

# **Agenda item # 3**

**INDIANA HORSE RACING COMMISSION  
BEFORE ADMINISTRATIVE LAW JUDGE**

INDIANA HORSE RACING	)	In Re:	ADMINISTRATIVE
COMMISSION STAFF,	)		COMPLAINT
	)		NO. 214003
	)		
Petitioner,	)		
	)		
vs.	)		
	)		
DR. ROSS RUSSELL,	)	Bernard L. Pylitt,	
	)	Administrative Law Judge	
Respondent.	)		

**NOTICE OF OPPORTUNITY TO PRESENT BRIEFS AND ORAL ARGUMENT**

This matter is pending before the Indiana Horse Racing Commission (“Commission”) on the Recommended Administrative Penalty against Dr. Ross Russell. On September 4, 2015, the Administrative Law Judge (“ALJ”) designated by the Commission, The Honorable Bernard L. Pylitt, issued his Findings of Fact, Conclusions of Law, and Recommended Order Denying Dr. Ross Russell’s Second Motion to Disqualify Bernard Pylitt as Administrative Law Judge (“Recommended Order”) in this case. On September 11, 2015, Dr. Russell, by counsel, timely filed his objections to the Recommended Order.

Notice is hereby given that the Commission will afford both parties an opportunity to present briefs concerning this case. Any briefs filed by Dr. Russell or the Commission Staff must be received in the offices of the Commission by 4:00 p.m. on October 30, 2015. The Commission will accept electronic filing at [lellingwood@hrc.in.gov](mailto:lellingwood@hrc.in.gov).

The Commission will also consider oral argument at its meeting on November 4, 2015. Oral argument will be limited to fifteen minutes per side.

SO ORDERED, 26th day of October 2015.

THE INDIANA HORSE RACING COMMISSION



BY: \_\_\_\_\_  
Thomas Weatherwax  
Chairperson  
Indiana Horse Racing Commission

Copies forwarded by electronic mail sent on October 26, 2015.

**DISTRIBUTION**

Holly Newell  
Deputy General Counsel  
Indiana Horse Racing Commission  
1302 N. Meridian Street, Suite 175  
Indianapolis, IN 46204  
[hnewell@hrc.in.gov](mailto:hnewell@hrc.in.gov)

Robin Babbitt  
ICE MILLER LLP  
One American Square, Suite 2900  
Indianapolis, IN 46282  
(317) 236-5826  
[robin.babbitt@icemiller.com](mailto:robin.babbitt@icemiller.com)

Peter J. Sacopulos  
Gregory S. Carter  
SACOPULOS JOHNSON & SACOPULOS  
676 Ohio Street  
Terre Haute, IN 47807  
[PLA@sacopulos.com](mailto:PLA@sacopulos.com)  
[Gregcarter24@gmail.com](mailto:Gregcarter24@gmail.com)

SACOPULOS, JOHNSON & SACOPULOS  
LAWYERS  
676 OHIO STREET  
TERRE HAUTE, INDIANA 47807

GUS SACOPULOS  
R. STEVEN JOHNSON  
PETER J. SACOPULOS  
MICHAEL J. SACOPULOS

TELEPHONE  
(812) 238-2565  
FACSIMILE  
(812) 238-1945

September 10, 2015

**CERTIFIED MAIL - RETURN RECEIPT**  
**7014 1200 0002 0750 5732**

Indiana Horse Racing Commission  
ATTN: Mr. Joe Gorajec, Executive Director  
1302 N. Meridian Street, Suite 175  
Indianapolis, IN 46202

RE: IHRC Staff vs. Russell Equine Sports Medicine, LLC  
Administrative Complaint No. 214003

Dear Mr. Gorajec:

Enclosed, please find the following document for filing with the Commission on behalf of my client, Dr. Ross Russell, in the above matter:

Motion for Mediation.

Pursuant to Trial Rule 5(F), please file the same as of the date of mailing and return file-marked copies to me in the enclosed return envelope. I have enclosed a self-addressed stamped envelope for your convenience in returning our file marked copies.

Thank you for your courtesy and cooperation.

Yours sincerely,

  
Peter J. Sacopulos

PJS:rr  
Enclosures

cc: Holly Newell (via email and Certified Mail)  
Robin Babbitt (via email and Certified Mail)  
Bernard Pylitt, ALJ (via email and Certified Mail)  
Lea Ellingwood (via email and Certified Mail)

**INDIANA HORSE RACING COMMISSION  
ADMINISTRATIVE COMPLAINT**

INDIANA HORSE RACING COMMISSION  
STAFF,

Petitioner

vs.

ADMINISTRATIVE COMPLAINT NO. 214003

DR. ROSS RUSSELL,

Respondent

Before the Hon. Bernard L. Pylitt,  
Administrative Law Judge

**MOTION FOR MEDIATION**

Respondent, Dr. Ross Russell, by counsel, Peter J. Sacopulos and Gregory S. Carter, respectfully move the Indiana Horse Racing Commission (hereinafter the "IHRC") for an order compelling the parties to submit this disputed matter to mediation pursuant to the AOPA. In support of this motion, Respondent states:

1. The Administrative Orders and Procedures Act (hereinafter "AOPA") governs these proceedings and the AOPA specifically provides for and contemplates mediation. Specifically the controlling statutory language is found at I.C. 4-21.5-3.5-2 and states:

"Appropriateness of mediation; rules

Sec. 2 (a) For each type of administrative proceeding, the *ultimate authority* shall determine whether mediation is an appropriate means of alternative dispute resolution. (b) For proceedings that an ultimate authority determines to be appropriate for mediation, the agency may adopt rules under I.C. 4-22-2 to implement this chapter. The rules, to the extent possible, shall not be inconsistent with Rule 2 of the Indiana Supreme Court Rules for Alternative Dispute Resolution.

I.C. 4-21.5-3.5-2

2. Respondent previously filed a Motion for Mediation. A true and exact copy of Dr. Russell's Motion for Mediation/Amended Motion for Mediation filed in this administrative proceeding are attached hereto and made a part hereof and marked as Exhibit "A."

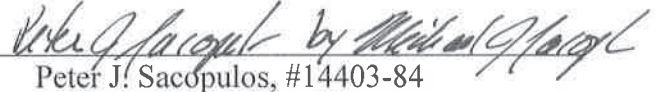
3. The Indiana Horse Racing Commission Staff has objected to Dr. Russell's request for mediation. Their objection is based, in part, on the language of the AOPA regarding mediation that, the Indiana Horse Racing Commission Staff believes, requires the "ultimate authority" to determine whether mediation is an appropriate means for resolution. A true and exact copy of the Commission Staff's Objection to Russell's Motion for Mediation is attached hereto, made a part hereof and marked as Exhibit "B."

4. Respondent, contemporaneous with moving the Indiana Horse Racing Commission for an order of mediation, filed his reply to the Indiana Horse Racing Commission Staff's Objection to Russell's Motion for Mediation. A true and exact copy of Respondent Russell's Response To The Indiana Horse Racing Commission Staff's Objection to Mediation is attached hereto, made a part hereof, and marked as Exhibit "C."

WHEREFORE, Respondent, Dr. Ross Russell, respectfully requests that the Indiana Horse Racing Commission, pursuant to and in compliance with the AOPA and I.C. 4-21.5-3.5-2, issue an Order requiring the Respondent and the Indiana Horse Racing Commission Staff to submit this pending dispute to mediation and for all other just and proper relief in the premises.

Respectfully submitted,

SACOPULOS, JOHNSON & SACOPULOS  
676 Ohio Street  
Terre Haute, IN 47807  
Telephone: (812) 238-2565  
Facsimile: (812) 238-1945

By:   
Peter J. Sacopulos, #14403-84

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing has been served upon the following counsel of record by email transmission and by Certified Mail, postage prepaid, this 10<sup>th</sup> day of September, 2013:

Robin Babbitt  
ICE MILLER  
One American Square, Suite 2900  
Indianapolis, IN 46282

Holly Newell  
Deputy General Counsel  
Indiana Horse Racing Commission  
1302 North Meridian  
Indianapolis, IN 46202

Lea Ellingwood  
General Counsel  
Indiana Horse Racing Commission  
1302 North Meridian  
Indianapolis, IN 46202

Indiana Horse Racing Commission  
ATTN: Mr. Joe Gorajec, Executive Director  
1302 N. Meridian Street, Suite 175  
Indianapolis, IN 46202

Bernard L. Pylitt  
Administrative Law Judge  
KATZ & KORIN, PC  
The Emelie Building  
334 North Senate Avenue  
Indianapolis, IN 46204-1708

  
Peter J. Sacopulos

INDIANA HORSE RACING COMMISSION  
ADMINISTRATIVE COMPLAINT

INDIANA HORSE RACING COMMISSION  
STAFF,

Petitioner

vs.

DR. ROSS RUSSELL,  
Respondent

ADMINISTRATIVE COMPLAINT NO. 214003

Before the Hon. Bernard L. Pylitt,  
Administrative Law Judge

2015 AUG 26 A 10: 22  
INDIANA HORSE RACING COMM

MOTION FOR MEDIATION

Respondent, Dr. Ross Russell, by counsel, Peter J. Sacopulos, respectfully moves for an Order requiring the parties to submit this pending matter to mediation. In support of this motion, Respondent, Dr. Ross Russell, states:

1. That pursuant to I.C. 4-21.5-3-5-1 et al, this dispute should be submitted to mediation.

WHEREFORE, Respondent respectfully moves this tribunal for an order requiring the parties to this dispute, pursuant to I.C. 4-21.5-3-5-1 et al, to submit this dispute to mediation and for the mediation process to be completed within 60 days and for all other just and proper relief in the premises.

Respectfully submitted,

SACOPULOS, JOHNSON & SACOPULOS  
676 Ohio Street  
Terre Haute, IN 47807  
Telephone: (812) 238-2565  
Facsimile: (812) 238-1945

By:   
Peter J. Sacopulos, #14403-84

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon the following counsel of record by first class U.S. Mail, postage prepaid, this 29<sup>th</sup> day of August, 2015::


Holly Newell  
Deputy General Counsel  
Indiana Horse Racing Commission  
1302 North Meridian  
Indianapolis, IN 46202

Exhibit A



Robin Babbitt  
ICE MILLER  
One American Square, Suite 2900  
Indianapolis, IN 46282

Bernard L. Pylitt  
Administrative Law Judge  
KATZ & KORIN, PC  
The Emelie Building  
334 North Senate Avenue  
Indianapolis, IN 46204-1708



---

Peter J. Sacopulos

INDIANA HORSE RACING COMMISSION  
ADMINISTRATIVE COMPLAINT

INDIANA HORSE RACING COMMISSION  
STAFF,

2015 AUG 31 P 3: 39

Petitioner

INDIANA HORSE RACING COMMISSION

vs.

ADMINISTRATIVE COMPLAINT NO. 214003

DR. ROSS RUSSELL,  
Respondent

Before the Hon. Bernard L. Pylitt,  
Administrative Law Judge

AMENDED MOTION FOR MEDIATION

Respondent, Dr. Ross Russell, by counsel, Peter J. Sacopulos, respectfully moves for an Order requiring the parties to submit this pending matter to mediation. In support of this Amended Motion, Respondent, Dr. Ross Russell, states:

1. That pursuant to I.C. 4-21.5-3.5-1 et al, including I.C. 4-21.5-3.5-2, this dispute should be submitted to mediation.

WHEREFORE, Respondent respectfully moves this tribunal for an order requiring the parties to this dispute, pursuant to I.C. 4-21.5-3-5-1 et al, to submit this dispute to mediation and for the mediation process to be completed within 60 days and for all other just and proper relief in the premises.

Respectfully submitted,

SACOPULOS, JOHNSON & SACOPULOS  
676 Ohio Street  
Terre Haute, IN 47807  
Telephone: (812) 238-2565  
Facsimile: (812) 238-1945

By:   
Peter J. Sacopulos, #14403-84

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon the following counsel of record by Certified U.S. Mail, postage prepaid, this 27<sup>th</sup> day of August, 2015::

Holly Newell  
Deputy General Counsel  
Indiana Horse Racing Commission  
1302 North Meridian  
Indianapolis, IN 46202

Robin Babbitt  
ICE MILLER  
One American Square, Suite 2900  
Indianapolis, IN 46282

Bernard L. Pylitt  
Administrative Law Judge  
KATZ & KORIN, PC  
The Emelie Building  
334 North Senate Avenue  
Indianapolis, IN 46204-1708



---

Peter J. Sacopulos

INDIANA HORSE RACING COMMISSION  
BEFORE AN ADMINISTRATIVE LAW JUDGE

INDIANA HORSE RACING COMMISSION  
STAFF,

Petitioner,

v.

DR. ROSS RUSSELL,

Respondent.

2015 SEP -4 A 11: 23

INDIANA HORSE RACING COMMISSION

Administrative Complaint No. 214003

Before the Hon. Bernard L. Pylitt,  
Administrative Law Judge

COMMISSION STAFF'S OBJECTION TO RUSSELL'S  
MOTION FOR MEDIATION

The Indiana Horse Racing Commission Staff ("Commission Staff"), by counsel, for its Objection to Dr. Ross Russell's ("Russell") Motion for Mediation, states the following:

**I. Procedural Background**

Commission Staff issued Administrative Complaint No. 214003 against Russell on October 23, 2014. Dr. Russell timely requested a hearing, and on November 12, 2014, Commission Chairman Thomas Weatherwax appointed Administrative Law Judge Bernard Pylitt to hear the matter. ALJ Pylitt has set the hearing for December 1-4, 2015.

On August 26, 2015, Dr. Russell filed his Motion for Mediation (which was subsequently amended to reflect the accurate statutory citation).

ALJ Pylitt advised the parties that Commission Staff had until noon on September 4, 2015 to file its Response, and Dr. Russell would have until noon on September 11, 2015 to file a Reply, if any.

## II. Analysis

Russell's Motion for Mediation seeks an order from ALJ Pylitt that would essentially require the Commission to submit this matter to mediation. This is not a proper request, because ALJ Pylitt lacks the authority to issue a decision on this particular issue. Accordingly, Commission Staff objects to Russell's Motion for Mediation.

The controlling statutory language appears at I.C. 4-21.5-3.5-2 and provides as follows:

### **Appropriateness of mediation; rules**

Sec. 2 (a) For each type of administrative proceeding, *the ultimate authority* shall determine whether mediation is an appropriate means of alternative dispute resolution.

(b) For proceedings that an ultimate authority determines to be appropriate for mediation, the agency may adopt rules under I.C. 4-22-2 to implement this chapter. The rules, to the extent possible, shall not be inconsistent with Rule 2 of the Indiana Supreme Court Rules for Alternative Dispute Resolution.

I.C. 4-21.5-3.5-2 (*emphasis added*)

"Ultimate authority" is a defined term in the Administrative Orders and Procedures Act.

"Ultimate authority" means an individual or panel of individuals in whom the final authority of an agency is vested by law or executive order." I.C. 4-21.5-1-15. The rules governing horse racing in Indiana make it clear that the Commission is the ultimate authority on horse racing matters. An ALJ has authority to recommend orders, but those are subject to review by the Commission. 71 IAC 10-3-15, 71 IAC 10-3-17. As the ultimate authority, the Commission has the authority to make determinations about the appropriateness of mediation; the ALJ is not the ultimate authority, and consequently does not have that authority.

But even assuming, *arguendo*, that ALJ Pylitt is the appropriate authority to determine the appropriateness of mediation. Commission rules and practice still make it clear that

mediation has not been contemplated by the Commission in general and would not be proper in this case.

The IHRC rules are silent with respect to mediation, which suggests that the Commission has not determined any type of administrative proceeding to be appropriate for mediation. The Commission has not contemplated mediation as a means of alternative dispute resolution. No IHRC rules support a decision for the Commission to provide for mediation. In fact, the IHRC rules specifically reference various forms of alternative dispute resolution, but do not include mediation: "... (c) Unless objected to by law or objected to by a party, the commission may allow informal disposition of a proceeding without a hearing. Informal disposition includes disposition of proceeding without a hearing. *Informal disposition includes disposition by stipulation, agreed settlement, consent order and default.*" 71 IAC 10-3-6(c) (emphasis added). If the IHRC had contemplated mediation as an appropriate means of alternative dispute resolution, it would have been discussed and adopted at an IHRC meeting, and the IHRC rules likely would reflect that. The ultimate authority has not made a determination as to whether mediation is an appropriate form of alternative dispute resolution in this type of administrative proceeding. Further, requiring the Commission to submit a dispute to mediation at the request of a sanctioned party would set a dangerous and potentially costly precedent.

The Commission can decide if this type of administrative proceeding is one that can be mediated or not. However, the Commission has not, to date, affirmatively decided that this type of administrative proceeding is appropriate for mediation. Therefore, there is no authority to submit the matter to mediation. ALJ Pylitt does not have the authority to override the lack of decision by the ultimate authority.

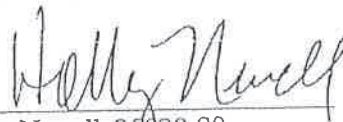
Arguably, the Commission Staff can exercise its judgment and agree to submit to mediation if it appears that it would be productive. However, any decision that compels the Commission Staff to submit to mediation effectively gives Dr. Russell an opportunity to delay progress on the pending matter. Further, the Commission would have to bear part of the expense of mediation. The Commission already has expended considerable resources in the prosecution of this matter, and requiring mediation would add a significant financial burden to the Commission.

### III. Conclusion

The Commission Staff respectfully submits that Dr. Russell's Motion for Mediation has been filed before the improper authority. It is the Commission (the ultimate authority), not the ALJ, that has the power to determine whether mediation is appropriate. Therefore, any Motion for Mediation should be made to the Commission, and not ALJ Pylitt.

WHEREFORE, the Commission Staff objects to Russell's Motion for Mediation, and respectfully requests that the ALJ deny the same.

Respectfully submitted,



Holly Newell, 25029-29  
Deputy General Counsel  
Indiana Horse Racing Commission  
1302 North Meridian, Suite 175  
Indianapolis, IN 46204

Robin L. Babbitt, 3765-49  
Ice Miller, LLP  
One American Square, Suite 2900  
Indianapolis, IN 46282

*Counsel for Indiana Horse Racing Commission Staff*

CERTIFICATE OF SERVICE

I hereby certify that on September <sup>4<sup>th</sup></sup> 1, 2015, I served the following parties with the foregoing Objection, via email and U.S. Mail, first class, postage paid, and email:

Peter J. Sacopulos  
Sacopulos, Johnson & Sacopulos  
676 Ohio Street  
Terre Haute, IN 47807  
[pete\\_sacopulos@sacopulos.com](mailto:pete_sacopulos@sacopulos.com)

Bernard L. Pylitt  
Administrative Law Judge  
Katz & Korin, PC  
334 North Senate Avenue  
Indianapolis, IN 46204  
[BPylitt@katzkorin.com](mailto:BPylitt@katzkorin.com)



Holly Newell  
Deputy General Counsel  
Indiana Horse Racing Commission



**INDIANA HORSE RACING COMMISSION  
ADMINISTRATIVE COMPLAINT**

INDIANA HORSE RACING COMMISSION  
STAFF,

Petitioner

vs.

ADMINISTRATIVE COMPLAINT NO. 214003

DR. ROSS RUSSELL,

Respondent

Before the Hon. Bernard L. Pylitt,  
Administrative Law Judge

**DR. ROSS RUSSELL'S RESPONSE TO THE INDIANA HORSE RACING  
COMMISSION STAFF'S OBJECTION TO MEDIATION**

Respondent, Dr. Ross Russell, by counsel, Peter J. Sacopulos and Gregory S. Carter, for his response to the Indiana Horse Racing Commission/Indiana Horse Racing Commission Staff's Objection to Russell's Motion for Mediation, states:

1. On August 26, 2015, Dr. Russell, pursuant to Indiana code 4-21.5-3.5-2 filed his Motion for Mediation. Due to a scrivener's error, Dr. Russell filed his Amended Motion for Mediation on August 31, 2015, correcting what was an inadvertent error.
2. On September 4, 2015, the Indiana Horse Racing Commission/Indiana Horse Racing Commission Staff filed its Objection to Dr. Russell's Motion for Mediation.
3. The Administrative Orders and Procedures Act (AOPA) governs these administrative proceedings and the AOPA specifically provides for mediation as codified at Indiana Code 4-21.5-3.5-1 et seq. Specifically, AOPA addresses the appropriateness of mediation at I.C. 4-21.5-3.5-2.
4. The Indiana Horse Racing Commission/Indiana Horse Racing Commission Staff first argues that a request or motion for mediation must be made to the ultimate authority. The Indiana Horse Racing Commission/Indiana Horse Racing Commission Staff argues that the ultimate authority is the Indiana Horse Racing Commission and not Administrative Law Judge Pylitt.
5. Administrative Law Judge Pylitt has been appointed by the Indiana Horse Racing commission to preside over this dispute and, in doing so, has issued multiple orders, as well as scheduling orders all based on the AOPA that specifically provides for mediation.
6. Respondent believes a fair reading of the AOPA and I.C. 4-21.5-3.5-2 leads one to conclude the appointed/presiding Administrative Law Judge has authority, pursuant to the AOPA to authorize and order the parties to submit this dispute to a third party neutral via mediation.

Exhibit C

7. Notwithstanding the Indiana Horse Racing Commission/Indiana Horse Racing Commission Staff's first argument, the Respondent is, contemporaneous with filing this reply, filing a Motion for Mediation with the Indiana Horse Racing Commission.

8. The Indiana Horse Racing Commission/Indiana Horse Racing Commission Staff next argues that mediation "has not been contemplated by the Commission."

9. This argument must fail. The Indiana Horse Racing Commission/Indiana Horse Racing Commission Staff argues that the AOPA governs this administrative proceeding and the AOPA clearly contemplates, provides for and encourages ADR/Mediation. It does so for many reasons including judicial/administrative economy, and potential time and cost savings to the parties,

10. The Indiana Horse Racing Commission Staff's argument that the Indiana Horse Racing Commission has not contemplated mediation as a means of alternative dispute resolution must likewise fail. The AOPA, the very rules governing these proceedings, does contemplate mediation.

11. The Indiana Horse Racing Commission/Indiana Horse Racing Commission Staff's third argument is that mediation: "would not be proper in this case." Because, in part, the Indiana Horse Racing Commission Staff goes on to argue: "requiring the Commission to submit a dispute to mediation at the request of a sanctioned party would set a dangerous and potentially costly precedent." This argument lacks logic, lacks fundamental understanding of ADR and must fail.


12. This dispute, like many before the Indiana Horse Racing Commission, is proper for mediation. The Indiana Horse Racing Commission will recall that in 2011 the Indiana Inspector General conducted an investigation of the Indiana Horse Racing Commission/Indiana Horse Racing Commission Staff. One of then Indiana Inspector General Thomas's concerns was the cost for a party to engage in the administrative process. Mediation is required by many county courts throughout our State and adopted, included and made part of the AOPA to alleviate this very concern. Additionally, the Respondent believes that mediation would not be a dangerous but a well reasoned and intelligent precedent for potential resolution of this matter.

13. Finally, as for the Indiana Horse Racing Commission/Indiana Horse Racing Commission Staff argument that mediation would/will be a "costly precedent", the Respondent would argue that Indiana's administrative system of resolution is costly, quite costly, and in most cases presents a financial burden to the "sanctioned party" as Indiana Horse Racing Commission/Indiana Horse Racing Commission Staff refers to Respondent. Mediation would provide a cost effective possible resolution to this dispute before the Indiana Horse Racing Commission.

WHEREFORE, the Respondent prays the Administrative Law Judge grant Respondent's Motion for Mediation; that the Administrative Law Judge deny the Commission Staff's Objection to said motion and for all other just and proper relief in the premises.

Respectfully submitted,

SACOPULOS, JOHNSON & SACOPULOS  
676 Ohio Street  
Terre Haute, IN 47807  
Telephone: (812) 238-2565  
Facsimile: (812) 238-1945

By:   
Peter J. Sacopulos, #14403-84

**CERTIFICATE OF SERVICE**

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Robin Babbitt  
ICE MILLER  
One American Square, Suite 2900  
Indianapolis, IN 46282

Holly Newell  
Deputy General Counsel  
Indiana Horse Racing Commission  
1302 North Meridian  
Indianapolis, IN 46202

Lea Ellingwood  
General Counsel  
Indiana Horse Racing Commission  
1302 North Meridian  
Indianapolis, IN 46202

Indiana Horse Racing Commission  
ATTN: Mr. Joe Gorajec, Executive Director  
1302 N. Meridian Street, Suite 175  
Indianapolis, IN 46202

Bernard L. Pylitt  
Administrative Law Judge  
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The Emelie Building  
334 North Senate Avenue  
Indianapolis, IN 46204-1708

  
Peter J. Sacopulos

**INDIANA HORSE RACING COMMISSION  
BEFORE ADMINISTRATIVE LAW JUDGE**

INDIANA HORSE RACING	)	In Re:	ADMINISTRATIVE
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vs.	)		
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DR. ROSS RUSSELL,	)	Bernard L. Pylitt,	
	)	Administrative Law Judge	
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**NOTICE OF OPPORTUNITY TO PRESENT BRIEFS AND ORAL ARGUMENT**

This matter is pending before the Indiana Horse Racing Commission (“Commission”) on the Recommended Administrative Penalty against Dr. Ross Russell. On September 4, 2015, the Administrative Law Judge (“ALJ”) designated by the Commission, The Honorable Bernard L. Pylitt, issued his Findings of Fact, Conclusions of Law, and Recommended Order Denying Dr. Ross Russell’s Second Motion to Disqualify Bernard Pylitt as Administrative Law Judge (“Recommended Order”) in this case. On September 11, 2015, Dr. Russell, by counsel, timely filed his objections to the Recommended Order.

Notice is hereby given that the Commission will afford both parties an opportunity to present briefs concerning this case. Any briefs filed by Dr. Russell or the Commission Staff must be received in the offices of the Commission by 4:00 p.m. on October 30, 2015. The Commission will accept electronic filing at [lellingwood@hrc.in.gov](mailto:lellingwood@hrc.in.gov).

The Commission will also consider oral argument at its meeting on November 4, 2015. Oral argument will be limited to fifteen minutes per side.

SO ORDERED, 26th day of October 2015.

THE INDIANA HORSE RACING COMMISSION



BY: \_\_\_\_\_  
Thomas Weatherwax  
Chairperson  
Indiana Horse Racing Commission

Copies forwarded by electronic mail sent on October 26, 2015.

**DISTRIBUTION**

Holly Newell  
Deputy General Counsel  
Indiana Horse Racing Commission  
1302 N. Meridian Street, Suite 175  
Indianapolis, IN 46204  
[hnewell@hrc.in.gov](mailto:hnewell@hrc.in.gov)

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ICE MILLER LLP  
One American Square, Suite 2900  
Indianapolis, IN 46282  
(317) 236-5826  
[robin.babbitt@icemiller.com](mailto:robin.babbitt@icemiller.com)

Peter J. Sacopulos  
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SACOPULOS JOHNSON & SACOPULOS  
676 Ohio Street  
Terre Haute, IN 47807  
[PLA@sacopulos.com](mailto:PLA@sacopulos.com)  
[Gregcarter24@gmail.com](mailto:Gregcarter24@gmail.com)