

INDIANA HORSE RACING COMMISSION  
OFFICIAL AGENDA  
October 29, 2013  
9:00 A.M.  
INDIANA STATE LIBRARY  
ROOM 211  
315 W. OHIO STREET  
INDIANAPOLIS, IN 46204

- I. Call to Order
- II. Approval of minutes of the September 17, 2013 meeting.
- III. Agenda
  1. Hearing on proposed distribution agreement pursuant to I.C. 4-35-7-18. (Notice of Hearing and Pre-Hearing Order issued on or about October 3, 2013).
  2. Hearing on Renewal Application of Quarter Horse Racing Association of Indiana for Approval as a Registered Horsemen's Association pursuant to 71 IAC 13-1-1 *et seq.* (Notice of Hearing and Pre-Hearing Order issued on or about October 2, 2013).
  3. Hearing on Renewal Application of Indiana Thoroughbred Owners and Breeders Association for Approval as a Registered Horsemen's Association pursuant to 71 IAC 13-1-1 *et seq.* (Notice of Hearing and Pre-Hearing Order issued on or about October 2, 2013).
  4. Hearing on Renewal Application of Indiana Horsemen's Benevolent & Protective Association for Approval as a Registered Horsemen's Association pursuant to 71 IAC 13-1-1 *et seq.* (Notice of Hearing and Pre-Hearing Order issued on or about October 2, 2013).
  5. Hearing on Renewal Application of Indiana Standardbred Association for Approval as a Registered Horsemen's Association pursuant to 71 IAC 13-1-1 *et seq.* (pursuant to Notice of Hearing and Pre-Hearing Order issued on or about October 2, 2013).
  6. Consideration of settlement agreement between IHRC Staff and Ruben Serna.
  7. Review of Commission Rulings – September 1, 2013 through September 30, 2013.
  8. Re-adoption of expiring rules.
  9. Presentation on Indiana Breed Development programs.

10. Consideration of request by Indiana Downs to modify formula utilized in distributing pari-mutuel and slot generated purse monies between open and Indiana bred races.
11. Consideration of request by Indiana Downs for approval of a contract for totalizator services pursuant to 71 IAC 12-1-15(a)(3).
12. Consideration of request by Centaur to renovate the Indiana Downs track surface (estimated cost \$1,000,000) and enter into contracts related thereto with Executive Director approval.
13. Consideration of request by Centaur to build a new tote board at Indiana Downs (estimated cost \$1,000,000) with a contract to be approved by the Executive Director.
14. Consideration of request by Centaur to construct a new driver's lounge at Hoosier Park, subject to contract approval by the Executive Director.

**IV. Old Business**

**V. New Business**

**VI. Adjournment**

Minutes of the Regular Meeting of the  
Indiana Horse Racing Commission

**September 17, 2013**

Indiana State Library, Room 211  
315 W. Ohio Street  
Indianapolis, IN 46204

Commission members present: William Diener, Chairman; Steve Schaefer, Vice-Chairman; Commissioners Jason Barclay and Greg Schenkel. Also present were Joe Gorajec, IHRC Executive Director; Lea Ellingwood, IHRC General Counsel; Holly Newell, IHRC Deputy General Counsel; IHRC Assistant Executive Director Deena Pitman; Roger Young, counsel to the Indiana Standardbred Association; Wendy Brown, Thoroughbred Breed Development Committee; Jessica Barnes, IHRC Director of Breed Development; Jack Kieninger, President of the Indiana Standardbred Association; Rick Moore, Hoosier Park Vice President and General Manager for Racing; Gene Ciscell, Hoosier Park Vice President for Information Technology.

**I. Call to Order**

Chairman William Diener called the meeting to order at approximately 9:00 a.m. A quorum was present.

**II. Approval of minutes of the June 11, 2013, meeting.**

The Commission approved the June 11, 2013 minutes 4-0.

**III. Agenda**

**Note: All items on the agenda were transcribed by a court reporter from Stewart Richardson. Transcripts are available at [www.in.gov/hrc](http://www.in.gov/hrc).**

**1. Litigation update.**

General Counsel Lea Ellingwood updated the Commission on the conclusion of two cases involving the Indiana Horse Racing Commission. The Indiana Court of Appeals issued a favorable decision in *Indiana Horse Racing Commission v. Edmund Martin, Jr.* Additionally, a federal case filed by Mr. Martin against Executive Director Gorajec, Director of Security Terry Richwine, and former IHRC Chairwoman Sarah McNaught has been dismissed.

**2. Consideration of emergency rules stemming from 2013 legislation.**

Ms. Ellingwood presented amended and new rules drafted to ensure commission compliance with new legislation. *The Commission passed the emergency rules 4-0.*

**3. Review of Commission Rulings – May 1, 2013 through August 31, 2013.**

Deputy General Counsel Holly Newell allowed time to review the rulings and addressed a question regarding the use of unlicensed help on the backside.

**4. Consideration of petition by the Indiana Standardbred Association to amend 2013 budget.**

Roger Young, counsel for the ISA, requested that the commission approve a payment

from the ISA to the Racing Medication and Testing Consortium. *Chairman Diener moved to approve the budget amendment. Commissioner Schenkel seconded. Motion passed 4-0.*

**5. Discussion regarding delegation of authority to approve amendments to line items of approved horsemen's association budgets.**

Chairman Diener proposed that the Executive Director, after consultation with the Chair, be delegated the authority to approve an amendment to a specific line item of a budget of up to \$50,000.00. *Chairman Diener moved to permit the delegation. Vice Chairman Schaefer seconded. Motion passed 4-0.*

**6. Consideration of emergency rules re: Thoroughbred Breed Development, "Indiana bred"; and Mare Registration.**

Wendy Brown represented the Thoroughbred Breed Development Committee in requesting that the Commission approve amendment of the rules. Commissioner Barclay requested clarification of the amendments and their purpose. *Vice Chairman Schaefer moved that the emergency rules be adopted as amended. Commissioner Schenkel seconded. Motion passed 4-0.*

**7. Consideration of emergency rules re: Standardbred Breed Development, Stallion registration.**

Director of Breed Development Jessica Barnes presented two emergency rules for consideration. *Vice Chairman Schaefer moved to adopt the rules. Commissioner Barclay seconded. Motion passed 4-0.*

**8. Consideration of approval of Indiana Sires Stakes and Indiana Sired Fair Circuit Program for 2014.**

Ms. Barnes presented the 2014 programs for Commission consideration. ISA President Jack Kieninger and Hoosier Park Vice President and General Manager for Racing Rick Moore also spoke in support. *Chairman Diener moved to approve the programs. Vice Chairman Schaefer seconded. Programs approved 4-0.*

**9. Centaur presentation on matters of interest.**

Mr. Moore and Gene Ciscell, Hoosier Park Vice President of Information Technology made a presentation regarding the TRACKUS system.

**IV. Old Business**  
None

**V. New Business**

A. Next IHRC meeting set for October 29, 2013.

B. Chairman Diener indicated that pre-hearing orders relation to various items on the October 29, 2013 agenda would be distributed in a few weeks.

**VI. Adjournment**

With no further business, Chairman Diener adjourned the meeting at 10:03 a.m.

Respectfully submitted,

# **Agenda Item #1**

STATE OF INDIANA  
BEFORE THE INDIANA HORSE RACING COMMISSION

**IN RE:**

**The Petition of Centaur Holdings, LLC, New Centaur, LLC, Hoosier Park, LLC, Centaur Acquisition, LLC, Indiana Horsemen's Benevolent & Protective Association, Inc., Indiana Standardbred Association, Inc. and Quarter Horse Racing Association Of Indiana, Inc. Requesting That the Commission Approve Initial Distribution Agreement** )  
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**NOTICE OF HEARING AND PRE-HEARING ORDER ON PETITION TO APPROVE INITIAL DISTRIBUTION AGREEMENT PURSUANT TO I.C. 4-35-7-17**

This matter comes before the Indiana Horse Racing Commission (hereinafter "the Commission") on The Petition Requesting Approval of an Initial Distribution Agreement Pursuant to I.C. 4-35-7-17 [hereinafter "the Petition"], submitted by the above-captioned parties (hereinafter "the Petitioners") on or about September 27, 2013. The Commission, by its Chair, issues this notice and order pursuant to the provisions of the Indiana Administrative Orders and Procedures Act, Indiana Code sections 4-21.5-1-1 *et seq.*:

**NOTICE OF HEARING**

The Indiana Horse Racing Commission will hold a hearing on Tuesday, October 29, 2013, at 9:00 a.m., *or* as soon as this matter advances on the Commission's agenda during its regularly scheduled meeting which will commence at 9:00 a.m. in the Indiana State Library, Room 211, 315 W. Ohio St., Indianapolis, Indiana 46204. The Hearing will relate to the following Petition that was filed with the Commission on or about September 27, 2013:

**The Petition of Centaur Holdings, LLC, New Centaur, LLC, Hoosier Park, LLC, Centaur Acquisition, LLC, Indiana Horsemen's Benevolent & Protective Association, Inc., Indiana Standardbred Association, Inc. and Quarter Horse Racing Association Of Indiana, Inc. Requesting That the Commission Approve Initial Distribution Agreement .**

The Hearing will be held for the purpose of providing an opportunity for the Petitioners to make a presentation of the Petition to the Indiana Horse Racing Commission; an opportunity for the Commission to ask questions of any party representatives and witnesses who may testify at the Hearing; and an opportunity for interested nonparty organizations and persons to provide testimony in support of or adverse to the Petition.

The Hearing is to be held by the Indiana Horse Racing Commission pursuant to the authority granted to it by Indiana Code section 4-31-1-1, Indiana Code sections 4-35-7-17 and 4-35-7-18, and Indiana Code sections 4-21.5-3-1 *et seq.* All members of the Indiana Horse Racing Commission intend to act as the Administrative Law Judge for the Hearing. The members include: William Diener, Chairman; Steve Schaefer, Vice Chairman; Jason Barclay, Greg Schenkel, and Thomas Weatherwax, Members. Lea Ellingwood, Esq. and Holly Newell, Esq., are and will act as

legal counsel to the Indiana Horse Racing Commission during these proceedings. Joe Gorajec, Executive Director, will also appear for the Indiana Horse Racing Commission Staff and may be contacted for information concerning the proposed Hearing schedule, the procedure to be followed at the Hearing, and for inspection of copies of the notice to the parties, at the offices of the Indiana Horse Racing Commission, 1302 North Meridian Street, Suite 175, Indianapolis, Indiana 46204 (tel. no. (317) 233-3119).

### PRE-HEARING ORDER

The Commission, by its Chairman, William Diener, pursuant to Indiana Code section 4-21.5-3-19(d), issues the following Pre-Hearing Order with respect to the matters described herein:

I. Purpose of the Hearing on Applicant's Petition.

The Commission will consider **The Petition of Centaur Holdings, LLC, New Centaur, LLC, Hoosier Park, LLC, Centaur Acquisition, LLC, Indiana Horsemen's Benevolent & Protective Association, Inc., Indiana Standardbred Association, Inc. and Quarter Horse Racing Association Of Indiana, Inc. Requesting That the Commission Approve Initial Distribution Agreement** filed with the Commission on or about September 27, 2013, requesting Commission approval an initial distribution agreement in accordance with Indiana Code section 4-35-7-17.

II. Petition Process Time Line.

a. Hearing Date and Time.

The hearing will commence at the Indiana State Library, Room 211, 315 W. Ohio St., Indianapolis, Indiana, on Tuesday, October 29, 2013, at 9:00 a.m. EST or as soon as it advances on the agenda of the Commission meeting commencing at 9:00 a.m. EST. This matter will be heard and will continue, with appropriate recesses until completed. The record will be closed at the conclusion of the hearing. Thereafter, the Commission will deliberate on and decide whether the Petition will be approved or denied and does not comprehend discussion during the deliberation with the Applicant or other interested parties.

b. Amendment to Petition.

No substantive changes to the Petition made after Tuesday, October 15, 2013 will be considered as part of the Petition.

c. Report of the Commission Staff.

The Commission Staff will review the Petition and related information provided and submit a Staff Report on the Petition, which will be distributed to the Applicant, on or before the close of business on Monday, October 21, 2013.



- d. Exhibits the Commission Proposes to Make a Part of the Record.  
A list of exhibits which the Commission intends to make a part of the record may be prepared by the Commission's counsel and distributed to the Petitioners' representative or counsel for the Petitioners on or before the close of business on Tuesday, October 22, 2013. It should be understood that even in the absence of filing a list of exhibits, the Commission will offer into evidence the Petition, any supplements thereto timely filed by the Petitioners and any Staff Report issued by the Commission Staff. The Petitioners must notify the Commission in writing of any exhibits to which they object on or before noon on Friday, October 25, 2013. If no objection is timely made, all specified exhibits will be made a part of the record at the commencement of the hearing. The Commission may expand that list prior to or at the scheduled hearing, however, the Petitioners will be given an opportunity to make an objection to any such additional materials.
- e. Pre-filed Testimony, Exhibits and Supporting Information.  
All parties to the Agreement should pre-file testimony, exhibits and supporting information on or before October 15, 2013.
- f. Witness and Exhibits Lists of Applicant.  
Unless the Petitioner intends to submit an additional filing or supplement to the Petition, no Witness List is contemplated. In the event that the Applicant does submit an additional filing, or otherwise determines that witness testimony is necessary, any such Witness and Exhibit Lists are to be filed with the Commission on or before noon on Friday, October 25, 2013. When the Applicant files the Witness and Exhibit List, copies of the exhibits are to be left with the Commission so that they can be marked sequentially by the court reporter. While the Applicant may retain its oversized exhibits, reduced copies must be made available to the Commission on or before noon on Friday, October 25, 2013. Documents or exhibits not identified on Applicant's Exhibit List may not be introduced into the record by Applicant.
- g. Request for Official Notice.  
The Applicant should submit in writing any request for matters to be officially noticed pursuant to Indiana Code section 4-21.5-3-26(f) on or before noon on Friday, October 24, 2013.
- h. Issuance of Subpoenas.  
The Applicant should submit proposed subpoenas to be issued by the Commission no later than the time that the Witness and Exhibit Lists are filed so that they can be issued pursuant to Indiana Code section 4-21.5-3-22. Subpoenas shall be issued on the signature of the Chair, or on the signature of the Vice Chairman in the event that the Chair is unavailable.

III. Matters Relating to the Conduct of the Hearing.

- a. The Commission will be sitting as an Administrative Law Judge at the Hearing.  
The Commission is sitting both as Administrative Law Judge and as “ultimate authority” (pursuant to Indiana Code section 4-21.5-1-15) with respect to this Petition. Indiana Code section 4-21.5-3-11 provides in part that an Administrative Law Judge serving in a proceeding may not communicate, directly or indirectly, regarding any issue in the proceeding while the proceeding is pending with any party or any individual who has a direct or indirect interest in the outcome of the proceeding. Such communications are prohibited and are referred to as “ex parte communications.” Additionally, while a Commission Member may communicate separately with another Commission Member and may receive aid from members of the Commission’s Staff, the Commission Staff is prohibited from having ex parte communications with a Commission Member which contain information that would furnish, augment, diminish, or modify the evidence in the record. If the Commission receives an ex parte communication in violation of this statute, please contact counsel for the Commission so that an appropriate public disclosure can be prepared pursuant to the Administration Orders and Procedures Act. In appropriate circumstances a Commission Member receiving or otherwise participating in such a prohibited communication can be disqualified from acting further on the Peittion before the Commission.

Additionally, when acting as an Administrative Law Judge, each Commission Member is prohibited (pursuant to Indiana Code section 4-21.5-3-12) from commenting publicly, except as to hearing schedules or procedures, about pending proceedings. Accordingly, both the Commission Members and the members of the public are to be mindful of this limitation as the Commission moves forward to consider the evidence and to make a decision on the Petition.

- b. Hearing to be Conducted under Oath.  
The hearing will be conducted under oath or affirmation pursuant to Indiana Code section 4-21.5-3-26(b). In order to insure consistency, any non-party statements are to be given under oath or affirmation pursuant to Indiana Code section 4-21.5-3-25(f).
- c. Staff Review and Presentation of Findings.  
The Commission Staff is conducting a review of the Petition and may speak to its report (*see* § II.c. *supra*) at the hearing.
- d. Hearing Time Schedule.

The maximum time allotted for each part of the hearing is as follows:

Opening Statement of Petitioners	Up to 10 minutes
Oral Presentation by Applicant	Up to 30 minutes

Testimony of Commission Staff	Up to 15 minutes
Testimony of Interested Persons And Organizations	Up to 20 minutes
Rebuttal and Final Statement	Up to 15 minutes

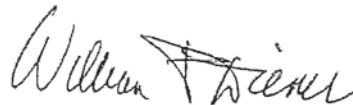
- e. Chairman to Rule on Procedural Issues.  
The Chair will rule on any procedural issues requiring an immediate ruling which are raised at the hearing on the Petition.
- f. Commission Free to Ask Questions.  
During the hearing on Applicant's presentation, any Commissioner, the Commission's counsel or the Commission's Executive Director may ask questions of any witness in the nature of cross-examination or to assist the Commission's understanding of the issues relevant to the Petition and any appropriate action to be taken.
- g. Individuals Requesting Time to Speak to the Petition.  
A sign-up sheet will be made available on the date of the hearing for those interested in speaking during the time allotted for Testimony of Interested Persons and Organizations. An appropriate amount of time will be determined by the Chair at the hearing with consideration of the number of individuals who wish to speak and the total amount of time available in which to do so.

IV. Notice of Pre-Hearing Order.

This Notice of Hearing and Pre-Hearing Order will be served within nine days of its issuance, by electronic mail, to the individuals and organizations identified on the list which is attached and identified as Exhibit "A". This Notice will also be published to the Indiana Horse Racing Commission website within nine days of its issuance.

The Applicant is advised that if it fails to attend or participate in the scheduled hearing, or any other stage of the proceeding, the proceeding may be dismissed pursuant to Indiana Code section 4-21.5-3-24.

This Pre-Hearing Order is issued by the Indiana Horse Racing Commission this 30 day of October, 2013.




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William Diener, Chair  
On Behalf of the Indiana Horse Racing Commission

**CERTIFICATE OF SERVICE**

I hereby certify that the a copy of the foregoing has been served upon the following parties by first class United States mail, postage prepaid, this ~~7<sup>th</sup>~~ day of October, 2013.

Greg Schenkel  
Indiana Pacers  
125 South Pennsylvania Street  
Indianapolis, IN 46204

Steve Schaefer  
10987 Innisbrooke Lane  
Fishers, IN 46037

Jason Barclay  
Barnes & Thornburg  
11 South Meridian Street  
Indianapolis, IN 46204-3535

Thomas Weatherwax  
3012 Woodland Drive  
Logansport, IN 46947

Joe Gorajec  
1302 North Meridian Street, Suite 175  
Indianapolis, IN 46204

John Keeler  
Centaur Gaming  
10 West Market Street  
Suite 200  
Indianapolis, IN 46204

Joe Davis  
Indiana HBPA  
4820 Fox Rd.  
Charlestown, IN 47170

Chris Duke  
QHRAI  
PO Box 254  
Whiteland, IN 46184

Jack Kieninger  
Indiana Standardbred Association  
737 W Green Meadows Drive  
Suite 300  
Greenfield, IN 46140

Robin Babbitt  
Phil Bayt  
Ice Miller  
One American Square, Suite 2900  
Indianapolis, IN 46204

Roger Young  
Young & Young  
40 West Court Street  
Franklin, IN 46151

  
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**Exhibit A**

Heddington, Sam

Laur, Michael

Weatherwax, Thomas K

Leist, Jim

Hopper, Ashley

Wilson, Kurt

Thompson, Randy

Keeler, John

Duke, Vickie

Engel, Ted

# Indiana Horse Racing Commission

## Staff Report

### Analysis of Initial Distribution Agreement (IDA)

The following is an independent analysis from the Executive Director based upon his expertise and experience in the pari-mutuel horse racing industry. A major factor in this analysis is his familiarity with the various stakeholders in Indiana's horse racing industry.

Additional issues may be raised and/or addressed by the Commission or its legal counsel at the scheduled hearing.

#### **Executive Summary**

The Executive Director recommends to the Commission that it approve the Initial Distribution Agreement (IDA).

The Executive Director believes the IDA to be in the best interest of pari-mutuel horse racing in Indiana and the IDA satisfies the criteria set forth in IC 4-35-7-18. Furthermore, the Executive Director believes the IDA provides the best opportunity for Indiana's horse racing industry to improve its stability and optimize revenue.

#### **The Agreement**

The IDA can be viewed as a two part deal.

The first part is a one year commitment by Centaur to fund purse levels at 12% of adjusted gross receipts (AGR). The 12% amounts to approximately fifty-six (56) million dollars – slightly more than what was distributed in calendar year 2012. The 12% is the maximum amount provided for in IC 4-35-7-16 (f).

This straightforward commitment leads the Executive Director to provide no further analysis of the one year agreement.

## Seven Year Commitment

The second part of the agreement includes a seven year commitment by Centaur to provide the maximum purse distribution of 12% with certain enumerated capital improvements. This part is more complex, and therefore, the balance of this report will focus on analyzing the seven year commitment.

The report will discuss the IDA's subordination provision and provide an overview of the agreement.

## Subordination

The Initial Distribution Agreement (IDA), pre-hearing brief and pre-file testimony is predominated by discussion of subordination. The subordination provision predominates for good reason – it's the key to the agreement. As such, it should bear the most scrutiny.

The horsemen have agreed (subject to several safeguards) to subordinate purse payments to lenders, with the goal to place Centaur in a position to refinance at terms sufficient to fund significant capital expenditures and to potentially increase its ownership stake.

A review of the pre-filed testimony of representatives of the Indiana Standardbred Association (ISA), Indiana Horsemen's Benevolent and Protection Association (IHBPA) and Quarter Horse Racing Association of Indiana (QHRAI), as well as the minutes of each of the four meetings of the 609 Negotiating Committee, clearly demonstrates that horsemen have carefully evaluated the risk and benefits of the various commitments – particularly the subordination provision. In other words, they have entered into this agreement with their *eyes wide open*.

It is this thoughtful consideration by the horsemen's representatives of all the racing breeds that provides the Executive Director with the necessary reassurance that has resulted in this favorable recommendation.

It is important to note that the commission *is not being asked* to approve a track refinancing or any subordination agreements at this time. However, Commission approval of the IDA will make refinancing at favorable terms much more likely.

Should this happen, the refinance will trigger the appropriate review by the Indiana Horse Racing Commission and its consultant as well as a review by the Gaming Commission.

## **Overview**

A snapshot of Indiana's horse racing industry at this moment shows a racino operation blessed with committed ownership, top-notch management and a racing product of improving quality. It is a very positive picture.

It is clear by the content of the IDA that Indiana's horse racing industry stakeholders aspire to something more. Absent the addition of favorable legislation, the IDA appears to be the only vehicle to take the horse racing program to the next level.

Should this vehicle reach its destination – ultimately resulting in approved refinancing with Centaur in a more prominent ownership position – the following benefits will accrue to the industry:

- greater stability for breeders and owners which will spur investment; and
- greater security for breeders and owners by protecting purse money from legislative action; and
- facility reconstruction at Indiana Downs to benefit racing patrons and increase wagering and AGR; and
- increase purse money and improved quality of racing; and
- improvements that positively impact the lives of workers in the stable area.

## **Conclusion**

The Executive Director recommends that the Commission approve Petitioners' Initial Distribution Agreement. An approval will permit Centaur to pursue refinancing on such terms that will result in benefits to all industry stakeholders. Such an approval would not impair the Commission's ability to thoroughly review all aspects of a refinancing plan – including the details of any subordination provision.



**Exhibit B** – Exhibit B of the IDA contains twenty-three (23) separate items collectively referred to as “operational matters”. The fulfillment of some of these items will require Commission approval. The Director’s recommendation of the IDA to the Commission does not, and should not, imply the recommendation of each item that is subject to Commission approval. The consideration of such matters will be made at the appropriate time – upon formal request by the applicable industry stakeholder(s).

## Ellingwood, Lea

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**From:** Ellingwood, Lea  
**Sent:** Wednesday, October 16, 2013 2:38 PM  
**To:** 'Babbitt, Robin'  
**Cc:** Pitman, Deena; Gorajec, Joe; Newell, Holly  
**Subject:** Staff questions relative to report

**Importance:** High

Robin,

Pursuant to our conversation, below please find those issues which we'd like to have fleshed out for Joe's staff report.

1. Tab: **Pre-hearing Brief** (pg 13, paragraph 1). "Subject to Commission approval of the IDA, Centaur is prepared to set in motion the completion of expensive near-term capital improvements at Indiana Downs (including significant track surface improvements, renovation of existing dorm rooms and construction of new dorm rooms, and the addition of 100 new Quarter horse stalls)."

This statement implies that these improvements will not be made if the Initial Distribution Agreement (IDA) is not approved by the Commission. Please explain.

Elaborate upon any scenario where the "significant track surface improvements, renovation of existing dorm rooms and construction of new dorm rooms, and the addition of 100 new Quarter horse stalls" would not be built. If any such scenario exists, please provide detailed rationale for a decision not to make said improvements.

2. Tab: **Affidavit of Brian Elmore** (pg 5, Projection 10; pg 7, Projection 18)  
Page 5 (Projection 10) Backside Quality of Life Improvements – Please provide a list of contemplated "enhancements to the backside facilities at both Hoosier Park and Indiana Downs."

Page 7 (Projection 18) "General Backside Improvements" – Please provide a list of contemplated improvements to be made.

3. Tab: **John Keeler** (Exhibit B, September 12, 2013 Meeting Minutes, Paragraph 5)  
Mr. Ratcliff states "having the promise to subordinate in advance was crucial to obtaining refinancing on the best possible terms." Please elaborate on the importance of subordination.

With respect to subordination, does the commission's decision whether to approve this provision impact Centaur obtaining refinancing on the best possible terms? Please explain in detail.

4. Tab: **Affidavits of Jack Kieninger and Nat Hill, IV** (Paragraph (e))  
Please specify what specific language the ISA requested to be "incorporated into the Initial Distribution Agreement endorsing the efforts of the current management team of the licensees." Please elaborate on the reason(s) for this request and the benefits accrued to the association.

Joe would like this information by the end of the day tomorrow so he has sufficient time to add it to his staff report. Please don't hesitate to contact me if you have any questions or need anything.

Best,

Lea

Lea Ellingwood | General Counsel | ph: 317-233-3119

2013 OCT 21 F 3 46

REGISTERED MAIL SERVICE

October 17, 2013

WRITER'S DIRECT NUMBER: (317) 236-5826  
DIRECT FAX: (317) 592-4667  
ROBIN.BABBITT@ICEMILLER.COM

VIA E-MAIL – jgorajec@hrc.IN.gov

Joseph Gorajec  
Executive Director  
Indiana Horse Racing Commission  
1302 North Meridian Street, Suite 175  
Indianapolis, IN 46202

RE: In re: The Petition of Centaur Holdings, LLC, New Centaur, LLC, Hoosier Park, LLC, Centaur Acquisition, LLC (collectively "Centaur"), Indiana Horsemen's Benevolent & Protective Association, Inc., Indiana Standardbred Association, Inc. and Quarter Horse Racing Association of Indiana, Inc. Requesting that the Commission Approve Initial Distribution Agreement

Dear Joe:

I am in receipt of Lea Ellingwood's email dated October 16, 2013 requesting additional information from Centaur relative to the Petition for Approval of the Initial Distribution Agreement that was filed with the Commission on Sept. 27<sup>th</sup>, 2013. Each request and Centaur response are set forth below:

1. **Tab: Pre-hearing Brief (pg 13, paragraph 1).** "Subject to Commission approval of the IDA, Centaur is prepared to set in motion the completion of expensive near-term capital improvements at Indiana Downs (including significant track surface improvements, renovation of existing dorm rooms and construction of new dorm rooms, and the addition of 100 new Quarter horse stalls)."

**This statement implies that these improvements will not be made if the Initial Distribution Agreement (IDA) is not approved by the Commission. Please explain.**

**Elaborate upon any scenario where the "significant track surface improvements, renovation of existing dorm rooms and construction of new dorm rooms, and the addition of 100 new Quarter horse stalls" would not be built. If any such scenario exists, please provide detailed rationale for a decision not to make said improvements.**

October 17, 2013

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Response:

Centaur would respectfully request that the Commission remain mindful that an important Centaur goal moving forward is to take actions and make decisions that continue to position the Indiana tracks as first-class horse racing facilities. To that end, Centaur has already made substantial capital improvements on the racing side of its operations since the Commission's January 7, 2013 Final Order (authorizing Centaur's acquisition of Indiana Downs and Grand) became effective. In negotiating the proposed Initial Distribution Agreement (the "IDA"), Centaur has once again tangibly demonstrated its publically articulated commitment to racing. Throughout this process, Centaur has carefully listened to the needs of the horsemen and has prioritized racing capital improvements above a number of non-racing revenue generating alternatives that would otherwise have been afforded priority status. As set forth in detail in the materials submitted by Centaur on October 15<sup>th</sup>, 2013, Centaur entered into the (prospective) commitments that are a part of the proposed "IDA" as part of a consolidated agreement made up of a number of interdependent parts. Centaur has not independently analyzed the economic feasibility of each improvement referenced by the IDA and made a determination about what would happen if the Commission were not to approve the joint Petition. In the absence of Commission approval of the proposed IDA, Centaur would reorder its list of capital projects on the basis of facility needs and return on investment and revenue generation potential. Through that lens, the Track Surface Improvements would be completed, as would the Toteboard/Jumbotron project since it would be most easily completed during the disruption of the track. The balance of the projects tied to the IDA would not likely move forward in the foreseeable future without an IDA that provides long term certainty and a path toward favorable refinancing.

**2. Tab: Affidavit of Brian Elmore (pg 5, Projection 10; pg 7, Projection 18)**

**Page 5 (Projection 10) Backside Quality of Life Improvements – Please provide a list of contemplated “enhancements to the backside facilities at both Hoosier Park and Indiana Downs.”**

**Page 7 (Projection 18) “General Backside Improvements” – Please provide a list of contemplated improvements to be made.**

Response: The following two categories were designed to capture a number of less costly improvement projects that Centaur has contemplated undertaking in the event of a refinancing. These prospective improvements were not specifically requested by the Associations during the negotiation of the IDA.

1. Project 10

Hoosier Park

- \*Installation of complimentary internet service for horsemen and backside workers
- \*Construction of additional parking lots for horsemen truck and trailer parking
- \*Relocation of race paddock security check-in station to a more centrally located area with accompanying parking and unloading facilities
- \*Additional security cameras
- \*Replacement of race paddock furniture

Indiana Grand

- \*Creation of additional green space as part of backside master plan
- \*Modernization of interior barn lighting
- \*Additional security cameras
- \*Purchase of dedicated backside water truck for dust control

2. Project 18 (Applies only to Hoosier Park)

- \*Resurfacing of major backside roads
- \*Installation of "snow spikes" (devices on roofs intended to prevent melting sheets of ice and snow from sliding off and injuring horses and humans)
- \*Miscellaneous dorm repairs and upgrades

3. Tab: John Keeler (Exhibit B, September 12, 2013 Meeting Minutes, Paragraph 5)

Mr. Ratcliff states "having the promise to subordinate in advance was crucial to obtaining refinancing on the best possible terms." Please elaborate on the importance of subordination.

With respect to subordination, does the commission's decision whether to approve this provision impact Centaur obtaining refinancing on the best possible terms? Please explain in detail.

Response: Because of the specific wording and structure of the statute, Centaur has just one opportunity to enter into an initial distribution agreement that clearly allows the negotiation committees to include "any terms determined to be necessary and appropriate". I.C. 4-35-7-16(e)(4). That time is now at hand. Additionally, as pointed out in Centaur's Pre-Hearing Brief (pp.8-9, 10, 15), subordination only becomes a "real" issue in the event of a prospective refinance that meets all of the contractual requirements that has cleared the five (5) levels of safeguards that offer protection to the Associations. Pre-Hearing Brief, p.15). That being said, based upon very preliminary discussions with various participants in the financial markets,

Centaur believes that subordination is a **critical** pre-requisite to any potential refinance. In the absence of subordination to senior lenders by the Associations (in the event of default), Centaur would not have adequate debt to EBITDA ratios that would position it to explore- much less qualify for- refinancing on favorable terms. In the absence of a refinance, Centaur would not be in a position to commit capital to major capital improvement projects like the Indiana Downs Grandstand/Clubhouse renovations referenced in Exhibit A to the IDA.

4. Tab: Affidavits of Jack Kieninger and Nat Hill, IV (Paragraph (e))

**Please specify what specific language the ISA requested to be "incorporated into the Initial Distribution Agreement endorsing the efforts of the current management team of the licensees." Please elaborate on the reason(s) for this request and the benefits accrued to the association.**

Response:

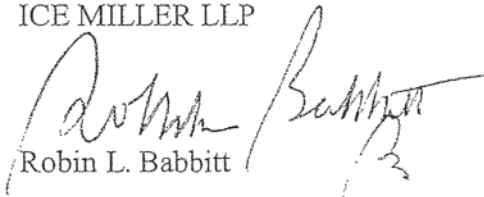
The ISA requested that the language found at Paragraph 5(b) of the IDA, Extension Conditions, be included in the proposed agreement. While the ISA is best suited to speak to this question, its representatives (Nat Hill and Jack Keininger) made a number of comments to and during a meeting with Centaur representatives on September 23<sup>rd</sup> at Hoosier Park that are reflective of the reasons for this request. First, they observed that the Commission's decision allowing full-year standardbred racing at Hoosier Park had put standardbred horsemen in a better position than the other breeds because they had become the primary beneficiaries of Centaur's historical investment of capital in the racing side of its operations. The standardbred horsemen had previously benefitted from Centaur's historic capital expenditure program at Hoosier Park. As a result, in the course of negotiations, the standardbred horsemen indicated that they would benefit from the certainty of a long-term agreement that would pay them the maximum available amount of AGR under the IDA (Keininger and Hill Affidavits, Par. 6(a)) without the need to renegotiate on a periodic basis. *Id.*, Par.6(b). Moreover, it was important that the standardbred horsemen receive the continuing benefit of long-term stability and continuity with a current management team that is "sincerely committed to maintaining the highest standards and greatest level of integrity [in racing]". *Id.*, Par. 6(e). Accordingly, they indicated that they were comfortable subordinating standardbred distributions as long as the current management team (in which they have substantial faith and confidence) remained involved and increased its fully diluted ownership interest in Centaur in a significant way. Based upon the ISA's historical relationship with and because of the trust that had been earned over the past several years by a Centaur management team that has consistently made good on its promises to the horsemen, the ISA representatives indicated that its members were willing to partner with them to take on the risk of subordination as long as they had assurances that the people they knew and trusted would remain involved in the operation of the track in a real and meaningful way. The benefit of this requirement is that the horsemen have agreed to accept some risk, subject to safeguards, in return for both tangible and intangible benefits resulting from the continuing ability to work with a company led by a management team that continues to increase its investment in the racing side

October 17, 2013  
Page 5

of its operations, "contrary to current industry trends". Commission Final Order, Finding of Fact 13, pp.9-10.

I hope that this adequately addresses your questions. If you have any additional questions, please do not hesitate to contact Phil Bayt or myself. Sincerely yours,

ICE MILLER LLP

  
Robin L. Babbitt

RLB/slc  
Enclosure

cc: Lea Ellingwood, Esq. (*via email*)  
John S. Keeler, Esq. (*via email*)  
Indiana Standardbred Association (*via First Class mail*)  
Roger Young, Esq. (*via email*)  
Indiana Horsemen's Benevolent & Protective Association (*via First Class mail*)  
Quarter Horse Racing Association, Inc. (*via First Class mail*)  
Phillip L. Bayt, Esq.

I/3401231.2

# **Agenda Item #2**



STATE OF INDIANA  
BEFORE THE INDIANA HORSE RACING COMMISSION

2013 OCT -2 A 10:47

IN RE:

2014 Application For Registration of Quarter )  
Horse Racing Association of Indiana Pursuant )  
to 71 IAC 13-1-1 *et seq.* )

INDIANA HORSE RACING COMMISSION

**NOTICE OF HEARING AND PRE-HEARING ORDER  
ON 2014 APPLICATION FOR REGISTRATION OF  
QUARTER HORSE RACING ASSOCIATION  
OF INDIANA PURSUANT TO 71 IAC 13-1-1 ET SEQ.**

This matter comes before the Indiana Horse Racing Commission (hereinafter “the Commission”) on an Application for Approval as a Registered Horsemen’s Association Pursuant to 71 IAC 13-1-1 *et seq.* for the calendar year 2014 [hereinafter “the Application”], submitted by the Quarter Horse Racing Association of Indiana (hereinafter “the Applicant” or “QHRAI”) on or about September 3, 2013. The Commission, by its Chair, issues this notice and order pursuant to the provisions of the Indiana Administrative Orders and Procedures Act, Indiana Code sections 4-21.5-1-1 *et seq.*:

**NOTICE OF HEARING**

The Indiana Horse Racing Commission will hold a hearing on Tuesday, October 29, 2013, at 9:00 a.m., *or* as soon as this matter advances on the Commission’s agenda during its regularly scheduled meeting which will commence at 9:00 a.m. in the Indiana State Library, Room 211, 315 W. Ohio St., Indianapolis, Indiana 46204. The Hearing will relate to the following Application that was filed with the Commission on or about September 3, 2013:

2014 Application for Registration of Quarter Horse Racing Association of  
Indiana Pursuant to 71 IAC 13-1-1 *et seq.*

The Hearing will be held for the purpose of providing an opportunity for the Applicant to make a presentation of its Application to the Indiana Horse Racing Commission; an opportunity for the Commission to ask questions of any party representatives and witnesses who may testify at the Hearing; and an opportunity for interested nonparty organizations and persons to provide testimony in support of or adverse to the Application.

The Hearing is to be held by the Indiana Horse Racing Commission pursuant to the authority granted to it by Indiana Code section 4-31-1-1, Indiana Code section 4-35-7-12, 71 IAC sections 13-1-1- *et seq.* and Indiana Code sections 4-21.5-3-1 *et seq.* All members of the Indiana Horse Racing Commission intend to act as the Administrative Law Judge for the Hearing. The members include: William Diener, Chairman; Steve Schaefer, Vice Chairman; Jason Barclay, Greg Schenkel, and Thomas Weatherwax, Members. Lea Ellingwood, Esq. and Holly Newell, Esq., are and will act as legal counsel to the Indiana Horse Racing Commission during these proceedings. Joe Gorajec, Executive Director, will also appear for the Indiana Horse Racing Commission Staff and may be contacted for information concerning the proposed Hearing schedule, the procedure to

be followed at the Hearing, and for inspection of copies of the notice to the parties, at the offices of the Indiana Horse Racing Commission, 1302 North Meridian Street, Suite 175, Indianapolis, Indiana 46204 (tel. no. (317) 233-3119).

### PRE-HEARING ORDER

The Commission, by its Chairman, William Diener, pursuant to Indiana Code section 4-21.5-3-19(d), issues the following Pre-Hearing Order with respect to the matters described herein:

I. Purpose of the Hearing on Applicant's Petition.

The Commission will consider QHRAI's 2014 Application for Registration as a Registered Horsemen's Association Pursuant to 71 IAC sections 13-1-1 *et seq.* filed with the Commission on or about September 3, 2013, requesting Commission approval to serve as the registered horsemen's association for the calendar year 2014 to receive the monies specified by Indiana Code section 4-35-7-12 to be distributed for the benefit of quarter horse owners and trainers.

II. Application Process Time Line.

a. Hearing Date and Time.

The hearing will commence at the Indiana State Library, Room 211, 315 W. Ohio St., Indianapolis, Indiana, on Tuesday, October 29, 2013, at 9:00 a.m. EST or as soon as it advances on the agenda of the Commission meeting commencing at 9:00 a.m. EST. This matter will be heard and will continue, with appropriate recesses until completed. The record will be closed at the conclusion of the hearing. Thereafter, the Commission will deliberate on and decide whether the Application will be approved or denied and does not comprehend discussion during the deliberation with the Applicant or other interested parties.

b. Amendments to Applications. No substantive changes to the Application made after Tuesday, October 15, 2013 will be considered as part of the Application.

c. Report of the Commission Staff.

The Commission Staff will review the Application and related information provided and submit a Staff Report on the Application, which will be distributed to the Applicant, on or before the close of business on Thursday, October 17, 2013.

d. Exhibits the Commission Proposes to Make a Part of the Record.

A list of exhibits which the Commission intends to make a part of the record may be prepared by the Commission's counsel and distributed to the Applicant's representative or counsel for the Applicant on or before the close of business on Tuesday, October 22, 2013. It should be understood that even in the absence of filing a list of exhibits, the Commission will offer into evidence the Application, any supplements thereto timely filed by the Applicant and any Staff Report issued by the

Commission Staff. It should also be understood that the Commission will take official notice of any records of prior related hearings (including Final Orders) involving the Applicant, pursuant to Indiana Code section 4-21.5-3-26(c). The Applicant must notify the Commission in writing of any exhibits to which it objects on or before noon on Friday, October 25, 2013. If no objection is timely made, all specified exhibits will be made a part of the record at the commencement of the hearing. The Commission may expand that list prior to or at the scheduled hearing, however, the Applicant will be given an opportunity to make an objection to any such additional materials.

e. Witness and Exhibits Lists of Applicant.

Unless the Applicant intends to submit an additional filing or supplement to the Application, no Witness List is contemplated. In the event that the Applicant does submit an additional filing, or otherwise determines that witness testimony is necessary, any such Witness and Exhibit Lists are to be filed with the Commission on or before noon on Friday, October 25, 2013. When the Applicant files the Witness and Exhibit List, copies of the exhibits are to be left with the Commission so that they can be marked sequentially by the court reporter. While the Applicant may retain its oversized exhibits, reduced copies must be made available to the Commission on or before noon on Friday, October 25, 2013. Documents or exhibits not identified on Applicant's Exhibit List may not be introduced into the record by Applicant.

f. Request for Official Notice.

The Applicant should submit in writing any request for matters to be officially noticed pursuant to Indiana Code section 4-21.5-3-26(f) on or before noon on Friday, October 25, 2013.

g. Issuance of Subpoenas.

The Applicant should submit proposed subpoenas to be issued by the Commission no later than the time that the Witness and Exhibit Lists are filed so that they can be issued pursuant to Indiana Code section 4-21.5-3-22. Subpoenas shall be issued on the signature of the Chair, or on the signature of the Vice Chairman in the event that the Chair is unavailable.

III. Matters Relating to the Conduct of the Hearing.

a. The Commission will be sitting as an Administrative Law Judge at the Hearing.

The Commission is sitting both as Administrative Law Judge and as "ultimate authority" (pursuant to Indiana Code section 4-21.5-1-15) with respect to this Application for Registration. Indiana Code section 4-21.5-3-11 provides in part that an Administrative Law Judge serving in a proceeding may not communicate, directly or indirectly, regarding any issue in the proceeding while the proceeding is

pending with any party or any individual who has a direct or indirect interest in the outcome of the proceeding. Such communications are prohibited and are referred to as “ex parte communications.” Additionally, while a Commission Member may communicate separately with another Commission Member and may receive aid from members of the Commission’s Staff, the Commission Staff is prohibited from having ex parte communications with a Commission Member which contain information that would furnish, augment, diminish, or modify the evidence in the record. If the Commission receives an ex parte communication in violation of this statute, please contact counsel for the Commission so that an appropriate public disclosure can be prepared pursuant to the Administration Orders and Procedures Act. In appropriate circumstances a Commission Member receiving or otherwise participating in such a prohibited communication can be disqualified from acting further on the Application before the Commission.

Additionally, when acting as an Administrative Law Judge, each Commission Member is prohibited (pursuant to Indiana Code section 4-21.5-3-12) from commenting publicly, except as to hearing schedules or procedures, about pending proceedings. Accordingly, both the Commission Members and the members of the public are to be mindful of this limitation as the Commission moves forward to consider the evidence and to make a decision on the Application.

b. Hearing to be Conducted under Oath.

The hearing will be conducted under oath or affirmation pursuant to Indiana Code section 4-21.5-3-26(b). In order to insure consistency, any non-party statements are to be given under oath or affirmation pursuant to Indiana Code section 4-21.5-3-25(f).

c. Staff Review and Presentation of Findings.

The Commission Staff is conducting a review of the Application and may speak to its report (*see* § II.c. *supra*) at the hearing.

d. Application Hearing Time Schedule.

The maximum time allotted for each part of the hearing is as follows:

Opening Statement of Applicant	Up to 10 minutes
Oral Presentation by Applicant	Up to 15 minutes
Testimony of Commission Staff	Up to 10 minutes
Testimony of Interested Persons And Organizations	Up to 10 minutes
Rebuttal and Final Statement	Up to 5 minutes

e. Chairman to Rule on Procedural Issues.

The Chair will rule on any procedural issues requiring an immediate ruling which are raised at the hearing on the Application.

f. Commission Free to Ask Questions.

During the hearing on Applicant's presentation, any Commissioner, the Commission's counsel or the Commission's Executive Director may ask questions of any witness in the nature of cross-examination or to assist the Commission's understanding of the issues relevant to the Application and any appropriate action to be taken.

g. Individuals Requesting Time to Speak to the Application.

A sign-up sheet will be made available on the date of the hearing for those interested in speaking during the time allotted for Testimony of Interested Persons and Organizations. An appropriate amount of time will be determined by the Chair at the hearing with consideration of the number of individuals who wish to speak and the total amount of time available in which to do so.

IV. Notice of Pre-Hearing Order.

This Notice of Hearing and Pre-Hearing Order will be served within nine days of its issuance, by electronic mail, to the individuals and organizations identified on the list which is attached and identified as Exhibit "A". This Notice will also be published to the Indiana Horse Racing Commission website within nine days of its issuance.

The Applicant is advised that if it fails to attend or participate in the scheduled hearing, or any other stage of the proceeding, the proceeding may be dismissed pursuant to Indiana Code section 4-21.5-3-24.

This Pre-Hearing Order is issued by the Indiana Horse Racing Commission this 2nd day of October, 2013.



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William Diener, Chair  
On Behalf of the Indiana Horse Racing Commission

**CERTIFICATE OF SERVICE**

I hereby certify that the a copy of the foregoing has been served upon the following parties by first class United States mail, postage prepaid, this 20 day of October, 2013.

Greg Schenkel  
INDIANA PACERS  
125 South Pennsylvania Street  
Indianapolis, IN 46204

Thomas Weatherwax  
3012 Woodland Drive  
Logansport, IN 46947

Steve Schaefer  
10987 Innisbrooke Lane  
Fishers, IN 46037

Jason R. Barclay, Esq.  
BARNES & THORNBURG  
11 South Meridian Street  
Indianapolis, IN 46204-3535

Joe Gorajec, Executive Director  
INDIANA HORSE RACING COMMISSION  
ISTA Center, Suite 530  
150 West Market Street  
Indianapolis, IN 46204

Michelle Collins  
QHRAI Executive Director  
5110 Bell Creek Road  
Muncie, IN 47302

  
\_\_\_\_\_

## Exhibit A

Heddington, Sam

Laur, Michael

Weatherwax, Thomas K

Leist, Jim

Hopper, Ashley

Wilson, Kurt

Thompson, Randy

Keeler, John

Duke, Vickie

Engel, Ted

# Indiana Horse Racing Commission

## Staff Report

### Application for Registration Renewal 2014

Re: QHRAI (Quarter Horse Racing Association of Indiana)

#### **Introduction**

This report is a review of the Application for Registration submitted by QHRAI (Quarter Horse Racing Association of Indiana) pursuant to 71 IAC 13-1-1 et seq..

The focus of the report is to highlight deficiencies and issues to be considered by the Indiana Horse Racing Commission during its review. The opinions expressed in this report are those of the Commission Staff's Executive Director, Joe Gorajec. Additional issues may be raised and or addressed by the commission or its legal counsel at the scheduled hearing.

#### **Review**

The Commission staff finds no substantive deficiencies in the application for registration.

The QHRAI has failed to provide the Commission with the certification that the Association has met the annual registration requirements for scholarships, as required by the policy adopted by the Commission in June 2013. However, it appears from their application that they have met the requirements established in that policy.

*October 18, 2013*



# **Agenda Item #3**

STATE OF INDIANA  
BEFORE THE INDIANA HORSE RACING COMMISSION

2013 OCT -2 A 10: 50

INDIANA HORSE RACING COMMISSION

**IN RE:**

**2014 Application For Registration of Indiana** )  
**Thoroughbred Owners and Breeders Association** )  
**Pursuant to 71 IAC 13-1-1 *et seq.*** )

**NOTICE OF HEARING AND PRE-HEARING ORDER  
ON 2014 APPLICATION FOR REGISTRATION OF  
INDIANA THOROUGHBRED OWNERS AND BREEDERS ASSOCIATION  
OF INDIANA PURSUANT TO 71 IAC 13-1-1 *ET SEQ.***

This matter comes before the Indiana Horse Racing Commission (hereinafter “the Commission”) on an Application for Approval as a Registered Horsemen’s Association Pursuant to 71 IAC 13-1-1 *et seq.* for the calendar year 2014 [hereinafter “the Application”], submitted by the Indiana Thoroughbred Owners and Breeders Association (hereinafter “the Applicant” or “ITOBA”) on or about September 3, 2013. The Commission, by its Chair, issues this notice and order pursuant to the provisions of the Indiana Administrative Orders and Procedures Act, Indiana Code sections 4-21.5-1-1 *et seq.*:

**NOTICE OF HEARING**

The Indiana Horse Racing Commission will hold a hearing on Tuesday, October 29, 2013, at 9:00 a.m., *or* as soon as this matter advances on the Commission’s agenda during its regularly scheduled meeting which will commence at 9:00 a.m. in the Indiana State Library, Room 211, 315 W. Ohio St., Indianapolis, Indiana 46204. The Hearing will relate to the following Application that was filed with the Commission on or about September 3, 2013:

2014 Application for Registration of Indiana Thoroughbred Owners and Breeders Association Pursuant to 71 IAC 13-1-1 *et seq.*

The Hearing will be held for the purpose of providing an opportunity for the Applicant to make a presentation of its Application to the Indiana Horse Racing Commission; an opportunity for the Commission to ask questions of any party representatives and witnesses who may testify at the Hearing; and an opportunity for interested nonparty organizations and persons to provide testimony in support of or adverse to the Application.

The Hearing is to be held by the Indiana Horse Racing Commission pursuant to the authority granted to it by Indiana Code section 4-31-1-1, Indiana Code section 4-35-7-12, 71 IAC sections 13-1-1- *et seq.* and Indiana Code sections 4-21.5-3-1 *et seq.* All members of the Indiana Horse Racing Commission intend to act as the Administrative Law Judge for the Hearing. The members include: William Diener, Chairman; Steve Schaefer, Vice Chairman; Jason Barclay, Greg Schenkel, and Thomas Weatherwax, Members. Lea Ellingwood, Esq. and Holly Newell, Esq., are and will act as legal counsel to the Indiana Horse Racing Commission during these proceedings. Joe Gorajec, Executive Director, will also appear for the Indiana Horse Racing Commission Staff and may be contacted for information concerning the proposed Hearing schedule, the procedure to

be followed at the Hearing, and for inspection of copies of the notice to the parties, at the offices of the Indiana Horse Racing Commission, 1302 North Meridian Street, Suite 175, Indianapolis, Indiana 46204 (tel. no. (317) 233-3119).

### PRE-HEARING ORDER

The Commission, by its Chairman, William Diener, pursuant to Indiana Code section 4-21.5-3-19(d), issues the following Pre-Hearing Order with respect to the matters described herein:

I. Purpose of the Hearing on Applicant's Petition.

The Commission will consider ITOBA's 2014 Application for Registration as a Registered Horsemen's Association Pursuant to 71 IAC sections 13-1-1 *et seq.* filed with the Commission on or about September 3, 2013, requesting Commission approval to serve as the registered horsemen's association for the calendar year 2014 to receive the monies specified by Indiana Code section 4-35-7-12 to be distributed for the benefit of thoroughbred horse owners and trainers.

II. Application Process Time Line.

a. Hearing Date and Time.

The hearing will commence at the Indiana State Library, Room 211, 315 W. Ohio St., Indianapolis, Indiana, on Tuesday, October 29, 2013, at 9:00 a.m. EST or as soon as it advances on the agenda of the Commission meeting commencing at 9:00 a.m. EST. This matter will be heard and will continue, with appropriate recesses until completed. The record will be closed at the conclusion of the hearing. Thereafter, the Commission will deliberate on and decide whether the Application will be approved or denied and does not comprehend discussion during the deliberation with the Applicant or other interested parties.

b. Amendments to Applications.

No substantive changes to the Application made after Tuesday, October 15, 2013 will be considered as part of the Application.

c. Report of the Commission Staff.

The Commission Staff will review the Application and related information provided and submit a Staff Report on the Application, which will be distributed to the Applicant, on or before the close of business on Thursday, October 17, 2013.

d. Exhibits the Commission Proposes to Make a Part of the Record.

A list of exhibits which the Commission intends to make a part of the record may be prepared by the Commission's counsel and distributed to the Applicant's representative or counsel for the Applicant on or before the close of business on Tuesday, October 22, 2013. It should be understood that even in the absence of filing a list of exhibits, the Commission will offer into evidence the Application, any

supplements thereto timely filed by the Applicant and any Staff Report issued by the Commission Staff. It should also be understood that the Commission will take official notice of any records of prior related hearings (including Final Orders) involving the Applicant, pursuant to Indiana Code section 4-21.5-3-26(c). The Applicant must notify the Commission in writing of any exhibits to which it objects on or before noon on Friday, October 25, 2013. If no objection is timely made, all specified exhibits will be made a part of the record at the commencement of the hearing. The Commission may expand that list prior to or at the scheduled hearing, however, the Applicant will be given an opportunity to make an objection to any such additional materials.

e. Witness and Exhibits Lists of Applicant.

Unless the Applicant intends to submit an additional filing or supplement to the Application, no Witness List is contemplated. In the event that the Applicant does submit an additional filing, or otherwise determines that witness testimony is necessary, any such Witness and Exhibit Lists are to be filed with the Commission on or before noon on Friday, October 25, 2013. When the Applicant files the Witness and Exhibit List, copies of the exhibits are to be left with the Commission so that they can be marked sequentially by the court reporter. While the Applicant may retain its oversized exhibits, reduced copies must be made available to the Commission on or before noon on Friday, October 25, 2013. Documents or exhibits not identified on Applicant's Exhibit List may not be introduced into the record by Applicant.

f. Request for Official Notice.

The Applicant should submit in writing any request for matters to be officially noticed pursuant to Indiana Code section 4-21.5-3-26(f) on or before noon on Friday, October 25, 2013.

g. Issuance of Subpoenas.

The Applicant should submit proposed subpoenas to be issued by the Commission no later than the time that the Witness and Exhibit Lists are filed so that they can be issued pursuant to Indiana Code section 4-21.5-3-22. Subpoenas shall be issued on the signature of the Chair, or on the signature of the Vice Chairman in the event that the Chair is unavailable.

III. Matters Relating to the Conduct of the Hearing.

a. The Commission will be sitting as an Administrative Law Judge at the Hearing.

The Commission is sitting both as Administrative Law Judge and as "ultimate authority" (pursuant to Indiana Code section 4-21.5-1-15) with respect to this Application for Registration. Indiana Code section 4-21.5-3-11 provides in part that an Administrative Law Judge serving in a proceeding may not communicate,

directly or indirectly, regarding any issue in the proceeding while the proceeding is pending with any party or any individual who has a direct or indirect interest in the outcome of the proceeding. Such communications are prohibited and are referred to as “ex parte communications.” Additionally, while a Commission Member may communicate separately with another Commission Member and may receive aid from members of the Commission’s Staff, the Commission Staff is prohibited from having ex parte communications with a Commission Member which contain information that would furnish, augment, diminish, or modify the evidence in the record. If the Commission receives an ex parte communication in violation of this statute, please contact counsel for the Commission so that an appropriate public disclosure can be prepared pursuant to the Administration Orders and Procedures Act. In appropriate circumstances a Commission Member receiving or otherwise participating in such a prohibited communication can be disqualified from acting further on the Application before the Commission.

Additionally, when acting as an Administrative Law Judge, each Commission Member is prohibited (pursuant to Indiana Code section 4-21.5-3-12) from commenting publicly, except as to hearing schedules or procedures, about pending proceedings. Accordingly, both the Commission Members and the members of the public are to be mindful of this limitation as the Commission moves forward to consider the evidence and to make a decision on the Application.

b. Hearing to be Conducted under Oath.

The hearing will be conducted under oath or affirmation pursuant to Indiana Code section 4-21.5-3-26(b). In order to insure consistency, any non-party statements are to be given under oath or affirmation pursuant to Indiana Code section 4-21.5-3-25(f).

c. Staff Review and Presentation of Findings.

The Commission Staff is conducting a review of the Application and may speak to its report (*see* § II.c. *supra*) at the hearing.

d. Application Hearing Time Schedule.

The maximum time allotted for each part of the hearing is as follows:

Opening Statement of Applicant	Up to 10 minutes
Oral Presentation by Applicant	Up to 15 minutes
Testimony of Commission Staff	Up to 10 minutes
Testimony of Interested Persons And Organizations	Up to 10 minutes

Rebuttal and Final Statement

Up to 5 minutes

e. Chairman to Rule on Procedural Issues.

The Chair will rule on any procedural issues requiring an immediate ruling which are raised at the hearing on the Application.

f. Commission Free to Ask Questions.

During the hearing on Applicant's presentation, any Commissioner, the Commission's counsel or the Commission's Executive Director may ask questions of any witness in the nature of cross-examination or to assist the Commission's understanding of the issues relevant to the Application and any appropriate action to be taken.

g. Individuals Requesting Time to Speak to the Application.


A sign-up sheet will be made available on the date of the hearing for those interested in speaking during the time allotted for Testimony of Interested Persons and Organizations. An appropriate amount of time will be determined by the Chair at the hearing with consideration of the number of individuals who wish to speak and the total amount of time available in which to do so.

IV. Notice of Pre-Hearing Order.

This Notice of Hearing and Pre-Hearing Order will be served within nine days of its issuance, by electronic mail, to the individuals and organizations identified on the list which is attached and identified as Exhibit "A". This Notice will also be published to the Indiana Horse Racing Commission website within nine days of its issuance.

The Applicant is advised that if it fails to attend or participate in the scheduled hearing, or any other stage of the proceeding, the proceeding may be dismissed pursuant to Indiana Code section 4-21.5-3-24.

This Pre-Hearing Order is issued by the Indiana Horse Racing Commission this 2<sup>nd</sup> day of October, 2013.



---

William Diener, Chair  
On Behalf of the Indiana Horse Racing Commission

**CERTIFICATE OF SERVICE**

I hereby certify that the a copy of the foregoing has been served upon the following parties by first class United States mail, postage prepaid, this 2nd day of October, 2013.

Greg Schenkel  
INDIANA PACERS  
125 South Pennsylvania Street  
Indianapolis, IN 46204

Thomas Weatherwax  
3012 Woodland Drive  
Logansport, IN 46947

Steve Schaefer  
10987 Innisbrooke Lane  
Fishers, IN 46037

Jason R. Barclay, Esq.  
BARNES & THORNBURG  
11 South Meridian Street  
Indianapolis, IN 46204-3535

Joe Gorajec, Executive Director  
INDIANA HORSE RACING COMMISSION  
ISTA Center, Suite 530  
150 West Market Street  
Indianapolis, IN 46204

Christina Lawton  
ITOBA Executive Director  
351 S. Hwy US 31  
Seymour, IN 47274

  
\_\_\_\_\_

## Exhibit A

Heddington, Sam  
Laur, Michael  
Weatherwax, Thomas K  
Leist, Jim  
Hopper, Ashley  
Wilson, Kurt  
Thompson, Randy  
Keeler, John  
Duke, Vickie  
Engel, Ted



# Indiana Horse Racing Commission

## Staff Report

### Application for Registration Renewal 2014

Re: ITOBA (Indiana Thoroughbred Owners and Breeders Association, Inc)

#### Introduction

This report is a review of the Application for Registration submitted by ITOBA (Indiana Thoroughbred Owners and Breeders Association, Inc) pursuant to 71 IAC 13-1-1 et seq..

The focus of the report is to highlight deficiencies and issues to be considered by the Indiana Horse Racing Commission during its review. The opinions expressed in this report are those of the Commission Staff's Executive Director, Joe Gorajec. Additional issues may be raised and or addressed by the commission or its legal counsel at the scheduled hearing.

#### Review

The Commission staff finds no substantive deficiencies in the application for registration.

ITOBA failed to provide the Commission with the certification required by 71 IAC 13-1-3(3) and (5).

*October 18, 2013*

# **Agenda Item #4**

STATE OF INDIANA  
BEFORE THE INDIANA HORSE RACING COMMISSION

2013 OCT -2 A 10:51

IN RE: 2014 Application For Registration of )  
Indiana Horsemen's Benevolent and Protective )  
Association Pursuant to 71 IAC 13-1-1 *et seq.* )

INDIANA HORSE RACING COMMISSION

**NOTICE OF HEARING AND PRE-HEARING ORDER  
ON 2014 APPLICATION FOR REGISTRATION OF  
INDIANA HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION  
OF INDIANA PURSUANT TO 71 IAC 13-1-1 ET SEQ.**

This matter comes before the Indiana Horse Racing Commission (hereinafter "the Commission") on an Application for Approval as a Registered Horsemen's Association Pursuant to 71 IAC 13-1-1 *et seq.* for the calendar year 2014 [hereinafter "the Application"], submitted by the Indiana Horsemen's Benevolent and Protective Association (hereinafter "the Applicant" or "IHBPA") on or about September 3, 2013. The Commission, by its Chair, issues this notice and order pursuant to the provisions of the Indiana Administrative Orders and Procedures Act, Indiana Code sections 4-21.5-1-1 *et seq.*:

**NOTICE OF HEARING**

The Indiana Horse Racing Commission will hold a hearing on Tuesday, October 29, 2013, at 9:00 a.m., *or* as soon as this matter advances on the Commission's agenda during its regularly scheduled meeting which will commence at 9:00 a.m. in the Indiana State Library, Room 211, 315 W. Ohio St., Indianapolis, Indiana 46204. The Hearing will relate to the following Application that was filed with the Commission on or about September 3, 2013:

2014 Application for Registration of Indiana Horsemen's Benevolent and Protective Association Pursuant to 71 IAC 13-1-1 *et seq.*

The Hearing will be held for the purpose of providing an opportunity for the Applicant to make a presentation of its Application to the Indiana Horse Racing Commission; an opportunity for the Commission to ask questions of any party representatives and witnesses who may testify at the Hearing; and an opportunity for interested nonparty organizations and persons to provide testimony in support of or adverse to the Application.

The Hearing is to be held by the Indiana Horse Racing Commission pursuant to the authority granted to it by Indiana Code section 4-31-1-1, Indiana Code section 4-35-7-12, 71 IAC sections 13-1-1- *et seq.* and Indiana Code sections 4-21.5-3-1 *et seq.* All members of the Indiana Horse Racing Commission intend to act as the Administrative Law Judge for the Hearing. The members include: William Diener, Chairman; Steve Schaefer, Vice Chairman; Doug Grimes, Jason Barclay and Greg Schenkel, Members. Lea Ellingwood, Esq. and Holly Newell, Esq., are and will act as legal counsel to the Indiana Horse Racing Commission during these proceedings. Joe Gorajec, Executive Director, will also appear for the Indiana Horse Racing Commission Staff and may be contacted for information concerning the proposed Hearing schedule, the procedure to be followed at the Hearing, and for inspection of copies of the notice to the parties, at the offices of the

Indiana Horse Racing Commission, 1302 North Meridian Street, Suite 175, Indianapolis, Indiana 46204 (tel. no. (317) 233-3119).

### PRE-HEARING ORDER

The Commission, by its Chairman, William Diener, pursuant to Indiana Code section 4-21.5-3-19(d), issues the following Pre-Hearing Order with respect to the matters described herein:

I. Purpose of the Hearing on Applicant's Petition.

The Commission will consider IHBPA's 2014 Application for Registration as a Registered Horsemen's Association Pursuant to 71 IAC sections 13-1-1 *et seq.* filed with the Commission on or about September 3, 2013, requesting Commission approval to serve as the registered horsemen's association for the calendar year 2014 to receive the monies specified by Indiana Code section 4-35-7-12 to be distributed for the benefit of thoroughbred horse owners and trainers.

II. Application Process Time Line.

a. Hearing Date and Time.

The hearing will commence at the Indiana State Library, Room 211, 315 W. Ohio St., Indianapolis, Indiana, on Tuesday, October 29, 2013, at 9:00 a.m. EST or as soon as it advances on the agenda of the Commission meeting commencing at 9:00 a.m. EST. This matter will be heard and will continue, with appropriate recesses until completed. The record will be closed at the conclusion of the hearing. Thereafter, the Commission will deliberate on and decide whether the Application will be approved or denied and does not comprehend discussion during the deliberation with the Applicant or other interested parties.

b. Amendments to Applications. Incorporation by Reference IHBPA 2008, 2009, 2010, 2011, 2012 and 2013 Applications and Related Materials.

The IHBPA Application requests that the Commission take official notice and incorporate by reference any documents submitted, considered or generated with respect to IHBPA's 2008-2013 Applications for Registration. The Commission will take official notice of those materials. NOTE: No substantive changes to the Application made after Tuesday, October 15, 2013 will be considered as part of the Application.

c. Report of the Commission Staff.

The Commission Staff will review the Application and related information provided and submit a Staff Report on the Application, which will be distributed to the Applicant, on or before the close of business on Thursday, October 17, 2013.

d. Exhibits the Commission Proposes to Make a Part of the Record.

A list of exhibits which the Commission intends to make a part of the record may be prepared by the Commission's counsel and distributed to the Applicant's representative or counsel for the Applicant on or before the close of business on Tuesday, October 22, 2013. It should be understood that even in the absence of filing a list of exhibits, the Commission will offer into evidence the Application, any supplements thereto timely filed by the Applicant and any Staff Report issued by the Commission Staff. It should also be understood that the Commission will take official notice of any records of prior related hearings (including Final Orders) involving the Applicant, pursuant to Indiana Code section 4-21.5-3-26(c). The Applicant must notify the Commission in writing of any exhibits to which it objects on or before noon on Friday, October 25, 2013. If no objection is timely made, all specified exhibits will be made a part of the record at the commencement of the hearing. The Commission may expand that list prior to or at the scheduled hearing, however, the Applicant will be given an opportunity to make an objection to any such additional materials.

e. Witness and Exhibits Lists of Applicant.

Unless the Applicant intends to submit an additional filing or supplement to the Application, no Witness List is contemplated. In the event that the Applicant does submit an additional filing, or otherwise determines that witness testimony is necessary, any such Witness and Exhibit Lists are to be filed with the Commission on or before noon on Friday, October 25, 2013. When the Applicant files the Witness and Exhibit List, copies of the exhibits are to be left with the Commission so that they can be marked sequentially by the court reporter. While the Applicant may retain its oversized exhibits, reduced copies must be made available to the Commission on or before noon on Friday, October 25, 2013. Documents or exhibits not identified on Applicant's Exhibit List may not be introduced into the record by Applicant.

f. Request for Official Notice.

The Applicant should submit in writing any request for matters to be officially noticed pursuant to Indiana Code section 4-21.5-3-26(f) on or before noon on Friday, October 25, 2013.

g. Issuance of Subpoenas.

The Applicant should submit proposed subpoenas to be issued by the Commission no later than the time that the Witness and Exhibit Lists are filed so that they can be issued pursuant to Indiana Code section 4-21.5-3-22. Subpoenas shall be issued on the signature of the Chair, or on the signature of the Vice Chairman in the event that the Chair is unavailable.

III. Matters Relating to the Conduct of the Hearing.

a. The Commission will be sitting as an Administrative Law Judge at the Hearing.

The Commission is sitting both as Administrative Law Judge and as “ultimate authority” (pursuant to Indiana Code section 4-21.5-1-15) with respect to this Application for Registration. Indiana Code section 4-21.5-3-11 provides in part that an Administrative Law Judge serving in a proceeding may not communicate, directly or indirectly, regarding any issue in the proceeding while the proceeding is pending with any party or any individual who has a direct or indirect interest in the outcome of the proceeding. Such communications are prohibited and are referred to as “ex parte communications.” Additionally, while a Commission Member may communicate separately with another Commission Member and may receive aid from members of the Commission’s Staff, the Commission Staff is prohibited from having ex parte communications with a Commission Member which contain information that would furnish, augment, diminish, or modify the evidence in the record. If the Commission receives an ex parte communication in violation of this statute, please contact counsel for the Commission so that an appropriate public disclosure can be prepared pursuant to the Administration Orders and Procedures Act. In appropriate circumstances a Commission Member receiving or otherwise participating in such a prohibited communication can be disqualified from acting further on the Application before the Commission.

Additionally, when acting as an Administrative Law Judge, each Commission Member is prohibited (pursuant to Indiana Code section 4-21.5-3-12) from commenting publicly, except as to hearing schedules or procedures, about pending proceedings. Accordingly, both the Commission Members and the members of the public are to be mindful of this limitation as the Commission moves forward to consider the evidence and to make a decision on the Application.

b. Hearing to be Conducted under Oath.

The hearing will be conducted under oath or affirmation pursuant to Indiana Code section 4-21.5-3-26(b). In order to insure consistency, any non-party statements are to be given under oath or affirmation pursuant to Indiana Code section 4-21.5-3-25(f).

c. Staff Review and Presentation of Findings.

The Commission Staff is conducting a review of the Application and may speak to its report (*see* § II.c. *supra*) at the hearing.

d. Application Hearing Time Schedule.

The maximum time allotted for each part of the hearing is as follows:

Opening Statement of Applicant	Up to 10 minutes
--------------------------------	------------------

Oral Presentation by Applicant	Up to 15 minutes
Testimony of Commission Staff	Up to 10 minutes
Testimony of Interested Persons And Organizations	Up to 10 minutes
Rebuttal and Final Statement	Up to 5 minutes

e. Chairman to Rule on Procedural Issues.

The Chair will rule on any procedural issues requiring an immediate ruling which are raised at the hearing on the Application.

f. Commission Free to Ask Questions.

During the hearing on Applicant's presentation, any Commissioner, the Commission's counsel or the Commission's Executive Director may ask questions of any witness in the nature of cross-examination or to assist the Commission's understanding of the issues relevant to the Application and any appropriate action to be taken.

g. Individuals Requesting Time to Speak to the Application.

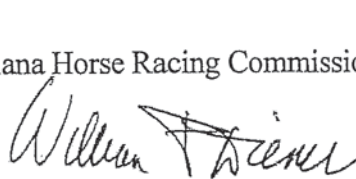
A sign-up sheet will be made available on the date of the hearing for those interested in speaking during the time allotted for Testimony of Interested Persons and Organizations. An appropriate amount of time will be determined by the Chair at the hearing with consideration of the number of individuals who wish to speak and the total amount of time available in which to do so.

IV. Notice of Pre-Hearing Order.

This Notice of Hearing and Pre-Hearing Order will be served within nine days of its issuance, by electronic mail, to the individuals and organizations identified on the list which is attached and identified as Exhibit "A". This Notice will also be published to the Indiana Horse Racing Commission website within nine days of its issuance.

The Applicant is advised that if it fails to attend or participate in the scheduled hearing, or any other stage of the proceeding, the proceeding may be dismissed pursuant to Indiana Code section 4-21.5-3-24.

This Pre-Hearing Order is issued by the Indiana Horse Racing Commission this 2nd day of October, 2013.



William Diener, Chair  
On Behalf of the Indiana Horse Racing Commission

**CERTIFICATE OF SERVICE**

I hereby certify that the a copy of the foregoing has been served upon the following parties by first class United States mail, postage prepaid, this 21 day of October, 2013.

Greg Schenkel  
INDIANA PACERS  
125 South Pennsylvania Street  
Indianapolis, IN 46204

Doug Grimes, Esq.  
6941 Ironwood Avenue  
Gary, IN 46404

Steve Schaefer  
10987 Innisbrooke Lane  
Fishers, IN 46037

Jason R. Barclay, Esq.  
BARNES & THORNBURG  
11 South Meridian Street  
Indianapolis, IN 46204-3535

Joe Gorajec, Executive Director  
INDIANA HORSE RACING COMMISSION  
ISTA Center, Suite 530  
150 West Market Street  
Indianapolis, IN 46204

Mike Brown  
HBPA Executive Director  
32 Holloway Boulevard  
Brownsburg, IN 46112

Steve Shockley  
Taft Stettinius & Hollister, LLP  
One Indiana Square  
Suite 3500  
Indianapolis, IN 46204

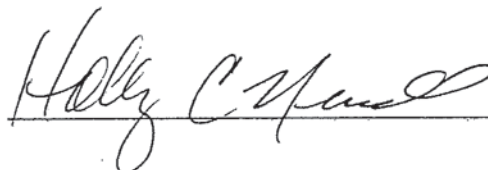
  
\_\_\_\_\_



Exhibit A

Heddington, Sam

Laur, Michael

Weatherwax, Thomas K

Leist, Jim

Hopper, Ashley

Wilson, Kurt

Thompson, Randy

Keeler, John

Duke, Vickie

Engel, Ted

# Indiana Horse Racing Commission

## Staff Report

### Application for Registration Renewal 2014

Re: IHBPA (Indiana Horsemen's Benevolent & Protective Association, Inc)

#### **Introduction**

This report is a review of the Application for Registration submitted by IHBPA (Horsemen's Benevolent & Protective Association, Inc) pursuant to 71 IAC 13-1-1 et seq..

The focus of the report is to highlight deficiencies and issues to be considered by the Indiana Horse Racing Commission during its review. The opinions expressed in this report are those of the Commission Staff's Executive Director, Joe Gorajec. Additional issues may be raised and or addressed by the commission or its legal counsel at the scheduled hearing.

#### **Review**

The Commission staff finds no substantive deficiencies in the application for registration.

The IHBPA did not provide the certification required by 71 IAC 13-1-3(5).

*October 18, 2013*

# **Agenda Item #5**

STATE OF INDIANA  
BEFORE THE INDIANA HORSE RACING COMMISSION

2013 OCT -2 A 10:49

IN RE:

2014 Application For Registration of Indiana )  
Standardbred Association Pursuant )  
to 71 IAC 13-1-1 *et seq.* )

**NOTICE OF HEARING AND PRE-HEARING ORDER  
ON 2014 APPLICATION FOR REGISTRATION OF  
INDIANA STANDARDBRED ASSOCIATION  
OF INDIANA PURSUANT TO 71 IAC 13-1-1 ET SEQ.**

This matter comes before the Indiana Horse Racing Commission (hereinafter "the Commission") on an Application for Approval as a Registered Horsemen's Association Pursuant to 71 IAC 13-1-1 *et seq.* for the calendar year 2014 [hereinafter "the Application"], submitted by the Indiana Standardbred Association (hereinafter "the Applicant" or "ISA") on or about September 3, 2013<sup>1</sup>. The Commission, by its Chair, issues this notice and order pursuant to the provisions of the Indiana Administrative Orders and Procedures Act, Indiana Code sections 4-21.5-1-1 *et seq.*:

**NOTICE OF HEARING**

The Indiana Horse Racing Commission will hold a hearing on Tuesday, October 29, 2013, at 9:00 a.m., *or* as soon as this matter advances on the Commission's agenda during its regularly scheduled meeting which will commence at 9:00 a.m. in the Indiana State Library, Room 211, 315 W. Ohio St., Indianapolis, Indiana 46204. The Hearing will relate to the following Application that was filed with the Commission on or about September 3, 2013:

2014 Application for Registration of Indiana Standardbred Association  
Pursuant to 71 IAC 13-1-1 *et seq.*

The Hearing will be held for the purpose of providing an opportunity for the Applicant to make a presentation of its Application to the Indiana Horse Racing Commission; an opportunity for the Commission to ask questions of any party representatives and witnesses who may testify at the Hearing; and an opportunity for interested nonparty organizations and persons to provide testimony in support of or adverse to the Application.

The Hearing is to be held by the Indiana Horse Racing Commission pursuant to the authority granted to it by Indiana Code section 4-31-1-1, Indiana Code section 4-35-7-12, 71 IAC sections 13-1-1- *et seq.* and Indiana Code sections 4-21.5-3-1 *et seq.* All members of the Indiana Horse Racing Commission intend to act as the Administrative Law Judge for the Hearing. The members include: William Diener, Chairman; Steve Schaefer, Vice Chairman; Jason Barclay, Greg Schenkel, and Thomas Weatherwax, Members. Lea Ellingwood, Esq. and Holly Newell, Esq., are

<sup>1</sup> Note: The ISA submitted an incomplete application on or about September 3, 2013. The application did not include an itemized budget, which was required. The ISA has not yet submitted a budget which meets the Commission's filing requirements. All references hereafter to the ISA's submission shall contemplate both the initial deficient application and the addendum.

and will act as legal counsel to the Indiana Horse Racing Commission during these proceedings. Joe Gorajec, Executive Director, will also appear for the Indiana Horse Racing Commission Staff and may be contacted for information concerning the proposed Hearing schedule, the procedure to be followed at the Hearing, and for inspection of copies of the notice to the parties, at the offices of the Indiana Horse Racing Commission, 1302 North Meridian Street, Suite 175, Indianapolis, Indiana 46204 (tel. no. (317) 233-3119).

### PRE-HEARING ORDER

The Commission, by its Chairman, William Diener, pursuant to Indiana Code section 4-21.5-3-19(d), issues the following Pre-Hearing Order with respect to the matters described herein:

I. Purpose of the Hearing on Applicant's Petition.

The Commission will consider ISA's 2014 Application for Registration as a Registered Horsemen's Association Pursuant to 71 IAC sections 13-1-1 *et seq.* filed with the Commission on or about September 3, 2013, requesting Commission approval to serve as the registered horsemen's association for the calendar year 2014 to receive the monies specified by Indiana Code section 4-35-7-12 to be distributed for the benefit of standardbred horse owners and trainers.

II. Application Process Time Line.

a. Hearing Date and Time.

The hearing will commence at the Indiana State Library, Room 211, 315 W. Ohio St., Indianapolis, Indiana, on Tuesday, October 29, 2013, at 9:00 a.m. EST or as soon as it advances on the agenda of the Commission meeting commencing at 9:00 a.m. EST. This matter will be heard and will continue, with appropriate recesses until completed. The record will be closed at the conclusion of the hearing. Thereafter, the Commission will deliberate on and decide whether the Application will be approved or denied and does not comprehend discussion during the deliberation with the Applicant or other interested parties.

b. Amendments to Applications.

No substantive changes to the Application made after Tuesday, October 15, 2013 will be considered as part of the Application.

c. Report of the Commission Staff.

The Commission Staff will review the Application and related information provided and submit a Staff Report on the Application, which will be distributed to the Applicant, on or before the close of business on Thursday, October 17, 2013.

d. Exhibits the Commission Proposes to Make a Part of the Record.

A list of exhibits which the Commission intends to make a part of the record may be prepared by the Commission's counsel and distributed to the Applicant's

representative or counsel for the Applicant on or before the close of business on Tuesday, October 22, 2013. It should be understood that even in the absence of filing a list of exhibits, the Commission will offer into evidence the Application, any supplements thereto timely filed by the Applicant and any Staff Report issued by the Commission Staff. It should also be understood that the Commission will take official notice of any records of prior related hearings (including Final Orders) involving the Applicant, pursuant to Indiana Code section 4-21.5-3-26(c). The Applicant must notify the Commission in writing of any exhibits to which it objects on or before noon on Friday, October 25, 2013. If no objection is timely made, all specified exhibits will be made a part of the record at the commencement of the hearing. The Commission may expand that list prior to or at the scheduled hearing, however, the Applicant will be given an opportunity to make an objection to any such additional materials.

e. Witness and Exhibits Lists of Applicant.

Unless the Applicant intends to submit an additional filing or supplement to the Application, no Witness List is contemplated. In the event that the Applicant does submit an additional filing, or otherwise determines that witness testimony is necessary, any such Witness and Exhibit Lists are to be filed with the Commission on or before noon on Friday, October 25, 2013. When the Applicant files the Witness and Exhibit List, copies of the exhibits are to be left with the Commission so that they can be marked sequentially by the court reporter. While the Applicant may retain its oversized exhibits, reduced copies must be made available to the Commission on or before noon on Friday, October 25, 2013. Documents or exhibits not identified on Applicant's Exhibit List may not be introduced into the record by Applicant.

f. Request for Official Notice.

The Applicant should submit in writing any request for matters to be officially noticed pursuant to Indiana Code section 4-21.5-3-26(f) on or before noon on Friday, October 25, 2013.

g. Issuance of Subpoenas.

The Applicant should submit proposed subpoenas to be issued by the Commission no later than the time that the Witness and Exhibit Lists are filed so that they can be issued pursuant to Indiana Code section 4-21.5-3-22. Subpoenas shall be issued on the signature of the Chair, or on the signature of the Vice Chairman in the event that the Chair is unavailable.

III. Matters Relating to the Conduct of the Hearing.

a. The Commission will be sitting as an Administrative Law Judge at the Hearing.

The Commission is sitting both as Administrative Law Judge and as “ultimate authority” (pursuant to Indiana Code section 4-21.5-1-15) with respect to this Application for Registration. Indiana Code section 4-21.5-3-11 provides in part that an Administrative Law Judge serving in a proceeding may not communicate, directly or indirectly, regarding any issue in the proceeding while the proceeding is pending with any party or any individual who has a direct or indirect interest in the outcome of the proceeding. Such communications are prohibited and are referred to as “ex parte communications.” Additionally, while a Commission Member may communicate separately with another Commission Member and may receive aid from members of the Commission’s Staff, the Commission Staff is prohibited from having ex parte communications with a Commission Member which contain information that would furnish, augment, diminish, or modify the evidence in the record. If the Commission receives an ex parte communication in violation of this statute, please contact counsel for the Commission so that an appropriate public disclosure can be prepared pursuant to the Administration Orders and Procedures Act. In appropriate circumstances a Commission Member receiving or otherwise participating in such a prohibited communication can be disqualified from acting further on the Application before the Commission.

Additionally, when acting as an Administrative Law Judge, each Commission Member is prohibited (pursuant to Indiana Code section 4-21.5-3-12) from commenting publicly, except as to hearing schedules or procedures, about pending proceedings. Accordingly, both the Commission Members and the members of the public are to be mindful of this limitation as the Commission moves forward to consider the evidence and to make a decision on the Application.

b. Hearing to be Conducted under Oath.

The hearing will be conducted under oath or affirmation pursuant to Indiana Code section 4-21.5-3-26(b). In order to insure consistency, any non-party statements are to be given under oath or affirmation pursuant to Indiana Code section 4-21.5-3-25(f).

c. Staff Review and Presentation of Findings.

The Commission Staff is conducting a review of the Application and may speak to its report (*see* § II.c. *supra*) at the hearing.

d. Application Hearing Time Schedule.

The maximum time allotted for each part of the hearing is as follows:

Opening Statement of Applicant	Up to 10 minutes
Oral Presentation by Applicant	Up to 15 minutes
Testimony of Commission Staff	Up to 10 minutes

Testimony of Interested Persons  
And Organizations

Up to 10 minutes

Rebuttal and Final Statement

Up to 5 minutes

e. Chairman to Rule on Procedural Issues.

The Chair will rule on any procedural issues requiring an immediate ruling which are raised at the hearing on the Application.

f. Commission Free to Ask Questions.

During the hearing on Applicant's presentation, any Commissioner, the Commission's counsel or the Commission's Executive Director may ask questions of any witness in the nature of cross-examination or to assist the Commission's understanding of the issues relevant to the Application and any appropriate action to be taken.

g. Individuals Requesting Time to Speak to the Application.

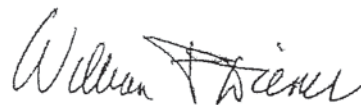
A sign-up sheet will be made available on the date of the hearing for those interested in speaking during the time allotted for Testimony of Interested Persons and Organizations. An appropriate amount of time will be determined by the Chair at the hearing with consideration of the number of individuals who wish to speak and the total amount of time available in which to do so.

IV. Notice of Pre-Hearing Order.

This Notice of Hearing and Pre-Hearing Order will be served within nine days of its issuance, by electronic mail, to the individuals and organizations identified on the list which is attached and identified as Exhibit "A". This Notice will also be published to the Indiana Horse Racing Commission website within nine days of its issuance.

The Applicant is advised that if it fails to attend or participate in the scheduled hearing, or any other stage of the proceeding, the proceeding may be dismissed pursuant to Indiana Code section 4-21.5-3-24.

This Pre-Hearing Order is issued by the Indiana Horse Racing Commission this 20 day of October, 2013.



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William Diener, Chair  
On Behalf of the Indiana Horse Racing Commission



CERTIFICATE OF SERVICE

I hereby certify that the a copy of the foregoing has been served upon the following parties by first class United States mail, postage prepaid, this 2<sup>nd</sup> day of October, 2013.

Greg Schenkel  
INDIANA PACERS  
125 South Pennsylvania Street  
Indianapolis, IN 46204

Thomas Weatherwax  
3012 Woodland Drive  
Logansport, IN 46947

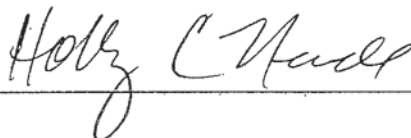
Steve Schaefer  
10987 Innisbrooke Lane  
Fishers, IN 46037

Jason R. Barclay, Esq.  
BARNES & THORNBURG  
11 South Meridian Street  
Indianapolis, IN 46204-3535

Joe Gorajec, Executive Director  
INDIANA HORSE RACING COMMISSION  
ISTA Center, Suite 530  
150 West Market Street  
Indianapolis, IN 46204

Roger Young  
Young & Young  
40 W. Court Street #D  
Franklin, IN 46131

Jack Kieninger  
ISA  
737 W Green Meadows Drive  
Suite 300  
Greenfield, IN 46140

  
\_\_\_\_\_

## Exhibit A

Heddington, Sam

Laur, Michael

Weatherwax, Thomas K

Leist, Jim

Hopper, Ashley

Wilson, Kurt

Thompson, Randy

Keeler, John

Duke, Vickie

Engel, Ted

STATE OF INDIANA  
BEFORE THE INDIANA HORSE RACING COMMISSION

IN RE:  
2014 Application for Registration of )  
Indiana Standardbred Association )  
Pursuant to 71 IAC 13-1-1 et seq. )

2013 OCT 18 P 3 39

INDIANA STANDARDBRED ASSOCIATION'S CERTIFICATION OF COMPLIANCE  
WITH THE INDIANA HORSE RACING COMMISSION'S  
SCHOLARSHIP POLICY

COMES NOW Roger A. Young, counsel for the Indiana Standardbred Association, and hereby certifies to the Indiana Horse Racing Commission that:

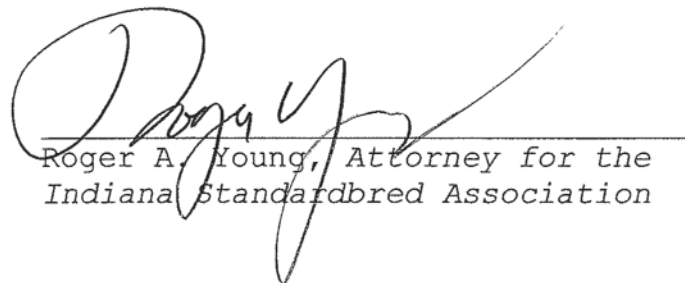
1. On June 17, 2013, at a meeting of the Indiana Standardbred Association Board of Directors, the Board of Directors did acknowledge receipt of the Indiana Horse Racing Commission's Scholarship Criteria and Policy and incorporate said criteria and policy into the Indiana Standardbred Association's scholarship and college assistance eligibility requirements.

2. On June 19, 2013, the Indiana Standardbred Association transmitted to the Indiana Horse Racing Commission the Indiana Standardbred Association's Revised College Assistance and Scholarship Application forms which incorporated the Indiana Horse Racing Commission's Scholarship Policy.

3. The undersigned certifies that, from and after the date of adoption of the Indiana Horse Racing Commission's Scholarship Policy, the Indiana Standardbred Association has complied with the policy.

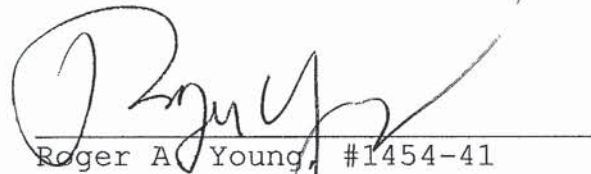
Respectfully submitted,

YOUNG AND YOUNG

  
\_\_\_\_\_  
Roger A. Young, Attorney for the  
Indiana Standardbred Association

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon Lea Ellingwood, Esquire, Indiana Horse Racing Commission, 1302 N. Meridian St., Suite 175, Indianapolis, IN 46202, via U.S. Mail postage prepaid, this 17<sup>th</sup> day of October, 2013.

A handwritten signature in black ink, appearing to read "Roger A. Young", is written over a horizontal line. The signature is fluid and cursive.

Roger A. Young, #1454-41  
YOUNG AND YOUNG  
40 W. Court St., Suite D  
Franklin, IN 46131  
(317)736-7117

# Indiana Horse Racing Commission

## Staff Report

### Application for Registration Renewal 2014

Re: ISA (Indiana Standardbred Association)

#### **Introduction**

This report is a review of the Application for Registration submitted by ISA (Indiana Standardbred Association) pursuant to 71 IAC 13-1-1 et seq..

The focus of the report is to highlight deficiencies and issues to be considered by the Indiana Horse Racing Commission during its review. The opinions expressed in this report are those of the Commission Staff's Executive Director, Joe Gorajec. Additional issues may be raised and or addressed by the commission or its legal counsel at the scheduled hearing.

#### **Review**

The Commission staff finds not substantive deficiencies in the application for registration.

The ISA failed to provide the certifications required by 71 IAC 13-1-3(3) and (5) and failed to provide the certification that the Association has met the annual registration requirements for scholarships, as required by the policy adopted by the Commission in June 2013.

*October 18, 2013*

# **Agenda Item #6**

## SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is entered into between the Indiana Horse Racing Commission ("Commission"), by Joe Gorajec, Executive Director of the Indiana Horse Racing Commission Staff ("Commission Staff") and Ruben Serna ("Serna"), a licensee subject to regulation by the Commission. Collectively, the Commission Staff and Serna shall be referred to herein as "the Parties." This Agreement is subject to the review and approval of the Commission.

### RECITALS

1. The Indiana Horse Racing Commission is the administrative agency in the State of Indiana that regulates horse racing pursuant to provisions of the Indiana Code, Title 4, Article 31.
2. Serna was duly licensed as a thoroughbred/quarter horse exercise rider and jockey for the 2012 race meet and was at all times relevant subject to regulation by the Commission.
3. On or about September 14, 2012, after Race Number 9, an electrical device was discovered at the starting gate of Hoosier Park. Ruben Serna rode in three of the 11 races that night, including Race Number 9.
4. On or about September 20, 2012, a distinct additional electrical device was discovered in the dorm room where Ruben Serna resided.
5. A technical review of the device discovered on September 14, 2012 by Wolf Technical Service, Inc. determined: "The electrical device is designed to affect the speed or actions of a horse."
6. 71 IAC 7.5-6-5(d)(4) provides:
  - (d) The following shall apply to disqualifications during the race:
    - (4) Possession of any electrical or mechanical stimulating or shocking device by a jockey, horse owner, trainer, or other person authorized to handle or attend to a horse shall be prima facie evidence of a violation of these rules and is sufficient grounds for the stewards to scratch or disqualify the horse.
7. 71 IAC 7.5-6-5(f)(3) provides:
  - (f) The following shall apply to use of riding crops during the race:
    - (3) No electrical or mechanical device or other expedient designed to increase or retard the speed of a horse, other than the riding crop approved by the stewards, shall be possessed by anyone or applied by anyone to a horse at any time on the grounds of the association during the meeting, whether in a race or otherwise.

8. Ind. Code Sec. 4-31-12-20(b) provides, in pertinent part:

(b) The judges or the commission may suspend the license of a person who possesses:  
(3) a battery or other electrical or mechanical instrument that may be used to affect the speed or actions of a horse; on the premises of a permit holder.

9. Pursuant to the authority provided by 71 IAC 10-3-20, the Commission's Executive Director issued Administrative Complaint No. 213001 on or about January 4, 2013. The Executive Director's Administrative Complaint proposed the following penalty: a ten (10) year suspension and a \$5,000.00 fine.

10. The Commission's Executive Director, given Serna's willingness to enter into this Agreement, is executing this Agreement in lieu of seeking Commission approval of the Administrative Law Judge's Findings of Fact, Conclusions of Law and Recommended Order, dated August 29, 2013.

11. Now, in full and complete resolution of any and all further administrative proceedings involving Serna relative to the violations referenced in Preliminary Report No. 213001, the Commission Staff and Serna agree to the terms and conditions set forth in this Agreement.

#### AGREEMENT

NOW, THEREFORE, in consideration of the foregoing, and the promises and covenants to be performed as set forth herein, the Parties agree as follows:

1. Serna admits that his behavior on or about September 14, 2012 and through and including September 20, 2012, as outlined in Administrative Complaint 213001 was in violation of 71 IAC 7.5-6-5 (d)(4), 71 IAC 7.5-6-5 (f)(3), and IC 4-31-12-20.

2. Serna agrees to a license suspension for a total of five (5) years beginning September 21, 2012 and a fine of \$7,500. Mr. Serna's re-licensure after the suspension is contingent upon payment in full of the fine referenced in this Agreement.

3. During the period of his suspension, Serna is prohibited from being on the grounds of any association under the jurisdiction of the Indiana Horse Racing Commission.

4. To the extent that Serna seeks licensure by the Commission after the duration of his suspension, any license issued will be a probationary license.

5. Upon approval from the Indiana Horse Racing Commission, Commission Staff will enter a ruling consistent with this Agreement, which will make clear that the sanctions set forth herein are the total sanctions for the violations referenced in this Settlement Agreement.



6. Any waiver of any provision of this Agreement must be in writing and must be approved by the Commission or the Commission Staff. No waiver of any provision of this Agreement shall constitute either a waiver of any provision hereof (whether or not similar) or a continuing waiver.

7. The Parties agree that this Agreement shall be interpreted, enforced, and governed by the laws of the State of Indiana.

8. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, fully enforceable counterpart of all purposes, but all of which constitute one and the same instrument.

9. Serna represents that he has carefully read and reviewed the foregoing Agreement, acknowledges its contents, has had the right to consult with his own counsel, and agrees to be bound by its terms. Serna acknowledges that he has voluntarily entered into this Agreement as of the date and year herein set forth.

IN WITNESS HEREOF, the Parties have executed this Agreement on the dates listed below.

I swear, under penalties for perjury, that the foregoing representations that have been made by me are true and correct.

9/13/13  
Date

Ruben Serna  
Ruben Serna

Witnessed and Approved:

[Signature]

ON BEHALF OF THE INDIANA HORSE RACING COMMISSION:

Date 9/18/13

Joe Gorajec  
Joe Gorajec, Executive Director

Approved as to form:

[Signature]

Lea Ellingwood, Esq.  
General Counsel  
Indiana Horse Racing Commission  
1302 North Meridian Street  
Suite 174  
Indianapolis, IN 46202

# **Agenda Item #7**

# Ruling Log

ID	Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fines	Suspended From	Suspended To	Days Suspended
810	13168	9/28/2013	Zachary Kinser	SB	9/27/2013	Summarily suspended		9/28/2013	Indefinite	
828	13660	9/28/2013	Larry Smith	TB	9/27/2013	Trainer responsibility	\$100			
808	13166	9/26/2013	Wayne Zollars	SB	8/29/2013	Restored-misc.				
809	13167	9/26/2013	Nicholas Andreoli	SB	8/31/2013	Restored-misc.				
827	13659	9/25/2013	Matthew Jacobson	TB	9/24/2013	Miscellaneous				
778	13658	9/24/2013	Juan Guerrero	QH	9/21/2013	Riding infraction		9/28/2013	10/11/13	5
797	13155	9/23/2013	Richard Farina	SB	8/23/2013	F-print requirements		9/18/2013	Restored	
824	13655	9/23/2013	Herbert Mann	TB	9/23/2013	Exp/msg health paper	\$100			
825	13656	9/23/2013	Charles Peery	TB	9/23/2013	Med rule violation	\$100			
826	13657	9/23/2013	Mary Herber	TB	9/23/2013	Change of occupation				
776	13653	9/21/2013	Nancy Adams	QH	9/20/2013	Exp/Missing Health	\$100			
777	13654	9/21/2013	Juan Delgado	QH	9/9/2013	Failure to honor ride	\$100			
823	13652	9/21/2013	Oriana Rossi	TB	9/17/2013	Failure to obey judges	\$100			
805	13163	9/20/2013	Richard Farina	SB	8/23/2013	Restored-misc.				
806	13164	9/20/2013	Ross Leonard	SB	9/19/2013	Starter violation	\$100			
807	13165	9/20/2013	Brandon Bates	SB	9/19/2013	Exp/msg health paper	\$100			
822	13651	9/20/2013	Albin Jimenez	TB	9/17/2013	Riding infraction	\$200			
799	13157	9/19/2013	Wayne Zollars	SB	8/29/2013	F-print requirements		9/19/2013	Restored	
800	13158	9/19/2013	Nicholas Andreoli	SB	8/31/2013	F-print requirements		9/19/2013	Restored	

ID	Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fines	Suspended From	Suspended To	Days Suspended
801	13159	9/19/2013	Stephen Smith	SB	8/29/2013	F-print requirements		9/19/2013	Pending F print	
802	13160	9/19/2013	Peter Wrenn	SB	9/17/2013	Driving infraction	\$250			
803	13161	9/19/2013	Bruce Farquhar	SB	5/29/2013	Restored-fine paid				
804	13162	9/19/2013	Dennis Lock	SB	7/23/2013	Restored-misc.				
795	13153	9/18/2013	Brett Selby	SB	9/18/2013	Failure to obey judges	\$100			
796	13154	9/18/2013	Dennis Lock	SB	7/23/2013	F-print requirements		9/18/2013	Restored	
798	13156	9/18/2013	Ronald Pinon	SB	7/9/2013	F-print requirements		9/18/2013	Pending F print	
820	13649	9/18/2013	Charles McMahon	TB	9/17/2013	Summarily suspended		9/18/2013	10/15/13	28
821	13650	9/18/2013	Rafael Flores	TB	9/17/2013	Trainer responsibility	\$250			
775	13648	9/17/2013	Sacramento Chavez	QH	9/14/2013	Trainer responsibility	\$200			
793	13151	9/17/2013	William Crone	SB	9/14/2013	Exp/msg health paper	\$100			
794	13152	9/17/2013	William Crone	SB	9/14/2013	Late driver change	\$50			
819	13647	9/16/2013	Ronald Herrell	TB	9/16/2013	Trainer responsibility	\$100			
791	13149	9/13/2013	Brett Miller	SB	9/11/2013	Fail to obey judges	\$200			
792	13150	9/13/2013	Marlin Fry	SB	9/12/2013	Exp/msg health paper	\$100			
790	13148	9/12/2013	Delvin Miller	SB	5/29/2013	Restored-fine paid				
786	13144	9/11/2013	Peter Wrenn	SB	9/7/2013	Whip-excessive	\$500			
787	13145	9/11/2013	Ross Leonard	SB	9/6/2013	Whip-indiscriminate	\$300			
788	13146	9/11/2013	Lauren Nickells	SB	9/6/2013	Exp/msg health paper	\$100			
789	13147	9/11/2013	Bobby Brower	SB	8/14/2013	Bute overage				
774	13645	9/10/2013	Jose Beltran	QH	9/7/2013	Careless riding		9/7/2013	9/20/13	5
817	13644	9/10/2013	Thomas Amoss	TB	9/6/2013	Trainer responsibility	\$100			
818	13646	9/10/2013	Lonnie Hinds	TB	9/10/2013	Change of occupation				
780	13138	9/6/2013	William Crone	SB	9/3/2013	Trainer responsibility	\$100			

ID	Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fines	Suspended From	Suspended To	Days Suspended
781	13139	9/6/2013	Peter Wrenn	SB	8/30/2013	Whip-bleeding/welts	\$1,000			
782	13140	9/6/2013	Michael Wilson	SB	9/3/2013	Late to paddock	\$100			
783	13141	9/6/2013	Donald Eash	SB	8/29/2013	Whip-bleeding/welts	\$1,000			
784	13142	9/6/2013	Zachary Tobin	SB	8/14/2013	Summarily suspended		9/6/2013	Indefinite	
785	13143	9/6/2013	Jeffrey Edwards	SB	9/5/2013	BGA-high reading				
815	13642	9/4/2013	Robert Woodard	TB	9/2/2013	Trainer responsibility	\$100			
816	13643	9/4/2013	Judith Parke	TB	9/4/2013	License terminated				
779	13137	9/3/2013	Wayne Carter	SB	6/30/2013	Restored-fine paid				
814	13641	9/3/2013	Roy Evans	TB	9/3/2013	Trainer responsibility	\$100			
773	13638	9/2/2013	Aron Hunt	QH	8/31/2013	Summarily suspended		9/2/2013	Indefinite	
811	13637	9/2/2013	Victor Lebron	TB	8/21/2013	Conduct/behavior	\$500			
812	13639	9/2/2013	Jeffrey Whitmer	TB	9/2/2013	Change of occupation				
813	13640	9/2/2013	Lonnie Meche	TB	8/28/2013	Late to paddock	\$100			