

In the Matter Of:

INDIANA HORSE RACING COMMISSION

Meeting

March 07, 2017

1
2 INDIANA HORSE RACING COMMISSION
3 MEETING
4
5 HELD ON
6 MARCH 7, 2017
7 10:00 A.M.
8
9 AT
10 HOOSIER PARK RACING AND CASINO
11 ANDERSON, INDIANA
12
13
14 TAKEN BY:
15 ROBIN P. MARTZ, RPR
16 NOTARY PUBLIC
17
18
19
20
21
22
23
24
25

Page 3

1 9. Hoosier Park's request to change 2017 post times
2 previously approved at Commission's December 20, 2016
3 regular meeting 67
4 10. Approval of split sample laboratories for 2017 and
5 beyond 76
6 11. Centaur request for approval to construct new
7 maintenance building at Indiana Grand 77
8 NEW BUSINESS 80
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 2

1 APPEARANCES
2
3 Greg Schenkel, Vice Chairman
4 George Pillow (via phone)
5 Susie Lightle
6 William McCarty
7 Mike Smith, Executive Director
8 Deena Pitman
9
10 Lea Ellingwood, Esq.
11 Holly Newell, Esq.
12 INDIANA HORSE RACING COMMISSION
13 1302 North Meridian Street, Suite 175
14 Indianapolis, IN 46202
15
16 AGENDA
17 1. Litigation update 6
18 2. Consideration of Settlement Agreement in IHRC
19 Staff vs. Krista Harmon 9
20 3. Consideration of Respondent's Verified Objections
21 to Findings of Fact and Recommended Order RE: IHRC
22 Staff vs. Joseph Baliga, DVM 10
23 4. Consideration of Respondent's Verified Objections
24 to Findings of Fact and Recommended Order RE: IHRC
25 Staff v. Bobby Brower 34
26 5. Review of Commission rulings 58
27 6. Commission Consideration of proposed emergency
28 rule changes 58
29 7. Approval of Hoosier Park's 2017 Standardbred
30 racing official list 65
31 8. Approval of Indiana Grand's 2017 Thoroughbred and
32 Quarter Horse racing official list 66

Page 4

1 CHAIRMAN SCHENKEL: Good morning. If I could
2 have your attention, we will call this meeting to
3 order of the Indiana Horse Racing Commission.
4 Welcome all to Hoosier Park. And I want to thank,
5 first of all, all the official staff and everybody
6 from Hoosier Park for their willingness to host us
7 again and provide us with a great spread again this
8 morning for breakfast. Thank you so much, and we
9 appreciate your hospitality. Hopefully, it is
10 going to dry out and be a great racing season
11 coming up soon.
12 With that, we will call the meeting to order.
13 And I would ask as we go through the meeting, just
14 a couple of announcements, if you come to the
15 microphone to speak, please speak slowly, state
16 your name and your affiliation, if there is one, so
17 that our court reporter can get everything
18 accurately recorded as we go through today's
19 business matters.
20 With that, Mike, do you have a few opening
21 comments that you would like to make, please?
22 MIKE SMITH: Sure. Thank you, Mr. Chairman.
23 As all of you may or may not be aware, Chairman
24 Weatherwax decided to step down on the 17th of
25 February to go on and do, I can't say better, but

Page 5

1 different things in life. So we wanted to thank
 2 him for all his years of public service and serving
 3 as our chairman. So Mr. Schenkel is our vice
 4 chairman who will be chairing the meeting today.
 5 And we appreciate all the good thoughts for Tom.
 6 CHAIRMAN SCHENKEL: Certainly, other
 7 commissioners, fellow commissioners appreciate
 8 Tom's service and thank him and wish him all the
 9 best. He did an admirable job here in these last
 10 couple of years leading us. So thank you for that,
 11 Tom, and we are indebted.
 12 I'd like to at this time swear in the court
 13 reporter.
 14 (At this time the oath was administered to the
 15 court reporter by Chairman Schenkel.)
 16 CHAIRMAN SCHENKEL: Commissioner McCarty
 17 mentioned so that you all understand because we do
 18 have a smaller commission, we do have a quorum here
 19 with three of us. Our fourth member, George
 20 Pillow, is set to call in. That's why we have this
 21 speaker phone here. So you may be hopefully
 22 hearing in the near future a fourth voice here so
 23 that we will have four people in attendance here.
 24 In attendance today for the minutes are
 25 Commissioner McCarty, Commissioner Lightle, myself,

Page 6

1 and hope to be soon joined by George Pillow, who's
 2 out of the city but plans to join us by phone.
 3 With that, I would move on the agenda and ask
 4 for approval of the minutes of the December 20th
 5 meeting. Are there any additions, corrections,
 6 comments that need to be made in that regard? If
 7 not, I would entertain a motion.
 8 COMMISSIONER MCCARTY: I move for approval of
 9 the December 20th minutes.
 10 COMMISSIONER LIGHTLE: Second.
 11 CHAIRMAN SCHENKEL: Moved and seconded. All
 12 those in favor say "Aye".
 13 THE COMMISSION: "Aye."
 14 CHAIRMAN SCHENKEL: Motion approved. So we
 15 are into that. Thank you much.
 16 First item on the agenda today is, Holly
 17 Newell will provide us with a litigation update.
 18 MS. NEWELL: Thank you, Vice chairman. Good
 19 morning. You have in your booklets Marion Superior
 20 Court orders relating to matters that were
 21 initially heard before this commission.
 22 First is the consolidated matter of Roger
 23 Cullipher and Mike Roth. Each trainer had a horse
 24 that tested positive for tripelethamine in 2014.
 25 The Commission issued final orders in 2015 that

Page 7

1 fined each trainer \$500 and required that the purse
 2 be redistributed for all the relevant races.
 3 Both Roth and Cullipher filed petitions for
 4 judicial review. The parties filed cross-motions
 5 for summary judgment, and the trial court
 6 considered briefs and oral argument and ultimately
 7 upheld this Commission's order. Roth and
 8 Cullipher's time to request appellate review has
 9 expired. And Commission staff has accordingly
 10 issued rulings on these matters putting both cases
 11 to rest.
 12 The second order in your booklet relate to
 13 Captain Jack Racing Stable. You heard this matter
 14 in 2015 as well. And you decided at that time that
 15 Captain Jack Racing Stables --
 16 CHAIRMAN SCHENKEL: Hang on just a second.
 17 (At this time Commissioner Pillow joined the
 18 meeting by phone.)
 19 CHAIRMAN SCHENKEL: So everybody knows, this
 20 is Commissioner George Pillow calling in from out
 21 of town. He has joined the proceedings. Now we
 22 have four commissioners. Thank you, George.
 23 COMMISSIONER PILLOW: Thank you. Happy to be
 24 here.
 25 CHAIRMAN SCHENKEL: Go ahead, Holly.

Page 8

1 MS. NEWELL: Hi, George. This is Holly. I'm
 2 giving a brief litigation update.
 3 I will restart with Captain Jack. You heard
 4 this matter in 2015. And you denied Captain Jack
 5 Racing Stables' Motion to Intervene with a
 6 disciplinary matter involving a trainer. Captain
 7 Jack filed a petition for judicial review, and the
 8 Marion Superior Court judge granted Commission's
 9 Motion for Summary Judgment affirming the decision
 10 from 2015.
 11 No Commission action is necessary for either
 12 of these matters. This is just to update you on
 13 the status of both these cases.
 14 CHAIRMAN SCHENKEL: No action needed.
 15 MS. NEWELL: No, sir.
 16 CHAIRMAN SCHENKEL: George, you're missing out
 17 on the good breakfast provided by Hoosier Park.
 18 Other than that, we're glad to have you here. And
 19 we will go onto the next issues here in front of
 20 us.
 21 We have before us today two cases, the first
 22 one of which is the --
 23 MS. NEWELL: I think we skipped over agenda
 24 item two.
 25 CHAIRMAN SCHENKEL: I'm sorry. There was one

Page 9

1 more for you. This is the consideration of the
 2 settlement agreement with the staff versus Krista
 3 Harmon.
 4 MS. NEWELL: Tab two of your booklet includes
 5 the settlement agreement Commission staff reached
 6 with Krista Harmon. Harmon is a Standardbred
 7 trainer who was found to have contraband on the
 8 backside of Hoosier Park last year. Harmon was
 9 cooperative and agreed to the settlement, which
 10 Commission staff respectfully requests you approve
 11 today. And I'm happy to entertain any questions.
 12 CHAIRMAN SCHENKEL: Any questions or comments
 13 for counsel on this, Commissioners?
 14 COMMISSIONER LIGHTLE: No.
 15 MS. NEWELL: We do need to vote on it.
 16 CHAIRMAN SCHENKEL: We do need a motion to
 17 approve this settlement agreement.
 18 COMMISSIONER LIGHTLE: Make a motion to
 19 approve this.
 20 COMMISSIONER MCCARTY: Second.
 21 CHAIRMAN SCHENKEL: Moved and seconded. All
 22 those in favor say "aye."
 23 THE COMMISSION: "Aye."
 24 CHAIRMAN SCHENKEL: Thank you. Now, I'll
 25 catch up with you here. The next item, let me

Page 10

1 point out that we have a gentleman with us, Gordon
 2 White, from the Attorney General's Office who is
 3 here today to assist us should we need this on
 4 these cases.
 5 The first one is the Respondent's objections
 6 to Findings of Fact and Recommended Order granting
 7 default judgment in the matter of IHRC staff versus
 8 Joseph Baliga. This is an oral argument of the
 9 administrative proceedings in this case.
 10 Specifically, on November 10, 2016, Mike
 11 Smith, Executive Director of the Commission, issued
 12 an administrative complaint against Doctor Baliga.
 13 The complaint alleged that Doctor Baliga, who is a
 14 licensed practicing veterinarian, had administered
 15 an unauthorized medication to a horse participating
 16 in a race. The recommended penalty in the
 17 complaint was that Doctor Baliga be ineligible for
 18 licensure in this state for five years. That he be
 19 permanently banned from the Lasix administration
 20 program at the Indiana pari-mutuel horse racing
 21 tracks, and that he be fined \$20,000.
 22 As of December 6, 2016, Doctor Baliga had not
 23 answered the complaint nor requested a hearing.
 24 Under Commission rules, an individual challenging a
 25 complaint must request this hearing within 20 days

Page 11

1 of the filing of the complaint. Failure to do so
 2 results in a waiver of a right to a hearing on the
 3 administrative penalty, as well as any right to
 4 judicial review.
 5 Commission staff argued to the ALJ that Doctor
 6 Baliga did not submit an answer or a request for a
 7 hearing in a timely manner and as a result should
 8 be defaulted. Doctor Baliga's counsel argues he
 9 was actively involved in defending Doctor Baliga in
 10 a related matter and should not be defaulted in
 11 this one.
 12 Administrative Law Judge Bernard Pylitt agreed
 13 with the Commission staff that an answer and
 14 hearing request were not timely submitted and
 15 issued a service of proposed default and revised
 16 deadline for Doctor Baliga to file written response
 17 on December 6th. Doctor Baliga responded to the
 18 service of proposed default in a timely manner.
 19 After considering the response to the service
 20 of proposed default, Administrative Law Judge
 21 Pylitt held Doctor Baliga in default on
 22 December 16, 2016. Along with the default order,
 23 the ALJ endorsed the penalty contained in the
 24 administrative complaint.
 25 Doctor Baliga filed a timely objection to that

Page 12

1 ruling on December 28, 2016. Both parties were
 2 given the option to file a brief to the Commission
 3 in support of their positions. Both parties did so
 4 on March 3 of 2017.
 5 Today the Commission is affording the parties
 6 the opportunity to present oral arguments. These
 7 presentations will be limited to ten minutes on
 8 each side. And the Commissioners are free to ask
 9 questions at any time. At the conclusion of the
 10 argument, the Commissioners will deliberate on
 11 whether to affirm, modify, dissolve, or remand for
 12 further proceedings the proposed decision of the
 13 administrative law judge. The Commission's
 14 decision will be based solely on the record before
 15 it.
 16 At this time, we will have the counsel for
 17 Doctor Baliga present. And if you would, please,
 18 the podium is yours. You have ten minutes, please.
 19 And I believe -- who's going to keep the time?
 20 Mike will keep -- Executive Director Smith will
 21 keep the time and signal to folks as their time
 22 warrants. Please introduce yourself and welcome.
 23 MR. SACOPULOS: My name is Pete Sacopulos. I
 24 represent Doctor Baliga. For the record, my last
 25 name, which is easier to draw than it is to spell,

Page 13

1 is S-a-c-o-p-u-l-o-s. I appreciate the opportunity
 2 to be here today and present on behalf of Doctor
 3 Baliga. And I would ask that I have one minute of
 4 my ten minutes remain for rebuttal, if I could.
 5 With that having been said, I think it's
 6 important to know what we are here about today.
 7 We're here today on behalf of Doctor Baliga, not to
 8 ask you to consider whether he did or he did not do
 9 anything. We are here to ask today that he be
 10 considered favorably to be heard, to have an
 11 opportunity to have his case presented, and to be
 12 heard on the merits. And I think it's also very
 13 important here that you understand the history of
 14 what happened.
 15 There was a summary suspension filed. And
 16 when that summary suspension was filed, Doctor
 17 Baliga took a number of actions affirmatively. He
 18 hired an attorney, which is me. I entered my
 19 appearance on behalf of Doctor Baliga. At that
 20 point, there was motions, pleadings done on this.
 21 There was requests for extension of time. There
 22 were motions filed back and forth. There was
 23 discovery that was served on behalf of Doctor
 24 Baliga. There was a hearing set on behalf of
 25 Doctor Baliga. There was a hearing had on behalf

Page 14

1 of Doctor Baliga. There was a transcript that was
 2 prepared as a result of that hearing.
 3 In that hearing, there was discussion of a
 4 hearing on the merits, which would have been on the
 5 administrative complaint. It is clear in the
 6 transcript that it was contemplated there would be
 7 a hearing on the merits on the to-be-filed
 8 administrative complaint.
 9 When the judges decided to keep the summary
 10 suspension in place, Doctor Baliga timely filed an
 11 appeal, which was pending. The summary suspension
 12 has been summarily withdrawn by the staff, and the
 13 administrative complaint put forward.
 14 It is, I think, very important that this
 15 Commission understand that the summary suspension
 16 and the administrative complaint both have as the
 17 subject matter the exact same incident, an incident
 18 that allegedly occurred here at Hoosier Park on
 19 September 30, 2016. It includes the same, both of
 20 these, summary suspension and administrative
 21 complaint, relates to the exact same horse, the
 22 exact same incident, the exact same day, the exact
 23 same trainer, the exact same assistant trainer, the
 24 exact same wrongdoing of injecting a horse with
 25 something other than Lasix on race day. All of

Page 15

1 these are common issues in both of these cases.
 2 There will be common evidence. There will be
 3 common testimony.
 4 And so after this hearing had been had, it
 5 certainly was a surprise that we received a default
 6 judgment because the default judgment section of
 7 the Indiana Code has the basis, an action taken by
 8 the Commission or by you when someone either
 9 ignores a filing of an administrative complaint,
 10 refuses to participate or engage in the process of
 11 the administrative proceedings or ignores it all
 12 together.
 13 That is not the case of Doctor Baliga. Doctor
 14 Baliga has taken all actions. He has gone through
 15 a complete hearing, a hearing of which there was
 16 discussion about a future hearing on the merits,
 17 which is what we're asking that he be given today.
 18 The timeline on this I think is important.
 19 Doctor Baliga, so that the record is complete, has
 20 asked, has filed an answer and has asked for a
 21 hearing, but he thought that was not needed because
 22 certainly he had already been through a hearing on
 23 the exact same issue on this matter.
 24 The request for hearing I think is important
 25 if we look at the transcript from the

Page 16

1 administrative proceedings. In there, it was noted
 2 by the judge on page 28 of the transcript that
 3 there was going to be a hearing on the merits.
 4 Doctor Baliga thought there would be a hearing on
 5 the merits. I, quite frankly, thought there was
 6 going to be a hearing on the merits. And even
 7 counsel for the race commission says when the
 8 judge, this is your chief judge, says "We should do
 9 what we can to get this matter heard on the
 10 merits." Opposing counsel, Attorney Newell said
 11 understood. Everyone understood or it appears from
 12 this record certainly Doctor Baliga and I were
 13 under the understanding that there would be a
 14 subsequent hearing on the administrative complaint.
 15 The idea that Doctor Baliga has waived any
 16 right to be heard on this and for any right to
 17 judicial review is both unfair and not consistent
 18 with this rule from what is going on in this
 19 record. If this is adopted, this is a life
 20 sentence for Doctor Baliga. He is 63 years old.
 21 He is not in the best of health. If he is out for
 22 five years, that's the end of his career. He has
 23 disputed and denied the allegations in total since
 24 these were initiated by way of the summary
 25 suspension in September of last year.

Page 17

1 So I think at the very least Doctor Baliga
 2 should be entitled to a hearing on whether or not,
 3 on the merits of the case because he was not
 4 allowed to present any hearing or any facts on any
 5 merits in the summary suspension by the judges.
 6 There are compelling reasons why this
 7 administrative law judge's recommended order to be
 8 rejected. One is that the undersigned counsel
 9 believed that an answer denying the allegations had
 10 already been given by way of the summary suspension
 11 matter. All of those, as I said, are the exact
 12 same incident. This is not a separate incident,
 13 exact same facts, exact same everything.
 14 The administrative complaint was simply filed
 15 under a separate cause number. There was confusion
 16 in that. And that can be seen in the ALJ's order
 17 where not only are the two summary suspension
 18 matters, which were pending under No. 16176 and
 19 16177 are referenced but also in that same order,
 20 the administrative complaint number was referenced
 21 in the exact order. So there was obviously
 22 confusion on all three.
 23 I will tell you there's been references in the
 24 brief that I have represented other people before
 25 this Commission. All of you know that. That is

Page 18

1 certainly true. I know I've never had a case where
 2 there was parallelling summary suspensions and
 3 administrative complaint at the same time.
 4 I would submit to you that if what we're after
 5 here is fairness and equity, and that's what we're
 6 trying to do is promote integrity in racing,
 7 certainly somebody like Doctor Baliga, who's taken
 8 all of these actions, should be able to be heard on
 9 the merits.
 10 If the race commission witnesses are that
 11 compelling, if the testimony that damning to Doctor
 12 Baliga, then the outcome would be the same, but he
 13 would be afforded the due process he is entitled as
 14 a professional and as a licensee and at least be
 15 heard on the merits. That's what we're asking for
 16 today.
 17 One of the other arguments advanced by the
 18 staff is that Doctor Baliga did not advance a
 19 meritorious defense. That is not the case. He has
 20 denied the allegations since the very beginning.
 21 Those allegations have been denied both by way of
 22 the transcript that was taken under oath in the
 23 summary suspension matter. There is no question
 24 that he has denied this and has thought that he has
 25 a meritorious defense.

Page 19

1 The other thing is under Trial Rule 55, no
 2 meritorious defense must be asserted until there's
 3 a judgment entered. We don't have a judgment in
 4 this case. We have a recommended order from an
 5 administrative law judge.
 6 The other fact I think that's worth noting is
 7 that Indiana law has a long history of disliking
 8 matters being handled on technicalities. There is
 9 a whole raft of cases, some of which are cited in
 10 our brief. I would refer you to the Huntington
 11 National Bank case and Doctor Harvey, who we cited
 12 in our brief. It has long been the rule in Indiana
 13 and the preference in Indiana that cases are
 14 decided on the merits and not on technicalities.
 15 That's what we are asking today on behalf of Doctor
 16 Baliga.
 17 With that, I would like to reserve the balance
 18 of my time, which if I have it, around a minute; is
 19 that correct, sir?
 20 MIKE SMITH: Yes.
 21 MR. SACOPULOS: For rebuttal if I could.
 22 CHAIRMAN SCHENKEL: Any questions or comments
 23 for this witness from the Commission members?
 24 Okay. Thank you. You have a minute left
 25 there when we get done. Miss Newell.

Page 20

1 MS. NEWELL: Thank you. I also would like to
 2 reserve the balance of whatever time might be
 3 remaining.
 4 Good morning, Commissioners.
 5 CHAIRMAN SCHENKEL: I feel like I'm in
 6 Congress.
 7 MS. NEWELL: Commission staff today is asking
 8 the Commission to affirm the recommended order
 9 issued by Administrative Law Judge Bernard Pylitt.
 10 This case involves an administrative complaint the
 11 Commission staff filed against Joseph Baliga.
 12 Judge Pylitt recommended that a default judgment be
 13 granted against Doctor Baliga. That recommendation
 14 is sound and should be affirmed.
 15 Commission staff comes to you today from an
 16 enviable position. We have the rule and the facts
 17 on our side, and both are clear. Mr. Sacopulos
 18 went into a discussion of the summary suspension
 19 that was also pending at the same time as the
 20 administrative complaint. There is a very clear
 21 distinction between these two avenues of
 22 prosecution. The summary suspension relates to
 23 rulings. It's not an administrative complaint.
 24 It's not an administrative cause number. They are
 25 rulings, numbers. A summary suspension was issued

Page 21

1 in this case because of the extreme concern
 2 relating to the allegations against Doctor Baliga.
 3 However, an administrative complaint was
 4 forthcoming, and it was a distinct complaint that
 5 was filed against him after the summary suspension.
 6 Furthermore, Mr. Sacopulos's reference to the
 7 transcript of the summary suspension hearing comes
 8 from October 31st. That predates the filing of any
 9 administrative complaint.
 10 Mr. Sacopulos came before you with essentially
 11 an emotional plea that Doctor Baliga get his day in
 12 court, but his request that you not affirm Judge
 13 Pylitt's order is not rooted in rule or fact. My
 14 job today is to refocus the argument on those
 15 important things.
 16 I also want to remind you that the IHRC rules
 17 are controlling here. The specific rule at issue
 18 is 71 IAC 10-3-20(d). It says "Not later than the
 19 20th day after the date on which the Executive
 20 Director delivers or sends the administrative
 21 complaint, the person charged may make a written
 22 request for a hearing or may remit the amount of
 23 administrative penalty to the Commission. Failure
 24 to request a hearing or to remit the amount of the
 25 administrative penalty within the period prescribed

Page 22

1 by this subsection results in a waiver of a right
 2 to a hearing on the administrative penalty, as well
 3 as any right to judicial review."
 4 The facts are simple. Commission staff filed
 5 an administrative complaint against Joseph Baliga
 6 on November 10, 2016. It was properly served both
 7 upon Doctor Baliga and Mr. Sacopulos. Commission
 8 staff received no response of any kind within the
 9 time frame established by rules that were
 10 promulgated by this Commission. There was no
 11 answer filed. There was no request for a hearing
 12 filed.
 13 As counsel, it is my duty to zealously
 14 represent Commission staff. I did so when I filed
 15 the Motion for Default on December 6, 2016.
 16 Despite what Mr. Sacopulos argues, the
 17 procedural posture of this matter should not have
 18 been confusing, and Commission staff's filing of a
 19 Motion for Default should not have been a surprise.
 20 Let's start with the complaint itself. The front
 21 page includes the word "Notice" in all capitals and
 22 in bold. It is followed by this language: The
 23 person who is the subject of this administrative
 24 complaint has 20 days after the issuance of this
 25 report to make a written request for a hearing

Page 23

1 pursuant to 71 IAC 10-3-20(d). That's the front
 2 page of the complaint that was filed.
 3 Now let's consider the fact Commission staff
 4 was enforcing a Commission rule. That is
 5 Commission staff's job. It should come as no
 6 surprise to anyone when any Commission rule is
 7 enforced, whether it's an administrative or
 8 procedural rule or if it is a rule relating to
 9 foreign substances in a horse. This Commission
 10 passes rules that it reasonably should expect to be
 11 enforced. It is unreasonable to think that the
 12 rules would not be enforced. To suggest that a
 13 state agency enforcing rules promulgated by that
 14 agency is a gotcha tactic is simply absurd.
 15 Simply put, 71 IAC 10-3-20 is no less
 16 important than our medication rules. A rule has
 17 been violated, and the rule itself establishes the
 18 consequence. It is our duty to enforce the rules
 19 as written.
 20 As Mr. Sacopulos said, he has represented many
 21 licensees before this Commission. He has
 22 represented licensees against whom administrative
 23 complaints have been filed. And he and I seem to
 24 disagree because my recollection is that he has
 25 even represented a licensee who was summarily

Page 24

1 suspended who later faced an administrative
 2 complaint. Mr. Sacopulos managed to properly make
 3 a written request for a hearing in that case, which
 4 has many striking procedural similarities to this
 5 case.
 6 Mr. Sacopulos has suggested the Commission
 7 staff should have called him. It is not Commission
 8 staff's place to remind Mr. Sacopulos of pending
 9 deadlines. Commission staff can only assume that
 10 Mr. Sacopulos, having practiced before the
 11 Commission many times before, would read and be
 12 aware of the rules and take the time to clarify the
 13 procedure of the matter. If, after doing so, Mr.
 14 Sacopulos were still confused, he certainly could
 15 have reached out to Commission for clarification.
 16 He did not.
 17 Attorneys for the Commission cannot give legal
 18 advice to licensees or any private citizens. We
 19 shouldn't need to when the licensee is represented
 20 by counsel. We have routinely faced licensees who
 21 have been in receipt of an administrative complaint
 22 who do not have counsel but have managed to comply
 23 with that rule.
 24 As a final point, I urge you to consider the
 25 potential precedential effect of any decision that

Page 25

1 does not affirm Judge Pylitt's recommended order.
 2 Essentially, that results in our procedural rules
 3 having very little meaning. If there is no
 4 requirement to comply, why bother having the rule
 5 at all. The Commission, upon enacting the rule,
 6 deemed it appropriate for this agency. Many times
 7 we have discussed the preference that matters be
 8 handled swiftly and with an eye to judicial and
 9 agency economy.

10 Allowing a licensee against whom an
 11 administrative complaint has been filed to decide
 12 to answer when he or she might feel like it and to
 13 ask for a hearing when they get around to it,
 14 grinds the process to a halt as we wait for the
 15 licensees to determine the next steps in the
 16 matter. The rules are in place to ensure that the
 17 momentum is always moving forward.

18 If the Commission allows Baliga to disregard
 19 the rules, the Commission will be hard-pressed to
 20 not allow the same for every other litigant that
 21 comes before it. We could arguably discuss drawing
 22 a line.

23 Mr. Sacopulos has told you that Commission
 24 staff filed its motion for default just days after
 25 the deadline expired. Our response is that of

Page 26

1 course we did. The rule allows for 20 days. More
 2 than 20 days elapsed. Commission staff naturally
 3 took the next reasonable step. The Commission
 4 considered and drew a bright line when it
 5 established the 20-day deadline. That is the rule
 6 that is on the books. That is the rule that is in
 7 effect for purposes of the administrative complaint
 8 filed against Doctor Baliga.

9 Commission staff respectfully requests that
 10 this Commission affirm the recommended order before
 11 you and grant the entry of default against Doctor
 12 Baliga.

13 CHAIRMAN SCHENKEL: Questions or comments from
 14 any Commissioners?

15 Counselor, you have a minute left, please.

16 MR. SACOPULOS: Okay. I think most of what
 17 Ms. Newell addressed is focused on me. And the
 18 hearing today is not about me. It's about Doctor
 19 Baliga having an opportunity to be heard on the
 20 merits. I will tell you in the transcript from the
 21 hearing before the three judges, the chief judge
 22 says, and we all agreed, a merits hearing will come
 23 later. There was every indication there was going
 24 to be a hearing on the merits in this case.

25 This is an odd series of events. I think it's

Page 27

1 important to look at the commonality. These two
 2 things are completely intertwined because they
 3 relate to the same matter, same horse, same date,
 4 the same players, the same vet, the same trainer,
 5 the same assistant trainer, the same horse, the
 6 same allegations. All of that is the same.

7 Doctor Baliga immediately upon receiving this
 8 asking for a default judgment requested a hearing.
 9 He thought he had already done that. I thought we
 10 already had an understanding there was going to be
 11 a hearing. It isn't the case where it gets filed
 12 and then nothing happens. This is a case where
 13 there had been a whole lot that had happened.

14 In terms of getting it swiftly done, I would
 15 tell the Commission, if Miss Newell had called me
 16 and asked, hey, you didn't file for a hearing, I
 17 would have done that immediately. And this whole
 18 matter would have been done. So I would request
 19 that you rule favorably on behalf of Doctor Baliga
 20 and allow him to be heard on the merits. Thank
 21 you.

22 CHAIRMAN SCHENKEL: Thank you. Any other
 23 questions? Ms. Newell, you have a minute.

24 MS. NEWELL: I will waive the remaining time.
 25 I think you have everything in front of you that

Page 28

1 you need.

2 MR. WHITE: My turn, I guess.

3 CHAIRMAN SCHENKEL: This is Gordon White from
 4 the Attorney General's Office. Mr. White.

5 MR. WHITE: Thank you. I have worked for the
 6 Commission for a number of years, but I haven't
 7 been to one of your meetings for a while. Thank
 8 you for inviting me over for this one.

9 You've read the briefs. You've heard the oral
 10 argument. The situation before you is fairly
 11 clear. The rules and the statutes are fairly
 12 clear. The decision is going to be a difficult
 13 one, but I get to leave it up to you.

14 Your rules say that a licensee needs to ask
 15 for a hearing within 20 days. It seems that the
 16 request for the hearing was not submitted within 20
 17 days. That's the basis of Judge Pylitt's
 18 recommended order. If the request did not come in
 19 in a timely manner, that is in default. Basically
 20 what that means is Doctor Baliga could no longer
 21 defend himself in front of Judge Pylitt. And Judge
 22 Pylitt went on and endorsed the original
 23 recommended penalty by the Commission, the
 24 suspension period and the fine.

25 Then the parties objected to that or I should

Page 29

1 say Doctor Baliga objected to that. And now it is
 2 up to you to decide whether or not you will accept
 3 Judge Pylitt's decision, whether or not you will
 4 dissolve it or basically send it back to him for a
 5 hearing or whether or not you will modify it. And
 6 just to give you an example, modification would be
 7 something like if you thought that penalty was too
 8 harsh or too light, you have the ability at this
 9 point to modify the judge's decision. All I would
 10 ask if you do that you, please explain to us why
 11 you're making that modification.
 12 So like I say, your role is pretty simple.
 13 The parties have discussed that. The
 14 Administrative Orders and Procedures Act, which is
 15 the State statute which also regulates these
 16 proceedings, is also pretty clear that if a party
 17 doesn't do what he's supposed to do, he may be
 18 defaulted, but I have to underline the word may.
 19 Your rule says shall or words to that effect. The
 20 statute says may default. So I think you have an
 21 option as to whether or not to hold them in default
 22 or not.
 23 That's the factual framework and the legal
 24 framework, but I think at this point I get to hand
 25 it over to the Commissioners to let them decide

Page 30

1 what they want to do. Of course, I would be happy
 2 to answer any questions.
 3 CHAIRMAN SCHENKEL: Any questions or comments
 4 for Gordon or any discussion amongst ourselves?
 5 Just so we make sure we understand here, this
 6 default judgment speaks to whether or not -- we're
 7 not talking about the merits of the case itself or
 8 the original charge.
 9 MR. WHITE: Yes and no. The default
 10 judgment --
 11 CHAIRMAN SCHENKEL: Relates back to that.
 12 MR. WHITE: Yes, that's right. Technically,
 13 the default judgment is you didn't do what you were
 14 supposed to do. You can no longer defend yourself.
 15 That's the default. But there is kind of a step
 16 two, and that's the decision as to, well, what are
 17 we going to do about it. Judge Pylitt accepted
 18 Mr. Smith's recommendation of -- forgive me if I
 19 forget the details -- imposed a fine. So it's a
 20 combination of both.
 21 CHAIRMAN SCHENKEL: I will make a couple
 22 general comments. With the facts presented, we've
 23 had them, and I think all of us have reviewed the
 24 filings. A couple things jump out at me. And that
 25 is it's a pretty factual situation. The notice and

Page 31

1 the rules and statutes regarding that are very
 2 clear. We're dealing with people who are not, as I
 3 would say, strangers to the Commission. Everybody
 4 has been through procedures similar to this in one
 5 way or another or seen or heard them. And I'm not
 6 really taken with one of the comments that, well,
 7 gee, if the Commission would have called me, I
 8 would have filed it. That, to me, is not, without
 9 sounding arrogant, that's not the Commission's job
 10 or responsibility in my estimation. I think from
 11 my viewpoint, adequate legal procedures were
 12 followed.
 13 And I would make the motion to affirm and then
 14 open it up for discussion.
 15 COMMISSIONER MCCARTY: I will second that, but
 16 I do have a question for clarification before we
 17 take action.
 18 Again, to the Attorney General's explanation,
 19 did you say that the Commission rule says shall?
 20 MR. WHITE: Let's read it. It's just a
 21 sentence so I won't go full lawyer on you.
 22 "Failure to request a hearing or to remit the
 23 amount of the administrative penalty within the
 24 period prescribed by this subsection results in a
 25 waiver of the right to a hearing on the

Page 32

1 administrative penalty, as well as any right to
 2 judicial review."
 3 CHAIRMAN SCHENKEL: Does that satisfy your
 4 question?
 5 COMMISSIONER MCCARTY: Yes.
 6 CHAIRMAN SCHENKEL: Any other comments?
 7 George, do you have anything to add?
 8 COMMISSIONER PILLOW: No, I think I'm okay.
 9 CHAIRMAN SCHENKEL: I'll call for the vote.
 10 All in favor say "aye."
 11 THE COMMISSION: "Aye."
 12 CHAIRMAN SCHENKEL: Opposed?
 13 (No response.)
 14 CHAIRMAN SCHENKEL: Motion has passed. The
 15 ruling has been affirmed.
 16 MR. WHITE: Thank you, Commissioners. Later
 17 today I will finalize the paperwork on that. It's
 18 been a while since I worked with you, but I believe
 19 your orders need to be signed by all the
 20 Commissioners. I don't have that paperwork with me
 21 today because I didn't know what you were going to
 22 do. I will get that together as quickly as I can,
 23 and maybe Deena can help me with circulating that.
 24 CHAIRMAN SCHENKEL: Can I ask something too
 25 here, just a thought that I had in reviewing this.

Page 33

1 We obviously, as a Commission, license certain
 2 aspects and certain persons dealing with horse
 3 racing. We don't license veterinarians, as such.
 4 They have a professional licensing agency.
 5 Is any legal action in a ruling against a
 6 professional person of this nature, and maybe this
 7 is a question for the Attorney General's Office, is
 8 this action eventually forwarded to the
 9 professional licensing agency or the veterinary
 10 board of which this person has to be licensed and
 11 registered with?
 12 MR. WHITE: As a former lawyer for the
 13 veterinarian board, I can actually answer that
 14 question. What would happen -- I don't know what
 15 will happen. What could happen is anyone can file
 16 a complaint, what's called a consumer complaint
 17 with the state Attorney General's Office, our
 18 consumer protection division, involving any
 19 licensed professional. It would include a
 20 veterinarian.
 21 The Attorney General's Office could
 22 investigate that complaint. If they thought the
 23 complaint had merit, they would file formal charges
 24 against said nurse, veterinarian, whatever. Then
 25 that board -- in this situation it would be the

Page 34

1 veterinary board -- would conduct a hearing and
 2 decide whether or not to impose a penalty of some
 3 kind.
 4 That's kind of a long answer to your question.
 5 It depends. If someone files a consumer complaint
 6 based on this, it could go in front of the
 7 veterinarian board but not guaranteed.
 8 CHAIRMAN SCHENKEL: Given Mr. White's response
 9 to that, I will subject this comment to the other
 10 Commissioners, I would recommend that this ruling
 11 be forwarded to that appropriate agency letting
 12 them know that one state agency, the Indiana Horse
 13 Racing Commission, has found and ruled in this
 14 manner against one of their licensees.
 15 COMMISSIONER LIGHTLE: I agree.
 16 COMMISSIONER PILLOW: I'm in.
 17 CHAIRMAN SCHENKEL: We'll take that by
 18 consensus. Staff will take care of that. Thank
 19 you.
 20 Moving onto the next item on the agenda, this
 21 is a consideration of the Respondent's objections
 22 to Findings of Fact and Recommended Order granting
 23 default judgment in the matter of IHRC staff versus
 24 Bobby Brower. This is an oral argument again,
 25 similar to what we just had here in the preceding

Page 35

1 one.
 2 This is an administrative proceeding of the
 3 Indiana Horse Racing Commission versus Bob Brower
 4 where Mr. Brower is challenging a recommended
 5 decision by the Administrative Judge Bernard
 6 Pylitt.
 7 Specifically, on November 4, 2016, Mike Smith,
 8 the Executive Director of the Commission, issued an
 9 administrative complaint against Brower. The
 10 complaint alleged, among other things, that Brower,
 11 who is a licensed trainer, had beaten a horse B
 12 Abland in August 2016.
 13 The recommended penalty in the complaint was
 14 that Brower be ineligible for licensure in the
 15 state for 15 years and fined \$40,000. Brower
 16 answered the complaint on November 29 and disputed
 17 the allegations. Under Commission rules, an
 18 individual challenging a complaint must request a
 19 hearing within 20 days of the filing of the
 20 complaint. Failure to do so results in a waiver of
 21 a right to a hearing on the administrative penalty,
 22 as well as any right to judicial review.
 23 Commission staff argued to the ALJ that Brower
 24 did not submit his request for a hearing in a
 25 timely manner, and as a result he should be

Page 36

1 defaulted. Brower argues that he effectively did
 2 ask for a hearing within the time frame set by the
 3 rule. And even if he did not, he should not be
 4 defaulted.
 5 Administrative Law Judge Pylitt agreed with
 6 the Commission staff that the hearing request was
 7 not timely issued, was not timely and subsequently
 8 issued a proposed default judgment on December 16,
 9 2016. Brower responded to the proposed default
 10 judgment in a timely manner.
 11 After considering the response to the proposed
 12 default judgment, Judge Pylitt held Brower in
 13 default on January 3, 2017. Along with the default
 14 order, the judge endorsed the penalty contained in
 15 the administrative complaint.
 16 Brower filed a timely objection to that ruling
 17 on January 12, 2017. And both parties were given
 18 the option to file briefs with the Commission in
 19 support of their positions. And both parties did
 20 so.
 21 Today the Commission is affording the parties
 22 the opportunity to present these oral arguments.
 23 Presentations will be limited to ten minutes on
 24 each side. And the Commissioners are free to ask
 25 questions at any time. At the conclusion of the

Page 37

1 argument, the Commissioners will deliberate on
 2 whether to affirm, modify, dissolve, or remand for
 3 further proceedings the proposed decision of the
 4 administrative law judge. The Commission's
 5 decision will be based solely on the record before
 6 it.

7 So very similar to the previous proceeding we
 8 just went through, we will begin this now and ask
 9 counsel for Mr. Brower to present their side and
 10 have ten minutes.

11 MR. SACOPULOS: Again, my name is Pete
 12 Sacopulos. I'm here on behalf of licensee Bobby
 13 Brower today. I appreciate the opportunity to be
 14 heard. I would like to reserve the time not used
 15 during this general address for rebuttal.

16 I think in this case it is also important to
 17 understand what the history of the case is.
 18 Mr. Brower was -- there was no summary suspension.
 19 This was an administrative complaint that was
 20 filed.

21 Mr. Brower retained counsel. Attorney entered
 22 his appearance on Mr. Brower's behalf. Timely
 23 answer was filed denying the allegations set forth
 24 in the complaint. And then subsequently when the
 25 default judgment was filed, Mr. Brower, pursuant to

Page 38

1 Trial Rule 15, related back by way of amended
 2 answer a request for a hearing. That under the
 3 trial rules was allowed, and it was timely.

4 Mr. Brower is facing a career-ending penalty
 5 if he is not allowed to be heard on the merits.

6 So for these reasons we are asking that you,
 7 as the Commission, today find that he be allowed to
 8 have a hearing on the merits. There are a number
 9 of things very different in this case from the one
 10 you heard. One was that a timely answer was filed.
 11 There is no question about that. The answer is a
 12 denial.

13 And if you look at the statute relied upon by
 14 the staff, the following statute says in lieu of
 15 the administrative penalties, in lieu of those
 16 administrative penalties, you can file an answer.
 17 That's what Mr. Brower did. We all know that any
 18 kind of a dispute when there's a complaint filed
 19 and an answer filed, the next step is to have the
 20 hearing. Whether it's a civil case, criminal,
 21 administrative matter, whatever it might be, the
 22 obvious next step is the hearing.

23 There is no question that he timely filed an
 24 answer. There is no question he timely amended his
 25 answer. And amended includes a request for the

Page 39

1 hearing.

2 CHAIRMAN SCHENKEL: Excuse me for interrupting
 3 here, but this is the point where I need to ask a
 4 question. You say that it was filed in a timely
 5 manner?

6 MR. SACOPULOS: The answer was filed in a
 7 timely manner. Trial Rule 15 motion was filed in a
 8 timely manner amending a complaint seeking a
 9 hearing.

10 So if you look at what is relied upon here in
 11 terms of wanting to have a default judgment
 12 entered, we look at 4-21.5-3-24. That is the
 13 administrative law provision that the
 14 administrative law judge relied on. But in
 15 entering a default, it says that that is
 16 appropriate where the person here, the licensee,
 17 Mr. Brower, fails to file a pleading, fails to file
 18 a response. That's not the case here. There is no
 19 question. The record is absolutely clear and
 20 without dispute that he timely filed an answer.

21 If you look at Trial Rule 55, default judgment
 22 under the Indiana trial rules, it says if a party
 23 does not timely answer, they are subject to
 24 default. That also is not the case here.
 25 Mr. Brower, without any question, without any

Page 40

1 dispute, timely filed an answer.

2 So it seems that fairness -- the
 3 Administrative Orders and Procedures Act IC
 4 4-21.5-3-4 and Trial Rule 55 all would dictate that
 5 Mr. Brower has the right to be heard on the merits
 6 because the default judgment is not appropriate
 7 when a timely answer has been filed.

8 There is not a reported case in the history of
 9 Indiana law since the beginning that they've been
 10 recorded where someone has timely filed an answer
 11 and been defaulted. Of course, that's the reason
 12 why if a timely answer is filed, you have a
 13 hearing.

14 Mr. Brower believes he has preserved his right
 15 to a hearing. And if there was any neglect, that
 16 neglect was excusable, and that neglect was
 17 remedied by the Trial Rule 15 filing, whereby he
 18 amended his answer and asserted his right to a
 19 hearing.

20 Default in this case would be inappropriate
 21 and inconsistent with both 4-21.5-3-24 and Trial
 22 Rule 55. The courts in Indiana have been
 23 unwavering in their decisions. Trial courts,
 24 Courts of Appeal, our Indiana Supreme Court, they
 25 do not like technicalities. They want cases

Page 41

1 decided on the merits.

2 This decision, this general proposition is

3 seen in all kinds of cases, whether they're

4 administrative cases, whether they're civil cases,

5 whatever type or nature, we want to decide the case

6 on the merits to give the person his day in court.

7 The idea of filing for a default after an

8 answer is a gotcha. You'll hear Miss Newell say it

9 wasn't, but it is a gotcha. That is part of the

10 problem honestly in handling some of these things,

11 there are a lots of gotchas.

12 I'll tell you, I don't know if you noticed the

13 order today for this hearing today. The briefs

14 that were due in this matter. They were both due

15 the same day. They were both due at different

16 times. Why is that the case? Why are there

17 different times for filing? These are the types of

18 things that those of us defending these matters

19 deal with on a regular basis.

20 I will tell you in this case when a timely

21 answer has been filed and a timely request for

22 hearing met, it would be completely inappropriate

23 to Mr. Brower. And if we look at the penalty

24 phase, this is an absolute career-ending sentence

25 for Mr. Brower, 15 years and \$40,000.

Page 42

1 For a person who timely filed an answer, it

2 seems that he should without any question be

3 entitled to a hearing on the merits. That's what

4 he's asking for here today. We're not asking for a

5 decision on whether he did or he did not do this.

6 We're simply asking for a right to be heard on the

7 merits of the case; for him to be able to call

8 witnesses on his behalf to dispute the allegations,

9 present evidence to dispute the allegations, and to

10 be heard on the merits. If the case against

11 Mr. Brower is that strong, then the outcome will be

12 what it will be.

13 I would like to at this point, Mr. Executive

14 Director, reserve the balance of my time for

15 rebuttal.

16 CHAIRMAN SCHENKEL: So noted.

17 COMMISSIONER PILLOW: I didn't hear. Did he

18 say they did file it? I missed that.

19 CHAIRMAN SCHENKEL: Yes, I asked the question

20 whether it was filed in a timely manner, and he

21 indicated it was.

22 COMMISSIONER PILLOW: Okay. Thank you.

23 CHAIRMAN SCHENKEL: Counsel. Miss Ellingwood.

24 MS. ELLINGWOOD: Thank you. I'm going to beg

25 your forgiveness to the extent that you hear a lot

Page 43

1 of repetitive stuff. Because it seems like the

2 thing to do, I'm going to ask to reserve whatever

3 time I have left over, if that's okay.

4 CHAIRMAN SCHENKEL: So noted.

5 MS. ELLINGWOOD: As I come before you on

6 behalf of Commission staff and ask you that adopt

7 Judge Pylitt's recommended order, I acknowledge

8 that staff doesn't have an emotional argument in

9 this case. But what we do have, like Holly, are

10 the law and facts.

11 The salient facts are these: First, under our

12 rules, when a licensee receives an administrative

13 complaint, he or she must take two separate

14 actions, not one, two. The first of those actions

15 is to file an answer in response to the allegations

16 in the complaint. The second requirement is to

17 file a request for a hearing in writing. If you do

18 not file a request for a hearing in writing within

19 20 days, you waive your right to a hearing on the

20 merits and to judicial review.

21 Respondents filed a pleading. Sure, but he

22 filed the one wrong. Respondent misstates the law.

23 He says it's sufficient for him to have filed an

24 answer. Simply put an answer does not meet both of

25 those requirements.

Page 44

1 Brower received an administrative complaint on

2 November 16th. He had until the end of the day

3 on December 6th to either agree to the penalty

4 proposed in the complaint or submit a written

5 request for a hearing. Pete Sacopulos filed both

6 an appearance as Brower's counsel and a timely

7 answer. We don't contest that his answer was filed

8 timely. His answer was consistent with the

9 requirements of 71 IAC 10-3-21, but it did not

10 include a request for a hearing.

11 On the morning of December 6th, Brower's

12 counsel met with Commission staff in person on a

13 different disciplinary matter that also involved

14 the receipt of an administrative complaint, and

15 that's the matter you just heard with Ms. Newell.

16 During that meeting, Brower's counsel was reminded

17 of the requirements to submit a request in writing

18 within 20 days and was reminded of the consequence

19 of failing to do so. He was on notice what the

20 rules require.

21 Brower's counsel could have handed staff a

22 written request. He could have e-mailed it. He

23 could have had his office send an e-mail. He could

24 have submitted it by fax. He did none of those

25 things. Staff received no request for a hearing

Page 45

1 before the deadline expired.

2 CHAIRMAN SCHENKEL: That was an in-person

3 meeting?

4 MS. ELLINGWOOD: Yes, it was.

5 COMMISSIONER MCCARTY: Question. That

6 reminder about the request for a hearing was

7 directed at whom?

8 MS. ELLINGWOOD: In the meeting was Judge

9 Pylitt, Attorney Newell, Mr. Sacopulos, and myself.

10 We were not discussing the Brower matter

11 specifically. We were discussing Baliga. And the

12 discussion was focused in great part on the fact

13 that a request for a hearing must be submitted

14 within 20 days of receipt of the complaint. And we

15 also discussed the consequences for failing to do

16 so.

17 CHAIRMAN SCHENKEL: Thank you.

18 MS. ELLINGWOOD: On December 13th, staff

19 received a pleading from Brower's counsel titled

20 Request for Hearing. The certificate of service on

21 the request indicated it had been sent via US mail

22 and sent via e-mail to Deputy General Counsel

23 Newell on December 7. In fact, neither Miss Newell

24 nor any other staff member received the e-mail that

25 Brower's counsel said was sent. We cannot confirm

Page 46

1 when the request for the hearing was mailed except

2 that it was mailed after the deadline. The bottom

3 line is that the respondent failed to timely submit

4 a request for hearing as our rules very

5 specifically require.

6 Brower, through counsel, has submitted page

7 after page after page of pleadings in which he not

8 only argues that his untimely filed request for a

9 hearing is actually an amended answer, he treats

10 that as fact. Unfortunately, that's not the case,

11 as Judge Pylitt has held.

12 Brower repeatedly cites to Trial Rule 15 for

13 the proposition that it's appropriate for him to be

14 able to amend his answer after the deadline has

15 expired to include the request for hearing that he

16 failed to timely file. That rule is not applicable

17 in this case. You cannot use the trial rules to do

18 an end run around an administrative rule that

19 establishes the deadline.

20 Allowing Brower to avoid the mandatory

21 consequences of his failure to abide by Commission

22 rules not only sets a dangerous precedent for

23 future cases, it undermines the very existence of

24 the rule. You must keep in mind, as Holly reminded

25 you, that the Commission's procedural rules are

Page 47

1 just as important as those we think of as more

2 substantive, such as the prohibition against the

3 possession of a machine.

4 Finally, Brower's counsel would have you

5 believe that staff has engaged in gotcha tactics,

6 springing rules and requirements on unsuspecting

7 litigants and laying traps for licensees. Staff

8 takes exception to that characterization for a

9 number of reasons. First, this rule has been in

10 effect for more than a decade. Second, staff also

11 includes on the front page of every single

12 administrative complaint that language that

13 specifically reminds the licensee that a request

14 for a hearing must be made within 20 days. It's

15 very plainly spelled out so clearly that I can

16 think of no instance during my time with the

17 Commission until now that a licensee has failed to

18 timely request a hearing, including those licensees

19 who represent themselves. In fact, since I've been

20 with the Commission staff, Brower's counsel has

21 himself timely filed a request for a hearing in the

22 two cases involving administrative complaints that

23 he's had before the Commission.

24 Finally, as I mentioned, he was put on notice

25 of the deadline before the deadline in this case

Page 48

1 even expired. He can hardly now say that

2 enforcement of this rule is a surprise to him.

3 For these reasons, the Commission staff

4 respectfully requests you adopt Judge Pylitt's

5 recommended order against Respondent Bobby Brower.

6 Do you have any questions?

7 COMMISSIONER LIGHTLE: No, I have none.

8 CHAIRMAN SCHENKEL: Commissioners?

9 COMMISSIONER MCCARTY: What is the origin? Do

10 you know anything about the history of the rule,

11 since it's been in place for more than a decade,

12 that rule that required this specific request for a

13 hearing?

14 MS. ELLINGWOOD: I believe it was one of the

15 rules that was originally adopted when the first

16 set of administrative rules was adopted by the

17 Commission. To the best of my knowledge, that

18 particular requirement hasn't been changed in, like

19 I said, more than a decade.

20 CHAIRMAN SCHENKEL: You may have some comments

21 on that, Mr. White. Thanks, Lea.

22 MR. WHITE: I don't have an answer to that

23 question. It's a rule of longstanding. It's been

24 around since the Commission. It's probably been

25 more than ten years, but I do not know how old that

Page 49

1 rule is.

2 CHAIRMAN SCHENKEL: So to the best of our

3 knowledge, I guess, Commissioner McCarty, the one

4 thing I, when you asked that question, is that

5 something that, have the rules changed over the

6 years. It sounds to me like that's been in effect

7 for some time.

8 MR. WHITE: That's a good question. The other

9 comment is that's the rule we have today. It would

10 appear, I'll take Ms. Ellingwood's word for it. I

11 do not know if that rule has changed.

12 CHAIRMAN SCHENKEL: Any other questions?

13 Gordon, do you have any further comments on this?

14 MR. WHITE: No, sir, I don't. I think

15 Mr. Sacopulos.

16 CHAIRMAN SCHENKEL: Mr. Sacopulos has some

17 time left for rebuttal. One minute; is that right?

18 Three minutes.

19 MR. SACOPULOS: All right. I think in

20 response, I respectfully disagree with opposing

21 counsel's position that there are two separate

22 actions. A clear reading of 71 IAC 10-3-21 states

23 that in lieu of the administrative penalties. The

24 administrative penalties is if you don't ask for

25 the hearing, you don't get heard on the merits, and

Page 50

1 you don't get any judicial review. In the section

2 that follows says in lieu of those penalties, you

3 file an answer, which is what was done here.

4 The other point I think that needs to be

5 addressed is that what occurred at this other

6 hearing. There was never a statement that, oh,

7 well, you know, you didn't file one in the Brower

8 matter. The answer had been filed.

9 The position was that in their opinion was

10 needed, which I do not believe it was. We

11 certainly would have done that. We did that

12 immediately upon receipt of the Motion for Default

13 Judgment.

14 CHAIRMAN SCHENKEL: Did you bring that up in

15 that conversation that you didn't think it was

16 needed?

17 MR. SACOPULOS: No, sir because this matter we

18 are now discussing was not discussed at all in that

19 hearing, as Lea said.

20 The other thing I think is worth noting is

21 when we filed the amended answer, which was timely

22 filed under Trial Rule 15 and sought the hearing,

23 there was no objection filed by the IHRC staff to

24 that. No objection has been made to that.

25 I also think it's important in terms of

Page 51

1 looking at the statute to which they rely because

2 71 IAC 10-3-20(d), which has the 20-day rule, is

3 inconsistent with IC 4-21-3-24(a) which says that a

4 default can only be entered against a party that

5 has failed to file a responsive pleading. If

6 you're looking at that provision of our law, it

7 would be inappropriate to default Mr. Brower.

8 Also, if you look at 4-21-5-5-4 which states a

9 party may only waive his right to judicial review

10 if the party has failed to exhaust his

11 administrative remedies or fails to timely object

12 to an order or fails to timely petition for an

13 order or is in default. But he's not in default.

14 He's timely filed the answer. And he's timely

15 failed the amendment. And he's timely sought the

16 hearing.

17 I think for all of these reasons Mr. Brower is

18 entitled to, with all due respect, a hearing on the

19 merits. That's what we would ask today. We would

20 simply want him, this fellow that's had his whole

21 life as a licensee and is in the horse business,

22 been a long time licensee in Indiana, as well as

23 other states, be facing a 15-year penalty and

24 40,000 when he's timely filed an answer. It seems

25 like a very unfair and unjust outcome. We would

Page 52

1 ask you to reject the ALJ's findings and order.

2 Thank you.

3 CHAIRMAN SCHENKEL: Questions of

4 Mr. Sacopulos? Ms. Ellingwood?

5 MS. ELLINGWOOD: I'll make this real quick.

6 Two things I want to point out. First of all, the

7 requirement that an answer be filed and the

8 requirement that a request for a hearing be filed

9 in writing are under two separate administrative

10 rules. They are not required by statutes. They

11 are required by rules. They are very clearly

12 separate and distinct.

13 Last thing I wanted to mention, with respect

14 to Mr. Sacopulos's notes to the statute that

15 requires a responsive pleading be filed, there was

16 no responsive pleading filed in the case because

17 the pleading didn't meet the requirements, the rule

18 requirements. It wasn't responsive because it

19 didn't contain the information that was required.

20 Under that analysis, you could file any old

21 pleading, and it would be responsive, and you could

22 avoid default. That's not how these rules and not

23 how the statute is intended to work. Questions?

24 CHAIRMAN SCHENKEL: Questions? Mr. White,

25 your turn.

<p style="text-align: right;">Page 53</p> <p>1 MR. WHITE: My turn. Okay. Obviously, there 2 are a lot of similarities between this case and the 3 other case, but there are also a couple of 4 differences. I think we need to discuss those. 5 You need to think about them.</p> <p>6 In this case -- the lawyers can jump up if I 7 get this wrong. In this case an answer was filed. 8 The Commission issued a complaint, and an answer 9 was filed in a timely manner. I think that has to 10 be done within 20 days. What was not done was that 11 Brower did not ask for a hearing within 20 days. 12 There is a dispute about that. He did ask for a 13 hearing, but he did ask for it outside the 20-day 14 time limit, I think 21 days, although there is some 15 dispute about exactly how late it was. But there 16 is no dispute about whether or not it was late.</p> <p>17 Unlike the other case, there is an answer 18 here, and it was timely filed. But we get back to 19 the same rule about, you know, you have to ask for 20 a hearing within 20 days. That problem is the same 21 problem here.</p> <p>22 One issue that Mr. Sacopulos brought up, and 23 Lea mentioned as well, is that if you look at the 24 state law, Mr. Sacopulos argued that he filed a 25 responsive pleading in time. And if he filed a</p>	<p style="text-align: right;">Page 55</p> <p>1 Just to give a very brief lecture, General 2 Assembly adopts the law, but it gives you the 3 permission to adopt law, which is what your rules 4 are. So it's not a policy. It's the law. And the 5 General Assembly has given you the authority to 6 adopt it. It's very important, I guess is what I'm 7 trying to say. But as far as the history of it, I 8 don't know what it is.</p> <p>9 CHAIRMAN SCHENKEL: I guess in followup to 10 that, Commissioner, my feeling is that these are 11 our rules, the rules of the IHRC, which obviously 12 from what we have heard, have been in place for 13 some time. It's not a surprise to anybody. 14 Counsel for either side, should be and I think is 15 well aware of the rules that this agency has 16 adopted over the years.</p> <p>17 This is a situation, obviously, it's a very 18 serious matter. I would think that anybody 19 involved in this on either side of the issue would 20 make certain that they didn't -- I know the comment 21 was made that cases should not be decided on 22 technicalities. On the other side of that is that 23 cases of a serious nature of like this, I would 24 think, all parties involved would make certain any 25 and every T is crossed, I is dotted, and rule is</p>
<p style="text-align: right;">Page 54</p> <p>1 responsive pleading in time, he shouldn't be 2 defaulted. The answer is responsive pleading, but 3 kind of in general terms, what is a responsive 4 pleading. What Judge Pylitt says, yeah, the answer 5 is fine, but your rule also says you have to ask 6 for a hearing. At least in Judge Pylitt's mind, 7 that is a responsive pleading as well.</p> <p>8 So that was the basis of his decision. And 9 here again, like the other case, what you folks 10 need to wrestle with is the question of whether or 11 not you agree with Judge Pylitt or not. If you 12 have any questions, I would be happy to try to 13 answer them.</p> <p>14 CHAIRMAN SCHENKEL: Comments, questions, 15 Commission members? Discussion?</p> <p>16 Commission McCarty, you look like you're about 17 to ask something.</p> <p>18 COMMISSIONER MCCARTY: Do you know any of the 19 history or origin of this administrative rule that 20 says you have to ask for a hearing? Is that 21 common? Is it common to other agencies?</p> <p>22 MR. WHITE: That is a really good question to 23 which I do not have an answer. I do work with a 24 lot of other agencies. I am not familiar with a 25 rule like that, but it's your role.</p>	<p style="text-align: right;">Page 56</p> <p>1 followed.</p> <p>2 And, again, I'm contending I guess, at least 3 my view is that all parties involved here are 4 pretty familiar with the rules of this agency, this 5 Commission.</p> <p>6 So I will entertain a motion from Commission 7 members, if there's no further discussion. Or are 8 there further questions?</p> <p>9 COMMISSIONER LIGHTLE: I have no questions. I 10 just have an opinion.</p> <p>11 COMMISSIONER PILLOW: I don't have any 12 questions.</p> <p>13 CHAIRMAN SCHENKEL: Do I have a motion from 14 anybody here?</p> <p>15 COMMISSIONER PILLOW: I will second.</p> <p>16 CHAIRMAN SCHENKEL: We don't have a motion 17 yet. Hold on, George.</p> <p>18 I'll move that we affirm the ALJ's decision on 19 this matter.</p> <p>20 COMMISSIONER LIGHTLE: I second.</p> <p>21 COMMISSIONER PILLOW: I will second that.</p> <p>22 CHAIRMAN SCHENKEL: Moved and seconded. Are 23 there other comments, discussion before we vote?</p> <p>24 COMMISSIONER LIGHTLE: I'm going to go away 25 from what we're talking about just for one moment</p>

Page 57

1 here is that you're talking about the fact that
 2 this is a career-ending situation. And as I read
 3 this, I'm not upset about that. As I read the
 4 history of this man, I am not upset about the fact
 5 that it will be a career-ending situation is my
 6 opinion.
 7 CHAIRMAN SCHENKEL: Thank you, Commissioner.
 8 Commissioner McCarty.
 9 COMMISSIONER MCCARTY: But for the record, we
 10 must make this decision based on the argument about
 11 whether a certain rule was followed.
 12 COMMISSIONER LIGHTLE: I know, Bill. That's
 13 the reason why I said it was way off the deal here.
 14 MR. WHITE: Your decision is going to be based
 15 on the record in front of you.
 16 COMMISSIONER LIGHTLE: Absolutely, yes.
 17 CHAIRMAN SCHENKEL: Thank you all. Any
 18 further comments? If not, I'll ask for the vote.
 19 All those in favor say "aye."
 20 THE COMMISSION: "Aye."
 21 CHAIRMAN SCHENKEL: Opposed, same?
 22 (No response.)
 23 CHAIRMAN SCHENKEL: The ayes have it. Thank
 24 you.
 25 MR. WHITE: Thank you very much. I will

Page 58

1 return to the office, and I will finalize the
 2 paperwork and get it to Deena, and she can
 3 circulate the final order. As I think I mentioned
 4 earlier, your orders, your rule -- this is not my
 5 favorite one -- but your orders need to be signed
 6 by each Commissioner individually. And I will put
 7 Deena in charge of that. Thank you very much.
 8 CHAIRMAN SCHENKEL: She knows how to track us
 9 down. Thank you, Mr. White, for your help and your
 10 counsel in this. Much appreciated. Thank you.
 11 Moving on the agenda, number five, the review
 12 of Commission rulings since December 1st through
 13 January 31st. Miss Newell?
 14 MS. NEWELL: Yes, sir. This is a fairly brief
 15 list as you can see. Happy to entertain any
 16 questions, but next time we meet it will be much
 17 lengthier because the race meeting will be well
 18 underway, I assume.
 19 CHAIRMAN SCHENKEL: These don't need any
 20 Commission action, but do any of the Commissioners
 21 have any comments or anything as they reviewed
 22 these? Any questions or comments for staff?
 23 Moving on to item six, Commission
 24 consideration of proposed emergency rule changes.
 25 And it looks fairly substantive on this. It looks

Page 59

1 fairly important. So who's going to? Lea.
 2 MS. ELLINGWOOD: I will take that one. You're
 3 right. It's a fairly extensive list of rules, I
 4 think 31 pages in total by the time we were
 5 finished. The rules represent the suggested
 6 changes that the judges forwarded to us at the end
 7 of the last race meet, as well as the medication
 8 threshold changes that were recommended by the
 9 ARCI. This will continue to bring our medication
 10 rules into line with what the ARCI has recommended.
 11 And then there are some just very general
 12 small cleanup kinds of administrative things.
 13 Shouldn't be anything too controversial on here. I
 14 forwarded the draft rules to all of the industry
 15 stakeholders and heard back everybody was in
 16 support of them. No suggested changes and no
 17 issues with them.
 18 We would respectfully request that you adopt
 19 these administrative rules under the emergency
 20 provision so that those drug thresholds and the
 21 other rules can go into effect before the next race
 22 meet begins in just a short time now.
 23 CHAIRMAN SCHENKEL: Are there any comments or
 24 suggestions, comments, anything from the public?
 25 This is a chance for anybody who has reviewed these

Page 60

1 for anybody to make comments or suggestions or
 2 edits on any of these. I know they are fairly
 3 extensive, but I think as Lea said, they have been
 4 circulated among the interested parties. One of
 5 the significant things that she mentioned was we
 6 are trying to make sure these get adopted and are
 7 in place prior to the beginning of the racing meet.
 8 Mr. Hill, do you have some comments?
 9 NAT HILL: I've been back and forth whether to
 10 do this or not.
 11 CHAIRMAN SCHENKEL: We'd love to hear from
 12 you.
 13 NAT HILL: I guess the one that kind of
 14 bothers me is the ARCI's recommendation on
 15 suspensions and days. They added, instead of just
 16 30 days for certain violations, they made it 15 to
 17 30. Rather than 60 days for certain drug
 18 violations, they made it 30 to 60. If I'm doing
 19 this wrong, somebody tell me I misunderstand this
 20 because that's possible.
 21 But the best way I could describe this would
 22 be a loosening of penalties. And it's about all
 23 I'm going to say. I don't see any point in going
 24 backwards on this stuff. If the suspension is now
 25 30 days, this is one horseman, not representing the

Page 61

1 Indiana Standardbred Association, not representing
 2 breed development in any capacity, not representing
 3 anything except myself, I would just kind of like
 4 to leave that part of it as it is and leave the
 5 punishment stuff.

6 CHAIRMAN SCHENKEL: I would ask staff to kind
 7 of help us clarify that. Is that, in effect, what
 8 Mr. Hill was saying or suggesting that that may be
 9 going backwards on our rules?

10 MS. ELLINGWOOD: Nat, please correct me if I'm
 11 looking at the wrong place, but I think you're
 12 referring to the MMV point, the multiple medication
 13 violation point. What you will find, what the
 14 change has done is that it has put a range of
 15 suspension in there. So the MMV points are the
 16 points that are assessed to a licensee who has
 17 multiple medication violations. So if you have
 18 multiple medication violations, your penalty is
 19 bumped up by a certain number of points, which
 20 results in a certain amount of suspension because
 21 you're a habitual offender.

22 CHAIRMAN SCHENKEL: How is that different from
 23 what we have in place now?

24 MS. ELLINGWOOD: What we have right now is
 25 like, for example, three points results in a

Page 62

1 suspension of 30 days; between 6 and 8.5 points
 2 results in a suspension of 60 days; 9 to 10.5 is
 3 180 days; and 11 or more is 360. That's the way it
 4 is right now.

5 What that is changed to is that, for instance,
 6 instead of 30 days, it's 15 to 30 days. And
 7 instead of 60 days, it's 30 to 60 days. The
 8 60-day, 30-day, 180-day and so on suspension is
 9 still in effect. It just gives the Commission the
 10 opportunity to put the suspension within a range
 11 instead of a set number of days.

12 CHAIRMAN SCHENKEL: Who makes that
 13 determination?

14 MS. ELLINGWOOD: The judges and stewards.

15 CHAIRMAN SCHENKEL: Mike, do you have any
 16 comments on that?

17 MIKE SMITH: Yeah, I think it's important to
 18 note that we're always, the whole drug-related
 19 field, we're operating behind or catching up with
 20 RCI on so many medications. You will find that
 21 over the years some of these move, in addition to
 22 label the multiple medication violation points.
 23 Sometimes they will find that a drug doesn't really
 24 have an effect once they study it more. And it
 25 will change the amount of points for drugs for

Page 63

1 therapeutics.

2 In this case this just gives us a little more
 3 latitude. In fact, I think our rules say we may
 4 assess points. What we're just trying to do is
 5 keep some consistency with the other states. Deena
 6 could probably answer this better. When we assess
 7 points to someone, it goes on their RCI record. So
 8 every racing jurisdiction around the country can
 9 see how many points that person has.

10 It makes the penalties pretty much the same.
 11 This just gives us a little bit of room to say if
 12 there were mitigating circumstances for this or
 13 whether there were aggravating, which you want to
 14 take or is it just set times.

15 CHAIRMAN SCHENKEL: So in effect, what you're
 16 telling us it gives the judges some latitude. I
 17 share Mr. Hill's observation that we don't want to
 18 send a signal that we are lessening or we're
 19 relaxing our penalties. This keeps the maximum
 20 penalty still the same but just gives a little
 21 latitude, as you say, for extenuating
 22 circumstances.

23 COMMISSIONER MCCARTY: For clarification
 24 again, who assesses the points and the dates of
 25 suspension?

Page 64

1 MS. ELLINGWOOD: I'm sorry, I didn't quite
 2 hear that, Bill.

3 COMMISSIONER MCCARTY: Who assesses the points
 4 and the days of suspension?

5 MS. ELLINGWOOD: The judges and stewards.

6 COMMISSIONER MCCARTY: To what extent has this
 7 change been discussed with judges and stewards?

8 MS. ELLINGWOOD: They've seen all the rules
 9 and are in support of it.

10 COMMISSIONER MCCARTY: They are in support?

11 MS. ELLINGWOOD: Yes. I apologize, I should
 12 have clarified that in addition to the industry
 13 stakeholders, I circulated these rules to staff
 14 members and to the judges and stewards for their
 15 input.

16 MIKE SMITH: If I might comment, Deena
 17 reminded me there's this big push to try to get
 18 everything as much as possible, everybody on the
 19 same page in all the racing jurisdictions,
 20 uniformity of penalties. This was an attempt to
 21 get more people on board, jurisdictions on board.
 22 In some places, they come out with model rules and
 23 say they're great, but they don't implement them.
 24 This is kind of a moving target.

25 CHAIRMAN SCHENKEL: Further discussion or

Page 65

1 questions, comments on these proposed rules,
 2 emergency rules? If not, I would entertain a
 3 motion, please.
 4 COMMISSIONER MCCARTY: I move that the
 5 proposed emergency rule changes be adopted by the
 6 Commission.
 7 CHAIRMAN SCHENKEL: So moved.
 8 COMMISSIONER LIGHTLE: I second.
 9 CHAIRMAN SCHENKEL: Second from Miss Lightle.
 10 Further discussion?
 11 All in favor say "aye."
 12 THE COMMISSION: "Aye."
 13 CHAIRMAN SCHENKEL: Opposed, same.
 14 (No response.)
 15 CHAIRMAN SCHENKEL: Ayes have it. Those are
 16 adopted. Thank you all.
 17 Next two items on the agenda are from
 18 Executive Director Mr. Smith talking about the
 19 racing officials list at both tracks.
 20 MIKE SMITH: Hoosier Park has submitted their
 21 list. You have in front of you for approval the
 22 officials for this race meet coming up. I don't
 23 know if you want to vote. I guess we'll have to do
 24 it separately.
 25 CHAIRMAN SCHENKEL: Let's do them separately

Page 66

1 since it's two locations. I assume these have all
 2 been reviewed by staff and met all requirements and
 3 so forth.
 4 MIKE SMITH: Deena did it.
 5 CHAIRMAN SCHENKEL: Deena has vetted them.
 6 That's the official stamp of approval. Any
 7 comments or questions?
 8 Then I will entertain a motion for the first,
 9 for Hoosier Park's racing officials list for this
 10 year.
 11 COMMISSIONER MCCARTY: I move approval of this
 12 list of Hoosier Park for the racing officials.
 13 CHAIRMAN SCHENKEL: Second?
 14 COMMISSIONER LIGHTLE: Second.
 15 CHAIRMAN SCHENKEL: All in favor say "aye".
 16 THE COMMISSION: "Aye."
 17 CHAIRMAN SCHENKEL: Opposed, same.
 18 (No response.)
 19 CHAIRMAN SCHENKEL: Okay. Now the same, Mike,
 20 do you want to handle the discussion for Indiana
 21 Grand, please.
 22 MIKE SMITH: We would like to -- we've asked
 23 for some additional information on their list. If
 24 the Commission would grant us the authority to
 25 approve it once we have received all the

Page 67

1 information we've requested, we would appreciate
 2 it.
 3 CHAIRMAN SCHENKEL: So this is a tentative
 4 approval based on or it's an approval based on
 5 final information being submitted to staff.
 6 MIKE SMITH: Giving us permission.
 7 CHAIRMAN SCHENKEL: Giving you the ability to
 8 move forward with that. Motion on that, please.
 9 COMMISSIONER MCCARTY: I so move that we
 10 approve the Indiana Grand's racing official list
 11 subject to the forthcoming approval by staff of the
 12 list.
 13 CHAIRMAN SCHENKEL: Well stated. Thanks.
 14 COMMISSIONER LIGHTLE: Second.
 15 CHAIRMAN SCHENKEL: All in favor say "aye."
 16 THE COMMISSION: "Aye."
 17 CHAIRMAN SCHENKEL: All opposed?
 18 (No response.)
 19 CHAIRMAN SCHENKEL: Now, we have an item,
 20 Hoosier Park's request to change their 2017 live
 21 racing post times as had been previously approved
 22 at our last meeting. Jim Brown, please, from
 23 Centaur, Hoosier Park.
 24 And, again, Jim, let me say thank you for your
 25 hospitality, you and your colleagues, for having us

Page 68

1 here today. And we appreciate it as always. It's
 2 great to be here. Thank you.
 3 JIM BROWN: We're happy to have you up here.
 4 As you can see, we're getting ready for our 2017
 5 meet. We're replacing both track fences. And the
 6 wood track fence is an original fence from 1994, I
 7 believe. That's a work in progress. And the inner
 8 fence keeps popping up every winter because posts
 9 weren't long enough. And we don't have a big
 10 enough sledge hammer to make it even so we're
 11 replacing that right now.
 12 Thank you for giving me a moment to, I guess,
 13 provide an explanation as to the change in our post
 14 times this year at Hoosier Park. We're constantly
 15 looking at whether parts of our overall racing
 16 program are working effectively and efficiently or
 17 not. And over the years, we've tweaked starting
 18 posts times and all sorts of things in conjunction
 19 with our partnerships with the horsemen to ensure
 20 that we're all on the same page. Through those
 21 efforts, and handle is one of the items we are
 22 looking at, maximizing handle, maximizing the
 23 entertainment value for our customers and putting
 24 on the best race program possible.
 25 Right now we are in a time that's fast moving,

Page 69

1 and there are many other gaming alternatives that
 2 folks have to draw their attention away from us.
 3 As a matter of fact, at Indiana Grand and Hoosier
 4 Park, 96 percent of our handle during live racing
 5 is export handle now.
 6 At Indiana Grand, we tweaked post times a
 7 couple years ago and found a happy medium with day
 8 racing and then live on Saturday night. And since
 9 2012 when we went to one breed per track, Indiana
 10 Grand's handle is up 41 percent, which during that
 11 time, Thoroughbred, Quarter Horse handle nationally
 12 is down a couple of percentage points.
 13 At Hoosier Park, Standardbred handle
 14 notionally is down one and a half percent during
 15 that time. With continuing to focus on maximizing
 16 the program, handle at Hoosier Park has been up
 17 55 percent.
 18 And we looked at our program last year as we
 19 ended the meet and said how can we keep people's
 20 attention longer and maybe shorten our race program
 21 that runs from 5:45 up until approximately 10:15.
 22 And we looked at handle by race and saw that our
 23 handle at the beginning of the evening is light and
 24 at the end of the night is light. And we looked at
 25 other horse tracks, looked at Thoroughbred tracks

Page 70

1 and said, okay, where can we quicken the pace a bit
 2 and make this a more exciting experience and
 3 increase our purse, handle at the beginning and end
 4 of the evening.
 5 At the beginning, the Thoroughbreds during the
 6 daytime primarily are ending their racing so we get
 7 caught up with them and said wouldn't be it be good
 8 if we can tighten this thing up to start later.
 9 And we met with members of the ISA, who took it
 10 back to the ISA after we had our initial meeting
 11 where we discussed all this and said, you know
 12 what, 6:30 is a good time. Thoroughbreds are done.
 13 It's a clean start for us.
 14 Then we looked at post times from race to
 15 race. And the vast majority of post times in
 16 harness racing from race to race are 20 minutes, if
 17 you look at a program.
 18 Pompano right now, as I looked at January
 19 racing, is an exception. They go every 18 minutes.
 20 If you read stories about harness racing handle,
 21 Pompano is one of the success stories nationally in
 22 increasing handle, not that that had anything or
 23 everything to do with it. But we said half our
 24 betting is done during our four minutes in the dark
 25 after we say zero post time so we didn't want to

Page 71

1 touch that. But from the time the race is
 2 official, we're at 11 minutes to post time
 3 typically.
 4 We said how far could we take that in because
 5 we know the drivers have to get back. They have to
 6 untack. They have re-hook up to another horse. We
 7 need a post parade. We need time for warmup. So
 8 we met with them concerning that. And we agreed
 9 that during the beginning of the evening, we could
 10 shave two minutes in-between races.
 11 So post times went from 20 minutes to 20
 12 minutes would now be 18 minutes, 18 minutes from
 13 the time that the post time of one race to the post
 14 time of another race. So it's not 18 plus four.
 15 Once we get going, it's 18.
 16 During the end of the night, people's
 17 attention span's aren't as long, and the vast
 18 majority of our betting is coming from the East
 19 Coast. It's getting later in the evening. We
 20 don't have a studio show from race 11 to 14. And,
 21 again, in conversation with the horsemen, could we
 22 perhaps take any more time off. It was agreed we
 23 could take two minutes off more.
 24 So the program this year starts at a more
 25 effective time in our opinion, 6:30. Eighteen

Page 72

1 minutes from race to race one through ten and then
 2 16 minutes from races 11 through 14. That cuts our
 3 program done at about 10:15, which is about the
 4 time the programming was getting done in the past.
 5 We think we can create a little more action
 6 packed, faster moving program that hopefully will
 7 continue to increase handle and provide a better
 8 entertainment value for our fans. If it doesn't
 9 work, we can always go back to where we were. So
 10 we talked to the ISA. In conjunction with them, we
 11 all said let's give it a shot.
 12 CHAIRMAN SCHENKEL: I think it sounds to me
 13 like an excellent idea. I think I heard somebody
 14 say, as you said, you're going to continually
 15 review this and keep your eye on how this is
 16 working.
 17 JIM BROWN: Absolutely.
 18 CHAIRMAN SCHENKEL: If you need to make
 19 adjustments, you can. The horsemen are all in
 20 agreement. Any other comments or questions from
 21 staff or from Commissioners?
 22 COMMISSIONER MCCARTY: Do you realistically
 23 think you can keep to this tighter schedule?
 24 JIM BROWN: Other than inquiries, we believe
 25 we can. And we watched Pompano, and they're

Page 73

1 keeping to their schedule. We are going to make
 2 our best attempt. Again, fortunately, we're not
 3 locked into this program for an entire year. We
 4 can't keep changing it, but we get a shot at this.
 5 And if we have to move from it, we'll do that in a
 6 thoughtful and thorough manner at the right time so
 7 we're doing exactly what you said we should be,
 8 which we should be.

9 COMMISSIONER MCCARTY: I too appreciate your
 10 thinking here and your approach. I compliment you
 11 on it. If it is successful, would you offer your
 12 services to Major League Baseball?

13 CHAIRMAN SCHENKEL: I'll second that.

14 JIM BROWN: I do think they should go with a
 15 computerized strike zone.

16 CHAIRMAN SCHENKEL: And a timer on the
 17 pitcher. Yes, Director.

18 MIKE SMITH: My only comment about this, we
 19 appreciate Centaur working with us because we have
 20 the logistics to deal with, test barns and judges
 21 in order to keep the program on pace and appreciate
 22 them working with us and doing things a little
 23 later in the afternoon so we aren't piling up a lot
 24 of excessive hours. Just appreciate the
 25 cooperation.

Page 74

1 CHAIRMAN SCHENKEL: That's a good point
 2 because I thought on its face moving back 45
 3 minutes from a staff standpoint and a worker's
 4 standpoint, that pushes everything back. You've
 5 explained it adequately as to how you intend to
 6 keep it so that your quitting time is nearly the
 7 same as close to be. So that's good so the people
 8 aren't here until halfway through the night.

9 JIM BROWN: There were, once we went to the
 10 Commission, there were some nuances to it that we
 11 hadn't taken into account. After a couple of
 12 meetings, I think we've worked them out, and we're
 13 ready to try it.

14 CHAIRMAN SCHENKEL: Thank you.

15 MIKE HALL: I don't know where Mike was going,
 16 but since Mr. Brown has brought up inquiry as to
 17 why the night might drag on, I would say that we
 18 will keep our inquiries expedient. And, hopefully,
 19 the mutuel department will be able to do the same
 20 because we have noticed in the last year that it's
 21 quite slow at times.

22 The only thing I think we need to be concerned
 23 about that schedule is that if it doesn't hold up,
 24 then we need to make sure we adjust the Lasix
 25 because we don't want a horse that's supposed to

Page 75

1 get Lasix at a certain time to be 20, 30, or 40
 2 minutes behind. We'll set the Lasix schedule up
 3 with post times that we received from management,
 4 but we just need to keep a close eye on that that
 5 if we can't keep up to that schedule, that we need
 6 to adjust it.

7 CHAIRMAN SCHENKEL: Once again, that points
 8 out there's a number of moving parts to make all
 9 this every day happen. For the record, Mike Hall,
 10 one of our judges, who made some comments on that.
 11 I think those are well taken. Maybe you can learn
 12 from the basketball officials who seem to take a
 13 long time at those monitors and interrupt the flow
 14 of the game of late.

15 JIM BROWN: I don't want to get on the wrong
 16 side of the judge. The inquiries was a neutral
 17 comment as we went through what might or might not
 18 happen.

19 CHAIRMAN SCHENKEL: I understand that. But I
 20 think it's good a discussion that we all keep all
 21 the various moving parts in mind and, again, stay
 22 flexible. This is a great idea, but we'll see how
 23 it works and keep an eye on it. Thank you so much.

24 So, therefore, I would entertain a motion on
 25 this. We need to approve this since we had

Page 76

1 approved their earlier starting times in the
 2 December meeting. Is there a motion from the
 3 Commission?

4 COMMISSIONER MCCARTY: I move to approve the
 5 amended live race post times as submitted by
 6 Hoosier Park.

7 COMMISSIONER LIGHTLE: Second.

8 CHAIRMAN SCHENKEL: Moved and seconded that we
 9 approve this change in the start times.

10 All in favor say "aye".

11 THE COMMISSION: "Aye."

12 CHAIRMAN SCHENKEL: Opposed, the same.
 13 (No response.)

14 CHAIRMAN SCHENKEL: It is passed. Thank you.

15 Next item on item on agenda is approval of the
 16 split sample laboratories for this year and beyond.
 17 Executive Director, Mr. Smith.

18 MIKE SMITH: Thank you, Mr. Chairman. Item
 19 ten is our split lab report. There is one caveat.
 20 One of the laboratories number five, University of
 21 Illinois at Chicago, they have tentative approval
 22 with RMTC. And we will be, we would like to
 23 include them on the list subject to their getting
 24 final approval and obtaining their certification
 25 status with the RMTC.

Page 77

1 CHAIRMAN SCHENKEL: When does that -- do you
 2 have any idea timing wise? That's under review.
 3 Okay.
 4 MIKE SMITH: They currently have approval.
 5 CHAIRMAN SCHENKEL: Any questions or comments
 6 from staff or Commissioners on this or from the
 7 public, any comments on this agenda item? If not,
 8 I would entertain a motion for approval of the
 9 split sample laboratories for this year.
 10 COMMISSIONER LIGHTLE: So moved.
 11 COMMISSIONER MCCARTY: Second.
 12 CHAIRMAN SCHENKEL: Have a motion and a
 13 second. All those in favor say "aye."
 14 THE COMMISSION: "Aye."
 15 CHAIRMAN SCHENKEL: Opposed, same.
 16 (No response.)
 17 CHAIRMAN SCHENKEL: That motion has passed.
 18 Number 11 on the agenda is a presentation from
 19 Centaur and their request for approval to construct
 20 a new maintenance building at Indiana Grand, and
 21 complete with show and tell pictures is John
 22 Keeler. Welcome, Mr. Keeler.
 23 MR. KEELER: Thank you, Mr. Chairman,
 24 Commission. I know there's aging eyes up there so
 25 I had to bring something.

Page 78

1 CHAIRMAN SCHENKEL: I beg your pardon. It's
 2 better at a distance. Don't bring it too close to
 3 us.
 4 MR. KEELER: Thank you very much. My name is
 5 John Keeler from Centaur Gaming. I'm here on
 6 behalf of Indiana Grand to request Commission
 7 approval to construct a new equipment storage and
 8 maintenance facility on the backside or far side as
 9 you stand in the grandstand at Indiana Grand and
 10 look to what I believe would be generally the east.
 11 You can see that the maintenance shed is
 12 depicted here. It will replace an aging trailer
 13 and a junkyard full of equipment that is now
 14 visible as you look across the track with a
 15 state-of-the-art facility that will allow us to
 16 maintain our equipment in a good fashion and store
 17 it in the winter. And also for those that work on
 18 the backside, provide much enhanced quality of life
 19 improvements, such as running water and modern
 20 plumbing.
 21 So your permission is required because the
 22 project is over \$500,000. In fact, we estimate it
 23 will be somewhere in the three to three and a half
 24 million dollar range. We've got our local land
 25 approvals in hand and are ready to go with your

Page 79

1 permission. With that, I would be happy to answer
 2 any questions.
 3 CHAIRMAN SCHENKEL: What would the timing of
 4 this be?
 5 MR. KEELER: It will be done before the meet
 6 is over this year, three or four months.
 7 CHAIRMAN SCHENKEL: You're set to break
 8 ground, and you'll have it operational by late
 9 summer, early fall?
 10 MR. KEELER: Dirt work has been done. Local
 11 approval has been had.
 12 CHAIRMAN SCHENKEL: Questions or comments? I
 13 guess I would continue to compliment Centaur and
 14 the folks at your continued capital investments at
 15 all your facilities in making it the best possible
 16 for all of our participants and all the people
 17 involved. Thank you. I think that's a great step.
 18 Again, you're constantly looking at ways to
 19 improve the facilities. I know that's not easy
 20 because those things are not revenue generators.
 21 They don't often get a lot of attention or glamor
 22 to the general public, but I'm sure the horsemen
 23 and all the folks associated with the track will
 24 greatly appreciate it. Any other comments?
 25 COMMISSIONER LIGHTLE: I agree with what you

Page 80

1 said. It's great.
 2 COMMISSIONER MCCARTY: Thanks.
 3 CHAIRMAN SCHENKEL: I would ask for a motion
 4 to approve.
 5 COMMISSIONER MCCARTY: I move to approve the
 6 construction of the new maintenance building at
 7 Indiana Grand.
 8 COMMISSIONER LIGHTLE: Second.
 9 CHAIRMAN SCHENKEL: Moved and seconded. Any
 10 further discussion?
 11 All in favor say "aye."
 12 THE COMMISSION: "Aye."
 13 CHAIRMAN SCHENKEL: Opposed, the same.
 14 (No response.)
 15 CHAIRMAN SCHENKEL: The ayes have it.
 16 Congratulations. Go to work. You're going to need
 17 some boots out there today for the dirt work.
 18 Is there any old business to come before the
 19 Commission? If not, we have one item of new
 20 business. I will let Executive Director Smith
 21 address that. It involves purse redistribution.
 22 MIKE SMITH: I have two items of new business.
 23 This is just kind of general notice, and you'll be
 24 receiving more about this. We have found that
 25 there are several negative account balances in the

Page 81

1 horsemen's accounts. In reviewing some of this, we
 2 discovered a law that requires the money to be
 3 repaid to the purse account or the horse trainer
 4 and owner will all be suspended.
 5 There are relatively few that have any
 6 substantial amount of money involved at all, but
 7 all the licenses this year will be flagged until
 8 their balances are brought up to zero. We think
 9 it's only fair that we provide some protection for
 10 the purse account and for the people that have
 11 received these monies that are holding them
 12 improperly now. I'll put it that way.
 13 That's one thing I just wanted everybody to be
 14 aware of. If you owe the purse account money back,
 15 you probably should get it paid before you come in
 16 and bring your receipt that it has been paid.
 17 CHAIRMAN SCHENKEL: Is there any penalty or
 18 anything for quote unquote late payment? Is there
 19 a fee or a percentage or anything charged that
 20 somebody hasn't paid for a number of weeks or
 21 months?
 22 MIKE SMITH: You mean if they come and pay
 23 now?
 24 CHAIRMAN SCHENKEL: If they owe a hundred
 25 dollars, and they ignored it for ten months, do

Page 82

1 they get two percent interest per month or is there
 2 a late fee of \$10? Just curious.
 3 MIKE SMITH: I don't believe there is.
 4 CHAIRMAN SCHENKEL: Not suggesting that but
 5 sometimes those types of things get the attention
 6 to.
 7 MIKE SMITH: Not getting licensed will get
 8 their attention a little more.
 9 CHAIRMAN SCHENKEL: That's probably right.
 10 That's better than a penalty.
 11 MIKE SMITH: One other item, the Thoroughbred
 12 folks want to discuss a claiming rule. Having an
 13 idea that we may want to get together with all the
 14 involved parties, there's been some request we go
 15 to a complete open claiming. I started reading the
 16 rule. It needs cleaned up so I didn't rush it for
 17 this meeting. Talked to Chairman Schenkel about
 18 possibly having a very quick meeting before the
 19 meet starts if, in fact, we decide to change the
 20 Thoroughbred claiming rule.
 21 CHAIRMAN SCHENKEL: Mike, you're talking about
 22 the claiming rule as it relates to Thoroughbred
 23 racing at this point?
 24 MIKE SMITH: Correct.
 25 CHAIRMAN SCHENKEL: Let's keep that in mind.

Page 83

1 Any of you have any comments or thoughts on that,
 2 if you could share those with staff, with Mike
 3 particularly, or any staff members because this is
 4 something that if we are going to make a change,
 5 again, we're sensitive to not surprising you with
 6 changes after the racing season has started if we
 7 can prevent that from happening. And this is one I
 8 think we can do, and we've only got about six weeks
 9 before Thoroughbred season opens.
 10 So we do want to discuss this in a relatively
 11 timely manner and get on with it and either change
 12 it or not but at least have some discussion and
 13 decide whether or not it's prudent to move forward
 14 with anything like that. Please direct your
 15 comments, thoughts to Executive Director Smith.
 16 Comments, other new business? Anybody in the
 17 audience, anybody like to bring up new business,
 18 items or anything else that we have failed to cover
 19 today?
 20 COMMISSIONER MCCARTY: I would like to commend
 21 Mr. Smith for examining the past due monies, monies
 22 that are owed to the Commission or to purse
 23 redistribution. Of course, it doesn't mean
 24 anything if you don't collect on it. I think it's
 25 a very responsible thing. I think you will get

Page 84

1 some complaints and moaning and groaning. Tell
 2 them at least one commissioner is wholeheartedly
 3 behind it, and I suspect we all are.
 4 CHAIRMAN SCHENKEL: Absolutely.
 5 COMMISSIONER LIGHTLE: Absolutely.
 6 COMMISSIONER MCCARTY: That's what makes this
 7 work for payback of purses. It's part of the
 8 system, and it should be enforced. Compliments to
 9 you.
 10 CHAIRMAN SCHENKEL: I would echo that,
 11 Commissioner McCarty. And it's particularly
 12 important to those who should be entitled to get
 13 that redistribution too. So thank you.
 14 COMMISSIONER PILLOW: I go along with that.
 15 CHAIRMAN SCHENKEL: Thank you, George, for
 16 joining us long distance. I think we've covered
 17 everything on the agenda. If there is nothing
 18 further to come before the meeting, we stand
 19 adjourned. Thank you all.
 20 (The Indiana Horse Racing Commission meeting
 21 adjourned at 11:55 a.m.)
 22
 23
 24
 25

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

STATE OF INDIANA
COUNTY OF JOHNSON

I, Robin P. Martz, a Notary Public in and for said county and state, do hereby certify that the foregoing matter was taken down in stenograph notes and afterwards reduced to typewriting under my direction; and that the typewritten transcript is a true record of the Indiana Horse Racing Commission meeting;

I do further certify that I am a disinterested person in this; that I am not a relative of the attorneys for any of the parties.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 16th day of March 2017.

Robin P. Martz



My Commission expires:
March 3, 2024

Job No. 116659

\$

\$10 82:2
\$20,000 10:21
\$40,000 35:15 41:25
\$500 7:1
\$500,000 78:22

1

10 10:10 22:6
10-3-20 23:15
10-3-20(d) 21:18 23:1 51:2
10-3-21 44:9 49:22
10.5 62:2
10:15 69:21 72:3
11 62:3 71:2,20 72:2 77:18
12 36:17
13th 45:18
14 71:20 72:2
15 35:15 38:1 39:7 40:17 41:25 46:12
 50:22 60:16 62:6
15-year 51:23
16 11:22 36:8 72:2
16176 17:18
16177 17:19
16th 44:2
17th 4:24
18 70:19 71:12,14,15
180 62:3
180-day 62:8
1994 68:6
1st 58:12

2

20 10:25 22:24 26:1,2 28:15,16 35:19
 43:19 44:18 45:14 47:14 53:10,11,20
 70:16 71:11 75:1

20-day 26:5 51:2 53:13

2012 69:9
2014 6:24
2015 6:25 7:14 8:4,10
2016 10:10,22 11:22 12:1 14:19
 22:6,15 35:7,12 36:9
2017 12:4 36:13,17 67:20 68:4
20th 6:4,9 21:19

21 53:14

28 12:1 16:2

29 35:16

3

3 12:4 36:13
30 14:19 60:16,17,18,25 62:1,6,7
 75:1

30-day 62:8

31 59:4

31st 21:8 58:13

360 62:3

4

4 35:7
4-21-3-24(a) 51:3
4-21-5-5-4 51:8
4-21.5-3-24 39:12 40:21
4-21.5-3-4 40:4

40 75:1

40,000 51:24

41 69:10

45 74:2

5

55 19:1 39:21 40:4,22 69:17

5:45 69:21

6

6 10:22 22:15 62:1
60 60:17,18 62:2,7
60-day 62:8
63 16:20
6:30 70:12 71:25
6th 11:17 44:3,11

7

7 45:23
71 21:18 23:1,15 44:9 49:22 51:2

8

8.5 62:1

9

9 62:2

96 69:4

A

abide 46:21
ability 29:8 67:7
Abland 35:12
absolute 41:24
absolutely 39:19 57:16 72:17
absurd 23:14
accept 29:2
accepted 30:17
account 74:11 80:25 81:3,10,14
accounts 81:1
accurately 4:18
acknowledge 43:7
Act 29:14 40:3
action 8:11,14 15:7 31:17 33:5,8
 58:20 72:5

actions 13:17 15:14 18:8 43:14
 49:22
actively 11:9
add 32:7
added 60:15
addition 62:21 64:12
additional 66:23
additions 6:5
address 37:15 80:21
addressed 26:17 50:5
adequate 31:11
adequately 74:5
adjust 74:24 75:6
adjustments 72:19
administered 5:14 10:14
administration 10:19
administrative 10:9,12 11:3,12,20,
 24 12:13 14:5,8,13,16,20 15:9,11
 16:1,14 17:7,14,20 18:3 19:5 20:9,
 10,20,23,24 21:3,9,20,23,25 22:2,5,
 23 23:7,22 24:1,21 25:11 26:7 29:14
 31:23 32:1 35:2,5,9,21 36:5,15 37:4,
 19 38:15,16,21 39:13,14 40:3 41:4
 43:12 44:1,14 46:18 47:12,22 48:16
 49:23,24 51:11 52:9 54:19 59:12,19
admirable 5:9
adopt 43:6 48:4 55:3,6 59:18
adopted 16:19 48:15,16 55:16 60:6
 65:5,16
adopts 55:2
advance 18:18
advanced 18:17
advice 24:18
affiliation 4:16
affirm 12:11 20:8 21:12 25:1 26:10
 31:13 37:2 56:18
affirmatively 13:17
affirmed 20:14 32:15
affirming 8:9
afforded 18:13
affording 12:5 36:21
afternoon 73:23
agencies 54:21,24
agency 23:13,14 25:6,9 33:4,9
 34:11,12 55:15 56:4
agenda 6:3,16 8:23 34:20 58:11
 65:17 76:15 77:7,18
aggravating 63:13
aging 77:24 78:12
agree 34:15 44:3 54:11 79:25
agreed 9:9 11:12 26:22 36:5 71:8,22
agreement 9:2,5,17 72:20
ahead 7:25
ALJ 11:5,23 35:23
ALJ's 17:16 52:1 56:18
allegations 16:23 17:9 18:20,21
 21:2 27:6 35:17 37:23 42:8,9 43:15
alleged 10:13 35:10
allegedly 14:18
allowed 17:4 38:3,5,7
Allowing 25:10 46:20
alternatives 69:1
amend 46:14
amended 38:1,24,25 40:18 46:9
 50:21 76:5
amending 39:8
amendment 51:15
amount 21:22,24 31:23 61:20 62:25
 81:6
analysis 52:20
announcements 4:14
apologize 64:11
appeal 14:11 40:24
appearance 13:19 37:22 44:6
appears 16:11
appellate 7:8
applicable 46:16
appreciated 58:10
approach 73:10
approval 6:4,8 65:21 66:6,11 67:4,
 11 76:15,21,24 77:4,8,19 78:7 79:11
approvals 78:25
approve 9:10,17,19 66:25 67:10
 75:25 76:4,9 80:4,5
approved 6:14 67:21 76:1
approximately 69:21
ARCI 59:9,10
ARCI's 60:14
arguably 25:21
argued 11:5 35:23 53:24
argues 11:8 22:16 36:1 46:8
argument 7:6 10:8 12:10 21:14
 28:10 34:24 37:1 43:8 57:10
arguments 12:6 18:17 36:22
arrogant 31:9
aspects 33:2
Assembly 55:2,5
asserted 19:2 40:18
assess 63:4,6
assessed 61:16
assesses 63:24 64:3
assist 10:3
assistant 14:23 27:5
Association 61:1
assume 24:9 58:18 66:1
attempt 64:20 73:2
attendance 5:23,24
attention 4:2 69:2,20 71:17 79:21
 82:5,8
attorney 10:2 13:18 16:10 28:4
 31:18 33:7,17,21 37:21 45:9
Attorneys 24:17
August 35:12
authority 55:5 66:24
avenues 20:21
avoid 46:20 52:22

aware 4:23 24:12 55:15 81:14**aye** 6:12,13 9:22,23 32:10,11 57:19,
20 65:11,12 66:15,16 67:15,16
76:10,11 77:13,14 80:11,12**eyes** 57:23 65:15 80:15

B

back 13:22 29:4 30:11 38:1 53:18
59:15 60:9 70:10 71:5 72:9 74:2,4
81:14**backside** 9:8 78:8,18**backwards** 60:24 61:9**balance** 19:17 20:2 42:14**balances** 80:25 81:8**Baliga** 10:8,12,13,17,22 11:6,9,16,
17,21,25 12:17,24 13:3,7,17,19,24,
25 14:1,10 15:13,14,19 16:4,12,15,
20 17:1 18:7,12,18 19:16 20:11,13
21:2,11 22:5,7 25:18 26:8,12,19
27:7,19 28:20 29:1 45:11**Baliga's** 11:8**Bank** 19:11**banned** 10:19**barns** 73:20**Baseball** 73:12**based** 12:14 34:6 37:5 57:10,14 67:4**basically** 28:19 29:4**basis** 15:7 28:17 41:19 54:8**basketball** 75:12**beaten** 35:11**beg** 42:24 78:1**begin** 37:8**beginning** 18:20 40:9 60:7 69:23
70:3,5 71:9**begins** 59:22**behalf** 13:2,7,19,23,24,25 19:15
27:19 37:12,22 42:8 43:6 78:6**believed** 17:9**believes** 40:14**Bernard** 11:12 20:9 35:5**betting** 70:24 71:18**big** 64:17 68:9**Bill** 57:12 64:2**bit** 63:11 70:1**board** 33:10,13,25 34:1,7 64:21**Bob** 35:3**Bobby** 34:24 37:12 48:5**bold** 22:22**booklet** 7:12 9:4**booklets** 6:19**books** 26:6**boots** 80:17**bother** 25:4**bothers** 60:14**bottom** 46:2**break** 79:7**breakfast** 4:8 8:17**breed** 61:2 69:9**briefs** 7:6 28:9 36:18 41:13**bright** 26:4**bring** 50:14 59:9 77:25 78:2 81:16**brought** 53:22 74:16 81:8**Brower** 34:24 35:3,4,9,10,14,15,23
36:1,9,12,16 37:9,13,18,21,25 38:4,
17 39:17,25 40:5,14 41:23,25 42:11
44:1 45:10 46:6,12,20 48:5 50:7
51:7,17 53:11**Brower's** 37:22 44:6,11,16,21
45:19,25 47:4,20**Brown** 67:22 68:3 72:17,24 73:14
74:9,16 75:15**building** 77:20 80:6**bumped** 61:19**business** 4:19 51:21 80:18,20,22

C

call 4:2,12 5:20 32:9 42:7**called** 24:7 27:15 31:7 33:16**calling** 7:20**capacity** 61:2**capital** 79:14**capitals** 22:21**Captain** 7:13,15 8:3,4,6**care** 34:18**career** 16:22**career-ending** 38:4 41:24 57:2,5**case** 10:9 13:11 15:13 17:3 18:1,19
19:4,11 20:10 21:1 24:3,5 26:24
27:11,12 30:7 37:16,17 38:9,20
39:18,24 40:8,20 41:5,16,20 42:7,10
43:9 46:10,17 47:25 52:16 53:2,3,6,
7,17 54:9 63:2**cases** 7:10 8:13,21 10:4 15:1 19:9,
13 40:25 41:3,4 46:23 47:22 55:21,
23**catch** 9:25**catching** 62:19**caught** 70:7**caveat** 76:19**Centaur** 67:23 73:19 77:19 78:5
79:13**certificate** 45:20**certification** 76:24**chairing** 5:4**chairman** 4:1,22,23 5:3,4,6,15,16
6:11,14,18 7:16,19,25 8:14,16,25
9:12,16,21,24 19:22 20:5 26:13
27:22 28:3 30:3,11,21 32:3,6,9,12,
14,24 34:8,17 39:2 42:16,19,23 43:4
45:2,17 48:8,20 49:2,12,16 50:14
52:3,24 54:14 55:9 56:13,16,22 57:7,
17,21,23 58:8,19 59:23 60:11 61:6,
22 62:12,15 63:15 64:25 65:7,9,13,
15,25 66:5,13,15,17,19 67:3,7,13,15,
17,19 72:12,18 73:13,16 74:1,14
75:7,19 76:8,12,14,18 77:1,5,12,15,
17,23 78:1 79:3,7,12 80:3,9,13,15
81:17,24 82:4,9,17,21,25**challenging** 10:24 35:4,18**chance** 59:25**change** 61:14 62:25 64:7 67:20
68:13 76:9 82:19**changed** 48:18 49:5,11 62:5

- changing** 73:4
- characterization** 47:8
- charge** 30:8 58:7
- charged** 21:21 81:19
- charges** 33:23
- Chicago** 76:21
- chief** 16:8 26:21
- circulate** 58:3
- circulated** 60:4 64:13
- circulating** 32:23
- circumstances** 63:12,22
- cited** 19:9,11
- cites** 46:12
- citizens** 24:18
- city** 6:2
- civil** 38:20 41:4
- claiming** 82:12,15,20,22
- clarification** 24:15 31:16 63:23
- clarified** 64:12
- clarify** 24:12 61:7
- clean** 70:13
- cleaned** 82:16
- cleanup** 59:12
- clear** 14:5 20:17,20 28:11,12 29:16
31:2 39:19 49:22
- close** 74:7 75:4 78:2
- Coast** 71:19
- Code** 15:7
- colleagues** 67:25
- combination** 30:20
- comment** 34:9 49:9 55:20 64:16
73:18 75:17
- comments** 4:21 6:6 9:12 19:22
26:13 30:3,22 31:6 32:6 48:20 49:13
54:14 56:23 57:18 58:21,22 59:23,24
60:1,8 62:16 65:1 66:7 72:20 75:10
77:5,7 79:12,24
- commission** 4:3 5:18 6:13,21,25
7:9 8:11 9:5,10,23 10:11,24 11:5,13
12:2,5 14:15 15:8 16:7 17:25 18:10
19:23 20:7,8,11,15 21:23 22:4,7,10,
14,18 23:3,4,5,6,9,21 24:6,7,9,11,15,
17 25:5,18,19,23 26:2,3,9,10 27:15
28:6,23 31:3,7,19 32:11 33:1 34:13
35:3,8,17,23 36:6,18,21 38:7 43:6
44:12 46:21 47:17,20,23 48:3,17,24
53:8 54:15,16 56:5,6 57:20 58:12,20,
23 62:9 65:6,12 66:16,24 67:16
74:10 76:3,11 77:14,24 78:6 80:12,
19
- Commission's** 7:7 8:8 12:13 31:9
37:4 46:25
- Commissioner** 5:16,25 6:8,10
7:17,20,23 9:14,18,20 31:15 32:5,8
34:15,16 42:17,22 45:5 48:7,9 49:3
54:18 55:10 56:9,11,15,20,21,24
57:7,8,9,12,16 58:6 63:23 64:3,6,10
65:4,8 66:11,14 67:9,14 72:22 73:9
76:4,7 77:10,11 79:25 80:2,5,8
- commissioners** 5:7 7:22 9:13 12:8,
10 20:4 26:14 29:25 32:16,20 34:10
36:24 37:1 48:8 58:20 72:21 77:6
- common** 15:1,2,3 54:21
- commonality** 27:1
- compelling** 17:6 18:11
- complaint** 10:12,13,17,23,25 11:1,
24 14:5,8,13,16,21 15:9 16:14 17:14,
20 18:3 20:10,20,23 21:3,4,9,21
22:5,20,24 23:2 24:2,21 25:11 26:7
33:16,22,23 34:5 35:9,10,13,16,18,
20 36:15 37:19,24 38:18 39:8 43:13,
16 44:1,4,14 45:14 47:12 53:8
- complaints** 23:23 47:22
- complete** 15:15,19 77:21 82:15
- completely** 27:2 41:22
- compliment** 73:10 79:13
- comply** 24:22 25:4
- computerized** 73:15
- concern** 21:1
- concerned** 74:22
- conclusion** 12:9 36:25
- conduct** 34:1
- confirm** 45:25
- confused** 24:14
- confusing** 22:18
- confusion** 17:15,22
- Congratulations** 80:16
- Congress** 20:6
- conjunction** 68:18 72:10
- consensus** 34:18
- consequence** 23:18 44:18
- consequences** 45:15 46:21
- consideration** 9:1 34:21 58:24
- considered** 7:6 13:10 26:4
- consistency** 63:5
- consistent** 16:17 44:8
- consolidated** 6:22
- constantly** 68:14 79:18
- construct** 77:19 78:7
- construction** 80:6
- consumer** 33:16,18 34:5
- contained** 11:23 36:14
- contemplated** 14:6
- contending** 56:2
- contest** 44:7
- continually** 72:14
- continue** 59:9 72:7 79:13
- continued** 79:14
- continuing** 69:15
- contraband** 9:7
- controlling** 21:17
- controversial** 59:13
- conversation** 50:15 71:21
- cooperation** 73:25
- cooperative** 9:9
- correct** 19:19 61:10 82:24
- corrections** 6:5
- counsel** 9:13 11:8 12:16 16:7,10
17:8 22:13 24:20,22 37:9,21 42:23
44:6,12,16,21 45:19,22,25 46:6 47:4,
20 55:14 58:10
- counsel's** 49:21
- Counselor** 26:15

country 63:8
couple 4:14 5:10 30:21,24 53:3
 69:7,12 74:11
court 4:17 5:12,15 6:20 7:5 8:8
 21:12 40:24 41:6
courts 40:22,23,24
create 72:5
criminal 38:20
cross-motions 7:4
crossed 55:25
Cullipher 6:23 7:3
Cullipher's 7:8
curious 82:2
customers 68:23
cuts 72:2

D

damning 18:11
dangerous 46:22
dark 70:24
date 21:19 27:3
dates 63:24
day 14:22,25 21:11,19 41:6,15 44:2
 69:7 75:9
days 10:25 22:24 25:24 26:1,2
 28:15,17 35:19 43:19 44:18 45:14
 47:14 53:10,11,14,20 60:15,16,17,25
 62:1,2,3,6,7,11 64:4
daytime 70:6
deadline 11:16 25:25 26:5 45:1
 46:2,14,19 47:25
deadlines 24:9
deal 41:19 57:13 73:20
dealing 31:2 33:2
decade 47:10 48:11,19
December 6:4,9 10:22 11:17,22
 12:1 22:15 36:8 44:3,11 45:18,23
 58:12 76:2
decide 25:11 29:2,25 34:2 41:5
 82:19
decided 4:24 7:14 14:9 19:14 41:1
 55:21
decision 8:9 12:12,14 24:25 28:12
 29:3,9 30:16 35:5 37:3,5 41:2 42:5
 54:8 56:18 57:10,14
decisions 40:23
deemed 25:6
Deena 32:23 58:2,7 63:5 64:16 66:4,
 5
default 10:7 11:15,18,20,21,22 15:5,
 6 20:12 22:15,19 25:24 26:11 27:8
 28:19 29:20,21 30:6,9,13,15 34:23
 36:8,9,12,13 37:25 39:11,15,21,24
 40:6,20 41:7 50:12 51:4,7,13 52:22
defaulted 11:8,10 29:18 36:1,4
 40:11 54:2
defend 28:21 30:14
defending 11:9 41:18
defense 18:19,25 19:2
deliberate 12:10 37:1
delivers 21:20
denial 38:12
denied 8:4 16:23 18:20,21,24
denying 17:9 37:23
department 74:19
depends 34:5
depicted 78:12
Deputy 45:22
describe 60:21
details 30:19
determination 62:13
determine 25:15
development 61:2
dictate 40:4
differences 53:4
difficult 28:12
directed 45:7
Director 10:11 12:20 21:20 35:8
 42:14 65:18 73:17 76:17 80:20
dirt 79:10 80:17
disagree 23:24 49:20
disciplinary 8:6 44:13
discovered 81:2
discovery 13:23
discuss 25:21 53:4 82:12
discussed 25:7 29:13 45:15 50:18
 64:7 70:11
discussing 45:10,11 50:18
discussion 14:3 15:16 20:18 30:4
 31:14 45:12 54:15 56:7,23 64:25
 65:10 66:20 75:20 80:10
disliking 19:7
dispute 38:18 39:20 40:1 42:8,9
 53:12,15,16
disputed 16:23 35:16
disregard 25:18
dissolve 12:11 29:4 37:2
distance 78:2
distinct 21:4 52:12
distinction 20:21
division 33:18
Doctor 10:12,13,17,22 11:5,8,9,16,
 17,21,25 12:17,24 13:2,7,16,19,23,
 25 14:1,10 15:13,19 16:4,12,15,20
 17:1 18:7,11,18 19:11,15 20:13 21:2,
 11 22:7 26:8,11,18 27:7,19 28:20
 29:1
dollar 78:24
dollars 81:25
dotted 55:25
draft 59:14
drag 74:17
draw 12:25 69:2
drawing 25:21
drew 26:4
drivers 71:5
drug 59:20 60:17 62:23
drug-related 62:18
drugs 62:25
dry 4:10

due 18:13 41:14,15 51:18**duty** 22:13 23:18

E

e-mail 44:23 45:22,24**e-mailed** 44:22**earlier** 58:4 76:1**early** 79:9**easier** 12:25**east** 71:18 78:10**easy** 79:19**economy** 25:9**edits** 60:2**effect** 24:25 26:7 29:19 47:10 49:6
59:21 61:7 62:9,24 63:15**effective** 71:25**effectively** 36:1 68:16**efficiently** 68:16**efforts** 68:21**Eighteen** 71:25**elapsed** 26:2**Ellingwood** 42:23,24 43:5 45:4,8,18
48:14 52:4,5 59:2 61:10,24 62:14
64:1,5,8,11**Ellingwood's** 49:10**emergency** 58:24 59:19 65:2,5**emotional** 21:11 43:8**enacting** 25:5**end** 16:22 44:2 46:18 59:6 69:24
70:3 71:16**ended** 69:19**ending** 70:6**endorsed** 11:23 28:22 36:14**enforce** 23:18**enforced** 23:7,11,12**enforcement** 48:2**enforcing** 23:4,13**engage** 15:10**engaged** 47:5**enhanced** 78:18**ensure** 25:16 68:19**entered** 13:18 19:3 37:21 39:12 51:4**entering** 39:15**entertain** 6:7 9:11 56:6 58:15 65:2
66:8 75:24 77:8**entertainment** 68:23 72:8**entire** 73:3**entitled** 17:2 18:13 42:3 51:18**entry** 26:11**enviable** 20:16**equipment** 78:7,13,16**equity** 18:5**essentially** 21:10 25:2**established** 22:9 26:5**establishes** 23:17 46:19**estimate** 78:22**estimation** 31:10**evening** 69:23 70:4 71:9,19**events** 26:25**eventually** 33:8**evidence** 15:2 42:9**exact** 14:17,21,22,23,24 15:23
17:11,13,21**excellent** 72:13**exception** 47:8 70:19**excessive** 73:24**exciting** 70:2**excusable** 40:16**Excuse** 39:2**Executive** 10:11 12:20 21:19 35:8
42:13 65:18 76:17 80:20**exhaust** 51:10**existence** 46:23**expect** 23:10**expedient** 74:18**experience** 70:2**expired** 7:9 25:25 45:1 46:15 48:1**explain** 29:10**explained** 74:5**explanation** 31:18 68:13**export** 69:5**extension** 13:21**extensive** 59:3 60:3**extent** 42:25 64:6**extenuating** 63:21**extreme** 21:1**eye** 25:8 72:15 75:4,23**eyes** 77:24

F

face 74:2**faced** 24:1,20**facilities** 79:15,19**facility** 78:8,15**facing** 38:4 51:23**fact** 10:6 19:6 21:13 23:3 34:22
45:12,23 46:10 47:19 57:1,4 63:3
69:3 78:22 82:19**facts** 17:4,13 20:16 22:4 30:22
43:10,11**factual** 29:23 30:25**failed** 46:3,16 47:17 51:5,10,15**failing** 44:19 45:15**fails** 39:17 51:11,12**failure** 11:1 21:23 31:22 35:20 46:21**fair** 81:9**fairly** 28:10,11 58:14,25 59:1,3 60:2**fairness** 18:5 40:2**fall** 79:9**familiar** 54:24 56:4**fans** 72:8**fashion** 78:16**fast** 68:25**faster** 72:6

favor 6:12 9:22 32:10 57:19 65:11
66:15 67:15 76:10 77:13 80:11

favorably 13:10 27:19

favorite 58:5

fax 44:24

February 4:25

fee 81:19 82:2

feel 20:5 25:12

feeling 55:10

fellow 5:7 51:20

fence 68:6,8

fences 68:5

field 62:19

file 11:16 12:2 27:16 33:15,23 36:18
38:16 39:17 42:18 43:15,17,18 46:16
50:3,7 51:5 52:20

filed 7:3,4 8:7 11:25 13:15,16,22
14:10 15:20 17:14 20:11 21:5 22:4,
11,12,14 23:2,23 25:11,24 26:8
27:11 31:8 36:16 37:20,23,25 38:10,
18,19,23 39:4,6,7,20 40:1,7,10,12
41:21 42:1,20 43:21,22,23 44:5,7
46:8 47:21 50:8,21,22,23 51:14,24
52:7,8,15,16 53:7,9,18,24,25

files 34:5

filing 11:1 15:9 21:8 22:18 35:19
40:17 41:7,17

filings 30:24

final 6:25 24:24 58:3 67:5 76:24

finalize 32:17 58:1

Finally 47:4,24

find 38:7 61:13 62:20,23

findings 10:6 34:22 52:1

fine 28:24 30:19 54:5

fined 7:1 10:21 35:15

finished 59:5

flagged 81:7

flexible 75:22

flow 75:13

focus 69:15

focused 26:17 45:12

folks 12:21 54:9 69:2 79:14,23 82:12

followup 55:9

foreign 23:9

forget 30:19

forgive 30:18

forgiveness 42:25

formal 33:23

forthcoming 21:4 67:11

fortunately 73:2

forward 14:13 25:17 67:8

forwarded 33:8 34:11 59:6,14

found 9:7 34:13 69:7 80:24

fourth 5:19,22

frame 22:9 36:2

framework 29:23,24

frankly 16:5

free 12:8 36:24

front 8:19 22:20 23:1 27:25 28:21
34:6 47:11 57:15 65:21

full 31:21 78:13

future 5:22 15:16 46:23

G

game 75:14

gaming 69:1 78:5

gee 31:7

general 30:22 37:15 41:2 45:22 54:3
55:1,5 59:11 79:22 80:23

General's 10:2 28:4 31:18 33:7,17,
21

generally 78:10

generators 79:20

gentleman 10:1

George 5:19 6:1 7:20,22 8:1,16 32:7
56:17

give 24:17 29:6 41:6 55:1 72:11

giving 8:2 67:6,7 68:12

glad 8:18

glamor 79:21

good 4:1 5:5 6:18 8:17 20:4 49:8
54:22 70:7,12 74:1,7 75:20 78:16

Gordon 10:1 28:3 30:4 49:13

gotcha 23:14 41:8,9 47:5

gotchas 41:11

Grand 66:21 69:3,6 77:20 78:6,9
80:7

Grand's 67:10 69:10

grandstand 78:9

grant 26:11 66:24

granted 8:8 20:13

granting 10:6 34:22

great 4:7,10 45:12 64:23 68:2 75:22
79:17 80:1

greatly 79:24

grinds 25:14

ground 79:8

guaranteed 34:7

guess 28:2 49:3 55:6,9 56:2 60:13
65:23 68:12 79:13

H

habitual 61:21

half 69:14 70:23 78:23

halfway 74:8

Hall 74:15 75:9

halt 25:14

hammer 68:10

hand 29:24 78:25

handed 44:21

handle 66:20 68:21,22 69:4,5,10,11,
13,16,22,23 70:3,20,22 72:7

handled 19:8 25:8

handling 41:10

Hang 7:16

happen 33:14,15 75:9,18

happened 13:14 27:13
happy 7:23 9:11 30:1 54:12 58:15
 68:3 69:7 79:1
hard-pressed 25:19
Harmon 9:3,6,8
harness 70:16,20
harsh 29:8
Harvey 19:11
health 16:21
hear 41:8 42:17,25 60:11 64:2
heard 6:21 7:13 8:3 13:10,12 16:9,
 16 18:8,15 26:19 27:20 28:9 31:5
 37:14 38:5,10 40:5 42:6,10 44:15
 49:25 55:12 59:15 72:13
hearing 5:22 10:23,25 11:2,7,14
 13:24,25 14:2,3,4,7 15:4,15,16,21,
 22,24 16:3,4,6,14 17:2,4 21:7,22,24
 22:2,11,25 24:3 25:13 26:18,21,22,
 24 27:8,11,16 28:15,16 29:5 31:22,
 25 34:1 35:19,21,24 36:2,6 38:2,8,
 20,22 39:1,9 40:13,15,19 41:13,22
 42:3 43:17,18,19 44:5,10,25 45:6,13,
 20 46:1,4,9,15 47:14,18,21 48:13
 49:25 50:6,19,22 51:16,18 52:8
 53:11,13,20 54:6,20
held 11:21 36:12 46:11
hey 27:16
Hill 60:8,9,13 61:8
Hill's 63:17
hired 13:18
history 13:13 19:7 37:17 40:8 48:10
 54:19 55:7 57:4
hold 29:21 56:17 74:23
holding 81:11
Holly 6:16 7:25 8:1 43:9 46:24
honestly 41:10
Hoosier 4:4,6 8:17 9:8 14:18 65:20
 66:9,12 67:20,23 68:14 69:3,13,16
 76:6
hope 6:1
horse 4:3 6:23 10:15,20 14:21,24
 23:9 27:3,5 33:2 34:12 35:3,11 51:21
 69:11,25 71:6 74:25 81:3

horseman 60:25
horsemen 68:19 71:21 72:19 79:22
horsemen's 81:1
hospitality 4:9 67:25
host 4:6
hours 73:24
hundred 81:24
Huntington 19:10

I

IAC 21:18 23:1,15 44:9 49:22 51:2
IC 40:3 51:3
idea 16:15 41:7 72:13 75:22 77:2
 82:13
ignores 15:9,11
IHRC 10:7 21:16 34:23 50:23 55:11
Illinois 76:21
immediately 27:7,17 50:12
implement 64:23
important 13:6,13 14:14 15:18,24
 21:15 23:16 27:1 37:16 47:1 50:25
 55:6 59:1 62:17
impose 34:2
imposed 30:19
improperly 81:12
improve 79:19
improvements 78:19
in-between 71:10
in-person 45:2
inappropriate 40:20 41:22 51:7
incident 14:17,22 17:12
include 33:19 44:10 46:15 76:23
includes 9:4 14:19 22:21 38:25
 47:11
including 47:18
inconsistent 40:21 51:3
increase 70:3 72:7
increasing 70:22

indebted 5:11
Indiana 4:3 10:20 15:7 19:7,12,13
 34:12 35:3 39:22 40:9,22,24 51:22
 61:1 66:20 67:10 69:3,6,9 77:20
 78:6,9 80:7
indication 26:23
individual 10:24 35:18
individually 58:6
industry 59:14 64:12
ineligible 10:17 35:14
information 52:19 66:23 67:1,5
initial 70:10
initially 6:21
initiated 16:24
injecting 14:24
input 64:15
inquiries 72:24 74:18 75:16
inquiry 74:16
instance 47:16 62:5
integrity 18:6
intend 74:5
intended 52:23
interest 82:1
interested 60:4
interrupt 75:13
interrupting 39:2
intertwined 27:2
Intervene 8:5
introduce 12:22
investigate 33:22
investments 79:14
inviting 28:8
involved 11:9 44:13 55:19,24 56:3
 79:17 81:6 82:14
involves 20:10 80:21
involving 8:6 33:18 47:22
ISA 70:9,10 72:10
issuance 22:24

issue 15:23 21:17 53:22 55:19**issued** 6:25 7:10 10:11 11:15 20:9,
25 35:8 36:7,8 53:8**issues** 8:19 15:1 59:17**item** 6:16 8:24 9:25 34:20 58:23
67:19 76:15,18 77:7 80:19 82:11**items** 65:17 68:21 80:22

J

Jack 7:13,15 8:3,4,7**January** 36:13,17 58:13 70:18**Jim** 67:22,24 68:3 72:17,24 73:14
74:9 75:15**job** 5:9 21:14 23:5 31:9**John** 77:21 78:5**join** 6:2**joined** 6:1 7:17,21**Joseph** 10:8 20:11 22:5**judge** 8:8 11:12,20 12:13 16:2,8 19:5
20:9,12 21:12 25:1 26:21 28:17,21
29:3 30:17 35:5 36:5,12,14 37:4
39:14 43:7 45:8 46:11 48:4 54:4,6,11
75:16**judge's** 17:7 29:9**judges** 14:9 17:5 26:21 59:6 62:14
63:16 64:5,7,14 73:20 75:10**judgment** 7:5 8:9 10:7 15:6 19:3
20:12 27:8 30:6,10,13 34:23 36:8,10,
12 37:25 39:11,21 40:6 50:13**judicial** 7:4 8:7 11:4 16:17 22:3 25:8
32:2 35:22 43:20 50:1 51:9**jump** 30:24 53:6**junkyard** 78:13**jurisdiction** 63:8**jurisdictions** 64:19,21

K

Keeler 77:22,23 78:4,5 79:5,10**keeping** 73:1**kind** 22:8 30:15 34:3,4 38:18 54:3
60:13 61:3,6 64:24 80:23**kinds** 41:3 59:12**knowledge** 48:17 49:3**Krista** 9:2,6

L

lab 76:19**label** 62:22**laboratories** 76:16,20 77:9**land** 78:24**language** 22:22 47:12**Lasix** 10:19 14:25 74:24 75:1,2**late** 53:15,16 75:14 79:8 81:18 82:2**latitude** 63:3,16,21**law** 11:12,20 12:13 17:7 19:5,7 20:9
36:5 37:4 39:13,14 40:9 43:10,22
51:6 53:24 55:2,3,4 81:2**lawyer** 31:21 33:12**lawyers** 53:6**laying** 47:7**Lea** 48:21 50:19 53:23 59:1 60:3**leading** 5:10**League** 73:12**learn** 75:11**leave** 28:13 61:4**lecture** 55:1**left** 19:24 26:15 43:3 49:17**legal** 24:17 29:23 31:11 33:5**lengthier** 58:17**lessening** 63:18**letting** 34:11**license** 33:1,3**licensed** 10:14 33:10,19 35:11 82:7**licensee** 18:14 23:25 24:19 25:10
28:14 37:12 39:16 43:12 47:13,17
51:21,22 61:16**licensees** 23:21,22 24:18,20 25:15
34:14 47:7,18**licenses** 81:7**licensing** 33:4,9**licensure** 10:18 35:14**lieu** 38:14,15 49:23 50:2**life** 5:1 16:19 51:21 78:18**light** 29:8 69:23,24**Lightle** 5:25 6:10 9:14,18 34:15 48:7
56:9,20,24 57:12,16 65:8,9 66:14
67:14 76:7 77:10 79:25 80:8**limit** 53:14**limited** 12:7 36:23**list** 58:15 59:3 65:19,21 66:9,12,23
67:10,12 76:23**litigant** 25:20**litigants** 47:7**litigation** 6:17 8:2**live** 67:20 69:4,8 76:5**local** 78:24 79:10**locations** 66:1**locked** 73:3**logistics** 73:20**long** 19:7,12 34:4 51:22 68:9 71:17
75:13**longer** 28:20 30:14 69:20**longstanding** 48:23**looked** 69:18,22,24,25 70:14,18**loosening** 60:22**lot** 27:13 42:25 53:2 54:24 73:23
79:21**lots** 41:11**love** 60:11

M

machine 47:3**made** 6:6 47:14 50:24 55:21 60:16,
18 75:10**mail** 45:21**mailed** 46:1,2**maintain** 78:16**maintenance** 77:20 78:8,11 80:6

Major 73:12
majority 70:15 71:18
make 4:21 9:18 21:21 22:25 24:2
 30:5,21 31:13 52:5 55:20,24 57:10
 60:1,6 68:10 70:2 72:18 73:1 74:24
 75:8
makes 62:12 63:10
making 29:11 79:15
man 57:4
managed 24:2,22
management 75:3
mandatory 46:20
manner 11:7,18 28:19 34:14 35:25
 36:10 39:5,7,8 42:20 53:9 73:6
March 12:4
Marion 6:19 8:8
matter 6:22 7:13 8:4,6 10:7 11:10
 14:17 15:23 16:9 17:11 18:23 22:17
 24:13 25:16 27:3,18 34:23 38:21
 41:14 44:13,15 45:10 50:8,17 55:18
 56:19 69:3
matters 4:19 6:20 7:10 8:12 17:18
 19:8 25:7 41:18
maximizing 68:22 69:15
maximum 63:19
Mccarty 5:16,25 6:8 9:20 31:15 32:5
 45:5 48:9 49:3 54:16,18 57:8,9 63:23
 64:3,6,10 65:4 66:11 67:9 72:22 73:9
 76:4 77:11 80:2,5
meaning 25:3
means 28:20
medication 10:15 23:16 59:7,9
 61:12,17,18 62:22
medications 62:20
medium 69:7
meet 43:24 52:17 58:16 59:7,22 60:7
 65:22 68:5 69:19 79:5 82:19
meeting 4:2,12,13 5:4 6:5 7:18
 44:16 45:3,8 58:17 67:22 70:10 76:2
 82:17,18
meetings 28:7 74:12
member 5:19 45:24

members 19:23 54:15 56:7 64:14
 70:9
mention 52:13
mentioned 5:17 47:24 53:23 58:3
 60:5
merit 33:23
meritorious 18:19,25 19:2
merits 13:12 14:4,7 15:16 16:3,5,6,
 10 17:3,5 18:9,15 19:14 26:20,22,24
 27:20 30:7 38:5,8 40:5 41:1,6 42:3,7,
 10 43:20 49:25 51:19
met 41:22 44:12 70:9 71:8
met all 66:2
microphone 4:15
Mike 4:20,22 6:23 10:10 12:20 19:20
 35:7 62:15,17 64:16 65:20 66:4,19,
 22 67:6 73:18 74:15 75:9 76:18 77:4
 80:22 81:22 82:3,7,11,21,24
million 78:24
mind 46:24 54:6 75:21 82:25
minute 13:3 19:18,24 26:15 27:23
 49:17
minutes 5:24 6:4,9 12:7,18 13:4
 36:23 37:10 49:18 70:16,19,24 71:2,
 10,11,12,23 72:1,2 74:3 75:2
missed 42:18
missing 8:16
misstates 43:22
misunderstand 60:19
mitigating 63:12
MMV 61:12,15
model 64:22
modern 78:19
modification 29:6,11
modify 12:11 29:5,9 37:2
moment 56:25 68:12
momentum 25:17
money 81:2,6,14
monies 81:11
monitors 75:13

month 82:1
months 79:6 81:21,25
morning 4:1,8 6:19 20:4 44:11
motion 6:7,14 8:5,9 9:16,18 22:15,
 19 25:24 31:13 32:14 39:7 50:12
 56:6,13,16 65:3 66:8 67:8 75:24 76:2
 77:8,12,17 80:3
motions 13:20,22
move 6:3,8 56:18 62:21 65:4 66:11
 67:8,9 73:5 76:4 80:5
moved 6:11 9:21 56:22 65:7 76:8
 77:10 80:9
moving 25:17 34:20 58:11,23 64:24
 68:25 72:6 74:2 75:8,21
multiple 61:12,17,18 62:22
mutuel 74:19

N

Nat 60:9,13 61:10
National 19:11
nationally 69:11 70:21
naturally 26:2
nature 33:6 41:5 55:23
needed 8:14 15:21 50:10,16
negative 80:25
neglect 40:15,16
neutral 75:16
Newell 6:17,18 8:1,15,23 9:4,15
 16:10 19:25 20:1,7 26:17 27:15,23,
 24 41:8 44:15 45:9,23 58:13,14
night 69:8,24 71:16 74:8,17
note 62:18
noted 16:1 42:16 43:4
notes 52:14
notice 22:21 30:25 44:19 47:24
 80:23
noticed 41:12 74:20
noting 19:6 50:20
notionally 69:14
November 10:10 22:6 35:7,16 44:2

nuances 74:10
number 13:17 17:15,20 20:24 28:6
 38:8 47:9 58:11 61:19 62:11 75:8
 76:20 77:18 81:20

numbers 20:25

nurse 33:24

O

oath 5:14 18:22

object 51:11

objected 28:25 29:1

objection 11:25 36:16 50:23,24

objections 10:5 34:21

observation 63:17

obtaining 76:24

obvious 38:22

occurred 14:18 50:5

October 21:8

odd 26:25

offender 61:21

offer 73:11

office 10:2 28:4 33:7,17,21 44:23
 58:1

official 4:5 66:6 67:10 71:2

officials 65:19,22 66:9,12 75:12

open 31:14 82:15

opening 4:20

operating 62:19

operational 79:8

opinion 50:9 56:10 57:6 71:25

opportunity 12:6 13:1,11 26:19
 36:22 37:13 62:10

opposed 32:12 57:21 65:13 66:17
 67:17 76:12 77:15 80:13

opposing 16:10 49:20

option 12:2 29:21 36:18

oral 7:6 10:8 12:6 28:9 34:24 36:22

order 4:3,12 7:7,12 10:6 11:22 17:7,
 16,19,21 19:4 20:8 21:13 25:1 26:10

28:18 34:22 36:14 41:13 43:7 48:5
 51:12,13 52:1 58:3 73:21

orders 6:20,25 29:14 32:19 40:3
 58:4,5

origin 48:9 54:19

original 28:22 30:8 68:6

originally 48:15

outcome 18:12 42:11 51:25

owe 81:14,24

owner 81:4

P

pace 70:1 73:21

packed 72:6

pages 59:4

paid 81:15,16,20

paperwork 32:17,20 58:2

parade 71:7

paralleling 18:2

pardon 78:1

pari-mutuel 10:20

Park 4:4,6 8:17 9:8 14:18 65:20
 66:12 67:23 68:14 69:4,13,16 76:6

Park's 66:9 67:20

part 41:9 45:12 61:4

participants 79:16

participate 15:10

participating 10:15

parties 7:4 12:1,3,5 28:25 29:13
 36:17,19,21 55:24 56:3 60:4 82:14

partnerships 68:19

parts 68:15 75:8,21

party 29:16 39:22 51:4,9,10

passed 32:14 76:14 77:17

passes 23:10

past 72:4

pay 81:22

payment 81:18

penalties 38:15,16 49:23,24 50:2
 60:22 63:10,19 64:20

penalty 10:16 11:3,23 21:23,25 22:2
 28:23 29:7 31:23 32:1 34:2 35:13,21
 36:14 38:4 41:23 44:3 51:23 61:18
 63:20 81:17 82:10

pending 14:11 17:18 20:19 24:8

people 5:23 17:24 31:2 64:21 74:7
 79:16 81:10

people's 69:19 71:16

percent 69:4,10,14,17 82:1

percentage 69:12 81:19

period 21:25 28:24 31:24

permanently 10:19

permission 55:3 67:6 78:21 79:1

person 21:21 22:23 33:6,10 39:16
 41:6 42:1 44:12 63:9

persons 33:2

Pete 12:23 37:11 44:5

petition 8:7 51:12

petitions 7:3

phase 41:24

phone 5:21 6:2 7:18

pictures 77:21

piling 73:23

Pillow 5:20 6:1 7:17,20,23 32:8
 34:16 42:17,22 56:11,15,21

pitcher 73:17

place 14:10 24:8 25:16 48:11 55:12
 60:7 61:11,23

places 64:22

plainly 47:15

plans 6:2

players 27:4

plea 21:11

pleading 39:17 43:21 45:19 51:5
 52:15,16,17,21 53:25 54:1,2,4,7

pleadings 13:20 46:7

plumbing 78:20

podium 12:18

point 10:1 13:20 24:24 29:9,24 39:3
42:13 50:4 52:6 60:23 61:12,13 74:1
82:23

points 61:15,16,19,25 62:1,22,25
63:4,7,9,24 64:3 69:12 75:7

policy 55:4

Pompano 70:18,21 72:25

popping 68:8

position 20:16 49:21 50:9

positions 12:3 36:19

positive 6:24

possession 47:3

possibly 82:18

post 67:21 68:13 69:6 70:14,15,25
71:2,7,11,13 75:3 76:5

posts 68:8,18

posture 22:17

potential 24:25

practiced 24:10

practicing 10:14

precedent 46:22

precedential 24:25

preceding 34:25

predates 21:8

preference 19:13 25:7

prepared 14:2

prescribed 21:25 31:24

present 12:6,17 13:2 17:4 36:22
37:9 42:9

presentation 77:18

presentations 12:7 36:23

presented 13:11 30:22

preserved 40:14

pretty 29:12,16 30:25 56:4 63:10

previous 37:7

previously 67:21

primarily 70:6

prior 60:7

private 24:18

problem 41:10 53:20,21

procedural 22:17 23:8 24:4 25:2
46:25

procedure 24:13

procedures 29:14 31:4,11 40:3

proceeding 35:2 37:7

proceedings 7:21 10:9 12:12 15:11
16:1 29:16 37:3

process 15:10 18:13 25:14

professional 18:14 33:4,6,9,19

program 10:20 68:16,24 69:16,18,
20 70:17 71:24 72:3,6 73:3,21

programming 72:4

progress 68:7

prohibition 47:2

project 78:22

promote 18:6

promulgated 22:10 23:13

properly 22:6 24:2

proposed 11:15,18,20 12:12 36:8,9,
11 37:3 44:4 58:24 65:1,5

proposition 41:2 46:13

prosecution 20:22

protection 33:18 81:9

provide 4:7 6:17 68:13 72:7 78:18
81:9

provided 8:17

provision 39:13 51:6 59:20

public 5:2 59:24 77:7 79:22

punishment 61:5

purposes 26:7

purse 7:1 70:3 80:21 81:3,10,14

pursuant 23:1 37:25

push 64:17

pushes 74:4

put 14:13 23:15 43:24 47:24 58:6
61:14 62:10 81:12

putting 7:10 68:23

Pylitt 11:12,21 20:9,12 28:21,22
30:17 35:6 36:5,12 45:9 46:11 54:4,
11

Pylitt's 21:13 25:1 28:17 29:3 43:7
48:4 54:6

Q

quality 78:18

Quarter 69:11

question 18:23 31:16 32:4 33:7,14
34:4 38:11,23,24 39:4,19,25 42:2,19
45:5 48:23 49:4,8 54:10,22

questions 9:11,12 12:9 19:22 26:13
27:23 30:2,3 36:25 48:6 49:12 52:3,
23,24 54:12,14 56:8,9,12 58:16,22
65:1 66:7 72:20 77:5 79:2,12

quick 52:5 82:18

quicken 70:1

quickly 32:22

quitting 74:6

quorum 5:18

quote 81:18

R

race 10:16 14:25 16:7 18:10 58:17
59:7,21 65:22 68:24 69:20,22 70:14,
15,16 71:1,13,14,20 72:1 76:5

races 7:2 71:10 72:2

racing 4:3,10 7:13,15 8:5 10:20 18:6
33:3 34:13 35:3 60:7 63:8 64:19
65:19 66:9,12 67:10,21 68:15 69:4,8
70:6,16,19,20 82:23

raft 19:9

range 61:14 62:10 78:24

RCI 62:20 63:7

re-hook 71:6

reached 9:5 24:15

read 24:11 28:9 31:20 57:2,3 70:20

reading 49:22 82:15

ready 68:4 74:13 78:25

real 52:5

realistically 72:22
reason 40:11 57:13
reasonable 26:3
reasons 17:6 38:6 47:9 48:3 51:17
rebuttal 13:4 19:21 37:15 42:15 49:17
receipt 24:21 44:14 45:14 50:12 81:16
received 15:5 22:8 44:1,25 45:19,24 66:25 75:3 81:11
receives 43:12
receiving 27:7 80:24
recollection 23:24
recommend 34:10
recommendation 20:13 30:18 60:14
recommended 10:6,16 17:7 19:4 20:8,12 25:1 26:10 28:18,23 34:22 35:4,13 43:7 48:5 59:8,10
record 12:14,24 15:19 16:12,19 37:5 39:19 57:9,15 63:7 75:9
recorded 4:18 40:10
redistributed 7:2
redistribution 80:21
refer 19:10
reference 21:6
referenced 17:19,20
references 17:23
referring 61:12
refocus 21:14
refuses 15:10
regard 6:6
registered 33:11
regular 41:19
regulates 29:15
reject 52:1
rejected 17:8
relate 7:12 27:3
related 11:10 38:1
relates 14:21 20:22 30:11 82:22
relating 6:20 21:2 23:8
relaxing 63:19
relevant 7:2
relied 38:13 39:10,14
rely 51:1
remain 13:4
remaining 20:3 27:24
remand 12:11 37:2
remedied 40:17
remedies 51:11
remind 21:16 24:8
reminded 44:16,18 46:24 64:17
reminder 45:6
reminds 47:13
remit 21:22,24 31:22
repaid 81:3
repeatedly 46:12
repetitive 43:1
replace 78:12
replacing 68:5,11
report 22:25 76:19
reported 40:8
reporter 4:17 5:13,15
represent 12:24 22:14 47:19 59:5
represented 17:24 23:20,22,25 24:19
representing 60:25 61:1,2
request 7:8 10:25 11:6,14 15:24 21:12,22,24 22:11,25 24:3 27:18 28:16,18 31:22 35:18,24 36:6 38:2, 25 41:21 43:17,18 44:5,10,17,22,25 45:6,13,20,21 46:1,4,8,15 47:13,18, 21 48:12 52:8 59:18 67:20 77:19 78:6 82:14
requested 10:23 27:8 67:1
requests 9:10 13:21 26:9 48:4
require 44:20 46:5
required 7:1 48:12 52:10,11,19 78:21
requirement 25:4 43:16 48:18 52:7, 8
requirements 43:25 44:9,17 47:6 52:17,18 66:2
requires 52:15 81:2
reserve 19:17 20:2 37:14 42:14 43:2
respect 51:18 52:13
respectfully 9:10 26:9 48:4 49:20 59:18
responded 11:17 36:9
respondent 43:22 46:3 48:5
Respondent's 10:5 34:21
Respondents 43:21
response 11:16,19 22:8 25:25 32:13 34:8 36:11 39:18 43:15 49:20 57:22 65:14 66:18 67:18 76:13 77:16 80:14
responsibility 31:10
responsive 51:5 52:15,16,18,21 53:25 54:1,2,3,7
rest 7:11
restart 8:3
result 11:7 14:2 35:25
results 11:2 22:1 25:2 31:24 35:20 61:20,25 62:2
retained 37:21
return 58:1
revenue 79:20
review 7:4,8 8:7 11:4 16:17 22:3 32:2 35:22 43:20 50:1 51:9 58:11 72:15 77:2
reviewed 30:23 58:21 59:25 66:2
reviewing 32:25 81:1
revised 11:15
RMTC 76:22,25
Roger 6:22
role 29:12 54:25
room 63:11
rooted 21:13
Roth 6:23 7:3,7

routinely 24:20

rule 16:18 19:1,12 20:16 21:13,17
23:4,6,8,16,17 24:23 25:4,5 26:1,5,6
27:19 29:19 31:19 36:3 38:1 39:7,21
40:4,17,22 46:12,16,18,24 47:9 48:2,
10,12,23 49:1,9,11 50:22 51:2 52:17
53:19 54:5,19,25 55:25 57:11 58:4,
24 65:5 82:12,16,20,22

ruled 34:13

rules 10:24 21:16 22:9 23:10,12,13,
16,18 24:12 25:2,16,19 28:11,14
31:1 35:17 38:3 39:22 43:12 44:20
46:4,17,22,25 47:6 48:15,16 49:5
52:10,11,22 55:3,11,15 56:4 59:3,5,
10,14,19,21 61:9 63:3 64:8,13,22
65:1,2

ruling 12:1 32:15 33:5 34:10 36:16

rulings 7:10 20:23,25 58:12

run 46:18

running 78:19

runs 69:21

rush 82:16

S

S-A-C-O-P-U-L-O-S 13:1

Sacopulos 12:23 19:21 20:17 21:10
22:7,16 23:20 24:2,6,8,10,14 25:23
26:16 37:11,12 39:6 44:5 45:9 49:15,
16,19 50:17 52:4 53:22,24

Sacopulos's 21:6 52:14

salient 43:11

sample 76:16 77:9

satisfy 32:3

Saturday 69:8

schedule 72:23 73:1 74:23 75:2,5

Schenkel 4:1 5:3,6,15,16 6:11,14
7:16,19,25 8:14,16,25 9:12,16,21,24
19:22 20:5 26:13 27:22 28:3 30:3,11,
21 32:3,6,9,12,14,24 34:8,17 39:2
42:16,19,23 43:4 45:2,17 48:8,20
49:2,12,16 50:14 52:3,24 54:14 55:9
56:13,16,22 57:7,17,21,23 58:8,19
59:23 60:11 61:6,22 62:12,15 63:15
64:25 65:7,9,13,15,25 66:5,13,15,17,
19 67:3,7,13,15,17,19 72:12,18

73:13,16 74:1,14 75:7,19 76:8,12,14
77:1,5,12,15,17 78:1 79:3,7,12 80:3,
9,13,15 81:17,24 82:4,9,17,21,25

season 4:10

seconded 6:11 9:21 56:22 76:8 80:9

section 15:6 50:1

seeking 39:8

send 29:4 44:23 63:18

sends 21:20

sentence 16:20 31:21 41:24

separate 17:12,15 43:13 49:21 52:9,
12

separately 65:24,25

September 14:19 16:25

series 26:25

served 13:23 22:6

service 5:2,8 11:15,18,19 45:20

services 73:12

serving 5:2

set 5:20 13:24 36:2 37:23 48:16
62:11 63:14 75:2 79:7

sets 46:22

settlement 9:2,5,9,17

share 63:17

shave 71:10

shed 78:11

short 59:22

shorten 69:20

shot 72:11 73:4

show 71:20 77:21

side 12:8 20:17 36:24 37:9 55:14,19,
22 75:16 78:8

signal 12:21 63:18

signed 32:19 58:5

significant 60:5

similar 31:4 34:25 37:7

similarities 24:4 53:2

simple 22:4 29:12

simply 17:14 23:14,15 42:6 43:24
51:20

single 47:11

sir 8:15 19:19 49:14 50:17 58:14

situation 28:10 30:25 33:25 55:17
57:2,5

skipped 8:23

sledge 68:10

slow 74:21

slowly 4:15

small 59:12

smaller 5:18

Smith 4:22 10:11 12:20 19:20 35:7
62:17 64:16 65:18,20 66:4,22 67:6
73:18 76:17,18 77:4 80:20,22 81:22
82:3,7,11,24

Smith's 30:18

solely 12:14 37:5

sorts 68:18

sought 50:22 51:15

sound 20:14

sounding 31:9

sounds 49:6 72:12

span's 71:17

speak 4:15

speaker 5:21

speaks 30:6

specific 21:17 48:12

specifically 10:10 35:7 45:11 46:5
47:13

spell 12:25

spelled 47:15

split 76:16,19 77:9

spread 4:7

springing 47:6

Stable 7:13

Stables 7:15

Stables' 8:5

staff 4:5 7:9 9:2,5,10 10:7 11:5,13

14:12 18:18 20:7,11,15 22:4,8,14
23:3 24:7,9 25:24 26:2,9 34:18,23
35:23 36:6 38:14 43:6,8 44:12,21,25
45:18,24 47:5,7,10,20 48:3 50:23
58:22 61:6 64:13 66:2 67:5,11 72:21
74:3 77:6

staff's 22:18 23:5 24:8

stakeholders 59:15 64:13

stamp 66:6

stand 78:9

Standardbred 9:6 61:1 69:13

standpoint 74:3,4

start 22:20 70:8,13 76:9

started 82:15

starting 68:17 76:1

starts 71:24 82:19

state 4:15 10:18 23:13 29:15 33:17
34:12 35:15 53:24

state-of-the-art 78:15

stated 67:13

statement 50:6

states 49:22 51:8,23 63:5

status 8:13 76:25

statute 29:15,20 38:13,14 51:1
52:14,23

statutes 28:11 31:1 52:10

stay 75:21

step 4:24 26:3 30:15 38:19,22 79:17

steps 25:15

stewards 62:14 64:5,7,14

storage 78:7

store 78:16

stories 70:20,21

strangers 31:3

strike 73:15

striking 24:4

strong 42:11

studio 71:20

study 62:24

stuff 43:1 60:24 61:5

subject 14:17 22:23 34:9 39:23
67:11 76:23

submit 11:6 18:4 35:24 44:4,17 46:3

submitted 11:14 28:16 44:24 45:13
46:6 65:20 67:5 76:5

subsection 22:1 31:24

subsequent 16:14

subsequently 36:7 37:24

substances 23:9

substantial 81:6

substantive 47:2 58:25

success 70:21

successful 73:11

sufficient 43:23

suggest 23:12

suggested 24:6 59:5,16

suggesting 61:8 82:4

suggestions 59:24 60:1

summarily 14:12 23:25

summary 7:5 8:9 13:15,16 14:9,11,
15,20 16:24 17:5,10,17 18:2,23
20:18,22,25 21:5,7 37:18

summer 79:9

Superior 6:19 8:8

support 12:3 36:19 59:16 64:9,10

supposed 29:17 30:14 74:25

Supreme 40:24

surprise 15:5 22:19 23:6 48:2 55:13

suspended 24:1 81:4

suspension 13:15,16 14:10,11,15,
20 16:25 17:5,10,17 18:23 20:18,22,
25 21:5,7 28:24 37:18 60:24 61:15,
20 62:1,2,8,10 63:25 64:4

suspensions 18:2 60:15

swear 5:12

swiftly 25:8 27:14

T

Tab 9:4

tactic 23:14

tactics 47:5

takes 47:8

talked 72:10 82:17

talking 30:7 56:25 57:1 65:18 82:21

target 64:24

technicalities 19:8,14 40:25 55:22

Technically 30:12

telling 63:16

ten 12:7,18 13:4 36:23 37:10 48:25
72:1 76:19 81:25

tentative 67:3 76:21

terms 27:14 39:11 50:25 54:3

test 73:20

tested 6:24

testimony 15:3 18:11

therapeutics 63:1

thing 19:1 43:2 49:4 50:20 52:13
70:8 74:22 81:13

things 5:1 21:15 27:2 30:24 35:10
38:9 41:10,18 44:25 52:6 59:12 60:5
68:18 73:22 79:20 82:5

thinking 73:10

Thoroughbred 69:11,25 82:11,20,
22

Thoroughbreds 70:5,12

thought 15:21 16:4,5 18:24 27:9
29:7 32:25 33:22 74:2

thoughtful 73:6

thoughts 5:5

threshold 59:8

thresholds 59:20

tighten 70:8

tighter 72:23

time 5:12,14 7:8,14,17 12:9,16,19,21
13:21 18:3 19:18 20:2,19 22:9 24:12
27:24 36:2,25 37:14 42:14 43:3

47:16 49:7,17 51:22 53:14,25 54:1
55:13 58:16 59:4,22 68:25 69:11,15
70:12,25 71:1,2,7,13,14,22,25 72:4
73:6 74:6 75:1,13

timeline 15:18

timely 11:7,14,18,25 14:10 28:19
35:25 36:7,10,16 37:22 38:3,10,23,
24 39:4,7,8,20,23 40:1,7,10,12
41:20,21 42:1,20 44:6,8 46:3,16
47:18,21 50:21 51:11,12,14,15,24
53:9,18

timer 73:16

times 24:11 25:6 41:16,17 63:14
67:21 68:14,18 69:6 70:14,15 71:11
74:21 75:3 76:1,5,9

timing 77:2 79:3

titled 45:19

to-be-filed 14:7

today 5:4,24 6:16 8:21 9:11 10:3
12:5 13:2,6,7,9 15:17 18:16 19:15
20:7,15 21:14 26:18 32:17,21 36:21
37:13 38:7 41:13 42:4 49:9 51:19
68:1 80:17

today's 4:18

told 25:23

Tom 5:5,11

Tom's 5:8

total 16:23 59:4

touch 71:1

town 7:21

track 58:8 68:5,6 69:9 78:14 79:23

tracks 10:21 65:19 69:25

trailer 78:12

trainer 6:23 7:1 8:6 9:7 14:23 27:4,5
35:11 81:3

transcript 14:1,6 15:25 16:2 18:22
21:7 26:20

traps 47:7

treats 46:9

trial 7:5 19:1 38:1,3 39:7,21,22 40:4,
17,21,23 46:12,17 50:22

tripelennamine 6:24

true 18:1

turn 28:2 52:25 53:1

tweaked 68:17 69:6

type 41:5

types 41:17 82:5

typically 71:3

U

ultimately 7:6

unauthorized 10:15

underline 29:18

undermines 46:23

undersigned 17:8

understand 5:17 13:13 14:15 30:5
37:17 75:19

understanding 16:13 27:10

understood 16:11

underway 58:18

unfair 16:17 51:25

uniformity 64:20

University 76:20

unjust 51:25

Unlike 53:17

unquote 81:18

unreasonable 23:11

unsuspecting 47:6

untack 71:6

untimely 46:8

unwavering 40:23

update 6:17 8:2,12

upheld 7:7

upset 57:3,4

urge 24:24

V

vast 70:15 71:17

versus 9:2 10:7 34:23 35:3

vet 27:4

veterinarian 10:14 33:13,20,24 34:7

veterinarians 33:3

veterinary 33:9 34:1

vetted 66:5

vice 5:3 6:18

view 56:3

viewpoint 31:11

violated 23:17

violation 61:13 62:22

violations 60:16,18 61:17,18

visible 78:14

voice 5:22

vote 9:15 32:9 56:23 57:18 65:23

W

wait 25:14

waive 27:24 43:19 51:9

waived 16:15

waiver 11:2 22:1 31:25 35:20

wanted 5:1 52:13 81:13

wanting 39:11

warmup 71:7

warrants 12:22

watched 72:25

water 78:19

ways 79:18

Weatherwax 4:24

weeks 81:20

White 10:2 28:2,3,4,5 30:9,12 31:20
32:16 33:12 48:21,22 49:8,14 52:24
53:1 54:22 57:14,25 58:9

White's 34:8

willingness 4:6

winter 68:8 78:17

wise 77:2

withdrawn 14:12

witnesses 18:10 42:8

wood 68:6

word 22:21 29:18 49:10

words 29:19

work 52:23 54:23 68:7 72:9 78:17
79:10 80:16,17

worked 28:5 32:18 74:12

worker's 74:3

working 68:16 72:16 73:19,22

works 75:23

worth 19:6 50:20

wrestle 54:10

writing 43:17,18 44:17 52:9

written 11:16 21:21 22:25 23:19
24:3 44:4,22

wrong 43:22 53:7 60:19 61:11 75:15

wrongdoing 14:24

Y

year 9:8 16:25 66:10 68:14 69:18
71:24 73:3 74:20 76:16 77:9 79:6
81:7

years 5:2,10 10:18 16:20,22 28:6
35:15 41:25 48:25 49:6 55:16 62:21
68:17 69:7

Z

zealously 22:13

zone 73:15