

Memorandum of the Regular Meeting of the
Indiana Horse Racing Commission

October 24, 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).

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, Stephanie Adams, Horseshoe Test Barn Administrator.

Speakers from the audience: Chris Duke, President of Quarter Horse Racing; Tim Glyshaw, Executive Director for the Indiana Horseman's Benevolent & Protective Association; Chris Duke, President for the Quarter Horse Racing Association of Indiana; Tony Renz, Executive Director of the Indiana Standardbred Association; 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; Tom Reeg, Chief Executive Officer for Caesar's Entertainment.

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 July 17th, 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 3-0 for approval.

III. Agenda

1. Consideration of the Administrative Law Judge's Recommended Final Order of Default in the matter of IHRC Staff v. Sixto Rivas, Administrative Cause No. HRC-2405-001229.

Matt Eggiman, IHRC Deputy General Counsel, presented the ruling by OALP to the commission.

Chairman Borst requested a vote to approve the list. Commissioner McCarty moved for approval with a second from Commissioner Levengood. The motion was unanimously approved by a vote of 3-0.

2. Review of 2024 Year-To-Date Commission Rulings as of September 30, 2024.

Commission reviewed the rulings and had no further questions. No vote was required for this agenda item.

3. Review of 2024 Year-To-Date HISA Rulings and HIWU Rulings as of September 30, 2024.

Commission reviewed the rulings and had no further questions. No vote was required for this agenda item.

4. Hearing on 2025 Renewal Application of Indiana Horsemen's Benevolent & Protective Association for Approval as a Registered Horsemen's Association pursuant to 71 IAC13-1-1 *et seq.* (pursuant to Notice of Hearing and Pre-Hearing Order issued on or about September 26, 2024).

Tim Glyshaw, Executive Director for the Indiana Horseman's Benevolent & Protective Association reviewed the 2025 renewal application and fielded questions from the commission.

Chairman Borst requested a vote to approve the application. Commissioner Levensgood moved for approval with a second from Commissioner McCarty. The motion was unanimously approved by a vote of 3-0.

5. Hearing on 2025 Renewal Application of Quarter Horse Racing Association of Indiana for Approval as a Registered Horsemen's Association pursuant to 71 IAC 13-1-1 *et seq.* (pursuant to Notice of Hearing and Pre-Hearing Order issued on or about September 26, 2024).

Chris Duke, President for the Quarter Horse Racing Association of Indiana reviewed the 2025 renewal application and fielded questions from the commission.

Chairman Borst requested a vote to approve the application. Commissioner Levensgood moved for approval with a second from Commissioner McCarty. The motion was unanimously approved by a vote of 3-0.

6. Hearing on 2025 Renewal Application of Indiana Thoroughbred Owners and Breeders Association for Approval as a Registered Horsemen's Association pursuant to 71 IAC 13-1-1 *et seq.* (pursuant to Notice of Hearing and Pre-Hearing Order issued on or about September 26, 2024).

Dan Spears, President for the Indiana Thoroughbred Owners and Breeders Association reviewed the 2025 renewal application and fielded questions from the commission.

Chairman Borst requested a vote to approve the application. Commissioner McCarty moved for

approval with a second from Commissioner Levensgood. The motion was unanimously approved by a vote of 3-0.

7. Hearing on 2025 Renewal Application of Indiana Standardbred Association for Approval as a Registered Horsemen's Association pursuant to 71 IAC 13-1-1 *et seq.* (pursuant to Notice of Hearing and Pre-Hearing Order issued on or about September 26, 2024).

Tony Renz, Executive Director for the Indiana Standardbred Association reviewed the 2025 renewal application and fielded questions from the commission.

Chairman Borst requested a vote to approve the application. Commissioner McCarty moved for approval with a second from Commissioner Levensgood. The motion was unanimously approved by a vote of 3-0.

8. Consideration and approval of Harrah's Hoosier Park 2025 race dates in accordance with 71 IAC 11-1-7, 71 IAC 2-9-1(e).

Rick Moore, Vice President and General Manager of Racing Harrah's Hoosier Park presented the 2025 proposed race dates for Harrah's Hoosier Park and highlighted special event dates.

Chairman Borst requested a vote to approve the dates. Commissioner Levensgood moved for approval with a second from Commissioner McCarty. The motion was unanimously approved by a vote of 3-0.

9. Ratification of recent Executive Director approvals:

- **The donation of two shuttle buses at the request of Joe Morris, Caesars Senior VP of Racing. One to the Shelbyville Parks Department and the other to the Central Christiano Bethesda church which serves a large population of the Hispanic population at Horseshoe Indianapolis.**
- **2024 15-year equipment list substitution to purchase a street sweeper *instead of 2 of 4 F250 pick-up trucks.***

Joe Morris, Senior Vice President for Caesars Entertainment, spoke regarding donations of two shuttle buses to community groups and Rick Moore spoke regarding the need to substitute the purchase of two trucks with the purchase of a street sweeper.

Chairman Borst requested a vote to approve the ratification of the Executive Director's approval for the donations and substitution. Commissioner Levensgood moved for approval with a second from Commissioner McCarty. The motion was unanimously approved by a vote of 3-0.

10. 2025 HHP 15-Year Equipment List Substitution Request

- **To include ratification of Executive Director’s approval of Harrah’s Hoosier Park’s request to purchase a used pump truck in 2024, a purchase that was scheduled to be made in 2025 at a higher price and use the difference in purchase price toward a still to be determined piece of equipment in the future.**

Rick Moore addressed the need for the purchase of a used pump truck in 2024 as opposed to the purchase in 2025.

Chairman Borst requested a vote to approve ratification of the Executive Director’s approval for the substitution. Commissioner McCarty moved for approval with a second from Commissioner Levengood. The motion was unanimously approved by a vote of 3-0.

11. Consideration and approval of Horseshoe Indianapolis 2025 race dates in accordance with 71 IAC 11-1-7, 71 IAC 2-9-1(e).

Eric Holstrom, Vice President and General Manager of Racing Indianapolis Horseshoe presented the 2025 proposed race dates for Indianapolis Horseshoe and highlighted special event dates.

Chairman Borst requested a vote to approve the dates. Commissioner McCarty moved for approval with a second from Commissioner Levengood. The motion was unanimously approved by a vote of 3-0.

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

Joe Morris presented plans and reviewed the status of the community center to be constructed at Indianapolis Horseshoe. He requested the commission approve the remaining 1.2 million dollars to be used to engage the lowest pre-approved bidder and begin construction once all bids were in and considered.

Chairman Borst requested a vote to approve the request. Commissioner Levengood moved for approval with a second from Commissioner McCarty. The motion was unanimously approved by a vote of 3-0.

13. Ratification of Executive Director’s interim approval of Xpressbet, LLC’s changes to directors/officers and 1/ST Bet offering a Spanish language option.

Dale Pennycuff, Indiana Horse Racing Commission Staff Attorney, presented Xpressbet’s changes to the commission which had been approved by the Executive Director.

Chairman Borst requested a vote to ratify the Executive Director’s prior decision to accept these

changes. Commissioner McCarty moved for approval with a second from Commissioner Levensgood. The motion was unanimously approved by a vote of 3-0.

14. Ratification of Interim Approval of CEI Refinancing.

Tom Reeg, Chief Executive Officer of Caesar's Entertainment, presented the details of the Ceasar's recent refinancing transaction which had been previously approved by the Executive Director.

Chairman Borst requested a vote to ratify the Executive Director's prior decision. Commissioner Levensgood moved for approval with a second from Commissioner McCarty. The motion was unanimously approved by a vote of 3-0.

15. Review and consideration of Notice of Eleventh Subsequent Term pertaining to the Initial Distribution Agreement.

Dale Pennycuff reviewed the history of the Initial Distribution Agreement and requested the commission to approve the Eleventh Subsequent Term.

Chairman Borst requested a vote to approve the Eleventh Subsequent Term. Commissioner Levensgood moved for approval with a second from Commissioner McCarty. The motion was unanimously approved by a vote of 3-0.

16. 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.

17. HISA Update.

Matt Eggiman gave an update on HISA. The review included the present state of litigation and the contract status for 2025.

No vote was required for this agenda item.

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.

18. 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 requested a vote to approve the delegation. Commissioner Levensgood moved for approval with a second from Commissioner McCarty. The motion was unanimously approved by a vote of 3-0.

IV. New Business

Tom Reeg gave a summary of the Caesar's status and goals for the next legislative session.

Executive Director Pitman

V. Adjournment

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