

Memorandum of the Regular Meeting of the
Indiana Horse Racing Commission

July 17, 2024

Horseshoe Indianapolis
4300 N. Michigan Road
Shelbyville, IN

NOTE: Complete transcripts and a link to the video recording of this Commission Meeting can be found at <https://www.in.gov/hrc/meeting-information/>

Commission members present: Philip C. Borst, Chairman; Gus Levengood, member; Bill McCarty (via phone), member; Becca McCuaig, member; Bill Estes (via phone), member.

Commission Staff members present: Deena Pitman, IHRC Executive Director; David Rothenberg, IHRC General Counsel; Matt Eggiman, IHRC Deputy General Counsel; Dale Lee Pennycuff, Staff Attorney; Jessica Barnes, IHRC Breed Development Director; Wendi Samuelson-Dull, IHRC Chief Financial Officer; Dr. Kerry Peterson, IHRC Equine Medical Director.

Speakers from the audience: Peter Sacopulos, Attorney for Bobby Brower; Chris Duke, President of Quarter Horse Racing; Rick Moore, Vice President and General Manager of Racing Harrah's Hoosier Park; Eric Halstrom, Vice President and General Manager of Racing at Horseshoe Indianapolis; Joe Morris, Senior Vice President for Caesars Entertainment; Brian Lewis, Director of Marketing, Horseshoe Indianapolis; Jeremy Medley, Director of Marketing, Harrah's Hoosier Park.

I. Call to Order

Chairman Borst called the meeting to order at approximately 11:09 a.m. A quorum was present.

II. Approval of the meeting memorandum and executive session memorandum from the March 26th, 2024, Commission meeting.

Chairman Borst asked for a motion for approval of the meeting memorandum and executive session memorandum from the March 26th, 2024, commission meeting. The roll call vote was unanimous 4-0 for approval.

III. Agenda

1. Consideration of Settlement Agreement between the IHRC Commission Staff and Brad H. Cox.

Matt Eggiman, IHRC Deputy General Counsel, presented the agreement to the commission.

Chairman Borst requested a vote to approve the list. Commissioner McCarty moved for approval with a second from Commissioner Levengood. The vote was unanimous 5-0 for approval.

2. Consideration of ALJ's Nonfinal Order of Parties' Cross Motions for Summary Judgement dismissing Petitioner's appeal in the matter of Bobby Brower v. IHRC

Staff.

David Rothenberg, IHRC General Counsel, and Peter Sacopulos, Esq. presented before the Commission on behalf of the IHRC and Mr. Brower respectively.

Chairman Borst requested a vote to approve the ALJ's Nonfinal Order. Commissioner McCuaig moved for approval with a second from Commissioner Levensgood. The vote was unanimous 5-0 for approval.

3. Review of the 2024 Year-to-Date Commission Rulings.

The commissioners reviewed the year-to-date rulings and had no questions for the commission staff.

No vote was required for this agenda item.

4. Review of the 2024 Year-To-Date HISA Rulings.

The commissioners reviewed the year-to-date rulings and had no questions for the commission staff.

No vote was required for this agenda item.

5. Ratification of Executive Director's probationary approval of Churchill Downs Technology Initiatives Company request to suspend the majority of its live operator assisted wagering capacity.

Dale Pennycuff, IHRC Staff Attorney presented the probationary approval by the Executive Director to the Commission for ratification.

Chairman Borst requested a vote to approve the ratification. Commissioner Levensgood moved for approval with a second from Commissioner McCuaig. The vote was unanimous 5-0 for approval.

6. 2024 Community Giving Report presented by Harrah's Hoosier Park and Horseshoe Indianapolis.

Brian Lewis, Director of Marketing, Horseshoe Indianapolis reviewed the 2024 Public Giving Report for the location in Shelbyville, Indiana. Jeremy Medley, Director of Marketing, Harrah's Hoosier Park reviewed the 2024 Public Giving report for the location in Anderson, Indiana. request, with Commissioner McCarty seconding the

motion.

No vote was required for this agenda item.

7. Recap of Eclipse Day at Horseshoe Indianapolis, April 8, 2024.

Eric Halstrom, General Manager of racing, Horseshoe Indianapolis recounted the successful events which took place at the track during the total eclipse of the sun.

No vote was required for this agenda item.

8. Seasonal Race updates from racetracks.

Eric Halstrom, Vice President General Manager of Horseshoe Indianapolis and Rick Moore, Vice President and General Manager of Racing Harrah's Hoosier Park presented track updates for the 2024 meet, year to date.

No vote was required for this agenda item.

9. Request from Standard Breed Development Advisory Committee to amend 2024 approval.

Jessica Barnes, Breed Development Director, presented the Committee's request for a 2024 amended approval.

Chairman Borst requested a vote to approve the expenditures. Commissioner Levensgood moved for approval with a second from Commissioner McCarty. The vote was unanimous 5-0 for approval.

10. Consideration of request from QHRAI to transfer ADW funds to supplement Quarter Horse purse account.

Chris Duke, president of Quarter Horse Racing, presented a proposal to transfer some of the ADW funds to boost the Quarter Horse purse account.

Chairman Borst requested a vote to approve the request. Commissioner Levensgood moved for approval with a second from Commissioner Estes. The vote was unanimous 5-0 for approval.

11. Rulemaking Update.

David Rothenberg, IHRC General Counsel, gave an update on the current situation with

rule promulgation. Questions were asked and responded to by the commission.

No vote was required for this agenda item.

12. HISA Update.

Matt Eggiman and Director Pitman gave an update on HISA. The commission asked questions which were answered. In addition, Dr. Kerry Peterson, IHRC Regulatory Veterinarian spoke on the implementation of HIWU.

No vote was required for this agenda item.

13. Review and consideration of Racing Capital Fund Committee expenditures approved and submitted by Fund committee members as well as Community Center update.

Joe Morris, Chairman of the RCFAC, reviewed the expenditures thus far by the RCFAC and gave an update on the proposed community center, as well as other planned expenditures.

Chairman Borst asked the Commission if there was a motion and a second regarding this approval. Commissioner McCuaig moved to entertain the motion. Commissioner Estes seconded. Chairman Borst requested a vote. The vote was unanimous 5-0 for approval.

14. Delegation of authority to conduct racing business to Executive Director.

Dale Lee Pennycuff requested the commission to delegate the authority to Executive Director Pitman to approve rule readoptions under 71 IAC 2-2-1.

Chairman Borst asked the Commission if there was a motion and a second regarding delegation. Commissioner Levensgood moved to entertain the motion. Commissioner McCarty seconded. Chairman Borst requested a vote. The roll call vote was unanimous 5-0 for approval.

15. Upcoming VICI public comment deadline and date of hearing.

David Rothenberg, IHRC General Counsel, gave an update on the current situation with the public hearing dates and procedures regarding the upcoming public hearing on VICI Property's acquisition of DEI's real estate holdings in Anderson and Shelbyville.

No vote was required for this agenda item.

There was no other new business.

V. Adjournment

The meeting was adjourned at approximately 12:57 p.m.