

Agenda Item #1



STATE OF INDIANA
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

FILED: Aug 5, 2024

Indiana Horse Racing Commission,
Petitioner,

v.

Sixto Rivas,
Respondent.

Administrative Cause No.: HRC-2405-001229

Underlying Action No.: 224001

ULTIMATE AUTHORITY: Indiana Horse Racing Commission

RECOMMENDED FINAL ORDER OF DEFAULT

Pursuant to IC 4-21.5-3-24(a)(1), the undersigned Administrative Law Judge now determines that a FINAL ORDER OF DEFAULT should be entered against Petitioner, Sixto Rivas, for the following reasons:

1. On April 9, 2024 the Indiana Horse Racing Commission (HRC) issued Administrative Complaint No. 224001 against Sixto Rivas (Rivas) alleging that Rivas violated 71 IAC 8-1-2(a) on three occasions and recommending sanctions.
2. Rivas was served with a copy of HRC's Administrative Complaint and all attachments thereto by Certified U.S. Mail on April 24, 2024, the date on which he signed the Certified Mail receipt delivering to him HRC' Complaint Number 224001.
3. Pursuant to 71 IAC 10-3-20(d) Rivas had twenty (20) days from April 24, 2024 to file a written request for a hearing with HRC. Pursuant to IC 4-21.5-3-7(a)(3) this time period is fifteen (15) days, or *any longer period set by statute*. Therefore, the twenty (20) day time limit to file a request for hearing applies to Rivas in this matter.
4. The deadline for Rivas to request a hearing on Complaint No. 224001 was **May 14, 2024**.
5. HRC filed its "Indiana Horse Racing Commission Staff's Petition for Review and Request for Assignment of An Administrative law Judge," the exhibits attendant thereto, and its "Indiana Horse Racing Commission Staff's Motion for Default" on May 21, 2024. Rivas was served with a copy of HRC's petition, exhibits and motion on or around May 21, 2024.

6. As of May 21, 2024 Rivas has not filed a request for a hearing on Complaint No. 224001, with the Indiana Horse Racing Commission.
7. On June 27, 2024, OALP issued a Notice of Proposed Dismissal in this matter, consistent with IC 4-21.5-3-24, providing Rivas with seven (7) days to file a response or request to set aside. Rivas has not filed a request with OALP.
8. Rivas is in default and a final order of default should be issued.

Therefore, the undersigned Administrative Law Judge recommends that a final order of default, pursuant to IC 4-21.5-3-24, be issued against Rivas consistent with the Indiana Horse Racing Commission's Administrative Penalty Complaint Number 224001.

So Recommended: August 5, 2024



Tracey Yeager, Administrative Law Judge
Indiana Office of Administrative Law Proceedings

DISTRIBUTION:

Sixto Rivas, Respondent, by U.S. Mail to 501 East Munz Road, Crete, IL 60417 and by email to sixtorivas329@gmail.com and rivassixto@gmail.com
David Rothenberg, Counsel for HRC at drothenberg@hrc.in.gov
Dale Pennycuff, Counsel for HRC at dpennycuff@hrc.in.gov
Matthew Eggiman, Counsel for HRC at meggiman1@hrc.in.gov

Appeal Rights

This recommendation is not the final agency action on this matter. In accordance with IC 4-15-10.5-12(b), the OALP's order disposing of this matter is not final. This non-final order is subject to review by and has been submitted to the Indiana Horse Racing Commission – Ultimate Authority.

If you wish to raise and preserve an objection to this order, you must file an objection, in writing, within fifteen (15) days after service of this order. If served only by mail, however, three (3) days will be added to this period to object. See Ind. Code § 4-21.5-3-2 for how to compute the period to object.

An objection must identify the basis of the objection with reasonable particularity and be served on all parties and filed with the ultimate authority at drothenberg@hrc.in.gov. Any

communication – inquiries, motions, or otherwise – on this matter should now be directed to the Indiana Horse Racing Commission, Ultimate Authority at drothenberg@hrc.in.gov.

If a timely objection is filed or a notice of intent to review the order is served by the ultimate authority in accordance with Ind. Code § 4-21.5-3-29, the ultimate authority will review the matter and either (1) issue a final order or (2) remand this matter back to the Office of Administrative Law Proceedings for additional proceedings. In the absence of an objection or notice of intent to review, the ultimate authority shall affirm the order in accordance with Ind. Code § 4-21.5-3-29(c).

INDIANA HORSE RACING COMMISSION
ADMINISTRATIVE PENALTY COMPLAINT

RE: Sixto Rivas
501 E. Munz Rd.
Crete, IL 60417

ADMINISTRATIVE COMPLAINT NO.: 224001

AUTHORITY

71 IAC 10-3-20 provides that the Commission has delegated to the Executive Director the authority to prepare and issue reports recommending the assessment of an administrative penalty, including fines and other proposed sanctions. Specifically, 71 IAC 10-3-20(b) states:

The commission delegates to the executive director the authority to prepare and issue administrative complaints pursuant to the Act. If, after examination of a possible violation and the facts relating to that possible violation, the executive director determines that a violation has occurred, the executive director shall issue an administrative complaint that states the facts on which the conclusion is based, the fact that an administrative penalty is to be imposed, the amount to be assessed, and any other proposed sanction, including suspension, or revocation. Furthermore, when the judges have issued a ruling that a violation has occurred, the executive director may issue an administrative complaint identifying the underlying ruling that serves as the basis for the administrative complaint, the fact that an administrative penalty is to be imposed, the additional amount to be assessed, and any other proposed sanction including additional suspension or revocation. **The amount of the penalty may not exceed five thousand dollars (\$5,000) for each violation. Each day or occurrence that a violation continues may be considered a separate violation. In determining the administrative penalty, the executive director shall consider the seriousness of the violation.**

NOTICE: The person who is the subject of this Administrative Complaint has twenty (20) days after the issuance of this report to make a written request for a hearing pursuant to 71 IAC 10-3-20(d). All requests for a hearing on an administrative complaint issued by the executive director must be filed through the Office of Administrative Law Proceedings (“OALP”). This can be done through the OALP webform located at this web address:

<https://appengine.egov.com/apps/in/individuals-entities-file-petition-for-review>.

Alternatively, a paper copy of the webform can be downloaded at the web address, filled out, and mailed to:

Office of Administrative Law Proceedings
100 N. Senate Avenue Suite N802
Indianapolis, IN 46204

The remainder of 71 IAC 10-3-20 outlines how that report is to be served and how a person against whom penalties and other sanctions are assessed may contest the recommendation of the Executive Director. See generally, 71 IAC 10 *et seq.*, and IC 4-21.5-3 *et seq.*

Failure to request a hearing or to remit the amount of the administrative penalty within the period prescribed by 71 IAC 10-3-20 (not later than the twentieth day after the date on which the executive director delivers or sends the administrative complaint) may result in a waiver of the right to a hearing on the administrative penalty as well as any right to judicial review.

Additionally, if the person who is the subject of this Administrative Complaint, no later than ten (10) days after the issuance of this Administrative Complaint, delivers or has delivered to the Executive Director of the Commission materials that should be considered in mitigation of the proposed penalty, then the Executive Director may, in her discretion, either withdraw the Administrative Complaint issued, modify or amend it as she sees fit, or allow the report to stand as originally issued. In the absence of specific notice to the contrary, the person who is the subject of this Administrative Complaint is to assume that the report will stand as originally issued.

REVIEW OF INFORMATION

1. The Indiana Horse Racing Commission (“IHRC”) Pari-Mutuel Rules for Flat Racing (71 IAC, *et seq.*) and any relevant provisions of the Indiana Pari-Mutuel Wagering on Horse Racing Act found at IC 4-31, *et seq.*
2. The 2023 IHRC driver/owner/trainer license application form electronically signed and submitted by Sixto Rivas (“Rivas”) on March 4, 2023. (Exhibit A).
3. Association of Racing Commissioners International printout containing the past ruling record of Rivas. (Exhibit B).
4. Copy of the relevant Official Program Pages for December 8, 2023, at Harrah’s Hoosier Park located in Anderson, Indiana (“Hoosier Park”). (Exhibit C).
5. IHRC Test Barn Report for Hoosier Park, dated December 8, 2023. (Exhibit D).
6. Sample ID cards for the horses *Cool Blues Man* (E492327), *Bold And Brassy* (E492328), and *National Sport* (E492330) dated December 8, 2023, from Hoosier Park. (Exhibit E).
7. Industrial Laboratories’ Sample Shipment List for Hoosier Park dated December 8, 2023. (Exhibit F).
8. A copy of the 2023 IHRC license application for Dany Navas signed on April 5, 2023. (Exhibit G).
9. Industrial Laboratories’ Certificate of Analysis Report for Client ID E492327, Client ID E492328, and Client ID E492330, dated January 5, 2024. (Exhibit H).
10. IHRC Split Sample Form for Split Laboratory Processing and accompanying FedEx Express U.S. Airbill for shipping to the University of Illinois Chicago Analytical

Forensic Testing Laboratory (“UIC Lab”), both dated January 18, 2024. (Exhibit I).

11. UIC Lab’s Analysis Report Summary of Results for Sample Numbers E492327, E492328, and E492330, dated February 19, 2024. (Exhibit J).

FINDINGS OF FACT

1. Rivas was licensed in 2023 by the IHRC as a driver, owner, and trainer and was, at all times relevant, subject to the jurisdiction of the IHRC.
2. Rivas was, at all times relevant, the trainer of record for the horses identified as *Cool Blues Man*, *Bold And Brassy*, and *National Sport* as referenced in the Review of Information above.
3. As a licensee, Rivas is subject to IHRC rules and regulations.
4. Pursuant to 71 IAC 5-3-2(a)(2), Rivas is responsible for the presence of any prohibited drug in horses he trains regardless of the acts of third parties. A positive test for a prohibited drug, medication, or substance, as reported by a commission-approved laboratory, is *prima facie* evidence of a violation of this rule.
5. Pursuant to 71 IAC 8-1-2(a):

...A finding by the chemist or commission designee that a foreign substance is present in the test sample shall be *prima facie* evidence that such foreign substance was administered and carried in the body of the horse while participating in a race. Such a finding shall also be taken as *prima facie* evidence that the trainer and or his agents responsible for the care or custody of the horse have been negligent in the handling or care of the horse.

6. N-Ethylnicotinamide, a metabolite of Nikethamide, is a substance foreign to a racehorse, has no generally accepted medical use in a racehorse, and its pharmacologic potential for altering the performance of a racehorse is very high.
7. Rivas violated 71 IAC 8-1-2(a) on three occasions based upon the finding by Industrial Laboratories of the presence of N-Ethylnicotinamide, a substance foreign to a racehorse, in the systems of the horses *Cool Blues Man*, *Bold And Brassy*, and *National Sport* on December 8, 2023, as stated in the Review of Information, above.

RECOMMENDED PENALTY

WHEREAS Commission regulation 71 IAC 2-11-1 specifically states:

“In assessing penalties, the Commission shall consider the severity of the violation . . .”

WHEREAS the findings of fact clearly demonstrate that penalties should be imposed.

IT IS HEREBY RECOMMENDED that pursuant to the provisions of 71 IAC 10-3-20, and in addition to any sanction imposed by the Judges at Hoosier Park, Rivas:

- a. Be fined the sum of \$10,000; and
- b. Be suspended for a period of three (3) years to be served consecutively with any suspension imposed by the Judges at Hoosier Park.

Furthermore, the horses *Cool Blues Man*, *Bold And Brassy*, and *National Sport* be ordered unplaced from their races on December 8, 2023, at Hoosier Park, and all purse monies earned be forfeited, returned, and redistributed pursuant to the provisions of 71 IAC 8-1-2(b).



Deena Pitman, Executive Director
Indiana Horse Racing Commission

4-9-2024
Date

cc: IHRC Judges

INDIANA HORSE RACING COMMISSION
1302 North Meridian Street, Suite 175
Indianapolis, IN 46202
Tel: 317-233-3119
Fax: 317-233-4470

Agenda Item #2



INDIANA HORSE RACING COMMISSION

Ruling Log

Rulings Issued From 1/1/2024 to 9/30/2024

Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fine	Suspended From	Suspended To	Days Suspended
IG-2024-3227	1/25/24	JESSICA A. VAZQUEZ	QH	11/1/23	Medication/Drug Violation (Equine)	\$500	4/16/24	4/30/24	15
HP-2024-3230	3/13/24	SIXTO RIVAS	SB	12/8/23	Medication/Drug Violation (Equine)	\$0	3/14/24	3/13/25	365
HP-2024-3231	3/13/24	SIXTO RIVAS	SB	12/8/23	Medication/Drug Violation (Equine)	\$0	3/14/24	3/13/25	365
HP-2024-3232	3/12/24	SIXTO RIVAS	SB	12/8/23	Medication/Drug Violation (Equine)	\$5,000	3/14/24	3/13/25	365
HP-2024-3234	3/29/24	SCOTT T. GEORGE	SB	3/23/24	Receiving Barn/Paddock Violation	\$200			
HP-2024-3235	4/2/24	TRENT P. STOHLER	SB	3/30/24	Receiving Barn/Paddock Violation	\$200			
HP-2024-3236	4/2/24	ADAM C. RUCKER	SB	3/30/24	Receiving Barn/Paddock Violation	\$200			
HP-2024-3237	4/4/24	JOE D. YODER	SB	4/3/24	Receiving Barn/Paddock Violation	\$200			
HP-2024-3238	4/6/24	RICHARD L. MACOMBER JR	SB	4/5/24	Riding/Driving Infraction Violation	\$200			
IG-2024-3241	4/5/24	BRAYAN E. LAGOS GARCES		4/4/24	Conduct/Behavior	\$500			
IG-2024-3242	3/1/24	ROGELIO LABRA		3/1/24	Miscellaneous Ruling	\$0			
IG-2024-3243	3/14/24	MASON J. WEINTRAUT		3/14/24	Miscellaneous Ruling	\$0			
IG-2024-3244	4/10/24	FRANSICO E. GONZALES JR		4/10/24	Miscellaneous Ruling	\$0			
HP-2024-3245	4/10/24	BRETT H. WILFONG	SB	4/10/24	Receiving Barn/Paddock Violation	\$200			
IG-2024-3246	4/18/24	ALBERTO CERON-ZAMUDIO	QH	4/17/24	Whip Violation	\$250			
HP-2024-3247	4/20/24	LEWAYNE L. MILLER	SB	4/19/24	Riding/Driving Infraction Violation	\$200			
HP-2024-3248	4/24/24	SAMUEL EICHER	SB	4/24/24	Trainer Responsibility	\$200			
IG-2024-3249	4/24/24	DAGOBERTO CASTELLANOS-HERNANDEZ		4/24/24	License Violation	\$0			



INDIANA HORSE RACING COMMISSION

Ruling Log

Rulings Issued From 1/1/2024 to 9/30/2024

Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fine	Suspended From	Suspended To	Days Suspended
HP-2024-3250	4/27/24	JOSEPH D. PUTNAM	SB	4/25/24	Riding/Driving Infraction Violation	\$200			
HP-2024-3251	4/27/24	JOSEPH G. SEEKMAN	SB	4/26/24	Receiving Barn/Paddock Violation	\$200			
HP-2024-3252	4/30/24	BRANDON L. BATES	SB	4/27/24	Riding/Driving Infraction Violation	\$100			
HP-2024-3253	5/3/24	DEVON J. THARPS	SB	5/1/24	Riding/Driving Infraction Violation	\$200			
HP-2024-3254	5/4/24	MICHAEL G. PETERSON	SB	5/2/24	Whip Violation	\$200			
IG-2024-3255	5/6/24	MARCELINO PEDROZA	TB	5/1/24	Riding/Driving Infraction Violation	\$0	5/13/24	5/15/24	3
IG-2024-3256	5/7/24	GAVIN ASHTON	TB	5/4/24	Riding/Driving Infraction Violation	\$0	5/13/24	5/13/24	1
IG-2024-3257	5/9/24	ARON H. HUNT	QH	5/6/24	Whip Violation	\$250			
HP-2024-3258	5/10/24	MARVIN A. LUNA	SB	5/8/24	Whip Violation	\$300			
HP-2024-3259	5/11/24	ERVIN M. MILLER	SB	5/10/24	Trainer Responsibility	\$200			
HP-2024-3260	5/11/24	JAMES D. YODER	SB	5/10/24	Riding/Driving Infraction Violation	\$100			
HP-2024-3261	5/11/24	RANDY D. CRISLER	SB	4/5/24	Medication/Drug Violation (Equine)	\$0			
HP-2024-3262	5/11/24	RANDY D. CRISLER	SB	4/6/24	Medication/Drug Violation (Equine)	\$0			
HP-2024-3263	5/14/24	JASON J. BREWER	SB	5/11/24	Trainer Responsibility	\$100			
HP-2024-3264	5/14/24	DOUGLAS J. RIDEOUT	SB	4/3/24	Trainer Responsibility	\$0			
HP-2024-3265	5/16/24	SCOTT T. GEORGE	SB	8/2/23	Trainer Responsibility	\$1,000			
HP-2024-3266	5/16/24	JACOB A. ROEDL	SB	5/16/24	Receiving Barn/Paddock Violation	\$200			
HP-2024-3267	5/18/24	MARVIN A. LUNA	SB	5/17/24	Riding/Driving Infraction Violation	\$200			



INDIANA HORSE RACING COMMISSION

Ruling Log

Rulings Issued From 1/1/2024 to 9/30/2024

Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fine	Suspended From	Suspended To	Days Suspended
HP-2024-3268	5/18/24	DANIEL J. O'MARA	SB	5/18/24	Receiving Barn/Paddock Violation	\$200			
IG-2024-3269	5/17/24	ARON H. HUNT	QH	5/16/24	Whip Violation	\$500			
IG-2024-3270	5/21/24	ANDERSON J. GONZALEZ		5/20/24	Medication/Drug/Alcohol Violation (Human)	\$100			
HP-2024-3271	5/21/24	MELISSA S. ESSIG	SB	8/8/23	Trainer Responsibility	\$2,000			
HP-2024-3272	5/21/24	JORDAN M. ROSS	SB	5/17/24	Whip Violation	\$200			
HP-2024-3273	5/22/24	ATLEE E. BENDER	SB	5/18/24	Whip Violation	\$200			
IG-2024-3274	5/23/24	JOSE M. RUIZ	QH	5/22/24	Whip Violation	\$250			
IG-2024-3275	5/22/24	RODNEY A. PRESCOTT	TB	5/21/24	Riding/Driving Infraction Violation	\$0	5/29/24	6/3/24	3*
HP-2024-3276	5/24/24	ATLEE E. BENDER	SB	5/22/24	Riding/Driving Infraction Violation	\$100			
HP-2024-3277	5/24/24	ATLEE E. BENDER	SB	5/23/24	Riding/Driving Infraction Violation	\$100			
HP-2024-3278	5/24/24	MICHAEL J. OOSTING	SB	5/23/24	Whip Violation	\$200			
HP-2024-3279	5/24/24	CARSON M. CONRAD	SB	5/23/24	Riding/Driving Infraction Violation	\$200			
IG-2024-3280	5/27/24	EDGAR R. MORALES	TB	5/22/24	Riding/Driving Infraction Violation	\$0	6/4/24	6/10/24	2*
HP-2024-3281	5/30/24	PETER M. WRENN	SB	5/27/24	Riding/Driving Infraction Violation	\$100			
HP-2024-3282	5/30/24	BRANDON L. BATES	SB	5/29/24	Riding/Driving Infraction Violation	\$200			
IG-2024-3283	5/30/24	JAIME A. TORRES	TB	5/28/24	Riding/Driving Infraction Violation	\$0	6/10/24	6/11/24	2
IG-2024-3284	5/28/24	JOSEPH M. ROMERO-ALBORNOZ		5/28/24	Miscellaneous Ruling	\$0			
HP-2024-3285	5/31/24	DONALD J. EASH	SB	5/29/24	Riding/Driving Infraction Violation	\$200			



INDIANA HORSE RACING COMMISSION

Ruling Log

Rulings Issued From 1/1/2024 to 9/30/2024

Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fine	Suspended From	Suspended To	Days Suspended
HP-2024-3286	5/31/24	JORDAN M. ROSS	SB	5/29/24	Whip Violation	\$300			
HP-2024-3287	6/1/24	KYLE A. HUSTED	SB	5/30/24	Riding/Driving Infraction Violation	\$100			
HP-2024-3288	6/1/24	HENRY GRABER JR	SB	6/1/24	Trainer Responsibility	\$200			
IG-2024-3289	6/3/24	ERIK N. ESQUEDA	QH	6/1/24	Whip Violation	\$250			
IG-2024-3290	6/4/24	ARON H. HUNT	QH	6/1/24	Whip Violation	\$0	6/17/24	6/19/24	3
IG-2024-3291	5/31/24	MARK W. SAVASTANO		5/31/24	License Violation	\$0			
HP-2024-3292	6/5/24	MARVIN A. LUNA	SB	5/31/24	Whip Violation	\$400			
IG-2024-3293	6/6/24	SHANE M. JOLIVETTE		5/31/24	Miscellaneous Ruling	\$0			
IG-2024-3294	6/6/24	EDUARDO E. PEREZ	TB	6/5/24	Riding/Driving Infraction Violation	\$0	6/13/24	6/18/24	3*
IG-2024-3295	6/6/24	ALBERTO BURGOS	TB	6/5/24	Riding/Driving Infraction Violation	\$0	6/17/24	6/17/24	1
HP-2024-3296	6/6/24	DEVON J. THARPS	SB	5/31/24	Whip Violation	\$200			
HP-2024-3297	6/6/24	ATLEE E. BENDER	SB	6/5/24	Riding/Driving Infraction Violation	\$200			
HP-2024-3298	6/8/24	JARED T. SEEKMAN	SB	6/5/24	Riding/Driving Infraction Violation	\$100			
HP-2024-3299	6/8/24	KYLE J. WILFONG	SB	6/6/24	Riding/Driving Infraction Violation	\$200			
HP-2024-3300	6/8/24	KIMBERLY P. ROTH	SB	6/6/24	Riding/Driving Infraction Violation	\$100			
HP-2024-3301	6/8/24	MICHAEL G. PETERSON	SB	6/7/24	Whip Violation	\$300			
IG-2024-3302	6/14/24	JOSEPH C. BEALMEAR	TB	6/11/24	Riding/Driving Infraction Violation	\$0	6/24/24	6/24/24	1
HP-2024-3303	6/14/24	KYLE J. WILFONG	SB	6/8/24	Whip Violation	\$200			



INDIANA HORSE RACING COMMISSION

Ruling Log

Rulings Issued From 1/1/2024 to 9/30/2024

Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fine	Suspended From	Suspended To	Days Suspended
HP-2024-3304	6/14/24	JOHN J. DELONG	SB	6/12/24	Riding/Driving Infraction Violation	\$200			
HP-2024-3305	6/14/24	MICHAEL J. OOSTING	SB	6/12/24	Whip Violation	\$300			
HP-2024-3306	6/14/24	DEVON J. THARPS	SB	6/13/24	Riding/Driving Infraction Violation	\$200			
HP-2024-3307	6/15/24	CARSON M. CONRAD	SB	6/12/24	Riding/Driving Infraction Violation	\$100			
HP-2024-3308	6/15/24	BRADLEY K. FERGUSON	SB	6/12/24	Riding/Driving Infraction Violation	\$100			
IG-2024-3309	6/14/24	GIOVANI VAZQUEZ-GOMEZ	TB	6/13/24	Whip Violation	\$250			
HP-2024-3310	6/18/24	JOHN J. DELONG	SB	6/14/24	Whip Violation	\$200			
HP-2024-3311	6/18/24	RICHARD L. MACOMBER JR	SB	6/15/24	Riding/Driving Infraction Violation	\$200			
IG-2024-3312	6/20/24	GREGORY R. BLAND	TB	6/20/24	Miscellaneous Ruling	\$0			
IG-2024-3313	6/19/24	REYLUIS A. GUTIERREZ	TB	6/18/24	Riding/Driving Infraction Violation	\$0	6/25/24	6/25/24	1
HP-2024-3314	6/21/24	LEROY J. EICHER	SB	6/19/24	Trainer Responsibility	\$200			
HP-2024-3315	6/21/24	ROCKY J. LONEY	SB	6/19/24	Riding/Driving Infraction Violation	\$100			
HP-2024-3316	6/21/24	SCOTT T. GEORGE	SB	5/30/24	Medication/Drug Violation (Equine)	\$1,000			
HP-2024-3317	6/22/24	ATLEE E. BENDER	SB	6/20/24	Riding/Driving Infraction Violation	\$100			
HP-2024-3318	6/22/24	ATLEE E. BENDER	SB	6/21/24	Riding/Driving Infraction Violation	\$300			
IG-2024-3319	6/24/24	GREGORY R. BLAND	TB	6/24/24	Miscellaneous Ruling	\$0			
IG-2024-3320	6/26/24	AXEL CONCEPCION	TB	6/24/24	Riding/Driving Infraction Violation	\$0	7/2/24	7/2/24	1
HP-2024-3321	6/26/24	MARVIN A. LUNA	SB	6/22/24	Whip Violation	\$500			



INDIANA HORSE RACING COMMISSION

Ruling Log

Rulings Issued From 1/1/2024 to 9/30/2024

Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fine	Suspended From	Suspended To	Days Suspended
HP-2024-3322	6/28/24	DEVON J. THARPS	SB	6/25/24	Riding/Driving Infraction Violation	\$100			
HP-2024-3323	6/28/24	DEVON J. THARPS	SB	6/26/24	Riding/Driving Infraction Violation	\$100			
HP-2024-3324	6/28/24	WALTER E. HAYNES JR	SB	6/26/24	Receiving Barn/Paddock Violation	\$200			
HP-2024-3325	6/28/24	JARED D. FINN	SB	6/26/24	Whip Violation	\$200			
HP-2024-3326	6/28/24	JAMAICA M. PATTON	SB	6/27/24	Riding/Driving Infraction Violation	\$100			
HP-2024-3327	6/28/24	MARVIN A. LUNA	SB	6/27/24	Riding/Driving Infraction Violation	\$100			
HP-2024-3328	6/29/24	DALE WITCHER II	SB	6/29/24	Trainer Responsibility	\$200	9/5/24	9/12/24	8
IG-2024-3329	7/2/24	RICKIE L. COX		7/2/24	License Violation	\$0			
HP-2024-3330	7/2/24	KASSANDRA L. ADAMS	SB	6/29/24	Riding/Driving Infraction Violation	\$100			
HP-2024-3331	7/2/24	JAY D. CROSS	SB	6/28/24	Riding/Driving Infraction Violation	\$200			
HP-2024-3332	7/2/24	MARVIN A. LUNA	SB	6/28/24	Riding/Driving Infraction Violation	\$200			
IG-2024-3333	7/2/24	VICTOR M. GONZALEZ		6/29/24	Improper Business Manner	\$1,000			
IG-2024-3334	7/3/24	FERNANDO MORIN	QH	7/2/24	Whip Violation	\$250			
HP-2024-3335	7/4/24	JENNIFER L. REDMOND	SB	5/17/24	Medication/Drug Violation (Equine)	\$2,500	7/4/24	12/30/24	180
IG-2024-3336	7/8/24	FRANCISCO J. QUINTERO	QH	7/5/24	Whip Violation	\$250			
HP-2024-3337	7/9/24	DANIEL J. O'MARA	SB	7/5/24	Receiving Barn/Paddock Violation	\$200			
HP-2024-3338	7/9/24	RONNIE MOAWAD	SB	7/5/24	Trainer Responsibility	\$500			
HP-2024-3339	7/9/24	MATTHEW W. RHEINHEIMER	SB	7/6/24	Riding/Driving Infraction Violation	\$100			



INDIANA HORSE RACING COMMISSION

Ruling Log

Rulings Issued From 1/1/2024 to 9/30/2024

Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fine	Suspended From	Suspended To	Days Suspended
HP-2024-3340	7/10/24	SCOTT T. GEORGE	SB	7/6/24	Riding/Driving Infraction Violation	\$500			
HP-2024-3341	7/10/24	THEODORE W. GAWRON	SB	7/6/24	Trainer Responsibility	\$200			
HP-2024-3342	7/10/24	ERVIN M. MILLER	SB	7/9/24	Trainer Responsibility	\$100			
HP-2024-3343	7/10/24	MICHAEL G. PETERSON	SB	7/9/24	Whip Violation	\$400			
IG-2024-3344	7/11/24	EDGAR R. MORALES	TB	7/6/24	Riding/Driving Infraction Violation	\$0	7/29/24	7/30/24	2
HP-2024-3345	7/11/24	TRACE A. TETRICK	SB	7/10/24	Riding/Driving Infraction Violation	\$200			
HP-2024-3346	7/11/24	RANDY G. HATTON	SB	7/11/24	Receiving Barn/Paddock Violation	\$200			
IG-2024-3347	7/11/24	REBECCA E. MORRIS		7/11/24	License Violation	\$0			
IG-2024-3348	7/11/24	MICHELLE DALTON		7/11/24	License Violation	\$0	7/11/24		
IG-2024-3349	7/11/24	ISDEL DIAZ		7/11/24	License Violation	\$0	7/11/24		
IG-2024-3350	7/11/24	PATRICK M. MCCALL		7/11/24	License Violation	\$0			
IG-2024-3351	7/11/24	VINCENT PUGLISI JR		7/11/24	License Violation	\$0	7/11/24		
IG-2024-3352	7/11/24	PATRICK J. MCCALL		7/11/24	License Violation	\$0	7/11/24		
IG-2024-3353	7/11/24	CONRADO MURILLO SR		7/11/24	License Violation	\$0			
IG-2024-3354	7/11/24	JOSEPH MULLEN		7/11/24	License Violation	\$0	7/11/24		
IG-2024-3355	7/11/24	HUGO BRACHO		7/11/24	License Violation	\$0	7/11/24		
IG-2024-3356	7/11/24	RAMZY RAHIB		7/11/24	License Violation	\$0			
IG-2024-3357	7/11/24	THOMAS MOORE		7/11/24	License Violation	\$0			



INDIANA HORSE RACING COMMISSION

Ruling Log

Rulings Issued From 1/1/2024 to 9/30/2024

Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fine	Suspended From	Suspended To	Days Suspended
IG-2024-3358	7/11/24	JOSEPH MACDOUGALL		7/11/24	License Violation	\$0			
IG-2024-3359	7/11/24	NICK HANNA		7/11/24	License Violation	\$0			
IG-2024-3360	7/11/24	CAROLINE MOORE		7/11/24	License Violation	\$0			
IG-2024-3361	7/11/24	SCOTT D. BUTAUD		7/11/24	License Violation	\$0	7/11/24		
IG-2024-3362	7/11/24	EDWARD S. DELAVA		7/11/24	License Violation	\$0			
IG-2024-3363	7/11/24	JOHN P. O'BRIEN		7/11/24	License Violation	\$0	7/11/24		
IG-2024-3364	7/11/24	RYAN K. JONES		7/11/24	License Violation	\$0			
IG-2024-3365	7/12/24	JOSHUA M. MORALES	TB	7/10/24	Riding/Driving Infraction Violation	\$0			
HP-2024-3366	7/9/24	JILL E. BROWN	SB	7/1/24	Claiming Violation	\$500			
IG-2024-3367	7/16/24	LEONEL BOLANOS	QH	7/15/24	Whip Violation	\$250			
IG-2024-3368	7/16/24	RICHARD L. GILLIARD	QH	7/16/24	Miscellaneous Ruling	\$0			
HP-2024-3369	7/13/24	RHIANNA L. LANGDON	SB	7/10/24	Conduct/Behavior	\$250			
HP-2024-3370	7/18/24	MICHAEL G. PETERSON	SB	7/16/24	Whip Violation	\$500			
HP-2024-3371	7/20/24	AMY L. HUSTED	SB	7/18/24	Riding/Driving Infraction Violation	\$100			
HP-2024-3372	7/20/24	TYLER COOK	SB	7/20/24	Trainer Responsibility	\$100			
IG-2024-3373	7/18/24	BRAD H. COX	TB	7/9/22	Medication/Drug Violation (Equine)	\$500			
HP-2024-3374	7/23/24	JARED D. FINN	SB	7/18/24	Whip Violation	\$300			
HP-2024-3375	7/24/24	BRANDON L. BATES	SB	7/20/24	Riding/Driving Infraction Violation	\$200			



INDIANA HORSE RACING COMMISSION

Ruling Log

Rulings Issued From 1/1/2024 to 9/30/2024

Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fine	Suspended From	Suspended To	Days Suspended
HP-2024-3376	7/24/24	KIWON A. WALDRON	SB	7/23/24	Whip Violation	\$200			
HP-2024-3377	7/24/24	HARRY E. MILLER	SB	7/23/24	Riding/Driving Infraction Violation	\$100			
HP-2024-3378	7/25/24	BRADLEY K. FERGUSON	SB	7/23/24	Riding/Driving Infraction Violation	\$100			
IG-2024-3379	7/22/24	HUGO MACIAS	QH	7/20/24	Whip Violation	\$250			
IG-2024-3380	7/30/24	ASHLEY D. DAVIS		7/9/24	License Violation	\$0	7/30/24		
HP-2024-3381	7/30/24	DONALD C. COY	SB	7/25/24	Whip Violation	\$200			
HP-2024-3382	8/2/24	PETER M. WRENN	SB	8/1/24	Riding/Driving Infraction Violation	\$200			
IG-2024-3383	8/2/24	ADAM DAVIS		8/2/24	License Violation	\$0	8/2/24		
IG-2024-3384	8/2/24	HUGO SANCHEZ		8/2/24	License Violation	\$0	8/2/24		
IG-2024-3385	8/2/24	GLEN MCKIRGAN		8/2/24	License Violation	\$0			
IG-2024-3386	8/2/24	VICTOR A. ESCALONA		8/2/24	License Violation	\$0	8/2/24		
IG-2024-3387	8/2/24	JOSEPH A. NAVARRO		8/2/24	License Violation	\$0	8/2/24		
HP-2024-3388	8/6/24	JOHN D. FINN	SB	5/1/24	Medication/Drug Violation (Equine)	\$500	8/13/24	8/19/24	7
HP-2024-3389	8/6/24	TRENT P. STOHLER	SB	5/11/24	Medication/Drug Violation (Equine)	\$2,000	8/13/24	8/17/24	5
HP-2024-3390	8/6/24	DYLAN P. DAVIS	SB	8/3/24	Trainer Responsibility	\$200			
HP-2024-3391	8/10/24	DARRELL L. WRIGHT	SB	8/3/24	Riding/Driving Infraction Violation	\$100			
HP-2024-3392	8/10/24	DEVON J. THARPS	SB	8/3/24	Riding/Driving Infraction Violation	\$200			
HP-2024-3393	8/10/24	SCOTT NANCE	SB	8/9/24	Riding/Driving Infraction Violation	\$100			



INDIANA HORSE RACING COMMISSION

Ruling Log

Rulings Issued From 1/1/2024 to 9/30/2024

Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fine	Suspended From	Suspended To	Days Suspended
IG-2024-3394	8/12/24	BOBBY L. RANSOM	QH	8/10/24	Whip Violation	\$250			
IG-2024-3395	8/14/24	MIGUEL RAMOS FLORES		8/14/24	Miscellaneous Ruling	\$0			
IG-2024-3396	8/17/24	FERNANDO C. DE LA CRUZ	TB	8/14/24	Riding/Driving Infraction Violation	\$0	8/26/24	8/26/24	1
IG-2024-3397	8/16/24	ARON H. HUNT	QH	8/14/24	Whip Violation	\$500	8/21/24	8/26/24	3*
IG-2024-3398	8/20/24	KARL BROBERG		8/20/24	Miscellaneous Ruling	\$0			
HP-2024-3399	8/16/24	BRADLEY K. FERGUSON	SB	8/14/24	Whip Violation	\$200			
HP-2024-3400	8/16/24	JORDAN M. ROSS	SB	8/15/24	Riding/Driving Infraction Violation	\$200			
HP-2024-3401	8/18/24	LEWAYNE L. MILLER	SB	8/17/24	Riding/Driving Infraction Violation	\$100			
HP-2024-3402	8/18/24	MARVIN A. LUNA	SB	8/17/24	Riding/Driving Infraction Violation	\$200			
HP-2024-3403	8/18/24	MICHAEL J. OOSTING	SB	8/17/24	Riding/Driving Infraction Violation	\$200			
IG-2024-3404	8/21/24	ALBERTO BURGOS	TB	8/19/24	Riding/Driving Infraction Violation	\$0	8/27/24	8/27/24	1
IG-2024-3405	8/2/24	ARMANDO C. BURLAMAQUI		8/2/24	License Violation	\$0			
IG-2024-3406	8/21/24	KEVIN A. SWANGO		8/22/24	Miscellaneous Ruling	\$0			
HP-2024-3407	8/23/24	BRADLEY K. FERGUSON	SB	8/20/24	Whip Violation	\$300			
HP-2024-3408	8/24/24	MARVIN A. LUNA	SB	8/22/24	Whip Violation	\$500	8/30/24	9/3/24	3*
HP-2024-3409	8/24/24	LEWAYNE L. MILLER	SB	8/23/24	Riding/Driving Infraction Violation	\$200			
IG-2024-3411	8/26/24	JASON W. PASCOE		8/26/24	Miscellaneous Ruling	\$0			
HP-2024-3412	8/28/24	JOHN J. DELONG	SB	8/23/24	Riding/Driving Infraction Violation	\$200			



INDIANA HORSE RACING COMMISSION

Ruling Log

Rulings Issued From 1/1/2024 to 9/30/2024

Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fine	Suspended From	Suspended To	Days Suspended
HP-2024-3413	8/29/24	BRADLEY K. FERGUSON	SB	8/28/24	Receiving Barn/Paddock Violation	\$200			
IG-2024-3414	8/30/24	ALBERTO CERON-ZAMUDIO	QH	8/29/24	Whip Violation	\$500			
HP-2024-3415	8/31/24	BRANDON L. BATES	SB	8/29/24	Riding/Driving Infraction Violation	\$200			
IG-2024-3416	8/30/24	GEORGE LEONARD III		7/17/24	Conduct/Behavior	\$0			
IG-2024-3417	9/2/24	ALBERTO CERON-ZAMUDIO	QH	8/31/24	Whip Violation		9/9/24	9/11/24	3
IG-2024-3418	9/2/24	ERIK N. ESQUEDA	QH	8/31/24	Whip Violation	\$500			
HP-2024-3419	9/3/24	LAVERN M. HOSTETLER	SB	8/28/24	Receiving Barn/Paddock Violation	\$200			
HP-2024-3420	9/3/24	RANDY D. CRISLER	SB	8/31/24	Whip Violation	\$300			
HP-2024-3421	9/3/24	TRACE A. TETRICK	SB	8/31/24	Riding/Driving Infraction Violation	\$200			
HP-2024-3422	9/3/24	EDGAR O. HERRERA	SB	8/6/24	Medication/Drug Violation (Equine)	\$1,000			
IG-2024-3423	9/4/24	IRVING MONCADA	TB	8/29/24	Riding/Driving Infraction Violation	\$0	9/10/24	9/10/24	1
IG-2024-3424	9/4/24	FERNANDO C. DE LA CRUZ		8/29/24	Riding/Driving Infraction Violation	\$0	9/10/24	9/12/24	3
HP-2024-3425	9/5/24	DONALD C. COY	SB	9/4/24	Riding/Driving Infraction Violation	\$200			
HP-2024-3426	9/5/24	DONALD J. EASH	SB	9/4/24	Whip Violation	\$300			
HP-2024-3427	9/6/24	MARVIN A. LUNA	SB	9/5/24	Riding/Driving Infraction Violation	\$200			
IG-2024-3428	9/6/24	ALBERTO BURGOS	TB	9/5/24	Riding/Driving Infraction Violation	\$0	9/16/24	9/16/24	1
IG-2024-3429	9/6/24	CRISTIAN REYES-SOTELO	QH	9/5/24	Whip Violation	\$250			
HP-2024-3430	9/11/24	BRANDON L. BATES	SB	9/5/24	Riding/Driving Infraction Violation	\$100			



INDIANA HORSE RACING COMMISSION

Ruling Log

Rulings Issued From 1/1/2024 to 9/30/2024

Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fine	Suspended From	Suspended To	Days Suspended
HP-2024-3431	9/11/24	JORDAN M. ROSS	SB	9/10/24	Riding/Driving Infraction Violation	\$100			
IG-2024-3432	9/12/24	ERIK M. ASMUSSEN	TB	9/10/24	Riding/Driving Infraction Violation	\$0			
IG-2024-3433	9/12/24	RODNEY A. PRESCOTT	TB	9/10/24	Riding/Driving Infraction Violation	\$0			
IG-2024-3434	9/13/24	JUAN M. ALEGRIA	TB	4/9/24	Miscellaneous Ruling	\$0			
HP-2024-3435	9/24/24	DONALD C. COY	SB	9/19/24	Whip Violation	\$300			
HP-2024-3436	9/24/24	RONNIE H. WRENN JR	SB	9/19/24	Whip Violation	\$400			
HP-2024-3437	9/24/24	SCOTT R. ZERON	SB	9/20/24	Whip Violation	\$400			
HP-2024-3438	9/24/24	JOSEPH D. PUTNAM	SB	9/20/24	Riding/Driving Infraction Violation	\$100			
HP-2024-3439	9/24/24	CARLOS M. MATIAS	SB	9/21/24	Medication/Drug/Alcohol Violation (Human)	\$0	9/21/24	9/28/24	8
HP-2024-3440	9/25/24	BRADLEY K. FERGUSON	SB	9/21/24	Riding/Driving Infraction Violation	\$100			
HP-2024-3441	9/25/24	KYLE A. HUSTED	SB	9/21/24	Riding/Driving Infraction Violation	\$100			
IG-2024-3442	9/27/24	BOYD BYERS		8/8/24	License Violation	\$0			
HP-2024-3443	9/27/24	KIMOTHY B. VINCENT	SB	9/27/24	License Violation	\$0	9/27/24		
HP-2024-3444	9/27/24	BRAXTEN BOYD	SB	9/27/24	License Violation	\$0	9/27/24		
HP-2024-3445	9/27/24	BRADY JENSON	SB	9/27/24	License Violation	\$0	9/27/24		
HP-2024-3446	9/27/24	ANDREW COBLENTZ	SB	9/27/24	License Violation	\$0	9/27/24		
HP-2024-3447	9/27/24	MATTHEW EICHER	SB	9/27/24	License Violation	\$0	9/27/24		
HP-2024-3448	9/27/24	RON SIMONS	SB	9/27/24	License Violation	\$0	9/27/24		




INDIANA HORSE RACING COMMISSION

Ruling Log

Rulings Issued From 1/1/2024 to 9/30/2024

Ruling Number	Ruling Date	Name	Breed	Violation Date	Violation	Fine	Suspended From	Suspended To	Days Suspended
HP-2024-3449	9/27/24	DAVID GINGERICH	SB	9/27/24	License Violation	\$0	9/27/24		
HP-2024-3450	9/27/24	DEVIN MULLET	SB	9/27/24	License Violation	\$0	9/27/24		
HP-2024-3451	9/27/24	GEORGE A. HALDERMAN	SB	9/27/24	License Violation	\$0	9/27/24		
HP-2024-3452	9/28/24	LESBIA L. PEREZ	SB	9/25/24	Riding/Driving Infraction Violation	\$100			

Agenda Item #3

 Horseshoe Indianapolis



	Violation Date ↓	Case Number	Person Involved	Track / Location	Horse	Classification
VIEW	2024-09-19	2024-17451	Angel Serpa	Horseshoe Indianapolis	Jura	Crop
VIEW	2024-09-12	2024-16775	Andres Patricio Ulloa	Horseshoe Indianapolis	Everlasting Spirit	Crop
VIEW	2024-09-11	2024-16591	Marcelino Pedroza	Horseshoe Indianapolis	Stranger's Church	Crop
VIEW	2024-09-10	2024-16527	Hannah Leahey	Horseshoe Indianapolis	Mine Own Star	Crop
VIEW	2024-09-03	2024-15771	Adam Beschizza	Horseshoe Indianapolis	Dewy's Beast	Crop
VIEW	2024-08-26	2024-14892	Albin Alexander Jimenez	Horseshoe Indianapolis	My Miley's Vow	Crop
VIEW	2024-08-22	2024-14300	Walter Antonio Rodriguez	Horseshoe Indianapolis	Merlin's Magic	Crop
VIEW	2024-08-20	2024-14099	DeShawn L Parker	Horseshoe Indianapolis	Saratoga Cruiser	Crop
VIEW	2024-08-19	2024-14098	Rodney Allen Prescott	Horseshoe Indianapolis	Homerunhappy	Crop
VIEW	2024-08-19	2024-13988	Joseph Miguel Romero	Horseshoe Indianapolis	Cowboy Image	Crop
VIEW	2024-08-07	2024-12448	Rogelio Miranda	Horseshoe Indianapolis	Improbability	Crop
VIEW	2024-07-30	2024-07947	Evin Abdiel Roman	Horseshoe Indianapolis	Bella Bolle	Crop
VIEW	2024-07-17	2024-02300	Eduardo Perez	Horseshoe Indianapolis	Julee Forever	Crop
VIEW	2024-07-06	2024-01881	Eduardo Perez	Horseshoe Indianapolis	Neutron	Crop
VIEW	2024-07-06	2024-01885	Andres Patricio Ulloa	Horseshoe Indianapolis	Jailhouse Justice	Crop

Q Horseshoe Indianapolis



	Violation Date ↓	Case Number	Person Involved	Track / Location	Horse	Classification
VIEW	2024-06-06	2024-00565	Gregory Romero	Horseshoe Indianapolis	Anointed of God	Crop
VIEW	2024-05-28	2024-00507	Gregory Romero	Horseshoe Indianapolis	Silly Rules	Crop
VIEW	2024-05-23	2024-00492	Santo Sanjur	Horseshoe Indianapolis	Pickle Feet	Crop
VIEW	2024-05-22	2024-00483	Anthony Braddock	Horseshoe Indianapolis	Commandandcontrol	Crop
VIEW	2024-05-22	2024-00485	Abel Lezcano	Horseshoe Indianapolis	Commandandcontrol	Crop
VIEW	2024-05-21	2024-00474	Fernando Cesar De la cruz Julian	Horseshoe Indianapolis	Keen Ice Sight	Crop
VIEW	2024-05-01	2024-00405	Magdaleno Salazar	Horseshoe Indianapolis	Night Kiss	Crop
VIEW	2024-05-01	2024-00414	German Terraza	Horseshoe Indianapolis	Rodeo Zone	Crop
VIEW	2024-05-01	2024-00404	Alberto Burgos	Horseshoe Indianapolis	Monumentaljustice	Crop
VIEW	2024-04-30	2024-00401	Fernando Cesar De la cruz Julian	Horseshoe Indianapolis	Costly Pass	Crop
VIEW	2024-04-23	2024-00378	Jaime Alexis Torres	Horseshoe Indianapolis	Get By	Crop
VIEW	2024-04-16	2024-00357	Agustin Gomez Flores	Horseshoe Indianapolis	Sergeant Gump	Crop
VIEW	2024-04-16	2024-00358	German Terraza	Horseshoe Indianapolis	N/A	Crop
VIEW	2024-04-16	2024-00356	Rogelio Miranda	Horseshoe Indianapolis	Bekhamboy	Crop

HIWU Medication Violations

2024 (through September 30)

CONTROLLED

DATE OF RESOLUTION

9/20/2024

DATE OF EVENT (7/6/2024)

COVERED PERSON

Joseph D. Davis

Multiple Violations

COVERED HORSE

Mr. Discount

ALLEGED VIOLATION

Rule 3312--Presence of a Controlled Medication Substance and/or its Metabolites or Markers (Post-Race/Vets' List)

PROHIBITED SUBSTANCE(S) METHODS

● Dexamethasone ↗

CONSEQUENCES IMPOSED

7-day period of Ineligibility for Covered Person, beginning on September 21, 2024, Disqualification of Covered Horse's Race results, including forfeiture of all purses and other compensation, prizes, trophies, points, and rankings and repayment or surrender (as applicable); a fine of \$1,000; imposition of 1.5 Penalty Points.

STATUS

Resolved

[Admission of ECM Rule Violation and Acceptance of Consequences](#)

CONTROLLED

DATE OF RESOLUTION

9/24/2024

DATE OF EVENT (7/10/2024)

COVERED PERSON

Dawn Fontenot

COVERED HORSE

Molly's Little Lue

ALLEGED VIOLATION

Rule 3312--Presence of a Controlled Medication Substance and/or its Metabolites or Markers (Post-Race/Vets' List)

PROHIBITED SUBSTANCE(S) METHODS

● Methocarbamol ↗

CONSEQUENCES IMPOSED

Disqualification of Covered Horse's Race results, including forfeiture of all purses and other compensation, prizes, trophies, points, and rankings and repayment or surrender (as applicable); a fine of \$500; imposition of 1.5 Penalty Points.

STATUS

Resolved

[Admission of ECM Rule Violation and Acceptance of Consequences](#)

CONTROLLED

DATE OF RESOLUTION
6/28/2024

DATE OF EVENT
(5/22/2024)

COVERED PERSON
Joseph D. Davis

COVERED HORSE
Vino Caldo

ALLEGED VIOLATION
Rule 3312--Presence of a Controlled Medication Substance and/or its Metabolites or Markers (Post-Race/Vets' List)

PROHIBITED SUBSTANCE(S) METHODS
● **Dexamethasone** ↗

CONSEQUENCES IMPOSED
A fine of \$500; imposition of 1.5 Penalty Points.

STATUS
Resolved

[Final Decision of HIWU](#)

BANNED

DATE OF RESOLUTION
2/12/2024

DATE OF EVENT (6/1/2023)

COVERED PERSON
Jonathan Wong

Suspended

COVERED HORSE
Heaven and Earth

ALLEGED VIOLATION
Rule 3212--Presence of a Banned Substance and/or its Metabolites or Markers (Post-Race/Vets' List Workout)

PROHIBITED SUBSTANCE(S) METHODS
● **Metformin** ↗

CONSEQUENCES IMPOSED
2-year period of Ineligibility for Covered Person, beginning on July 1, 2023; Disqualification of Covered Horse's Race results, including forfeiture of all purses and other compensation, prizes, trophies, points, and rankings and repayment or surrender (as applicable); a fine of \$25,000; payment of \$8,000 of HIWU's arbitration costs.

STATUS
Resolved

[Final Decision of Arbitral Body](#)
[Administrative Law Judge Decision on Application for Review](#)

Agenda Item #4

STATE OF INDIANA
BEFORE THE INDIANA HORSE RACING COMMISSION

IN RE:

2025 Application for Registration of Indiana)
Horsemen’s Benevolent & Protective Association, Inc.)
Pursuant to 71 IAC 13-1-1 *et seq.*)

**NOTICE OF HEARING AND PRE-HEARING ORDER ON 2025 APPLICATION FOR
REGISTRATION OF INDIANA HORSEMEN’S BENEVOLENT & PROTECTIVE
ASSOCIATION 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 2025 (hereinafter “the Application”), submitted by the Indiana Horsemen’s Benevolent & Protective Association, Inc. (hereinafter “the Applicant” or “IHBPA”) on or about August 28, 2024. 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 Thursday, October 24, 2024, to begin soon as this matter advances on the Commission’s agenda during its regularly scheduled meeting which will commence at 11:00 am EDT, in the Marquee Room at Horseshoe Indianapolis, 4300 N. Michigan Road, Shelbyville, IN 46176. The Hearing will relate to the following Application that was filed with the Commission on or about August 28, 2024:

2025 Application for Registration of the Indiana Horsemen’s Benevolent &
Protective Association, Inc. 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: Philip Borst, Chairman; Bill McCarty, Bill Estes, Gus Levengood, and Becca McCuaig, Members. David Rothenberg, Esq. is and will act as legal counsel to the Indiana Horse Racing Commission during these proceedings. Deena Pitman, Executive Director, will also appear

for the Indiana Horse Racing Commission Staff. Matt Eggiman, Esq. is and will act as legal counsel to the IHRC Staff during these proceedings. Mr. Eggiman 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 N. Meridian St., Ste. 175, Indianapolis, Indiana 46202 (tel. no. 317-233-3119).

PRE-HEARING ORDER

The Commission, by its Chairman, Philip Borst, 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 2025 Application for Registration as a Registered Horsemen's Association Pursuant to 71 IAC 13-1-1 *et seq.* filed with the Commission on or about August 28, 2024, requesting Commission approval to serve as the registered horsemen's association for the calendar year 2025 to receive the monies specified by Indiana Code section 4-35-7-12 to be distributed for the benefit of thoroughbred owners and trainers.

II. Application Process Timeline.

a. Hearing Date and Time

The hearing will commence at 11:00 am EDT, in the Marquee Room at Horseshoe Indianapolis, 4300 N. Michigan Road, Shelbyville, IN 46176. 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. Incorporation by Reference of IHBPA's 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, and 2024 Applications and Related Materials.

The Application incorporates by reference any documents submitted, considered or generated with respect to IHBPA's 2011-2024 Applications for Registration, including, but not limited to, any amended commission staff reports. Note: No substantive changes to the Application made after Tuesday, October 1, 2024, 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 may submit a Staff Report on the Application, which would be

distributed to the Applicant on or before the close of business on Friday, October 4, 2024.

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 Friday, October 4, 2024. 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 record 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 exhibit to which it objects on or before noon on Friday, October 11, 2024. 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 Exhibit Lists of Applicants.

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 List are to be filed with the Commission on or before noon on Friday, October 11, 2024. 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 11, 2024. Documents or exhibits not identified on Applicant's Exhibit List may not be introduced 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 11, 2024.

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 Commission member delegated by the Chair in the event 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 an 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 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 Administrative 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 Codes 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 ensure 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.d., *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 10 minutes
Testimony of Commission Staff	Up to 10 minutes
Testimony of Interested Persons And Organizations	Up to 10 minutes
Rebuttal and Final Statements	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 the 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.

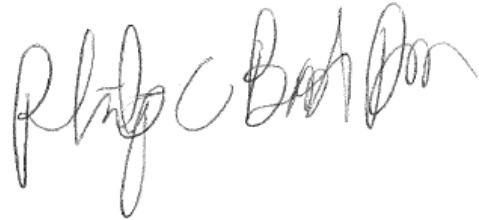
g. Individuals Requesting Time to Speak to the Application.

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

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 26th day of September 2024.

A handwritten signature in black ink, appearing to read "Philip C. Borst". The signature is fluid and cursive, with the first name "Philip" being the most prominent.

Philip Borst, DVM
Chairman
Indiana Horse Racing Commission

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the following parties by email this 26th day of September 2024.

Indiana Horse Racing Commission:
Philip Borst, Chairman
William D. McCarty, Member
Bill Estes, Member
Gus Levensgood, Member
Becca McCuaig, Member
1302 N. Meridian Street
Ste. 175
Indianapolis, IN 46202

Deena Pitman, Executive Director
Indiana Horse Racing Commission
1302 N. Meridian St. Ste. 175
Indianapolis, IN 46202

Jeffrey Stemerick, Esq.
Taft
One Indiana Square, Ste. 3500
Indianapolis, IN 46204

Joseph Davis
IHBPA President
1624 Wagner Drive
Shelbyville, IN 46176

Tim Glyshaw
IHBPA Executive Director
3118 Hendon Rd.
Louisville, KY 40220

/s/ Dale Lee Pennycuff
Dale Lee Pennycuff
Staff Attorney

Agenda Item #5

STATE OF INDIANA
BEFORE THE INDIANA HORSE RACING COMMISSION

IN RE:

2025 Application for Registration of Quarter)
Horse Racing Association of Indiana, Inc.)
Pursuant to 71 IAC 13-1-1 *et seq.*)

**NOTICE OF HEARING AND PRE-HEARING ORDER ON 2025 APPLICATION FOR
REGISTRATION OF QUARTER HORSE RACING ASSOCIATION OF INDIANA, INC.
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 2025 (hereinafter “the Application”), submitted by the Quarter Horse Racing Association of Indiana, Inc. (hereinafter “the Applicant” or “QHRAI”) on or about August 30, 2024. 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 Thursday, October 24, 2024, to begin soon as this matter advances on the Commission’s agenda during its regularly scheduled meeting which will commence at 11:00 am EDT, in the Marquee Room at Horseshoe Indianapolis, 4300 N. Michigan Road, Shelbyville, IN 46176. The Hearing will relate to the following Application that was filed with the Commission on or about August 30, 2024:

2025 Application for Registration of the Quarter Horse Racing
Association of Indiana, Inc. 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: Philip Borst, Chairman; Bill McCarty, Bill Estes, Gus Levengood, and Becca McCuaig, Members. David Rothenberg, Esq. is and will act as legal counsel to the Indiana Horse Racing Commission during these proceedings. Deena Pitman, Executive Director, will also appear

for the Indiana Horse Racing Commission Staff. Matt Eggiman, Esq. is and will act as legal counsel to the IHRC Staff during these proceedings. Mr. Eggiman 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 N. Meridian St., Ste. 175, Indianapolis, Indiana 46202 (tel. no. 317-233-3119).

PRE-HEARING ORDER

The Commission, by its Chairman, Philip Borst, 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 2025 Application for Registration as a Registered Horsemen's Association Pursuant to 71 IAC 13-1-1 *et seq.* filed with the Commission on or about August 30, 2024, requesting Commission approval to serve as the registered horsemen's association for the calendar year 2025 to receive the monies specified by Indiana Code section 4-35-7-12 to be distributed for the benefit of thoroughbred owners and trainers.

II. Application Process Timeline.

a. Hearing Date and Time

The hearing will commence at 11:00 am EDT, in the Marquee Room at Horseshoe Indianapolis, 4300 N. Michigan Road, Shelbyville, IN 46176. 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. Incorporation by Reference of QHRAI's 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, and 2024 Applications and Related Materials.

The Application incorporates by reference any documents submitted, considered or generated with respect to QHRAI's 2011-2024 Applications for Registration, including, but not limited to, any amended commission staff reports. Note: No substantive changes to the Application made after Tuesday, October 1, 2024, 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 may submit a Staff Report on the Application, which would be distributed to the Applicant on or before the close of business on Friday, October 4, 2024.

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 Friday, October 4, 2024. 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 record 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 exhibit to which it objects on or before noon on Friday, October 11, 2024. 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 Exhibit Lists of Applicants.

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 List are to be filed with the Commission on or before noon on Friday, October 11, 2024. 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 11, 2024. Documents or exhibits not identified on Applicant's Exhibit List may not be introduced 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 11, 2024.

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 Commission member delegated by the Chair in the event 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 an 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 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 Administrative 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 Codes 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 ensure 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.d., *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 10 minutes
Testimony of Commission Staff	Up to 10 minutes
Testimony of Interested Persons And Organizations	Up to 10 minutes
Rebuttal and Final Statements	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 the 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.

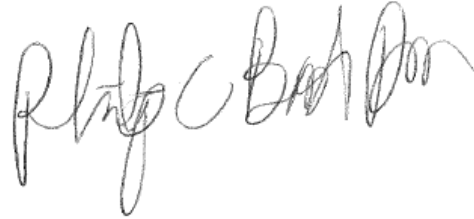
g. Individuals Requesting Time to Speak to the Application.

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

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 26th day of September 2024.

A handwritten signature in black ink, appearing to read "Philip C. Borst". The signature is written in a cursive, flowing style.

Philip Borst, DVM
Chairman
Indiana Horse Racing Commission

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the following parties by email this 26th day of September 2024.

Indiana Horse Racing Commission:

Philip Borst, Chairman
William D. McCarty, Member
Bill Estes, Member
Gus Levensgood, Member
Becca McCuaig, Member
1302 N. Meridian Street
Ste. 175
Indianapolis, IN 46202

Deena Pitman, Executive Director
Indiana Horse Racing Commission
1302 N. Meridian St. Ste. 175
Indianapolis, IN 46202

Teresa A. Myers
QHRAI Executive Director and Registered Agent
P.O. Box 399
Shelbyville, IN 46176

Chris Duke
QHRAI President
P.O. Box 399
Shelbyville, IN 46176

/s/ Dale Lee Pennycuff
Dale Lee Pennycuff
Staff Attorney

Agenda Item #6

STATE OF INDIANA
BEFORE THE INDIANA HORSE RACING COMMISSION

IN RE:

2025 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 2025 APPLICATION FOR
REGISTRATION OF INDIANA THOROUGHBRED OWNERS AND BREEDERS
ASSOCIATION 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 2025 (hereinafter “the Application”), submitted by the Indiana Thoroughbred Owners and Breeders Association (hereinafter “the Applicant” or “ITOBA”) on or about August 29, 2024. 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 Thursday, October 24, 2024, to begin as soon as this matter advances on the Commission’s agenda during its regularly scheduled meeting which will commence at 11:00 am EDT, in the Marquee Room at Horseshoe Indianapolis, 4300 N. Michigan Road, Shelbyville, IN 46176. The Hearing will relate to the following Application that was filed with the Commission on or about August 29, 2024:

2025 Application for Registration of the 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: Philip Borst, Chairman; Bill McCarty, Bill Estes, Gus Levengood, and Becca McCuaig, Members. David Rothenberg, Esq. is and will act as legal counsel to the Indiana Horse Racing Commission during these proceedings. Deena Pitman, Executive Director, will also appear

for the Indiana Horse Racing Commission Staff. Matt Eggiman, Esq. is and will act as legal counsel to the IHRC Staff during these proceedings. Mr. Eggiman 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 N. Meridian St., Ste. 175, Indianapolis, Indiana 46202 (tel. no. 317-233-3119).

PRE-HEARING ORDER

The Commission, by its Chairman, Philip Borst, 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 2025 Application for Registration as a Registered Horsemen's Association Pursuant to 71 IAC 13-1-1 *et seq.* filed with the Commission on or about August 29, 2024, requesting Commission approval to serve as the registered horsemen's association for the calendar year 2025 to receive the monies specified by Indiana Code section 4-35-7-12 to be distributed for the benefit of thoroughbred owners and trainers.

II. Application Process Timeline.

a. Hearing Date and Time

The hearing will commence at 11:00 am EDT, in the Marquee Room at Horseshoe Indianapolis, 4300 N. Michigan Road, Shelbyville, IN 46176. 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. Incorporation by Reference of ITOBA's 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, and 2024 Applications and Related Materials.

The Application incorporates by reference any documents submitted, considered or generated with respect to ITOBA's 2011-2024 Applications for Registration, including, but not limited to, any amended commission staff reports. Note: No substantive changes to the Application made after Tuesday, October 1, 2024, 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 may submit a Staff Report on the Application, which would be

distributed to the Applicant on or before the close of business on Friday, October 4, 2024.

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 Friday, October 4, 2024. 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 record 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 exhibit to which it objects on or before noon on Friday, October 11, 2024. 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 Exhibit Lists of Applicants.

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 List are to be filed with the Commission on or before noon on Friday, October 11, 2024. 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 11, 2024. Documents or exhibits not identified on Applicant's Exhibit List may not be introduced 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 11, 2024.

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 Commission member delegated by the Chair in the event 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 an 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 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 Administrative 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 Codes 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 ensure 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.d., *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 10 minutes
Testimony of Commission Staff	Up to 10 minutes
Testimony of Interested Persons And Organizations	Up to 10 minutes
Rebuttal and Final Statements	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 the 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.

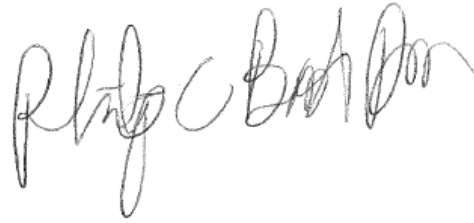
g. Individuals Requesting Time to Speak to the Application.

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

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 26th day of September 2024.

A handwritten signature in black ink, appearing to read "Philip C. Borst". The signature is fluid and cursive, with the first name "Philip" being the most prominent.

Philip Borst, DVM
Chairman
Indiana Horse Racing Commission

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the following parties by email this 26th day of September 2024.

Indiana Horse Racing Commission:

Philip Borst, Chairman
William D. McCarty, Member
Bill Estes, Member
Gus Levensgood, Member
Becca McCuaig, Member
1302 N. Meridian Street
Ste. 175
Indianapolis, IN 46202

Deena Pitman, Executive Director
Indiana Horse Racing Commission
1302 N. Meridian St. Ste. 175
Indianapolis, IN 46202

Danial Spears
ITOBA President and Registered Agent
7560 West Old St. Road 252
Edinburg, IN 46124

/s/ Dale Lee Pennycuff
Dale Lee Pennycuff
Staff Attorney

Agenda Item #7

STATE OF INDIANA
BEFORE THE INDIANA HORSE RACING COMMISSION

IN RE:

2025 Application for Registration of)
Indiana Standardbred Association)
Pursuant to 71 IAC 13-1-1 *et seq.*)

**NOTICE OF HEARING AND PRE-HEARING ORDER ON 2025 APPLICATION FOR
REGISTRATION OF INDIANA STANDARDBRED ASSOCIATION
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 2025 (hereinafter “the Application”), submitted by the Indiana Standardbred Association (hereinafter “the Applicant” or “ISA”) on or about August 28, 2024. 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 Thursday, October 24, 2024, to begin as soon as this matter advances on the Commission’s agenda during its regularly scheduled meeting which will commence at 11:00 am EDT, in the Marquee Room at Horseshoe Indianapolis, 4300 N. Michigan Road, Shelbyville, IN 46176. The Hearing will relate to the following Application that was filed with the Commission on or about August 28, 2024:

2025 Application for Registration of the 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: Philip Borst, Chairman; Bill McCarty, Bill Estes, Gus Levengood, and Becca McCuaig, Members. David Rothenberg, Esq. is and will act as legal counsel to the Indiana Horse Racing Commission during these proceedings. Deena Pitman, Executive Director, will also appear for the Indiana Horse Racing Commission Staff. Matt Eggiman, Esq. is and will act as legal

counsel to the IHRC Staff during these proceedings. Mr. Eggiman 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 N. Meridian St., Ste. 175, Indianapolis, Indiana 46202 (tel. no. 317-233-3119).

PRE-HEARING ORDER

The Commission, by its Chairman, Philip Borst, 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 2025 Application for Registration as a Registered Horsemen's Association Pursuant to 71 IAC 13-1-1 *et seq.* filed with the Commission on or about August 28, 2024, requesting Commission approval to serve as the registered horsemen's association for the calendar year 2025 to receive the monies specified by Indiana Code section 4-35-7-12 to be distributed for the benefit of standardbred owners and trainers.

II. Application Process Timeline.

a. Hearing Date and Time

The hearing will commence at 11:00 am EDT, in the Marquee Room at Horseshoe Indianapolis, 4300 N. Michigan Road, Shelbyville, IN 46176. 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. Incorporation by Reference of ISA's 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, and 2024 Applications and Related Materials.

The Application incorporates by reference any documents submitted, considered or generated with respect to ISA's 2011-2024 Applications for Registration, including, but not limited to, any amended commission staff reports. Note: No substantive changes to the Application made after Tuesday, October 1, 2024, 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 may submit a Staff Report on the Application, which would be

distributed to the Applicant on or before the close of business on Friday, October 4, 2024.

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 Friday, October 4, 2024. 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 record 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 exhibit to which it objects on or before noon on Friday, October 11, 2024. 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 Exhibit Lists of Applicants.

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 List are to be filed with the Commission on or before noon on Friday, October 11, 2024. 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 11, 2024. Documents or exhibits not identified on Applicant's Exhibit List may not be introduced 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 11, 2024.

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 Commission member delegated by the Chair in the event the Chair is unavailable.

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

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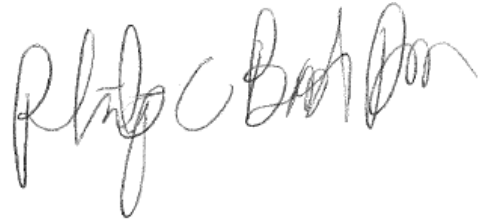
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Philip Borst, DVM
Chairman
Indiana Horse Racing Commission

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Deena Pitman, Executive Director
Indiana Horse Racing Commission
1302 N. Meridian St. Ste. 175
Indianapolis, IN 46202

Tony Renz
ISA Executive Director
311 American Legion Place
Greenfield, IN 46140

John DeLong
ISA President
311 American Legion Place
Greenfield, IN 46140

/s/ Dale Lee Pennycuff
Dale Lee Pennycuff
Staff Attorney