 3:4 4:19 5:5 8:12**persons** 8:6**Philip** 2:2**picked** 4:25**Pitman** 2:5 5:6 8:1,9**position** 4:16 5:1**posted** 4:22 5:2**postings** 5:4**process** 6:21**Professional** 1:24**provided** 6:24

Public 1:16 10:4**publications** 4:25**Pursuant** 8:3

Q

qualify 5:7**questions** 6:25**quick** 7:21

R

race 7:20 8:6,10,11**Racing** 1:2,9 2:8 4:2 5:24 9:12
10:9**received** 5:5**record** 10:9**reduced** 10:7**Registered** 1:24**regulating** 8:5**relative** 10:12**release** 4:25**reporter** 4:5**Reporters** 1:24**reporting** 4:18**requests** 7:24 8:9**require** 7:21**required** 8:10**requires** 4:12**respectfully** 8:8**response** 5:4**resumes** 5:5 6:4**RICHARDSON** 1:24**right** 6:9**Robin** 1:15 4:3 10:4**roll** 6:7 8:22**Rothenberg** 2:7 6:9,11,14,16,18
7:3,14,17 8:24 9:1,4,6,8**routine** 8:19**routinely** 7:24**RPR** 1:15

S

said 10:5**say** 6:20**seal** 10:15**searching** 4:9**second** 6:1,2 8:18**Seeing** 9:10**sent** 4:25**September** 5:14**session** 5:16**set** 10:14**several** 4:23**she's** 8:21**short** 4:7,8**sites** 4:23,24**so** 4:14 5:3,8,17 6:5 7:2,10**some** 4:10 6:25**somebody** 4:11 5:19**someone** 8:14**something** 6:6 8:22**Somewhat** 8:19**Sorry** 9:1**SPMOS** 8:12**staff** 4:13,17,18 6:21 7:24 8:8**state** 4:12,19,22 5:5 10:1,5**stenograph** 10:6**STEWART** 1:24**Street** 1:10 2:9**structure** 4:18**subcommittee** 5:10**such** 4:23**Suite** 1:10 2:9**swear** 4:3

T

take 6:11**taken** 1:14 10:6**thank** 4:6 6:3 7:7**that** 5:7,9,12,15,22 6:2,10,11,21,
23 7:2,4,8,18,20,21,25 8:2,15,16,
19 10:5,8,11,12**that's** 4:14 7:8**the** 4:1,4,11,12,13,16,18,19,20,
21,22,25 5:1,4,8,17,23,24 6:20,
21,22,23,24,25 7:5,10,20,22,25
8:1,3,4,5,8,12,20 9:12 10:5,8,9,
12,13**their** 5:2**them** 5:7,12**then** 4:17,21 5:1,9,13,15,20**there** 5:7 6:3 7:20**there's** 6:5,6**these** 7:23**they** 5:13 6:24**thing** 7:9**this** 4:14 8:8 10:12,15**thorough** 6:22**those** 5:6,8,12,21**thought** 7:5**three** 5:15,17,18 6:23**thrown** 5:8**time** 8:8**to** 3:3 4:1,4,11,19,22,23 5:4,11,
13,22 6:7,10,20,23 7:5,7,9,17,25
8:1,3,4,9,10,11,14 10:7**today** 4:10 5:18**too** 7:8**trade** 4:25**transcript** 10:8**true** 10:9**try** 7:9**turnaround** 7:21

typewriting 10:7**typewritten** 10:8

U

unanimously 7:10 9:10**under** 10:7**unless** 6:5**until** 8:12,20**up** 4:25 8:22

V

vacant 4:17**very** 4:6,7,8**vetting** 6:22**vote** 6:8 7:2,6 8:23

W

want 7:7**wanted** 6:20**was** 4:4,18,22 6:22 10:6**we** 4:3,20 5:14,17,18,20 6:1,25
7:5,10,13,14,16 8:20,21**we'll** 4:11 6:7**we're** 4:14 9:11**we've** 4:8,10 6:4,5**website** 4:22 5:3**well** 4:6,24 5:3,11 7:10**were** 5:7,8 6:23 7:5**whatever** 8:21**WHEREOF** 10:14**whittle** 5:11 7:9**Who's** 6:10**why** 4:14**will** 4:3 5:19 7:2**William** 2:4**with** 5:10,18 7:2**WITNESS** 10:14**would** 5:22 6:2 8:14,16

Y

year 4:16 7:19**Yes** 7:19**you** 4:6,8 6:3 7:7,8