

STATE OF INDIANA
BEFORE THE INDIANA HORSE RACING COMMISSION

2017 NOV 27 A 11: 31

IN RE:

2018 Application for Registration of Indiana)
Horsemen’s Benevolent & Protective Association, Inc.)
Pursuant to 71 IAC 13-1-1 *et seq.*)

INDIANA
HORSE RACING COMM.

**NOTICE OF HEARING AND PRE-HEARING ORDER ON 2018 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 2018 (hereinafter “the Application”), submitted by the Indiana Horsemen’s Benevolent & Protective Association, Inc. (hereinafter “the Applicant” or “IHBPA”) on or about September 1, 2017. 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 Wednesday, December 6, 2017, at 10:00 a.m. *or* as soon as this matter advances on the Commission’s agenda during its regularly scheduled meeting which will commence at 10:00 a.m. in the Indiana State Library – History Reference Room 211 at 315 W. Ohio Street, Indianapolis, IN 46204. The Hearing will related to the following Application that was filed with the Commission on or about September 1, 2017:

2018 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; Greg Schenkel, Vice Chairman; George Pillow, Susie Lightle, and Bill McCarty, Members. Lea Ellingwood, Esq. is and will act as legal

counsel to the Indiana Horse Racing Commission during these proceedings. Mike Smith, Executive Director, will also appear for the Indiana Horse Racing Commission Staff. Holly Newell, Esq. is and will act as legal counsel to the IHRC Staff during these proceedings. Ms. Ellingwood 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 46204 (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 2018 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 September 1, 2017, requesting Commission approval to serve as the registered horsemen's association for the calendar year 2018 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 Time Line.

a. Hearing Date and Time

The hearing will commence at the Indiana State Library History Reference Room (211), 315 W. Ohio Street, Indianapolis, Indiana 46204, on Wednesday, December 6, 2017, at 10:00 a.m. EST or as soon as it advances on the agenda of the Commission meeting at 10:00 a.m. EST. This matter will be heard and will continue, with appropriate recesses, until completed. The record will be closed at the conclusion of the hearing. Thereafter, the Commission will deliberate on and decide whether the Application will be approved or denied and does not comprehend discussion during the deliberation with the Applicant or other interested parties.

b. Incorporation by Reference of IHBPA's 2011, 2012, 2013, 2014, 2015, 2016, and 2017 Applications and Related Materials.

The Application incorporates by reference any documents submitted, considered or generated with respect to IHBPA's 2011-2017 Applications for Registration, including, but not limited to, any amended commission staff reports. Note: No substantive changes to the Application made after Friday, December 1, 2017, 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 Thursday, November 30, 2017.

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 Thursday, November 30, 2017. 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 Monday, December 1, 2017. 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, November 30, 2017. 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, November 30, 2017. 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 Thursday, November 30, 2017.

g. Issuance of Subpoenas.

The Applicant should submit proposed subpoenas to be issued by the Commission no later than the time that the Witness and Exhibit Lists are filed so that they can be issued pursuant to Indiana Code section 4-21.5-3-22. Subpoenas shall be issued on the signature of the Chair, or on the signature of the Vice Chairman in the event 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 insure consistency, any non-party statements are to be given under oath or affirmation pursuant to Indiana Code section 4-21.5-3-25(f).

c. Staff Review and Presentation of Findings.

The Commission Staff is conducting a review of the Application and may speak to its report (*see* II.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 15 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.

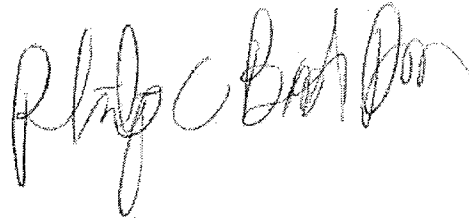
g. Individuals Requesting Time to Speak to the Application.

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 27th day of November, 2017.

A handwritten signature in black ink, appearing to read "Philip C Borst, DVM". The signature is written in a cursive, somewhat stylized font.

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 and by first class United States mail, postage prepaid, this 27th day of November, 2017.

Indiana Horse Racing Commission:

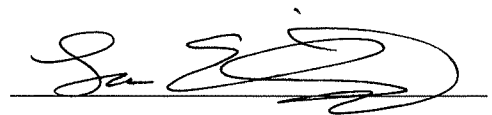
Philip Borst, Chairman
Greg Schenkel, Vice Chair
George E. Pillow, Jr., Member
Susie Lightle, Member
William D. McCarty, Member
1302 N. Meridian Street
Ste. 175
Indianapolis, IN 46202

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

Steven C. Shockley, Esq.
Taft Stettinius & Hollister LLP
One Indiana Square, Ste. 3500
Indianapolis, IN 46204

Joseph Davis
IHBPA President
1682 Asher Ct.
Hebron, IN 41048

Michael Brown
IHBPA Executive Director
32 Hollaway Blvd.
Brownsburg, IN 46112

A handwritten signature in black ink, appearing to be "S. Smith", written over a horizontal line.

Ellingwood, Lea

From: Ellingwood, Lea
Sent: Friday, October 13, 2017 3:56 PM
To: 'Michael Brown'
Cc: Smith, Michael D
Subject: HBPA 2018 application

Importance: High

Mike,

In addition to the email below, I've identified a couple of other things we will need to complete our review of the IHBPA's 2018 horsemen's association application:

1. Signature page or certification that the copy of the bylaws included with the application is the current version and is the same that was adopted (as referenced in the minutes included with the application)
2. A more specific breakdown of the money spent in the following line items under Tab O
 - Equine Promotion \$65,000 (pg 2 of Tab O)
 - Horse Retirement/Recovery/Health/Research \$85,000 (pg 2 of Tab O)
 - Benevolence \$400,000 (pg 3 of Tab O)

Specifically, please provide more detail about how much of those line items is being spent for what expenditures.

3. Penny Lauer's conflict of interest statement (Tab Q) was not signed. Curiously, despite the fact that the form was blank, it was notarized by Lisa Stephens. Please provide a signed, notarized conflict of interest statement. Can you please also confirm that Lisa actually observed the other signatures that she notarized.

Please provide the outstanding documents/information no later than October 31. As in past years, failure to provide the requested information, and therefore a complete application, (including the items outlined below) can result in the HBPA's application being taken off the agenda for consideration. Please don't hesitate to contact us if you have any questions.

Best,
Lea

-----Original Message-----

From: Ellingwood, Lea
Sent: Tuesday, October 10, 2017 10:51 AM
To: 'Michael Brown'
Cc: Smith, Michael D
Subject: RE: RE: Internal Control Deficiency
Importance: High

Mike,

I'm reviewing the HBPA 2018 association application and I don't see the letter reference below (see the second sentence of my email, below). I'm sure I've just skimmed over it. Can you tell me under which tab the letter is included? Also, can you please confirm that the HBPA's proposed changes were incorporated and what date that happened?

Best,

Lea

-----Original Message-----

From: Ellingwood, Lea
Sent: Tuesday, August 29, 2017 3:25 PM
To: 'Michael Brown'
Cc: Smith, Michael D
Subject: RE: RE: Internal Control Deficiency

Mike

I've spoken to the executive director about the proposed changes and we're comfortable with them, but Mike would like the proposed changes to begin immediately. In addition, with your 2018 application, please provide an explanation as to why the HBPA didn't implement changes sooner (since the RBSK audit letter was sent in April). Let me know if you've got any questions.

Best,
Lea

-----Original Message-----

From: Michael Brown [<mailto:brownpreston@indy.rr.com>]
Sent: Tuesday, August 22, 2017 4:22 PM
To: Ellingwood, Lea
Cc: Smith, Michael D
Subject: Fwd: RE: Internal Control Deficiency

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Lea,

Since we received your email regarding the internal control deficiency identified by RBSK in our 3rd party audit, we have huddled among ourselves and developed a set of procedures to address the finding. We sent the proposed correction to RBSK and received their positive response, as noted in the email exchange attached to this note.

Our intention is to incorporate these procedures into our internal controls, include them in our 2018 application, and put them into practice as soon as the changes and additional passwords can be put into place in Quickbooks.

I can meet with you and Mike any time you would deem it appropriate, if needed, or can answer any additional questions you may have by phone or email, if that would suffice. Maybe we can sit down when you are out here at Indiana Grand on Friday.

Mike Brown, executive director
Indiana HBPA

Ellingwood, Lea

From: Michael Brown [brownpreston@indy.rr.com]
Sent: Tuesday, October 31, 2017 12:30 PM
To: Ellingwood, Lea
Subject: INHBPA 2018 application, re additional questions
Attachments: IHBPA 2018 application, response to Lea Ellingwood, 103117.docx

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. **** _____

Lea,

Attached you will find our response to the additional information you requested on October 13, regarding clarifications to our 2018 application. In addition, I will be hand-delivering four Conflict of Interest forms that were redone to comply with the requirement that the signatures and notarizations be contemporaneous. Also, we will deliver to you a signed certification of our bylaws, today.

Please contact me if we can provide any additional information, or if you have additional questions.

Michael Brown, executive director
Indiana HBPA

Indiana Horsemen's Benevolent & Protective Association, Inc.

32 Hollaway Boulevard, Brownsburg, IN 46112

317-903-4382

www.inhbpa.org

October 31, 2017

Lea,

This is in response to your email of October 13 requesting additional information on certain items related to IHBPA's 2018 Application. Responding to your requests in order:

1. Attached is my Certification of Bylaws, which certifies that the copy of the bylaws filed under Tab E of the 2018 Application is the current version of our bylaws and the version adopted by the Board and approved by the Members effective January 1, 2015, as referenced in the minutes filed under Tab E of the 2018 Application.

2. Your email requests "a more specific breakdown of the money *spent* under Tab O." Tab O is our projected budgets for the three accounts for 2018, so the dollar amounts on the line items in Tab O that you've asked about have not been "spent" yet. But to address the subject matter of each of those line items:

- Equine promotion \$65,000 (pg. 2 of Tab O):

= The items on which money has been or will be spent in 2017 for equine promotion are described at pages 7 - 9 of the 2018 Application, including: redesign of our website; printing newsletters; food and supplies for fishing days, picnics, and Grand Mornings at the Track; State Fair admission tickets; co-promotion funds for TVG broadcasts; funds to support installation and operation of TRAKUS system; co-promotion of Back to School Night (backpacks and school supplies); expenses for Boots & Brews Fan Education Night; and contributions to the Permanently Disabled Jockey Fund and the Fresh Start Benefit Bash.

= As to the items on which IHPBA expects to spend money in the category of Equine Promotion in 2018 (budgeted at \$65,000 at pg. 2 of Tab O), while we are not presently able to identify all the specific individuals and entities who may receive distributions, in general, IHBPA expects to continue its support of the programs we supported in 2017, discussed above, including ongoing maintenance and management of our website, Facebook and Twitter accounts; printing newsletters; food and supplies for fishing days, picnics, and Grand Mornings at the Track; State Fair admission tickets; co-promotion funds for TVG broadcasts; co-promotion of Back to School Night (backpacks, small electronics and school supplies); expenses for Boots & Brews Fan Education Night; and contributions to the Permanently Disabled Jockey Fund.

- Horse Retirement/Recovery/Health/Research \$85,000 (pg 2 of Tab O):

= The programs on which IHBPA has spent money in 2017 (\$77,500) are identified at pages 9 - 10 of the 2018 Application.

= As we said in Section 17.I.e. at pages 32 - 33 of the 2018 Application with regard to the \$85,000 budgeted in this category for 2018, (see Tab O, pg. 2), while IHBPA is presently unable to identify all the entities who may receive distributions in this category in 2018, in general, we expect to continue to support New Vocations, the Gluck Equine Research Center, Friends of Ferdinand,

the Equine Health & Welfare Alliance, and the Kentucky Equine Humane Center, as we did in 2017, at comparable dollar amounts, pending their requests, IHBPA verification of their ongoing eligibility and availability of appropriate funds.

- Benevolence \$400,000 (pg 3 of Tab O):

= To the extent permitted by law, the individuals and entities on which IHPBA spent money in this category (which is for benevolence assistance to eligible individuals) in the first six months of 2017 are identified at pages 12 - 23 of Tab DD of the Appendix to the 2018 Application.

= As we said in Section 17.II.a.(e) at page 34 of the 2018 Application with regard to the \$400,000 budgeted for Benevolence in the 2018 budget (see Tab O, pg. 3), IHBPA is not presently able to identify the individuals who may receive benevolence benefits under IHBPA's Benevolence Guidelines in 2018, but we will continue our mission of supporting qualified horsemen who are in need of assistance.

3. Regarding Conflict of Interest forms:

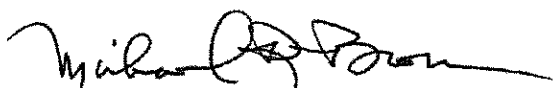
- There are 16 Conflict of Interest forms notarized by Lisa Stephens included at Tab Q of the 2018 Application. I have confirmed with Lisa that it is her standard practice to personally witness the signature of each person for whom she provides notarization, and that to the best of her ability to recall, she followed that practice with 15 of the 16 Conflict of Interest forms included at Tab Q [MIKE: CONFIRM WITH LISA]. Obviously, she did not do so for the unsigned form for Penny Lauer, which Lisa attributes to an unintentional error committed while attending to her many other duties as benevolence administrator. Attached is the notarized Conflict of Interest form for Penny Lauer.

- Lisa also confirmed that she follows her standard practice of personally witnessing the signature of each person for whom she provides notarization, even when she does not execute the notarization form herself until some later date, as was the case for the Conflict of Interest forms for Blaine Davidson, Kathryn Kunz-Duran, and Tianna Richardville submitted under Tab Q. Understandably, however, this practice may raise some questions, so I have also delivered new, contemporaneously notarized Conflict of Interest forms for Mr. Davidson, Ms. Kunz-Duran, and Ms. Richardville.

Your email of October 13 suggests you may believe that IHBPA has not fully responded to the items raised in your emails of August 29, 2017 (asking for explanation as to why IHBPA did not immediately implement changes in internal controls addressed in RBSK's letter "audit letter"), and October 10, 2017 (asking where the RBSK letter can be found in the 2018 Application). To avoid any doubt, please note:

- The explanation of the timing for IHBPA's implementation of the internal control issues raised by RBSK appears in the next-to-last paragraph on page 28 of the 2018 Application.

- The RBSK management letter dated May 10, 2017, which raises the internal control issue regarding "segregation of duties," begins immediately after the 16-page Independent Auditor's Report under Tab K of the 2018 Application. The segregation issue is identified on the third page of RBSK's management letter.



Michael R. Brown, executive director
Indiana HBPA

Certification of Bylaws

I, Michael R. Brown, Executive Director of the Indiana Horsemen's Benevolent & Protective Association, Inc. ("IHBPA"), hereby certify that the copy of the Amended Constitution and Bylaws of the Indiana Horsemen's Benevolent & Protective Association, Inc. ("Bylaws") that was filed with the Indiana Horse Racing Commission on September 1, 2017, under Tab E of Exhibit Tabs A-U of the 2018 Application of Indiana Horsemen's Benevolent & Protective Association, Inc. for Approval as Registered Horsemen's Association Pursuant to 71 I.A.C. 13-1-1 *et seq.* ("2018 Application") is (A) a true and accurate copy of the current Bylaws of the IHBPA, and (B) the version of the Bylaws that were adopted by the Board of Directors and approved by the Members of IHBPA effective January 1, 2015, as recorded in the minutes of the meetings of the Board held on October 14, 2013, and December 16, 2014, copies of which were also filed under Tab E of the 2018 Application.

Date: 10/25/17

Michael R. Brown
Michael R. Brown

21466605.1

10/31/17
LEA,
AS REFERENCED IN THE E-MAIL I SENT YOU TODAY, ^{2017 OCT 31} HERE ARE FOUR CONFLICT OF INTEREST STATEMENTS FOR INHBPA DIRECTORS. ALSO, I SIGNED A CERTIFICATION OF BYLAWS, WHICH IS ALSO INCLUDED.
PLEASE CONTACT ME IF YOU HAVE ADDITIONAL QUESTIONS.
Michael R. Brown

INDIANA HORSE RACING COMMISSION
APPROVED CONFLICT OF INTEREST POLICY

2017 OCT 31 P 2:43

INDIANA
HORSE RACING COMM.

Article I – Purpose

The purpose of this Conflict of Interest Policy (hereinafter referred to as the “Conflict of Interest Policy”) is to protect the Indiana Horsemen’s Benevolent & Protective Association, Inc. (hereinafter referred to as the “Horsemen’s Association”) and the members it represents when it is contemplating entering into a transaction or arrangement that might benefit the private interests of an officer, director, or an employee of the Horsemen’s Association. This policy is intended to supplement, but not replace, any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations. In addition, the Horsemen’s Association may have its directors, officers, and/or employees agree to abide by any additional conflict of interest policies and/or provisions as long as they are not in conflict with the prohibitions contained in this Conflict of Interest Policy.

Article II – Definitions

As used in this Conflict of Interest Policy, the terms identified in this Article are defined as set forth below:

1. “Board”: The Board of Directors of the Horsemen’s Association identified in Article I.
2. “Conflict of Interest”: Any prohibited practice as set forth in Article III.
3. “Financial Interest”: A person has a financial interest if the person has directly or indirectly (through business, investment, or a relative):
 - a. An ownership interest in an entity with which the Horsemen’s Association has a transaction or arrangement;
 - b. A compensation arrangement with the Horsemen’s Association or with any entity or individual with which the Horsemen’s Association has a transaction or arrangement; or
 - c. A potential ownership or compensation arrangement with any entity or individual with which the Horsemen’s Association is negotiating a transaction or arrangement.
4. “Funds”: Any monies allocated to be paid and/or paid to a registered Horsemen’s Association pursuant to IC 4-35-7-12 and 71 IAC 13-1-1 et seq.
5. “Relative”: The father, mother, brother, sister, uncle, aunt, husband or wife, son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, niece and/or nephew of the

person executing this Conflict of Interest Policy. The term "relative" shall also include any person who has shared a residence with the person signing this Conflict of Interest Policy within a year of its execution.

Article III – Prohibited Conflicts of Interest

The following practices are each considered a conflict of interest by the Indiana Horse Racing Commission. The Board, officers, directors, and employees of the Horsemen's Association are prohibited from engaging or participating in any manner in any of these practices.

1. The direct or indirect use of Horsemen's Association funds for the personal benefit of an officer, director, and/or employee (other than: (1) funds paid to an employee as wages and/or benefits; or (2) benefits offered to officers and directors that are also available to the general membership of the Horsemen's Association). It is not a violation of this provision for an officer, director, or employee to be reimbursed for mileage and/or reasonable expenses for Board-approved activities undertaken solely for the benefit of the membership of the Horsemen's Association.
2. The direction, payment, or other transfer of Horsemen's Association funds (either directly or indirectly) for the use (personal or otherwise) of any relative of an officer, director, or employee of that Horsemen's Association **(other than benefits offered to any relative of an officer, director, or employee of a Horsemen's Association that are also available to the general membership of the Horsemen's Association)**. It is a violation of this provision for the Horsemen's Association to hire or retain (whether part-time, salaried, or on a contract basis) a relative of any officer, director, or employee. It is not a violation of this provision to compensate the relative of an officer, director, or employee of a Horsemen's Association for providing services to the Horsemen's Association if that person has provided those same services for compensation to the Horsemen's Association for at least twelve (12) consecutive months immediately preceding the time that his or her relative began to serve as an officer, director, or employee.
3. The direction, payment, or other transfer of Horsemen's Association funds (either directly or indirectly) to the employee of any officer or director, whether the employee is part-time, salaried, or retained on a contract basis.
4. The direction, payment, or other transfer of Horsemen's Association funds (either directly or indirectly) to any organization in which an officer, director, employee, or the relative of an officer, director, and/or employee has a financial interest.

5. Accepting any funds, gifts, and/or services from any person or organization that is actively seeking and/or receiving the direction, payment, or other transfer of Horsemen's Association funds.
6. Enticing or accepting any favors, funds, gifts, and/or services that would not be provided if the person was not an officer, director, and/or employee of the Horsemen's Association.
7. The direction, payment, or other transfer for investment of Horsemen's Association funds to any bank or organization in which the officer, director, employee, or the relative of an officer, director, and/or employee has a financial interest, serves on the Board, or is otherwise employed.

Article IV – Duty to Disclose

Any officer, director, and/or employee of the Horsemen's Association has an obligation to disclose any known or suspected Conflict of Interest to the Board of the Horsemen's Association and to representatives of the Indiana Horse Racing Commission.

AFFIRMATION

I, Kathryn Kunz-Duran, affirm under penalties of perjury that I understand, have received a copy of, and shall abide by this Conflict of Interest Policy. I further understand that any breach of or failure to abide by this Conflict of Interest Policy will subject me to any sanctions provided for by 71 IAC 13-1-10, as well as any other action by the Horsemen's Association or other authorities that may be appropriate under the circumstances.



Kathryn Kunz-Duran

October 25, 2017
Date

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Kathryn Kunz-Duran and acknowledged the execution of the foregoing instrument this 25 day of October, 2017.

Lisa E. Stephens
Notary Public

Lisa E. Stephens
Printed Name

My Commission Expires:
3/2/23

County of Residence:
Shelby

21466614.1

INDIANA HORSE RACING COMMISSION
APPROVED CONFLICT OF INTEREST POLICY

2017 OCT 31 P 2: 43

INDIANA
HORSE RACING COMM.

Article I – Purpose

The purpose of this Conflict of Interest Policy (hereinafter referred to as the “Conflict of Interest Policy”) is to protect the Indiana Horsemen’s Benevolent & Protective Association, Inc. (hereinafter referred to as the “Horsemen’s Association”) and the members it represents when it is contemplating entering into a transaction or arrangement that might benefit the private interests of an officer, director, or an employee of the Horsemen’s Association. This policy is intended to supplement, but not replace, any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations. In addition, the Horsemen’s Association may have its directors, officers, and/or employees agree to abide by any additional conflict of interest policies and/or provisions as long as they are not in conflict with the prohibitions contained in this Conflict of Interest Policy.

Article II – Definitions

As used in this Conflict of Interest Policy, the terms identified in this Article are defined as set forth below:

1. “Board”: The Board of Directors of the Horsemen’s Association identified in Article I.
2. “Conflict of Interest”: Any prohibited practice as set forth in Article III.
3. “Financial Interest”: A person has a financial interest if the person has directly or indirectly (through business, investment, or a relative):
 - a. An ownership interest in an entity with which the Horsemen’s Association has a transaction or arrangement;
 - b. A compensation arrangement with the Horsemen’s Association or with any entity or individual with which the Horsemen’s Association has a transaction or arrangement; or
 - c. A potential ownership or compensation arrangement with any entity or individual with which the Horsemen’s Association is negotiating a transaction or arrangement.
4. “Funds”: Any monies allocated to be paid and/or paid to a registered Horsemen’s Association pursuant to IC 4-35-7-12 and 71 IAC 13-1-1 et seq.
5. “Relative”: The father, mother, brother, sister, uncle, aunt, husband or wife, son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, niece and/or nephew of the

person executing this Conflict of Interest Policy. The term "relative" shall also include any person who has shared a residence with the person signing this Conflict of Interest Policy within a year of its execution.

Article III – Prohibited Conflicts of Interest

The following practices are each considered a conflict of interest by the Indiana Horse Racing Commission. The Board, officers, directors, and employees of the Horsemen's Association are prohibited from engaging or participating in any manner in any of these practices.

1. The direct or indirect use of Horsemen's Association funds for the personal benefit of an officer, director, and/or employee (other than: (1) funds paid to an employee as wages and/or benefits; or (2) benefits offered to officers and directors that are also available to the general membership of the Horsemen's Association). It is not a violation of this provision for an officer, director, or employee to be reimbursed for mileage and/or reasonable expenses for Board-approved activities undertaken solely for the benefit of the membership of the Horsemen's Association.
2. The direction, payment, or other transfer of Horsemen's Association funds (either directly or indirectly) for the use (personal or otherwise) of any relative of an officer, director, or employee of that Horsemen's Association (**other than benefits offered to any relative of an officer, director, or employee of a Horsemen's Association that are also available to the general membership of the Horsemen's Association**). It is a violation of this provision for the Horsemen's Association to hire or retain (whether part-time, salaried, or on a contract basis) a relative of any officer, director, or employee. It is not a violation of this provision to compensate the relative of an officer, director, or employee of a Horsemen's Association for providing services to the Horsemen's Association if that person has provided those same services for compensation to the Horsemen's Association for at least twelve (12) consecutive months immediately preceding the time that his or her relative began to serve as an officer, director, or employee.
3. The direction, payment, or other transfer of Horsemen's Association funds (either directly or indirectly) to the employee of any officer or director, whether the employee is part-time, salaried, or retained on a contract basis.
4. The direction, payment, or other transfer of Horsemen's Association funds (either directly or indirectly) to any organization in which an officer, director, employee, or the relative of an officer, director, and/or employee has a financial interest.


5. Accepting any funds, gifts, and/or services from any person or organization that is actively seeking and/or receiving the direction, payment, or other transfer of Horsemen's Association funds.
6. Enticing or accepting any favors, funds, gifts, and/or services that would not be provided if the person was not an officer, director, and/or employee of the Horsemen's Association.
7. The direction, payment, or other transfer for investment of Horsemen's Association funds to any bank or organization in which the officer, director, employee, or the relative of an officer, director, and/or employee has a financial interest, serves on the Board, or is otherwise employed.

Article IV – Duty to Disclose

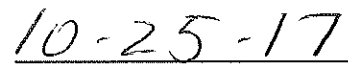
Any officer, director, and/or employee of the Horsemen's Association has an obligation to disclose any known or suspected Conflict of Interest to the Board of the Horsemen's Association and to representatives of the Indiana Horse Racing Commission.

AFFIRMATION

I, Tianna Richardville, affirm under penalties of perjury that I understand, have received a copy of, and shall abide by this Conflict of Interest Policy. I further understand that any breach of or failure to abide by this Conflict of Interest Policy will subject me to any sanctions provided for by 71 IAC 13-1-10, as well as any other action by the Horsemen's Association or other authorities that may be appropriate under the circumstances.



Tianna Richardville



Date

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Tianna Richardville and acknowledged the execution of the foregoing instrument this 25th day of October, 2019.

Lisa E. Stephens
Notary Public

Lisa E. Stephens
Printed Name

My Commission Expires:
3/2/23

County of Residence:
Shelby

21466612.1

INDIANA HORSE RACING COMMISSION
APPROVED CONFLICT OF INTEREST POLICY

2017 OCT 31 P 2:43

INDIANA
HORSE RACING COMM.

Article I – Purpose

The purpose of this Conflict of Interest Policy (hereinafter referred to as the “Conflict of Interest Policy”) is to protect the Indiana Horsemen’s Benevolent & Protective Association, Inc. (hereinafter referred to as the “Horsemen’s Association”) and the members it represents when it is contemplating entering into a transaction or arrangement that might benefit the private interests of an officer, director, or an employee of the Horsemen’s Association. This policy is intended to supplement, but not replace, any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations. In addition, the Horsemen’s Association may have its directors, officers, and/or employees agree to abide by any additional conflict of interest policies and/or provisions as long as they are not in conflict with the prohibitions contained in this Conflict of Interest Policy.

Article II – Definitions

As used in this Conflict of Interest Policy, the terms identified in this Article are defined as set forth below:

1. “Board”: The Board of Directors of the Horsemen’s Association identified in Article I.
2. “Conflict of Interest”: Any prohibited practice as set forth in Article III.
3. “Financial Interest”: A person has a financial interest if the person has directly or indirectly (through business, investment, or a relative):
 - a. An ownership interest in an entity with which the Horsemen’s Association has a transaction or arrangement;
 - b. A compensation arrangement with the Horsemen’s Association or with any entity or individual with which the Horsemen’s Association has a transaction or arrangement; or
 - c. A potential ownership or compensation arrangement with any entity or individual with which the Horsemen’s Association is negotiating a transaction or arrangement.
4. “Funds”: Any monies allocated to be paid and/or paid to a registered Horsemen’s Association pursuant to IC 4-35-7-12 and 71 IAC 13-1-1 et seq.
5. “Relative”: The father, mother, brother, sister, uncle, aunt, husband or wife, son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, niece and/or nephew of the

person executing this Conflict of Interest Policy. The term "relative" shall also include any person who has shared a residence with the person signing this Conflict of Interest Policy within a year of its execution.

Article III – Prohibited Conflicts of Interest

The following practices are each considered a conflict of interest by the Indiana Horse Racing Commission. The Board, officers, directors, and employees of the Horsemen's Association are prohibited from engaging or participating in any manner in any of these practices.

1. The direct or indirect use of Horsemen's Association funds for the personal benefit of an officer, director, and/or employee (other than: (1) funds paid to an employee as wages and/or benefits; or (2) benefits offered to officers and directors that are also available to the general membership of the Horsemen's Association). It is not a violation of this provision for an officer, director, or employee to be reimbursed for mileage and/or reasonable expenses for Board-approved activities undertaken solely for the benefit of the membership of the Horsemen's Association.
2. The direction, payment, or other transfer of Horsemen's Association funds (either directly or indirectly) for the use (personal or otherwise) of any relative of an officer, director, or employee of that Horsemen's Association (**other than benefits offered to any relative of an officer, director, or employee of a Horsemen's Association that are also available to the general membership of the Horsemen's Association**). It is a violation of this provision for the Horsemen's Association to hire or retain (whether part-time, salaried, or on a contract basis) a relative of any officer, director, or employee. It is not a violation of this provision to compensate the relative of an officer, director, or employee of a Horsemen's Association for providing services to the Horsemen's Association if that person has provided those same services for compensation to the Horsemen's Association for at least twelve (12) consecutive months immediately preceding the time that his or her relative began to serve as an officer, director, or employee.
3. The direction, payment, or other transfer of Horsemen's Association funds (either directly or indirectly) to the employee of any officer or director, whether the employee is part-time, salaried, or retained on a contract basis.
4. The direction, payment, or other transfer of Horsemen's Association funds (either directly or indirectly) to any organization in which an officer, director, employee, or the relative of an officer, director, and/or employee has a financial interest.


5. Accepting any funds, gifts, and/or services from any person or organization that is actively seeking and/or receiving the direction, payment, or other transfer of Horsemen's Association funds.
6. Enticing or accepting any favors, funds, gifts, and/or services that would not be provided if the person was not an officer, director, and/or employee of the Horsemen's Association.
7. The direction, payment, or other transfer for investment of Horsemen's Association funds to any bank or organization in which the officer, director, employee, or the relative of an officer, director, and/or employee has a financial interest, serves on the Board, or is otherwise employed.

Article IV – Duty to Disclose

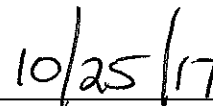
Any officer, director, and/or employee of the Horsemen's Association has an obligation to disclose any known or suspected Conflict of Interest to the Board of the Horsemen's Association and to representatives of the Indiana Horse Racing Commission.

AFFIRMATION

I, Penny Lauer, affirm under penalties of perjury that I understand, have received a copy of, and shall abide by this Conflict of Interest Policy. I further understand that any breach of or failure to abide by this Conflict of Interest Policy will subject me to any sanctions provided for by 71 IAC 13-1-10, as well as any other action by the Horsemen's Association or other authorities that may be appropriate under the circumstances.



Penny Lauer



Date

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Penny Lauer and acknowledged the execution of the foregoing instrument this 25th day of October, 2017.

Lisa E. Stephens
Notary Public

Lisa E. Stephens
Printed Name

My Commission Expires:
3/2/23

County of Residence:
Shelby

20670696.1

INDIANA HORSE RACING COMMISSION
APPROVED CONFLICT OF INTEREST POLICY

2017 OCT 31 P 2:43

Article I – Purpose

INDIANA
HORSE RACING COMM

The purpose of this Conflict of Interest Policy (hereinafter referred to as the “Conflict of Interest Policy”) is to protect the Indiana Horsemen’s Benevolent & Protective Association, Inc. (hereinafter referred to as the “Horsemen’s Association”) and the members it represents when it is contemplating entering into a transaction or arrangement that might benefit the private interests of an officer, director, or an employee of the Horsemen’s Association. This policy is intended to supplement, but not replace, any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations. In addition, the Horsemen’s Association may have its directors, officers, and/or employees agree to abide by any additional conflict of interest policies and/or provisions as long as they are not in conflict with the prohibitions contained in this Conflict of Interest Policy.

Article II – Definitions

As used in this Conflict of Interest Policy, the terms identified in this Article are defined as set forth below:

1. “Board”: The Board of Directors of the Horsemen’s Association identified in Article I.
2. “Conflict of Interest”: Any prohibited practice as set forth in Article III.
3. “Financial Interest”: A person has a financial interest if the person has directly or indirectly (through business, investment, or a relative):
 - a. An ownership interest in an entity with which the Horsemen’s Association has a transaction or arrangement;
 - b. A compensation arrangement with the Horsemen’s Association or with any entity or individual with which the Horsemen’s Association has a transaction or arrangement; or
 - c. A potential ownership or compensation arrangement with any entity or individual with which the Horsemen’s Association is negotiating a transaction or arrangement.
4. “Funds”: Any monies allocated to be paid and/or paid to a registered Horsemen’s Association pursuant to IC 4-35-7-12 and 71 IAC 13-1-1 et seq.
5. “Relative”: The father, mother, brother, sister, uncle, aunt, husband or wife, son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, niece and/or nephew of the

person executing this Conflict of Interest Policy. The term "relative" shall also include any person who has shared a residence with the person signing this Conflict of Interest Policy within a year of its execution.

Article III – Prohibited Conflicts of Interest

The following practices are each considered a conflict of interest by the Indiana Horse Racing Commission. The Board, officers, directors, and employees of the Horsemen's Association are prohibited from engaging or participating in any manner in any of these practices.

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5. Accepting any funds, gifts, and/or services from any person or organization that is actively seeking and/or receiving the direction, payment, or other transfer of Horsemen's Association funds.
6. Enticing or accepting any favors, funds, gifts, and/or services that would not be provided if the person was not an officer, director, and/or employee of the Horsemen's Association.
7. The direction, payment, or other transfer for investment of Horsemen's Association funds to any bank or organization in which the officer, director, employee, or the relative of an officer, director, and/or employee has a financial interest, serves on the Board, or is otherwise employed.

Article IV – Duty to Disclose

Any officer, director, and/or employee of the Horsemen's Association has an obligation to disclose any known or suspected Conflict of Interest to the Board of the Horsemen's Association and to representatives of the Indiana Horse Racing Commission.

AFFIRMATION

I, Blaine Davidson, affirm under penalties of perjury that I understand, have received a copy of, and shall abide by this Conflict of Interest Policy. I further understand that any breach of or failure to abide by this Conflict of Interest Policy will subject me to any sanctions provided for by 71 IAC 13-1-10, as well as any other action by the Horsemen's Association or other authorities that may be appropriate under the circumstances.



Blaine Davidson

10-25-17
Date

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Blaine Davidson and acknowledged the execution of the foregoing instrument this 25th day of October, 2017.

Lisa E. Stephens
Notary Public

Lisa E. Stephens
Printed Name

My Commission Expires:
3/2/23

County of Residence:
Shelby

21466613.1

STATE OF INDIANA
BEFORE THE INDIANA HORSE RACING COMMISSION

2017 NOV 27 A 11: 31

IN RE:

2018 Application for Registration of Quarter)
Horse Racing Association of Indiana, Inc.)
Pursuant to 71 IAC 13-1-1 *et seq.*)

INDIANA
HORSE RACING COMM.

**NOTICE OF HEARING AND PRE-HEARING ORDER ON 2018 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 2018 (hereinafter “the Application”), submitted by the Quarter Horse Racing Association of Indiana, Inc. (hereinafter “the Applicant” or “QHRAI”) on or about September 1, 2017. 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 Wednesday, December 6, 2017, at 10:00 a.m. *or* as soon as this matter advances on the Commission’s agenda during its regularly scheduled meeting which will commence at 10:00 a.m. in the Indiana State Library – History Reference Room 211 at 315 W. Ohio Street, Indianapolis, IN 46204. The Hearing will related to the following Application that was filed with the Commission on or about September 1, 2017:

2018 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; Greg Schenkel, Vice Chairman; George Pillow, Susie Lightle, and Bill McCarty, Members. Lea Ellingwood, Esq. is and will act as legal

counsel to the Indiana Horse Racing Commission during these proceedings. Mike Smith, Executive Director, will also appear for the Indiana Horse Racing Commission Staff. Holly Newell, Esq. is and will act as legal counsel to the IHRC Staff during these proceedings. Ms. Ellingwood 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 46204 (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 2018 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 September 1, 2017, requesting Commission approval to serve as the registered horsemen's association for the calendar year 2018 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 Time Line.

a. Hearing Date and Time

The hearing will commence at the Indiana State Library History Reference Room (211), 315 W. Ohio Street, Indianapolis, Indiana 46204, on Wednesday, December 6, 2017, at 10:00 a.m. EST or as soon as it advances on the agenda of the Commission meeting at 10:00 a.m. EST. This matter will be heard and will continue, with appropriate recesses, until completed. The record will be closed at the conclusion of the hearing. Thereafter, the Commission will deliberate on and decide whether the Application will be approved or denied and does not comprehend discussion during the deliberation with the Applicant or other interested parties.

b. Incorporation by Reference of QHRAI's 2011, 2012, 2013, 2014, 2015, 2016, and 2017 Applications and Related Materials.

The Application incorporates by reference any documents submitted, considered or generated with respect to QHRAI's 2011-2017 Applications for Registration, including, but not limited to, any amended commission staff reports. Note: No substantive changes to the Application made after Friday, December 1, 2017, 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 Thursday, November 30, 2017.

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 Thursday, November 30, 2017. 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 Monday, December 1, 2017. 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, November 30, 2017. 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, November 30, 2017. 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 Thursday, November 30, 2017.

g. Issuance of Subpoenas.

The Applicant should submit proposed subpoenas to be issued by the Commission no later than the time that the Witness and Exhibit Lists are filed so that they can be issued pursuant to Indiana Code section 4-21.5-3-22. Subpoenas shall be issued on the signature of the Chair, or on the signature of the Vice Chairman in the event 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 insure consistency, any non-party statements are to be given under oath or affirmation pursuant to Indiana Code section 4-21.5-3-25(f).

c. Staff Review and Presentation of Findings.

The Commission Staff is conducting a review of the Application and may speak to its report (*see* II.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 15 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.

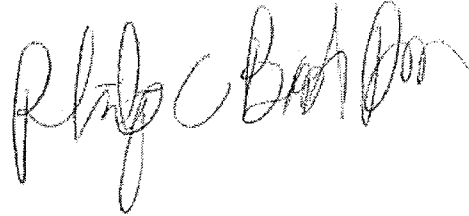
g. Individuals Requesting Time to Speak to the Application.

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 27th day of November, 2017.

A handwritten signature in black ink, appearing to read "Philip C Borst, DVM". The signature is written in a cursive style with a horizontal line underneath the name.

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 and by first class United States mail, postage prepaid, this 27th day of November, 2017.

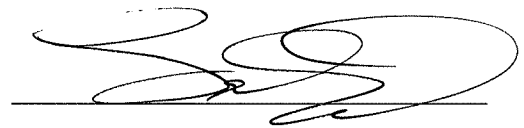
Indiana Horse Racing Commission:

Philip Borst, Chairman
Greg Schenkel, Vice Chair
George E. Pillow, Jr., Member
Susie Lightle, Member
William D. McCarty, Member
1302 N. Meridian Street
Ste. 175
Indianapolis, IN 46202

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

Dianne Bennett
Executive Director
6384 E 500 N
Franklin, IN 46131

QHRAI
P.O. Box 399
Shelbyville, IN 46176

A handwritten signature in black ink, consisting of several loops and flourishes, positioned above a horizontal line.

Ellingwood, Lea

From: Dianne Bennett [DBennett775@hotmail.com]
Sent: Friday, October 06, 2017 12:06 PM
To: Ellingwood, Lea
Cc: Smith, Michael D; Paul Martin
Subject: Re: Follow up questions on the QHRAI's 2018 slot funds application

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Dianne Bennett
QHRAI Executive Director
317-459-4801
DBennett775@hotmail.com

From: Ellingwood, Lea <LEllingwood@hrc.IN.gov>
Sent: Monday, October 2, 2017 12:38 PM
To: Dianne Bennett; Paul Martin
Cc: Smith, Michael D
Subject: Follow up questions on the QHRAI's 2018 slot funds application

Good morning!

I've finished going through the QHRAI's 2018 application and had a couple of questions.

1. There's a statement in Paragraph a of tab 13-A that says "this account is not only for the Indiana racing industry but (also) for the entire quarter horse equine industry." IC 4-35-7-12 requires the expenditures be made in the best interests of horse racing in **Indiana**. Can you confirm the expenditures referenced in that sentence are limited to Indiana?

What we are saying is that we will help any quarter horse that is in need whether it is an ex-race horse or a quarter horse in some other discipline. However, we never have used any expenditures for any quarter horse outside of Indiana that I am aware of. You can look at our itemized check register for the Equine Promotion and Welfare attachment 13-D line item A. We give monthly to Horse Angels, Inc. which is a horse rescue which is located in Spencer, Indiana.

2. Do you have any written internal controls in response to Item 14 (specific description of the accounting, auditing, internal control and reporting procedures)?

I am not quite sure what you are asking here as we have provided our process in Section 14. As in the past we have a Gaming Revenue Trustee who oversees the three gaming accounts. We have an accounts payable committee consisting of 3 board members who review and approve the invoices that are then passed on to the accountant for processing. The accountant submits a detailed monthly report to all board members. At year end a compiled set of financial statements will be prepared and provided from the accountant. Please see Section 2 which refers to the Gaming Trustee and Accounts Payable responsibilities.

3. Roger Beam is listed on your 71 IAC 13-1-3(3) certification regarding expenditures, but is not on your list of board members. What is his status? If he's on the board, please amend the list of bod to include him. Also, looks like you (Dianne) have not signed the 71 IAC 13-1-3(3) certification. Can you please sign if you're a current board member.

Roger Beam is listed in Section 1 listing our directors and officers. He is our current Treasurer. Also, please see Section 9 where you can read his complete bio and is listed as QHRAI Treasurer.

I am not on the current board of directors, I am the QHRAI Executive Director.

4. Ram Torres has signed a conflict of interest policy statement but he's not on BOD list. Is Ram an employee? Ram Torres is not on the board of directors. He is our translator under contract labor. I wasn't sure if he would need to sign a conflict of interest or not, so to be on the safe side I had him sign one.

Hopefully this answers all your questions. Feel free to contact me.

Dianne Bennett
QHRAI Executive Director
317-459-4801
dbennett775@hotmail.com

Please feel free to let me know if you have any questions. Otherwise, I'd like to see your responses by 10/13.

Warmest regards,

Lea

Lea Ellingwood
General Counsel
Indiana Horse Racing Commission
1302 N. Meridian St.
Suite 175
Indianapolis, IN 46202
317-233-3119

STATE OF INDIANA
BEFORE THE INDIANA HORSE RACING COMMISSION

2017 NOV 27 A 11:31

IN RE:

2018 Application for Registration of Indiana)
Thoroughbred Owner's and Breeder's Association)
Pursuant to 71 IAC 13-1-1 *et seq.*)

INDIANA
HORSE RACING COMM.

**NOTICE OF HEARING AND PRE-HEARING ORDER ON 2018 APPLICATION FOR
REGISTRATION OF INDIANA THOROUGHBRED OWNER'S AND BREEDER'S
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 2018 (hereinafter "the Application"), submitted by the Indiana Thoroughbred Owner's and Breeder's Association (hereinafter "the Applicant" or "ITOBA") on or about September 1, 2017. 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 Wednesday, December 6, 2017, at 10:00 a.m. *or* as soon as this matter advances on the Commission's agenda during its regularly scheduled meeting which will commence at 10:00 a.m. in the Indiana State Library – History Reference Room 211 at 315 W. Ohio Street, Indianapolis, IN 46204. The Hearing will related to the following Application that was filed with the Commission on or about September 1, 2017:

2018 Application for Registration of the Indiana Thoroughbred Owner's
And Breeder's 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; Greg Schenkel, Vice Chairman; George Pillow, Susie Lightle, and Bill McCarty, Members. Lea Ellingwood, Esq. is and will act as legal

counsel to the Indiana Horse Racing Commission during these proceedings. Mike Smith, Executive Director, will also appear for the Indiana Horse Racing Commission Staff. Holly Newell, Esq. is and will act as legal counsel to the IHRC Staff during these proceedings. Ms. Ellingwood 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 46204 (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 2018 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 September 1, 2017, requesting Commission approval to serve as the registered horsemen's association for the calendar year 2018 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 Time Line.

a. Hearing Date and Time

The hearing will commence at the Indiana State Library History Reference Room (211), 315 W. Ohio Street, Indianapolis, Indiana 46204, on Wednesday, December 6, 2017, at 10:00 a.m. EST or as soon as it advances on the agenda of the Commission meeting at 10:00 a.m. EST. This matter will be heard and will continue, with appropriate recesses, until completed. The record will be closed at the conclusion of the hearing. Thereafter, the Commission will deliberate on and decide whether the Application will be approved or denied and does not comprehend discussion during the deliberation with the Applicant or other interested parties.

b. Incorporation by Reference of ITOBA's 2011, 2012, 2013, 2014, 2015, 2016, and 2017 Applications and Related Materials.

The Application incorporates by reference any documents submitted, considered or generated with respect to ITOBA's 2011-2017 Applications for Registration, including, but not limited to, any amended commission staff reports. Note: No substantive changes to the Application made after Friday, December 1, 2017, 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 Thursday, November 30, 2017.

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 Thursday, November 30, 2017. 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 Monday, December 1, 2017. 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, November 30, 2017. 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, November 30, 2017. 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 Thursday, November 30, 2017.

g. Issuance of Subpoenas.

The Applicant should submit proposed subpoenas to be issued by the Commission no later than the time that the Witness and Exhibit Lists are filed so that they can be issued pursuant to Indiana Code section 4-21.5-3-22. Subpoenas shall be issued on the signature of the Chair, or on the signature of the Vice Chairman in the event 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 insure consistency, any non-party statements are to be given under oath or affirmation pursuant to Indiana Code section 4-21.5-3-25(f).

c. Staff Review and Presentation of Findings.

The Commission Staff is conducting a review of the Application and may speak to its report (*see* II.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 15 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.

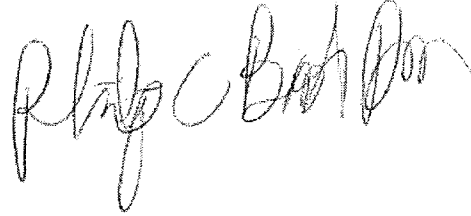
g. Individuals Requesting Time to Speak to the Application.

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 27th day of November, 2017.

A handwritten signature in black ink, appearing to read "Philip C Borst, DVM". The signature is written in a cursive, somewhat stylized font.

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 and by first class United States mail, postage prepaid, this 27th day of November, 2017.

Indiana Horse Racing Commission:

Philip Borst, Chairman
Greg Schenkel, Vice Chair
George E. Pillow, Jr., Member
Susie Lightle, Member
William D. McCarty, Member
1302 N. Meridian Street
Ste. 175
Indianapolis, IN 46202

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

Herb Likens
ITOBA President
7609 West 300 North
Anderson, IN 46011

Pete Sacopulos
Sacopulos Johnson & Sacopulos
676 Ohio Street
Terre Haute, IN 47807

A handwritten signature in black ink, appearing to read "Pete Sacopulos", is written over a horizontal line.

Ellingwood, Lea

From: Ellingwood, Lea
Sent: Monday, October 16, 2017 11:52 AM
To: 'Herb Likens'
Cc: Smith, Michael D
Subject: ITOBA 2018 Application

Importance: High

Mr. Likens,

I've completed my first review of ITOBA's 2018 application for slot funds. The application is missing the following items. Please forward the requested information to me no later than **October 31, 2017**:

1. A signed/dated copy of the bylaws. The bylaws submitted have blanks on the signature and date lines.
2. A notarized conflict of interest statement for Ryan Campbell. His statement isn't notarized.
3. ITOBA's 2016 Indiana state tax return. We've received the federal return but not the state one.

Please let me know if you have any questions.

Best,
Lea

Lea Ellingwood
General Counsel
Indiana Horse Racing Commission
1302 N. Meridian St.
Suite 175
Indianapolis, IN 46202
317-233-3119

Ellingwood, Lea

From: PLA [pla@sacopulos.com]
Sent: Tuesday, October 24, 2017 2:44 PM
To: Ellingwood, Lea
Subject: Supplement to 2018 ITOBA Application for Funding
Attachments: Ryan Campbell Conflict of Interest Policy.pdf; 2016 IN State Exempt Organization Tax Return - ITOBA Signed.pdf; 2017 ITOBA By-Laws.pdf

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Dear Lea:

As requested, attached please find the 2016 Indiana Tax Return for ITOBA (Form NP-20), the Conflict of Interest Policy signed by Board Member, Ryan Campbell, and a signed copy of the Bylaws as supplemental submissions to the 2018 Application for Funding.

Yours Sincerely,

Peter J. Sacopulos
SACOPULOS, JOHNSON & SACOPULOS
676 Ohio Street
Terre Haute, IN 47807
Telephone: (812) 238-2565
Facsimile: (812) 238-1945
pete_sacopulos@sacopulos.com

CONFIDENTIALITY NOTICE:

This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of this e-mail or any attachment is prohibited. In accordance with IRS regulations, any federal tax advice in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code. If you have received this e-mail in error, please notify us immediately by returning it to the sender and delete this copy from your system. Thank you.

INDIANA HORSE RACING COMMISSION
APPROVED CONFLICT OF INTEREST POLICY

Article I - Purpose

The purpose of this Conflict of Interest Policy (hereinafter referred to as the "Conflict of Interest Policy") is to protect the IHOBA [Fill in the name of the specific Horsemen's Association] (hereinafter referred to as the "Horsemen's Association") and the members it represents when it is contemplating entering into a transaction or arrangement that might benefit the private interests of an officer, director or employee of the Horsemen's Association. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations. In addition, the Horsemen's Association may have its directors, officers and/or employees agree to abide by any additional conflict of interest policies and/or provisions as long as they are not in conflict with the prohibitions contained in this Conflict of Interest Policy.

Article II - Definitions

As used in this Conflict of Interest Policy, the terms identified in this Article are defined as set forth below:

1. **Board:**

The Board of Directors of the Horsemen's Association identified in Article I.

2. **Conflict of Interest:**

Any prohibited practice set forth in Article III.

3. **Financial Interest:**

A person has a financial interest if the person has directly or indirectly (through business, investment, or a relative):

- a. An ownership interest in any entity with which the Horsemen's Association has a transaction or arrangement,
- b. A compensation arrangement with the Horsemen's Association or with any entity or individual with which the Horsemen's Association has a transaction or arrangement, or
- c. A potential ownership or compensation arrangement with any entity or individual with which the Horsemen's Association is negotiating a transaction or arrangement.

4. **Funds:**

Any monies allocated to be paid and/or paid to a registered Horsemen's Association pursuant to IC 4-35-7-12 and 71 IAC 13-1-1 et seq.

3. Relative:

The father, mother, brother, sister, uncle, aunt, husband or wife, son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, niece and/or nephew of the person executing this Conflict of Interest Policy. The term "relative" shall also include any person who has shared a residence with the person signing this Conflict of Interest Policy within a year of its execution.

Article III - Prohibited Conflicts of Interest

The following practices are each considered a conflict of interest by the Indiana Horse Racing Commission. The Board, officers, directors and employees of the Horsemen's Association are prohibited from engaging or participating in any manner in any of these practices:

1. The direct or indirect use of Horsemen's Association funds for the personal benefit of an officer, director and/or employee (other than (1) funds paid to an employee as wages and/or benefits or (2) benefits offered to officers and directors that are also available to the general membership of the Horsemen's Association). It is not a violation of this provision for an officer, director or employee to be reimbursed for mileage and/or reasonable expenses for Board approved activities undertaken solely for the benefit of the membership of the Horsemen's Association.

2. The direction, payment or other transfer of Horsemen's Association funds (either directly or indirectly) for the use (personal or otherwise) of any relative of an officer, director or employee of that Horsemen's Association. It is a violation of this provision for the Horsemen's Association to hire or retain (whether part-time, salaried or on a contract basis) a relative of any officer, director or employee. It is not a violation of this provision to compensate the relative of an officer, director or employee of a Horsemen's Association for providing services to the Horsemen's Association if that person has provided those same services for compensation to the Horsemen's Association for at least twelve (12) consecutive months immediately preceding the time that his or her relative began to serve as an officer, director or employee.

3. The direction, payment or other transfer of Horsemen's Association funds (either directly or indirectly) to the employee of any officer or director, whether the employee is part-time, salaried or retained on a contract basis.

4. The direction, payment or other transfer of Horsemen's Association funds (either directly or indirectly) to any organization in which an officer, director, employee or the relative of an officer, director and/or employee has a financial interest.

5. Accepting any funds, gifts and/or services from any person or organization that is actively seeking and/or receiving the direction, payment or other transfer of Horsemen's Association funds.

6. Enticing or accepting any favors, funds, gifts and/or services that would not be provided if the person was not an officer, director and/or employee of a Horsemen's Association.

7. The direction, payment or other transfer for investment of Horsemen's Association funds to any bank or organization in which the officer, director, employee or the relative of an officer, director and/or employee has a financial interest, serves on the Board or is otherwise employed.

Article IV - Duty to Disclose

Any officer, director and/or employee of the Horsemen's Association has an obligation to disclose any known or suspected Conflict of Interest to the Board of the Horsemen's Association and to representatives of the Indiana Horse Racing Commission.

AFFIRMATION

I, Ryan Campbell [Includes Name and Current Address of Officer, Director or Employee] 2856 Beech Ridge, Run Blvd Anderson, IN 46017
affirm under penalty of perjury that I understand, have received a copy of and shall abide by this Conflict of Interest Policy. I further understand that any breach of or failure to abide by this Conflict of Interest Policy will subject me to any sanctions provided for by 71 IAC 13-1-10 as well as any other action by the Horsemen's Association or other authorities that may be appropriate under the circumstances.

[Signature]
Signature of Director, Officer or Employee

10-19-17
Date

Ryan K Campbell
Printed Name of Director, Officer or Employee

STATE OF INDIANA)
) SS:
COUNTY OF Marion)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared Ryan Campbell and acknowledged the execution of the foregoing instrument this 11 day of October, 200217

[Signature]
Notary Public

Denise J. McIntyre
Printed Name

My Commission Expires:
03/15/25

County of Residence:
Hancock

BY-LAWS
OF
INDIANA THOROUGHBRED OWNERS AND BREEDERS ASSOCIATION, INC.
(As of August 7, 2017)

ARTICLE I
NAME

Section 1. Corporate Name. The name of this Corporation shall be the INDIANA THOROUGHBRED OWNERS AND BREEDERS ASSOCIATION, INC.; hereinafter referred to as "Corporation."

ARTICLE II
CORPORATE PURPOSE

Section 1. Corporate Purposes. To serve and represent Indiana Thoroughbred Owners, Breeders, and Trainers by 1.) Promote and encourage the growth of the thoroughbred industry in Indiana 2.) Strive for improvement of the Thoroughbred Horse in Indiana: by promoting and encouraging breeding, ownership, and participation in the Indiana bred program and investment and participation in Indiana's equine and agribusiness industry."

ARTICLE III
PRINCIPAL OFFICE OF THE CORPORATION

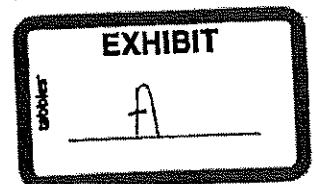
Section 1. Corporate Offices. The Corporation shall maintain its principal office in Indiana. For mailing purposes, the physical address is 7609 W. 300 N., Anderson, IN 46011.

ARTICLE IV
MEMBERSHIP

Section 1. Membership. Membership in the organization may be obtained as follows:

- (a) Eligibility: Any responsible individual or entity approving of the objectives of ITOBA shall be eligible for membership. The dues for members shall be determined by the Board of Directors.
- (b) Classes: ITOBA shall have the following classes of members: honorary, life, 3-year annual, , and associate. The qualifications of each shall be determined by the Board of Directors. Membership dues are as follows:
- Honorary:
 - Life:
 - 3-year:

(c) Duration: Honorary and life members shall hold membership for life, annual



members shall hold membership for one year, 3-year members shall hold membership for three years, and associate members shall hold membership for as long as they maintain a current Indiana Owners or Trainers license. All memberships shall be held in accordance with procedures established by the Board.

ARTICLE V MEMBERS MEETING

Section 1. Annual Meeting. The annual meeting of the members of the Corporation for the purpose of electing directors and for the transaction of such other business as may come before the meeting, shall be held within thirty (30) days of the ITOBAAwards Dinner in January each year, at such place as may be specified at the direction of the Secretary in a notice to be issued not less than ten (10) days before such meeting. If the directors shall not be elected at the annual meeting or any adjournment thereof, the Board of Directors shall call a special meeting of the members for the purpose of electing directors as soon as the same may be convened subject to the same ten (10) day notice requirement.

Section 2. Special Meetings. The President, or not less than one-fifth of the Board of Directors of the Corporation entitled to vote at such meeting may call a special meeting.

Section 3. Place of Meeting. The place of any meeting of the members shall be the Indiana Grand Racing & Casino, located in Shelbyville, Indiana and/or the Winner's Circle located at 20 N. Pennsylvania Street, Indianapolis, IN 46204 unless the Board of Directors shall, at a prior meeting or in the call for the meeting, designate another location.

Section 4. Notice Required. Written or printed notice of each meeting of members stating the place, day and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, in addition to the published notice, herein provided, shall be delivered or given not less than two nor more than thirty days before the date of the meeting, either personally or by mail, by or at the direction of the President, or the Secretary, or the officer or persons calling the meeting, to each member of record entitled to vote at such meeting.

If such notice shall be given by mail, it shall be given by depositing a copy thereof in the United States mail in a sealed envelope addressed to the member at his/her address as it appears on the records of the Corporation, with first-class postage properly attached thereto, and said notice shall be deemed given as of the date it is so deposited in the United States mail. If such notice be given by electronic means (email), it shall be given to the last known email address provided by that member.

Service of notice upon him/her may be waived by any member in writing filed with the Corporation at or prior to the time of the holding of said meeting. Attendance at any meeting, in person, shall constitute a waiver of notice of said meeting.

Section 5. Meeting with Consent of All Members. Any corporate action may be taken at a meeting held without call or notice, including published notice, if attended by all members in person or if all members in writing waive notice of said meeting.

Section 6. Meetings Convened, How. Every meeting of the members, for whatever object, shall be convened by the President, if he/she be present; otherwise by the Vice-President, if he/she be present; or in their absence or refusal to act, by one of the persons calling the meeting by notice of given as hereinbefore provided. Unless a resolution shall be adopted at such meeting by a majority of the members present in person, no vote shall be required to be taken by ballot. If a vote by ballot shall be required, the President or other person presiding at such meeting shall appoint not less than two persons who are not directors, inspectors to receive and canvass the vote and certify the results to him/her. In all cases where the right to vote upon any matter be questioned, it shall be the duty of the inspectors or the person conducting the vote to require the members books of the Corporation be produced as evidence of a member's right to vote, and all members that appear standing thereon shall be entitled to vote upon by all matters.

Section 7. Members Entitled to Vote. No member who is not in good standing and entered upon the member's books of the Corporation as of December 31st prior to the day of the meeting of the members shall be entitled to vote at any such meeting. There shall be no proxy voting. To vote, a member must be in good standing and entered upon the membership books.

Section 8. Voting Lists. A complete list of members entitled to vote at any meeting, arranged in alphabetical order, giving the address of the member, shall be prepared at least ten days before each meeting of the members, and the same shall be kept on file in the registered office of the Corporation for inspection by each member. A copy thereof shall be open for inspection at the time and place of the meeting during the whole period thereof. The original member ledger or book shall be prima facie evidence of who are members of the Corporation. Failure to comply with the requirements of this by-law shall not affect the validity of any action taken at a member's meeting.

Section 9. Quorum. The members entitled to vote at any annual meeting must be present in person and those present shall constitute a quorum. An affirmative vote of the majority of the members present shall be valid as a corporate act unless a larger vote is required by statute or by these by-laws.

Section 10. Voting of Members. At every such meeting each annual and life member shall be entitled to cast one vote upon each matter submitted to vote. Associate members and honorary members shall not be voting members.

Section 11. Proxies. There shall be no proxy voting.

Section 12. Informal Action by members without Meeting. When any action is required to be taken at a members' meeting, such action may be taken without a meeting if written consent or approval setting forth the action so taken shall be given by all the members entitled to vote with respect to the subject matter thereof.

Section 13. Election of Directors. An election ballot shall be delivered or given not less than twenty nor more than forty days before the date of the meeting, either personally or by mail, at the direction of the Secretary, to each member of record entitled to vote in such election.

Members must be in good standing and entered upon the member's book of the Corporation's book vote to elect Directors. Only those holding membership classes of life, annual, or 3-year are entitled to vote in an election of Directors. Honorary members are non-voting members.

Completed ballots shall be delivered by mail to the principal office no less than three days before the date of the meeting. The President or other person presiding at such meeting shall appoint not less than two persons who are not directors, inspectors to receive and canvass the vote and certify the results to him/her.

ARTICLE VI BOARD OF DIRECTORS

Section 1. General Powers. The property and business for the Corporation shall be controlled and managed by its Board of Directors.

Section 2. Number, Term of Office, and Qualifications. The Board of Directors shall consist of up to but not more than fifteen(15) elected members, each of whom shall hold office as follows: 1. for two (2) years or until his/her successor is elected and qualified, whichever shall come first; or 2. until removed by the Board of Directors as provided in Article VI, Section 12. At least one director shall be a bona fide citizen and resident of Indiana.

Section 3. Vacancies. In case of the death, resignation, or disqualification of one or more of the Directors, a majority of the remaining Directors may fill the vacancy or vacancies, or may choose to allow the vacancy or vacancies to remain unfilled until the next annual meeting of the members. Any Director elected to fill a vacancy shall serve until the next annual meeting of the members.

Section 4. Regular Meetings. The Board of Directors shall hold a regular meeting within thirty (30) days before or after the annual meeting of the members at the same place, and notice thereof shall not be required. If such meeting is not held as above provided, the election of Officers may be had at any subsequent meeting of the Board specifically called in the manner hereinafter provided.

The Board of Directors may provide by resolution for the holding of additional regular meetings either within or without the State without notice other than such resolution.

Section 5. Special Meetings. The President or any two Directors may call special meetings of the Board of Directors and may fix the time and place for the holding of such meetings within the State or may hold such meetings by teleconference. Notice of any such special meeting shall be served at the direction of the President or the Directors calling the meeting, personally or by mail or phone or fax, upon the other members of the Board, at least five days prior to the holding of such special meeting, provided, however, that service of said notice may be waived by the respective Directors. If given by mail, fax, or email notice shall be deemed given as they day deposited in the mail, the day faxed, or emailed.

Section 6. Notice of Meetings. Attendance of a Director at any meeting shall constitute a waiver of notice of such meeting except where a Directors attends a meeting for the express

purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular meeting of the Board of Directors need be specified in the notice or waiver of notice of such meeting.

Section 7. Quorum. A one-third (1/3) majority of the Board of Directors shall constitute a quorum for the transaction of business. If less than a majority of the Directors are present at any meeting, a majority thereof may adjourn the meeting from time to time without further notice.

Section 8. Action. The concurrence of the majority of the Directors present in any meeting at which a quorum is present shall bind the corporation.

Concurrence of the Directors may be provided by telephone, teleconference, fax, or email in matters granted emergency status by the President or any two Directors. In such matters, a two-thirds (2/3) majority of the Board of Directors shall constitute a quorum for the transaction of business, and the concurrence of the majority of such quorum shall bind the corporation.

Section 9. Compensation. No Director shall receive any salary or other compensation for his/her services as such unless the same shall first be fixed by the Board of Directors. No Director shall be prevented from receiving compensation in another capacity because of the fact that he/she is a Director.

Section 10. Indemnification for Legal Expenses. Each Director or former Director shall be indemnified by the corporation as provided by the statute.

Section 11. Roles and Responsibilities. Members of the Board of Directors are expected to attend all board meetings, regularly participate in organization meetings, committees, and functions, and maintain a current ITOBA membership in the class of Life, Annual, or 3-Year. If a board member incurs three absences during year one (1) of their term or three (3) absences in year two (2) of their term, the board has the option to deem that as the said member's resignation from the Board of Directors.

Members of the Board Directors are expected to comply with Indiana Code 23 - 17 - 13, Standards of Conduct for Directors.

Section 12. Removal of Directors. A Director or Directors may be removed at any time by a concurrence of the majority of the remaining Board of Directors. For purpose of this section, a concurrence of the Directors may be provided by telephone, teleconference, fax, or email if said vote is granted emergency status by the President or any two Directors. In the case of said emergency status, a majority two-thirds (2/3) of the remaining Board of Directors shall constitute a quorum for the purpose of removing a Director or Directors.

ARTICLE VII OFFICERS

Section 1. Offices. The officers of the Corporation shall consist of President, one or more Vice-Presidents, Treasurer, Secretary, and such other offices as may be established by the

Board of Directors. The President shall be chosen from the members of the Board of Directors. Any two offices may be held by the same person, except President and Secretary.

Section 2. Election and Term of Office. All officers shall be elected by the Board of Directors at the directors meeting held before or after the annual members' meeting. Such elections shall be had every year. If the election of officers shall not be held at such meeting, the same shall be held as soon thereafter as convenient.

Section 3. Removal. Any officer or agent elected or appointed by the Board of Directors may be removed by it whenever, in its judgment, the best interests of the Corporation will be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the persons so removed.

Section 4. Vacancies. A vacancy in any office for any reason shall be filled by the Board of Directors at any meeting for the unexpired portion of the term.

Section 5. General Powers. The officers of the Corporation shall have such powers and authority in the control and management of the property and business of the Corporation as is usual and proper in the case of, and incident to, such corporate offices except insofar as such power and authority is limited by these By-Laws or by resolution of the Board of Directors.

Section 6. President. The President shall be the principal executive officer of the Corporation and shall in general control and manage the property and business of the Corporation. He/she shall preside at all meetings of the members and of the Board of Directors, and shall perform such other duties as may be prescribed by the Board of Directors from time to time. Unless otherwise directed by these By-Laws or by the Board of Directors, he/she may sign all conveyances and instruments executed in the name of the Corporation.

Section 7. Vice-President. In the absence of the President, or in the event of his/her inability or refusal to act, the Vice-President shall have the powers of and be subject to all restrictions upon the President, and shall perform such other duties as from time to time may be assigned to him/her by the President or by the Board of Directors.

Sections 8. Treasurer. The Treasurer shall oversee all funds and securities of the Corporation, and shall oversee the deposit of all moneys in the name of the Corporation in such depository as shall be selected by the Board of Directors. He/she shall perform such other duties as from time to time may be assigned to him/her by the President or by the Board of Directors.

If required by the Board of Directors, the Treasurer shall give bond for the faithful discharge of his/her duties in such sum and with such surety or sureties, as the Board of Directors shall determine. The cost, if any, of such bond shall be paid by the Corporation.

Section 9. Secretary. The Secretary shall oversee the minutes of the meetings of the members and of the Board of Directors, shall see that all notices are duly given in accordance with the provisions of these By-Laws or as required by law, shall oversee the Corporation's records, shall ensure that a register of the post office addressees of all members is kept at the principal office, shall oversee the books and records of the Corporation, shall sign such

instruments with the President or other officers as may be required, and shall perform such other duties as from time to time may be assigned to him/her by the President or by the Board of Directors. He/she shall attend to the giving and serving of all notices of the Corporation, shall see that all papers and documents belonging to the Corporation are kept at the principal office, and shall perform such other duties as this Code of By-Laws may require or the Board of Directors may prescribe.

Section 10. Additional Officers. The powers and duties of any additional officers shall be prescribed by the Board of Directors when creating such offices. In case of the absence of any officer of the Corporation, or for any other reason that the Board of Directors may deem sufficient, the Board of Directors may delegate the powers or duties of such officer to any other officer or to any Director, for the time being, provided a majority of the entire Board of Directors concurs therein.

Section 11. Salaries. No officer shall receive any salary or any other compensation for services rendered unless the same shall first be set by the Board of Directors. No officer as such shall be prevented from receiving a salary or other compensation by reason of the fact that he/she is also an officer of the Corporation.

ARTICLE VIII COMMITTEES

Section 1. Committees. The President shall, with the approval of the Board of Directors, or Executive Committee, appoint such standing or special committees of such size as the President or Board of Directors may deem necessary to properly carry on the activities of the Corporation. Such committees shall perform as the President or the Board of Directors may direct.

Section 2. Communications Committee. There shall be a Communications Committee consisting of no fewer than four (4) Directors to be appointed by the President. Members of the Communications Committee shall serve for as long as deemed necessary by and at the discretion of the President. The Communications Committee shall be responsible for review and approval of any and all public communications of the Corporation. Any communications of the Corporation that shall be disseminated outside of the Board of Directors, including but not limited to communications with the Membership, must meet the approval of the Communications Committee. The President shall have authority to implement any and all necessary rules and procedures to effectuate the requirements of this Section.

ARTICLE IX CONTRACTS, LOANS, CHECKS, DEPOSITS, AND FUNDS

Section 1. In General. All contracts and agreements authorized by the Board of Directors, and all checks, drafts, notes, bonds, bills of exchange, and orders for the payment of money, shall, unless otherwise directed by the Board of Directors, or unless otherwise required by law, be

signed by any two (2) of the following Officers, who are different persons: President, Vice-President, Treasurer or Secretary. The Board of Directors may, however, authorize any one of such Officers to sign checks, drafts and orders for the payment of money singly and without necessity of countersignature, and may designate employees of the Corporation, other than those named above, who may, in the name of the Corporation, execute drafts, checks and orders for the payment of money in its behalf.

Sections 2. Loans. No loans shall be contracted on behalf of the Corporation and no evidences of indebtedness shall be issued in its name unless authorized by a resolution of the Board of Directors. Such authority may be general or confined to specific instances.

Section 3. Deposits. All funds paid to and/or received by the Corporation shall be deposited to the credit of the corporation in such banks, trust companies or other depositories as the Board of Directors may select.

Section 4. Gifts. The Board of Directors may accept on behalf of the Corporation any contribution, gift, bequest or devise for the general purposes or for any special purpose of the corporation.

ARTICLE X BOOKS AND RECORDS

Section 1. Types of Books and Records. The Corporation shall keep correct and complete records of account and also keep minutes of the proceedings of its members, Board of Directors, and committees having any authority of the Board of Directors, and shall keep a record giving the names and addresses of the members of the Corporation entitled to vote. All books of the Corporation may be inspected by any member, or his/her agent or attorney for any purpose upon reasonable notice.

Section 2. Place of Keeping, in General. Except as otherwise provided by the laws of the State of Indiana, by the Articles of Incorporation of the Corporation or by these By-Laws, the books and records of the Corporation may be kept at such place or places, within or without the State of Indiana, as the Board of Directors may from time to time by resolution determine.

ARTICLE XI FISCAL YEAR

Section 1. Fiscal Year. The fiscal year of the Corporation shall begin on the first day of January each year and end on the thirty-first day of December each year.

ARTICLE XII

CORPORATE INDEMNIFICATION

Section 1. Indemnification. To the extent not inconsistent with the law of the State of Indiana, every person (and the heirs and personal representatives of such person) who is or was a director or officer of the Corporation shall be indemnified by the Corporation as provided in the law of the State of Indiana.

ARTICLE XIII AMENDMENTS TO BY-LAWS

Section 1. Amendments. The power to make, alter, amend or repeal this Code of By-Laws is vested in the Board of Directors, but such action shall be taken only at a meeting of the Board of Directors where Directors were informed of such purpose at least ten (10) days in advance of such meeting.

Section 2. How Made. These By-Laws may be amended by the affirmative vote of two-thirds (2/3) of the Board of Directors present at such meeting, provided that the text of the proposed amendments shall have been sent to all Directors at least ten (10) days in advance of such meeting.

ARTICLES XIV AMENDMENTS TO ARTICLES OF INCORPORATION

Section 1. Amendments. The Articles of Incorporation may be amended by the affirmative vote of a majority of members in good standing at the annual meeting or any special meeting. Written notice setting forth the proposed amendment shall be given to each member entitled to vote at the meeting within the time and in the manner provided in these By-Laws for the giving of notice of meetings to members. An affirmative vote of two-thirds (2/3) of the members present and voting shall be necessary for the adoption of amendments to the Articles of Incorporation.

ARTICLES XV DISSOLUTION

Section 1. Dissolution. No capital stock shall ever be issued and no dividends, rebates or other allowances shall be paid to members of the Corporation from any income which it may realize, or from any other source. In an event of the dissolution of the corporation, any assets remaining after all liabilities and obligations of the Corporation have been discharged shall be distributed in accordance with the Articles of Incorporation.

ARTICLE XVI WAIVER OF NOTICE

Section 1. Waiver of Notice. Whenever any notice whatever is required to be given under the provision of these By-Laws or under the provision of the Article of Incorporation or under the provisions of The General Corporation Act waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ATTEST:

Herbat Likema

_____, President

10/21/17

_____, Date

NP-20

Form 51062
7/8-13)

Indiana Department of Revenue
Indiana Nonprofit Organization's Annual Report
For the Calendar Year or Fiscal Year
Beginning 12 31 2015 and Ending 12 31 2016
MM/DD/YYYY

Check if
Change of Address
Amended Report
Final Report: Indicate Date
Closed

Due at the 15th day of the 5th month following the end of the tax year.
NO FEE REQUIRED.

Name of Organization

Telephone Number

INDIANA THOROUGHBRED OWNERS
BREEDERS ASSOCIATION INC

765 734 1622

Address

County

Indiana Taxpayer Identification Number

7609 W 300 NORTH

MADISON

City

State ZIP Code

Federal Identification Number

ANDERSON, IN 46011

-*4469

Printed Name of Person to Contact

Contact's Telephone Number

HERB LIKENS

If you are filing a federal return, attach a completed copy of Form 990, 990EZ, or 990PF.

Note: If your organization has unrelated business income of more than \$1,000 as defined under Section 513 of the Internal Revenue Code, you must also file Form IT-20NP.

Current Information

1. Have any changes not previously reported to the Department been made in your governing instruments, (e.g.) articles of incorporation, bylaws, or other instruments of similar importance? If yes, attach a detailed description of changes.
2. Indicate number of years your organization has been in continuous existence. 25
3. Attach a schedule, listing the names, titles and addresses of your current officers.
4. Briefly describe the purpose or mission of your organization below.

PROMOTION OF OWNERSHIP, BREEDING AND RACING THOROUGHBREDS IN INDIANA.

DLIKENS@AOL.COM

I declare under the penalties of perjury that I have examined this return, including all attachments, and to the best of my knowledge and belief, it is true, correct, and complete.

Herb Likens
Signature of Officer or Trustee

PRESIDENT
Title

4/1/17
Date

Name of Person(s) to Contact

Daytime Telephone Number

Important: Please submit this completed form and/or extension to:
Indiana Department of Revenue, Tax Administration
P.O. Box 6481
Indianapolis, IN 46206-6481
Telephone: (317) 232-0129

Extensions of Time to File

The Department recognizes the Internal Revenue Service application for automatic extension of time to file, Form 8868. Please forward a copy of your federal extension, identified with your Nonprofit Taxpayer Identification Number (TID), to the Indiana Department of Revenue, Tax Administration by the original due date to prevent cancellation of your sales tax exemption. Always indicate your Indiana Taxpayer Identification Number on your request for an extension of time to file.

Requests post marked within thirty (30) days after the federal extension due date, as requested on Federal Form 8868, will be considered as timely filed. However, the federal extension must also be attached to the Indiana report. In the event that a federal extension is not needed, a taxpayer may request an Indiana extension of time to file from the: Indiana Department of Revenue, Tax Administration, P.O. Box 6481, Indianapolis, IN 46206-6481, (317) 232-0129.

If an NP-20 or extension is not timely filed, the taxpayer will be notified by the Department pursuant to I.C. 6-2.5-5-21(d), to file Form NP-20. If the taxpayer fails to file Form NP-20 within 90 days after receiving such notice the taxpayer does not file Form NP-20, the taxpayer's exemption from sales tax will be canceled.



2541311019

FORM NP-20

LIST OF OFFICERS, DIRECTORS AND TRUSTEES

STATEMENT

1

NAME AND ADDRESS	TITLE
CRYSTAL CHAPPEL, DVM 7609 W 300 NORTH ANDERSON, IN 46011	BOARD MEMBER
DONALD DEARTH 7609 W 300 NORTH ANDERSON, IN 46011	BOARD MEMBER
AMY ELLIOTT 7609 W 300 NORTH ANDERSON, IN 46011	BOARD MEMBER
KERRY HOPPER 7609 W 300 NORTH ANDERSON, IN 46011	BOARD MEMBER
TERRY PHILLIPS 7609 W 300 NORTH ANDERSON, IN 46011	BOARD MEMBER
RYAN CAMPBELL 7609 W 300 NORTH ANDERSON, IN 46011	BOARD MEMBER
HERB LIKENS 7609 W 300 NORTH ANDERSON, IN 46011	PRESIDENT
DUANE SWINGLEY 7609 W 300 NORTH ANDERSON, IN 46011	VICE PRESIDENT
BRUCE MURPHY 7609 W 300 NORTH ANDERSON, IN 46011	2ND VICE PRESIDENT
DAVE BOGUE 7609 W 300 NORTH ANDERSON, IN 46011	TREASURER
PETE SACOPULOS 7609 W 300 NORTH ANDERSON, IN 46011	SECRETARY
LEIGH ANN HOPPER 7609 W 300 NORTH ANDERSON, IN 46011	EXECUTIVE SECRETARY

STATE OF INDIANA
BEFORE THE INDIANA HORSE RACING COMMISSION

2017 NOV 27 A 11: 31

IN RE:

2018 Application for Registration of)
Indiana Standardbred Association)
Pursuant to 71 IAC 13-1-1 *et seq.*)

INDIANA
HORSE RACING COMM.

**NOTICE OF HEARING AND PRE-HEARING ORDER ON 2018 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 2018 (hereinafter “the Application”), submitted by the Indiana Standardbred Association (hereinafter “the Applicant” or “ISA”) on or about September 1, 2017. 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 Wednesday, December 6, 2017, at 10:00 a.m. *or* as soon as this matter advances on the Commission’s agenda during its regularly scheduled meeting which will commence at 10:00 a.m. in the Indiana State Library – History Reference Room 211 at 315 W. Ohio Street, Indianapolis, IN 46204. The Hearing will related to the following Application that was filed with the Commission on or about September 1, 2017:

2018 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; Greg Schenkel, Vice Chairman; George Pillow, Susie Lightle, and Bill McCarty, Members. Lea Ellingwood, Esq. is and will act as legal

counsel to the Indiana Horse Racing Commission during these proceedings. Mike Smith, Executive Director, will also appear for the Indiana Horse Racing Commission Staff. Holly Newell, Esq. is and will act as legal counsel to the IHRC Staff during these proceedings. Ms. Ellingwood 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 46204 (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 2018 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 September 1, 2017, requesting Commission approval to serve as the registered horsemen's association for the calendar year 2018 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 Time Line.

a. Hearing Date and Time

The hearing will commence at the Indiana State Library History Reference Room (211), 315 W. Ohio Street, Indianapolis, Indiana 46204, on Wednesday, December 6, 2017, at 10:00 a.m. EST or as soon as it advances on the agenda of the Commission meeting at 10:00 a.m. EST. This matter will be heard and will continue, with appropriate recesses, until completed. The record will be closed at the conclusion of the hearing. Thereafter, the Commission will deliberate on and decide whether the Application will be approved or denied and does not comprehend discussion during the deliberation with the Applicant or other interested parties.

b. Incorporation by Reference of ISA's 2011, 2012, 2013, 2014, 2015, 2016, and 2017 Applications and Related Materials.

The Application incorporates by reference any documents submitted, considered or generated with respect to ISA's 2011-2017 Applications for Registration, including, but not limited to, any amended commission staff reports. Note: No substantive changes to the Application made after Friday, December 1, 2017, 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 Thursday, November 30, 2017.

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 Thursday, November 30, 2017. 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 Monday, December 1, 2017. 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, November 30, 2017. 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, November 30, 2017. 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 Thursday, November 30, 2017.

g. Issuance of Subpoenas.

The Applicant should submit proposed subpoenas to be issued by the Commission no later than the time that the Witness and Exhibit Lists are filed so that they can be issued pursuant to Indiana Code section 4-21.5-3-22. Subpoenas shall be issued on the signature of the Chair, or on the signature of the Vice Chairman in the event 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 insure consistency, any non-party statements are to be given under oath or affirmation pursuant to Indiana Code section 4-21.5-3-25(f).

c. Staff Review and Presentation of Findings.

The Commission Staff is conducting a review of the Application and may speak to its report (*see* II.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 15 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.

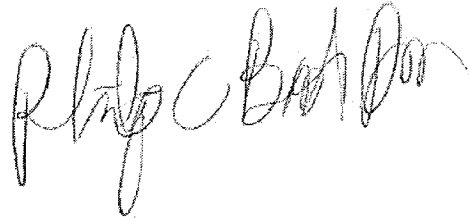
g. Individuals Requesting Time to Speak to the Application.

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 27th day of November, 2017.

A handwritten signature in black ink, appearing to read "Philip C Borst, DVM". The signature is written in a cursive, somewhat stylized font.

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 and by first class United States mail, postage prepaid, this 27th day of November, 2017.

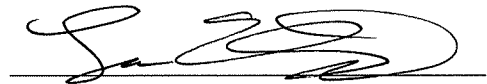
Indiana Horse Racing Commission:

Philip Borst, Chairman
Greg Schenkel, Vice Chair
George E. Pillow, Jr., Member
Susie Lightle, Member
William D. McCarty, Member
1302 N. Meridian Street
Ste. 175
Indianapolis, IN 46202

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

Roger Young, Esq.
40 W. Court St., Ste. D
Franklin, IN 46131

Jack Kieninger
ISA President
311 American Legion Place
Greenfield, IN 46140

A handwritten signature in black ink, appearing to be 'S. Young', written over a horizontal line.