

Privileged and Confidential Memorandum

To: Indiana Horse Racing Commission
From: Phil Bayt and Robin Babbitt
Date: October 22, 2013
Re: Structure of Subordinated Horsemen's Payments

This memorandum explores how Hoosier Park, LLC's, an Indiana limited liability company ("Hoosier Park") and Centaur Acquisition, LLC's, an Indiana limited liability company ("Centaur Acquisition," and together with Hoosier Park, the "Companies") payments of revenue from gambling games at each Company's racetrack will be distributed to the appropriate horsemen's associations in a variety of circumstances, including per the current statutory structure, the initial distribution agreement and a subordinated payment structure.

A. Background

Currently, each Company is required to make monthly payments equal to 15% of such Company's adjusted gross receipts of the slot machine wagering ("Adjusted Gross Receipts") from the previous month to various horsemen's associations (the "Associations") and accounts in accordance with Indiana law.¹ An initial 3% of such payments are made directly to the Associations' account and are to be expended for specific welfare and benevolence purposes (the "Welfare Payments").² The remaining 97% of such payments are paid by the Companies to a variety of trust accounts, accounts of the Associations and the State of Indiana for the benefit of breed development (the "97% Payments," and together with the Welfare Payments, the "Payments").³ The current flow of Payments based on Indiana statutory provisions is attached as Exhibit A. Historically, total Payments per year on a combined basis for the Companies have ranged between \$55M and \$57M.⁴

The Companies and the Associations have entered into an initial distribution agreement (the "IDA") in accordance with Ind. Code Ann. § 4-35-7-16. Pursuant to the Agreement, the parties have agreed that the Payments from the Companies to the Associations will be 12% of Adjusted Gross Receipts (the highest amount that can be paid in accordance with statute). The Payments will continue to be made in accordance with Ind. Code Ann. § 4-35-7-12, the requirements of 71 IAC 4-2-7 and 71 IAC 4.5-2-8 for purse monies and as further described on Exhibit A. If certain conditions are met under the IDA in connection with a refinancing of the Companies or any direct or indirect parent entity of the Companies (the "Debtors"), including (i) submission of projections and data by the Companies that demonstrates that (at the end of the fiscal year after the closing and each year thereafter) the Companies will have aggregate cash on hand (not including cage cash or operating cash in the aggregate amount for both Licensees of \$30,000,000) in excess of \$27,500,000 ("\$27.5 Million Cash-On-Hand Projections"),

¹ Ind. Code Ann. § 4-35-7-12(b)(1).

² Ind. Code Ann. § 4-35-7-12(d)(1) and (2).

³ Ind. Code Ann. §§ 4-35-7-12(d)(3) and 4-35-7-12(f).

⁴ See <http://www.in.gov/hrc/2443.htm>.

(ii) verification by a majority of the members of the Associations' negotiating committee that the \$27.5 Million Cash-On-Hand Projections are reasonably satisfactory, (iii) submission of an appropriate petition to both the Indiana Horse Racing Commission (the "IHRC") and the Indiana Gaming Commission (the "Gaming Commission"), (iv) evaluation by both regulatory bodies of the petition and (v) approval of the entire refinancing package as a whole by the regulatory bodies, the Associations will agree to subordinate the right of the Associations to receive the Payments to senior lenders in the refinancing. The Associations have agreed to subordinate the Payments of the Companies to senior debt in the refinancing (the "Senior Debt") to provide the Companies with additional mechanisms to increase the financial stability of the Companies in exchange for certain capital expenditure improvements, implementation of operational matters and other benefits to the Associations. Even if the Payments are subordinated to the Senior Debt, the amounts will continue to be distributed in the same manner as provided on Exhibit A as further described on Exhibit B, provided that the amount of such Payments may be modified in an event of default.

B. Proposed Subordinated Payment Structure

As described above, Indiana law requires that the Payments be distributed monthly by each Company in a precise manner to specific accounts.⁵ Subordination of these Payments will not disrupt the flow of the Payments as further described on Exhibit B. Subordination is a concept whereby two parties (senior lender and the Associations), both owed money by the same third party (Companies), agree between themselves that one such party (senior lender) will have the right to be paid before the other party (Associations) upon and during some triggering circumstance (an event of default by Companies) and the other party (Associations) will wait until the triggering circumstance is cleared before being again entitled to full payments. In this instance, the Payments to the Associations would only be subordinated to the Senior Debt up to the limits set forth in the IDA. The terms of the subordination will be agreed upon by the Associations and the senior lenders in the refinancing and formalized in a subordination agreement which must be approved by the IHRC and the Gaming Commission in connection with the IHRC's approval of the overall refinancing transaction. It should be noted that the Associations would not be granting a security interest in the Payments to senior lenders by entering into the subordination agreement nor would the Associations be taking on any liability to repay any Payments received by the Associations from the Companies.

Even if the Associations enter into a subordination agreement with senior lenders, such subordination agreement cannot modify the statutory requirement for the Companies to make such payments or the required flow of such Payments. Further, once the subordinated Payments have been made in accordance with Exhibit B, neither the Companies, nor senior lenders, will have any right to claw back any portion of such Payments. Even if there is an event of default under the senior credit agreements, any Payment that has passed from the Companies' accounts into the distribution waterfall will be the property of the ultimate account holders of such distribution.

In an event of default, senior lenders will determine whether to exercise the senior lenders' right to redirect the payment of any of the Companies' subordinated payment obligations. Senior lenders are not required to exercise this right and they may further determine whether to allow any subordinated obligations of the Companies to be paid while others are withheld. If the senior lenders exercise this right to redirect the Payments to the extent of the deficiency, then the Companies may be unable to completely fulfill its obligations to the Associations under the IDA. Exhibit C shows the flow of Payments in an event of default if senior lenders exercise their right to redirect a portion of the Payments. Any Payments owed, but not paid, during an event of default will accrue to the Associations and the IHRC will retain its enforcement rights with respect to the Companies' failure to make such Payments. Any Payments made

⁵ See. Ind. Code Ann. § 4-35-7-12, 71 IAC 4-2-7 and 71 IAC 4.5-2-8.

by the Company prior to or during the event of default will be the property of the ultimate account holders and will not be subject to claw back by the senior lenders.

Once the event of default has been cured, the Payments that have accrued during such event of default must be paid to the Associations. Pursuant to the IDA, the Payments that have accrued must be repaid with interest equal to the prime rate plus 2.5%. The Payments, plus interest, will be repaid pursuant to the distribution waterfall as further described on Exhibit D. Any Payments made pursuant to Exhibit D shall be the property of the ultimate account holders and will not be subject to any claw back if there is a future event of default or bankruptcy.

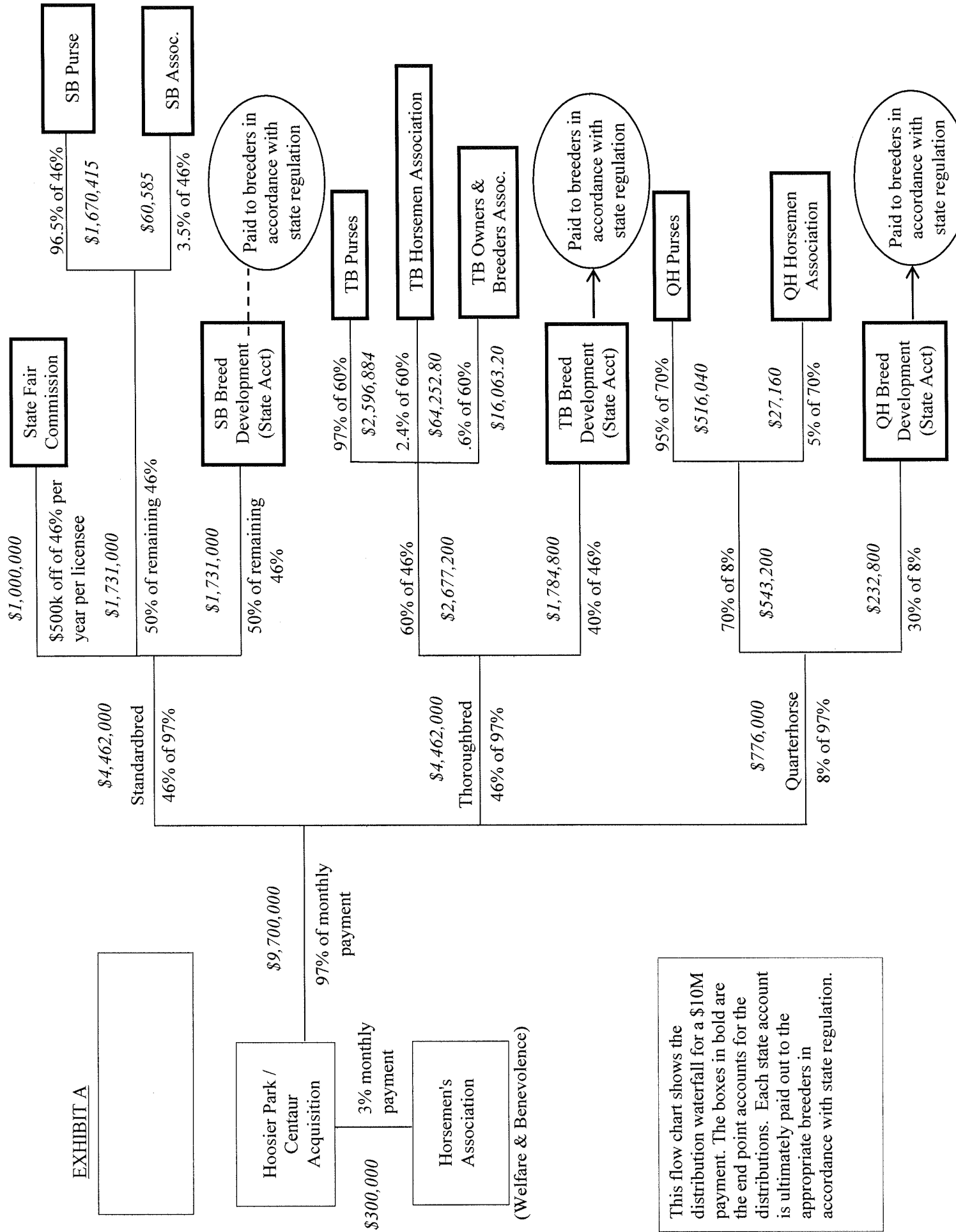
C. Conclusion and Summary

Regardless of whether the Payments are subordinated or unsubordinated, the Payments will be distributed in accordance with Ind. Code Ann. § 4-35-7-12(b) and pursuant to the requirements of 71 IAC 4-2-7 and 71 IAC 4.5-2-.8. Any Payment that is made by the Companies to the Associations is property of the ultimate account holders and free from claw back by any senior lender regardless of a default. Further, even if there is an event of default during which time all of the required Payments are not made by the Companies to the Associations, the Associations retain their right to receive such Payments and the IHRC retains its enforcement rights. The subordinated payment structure provides the Companies additional mechanisms to ensure the financial stability of the Companies while providing certain capital expenditure improvements, implementation of certain operational matter and other benefits for the Associations in a manner that is fair to all parties and in the best interest of pari-mutuel horse racing in Indiana.

In summary, the salient points regarding the potential subordination of the Payments to the Associations by the Companies are as follows:

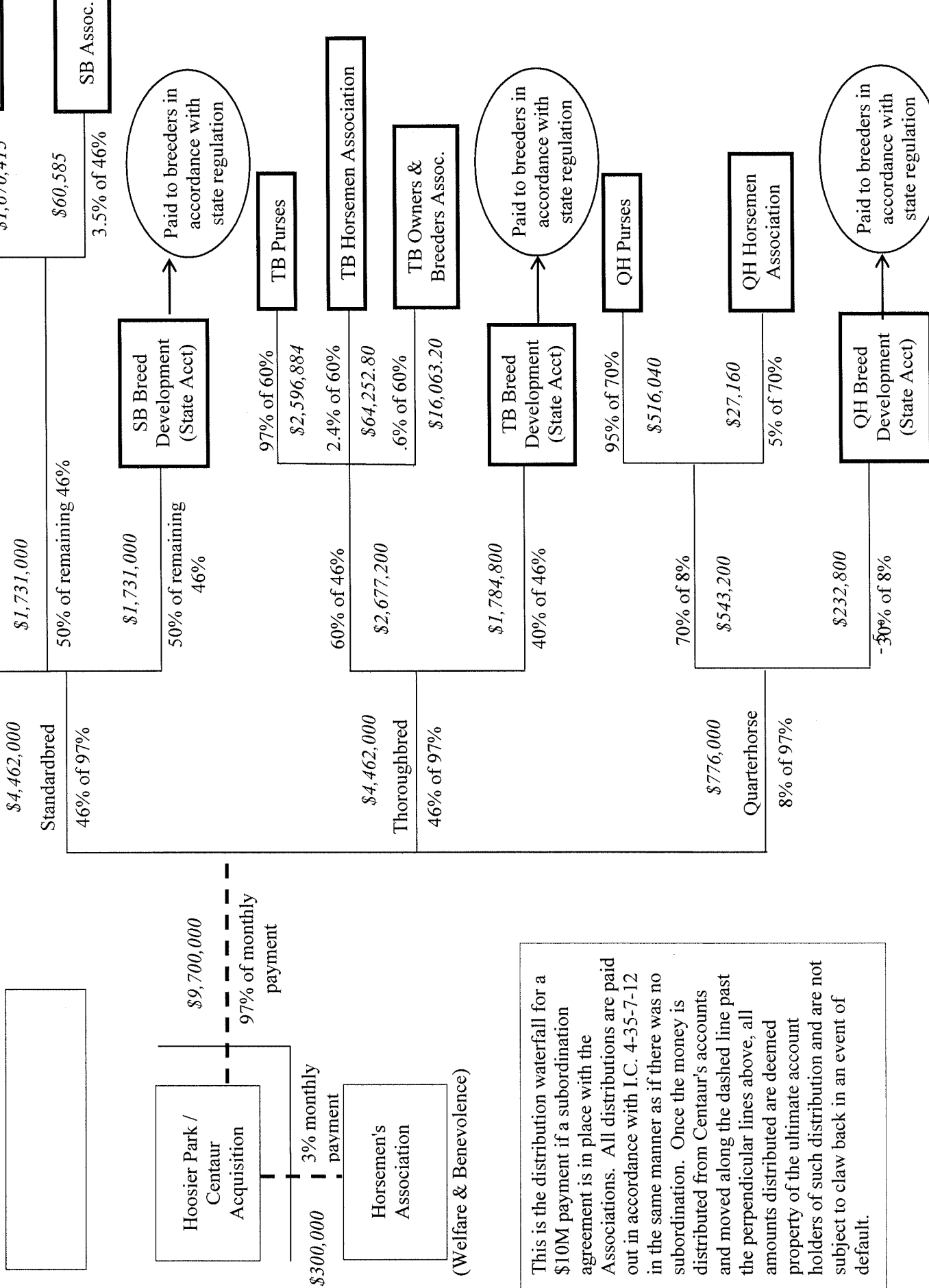
- The State is not required to make any administrative changes or assume any liability in connection with the subordination of the Payments to Senior Debt.
- All Payments made by the Companies will flow through the waterfall as further described in statute and pursuant to administrative rules and once out of the Companies' accounts cannot be clawed back from the State, the horsemen or the Associations.
- Upon an event of default, at the senior lender's discretion, some or all of the Payments may be temporarily redirected to pay the obligations of the Debtors.
- Once an event of default is cured, the Payments will resume and back Payments will be caught up with interest at 2.5% over the current prime rate.

EXHIBIT A



This flow chart shows the distribution waterfall for a \$10M payment. The boxes in bold are the end point accounts for the distributions. Each state account is ultimately paid out to the appropriate breeders in accordance with state regulation.

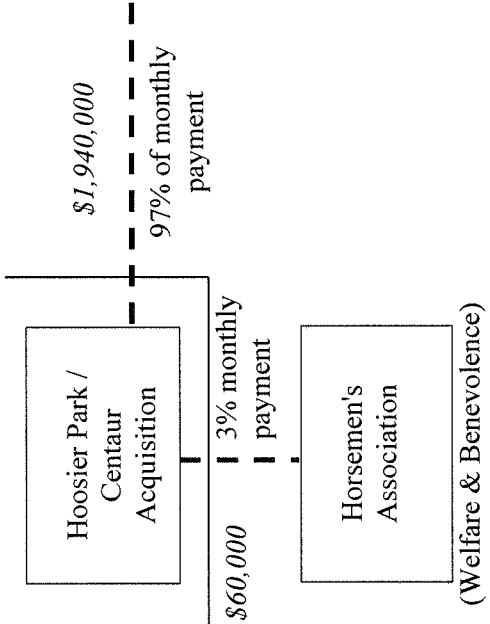
EXHIBIT B



This is the distribution waterfall for a \$10M payment if a subordination agreement is in place with the Associations. All distributions are paid out in accordance with I.C. 4-35-7-12 in the same manner as if there was no subordination. Once the money is distributed from Centaur's accounts and moved along the dashed line past the perpendicular lines above, all amounts distributed are deemed property of the ultimate account holders of such distribution and are not subject to claw back in an event of default.

EXHIBIT C

\$10,000,000*



Centaur has made distribution payments of \$10M prior to the event of default. Centaur is supposed to make another distribution of \$12M, but an event of default is triggered under the senior credit agreements and Centaur is only able to make a \$2M distribution. The \$10M already paid pursuant to statute remains property of each account it was ultimately distributed to earlier. The additional \$2M distribution flows through the waterfall and adds to the amounts already in each account and is not subject to claw back by senior lenders. The \$10M* that is redirected either stays with Centaur pending cure of the event of default or is paid to senior lenders to eliminate a payment default (unless Centaur can negotiate the release of the payment from senior lenders).

*The \$1M payment for the year was made in the previous distribution

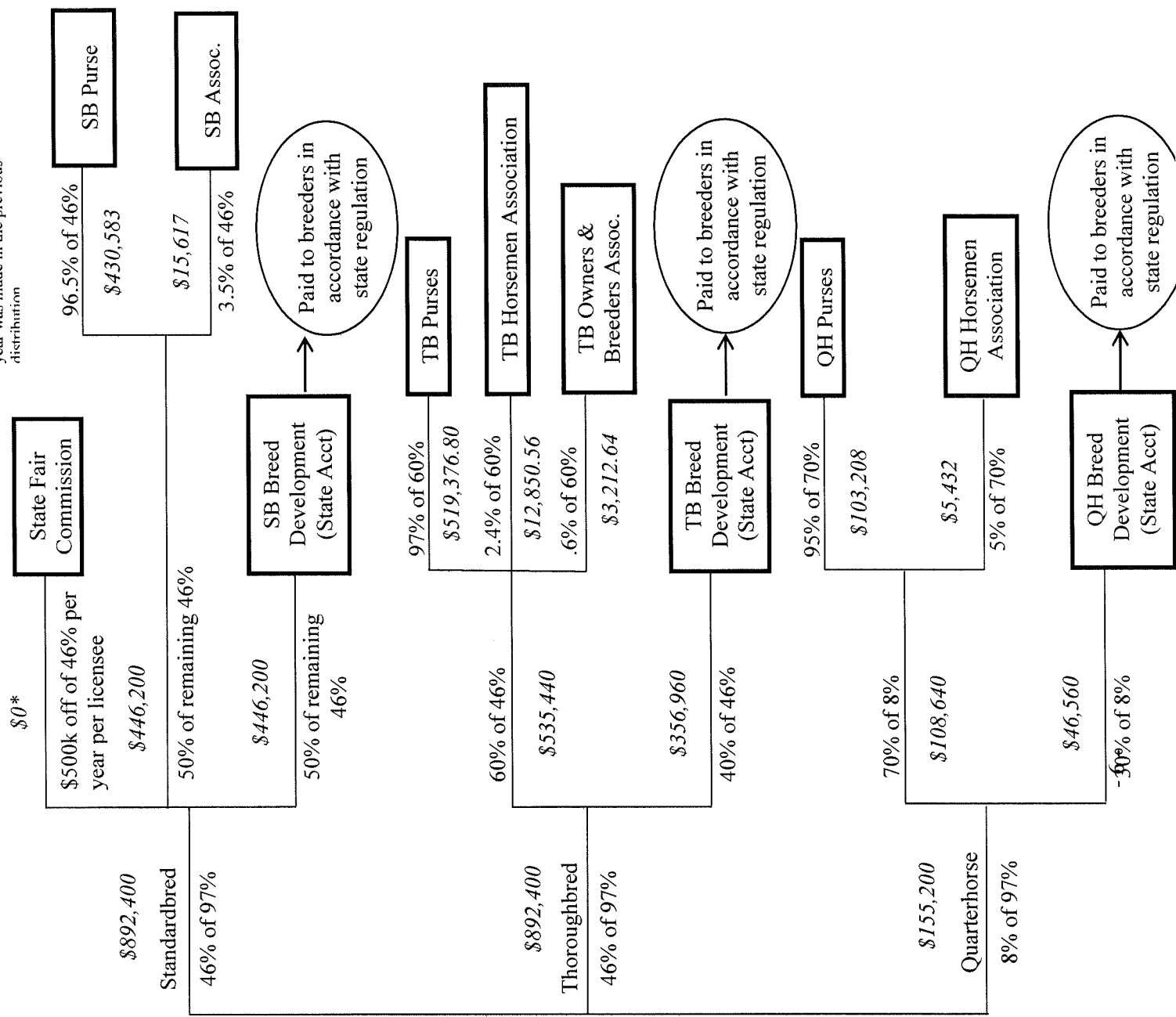
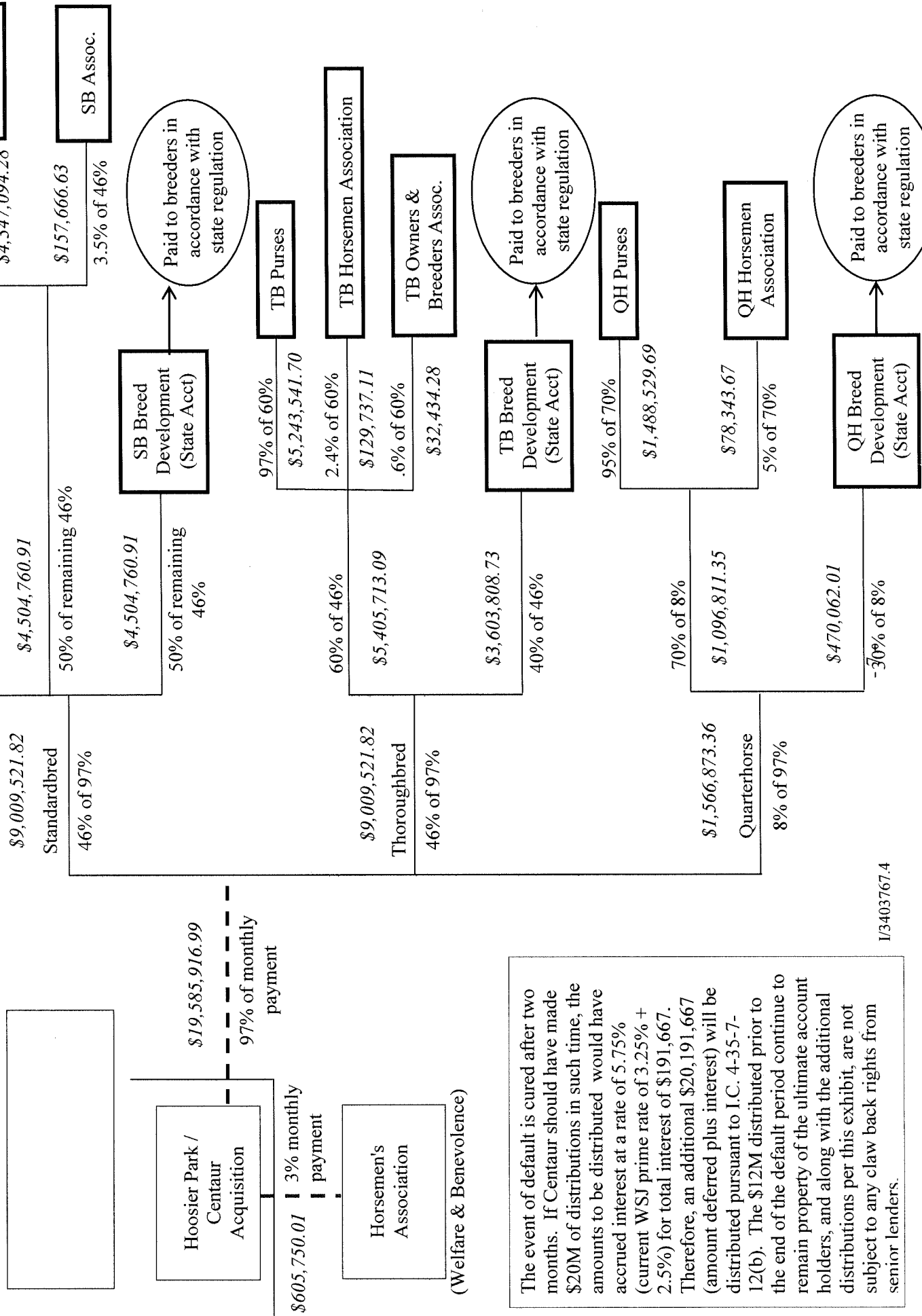


EXHIBIT D



The event of default is cured after two months. If Centaur should have made \$20M of distributions in such time, the amounts to be distributed would have accrued interest at a rate of 5.75% (current WSJ prime rate of 3.25% + 2.5%) for total interest of \$191,667. Therefore, an additional \$20,191,667 (amount deferred plus interest) will be distributed pursuant to I.C. 4-35-7-12(b). The \$12M distributed prior to the end of the default period continue to remain property of the ultimate account holders, and along with the additional distributions per this exhibit, are not subject to any claw back rights from senior lenders.

*The \$1M payment for the year was made in one of the previous distributions

STATE OF INDIANA
BEFORE THE INDIANA HORSE RACING COMMISSION

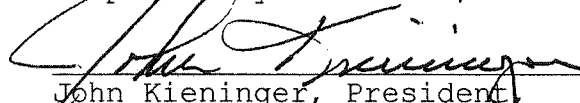
IN RE:) 2013 OCT 23 P 1:39
2014 Application for Registration of)
Indiana Standardbred Association)
Pursuant to 71 IAC 13-1-1 et seq.)

**RESPONSE TO STAFF REPORT / CERTIFICATION PURSUANT
TO 71 IAC 13-1-3(3) (5)**

COMES NOW the Indiana Standardbred Association and certifies to the Indiana Horse Racing Commission the following:

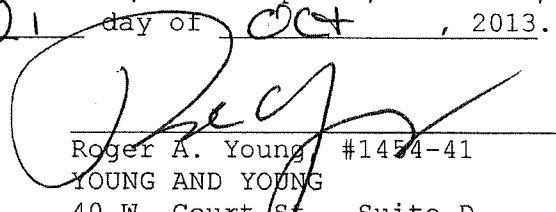
1. All expenditures of funds received from permit holders for equine promotion or equine welfare pursuant to I.C.4-35-7-12(b)(1) and for backside benevolence pursuant to I.C.4-35-7-12(b)(2) are in the best interest of horse racing in Indiana for the breed represented by the Horsemen's Association.
2. No funds distributed and received pursuant to I.C.4-35-7-12 have been used in 2013, nor will be used in 2014, for either a contribution to a candidate or committee; or lobbying as defined in I.C.2-7-1-9.

Respectfully submitted,


John Kieninger, President
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, and Joe Gorajec, Executive Director, Indiana Horse Racing Commission, ISTA Center, Suite 530, 150 W. Market St., Indianapolis, IN 46204, via U.S. Mail postage prepaid, this 21 day of Oct, 2013.


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

Q.H.R.A.I.
Quarter Horse Racing Association of Indiana
Application For Registration

Horsemen's Association

On behalf of the Quarter Horse Racing Association of Indiana's Board of Directors, I hereby certify that the state-directed funds paid by the permit holders to the Quarter Horse Racing Association of Indiana that are earmarked for the QHRAI scholarship programs, have been confirmed to meet the scholarship criteria and requirements set forth in the IHRC Policy for Scholarship Criteria dated April 16th, 2013, ensuring statutory compliance.




Chris Duke, President
Quarter Horse Racing Association of Indiana

10/23/13
Date

MEMORANDUM

TO: INDIANA HORSE RACING COMMISSION
FROM: LEA ELLINGWOOD, GENERAL COUNSEL
SUBJECT: REVIEW OF RULES TO BE READOPTED WITHOUT CHANGES
DATE: OCTOBER 21, 2013
CC: JOE GORAJEC, HOLLY NEWELL



Pursuant to IC 4-22-2.5-2(a), administrative rules expire on January 1 of the seventh year in which the rule takes effect. Nearly 90% (approximately 900) of the Commission's administrative rules are scheduled to expire January 1, 2014¹. Commission staff has begun the process outlined under IC 4-22-2.5 to readopt all but 82 of those rules²; the remaining 82 rules scheduled to expire will be adopted under the "regular" rule adoption process.³

The process for readopting an administrative rule (when no change will be made to the text of the rule) requires an agency to consider whether there are any alternative methods of achieving the purpose of the rule that are less costly or intrusive, or that would otherwise minimize the economic impact of the proposed rule on small businesses. A "small business", as defined by IC 5-28-2-6, means:

"a business entity that satisfies the following requirements:

- (1) On at least fifty percent (50%) of the working days of the business entity occurring during the preceding calendar year, the business entity employed not more than one hundred fifty (150) employees.
- (2) The majority of the employees of the business entity work in Indiana."

Of those entities subject to regulation by the Indiana Horse Racing Commission, those persons/entities licensed as trainers or owners are the most likely to meet the criteria of a small business owner.

In determining whether there are less costly or intrusive alternative methods of achieving the purpose of the rule for small business owners, consideration is given to the:

- (1) Continued need for the rule;
- (2) Nature of any complaints or comments received from the public;
- (3) Complexity of the rule;
- (4) Extent to which the rule overlaps, duplicates, or conflicts with federal, state, or local laws; and
- (5) Length of time since the rule was last reviewed and the degree to which technology, economic conditions, or other factors have changed.

¹ See attached Exhibit A, a list of all rules scheduled to expire on January 1, 2014.

² Pursuant to IC 4-22-2.5-4, Commission staff received a request to treat those 82 rules separately and to consider changes thereto.

³ The "regular" rule adoption process requires a number of filings, a public hearing to receive comments, and a full fiscal review of the impact of the rule.

Based on the aforementioned factors, Commission staff has reviewed the rules scheduled for readoption and concludes that there is no less costly or less intrusive alternative method of enforcement that still achieves the purpose of the rule.

Continued need for the rule

Under IC 4-31-3-8, the Commission is charged, in pertinent part, with (1) prescribing the rules and conditions under which horse racing at a recognized meeting may be conducted; and (2) initiating safeguards necessary to account for the amount of money wagered at each track or satellite facility in each wagering pool; and (3) developing internal procedures for accepting, recording, investigating, and resolving complaints from licensees and the general public. The rules scheduled to be readopted are rules necessary to accomplish the duties outlined in IC 4-31-3-8. Accordingly, these rules continue to be necessary for the Commission and Commission staff to carry out this statutory mandate.

Nature of any complaints or comments received from the public

Commission staff published a Notice of Intent to Readopt the aforementioned rules to provide the public the opportunity to request those rules be readopted through the more extensive rule adoption process, which requires a public hearing and full fiscal analysis. Commission staff received only one comment: a request to treat 82 of the approximately 900 rules separately.

Furthermore, Commission rule (71 IAC 2-12-1) establishes a process for requesting that rules be adopted, amended, or repealed. Staff reviews those requests and makes a recommendation for any necessary rule changes to the Commission. Staff has received no requests from small business entities to amend the rules scheduled to be readopted without changes.

Complexity of the rule

To the extent possible, the Commission follows model rules adopted by the Association of Racing Commissioners International ("ARCI"). The ARCI is a consortium of members representing horse racing regulators throughout the United States, Canada, Mexico, Jamaica and Trinidad-Tobago. The ARCI has a committee that proposes model rules that may then be adopted by individual racing jurisdictions. Where appropriate, the commission has adopted rules identical to the ARCI model rules for uniformity of enforcement.

The rules scheduled for readoption have been written to be as concise and straightforward as possible, not just for small business entities, but for all regulated persons. Commission staff is not aware of any way to simplify those rules and still achieve the purpose of the rules.

Extent to which the rule overlaps, duplicates, or conflicts with federal, state, or local law

The Commission's administrative rules do not overlap or conflict with federal, state, or local law, although in some instances Commission rules elaborate upon state statute.

Length of time since the rule was last reviewed and the degree to which technology, economic conditions, or other factors have changed.

As a matter of practice, administrative rules are reviewed regularly as they are enforced. Commission staff endeavors to review rules with the goal of simplifying and updating rules to reflect changes in the industry and the regulatory environment.

During the 2013 legislative session, IC 4-31 and IC 4-35 were materially amended. Commission staff began a review of its administrative rules to determine which, if any, would need to be updated or repealed. As a result, staff identified a number of changes necessary. Those rules requiring amendment have been pulled from the list of rules to be readopted without changes and have been handled separately.

Indiana Horse Racing Commission Meeting
October 29, 2013
Rules for Readoption

Article 1. Definitions

71 IAC 1-1-1 Applicability
71 IAC 1-1-1.5 "Account wagering" defined
71 IAC 1-1-2 "Act" defined
71 IAC 1-1-3 "Added money" defined
71 IAC 1-1-4 "Age" defined
71 IAC 1-1-5 "Also eligible" defined
71 IAC 1-1-6 "Appeal" defined
71 IAC 1-1-7 "Applicant" defined
71 IAC 1-1-8 "ARCI" defined
71 IAC 1-1-9 "Arrears" defined
71 IAC 1-1-9.1 "Assistant executive director" defined
71 IAC 1-1-10 "Association" or "permit holder" defined
71 IAC 1-1-11 "Association grounds" or "enclosure" defined
71 IAC 1-1-12 "Authorized agent" defined
71 IAC 1-1-13 "Beneficial interest" defined
71 IAC 1-1-14 "Best efforts" defined
71 IAC 1-1-15 "Betting interest" defined
71 IAC 1-1-16 "Bleeder list" defined
71 IAC 1-1-17 "Breakage" defined
71 IAC 1-1-18 "Breeder" defined
71 IAC 1-1-19 "Carryover" defined
71 IAC 1-1-20 "Claiming race" defined
71 IAC 1-1-21 "Classified race" defined
71 IAC 1-1-22 "Commission" defined
71 IAC 1-1-23 "Complaint" defined
71 IAC 1-1-24 "Conditioned race" defined
71 IAC 1-1-25 "Conditions" defined
71 IAC 1-1-26 "Contest" defined
71 IAC 1-1-27 "Contestant" defined
71 IAC 1-1-27.5 "Controlled substance" defined
71 IAC 1-1-28 "Coupled entry" defined
71 IAC 1-1-29 "CTA" defined
71 IAC 1-1-30 "Day" defined

71 IAC 1-1-31 "Dead heat" defined
71 IAC 1-1-32 "Declaration" defined
71 IAC 1-1-33 "Decoder" defined
71 IAC 1-1-34 "Downlink" defined
71 IAC 1-1-35 "Driver" defined
71 IAC 1-1-36 "Early closing race" defined
71 IAC 1-1-36.5 "Electronic registration system" defined
71 IAC 1-1-37 "Elimination heats" defined
71 IAC 1-1-38 "Encryption", "encrypted", or "encoded" defined
71 IAC 1-1-39 "Entry" defined
71 IAC 1-1-39.1 "Executive director" or "executive secretary" defined
71 IAC 1-1-40 "Exhibition race" defined
71 IAC 1-1-41 "Expired ticked" defined
71 IAC 1-1-41.5 "Extended race meet" defined
71 IAC 1-1-43 "Forfeit" defined
71 IAC 1-1-43.5 "Gambling game" defined
71 IAC 1-1-43.7 "Gaming commission" defined
71 IAC 1-1-44 "Guest association" or "receiving association" defined
71 IAC 1-1-45 "Handicap" defined
71 IAC 1-1-46 "Handle" defined
71 IAC 1-1-47.1 "Horse industry trust account" defined
71 IAC 1-1-48 "Host association" defined
71 IAC 1-1-49 "In harness" defined
71 IAC 1-1-50 "Inquiry" defined
71 IAC 1-1-51 "Judge" or "steward" defined
71 IAC 1-1-53 "Late closing race" defined
71 IAC 1-1-54 "Licensee" defined
71 IAC 1-1-55 "Maiden" defined
71 IAC 1-1-56 "Maiden race" defined
71 IAC 1-1-57 "Match race" defined
71 IAC 1-1-58 "Matinee race" defined

71 IAC 1-1-59 "Meeting" defined
71 IAC 1-1-60 "Minus pool" defined
71 IAC 1-1-61 "Month" defined
71 IAC 1-1-62 "Mutuel field" defined
71 IAC 1-1-63 "Net pool" defined
71 IAC 1-1-64 "Nomination" defined
71 IAC 1-1-65 "Nominator" defined
71 IAC 1-1-66 "Objection" defined
71 IAC 1-1-67 "Off time" defined
71 IAC 1-1-67.5 "Out of competition testing" defined
71 IAC 1-1-68 "Official order of finish" defined
71 IAC 1-1-69 "Official starter" defined
71 IAC 1-1-70 "Official time" defined
71 IAC 1-1-70.5 "Open race" defined
71 IAC 1-1-71 "Optional claiming race" defined
71 IAC 1-1-71.5 "Out of competition testing" defined
71 IAC 1-1-72 "Outs" defined
71 IAC 1-1-73 "Overnight race" defined
71 IAC 1-1-74 "Owner" defined
71 IAC 1-1-75 "Paddock" defined
71 IAC 1-1-75.1 "Pari-mutuel ticket" or "ticket"
defined
71 IAC 1-1-75.5 "Pari-mutuel voucher" or "voucher"
defined
71 IAC 1-1-76 "Pari-mutuel wagering" defined
71 IAC 1-1-77 "Patron" defined
71 IAC 1-1-78 "Payoff" defined
71 IAC 1-1-79 "Performance" defined
71 IAC 1-1-80 "Permit" defined
71 IAC 1-1-81 "Person" defined
71 IAC 1-1-81.5 "Possession" or "in their possession"
defined
71 IAC 1-1-82 "Post position" defined
71 IAC 1-1-83 "Post time" defined
71 IAC 1-1-83.5 "Prescription drug" defined
71 IAC 1-1-83.5 "Prima facie evidence" defined
71 IAC 1-1-85 "Profit" defined
71 IAC 1-1-86 "Profit split" defined
71 IAC 1-1-87 "Program" defined
71 IAC 1-1-88 "Protest" defined
71 IAC 1-1-89 "Purse" defined
71 IAC 1-1-90 "Race" defined

71 IAC 1-1-91 "Record" defined
71 IAC 1-1-92 "Restricted area" defined
71 IAC 1-1-93 "Result" defined
71 IAC 1-1-94 "Rules" defined
71 IAC 1-1-95 "Satellite facility" defined
71 IAC 1-1-96 "Satellite transponder" or
"transponder" defined
71 IAC 1-1-97 "Scoring" defined
71 IAC 1-1-98 "Scratch" defined
71 IAC 1-1-99 "Scratch time" defined
71 IAC 1-1-100 "Simulcast" defined
71 IAC 1-1-101 "Single price pool" defined
71 IAC 1-1-102 "Stable name" defined
71 IAC 1-1-103 "Stakes race" defined
71 IAC 1-1-104 "Starter" defined
71 IAC 1-1-106 "Sulky" defined
71 IAC 1-1-107 "Takeout" defined
71 IAC 1-1-108 "Totalizator" defined
71 IAC 1-1-109 "Two in three race" defined
71 IAC 1-1-110 "Uplink" defined
71 IAC 1-1-111 "USTA" defined
71 IAC 1-1-112 "Walkover" defined
71 IAC 1-1-113 "Week" defined
71 IAC 1-1-114 "Winner" defined
71 IAC 1-1-115 "Year" defined

Article 1.5. Flat Racing; Definitions

71 IAC 1.5-1-1 Applicability
71 IAC 1.5-1.5 "Account wagering" defined
71 IAC 1.5-1-2 "Act" defined
71 IAC 1.5-1-3 "Added money" defined
71 IAC 1.5-1-4 "Age" defined
71 IAC 1.5-1-5 "Allowance race" defined
71 IAC 1.5-1-6 "Also eligible" defined
71 IAC 1.5-1-7 "Appeal" defined
71 IAC 1.5-1-8 "Applicant" defined
71 IAC 1.5-1-9 "ARCI" defined
71 IAC 1.5-1-10 "Arrears" defined
71 IAC 1.5-1-10.5 "Assistant executive director"
defined
71 IAC 1.5-1-11 "Association" or "permit holder"
defined

71 IAC 1.5-1-12 "Association grounds" or "enclosure" defined
71 IAC 1.5-1-13 "Authorized agent" defined
71 IAC 1.5-1-14 "Beneficial interest" defined
71 IAC 1.5-1-15 "Best efforts" defined
71 IAC 1.5-1-16 "Betting interest" defined
71 IAC 1.5-1-17 "Bleeder list" defined
71 IAC 1.5-1-18 "Breakage" defined
71 IAC 1.5-1-19 "Breeder" defined
71 IAC 1.5-1-20 "Carryover" defined
71 IAC 1.5-1-21 "Claiming race" defined
71 IAC 1.5-1-22 "Commission" defined
71 IAC 1.5-1-23 "Complaint" defined
71 IAC 1.5-1-24 "Conditions" defined
71 IAC 1.5-1-25 "Contest" defined
71 IAC 1.5-1-26 "Contestant" defined
71 IAC 1.5-1-26.5 "Controlled substance" defined
71 IAC 1.5-1-27 "Coupled entry" defined
71 IAC 1.5-1-28 "Day" defined
71 IAC 1.5-1-29 "Dead heat" defined
71 IAC 1.5-1-30 "Declaration" defined
71 IAC 1.5-1-31 "Decoder" defined
71 IAC 1.5-1-32 "Downlink" defined
71 IAC 1.5-1-33 "Encryption", "encrypted", or "encoded" defined
71 IAC 1.5-1-34 "Entry" defined
71 IAC 1.5-1-35 "Executive director" or "executive secretary" defined
71 IAC 1.5-1-36 "Exhibition race" defined
71 IAC 1.5-1-37 "Expired ticked" defined
71 IAC 1.5-1-37.5 "Extended race meet" defined
71 IAC 1.5-1-39 "Flat race" defined
71 IAC 1.5-1-40 "Foreign substance" defined
71 IAC 1.5-1-41 "Forfeit" defined
71 IAC 1.5-1-41.5 "Gambling game" defined
71 IAC 1.5-1-41.7 "Gaming commission" defined
71 IAC 1.5-1-42 "Guest association" or "receiving association" defined
71 IAC 1.5-1-43 "Handicap" defined
71 IAC 1.5-1-44 "Handle" defined
71 IAC 1.5-1-45.1 "Horse industry trust account" defined
71 IAC 1.5-1-46 "Host association" defined

71 IAC 1.5-1-47 "Inquiry" defined
71 IAC 1.5-1-48 "Jockey" or "rider" defined
71 IAC 1.5-1-49 "Judge" or "steward" defined
71 IAC 1.5-1-51 "Licensee" defined
71 IAC 1.5-1-54 "Match race" defined
71 IAC 1.5-1-55 "Meeting" defined
71 IAC 1.5-1-56 "Minus pool" defined
71 IAC 1.5-1-57 "Month" defined
71 IAC 1.5-1-58 "Mutuel field" defined
71 IAC 1.5-1-59 "Net pool" defined
71 IAC 1.5-1-60 "Nomination" defined
71 IAC 1.5-1-61 "Nominator" defined
71 IAC 1.5-1-62 "Objection" defined
71 IAC 1.5-1-63 "Off time" defined
71 IAC 1.5-1-64 "Official order of finish" defined
71 IAC 1.5-1-65 "Official starter" defined
71 IAC 1.5-1-66 "Official time" defined
71 IAC 1.5-1-66.5 "Open race" defined
71 IAC 1.5-1-67 "Optional claiming race" defined
71 IAC 1.5-1-67.5 "Out of competition testing" defined
71 IAC 1.5-1-68 "Outs" defined
71 IAC 1.5-1-69 "Overnight race" defined
71 IAC 1.5-1-70 "Owner" defined
71 IAC 1.5-1-71 "Paddock" defined
71 IAC 1.5-1-71.5 "Pari-mutuel voucher" or "voucher" defined
71 IAC 1.5-1-72 "Pari-mutuel wagering" defined
71 IAC 1.5-1-73 "Patron" defined
71 IAC 1.5-1-74 "Payoff" defined
71 IAC 1.5-1-75 "Performance" defined
71 IAC 1.5-1-76 "Permit" defined
71 IAC 1.5-1-77 "Person" defined
71 IAC 1.5-1-77.5 "Possession" or "in their possession" defined
71 IAC 1.5-1-79 "Post position" defined
71 IAC 1.5-1-79 "Post time" defined
71 IAC 1.5-1-79.5 "Prescription drug" defined
71 IAC 1.5-1-80 "Prima facie evidence" defined
71 IAC 1.5-1-81 "Profit" defined
71 IAC 1.5-1-82 "Profit split" defined
71 IAC 1.5-1-83 "Program" defined

71 IAC 1.5-1-84 "Protest" defined
71 IAC 1.5-1-85 "Purse" defined
71 IAC 1.5-1-86 "Race" defined
71 IAC 1.5-1-87 "Restricted area" defined
71 IAC 1.5-1-88 "Result" defined
71 IAC 1.5-1-89 "Rules" defined
71 IAC 1.5-1-90 "Satellite facility" defined
71 IAC 1.5-1-91 "Satellite transponder" or
"transponder" defined
71 IAC 1.5-1-92 "Scratch" defined
71 IAC 1.5-1-93 "Scratch time" defined
71 IAC 1.5-1-94 "Simulcast" defined
71 IAC 1.5-1-95 "Single price pool" defined
71 IAC 1.5-1-96 "Stable name" defined
71 IAC 1.5-1-97 "Stakes race" defined
71 IAC 1.5-1-98 "Starter" defined
71 IAC 1.5-1-99 "Steeplechase race" defined
71 IAC 1-1-101 "Takeout" defined
71 IAC 1.5-1-102 "Totalizator" defined
71 IAC 1.5-1-102.5 "Fraction device" defined
71 IAC 1.5-1-103 "Uplink" defined
71 IAC 1.5-1-104 "Walkover" defined
71 IAC 1.5-1-105 "Week" defined
71 IAC 1.5-1-107 "Weigh out" defined
71 IAC 1.5-1-108 "Weight for age" defined
71 IAC 1.5-1-109 "Winner" defined
71 IAC 1.5-1-110 "Year" defined

Article 2. Commission

71 IAC 2-1-1 Purpose
71 IAC 2-2-1 General Authority
71 IAC 2-3-1 Membership and meetings
71 IAC 2-4-1 Annual Report
71 IAC 2-5-1 Employees
71 IAC 2-6-1 Power of Entry
71 IAC 2-9-1 Allocation of race dates and permits
71 IAC 2-10-1 Exclusion of patrons and licensed and
unlicensed persons
71 IAC 2-11-1 Penalties
71 IAC 2-12-1 Procedures

Article 3. Officials

71 IAC 3-1-1 Racing Officials

71 IAC 3-1-2 Eligibility
71 IAC 3-1-2.1 Approval of racing officials and
designated association employees
71 IAC 3-1-3 Prohibited practices
71 IAC 3-1-4 Report of violations
71 IAC 3-1-5 Complaints against officials
71 IAC 3-1-6 Appointment
71 IAC 3-1-7 Appointment of substitute officials
71 IAC 3-1-8 Appointment of a substitute judge
71 IAC 3-1-9 Racing Officials Accreditation
Program judges accreditation
71 IAC 3-2-4 Protests, objections, and complaints
71 IAC 3-2-5 Presence of judges
71 IAC 3-2-6 Order of finish for pari-mutuel
wagering
71 IAC 3-2-7 Cancel wagering
71 IAC 3-2-7.1 Race for purse money only
71 IAC 3-2-8 Records and report
71 IAC 3-2-9 Judge's list
71 IAC 3-3-1 General authority
71 IAC 3-3-3 Race information
71 IAC 3-3-4 Classifications
71 IAC 3-3-5 Listing of horses
71 IAC 3-3-6 Nominations and declarations
71 IAC 3-3-7 Conditions
71 IAC 3-3-8 Posting of entries
71 IAC 3-3-9 Stakes and entrance money records
71 IAC 3-3-10 Winnings
71 IAC 3-3-11 Cancellation of a race
71 IAC 3-4-1 General authority
71 IAC 3-4-2 Report to the judges
68 IAC 1-8-3 Submission of support facility building
documents
71 IAC 3-5-1 General authority
71 IAC 3-5-2 Report violations
71 IAC 3-6-1 Clerk of the course
71 IAC 3-7-1 General authority
71 IAC 3-7-2 Report violations
68 IAC 1-10-2 Compliance with rule
71 IAC 3-8-1 General authority
71 IAC 3-9-1 General authority
71 IAC 3-9-2 Timing procedure

71 IAC 3-9-3 Timing races
71 IAC 3-9-4 Error in reported time
71 IAC 3-9-5 Win race record
71 IAC 3-10-1 General authority
71 IAC 3-11-1 General authority
71 IAC 3-12-1 General authority
71 IAC 3-13-1 General authority
71 IAC 3-14-1 Any other person designated by the commission

Article 3.5. Flat Racing; Officials

71 IAC 3.5-1-1 Racing officials
71 IAC 3.5-1-2 Eligibility
71 IAC 3.5-1-3 Approval of racing officials and designated association employees
71 IAC 3.5-1-4 Prohibited practices
71 IAC 3.5-1-5 Report of violations
71 IAC 3.5-1-6 Complaints against officials
71 IAC 3.5-1-7 Appointment
71 IAC 3.5-1-8 Appointment of substitute officials
71 IAC 3.5-1-9 Appointment of substitute steward
71 IAC 3.5-1-10 Racing Officials Accreditation Program stewards accreditation
71 IAC 3.5-2-4 Protests, objections, and complaints
71 IAC 3.5-2-5 Presence of stewards
71 IAC 3.5-2-6 Order of finish for pari-mutuel wagering
71 IAC 3.5-2-7 Cancel wagering
71 IAC 3.5-2-7.1 Race for purse money only
71 IAC 3.5-2-8 Records and reports
71 IAC 3.5-2-9 Stewards list
71 IAC 3.5-3-1 General authority
71 IAC 3.5-3-2 Registration certificates
71 IAC 3.5-3-3 Race information
71 IAC 3.5-3-4 Listing of horse
71 IAC 3.5-3-5 Nominations and declarations
71 IAC 3.5-3-6 Conditions
71 IAC 3.5-3-7 Posting of entries
71 IAC 3.5-3-8 Stakes and entrance money records
71 IAC 3.5-3-9 Winnings
71 IAC 3.5-3-11 Daily program
71 IAC 3.5-4-1 General authority
71 IAC 3.5-4-2 Paddock judge's list

71 IAC 3.5-4-3 Report to the stewards
71 IAC 3.5-5-1 General authority
71 IAC 3.5-5-2 Report violations
71 IAC 3.5-6-3 Monies and funds on account
71 IAC 3.5-6-4 Payment of purses
71 IAC 3.5-7-1 General authority
71 IAC 3.5-7-2 Assistant starters
71 IAC 3.5-7-3 Starter's list
71 IAC 3.5-7-4 Report violations
71 IAC 3.5-8-1 General authority
71 IAC 3.5-9-1 General authority
71 IAC 3.5-10-1 General authority (timer)
71 IAC 3.5-10-2 General authority (clocker)
71 IAC 3.5-11-1 General authority
71 IAC 3.5-12-1 General authority
71 IAC 3.5-12-2 Photo finish
71 IAC 3.5-12-3 Dead heats
71 IAC 3.5-13-1 General authority
71 IAC 3.5-14-1 General authority
71 IAC 3.5-15-1 Any other person designated by commission

Article 4. Associations

71 IAC 4-1-1 Associations
71 IAC 4-2-1 Insurer of the race meeting
71 IAC 4-2-2 Bond requirements
71 IAC 4-2-4 Reimbursement of judges' expenses
71 IAC 4-2-5 Reimbursement of test barn assistants' expenses
71 IAC 4-2-6 Accounting, auditing, and internal control requirements
71 IAC 4-2-7 Purse monies
68 IAC 1-16-5 Termination of license
71 IAC 4-3-1 Facilities for patrons and licensees
71 IAC 4-3-2 Bulletin boards required
71 IAC 4-3-3 Officials' stands
71 IAC 4-3-4 Audio and visual equipment
71 IAC 4-3-5 Race track
71 IAC 4-3-6 Rails
71 IAC 4-3-7 Starting gates
71 IAC 4-3-8 Distance markers
71 IAC 4-3-9 Lighting
71 IAC 4-3-10 Equine ambulance

71 IAC 4-3-11 Barns
71 IAC 4-3-12 Test barn
71 IAC 4-3-13 Isolation area
71 IAC 4-3-15 Pylons
71 IAC 4-4-1 Security
71 IAC 4-4-2 Fire prevention
71 IAC 4-4-3 Insect and rodent control
71 IAC 4-4-4 Performances
71 IAC 4-4-5 Complaints
71 IAC 4-4-6 Ejection and exclusion
71 IAC 4-4-7 Report to file
71 IAC 4-4-8 Track rules
71 IAC 4-4-9 Alcohol testing
71 IAC 4-4-10 "In Today" program
71 IAC 4-4-11 Escort of practicing veterinarians

Article 4.5. Flat Racing; Associations

71 IAC 4.5-1-1 Associations
71 IAC 4.5-2-1 Insurer of the race meeting
71 IAC 4.5-2-2 Bond requirements
71 IAC 4.5-2-3 Financial reports
71 IAC 4.5-2-4 Reimbursement of stewards' expenses
71 IAC 4.5-2-5 Reimbursement of test barn assistants' expenses
71 IAC 4.5-2-6 Accounting, auditing, and internal control requirement
71 IAC 4.5-2-7 Records of employees
71 IAC 4.5-2-8 Purse monies
71 IAC 4.5-3-1 Facilities for patrons and licensees
71 IAC 4.5-3-2 Bulletin boards required
71 IAC 4.5-3-3 Officials' stands
71 IAC 4.5-3-4 Audio and visual equipment
71 IAC 4.5-3-5 Race track
71 IAC 4.5-3-6 Rails
71 IAC 4.5-3-7 Starting gates
71 IAC 4.5-3-8 Distance markers
71 IAC 4.5-3-9 Lighting
71 IAC 4.5-3-10 Equine Ambulance
71 IAC 4.5-3-11 Barns
71 IAC 4.5-3-12 Test barn
71 IAC 4.5-3-13 Isolation area
71 IAC 4.5-4-1 Security

71 IAC 4.5-4-2 Fire prevention
71 IAC 4.5-4-3 Insect and rodent control
71 IAC 4.5-4-4 Performances
71 IAC 4.5-4-5 Complaints
71 IAC 4.5-4-5 Complaints
71 IAC 4.5-4-6 Ejection and exclusion
71 IAC 4.5-4-7 Report to file
71 IAC 4.5-4-8 Track rules
71 IAC 4.5-4-9 Alcohol testing
71 IAC 4.5-4-10 "In Today" program
71 IAC 4.5-4-11 Escort of practicing veterinarians

Article 5. Licensees

71 IAC 5-1-1 Licenses required
71 IAC 5-1-2 Fingerprinting and licensing reciprocity
71 IAC 5-1-3 Multi-state licensing information
71 IAC 5-1-4 Age requirement
71 IAC 5-1-5 Consent to investigation
71 IAC 5-1-7 Approval or recommendations by judges
71 IAC 5-1-8 Employer responsibility
71 IAC 5-1-9 Employer endorsement of license applications
71 IAC 5-1-11 Financial responsibility
71 IAC 5-1-15 Reciprocity
71 IAC 5-1-20 More than one license
71 IAC 5-1-21 Conflict of interest
71 IAC 5-1-22 License presentation
71 IAC 5-1-23 Visitor's pass
71 IAC 5-1-24 Credentials property of commission
71 IAC 5-1-26 Cooperation with investigations
71 IAC 5-1-27 Reporting known or suspected irregularities and rule violations
71 IAC 5-1-28 Review of horse transfers
71 IAC 5-1-29 Review of trainer transfers
71 IAC 5-2-1 Licensing requirements for owners
71 IAC 5-2-2 Licensing requirements for multiple owners
71 IAC 5-2-3 Lease agreements
71 IAC 5-2-4 Stable name registration
71 IAC 5-2-5 Racing colors
71 IAC 5-3-2 Trainer responsibility
71 IAC 5-3-3.1 "In Today" responsibilities

- 71 IAC 5-3-4 Restrictions on wagering
- 71 IAC 5-3-5 Assistant trainers
- 71 IAC 5-3-6 Substitute trainers
- 71 IAC 5-4-1 Drivers; licensing
- 71 IAC 5-4-2 Drivers; presence in paddock
- 71 IAC 5-5-1 Licenses required
- 71 IAC 5-5-2 Powers and duties
- 71 IAC 5-6-1 Eligibility

Article 5.5. Flat Racing; Licensees

- 71 IAC 5.5-1-1 Licenses required
- 71 IAC 5.5-1-2 Fingerprinting and licensing reciprocity
- 71 IAC 5.5-1-3 Multi-state licensing information
- 71 IAC 5.5-1-4 Age requirement
- 71 IAC 5.5-1-5 Consent to investigation
- 71 IAC 5.5-1-7 Approval or recommendations by stewards
- 71 IAC 5.5-1-8 Employer responsibility
- 71 IAC 5.5-1-9 Employer endorsement of license applications
- 71 IAC 5.5-1-11 Financial responsibility
- 71 IAC 5.5-1-15 Reciprocity
- 71 IAC 5.5-1-20 More than one license
- 71 IAC 5.5-1-21 Conflict of interest
- 71 IAC 5.5-1-22 License presentation
- 71 IAC 5.5-1-23 Visitor's pass
- 71 IAC 5.5-1-24 Credentials property of commission
- 71 IAC 5.5-1-25 Safety helmets
- 71 IAC 5.5-1-26 Safety vest
- 71 IAC 5.5-1-28 Cooperation with investigations
- 71 IAC 5.5-1-29 Reporting known or suspected irregularities and rule violations
- 71 IAC 5.5-1-30 Review of horse transfers
- 71 IAC 5.5-1-31 Review of trainer transfers
- 71 IAC 5.5-2-1 Licensing requirements for owners
- 71 IAC 5.5-2-2 Licensing requirements for multiple owners
- 71 IAC 5.5-2-3 Lease agreements
- 71 IAC 5.5-2-4 Stable name registration
- 71 IAC 5.5-2-5 Racing colors
- 71 IAC 5.5-3-2 Trainer responsibility
- 71 IAC 5.5-3-3 Other responsibilities

- 71 IAC 5.5-3-3.1 "In Today" responsibilities
- 71 IAC 5.5-3-4 Restrictions on wagering
- 71 IAC 5.5-3-5 Assistant trainers
- 71 IAC 5.5-3-6 Substitute trainers
- 71 IAC 5.5-4-1 Eligibility
- 71 IAC 5.5-4-2 Apprentice jockeys
- 71 IAC 5.5-4-3 Foreign jockeys
- 71 IAC 5.5-4-4 Jockey responsibility
- 71 IAC 5.5-4-5 Jockey betting
- 71 IAC 5.5-4-6 Jockey's spouse
- 71 IAC 5.5-4-7 Jockey mount fees
- 71 IAC 5.5-5-1 Eligibility
- 71 IAC 5.5-5-2 Limit on contracts
- 71 IAC 5.5-5-3 Responsibilities
- 71 IAC 5.5-5-4 Prohibited areas
- 71 IAC 5.5-5-5 Agent withdrawal
- 71 IAC 5.5-6-1 Licenses required
- 71 IAC 5.5-6-2 Powers and duties
- 71 IAC 5.5-7-1 Eligibility

Article 6. Types of Races

- 71 IAC 6-2-1 Types of races permitted
- 71 IAC 6-4-1 General provisions
- 71 IAC 6-4-2 Conditions
- 71 IAC 6-4-3 Requirements of sponsors and presenters
- 71 IAC 6-4-4 Nominations, fees, and purses

Article 6.5. Flat Racing; Claiming Races

- 71 IAC 6.5-1-1 General provisions
- 71 IAC 6.5-1-2 Claiming of horses
- 71 IAC 6.5-1-3 Claim certificate
- 71 IAC 6.5-1-4 Prohibitions
- 71 IAC 6.5-1-5 Procedures for claiming
- 71 IAC 6.5-1-6 Transfer of claimed horses

Article 7. Rules of the Race

- 71 IAC 7-1-1 Taking entries and the draw
- 71 IAC 7-1-2 Entry licensing requirements
- 71 IAC 7-1-3 Entry void
- 71 IAC 7-1-4 Entry in name of all owners and proof of ownership
- 71 IAC 7-1-5 No change permitted

71 IAC 7-1-6 No entry fee
71 IAC 7-1-7 Entries refused
71 IAC 7-1-8 Approval of entries
71 IAC 7-1-9 Registration with USTA or CTA
71 IAC 7-1-10 Identification of horse
71 IAC 7-1-11 Proof of identity
71 IAC 7-1-12 Receive entry fees
71 IAC 7-1-13 Coupled entries
71 IAC 7-1-14 Eligibility of entries
71 IAC 7-1-15 Horses ineligible to be entered
71 IAC 7-1-16 Engagement passed to new owner
71 IAC 7-1-17 Ban on dealing in horses
71 IAC 7-1-18 Racing entries
71 IAC 7-1-19 Declarations
71 IAC 7-1-20 Elimination heats; divisions
71 IAC 7-1-21 Overnight list
71 IAC 7-1-24 Not a claiming race
71 IAC 7-1-25 Automatically out
71 IAC 7-1-26 Notice in writing
71 IAC 7-1-27 Scratch irrevocable
71 IAC 7-1-28 Qualifying races
71 IAC 7-1-29 Declaration to start and drawing horses
71 IAC 7-1-30 Also eligible list
71 IAC 7-1-31 Postponement; withdrawn
71 IAC 7-1-32 Reporting to track
71 IAC 7-1-33 Reporting to paddock
71 IAC 7-1-34 Prohibition on leaving association grounds
71 IAC 7-1-35 Eligibility for racing and ownership status
71 IAC 7-1-36 Current race lines
71 IAC 7-2-2 In hands of starter
71 IAC 7-2-3 Fair start
71 IAC 7-2-4 Starter's duties
71 IAC 7-2-5 Starting
71 IAC 7-2-6 Recall rules
71 IAC 7-2-7 Penalties; starter
71 IAC 7-2-8 Riding in gate; equipment; two tiers
71 IAC 7-2-9 Starting without gate
71 IAC 7-2-10 Starters; unmanageable and bad acting horses; post positions by heats

71 IAC 7-2-11 Starter's list
71 IAC 7-2-12 Not permitted to receive gratuities
71 IAC 7-3-1 Physical examination
71 IAC 7-3-2 Restriction on financial interest
71 IAC 7-3-3 Wager restriction
71 IAC 7-3-4 Shall not converse
71 IAC 7-3-5 Safety helmet
71 IAC 7-3-6 Attire
71 IAC 7-3-7 Driving rules
71 IAC 7-3-8 Foul driving; disqualification
71 IAC 7-3-9 List or replace driver
71 IAC 7-3-10 Horse must finish
71 IAC 7-3-11 Improper conduct in race
71 IAC 7-3-12 Feet in stirrups
71 IAC 7-3-13 Whip restriction
71 IAC 7-3-15 Hobbles; head pole, restrictions
71 IAC 7-3-16 Breaking
71 IAC 7-3-17 Fraudulent break
71 IAC 7-3-18 Time for lapped on breaks
71 IAC 7-3-19 Judges call breaks
71 IAC 7-3-20 Time between heats
71 IAC 7-3-21 Accidents
71 IAC 7-3-22 Driver must be seated
71 IAC 7-3-23 Wheel disk; mud fenders
71 IAC 7-3-24 Horse falls on track
71 IAC 7-3-25 Disorderly conduct
71 IAC 7-3-27 Suspensions for driver or trainer
71 IAC 7-3-28 Effect of minor penalty on future engagements
71 IAC 7-3-29 Horse also suspended
71 IAC 7-3-30 Return money; prizes
71 IAC 7-3-31 Fraudulent practices
71 IAC 7-3-32 Disqualification; purse redistribution
71 IAC 7-3-33 Standard saddle pad colors
71 IAC 7-3-34 Sulky standards
71 IAC 7-3-35 Bandages
71 IAC 7-3-36 Equipment presentation
71 IAC 7-4-1 Judges to inquire
71 IAC 7-4-2 Race objections
71 IAC 7-4-3 Prior objections
71 IAC 7-4-4 Protests
71 IAC 7-5-1 Disorderly conduct; all licensees

- 71 IAC 7.5-2 Improper language
- 71 IAC 7.5-3 Payment of fines
- 71 IAC 7.5-4 Must pay own fine
- 71 IAC 7.5-5 Firearms

Article 7.5. Flat Racing; Rules of the Race

- 71 IAC 7.5-1-1 Entering
- 71 IAC 7.5-1-2 Procedures
- 71 IAC 7.5-1-3 Limitation as to spouses
- 71 IAC 7.5-1-4 Coupled entries.
- 71 IAC 7.5-1-5 Nominations
- 71 IAC 7.5-1-6 Closings
- 71 IAC 7.5-1-7 Number of starters in a race
- 71 IAC 7.5-1-8 Split or divided races
- 71 IAC 7.5-1-9 Post positions
- 71 IAC 7.5-1-10 Also eligible list
- 71 IAC 7.5-1-11 Preferred list
- 71 IAC 7.5-1-12 Double jock mounts
- 71 IAC 7.5-1-14 Current race lines
- 71 IAC 7.5-1-15 No change permitted
- 71 IAC 7.5-1-16 Reporting to track
- 71 IAC 7.5-2-1 Declarations
- 71 IAC 7.5-2-2 Scratches
- 71 IAC 7.5-3-1 Allowances
- 71 IAC 7.5-3-2 Penalties
- 71 IAC 7.5-3-3 Weight conversions
- 71 IAC 7.5-3-4 Scale of weights
- 71 IAC 7.5-3-5 Distance conversions
- 71 IAC 7.5-4-1 Requirements
- 71 IAC 7.5-4-2 Identification
- 71 IAC 7.5-4-3 Information dissemination
- 71 IAC 7.5-4-5 Restrictions
- 71 IAC 7.5-5-1 Horses ineligible
- 71 IAC 7.5-5-2 Eligibility for racing and ownership status
- 71 IAC 7.5-6-1 Equipment
- 71 IAC 7.5-6-2 Racing numbers
- 71 IAC 7.5-6-3 Jockey requirements
- 71 IAC 7.5-6-3.5 Jockey apparel advertising
- 71 IAC 7.5-6-4 Paddock to post
- 71 IAC 7.5-6-5 Post to finish
- 71 IAC 7.5-7-1 Horse also suspended

- 71 IAC 7.5-7-2 Return money; prizes
- 71 IAC 7.5-7-3 Fraudulent practices
- 71 IAC 7.5-7-4 Disqualifications; purse redistribution
- 71 IAC 7.5-7-5 Designated races
- 71 IAC 7.5-8-1 Stewards to inquire
- 71 IAC 7.5-8-2 Race objections
- 71 IAC 7.5-8-3 Prior objections
- 71 IAC 7.5-8-4 Protests
- 71 IAC 7.5-9-1 Disorderly conduct; all licensees
- 71 IAC 7.5-9-2 Improper language
- 71 IAC 7.5-9-3 Payment of fines
- 71 IAC 7.5-9-4 Must pay own fine.
- 71 IAC 7.5-9-5 Firearms
- 71 IAC 7.5-10-1 Time trials

Article 8. Human and Equine Health

- 71 IAC 8-1-1.5 Medication
- 71 IAC 8-1-3 Foreign substances allowed
- 71 IAC 8-1-4.1 Nonsteroidal anti-inflammatory drugs (NSAIDs)
- 71 IAC 8-1-4.2 Threshold levels
- 71 IAC 8-1-5 Furosemide as a permitted foreign substance
- 71 IAC 8-1-5.5 Bleeding from nostrils
- 71 IAC 8-1-5.7 Anti-ulcer medications
- 71 IAC 8-1-6 Program information
- 71 IAC 8-1-8 Anabolic steroids
- 71 IAC 8-1-9 Environmental contaminants and substances of human use
- 71 IAC 8-2-1 General provisions
- 71 IAC 8-2-2 Specific levels requiring scratch
- 71 IAC 8-2-3 Refusal to test
- 71 IAC 8-2-4 Blood gas analyzer report
- 71 IAC 8-2-4.1 Finding of normal levels
- 71 IAC 8-2-5 Option to determine normal level
- 71 IAC 8-2-6 Penalties
- 71 IAC 8-2-7 Presence of horse in paddock
- 71 IAC 8-2-8 Presence of caretaker in paddock
- 71 IAC 8-3-2 Pre-race testing
- 71 IAC 8-4-1 Collection procedures
- 71 IAC 8-4-2 Storage and shipment of split samples
- 71 IAC 8-4-3 Administrative procedures prior to split sample testing

71 IAC 8-4-4 Administrative procedures subsequent to split sample testing

71 IAC 8-4-5 Cost of split sample testing

71 IAC 8-5-1 Eligibility

71 IAC 8-5-2 Prohibited acts

71 IAC 8-5-3 Single use syringes

71 IAC 8-5-5 Records of treatment

71 IAC 8-5-6 Report of illness

71 IAC 8-5-8 Storage of supplies and drugs

71 IAC 8-5-9 Veterinarian vehicles

71 IAC 8-5-10 Predrawn injectables

71 IAC 8-5-11 Testing of confiscated drug, substance, or medication

71 IAC 8-5-12 Contact with entered horses

71 IAC 8-5-12.1 Stable area access

71 IAC 8-5-13 Veterinary helpers

71 IAC 8-6-1 Ban on possession of drugs

71 IAC 8-6-2 Prohibited practices

71 IAC 8-7-1 Contraband

71 IAC 8-8-1 Postmortem; disposal of a dead horse

71 IAC 8-8-2 Report of horse death

71 IAC 8-9-1 Veterinarian's list

71 IAC 8-9.1-1 Accident on the track

71 IAC 8-10-1 Use or possession of controlled substance or prescription drugs

71 IAC 8-10-2 Applicant and licensee subject to testing

71 IAC 8-10-3 Reasonable suspicion selection

71 IAC 8-10-4 Taking of samples

71 IAC 8-10-5 Positive sample results

71 IAC 8-11-1 Prohibited use or presence of alcohol within the enclosure

71 IAC 8-11-2 Licensee subject to testing; positive sample results

71 IAC 8-11-4 Refusal or failure to be tested

71 IAC 8-13-1 Equine health; requirements

Article 8.5. Flat Racing; Human and Equine Health

71 IAC 8.5-1-3 Foreign substances allowed

71 IAC 8.5-1-4.1 Nonsteroidal anti-inflammatory drugs (NSAIDs)

71 IAC 8.5-1-4.2 Threshold levels

71 IAC 8.5-1-5 Furosemide as a permitted foreign substance

71 IAC 8.5-1-5.5 Bleeding from nostrils

71 IAC 8.5-1-5.6 Anti-ulcer medications

71 IAC 8.5-1-6 Program information

71 IAC 8.5-1-8 Anabolic steroids

71 IAC 8.5-1-9 Environmental contaminants and substances of human use

71 IAC 8.5-2-2 Pre-race testing

71 IAC 8.5-3-1 Collection procedures

71 IAC 8.5-3-2 Storage and shipment of split samples

71 IAC 8.5-3-3 Administrative procedures prior to split sample testing

71 IAC 8.5-3-4 Administrative procedures subsequent to split sample testing

71 IAC 8.5-3-5 Cost of split sample testing

71 IAC 8.5-4-1 Eligibility

71 IAC 8.5-4-2 Prohibited acts

71 IAC 8.5-4-3 Single use syringes

71 IAC 8.5-4-5 Records of treatment

71 IAC 8.5-4-6 Report of illness

71 IAC 8.5-4-7 Storage of supplies and drugs

71 IAC 8.5-4-8 Notice in writing

71 IAC 8.5-4-9 Veterinarian vehicles

71 IAC 8.5-4-10 Predrawn injectables

71 IAC 8.5-4-11 Testing of confiscated drug, substance, or medication

71 IAC 8.5-4-12 Contact with entered horses

71 IAC 8.5-4-12.1 Stable area access

71 IAC 8.5-4-13 Veterinary helpers

71 IAC 8.5-5-1 Ban on possession of drugs

71 IAC 8.5-5-2 Prohibited practices

71 IAC 8.5-6-1 Contraband

71 IAC 8.5-7-1 Postmortem; disposal of a dead horse.

71 IAC 8.5-7-2 Report of horse death

71 IAC 8.5-8-1 Veterinarian's list

71 IAC 8.5-9-1 Accident on track

71 IAC 8.5-10-1 Use or possession of controlled substance or prescription drugs

71 IAC 8.5-10-2 Applicant and licensee subject to testing

71 IAC 8.5-10-3 Reasonable suspicion selection
71 IAC 8.5-10-5 Positive sample results
71 IAC 8.5-11-1 Prohibited use or presence of alcohol within the enclosure
71 IAC 8.5-11-2 Licensee subject to testing; positive sample results
71 IAC 8.5-11-4 Refusal or failure to be tested
71 IAC 8.5-13-1 General provisions
71 IAC 8.5-13-2 Specific levels requiring scratch
71 IAC 8.5-13-3 Refusal to test
71 IAC 8.5-13-4 Blood gas analyzer report
71 IAC 8.5-13-4.1 Finding of normal levels
71 IAC 8.5-13-5 Option to determine normal level
71 IAC 8.5-13-6 Penalties
71 IAC 8.5-13-7 Presence of horse in ship-in barn
71 IAC 8.5-13-8 Presence of caretaker with horse
71 IAC 8.5-14-1 Equine health; requirements

Article 9. Pari-Mutuel Wagering

71 IAC 9-1-1 General
71 IAC 9-1-2 Records
71 IAC 9-1-3 Pari-mutuel tickets
71 IAC 9-1-4 Pari-mutuel ticket sales
71 IAC 9-1-5 Advance performance wagering
71 IAC 9-1-6 Claims for payment from pari-mutuel pool
71 IAC 9-1-7 Payment for errors
71 IAC 9-1-8 Betting explanation
71 IAC 9-1-9 Display of betting information
71 IAC 9-1-10 Canceled contests
71 IAC 9-1-11 Refunds
71 IAC 9-1-12 Coupled entries and mutuel fields
71 IAC 9-1-13 Pools dependent on betting interests
71 IAC 9-1-14 Prior approval required for betting pools
71 IAC 9-1-15 Closing of wagering in a contest
71 IAC 9-1-16 Complaints pertaining to pari-mutuel operations
71 IAC 9-1-19 Emergency situations
71 IAC 9-1-20 Mutuel manager's report
71 IAC 9-2.5-2 Patron checks
71 IAC 9-3-1 General

71 IAC 9-3-2 Guest state participation in interstate common pools
71 IAC 9-3-3 Host state participation in merged pools
71 IAC 9-3-4 Takeout rates in interstate common pools
71 IAC 9-4-1 General
71 IAC 9-4-2 Win pools
71 IAC 9-4-3 Place pools
71 IAC 9-4-4 Show pools
71 IAC 9-4-5 Double pools
71 IAC 9-4-6 Pick three pools
71 IAC 9-4-7 Pick (n) pools
71 IAC 9-4-8 Place pick (n) pools
71 IAC 9-4-9 Quinella pools
71 IAC 9-4-10 Quinella double pools
71 IAC 9-4-11 Exacta pools
71 IAC 9-4-12 Trifecta pools
71 IAC 9-4-13 Twin quinella pools
71 IAC 9-4-14 Twin trifecta pools
71 IAC 9-4-15 Superfecta pools
71 IAC 9-4-16 Odd-even pool

Article 11. Permit Application Requirements and Criteria

71 IAC 11-1-1 Authority
71 IAC 11-1-2 Purpose
71 IAC 11-1-3 Time for filing of applications for permit
71 IAC 11-1-4 Application form and affidavit
71 IAC 11-1-5 Application submission
71 IAC 11-1-6 Permit criteria
71 IAC 11-1-7 Assignment of racing meetings
71 IAC 11-1-8 Changes to permit applications
71 IAC 11-1-9 Additional information
71 IAC 11-1-10 Oral presentation by application
71 IAC 11-1-11 Permit applications as public records
71 IAC 11-1-12 Contracts with a permit holder; approval by commission
71 IAC 11-1-13 Transfers of permits
71 IAC 11-1-14 Validity of application information
71 IAC 11-1-15 Enforcement of rules

71 IAC 11-1-16 Material modification; expansion or reduction of proposed or existing facility
71 IAC 11-1-17 Delay in completion of racing facility
71 IAC 11-1-18 Filing of permit holder's organizational documents
71 IAC 11-1-19 Administrative Adjudication Act
71 IAC 11-1-20 Issuance of permit
71 IAC 11-1-21 Annual permit renewal
71 IAC 11-1-22 Reporting of interest in a permit holder.

Article 12. Satellite Facility and Simulcasting

71 IAC 12-1-1 Authority
71 IAC 12-1-2 Purpose
71 IAC 12-1-3 Time for filing of application for license
71 IAC 12-1-4 Application form and affidavit
71 IAC 12-1-5 Application submission
71 IAC 12-1-6 License criteria
71 IAC 12-1-7 Initial operations
71 IAC 12-1-8 Mileage restrictions
71 IAC 12-1-9 Conditional approval of simulcasting dates
71 IAC 12-1-10 Approval of simulcasting and simulcasting schedule
71 IAC 12-1-11 Changes in license applications
71 IAC 12-1-12 Additional information
71 IAC 12-1-13 Oral presentation by applicant
71 IAC 12-1-14 License applications as public records
71 IAC 12-1-15 Contracts with a license holder; approval by commission
71 IAC 12-1-16 Transfers of licenses
71 IAC 12-1-17 Validity of application information
71 IAC 12-1-18 Enforcement of rules
71 IAC 12-1-19 Material modification, expansion, or reduction of proposed or existing satellite facility
71 IAC 12-1-20 Delay in completion of satellite facility
71 IAC 12-1-21 Filing of license holder's organizational documents
71 IAC 12-1-22 Administrative orders and procedures statute
71 IAC 12-1-23 Annual license renewal and fee

71 IAC 12-1-24 Issuance of license
71 IAC 12-2-1 Applications
71 IAC 12-2-2 Penalties
71 IAC 12-2-3 Commission office
71 IAC 12-2-4 Simulcast requirements
71 IAC 12-2-5 Interruption of signal
71 IAC 12-2-6 Wagering pools on intrastate simulcasting
71 IAC 12-2-7 Wagering pools on interstate simulcasting
71 IAC 12-2-8 Announcing the close of wagering
71 IAC 12-2-9 Satellite facility wagering
71 IAC 12-2-10 Licensing of employees
71 IAC 12-2-11 Concessionaire license
71 IAC 12-2-12 Duties of the present permit holder acting as host association
71 IAC 12-2-13 Duties of the satellite facility or permit holder acting as guest association
71 IAC 12-2-14 Suspension or termination of operations
71 IAC 12-2-15 Allocation of riverboat gambling admissions tax revenue
71 IAC 12-2-16 Allocation of simulcasting revenue to host associations
71 IAC 12-2-18 Allocation of interstate simulcasting revenue to purses
71 IAC 12-2-19 Allocation of breakage and outs
71 IAC 12-2-20 Allocation of simulcast revenue between associations.

Article 13.5. Thoroughbred Breed Development Program

71 IAC 13.5-2-2 Foal registration

Article 14.5. Quarter Horse Breed Development Program

71 IAC 14.5-1-2 Indiana foaled quarter horse
71 IAC 14.5-2-2 Foal registration

Breed Development Program Accomplishments

Quarter Horse Breed Development

- *October 2013* – Indiana Bred, *Sum Fun For Magic*, won the open 2013 QHRAI Stallion Service Auction Derby Finals.
- Nineteen (19) Indiana Bred horses qualified and competed in Open Stakes Races at Indiana Downs in 2013, earning \$88,784 in purse money.
- Breed Development Program participants, Randy Thompson & Diana Kieser rank in the QHRA (Quarter Horse Racing Association) top 100 breeders in both money earned and races won.
- In QHRA divisional rankings, Indiana Bred, *Airborn Leader*, ranks 5th nationally.
- Program Participant, Tom Mosely Jr., currently ranks 1st in QHRA Regional High Point Leaders for Trainer.
- In four of six regional horse categories, Indiana Bred horses hold the number one position as point leaders.

Thoroughbred Breed Development

- *Fall 2012* – Indiana Bred, *I'm Bound To Score*, won Grade 2 Stake at Woodbine racetrack and went on to be the first Indiana Bred to compete in Breeder's Cup – Grade 1 Juvenile Turf. Earning \$226,325 competing solely outside of the State of Indiana.
- *Winter 2012* – Indiana Bred, *Aint She A Saint*, competes in Grade 2 Falls City Handicap at Churchill Downs.

Breed Development Program Accomplishments

Quarter Horse Breed Development

- *October 2013* – Indiana Bred, *Sum Fun For Magic*, won the open 2013 QHRAI Stallion Service Auction Derby Finals.
- Nineteen (19) Indiana Bred horses qualified and competed in Open Stakes Races at Indiana Downs in 2013, earning \$88,784 in purse money.
- Breed Development Program participants, Randy Thompson & Diana Kieser rank in the QHRA (Quarter Horse Racing Association) top 100 breeders in both money earned and races won.
- In QHRA divisional rankings, Indiana Bred, *Airborn Leader*, ranks 5th nationally.
- Program Participant, Tom Mosely Jr., currently ranks 1st in QHRA Regional High Point Leaders for Trainer.
- In four of six regional horse categories, Indiana Bred horses hold the number one position as point leaders.

Thoroughbred Breed Development

- *Fall 2012* – Indiana Bred, *I'm Bound To Score*, won Grade 2 Stake at Woodbine racetrack and went on to be the first Indiana Bred to compete in Breeder's Cup – Grade 1 Juvenile Turf. Earning \$226,325 competing solely outside of the State of Indiana.
- *Winter 2012* – Indiana Bred, *Aint She A Saint*, competes in Grade 2 Falls City Handicap at Churchill Downs.

- *Summer 2013* – Indiana Bred, *Dreamin Big*, competes on Girls Inc. of Shelby County, open stake race at Indiana Downs.
- *Summer 2013* – Indiana Bred horses, *Just a Morgan*, *Mister Pollard*, *Deliver*, *Secondhand Justice & Bisque*, compete in Mountaineer Juvenile Stakes.
- *October 2013* – Indiana Bred, *Northern Candyride*, sets stakes record in Too Much Coffee Signature Stake at Indiana Downs.

Standardbred Breed Development

- *September 2013* – Indiana Sired *Andi's Alana* won open Kentuckiana Stallion Management Stakes at Hoosier, setting a new track record for two year old filly pacers.
- *September 2013* – Indiana Sired *Right Touch* competes in prestigious Little Brown Jug in Delaware, Ohio, finishing second in the elimination and fourth in the final.
- *September 2013* - The nations top three year old colt, *Captain Treacherous*, races at Hoosier Park. Indiana Sired horse *Nitro* competes in the invitational against him, finishing fifth.
- *October 2013* – Indiana Sired horse, *Speed Trap*, became Hoosier Park's fastest two year old pacer ever, winning an Indiana Sires Stakes in 150.4.
- Indiana Sired horses currently hold twelve (12) of nineteen (19) track record categories at Hoosier Park.

INDIANA BRED/SIRED HORSES COMPETING IN OPEN RACES

Thoroughbred Breed Development

	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
IB- # in Open Races	303	187	259	329
Total # Horses in Open Races	6113	4930	4202	4616
% of IB in Open Races	4.96%	3.79%	6.16%	7.13%
IB - Open Races Money Won	\$430,149	\$375,632	\$755,209	\$1,091,777
Money Available to IB - Open Races	\$16,147,900	\$14,628,500	\$13,210,900	\$14,370,000
% of Money Available Money Earned	2.66%	2.57%	5.72%	7.60%

Quarter Horse Breed Development

	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
IB- # in Open Races	41	87	95	287
Total # Horses in Open Races	1056	971	992	1017
% of IB in Open Races	3.88%	8.96%	9.58%	28.22%
IB - Open Races Money Won	\$17,214	\$183,448	\$373,253	\$494,461
Money Available to IB - Open Races	\$1,957,000	\$1,901,580	\$1,732,280	\$1,588,900
% of Money Available Money Earned	0.88%	9.65%	21.55%	31.12%

Standardbred Breed Development

	<u>2010</u>	<u>2011</u>	<u>2012</u>
IS- Open Races	4921	5355	5571
Total # Horses in Open Races	12965	12264	11207
% of IS in Open Races	37.96%	43.66%	49.71%
IS - Open Races Money Won	\$4,039,849	\$4,362,408	\$4,605,040
Money Available to IS - Open Races	\$13,507,478	\$12,316,200	\$11,010,775
% of Money Available Money Earned	29.91%	35.42%	41.82%

STATE OF INDIANA
BEFORE THE INDIANA HORSE RACING COMMISSION

IN RE:

THE PETITION OF CENTAUR HOLDINGS, LLC,)
NEW CENTAUR, LLC, AND)
HOOSIER PARK, LLC)
REQUESTING THAT THE COMMISSION) SS
APPROVE RACE TRACK RENOVATION PLAN)

PETITION

COMES NOW Petitioners, Centaur Holdings, LLC (Centaur), New Centaur, LLC (New Centaur) and Hoosier Park, LLC (Hoosier Park), by counsel, and respectfully request that the Indiana Horse Racing Commission (Commission) approve its Race Track Renovation Plan (Track Plan).

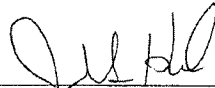
In support of such Petition, Petitioners show the Commission as follows:

1. Centaur is the owner of New Centaur, which is the owner of Hoosier Park;
2. Hoosier Park is the holder of a permit to conduct a horse racing meeting at Hoosier Park, which permit was issued by the Commission pursuant to IC 4-31-5-8. The permit issued to Hoosier Park was most recently renewed by the Commission at its regular meeting on December 14, 2012;
3. Hoosier Park is the holder of (3) licenses to conduct pari-mutuel wagering at its satellite facilities in Fort Wayne, Indianapolis and Merrillville. These (3) licenses were issued by the Commission pursuant to IC 4-31-5.5-3 and were most recently renewed by the Commission at its regular meeting on December 14, 2012;
4. 71 IAC 11-1-12(a)(1) requires Commission approval to enter into a contract for which the consideration is \$50,000.00 or more;
5. 71 IAC 11-1-16 requires Commission approval for material modifications of racetrack facilities;
6. In consultation with a nationally recognized expert, Greg Coon, Petitioners have developed a Track Plan to renovate and rebuild its dirt race track. A description of the work to be performed is described in a letter from Charles E. Coon and Sons, Inc. (Contractor) dated October 15, 2013, a copy of which is attached as Exhibit A. The work will be performed by the Contractor;
7. The Track Plan should be completed no later than January 1, 2014;

8. The Indiana Standardbred Association, Inc. is supportive of the Track Plan;
9. Timely completion of the Track Plan will enhance the health and safety of racing participants both human and equine by providing a racetrack that has a base which is uniform in terms of depth and consistent in terms of the type and specifications of materials;
10. The estimated cost of the project is \$286,310.00, Contractor is in the process of preparing a written agreement for the scope of work and price described in Exhibit A (Contract);
11. Petitioners request Commission approval to execute its Track Plan and for the Commission to delegate to the Executive Director authority to approve the Contract. The request is essential for the timely completion of the Track Plan in light of the Commission's traditional pattern of meetings.

WHEREFORE, Petitioners respectfully request that the Commission: (1) Approve the Track Plan; (2) Authorize the Executive Director to approve the Contract; and (3) Grant such other relief as may be right and proper in the premises.

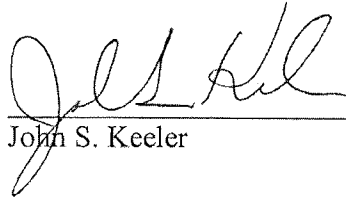
Respectfully Submitted,



John S. Keeler
Attorney for Petitioners, Centaur, New Centaur
and Hoosier Park

Certificate of Service

I hereby certify that a copy of the foregoing was served upon Ms. Lea Ellingwood, Esq., 1302 N. Meridian Street, Suite 175, Indianapolis, Indiana 46202 by email, this 23 day of October, 2013.



John S. Keeler

John S. Keeler, # 5110-49
10 West Market Street, Suite 200
Indianapolis, IN 46204
317-656-8782

October 15, 2013

Rick Moore
Hoosier Park Racing and Casino
4500 Dan Patch Circle
Anderson, Indiana 46013

Rick:

In the spring of 2013, we took a hard look at the track at Hoosier Park. We surveyed it, we drilled holes in it, and we searched for material to add to make the track better. Pressed for time, we decided the quick fix was to add dolomitic aglime (brown in color), mixed with fine chips to create a racing surface that would improve on what we had in the past. The survey had indicated we were below grade over most of the track, and we intended to add the balance of the material after the race meet in November.

Based on feedback from Jim Shelton, and the horsemen I have run into during the year, our plan worked reasonably well. However, Jim and the horsemen have noticed that the horses are reaching through the brown stonedust at the rail in the racing lanes. When the horse's feet touch the white stonedust that is beneath the brown stonedust, the horsemen believe that the rail is loose and cupping out.

One solution to this problem would be to undercut the rail, allowing us to place a full lift of the dolomitic stonedust across 65 feet of the track. In this manner, the new surface will be uniform in color and consistency.

Another solution would be to install the lift of material on top of the existing grade at the rail. The problem with this scenario is that the survey indicates we are already below grade on most of the track. Consequently, it is going to take twice the material to duplicate the desired banking across 65 feet.

Additionally, if we continue to install material on top of the existing track, the outside of the homestretch gets higher and higher, requiring the installation of retaining walls.

In order to complete this project quickly (November weather), I feel it would be prudent for my company to act as the general contractor. As the general contractor, we will have the ability to hustle the project when the weather is in our favor. In November, rain is always a concern. The material may be loaded wet, and therefore, cost more. When we are rained out, the contractors require minimum charges (4 hours) to be involved in the project.

Although I am still waiting for an estimate from the surveyor, and November weather is always a concern, I believe we can complete this project if we undercut the rail, for \$286,310.00.

Please feel free to call with any questions you may have.

Sincerely,

Greg Coon
Charles E. Coon & Sons, Inc.
407-620-0017

EXHIBIT A