

# **Agenda item # 5**

INDIANA HORSE RACING COMMISSION  
BEFORE ADMINISTRATIVE LAW JUDGE

2015 OCT 23 A 11:58

INDIANA HORSE RACING COMMISSION STAFF,	)	In Re: ADMINISTRATIVE COMPLAINT
	)	INDIANA HORSE RACING COMM
	)	NO. 215009
Petitioner,	)	
	)	
vs.	)	
	)	
JEFFREY YODER,	)	James G. Lauck,
	)	Administrative Law Judge
Respondent.	)	

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

This matter is pending before the Indiana Horse Racing Commission (“Commission”) on the Recommended Administrative Penalty against Jeffrey Yoder. On September 17, 2015, the Administrative Law Judge (“ALJ”) designated by the Commission, The Honorable James G. Lauck, issued his Order Granting Indiana Horse Racing Commission Staff’s Motion For Summary Judgment And Memorandum In Support Thereof (“Recommended Order”) in this case. On September 17, 2015, having failed to receive any response from Yoder, ALJ Lauck deemed the Request for Admissions admitted and issued the Recommended Order.

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

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

SO ORDERED, 23<sup>rd</sup> day of October 2015.

THE INDIANA HORSE RACING COMMISSION



BY: \_\_\_\_\_

Thomas Weatherwax  
Chairperson  
Indiana Horse Racing Commission

Copies forwarded by electronic mail or via first-class United States mail, postage prepaid, sent on October 23, 2015.

**DISTRIBUTION**

Lea Ellingwood  
General Counsel  
Indiana Horse Racing Commission  
1302 N. Meridian Street, Suite 175  
Indianapolis, IN 46204  
lellingwood@hrc.in.gov

Jeffrey Yoder  
3966 Horatio Harris  
Greenville, OH 45331

BEFORE AN ADMINISTRATIVE LAW JUDGE  
APPOINTED BY THE INDIANA HORSE RACING COMMISSION

INDIANA HORSE RACING COMMISSION  
STAFF,

Petitioner,

v.

JEFFREY YODER,

Respondent.

Administrative Complaint No. 215009

15 JUL 27 P 1:15  
INDIANA HORSE RACING COMMISSION

**INDIANA HORSE RACING COMMISSION STAFF'S MOTION FOR  
SUMMARY JUDGMENT AND MEMORANDUM IN SUPPORT THEREOF**

The Indiana Horse Racing Commission Staff (hereinafter the "Commission Staff"), by counsel, pursuant to Ind. Code § 4-21.5-3-23, respectfully submits its Motion for Summary Judgment requesting that the Administrative Law Judge (hereinafter the "ALJ") issue a recommended Order in favor of the Commission Staff that affirms the violation found in, and the sanctions proposed by, Administrative Complaint No. 215009 (the "Complaint"). In support of this motion, the Commission Staff designates: (1) the Affidavit of IHRC Executive Director Joe Gorajec; (2) the Affidavit of IHRC Senior State Steward Stan Bowker ("Bowker Aff."); and (3) the Commission Staff's Request for Admissions, which is deemed admitted pursuant to Trial Rule 36(A). The Commission Staff respectfully submits that there is no genuine issue of material fact with respect to the matters referenced in Administrative Complaint No. 215009. In support of its motion, the Commission Staff submits the following Memorandum:

**I. INTRODUCTION**

The Commission has been established by the Indiana Pari-Mutuel and Horse Racing Act ("the Act"), codified at IC §4-31 *et seq.* The Act provides that the purpose of the article is to "permit pari-mutuel wagering on horse races in Indiana **and to ensure that pari-mutuel**

wagering on horse races in Indiana will be conducted with the highest of standards and the greatest level of integrity.” IC §4-31-1-2 (emphasis added).

The Indiana Legislature provided specific direction to the Commission with respect to the illegal medication and/or drugging of racehorses. Chapter 12 of the Act makes clear that (unless specifically authorized by the Commission) there is an absolute prohibition against allowing a horse that has “drugs [and] medications or substances foreign to the natural horse” in its system to compete in a race without suffering an appropriate sanction. IC §§ 4-31-12-1, 4-31-12-2(a). That sanction includes the mandatory forfeiture of any purse that was earned as a result of the horse’s performance. IC §4-31-12-13(b)(1). This absolute prohibition and the related legislative forfeiture directive have been incorporated into the applicable Commission regulations at 71 IAC 8-1-2.

## II. UNDISPUTED MATERIAL FACTS

Jeffrey Yoder (“Yoder”) was licensed as a Thoroughbred and Quarter Horse trainer by the Commission in 2014. (Affidavit of Joe Gorajec ¶5 “Gorajec Aff.”, RFA #4) Yoder was the trainer of Merry for Corona, a quarter horse racehorse that competed in the ninth race at Indiana Downs on October 11, 2014. (Gorajec Aff. ¶¶6 and 8, RFA #5, 7, 8) Merry for Corona placed second in the race, and was awarded a purse of \$700. (Gorajec Aff. ¶8)

After the race, and pursuant to 71 IAC 8.5-2-3(b)(2), post-race blood (serum) specimens were taken from Merry for Corona. (Gorajec Aff. ¶9) On October 15, 2014, Merry for Corona’s specimens, labeled Sample No. 47971, were sent to the Commission’s primary approved laboratory for cobalt testing, the University of Kentucky Veterinary Diagnostic Laboratory. (“UKVDL”), for analysis pursuant to the Commission’s regulations. (Gorajec Aff. ¶10) On October 22, 2014, UKVDL reported to the Commission Staff that Sample No. 47971 tested positive for cobalt at a level of 249 parts per billion (“ppb”). (Gorajec Aff. ¶¶11; RFA #8)

Yoder, upon being notified of the positive test results and advised of his rights to have the split sample sent to an independent laboratory approved by the Commission, waived his right to have the split sample tested. (Gorajec Aff. ¶14; Bowker Aff. ¶¶9 and 10)

Cobalt is an environmental contaminant to the natural horse and is not to exceed twenty-five (25) ppb in serum or plasma. 71 IAC 8.5-1-9(b)(3). At all times relevant, the presence of cobalt at a level of 249 ppb carried a category 'A' penalty, as established by the Recommended Penalties and Model Rule. 71 IAC 8.5-1-7(b). Indiana Administrative Code 71 IAC 8.5-1-7, directs the Commission to consider and impose penalties consistent with the ARCI Uniform Guidelines. The primary factors in determining the severity of a licensed trainer or owner's penalty are the number and recency of any past violations. Yoder had not been sanctioned for any other incidents taking place within 365 days before the October 11, 2014 race at Indiana Downs that involved the presence of a foreign substances or environmental contaminants in a race horse for which he was responsible. (Gorajec Aff. ¶15) Taking all of these facts into consideration, the ARCI Uniform Guidelines suggest a penalty of a minimum one-year suspension and a \$10,000.00 fine for each infraction, as well as disqualification of the horse, and redistribution of any purse won by the horse. (Gorajec Aff. ¶13, 17) However, pursuant to IC §4-31-13-1(c), a civil penalty imposed against a licensee cannot exceed five thousand dollars (\$5,000). Accordingly, the IHRC Staff issued a complaint against Yoder recommending a one (1) year suspension, a five thousand dollar (\$5,000) fine, and redistribution of purse.

### **III. PROCEDURAL HISTORY**

The Commission may, in its discretion, initiate a disciplinary action against any person under IC §4-31. 71 IAC 10-3-1(b). If the commission determines a person regulated under the Act has violated the Act or a rule or order adopted under the Act that constitutes a ground for disciplinary action under the Act, the Commission may assess an administrative penalty against

that person. 71 IAC 1-3-20(a). The Commission delegates to the Executive Director the authority to prepare and issue administrative complaints pursuant to the Act. 71 IAC 10-3-20(b). On March 5, 2015, the Commission filed Administrative Complaint No. 215009 against Yoder. The Complaint recommendations included a fine of five thousand dollars (\$5,000.00), a suspension for a period of one (1) year, and ordering Merry for Corona unplaced in the ninth race of October 11, 2014 at Indiana Downs, resulting in Merry for Corona's (second place) purse forfeiture and redistribution. The person who is subject of the Complaint has twenty (20) days after the issuance of the Complaint to make a written request for a hearing. Failure to request a hearing or to remit the amount of the administrative penalty within the period prescribed results in a waiver of a right to hearing on the administrative penalty as well as any right to judicial review. 71 Ind. Admin Code 10-3-20(d). More than twenty days have passed since Yoder has been in the receipt of the Administrative complaint and no hearing has been requested. This case was assigned to Administrative Law Judge James Lauck by Commission Chairman Tom Weatherwax. (Gorajec Aff., ¶¶ 25 and 24) Pursuant to Trial Rule 36, Commission Staff issued Requests for Admissions to the Petitioner, who failed to provide any type of response. Accordingly, Trial Rule 36(A) requires those matters outlined in the RFA (Exhibit B) are deemed admitted and pursuant to Trial 36(B), are conclusively established.

#### IV. ARGUMENT

##### **A. Summary judgment standard in administrative proceedings.**

Indiana Code § 4-21.5-3-23(a) provides that "[a] party may, at any time after a matter is assigned to an administrative law judge, move for a summary judgment in the party's favor as to all or any part of the issues in a proceeding." The administrative law judge "shall consider a motion filed under subsection (a) as would a court that is considering a motion for summary judgment filed under Trial Rule 56 of the Indiana Rules of Trial Procedure." *Id.*

Indiana Trial Rule 56(C) provides that summary judgment is appropriate when there are no genuine issues of material fact and when the moving party is entitled to judgment as a matter of law. Ind. Rule Trial 56(C); *Parker v. Ind. State Fair Bd.*, 992 N.E.2d 969, 976 (Ind. Ct. App. 2013). "A genuine issue of material fact exists where facts concerning an issue which would dispose of the litigation are in dispute or where the undisputed facts are capable of supporting conflicting inferences on such an issue." *Parker*, 992 N.E.2d at 976 (internal citations omitted). "The party moving for summary judgment bears the burden of making a *prima facie* showing that there is no genuine issue of material fact and that he or she is entitled to a judgment as a matter of law." *Id.* "Once the moving party meets these two requirements, the burden shifts to the non-moving party to show the existence of a genuine issue of material fact by setting forth specifically designated facts." *Id.* Here, the Commission has shown that it is entitled to summary judgment in these proceedings because there can be no dispute that: (1) a horse racing in Indiana is prohibited from having cobalt in excess of twenty-five (25) ppb in its system at the time of a race; (2) Merry for Corona had cobalt at a level of 249 ppb in his system at the time of the October 11, 2014 race; (3) his trainer, Jeffrey Yoder, is responsible for the presence of these substances under the applicable law and regulations; and (4) the recommended penalties by the Commission on Yoder are reasonable and appropriate.

**B. A horse racing in Indiana is prohibited from having cobalt in excess of twenty-five (25) ppb in its system at the time of the race, and Merry for Corona's blood was found to contain cobalt at a level of 249 ppb, well above the allowable limit.**

A horse participating in a race in Indiana is prohibited from carrying in its body any foreign substance that is not specifically authorized by Commission regulations. IC §4-31-12-1. The Commission regulations direct the Executive Director to consider the ARCI Uniform



Guidelines when imposing penalties and proposing sanctions for a cobalt violation. 71 I.A.C. 8.5-1-7(b).

According 71 I.A.C. 8.5-1-7(b) in effect on October 11, 2014, cobalt in excess of twenty-five (25) ppb shall carry a "A" penalty classification, as classified by the ARCI Uniform Medication Guidelines. (Gorajec Aff. ¶12; RFA #1, 2). Because Commission regulation prohibits the presence of cobalt in a horse at a level of more than twenty-five (25) ppb at the time of a race, a finding of cobalt at a level of 249 ppb is a violation under the Commission's regulations and its presence in Merry for Corona on October 11, 2014, constitutes an unquestionable violation of the Commission's environmental contaminants and substances of human use rule. 71 IAC 8.5-1-9(b)(3).

A finding at a Commission-approved laboratory that a test sample taken from a horse contains a drug or its metabolites or analogs or a foreign substance, creates a presumption that "the procedures of collection, preservation, transfer to the laboratory, and analysis of the sample are correct and accurate." 71 IAC 8.5-2-1(2). Moreover, the presence of an environmental contaminant or substance of human use in excess of the regulatory thresholds, such as cobalt, is a violation and compels the attendant consequences. 71 IAC 8.5-1-9(b)(3).

The finding of a drug positive also creates a presumption that the substance was in the horse's body at the time the race was run. 71 IAC 8.5-1-2(a). Positive laboratory results are *prima facie* evidence that the foreign substance has been administered to the horse in violation of the Commission's rules. 71 IAC 8.5-1-2. In addition, a positive test creates a *prima facie* case that the trainer (or his or her agents) responsible for the care and custody of the horse were negligent in the handling or care of the horse. 71 IAC 8.5-1-2(a). *Prima facie* evidence is evidence which is sufficient to establish a given fact and which, if not rebutted or contradicted,

will remain sufficient. Blacks Law Dictionary, Sixth Edition. Yoder has not refuted the presence of cobalt in amounts over the threshold in Merry for Corona and by his silence, admits he is responsible for the presence of any prohibited substance. (RFA #6, 9). This is consistent with the regulation that imposes a duty on a trainer to “prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules.” 71 IAC 5.5-3-2(b).

Participating in pari-mutuel racing in Indiana is a privilege, and not a right. Licensees are fully responsible for being aware of Commission regulations. 71 IAC 5.5-1-27. Serum collected from Merry for Corona was analyzed by UKVDL and found to contain cobalt at 249 ppb which violated the regulatory threshold of twenty-five (25) ppb. (Gorajec Aff., ¶¶ 11; RFA #9)

Yoder, upon being notified of the positive test results and advised of his rights to have the split sample sent to an independent laboratory approved by the Commission, waived his right to have a split sample tested. (Gorajec Aff. ¶14; Bowker Aff., ¶10) The facts lead to the inevitable conclusion that such levels above the allowable limit were in Merry for Corona's body at the time it ran the October 11, 2014 race, in violation of Indiana law and the Commission's rules.

**C. The recommended penalties for Yoder are both reasonable and appropriate.**

Indiana law mandates the forfeiture of a purse when any prohibited foreign substance is detected in a horse participating in a race. *See* IC §4-31-12-13; 71 IAC 8.5-1-2(b). Furthermore, the ARCI Uniform Guidelines' recommended minimum penalty for a first violation (in any jurisdiction within 365 days) for a Class A penalty, is a minimum one-year suspension and a \$10,000.00 fine (limited to \$5,000 pursuant to IC §4-31-13-1). (Gorajec Aff., ¶13) The Commission's recommended penalties to be imposed upon Mr. Yoder include a \$5,000.00 fine, a one-year suspension, and the loss of the purses, which is required by Indiana law. The

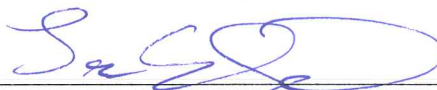
recommended penalty for a Class "A" violation within 365 days is reasonably related to the minimum recommended penalties, and, accordingly, cannot be determined to be unreasonable.

## V. CONCLUSION

As the trainer of Merry for Corona, Yoder is responsible for violations of 71 IAC 8.5-1-9(b)(3) that prohibits a horse from carrying cobalt in excess of twenty-five (25) ppb in its body, based upon a positive drug test. The presence of cobalt in the serum of Merry for Corona as measured by UKVDL is a *prima facie* violation of 71 IAC 8.5-2-1, which prohibits a race horse from carrying a substance in excess of regulatory threshold limits in its body during a race. In the absence of "substantial evidence" that a third person was responsible for the administration, Mr. Yoder, as Merry for Corona's trainer, is responsible. 71 IAC 5.5-3-2(a) and (b); 71 IAC 8.5-2-1.

**WHEREFORE**, the Indiana Horse Racing Commission Staff respectfully requests that the Administrative Law Judge enter an Order granting Summary Judgment in favor of the Commission Staff and thereby adopting the proposed penalty, suspension, and purse redistribution recommended in Administrative Complaint No. 215009 issued by the Indiana Horse Racing Commission Staff, which imposes \$5,000.00 fine, a one-year suspension, and the forfeiture and redistribution of the second place purse (\$700).

Respectfully submitted,



---

Lea Ellingwood, # 22346-49  
INDIANA HORSE RACING COMMISSION  
1302 North Meridian, Suite 175  
Indianapolis, IN 46204  
Tel: (317) 232-0397  
Fax: (317) 233-4470

*Attorney for the Indiana Horse Racing Commission  
Staff*

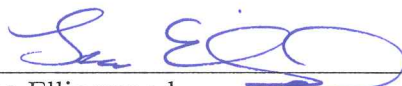
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served via electronic mail and deposited in the U.S. mail, first-class postage prepaid, on the 27th day of July, 2015, to:

James Lauck  
Administrative Law Judge  
Indiana Horse Racing Commission  
111 Monument Circle, Suite 900 Indianapolis,  
IN 46204

Jeffrey Yoder  
3966 Horatio Harris  
Greenville, OH 45331

Joe Gorajec  
Executive Director  
Indiana Horse Racing Commission  
1302 N. Meridian Street  
Indianapolis, IN 46204  
[jgorajec@hrc.IN.gov](mailto:jgorajec@hrc.IN.gov)

  
\_\_\_\_\_  
Lea Ellingwood

BEFORE AN ADMINISTRATIVE LAW JUDGE  
APPOINTED BY THE INDIANA HORSE RACING COMMISSION

INDIANA HORSE RACING COMMISSION  
STAFF,

Petitioner,

v.

JEFFREY YODER,

Respondent.

In Re: Administrative Complaint No. 215009

**AFFIDAVIT OF JOE GORAJEC**

Comes now the undersigned and being duly sworn upon his oath, alleges and says as follows:

1. I am an adult, over eighteen (18) years of age, of sound mind, and have personal knowledge of and am competent to testify as to the matters contained herein.
2. I have been the Executive Director of the Indiana Horse Racing Commission (the "Commission") since its inception, commencing my duties in October of 1990. The Executive Director is the highest ranking member of the Commission Staff.
3. The Indiana Pari-Mutuel Wagering on Horse Racing Act (the "Horse Racing Act"), Indiana Code § 4-31 *et seq.*, was enacted "to ensure that pari-mutuel wagering on horse races in Indiana will be conducted with the highest of standards and the greatest level of integrity." I.C. § 4-31-1-2.
4. As Executive Director, I am charged by the Commission with responsibility and authority for the implementation, administration, and enforcement of the Horse Racing Act and the Commission Rules Governing Pari-Mutuel Standardbred Racing, codified at Title 71 of the Indiana Administrative Code. The Commission has specifically delegated to the Executive Director the authority to exercise his or her discretion in issuing administrative complaints

(formerly known as preliminary reports) and proposing appropriate sanctions for violations of any Racing Rules pursuant to 71 IAC 10-3-20.

5. Jeffery Yoder was licensed as a trainer by the Commission in 2014 and was at all times subject to the jurisdiction of the IHRC.

6. Mr. Yoder was the trainer of Merry for Corona, a Quarter horse racehorse that competed in the ninth race at Indiana Downs on October 11, 2014.

7. At all times relevant, Brian Gunder was the owner of Merry for Corona.

8. Merry for Corona placed second in the October 11th race, and was awarded a purse of \$700. (Exhibit 2 to Admin. Complaint No. 215009).

9. Any horse participating in a pari-mutuel race is subject to 71 IAC 8.5-2-3(b), and can be selected for post-race blood analysis. Following the October 11<sup>th</sup> race, post-race blood (plasma) specimens were taken from Merry for Corona. The blood serum sample of Merry for Corona was assigned Sample No. 47971. (Exhibits 3 and 4 to Administrative Complaint No. 215009).

10. Merry for Corona's sample (Sample No. 47971) was sent to LGC Science, Inc. ("LGC"), a Commission-approved laboratory, on October 15, 2014 and was subsequently forwarded to the University of Kentucky Veterinary Diagnostic Laboratory ("UKVDL"), the Commission's primary lab designated for the testing for cobalt. Sample Shipment Sheets reflecting the shipment is attached to this Affidavit as Exhibits 5 and 6 to Administrative Complaint No. 215009.

11. On October 22, 2014, UKVDL identified Sample No. 47971 as being positive for cobalt in excess of threshold limits (25 parts per billion). Specifically, Sample No. 47971 was positive for cobalt in the amount of 249 ppb. The Final Report from the UKVDL showing a

positive finding is attached to this Affidavit as Exhibit 7 to Administrative Complaint No. 215009.

12. At all times relevant, the presence of cobalt at a level of more than twenty-five parts per billion (25 ppb) carried a category "A" penalty, as established by the Recommended Penalties and Model Rule. 71 IAC 8.5-1-7(b).

13. The Uniform Guidelines recommend a minimum fine of \$10,000, a minimum one (1) year suspension, and disqualification/purse redistribution for violations due to the presence of a substance carrying a category "A" penalty; however, pursuant to IC 4-31-13-1(c), a civil penalty issued against a licensee cannot exceed \$5,000. Exhibit 8.

14. Mr. Yoder was notified of the positive test and declined to have a split sample tested.

15. Mr. Yoder had no similar foreign substance violations within the past 365 days at the time the Commission Staff received the test results from KKVDL. Mr. Yoder's ARCI ruling report is attached to this Affidavit as Exhibit 9 of Administrative Complaint No. 215009.

16. On March 5, 2015, the Commission Staff issued Administrative Complaint No. 215009. Administrative Complaint No. 215009 is attached to this Affidavit as Exhibit A. IHRC Chairman Tom Weatherwax directed the matter be heard by Administrative Law Judge James Lauck ("ALJ Lauck").

17. The Commission Staff's recommended penalty imposed the minimum recommended sanctions proposed under the ARCI Guidelines. In addition, forfeiture of the purse is required pursuant to applicable Indiana statutes and regulations. Ind. Code § 4-31-12-13(b)(1); 71 IAC 8-1-2(b).

18. This matter was forwarded to ALJ Lauck for consideration on March 9, 2015.



19. Commission Staff's First Set of Interrogatories to Respondent, Requests for Admission and Alternative Interrogatory to Respondent, and Requests for Production of Documents were sent to Yoder by first class U.S. Mail, postage prepaid, on May 26, 2015, giving him within thirty (30) days of service to respond. Mr. Yoder failed to respond. The Request for Admissions, which are deemed admitted, are attached to this Affidavit as Exhibit B.

20. Attached to this Affidavit as Exhibit C is the ARCI Uniform Classification Guidelines for Foreign Substances and Recommended Penalties and Model Rule, Version 7.00 revised January 2014.

21. Attached Exhibits A-C and 1-7 and the entries, reports, records, and/or data compilations that they reflect are, and were, kept in the course of regularly conducted business activities of the Commission.

22. Attached Exhibits A-C and 1-7 and the entries, reports, records and/or data compilations that they reflect are, and were, made and gathered as a part of the regular business practice and activity of the Commission.

23. Based upon my position, experience and qualifications, it is my opinion that the one (1) year suspension, \$5,000 fine and purse redistribution are warranted for the violation in this case.

24. I certify the authenticity of Exhibits A-C and 1-7 pursuant to the provisions of Indiana Rules of Evidence 803(6) and 803 (3).

Further Affiant Sayeth Not.

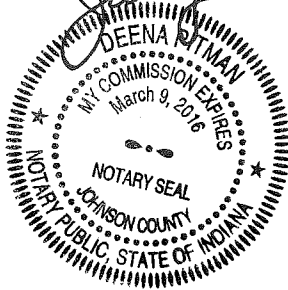
I affirm under the penalties for perjury that the foregoing representations are true and correct to the best of my knowledge.

7/25/15  
Date

Joe Gorajec  
Joe Gorajec

STATE OF INDIANA )  
COUNTY OF Shelby ) SS:

Before me the undersigned, a Notary Public in and for said County and State, personally appeared Joe Gorajec and acknowledged the execution of the foregoing instrument this 25 day of July, 2015.



Deena Pitman  
Notary Public

Deena Pitman  
Printed Name

My Commission Expires:  
March 9, 2016

County of Residence:  
Johnson

INDIANA HORSE RACING COMMISSION  
ADMINISTRATIVE PENALTY COMPLAINT

2015 MAR -9  
10:23

RE: Jeff Yoder  
3966 Horatio Harris  
Greenville, OH 45331

ADMINISTRATIVE COMPLAINT NO.: 215009

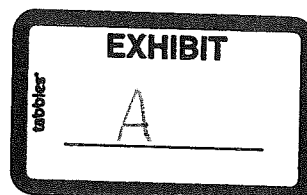
**AUTHORITY**

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

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

**NOTICE:** The person who is the subject of this Administrative Complaint has twenty (20) days after the issuance of this report to make a written request for a hearing pursuant to 71 IAC 10-3-20(d). The remainder of that section outlines how that report is to be served and how a person against whom penalties and other sanctions are assessed may contest the recommendation of the Executive Director.

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



## REVIEW OF INFORMATION

1. The Indiana Horse Racing Commission Pari-Mutuel Rules for Thoroughbred Racing (71 IAC) and any relevant provisions of the Indiana Pari-Mutuel Wagering on Horse Racing Act found at IC 4-31-1, et seq.
2. The 2014 Indiana Horse Racing Commission ("IHRC") trainer license application form signed and submitted by Jeff Yoder on August 1, 2014. (Exhibit 1)
3. Copy of the Indiana Downs Official Program Page for the 9<sup>th</sup> Race on October 11, 2014. (Exhibit 2)
4. IHRC Test Barn Report from Indiana Downs on October 11, 2014. (Exhibit 3)
5. Sample Tag No. 0047971 relating to blood and urine specimens taken from the horse Merry for Corona, after the 9<sup>th</sup> race on October 11, 2014 at Indiana Downs. (Exhibit 4)
6. LGC Sample Shipment List from the October 11, 2014 races at Indiana Downs. (Exhibit 5)
7. University of Kentucky Shipment List for Sample No. 0047971 relating to blood and urine specimens taken from the horse Merry for Corona after the 9<sup>th</sup> race on October 11, 2014 at Indiana Downs. (Exhibit 6)
8. Final lab report from Dr. Cynthia Gaskill, University of Kentucky Veterinary Diagnostic Laboratory, corresponding to Sample Tag No. 00047971 (9<sup>th</sup> race, October 11, 2014). (Exhibit 7)

## FINDINGS OF FACT

1. Mr. Jeff Yoder was duly licensed in 2014 by the Indiana Horse Racing Commission as a trainer and was at all times relevant subject to the jurisdiction of the Indiana Horse Racing Commission.
2. Mr. Yoder was at all times relevant the trainer of record for the horse listed in Paragraphs 5 and 7 in the Review of Information above.
3. As a licensee, Mr. Yoder is subject to IHRC rules and regulations.
4. Pursuant to 71 IAC 5.5-3-2, Mr. Yoder is responsible for the presence of any prohibited drug in horses he trains regardless of the acts of third parties. A positive test for a prohibited drug, medication, or substance, as reported by a commission-approved laboratory, is prima facie evidence of a violation of this rule.

5. Mr. Yoder violated 71 IAC 8.5-1-2, 71 IAC 8.5-1-7, 71 IAC 8.5-1-9(b)(3), and 71 IAC 5.5-3-2 based upon each finding by the University of Kentucky of a drug or drugs in the system of the horse listed and on the dates indicated in Review of Information, Paragraphs 5 and 7, above.

#### RECOMMENDED PENALTY

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

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

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

**IT IS HEREBY RECOMMENDED** that pursuant to the provisions of 71 IAC 10-3-20 and 71 IAC 8.5-1-7, Mr. Yoder:

- a. Be suspended for a period of one (1) year;
- b. Pay a fine of \$5,000;

**Furthermore**, the horse listed in the Review of Information, Paragraphs 5 and 7 above, be ordered unplaced in the 9<sup>th</sup> race of October 11, 2014 and all purse monies earned be forfeited, returned, and redistributed pursuant to the provisions of 71 IAC 8.5-1-2(b).

  
\_\_\_\_\_  
Joe Gorajec, Executive Director  
Indiana Horse Racing Commission

Date: 3/5/15

cc: IHRC Stewards  
Terry Richwine

INDIANA HORSE RACING COMMISSION  
1302 North Meridian Street, Suite 172  
Indianapolis, IN 46202  
Tel: 317-233-3119  
Fax: 317-233-4470



State Form 46651 (R20 / 4-13)
Approved by State Board of Accounts, 2013

INDIANA HORSE RACING COMMISSION

Trainer License Application

For use if you are seeking a Trainer License
Please check appropriate boxes and

OFFICE USE ONLY

License Year: 2014
New or Renewal
Date: 8/17/14
Total Fees: 35.00
Payment: CASH
Clerk: JW.
Reviewed by: WT per
IHRC License Number

RECEIVED
AUG 01 2014
Indiana Horse Racing Commission
IDS Licensing Office

License Type & Breed
Trainer (\$35)
Trainer/Driver (\$60)
Owner/Trainer (\$60)
Owner/Trainer/Driver (\$60)
Standardbred
Thoroughbred
Quarter Horse

Failure to completely respond to all application questions may result in a
pending or refused application. If question not relevant, please indicate N/A.

1. Name of applicant YODER JEFFREY DANIEL
Last First Middle Maiden

2. Have you been known by another name? If yes, please list no

3. Are you married? [X] No [ ] Yes
(Please give full name of spouse on line above, including maiden name)

4. Permanent address: 7966 HORATIO HARRIS CR. RD.
GREENVILLE OHIO 45331
City State/Province Zip/Country

5. Local address: 7966 HORATIO HARRIS CR. RD. 45331
(Only complete this question if permanent address differs from local)
City State/Province Zip/Country

6. Telephone numbers: none 937-533-0396
Home Number Cell/Business Number Fax Number

7. Person to be notified in case of emergency: KEGAN CORTES Telephone: (937) 249 2575

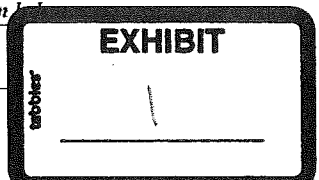
8. Are you a U.S. Citizen? [X] Yes [ ] No - What country are you from?
Immigration registration number (if applicable) A-

9. List latest dates fingerprinted\* and what states printed you:
\* Fingerprints may be necessary. Contact the Licensing Office for requirements.
Month & Year(s) Printed In what State(s)

Table with 8 columns: Social Security Number, Gender, Height, Weight, Color Hair, Color Eyes, Birth Date, Age\*. Row 1: (optional), M, 5'6", 118, BLOND, BLUE, 1/24/63, 51

11. USTA Number USTA Exp. Date
(USTA references pertain to Standardbred licensees only)

Please circle USTA designation
Trainer Designation: G L
Driver Designation: A P



12. Give the following information relative to your current employer. If self-employed, so indicate:

G

	Name of Employer	Address (Street, City, State, and Zip)
<i>Employment Dates</i>		

13. Have you previously been licensed by any other racing jurisdiction (excluding Indiana)? If yes, please, give the following information on current and most recent license(s):

	Date	Type (occupation)	State/Province/Country	License Number
(a)	2017	TRAINER	OHIO	6870
(b)				

14. If married, has your spouse previously been licensed by another racing jurisdiction? If yes, give the following information on his/her current and most recent license(s). If not married, please check box:  Not Married

	Date	Type (occupation)	State/Province/Country	License Number
(a)				
(b)				

15. a)  Yes  No Have you ever been **SUSPENDED** for more than five (5) days?  
 b)  Yes  No Have you ever been **FINED** more than \$100?  
 c)  Yes  No Has your (or your spouse's) racing license ever been **DENIED** or **REVOKED**?  
 d)  Yes  No Do you (or your spouse) have **PENDING** racing violations?  
 e)  Yes  No Have you or your spouse ever been **RULED OFF** or **BARRED** from a race track?

If any question in 15 a, b, c, d, or e was answered YES, you *must* provide the following for each incident:

	Date	State	Track	Specific Violation & Penalty
(1)				
(2)				

16. a)  Yes  No Have you (or your spouse) ever been **ARRESTED**? You must answer YES, even if charges were dropped or dismissed.  
 b)  Yes  No Are you (or your spouse) currently on **PAROLE** or **PROBATION**?  
 c)  Yes  No Are there **CRIMINAL** charges currently pending against you?

If any question in 16 a, b or c was answered YES, you *must* provide the following for each incident:

	Date of Arrest	State	Arresting Agency	Offense	Outcome/Sentence
(1)					
(2)					
(3)					

*If additional space is needed in relation to any of the questions above, please use a separate sheet of paper and submit it with this form.*

### 17. IHRC Rule Requirement for Worker's Compensation Compliance

Licensed employers shall carry worker's compensation insurance covering their employees as required by 71 IAC 5-1-10 and 71 IAC 5.5-1-10. Please reference the Worker's Compensation acknowledgment within this application's affidavit on page 4. If you are not sure whether you need worker's compensation insurance coverage, please contact your insurance agent, the Worker's Compensation Board in the state where your business is domiciled, or the Indiana Worker's Compensation Board at 317-232-3808.

18. **Employment notice:**

Trainers shall ensure that they (and their employees) are licensed. Please reference the employment verification section within this application's affidavit on page 4. A separate **Employee Roster must be submitted with this application listing the applicants employee's.** Additionally, a trainer shall ensure that each owner for whom he or she trains applies for a license. A horse in a trainer's care shall not start in a race unless the owner has a license on file with the commission. It shall be a trainer's responsibility to maintain with the commission an up-to-date roster of current employees. New or discharged workers/employees must be reported to the licensing office using the proper change form. Employment changes are required to be reported within 24-hours in accordance with 71 IAC 5-1-8 and 71 IAC 5.5-1-8. Failure to notify the Judges or Stewards could result in a penalty.

19. **Please tell us about the horses you own and/or train:**

All names listed below must read as they are shown on the USTA, Jockey Club or AQHA papers. No owner may be licensed as a horse owner unless he/she, during the period of licensure is the owner or lessee of record of a properly registered racehorse(s); or has an interest as a part owner or lessee of a properly registered racehorse.

a) Horses you own: (Please list horses presently owned by you that you plan to enter to race in Indiana.)

Horse(s) Name	Age	Owner(s)	% Owned	Breed TB/QH/SB
MURRY FOR CORONA	4	Brain GUNDER	100%	QH
PHIL UP PHIL	7	Brain GUNDER	100%	QH
WH BEACH BABY	3	Brain GUNDER	100%	QH

b) Horses you train: (Please list horses presently trained by you (not owned by you) that you plan to enter to race in Indiana.)

Horse(s) Name	Age	Owner(s)	% Owned	Breed TB/QH/SB
MR NICK DADDY	2	Brain GUNDER. RON DAFLEA		
MR OWL	3	GARY HESS		

c) Are any horses above leased?  No  Yes If yes, please list below:

Horse(s) Name	Lessor (current owner of horse)
NA	

d) If you listed a *Stable Name* or *Ownership Entity* (a partnership, corporation, etc.) as owner of a horse above, please tell us about the *individual persons* under that name holding any interest in those horses. **Note:** Indiana requires a separate *Stable Name* registration form be filed, in addition to this application.

Horse(s) Name	Owner(s)	% Owned
Circle (G)		

20. Please indicate the following: (If both (a) and (b) below are applicable to you, please provide all information requested.)

(a) I will stable on the grounds..... Barn(s) # \_\_\_\_\_ Stall Assignment(s) # \_\_\_\_\_

(b) I will be shipping in from: (Complete box below. Please update this information if horse(s) move to other location(s).)

Circle (G)	Brain GUNDER	Verona Rd	LANSBURG	OHIO
Name of Facility & Property Owner	Street Address	City	State	Zip

If additional space is needed in relation to any of the questions above, please use a separate sheet of paper and submit it with this form.



## Indiana Horse Racing Commission Affidavit


I understand that participation in racing in Indiana is a privilege, not a right, that the license issued pursuant to this Application is subject to conditions precedent as set out in the applicable Indiana Rules and Regulations, and that my failure to comply therewith, including but not limited to misstatements or omissions in the foregoing application, shall be grounds for immediate revocation or suspension of such license. By acceptance of said license, I agree to abide by the statutes of the State of Indiana relating to racing, the applicable Indiana Rules and Regulations and rulings or decisions of the Judges/Stewards with the knowledge that rulings or decisions of the Judges/Stewards shall remain in force until reversed or modified by the Indiana Horse Racing Commission.

I hereby acknowledge that I will be subject to the searches, either in my presence or absence, provided for in Indiana Code 4-31-13, as amended, and the Indiana Rules and Regulations that authorize personal inspections, inspection of any personal property, and inspections of premises and property related to my participation in a race meeting by persons authorized by the Indiana Horse Racing Commission. I also acknowledge that I may be requested to provide a breath or urine sample in accordance with Indiana Code 4-31-8, as amended, and the applicable Indiana Rules and Regulations. I further acknowledge that the Indiana Horse Racing Commission may seize any article or substance which is found in my possession or control or in a location under my control which may be forbidden or is against the applicable Indiana Rules and Regulations. I hereby waive all claims and remedies - with the exception of those provided for by the Indiana Administrative Orders and Procedures Act (contained at Indiana Code 4-21.5-1, et seq.), and the applicable Indiana Horse Racing Commission Rules arising therefrom - against the Indiana Horse Racing Commission and its members, employees and agents and the racing association on whose premises the search and/or seizure is made and the officials, employees and agents of such association.

**Worker's Compensation Coverage Requirement:** I am participating in pari-mutuel racing in the state of Indiana. I am currently licensed or have submitted an application for licensure to the Indiana Horse Racing Commission ("IHRC"). I acknowledge that both Indiana state law (I.C. 22-3-5-1) and IHRC regulations (71 IAC 5-1-10) require that employers provide worker's compensation for employees. I attest that I have worker's compensation coverage for my employees and will provide to the IHRC a Certificate of Coverage that identifies the IHRC as the Certificate Holder. I further attest that if I currently do not have employee(s) but hire employee(s) at some point during the licensing period, I will purchase worker's compensation coverage for the entirety of their employment and provide proof of coverage to the IHRC. I understand that within 24 hours of the discharge of a licensed worker or employee, I will provide written notification to the IHRC and surrender the worker or employee's photo I.D. badge.

**Employment Verification:** I am currently licensed or have submitted an application for a license to the Indiana Horse Racing Commission ("IHRC"). I have completed the Employment Eligibility Verification Form ("Form I-9") required by the Immigration Reform and Control Act ("IRCA") for each of my employees required to be licensed by the IHRC. I agree to complete a Form I-9 for each new employee I hire during this calendar year who is required to be licensed by the IHRC. I agree to make available for review the redacted Form I-9 for each of my employees required to be licensed by the IHRC to the IHRC upon request. Within 24 hours of the discharge of a licensed worker or employee, I will provide written notification to the IHRC and surrender the worker or employee's photo I.D. badge. I understand that failure to abide by the terms of this affidavit or the IRCA may result in the initiation of a disciplinary action against me by the Indiana Horse Racing Commission.

I hereby certify that I have read the foregoing Application & Affidavit and affirm that every statement contained therein is true and correctly and completely set forth. I do hereby authorize the Indiana Horse Racing Commission, the Indiana State Police, the Indiana State Department of Revenue and the Federal Bureau of Investigations to investigate and verify all information contained in this Application.

	08/1/14	
Signature of Applicant	Date	Email Address

<p style="text-align: center;"><b>Standardbred Racing</b></p> <p style="text-align: center;"><i>Indiana Horse Racing Commission</i>                  c/o Hoosier Park; 4500 Dan Patch Circle                  Anderson, IN 46013                  P: 765-609-4855 F: 765-683-2568</p>	<p style="text-align: center;"><b>Thoroughbred/Quarter Horse Racing</b></p> <p style="text-align: center;"><i>Indiana Horse Racing Commission</i>                  c/o Indiana Downs; 4425 N 200 W                  Shelbyville, IN 46176                  P: 317-713-3350 F: 317-713-3355</p>
---	--



# Indiana Horse Racing Commission TRAINER EMPLOYEE ROSTER

**EVEN IF YOUR HORSE IS SHIPPED IN YOU MUST COMPLETE THIS FORM**

TRAINER JEFFREY D KODER ASST. TRAINER NA  
 ADDRESS 3966 HORATIO HARRIS CREEK ADDRESS \_\_\_\_\_  
 CITY & STATE GREENVILLE OHIO CITY & STATE \_\_\_\_\_  
 TELEPHONE (937) 533 0396 TELEPHONE ( ) \_\_\_\_\_  
 BARN(S) # (or please put ship-in) \_\_\_\_\_ STALL(S) # \_\_\_\_\_

EMPLOYEE NAME <u><del>Chris</del></u>	JOB TITLE <u><del>Trainer</del></u> Dorm Room # _____
EMPLOYEE NAME _____	JOB TITLE _____ Dorm Room # _____
EMPLOYEE NAME _____	JOB TITLE _____ Dorm Room # _____
EMPLOYEE NAME _____	JOB TITLE _____ Dorm Room # _____
EMPLOYEE NAME _____	JOB TITLE _____ Dorm Room # _____
EMPLOYEE NAME _____	JOB TITLE _____ Dorm Room # _____

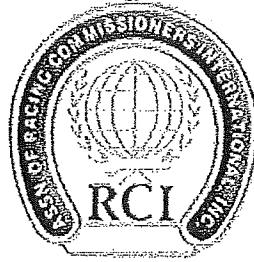
Trainers shall ensure that their employees are licensed. Additionally, a trainer shall ensure that each owner for whom he or she trains for shall obtain a license. A horse in a trainer's care shall not start in a race unless the Owner has a license on file with the commission.

It shall be the trainer's responsibility to maintain with the commission an up-to-date roster of current employees and others having access to the trainer's assigned premises. This roster shall contain all information considered pertinent by the commission. Changes in employees - new or discharged grooms - to this roster must be reported in writing to the Commission within 24 hours or by the next race date.

Jeff Koder  
 Trainer or Assistant Trainer Signature
 

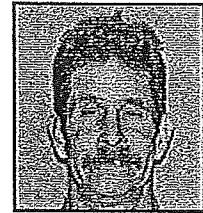
Aug 1 2014  
 Date

LICENSEES



Licensee Search

Licensee: JEFFREY DANIEL YODER



Reports on JEFFREY DANIEL YODER

- Comprehensive Ruling Report
- Comprehensive Licensee Report

Identification Information

Date of Birth	Federal ID/SSN	Country	Sex
1/24/1963	3710		

Name Information

Name Type	Prefix	First Name	Middle Name	Last Name	Suffix
Current Legal Name		JEFFREY	DANIEL	YODER	
Previous Legal		JEFFREY	D.	YODER	

Address Information

Address Type	Street Address	City	State	Zip Code
Mailing	3966 HORATIO HARRIS CR RD	GREENVILLE	Ohio	45331

Phone Information

Phone Number Type	Phone Number

License Information

License Number	License Type	Issued Date	Expiration Date	Licensing Commission
972675	Exercise Person	4/26/2013	12/31/2013	Indiana Racing Commission
	Exercise Person	4/9/2012	12/31/2012	Indiana Racing Commission
	Groom	4/9/2012	12/31/2012	Indiana Racing Commission
	Exercise Person	7/29/2011	12/31/2011	Indiana Racing Commission
	Groom	7/28/2011	12/31/2011	Indiana Racing Commission
*N*1412200	Trainer	9/21/2003	12/31/2003	Ohio Racing Commission
*N*1121409	Trainer	1/26/2002	12/31/2002	Ohio Racing Commission
972675	Trainer	9/8/2001	12/31/2001	Indiana Racing Commission
*N*815449	Trainer	2/16/2001	12/31/2001	Ohio Racing Commission
972675	Trainer	10/5/2000	12/31/2000	Indiana Racing Commission
*N*646424	Trainer	2/26/2000	12/31/2000	Ohio Racing Commission
972675	Trainer	10/17/1999	12/31/1999	Indiana Racing Commission
	Trainer	9/14/1998	12/31/1998	Indiana Racing Commission

Fingerprint Information

Processing Commission	Date Taken	Status	Notes	RCI Card Submitted Date

Ruling Number	Ruling Type	Ruling Date	Fine	Fine Paid?	Suspension Start	Suspension End

Applicable Reports

Comprehensive Ruling Report  
Comprehensive Licensee Report

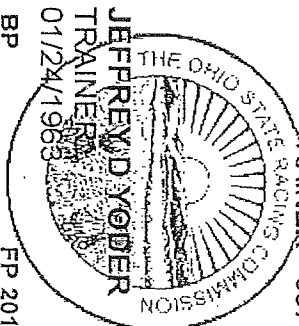
---

[Licensees](#) [Rulings](#) [HorseTracking](#) [Bulletin Board](#) [Preferences](#) [Log Off](#)

2013  
\$50



TRAINER 6870



BP

FP 2012

Table with columns: Horse No., Name, Sire, Dam, Trainer, Owner, Age, Sex, Color, Height, Weight, Bloodstock Agency, and Race Record.

INDIANA GRAND RACE COURSE
Purse \$3,000. FOR REGISTERED QUARTER HORSES, THREE YEARS OLD. Weight 122 lbs. By subscription of \$100 each...

CHAOS REIGNS (OH)
BEN CREEG (01-06-09-08-14-13) 30%
Tr: Matt Frazier (02-11-12-13-17) 40%

EAGLE ILLUSION (OH)
YORDANIS AMARO (02-12-27-22) 40%
Tr: Johnny Taylor (04)

FOOSE ON FIRE (OH)
JUAN D GUERRERO (06-19-25-19) 40%
Tr: Randy M Smith (02-20-23-19) 40%

SPIT CURT DAISY (OH)
RAUL GUERRERO (04-24) 20%
Tr: Sacramento Chavez (2-8-20) 0%

SHISS INEPRABLE (OH)
MAYNARD JACKSON (13-22-22-20-20) 10% 40%
Tr: Whino White (04-20-20-20)

SKYE FIRE (OH)
GABRIEL LAGUNES (01-04-11) 35%
Tr: John Amador (04)

SPIT CURT DAISY (OH)
RAUL GUERRERO (04-24) 20%
Tr: Sacramento Chavez (2-8-20) 0%

SHISS INEPRABLE (OH)
MAYNARD JACKSON (13-22-22-20-20) 10% 40%
Tr: Whino White (04-20-20-20)

SKYE FIRE (OH)
GABRIEL LAGUNES (01-04-11) 35%
Tr: John Amador (04)

SPIT CURT DAISY (OH)
RAUL GUERRERO (04-24) 20%
Tr: Sacramento Chavez (2-8-20) 0%

4 Bp Mighty Rare (OH)
ROONEY A. RESECO (09-27-08-02-11) 32%
Tr: Randy Walker (04-10-15-10-10) 30%

5 Spit Curt Daisy (OH)
RAUL GUERRERO (04-24) 20%
Tr: Sacramento Chavez (2-8-20) 0%

6 Shiss Ineprable (OH)
MAYNARD JACKSON (13-22-22-20-20) 10% 40%
Tr: Whino White (04-20-20-20)

7 Skye Fire (OH)
GABRIEL LAGUNES (01-04-11) 35%
Tr: John Amador (04)

8 Spit Curt Daisy (OH)
RAUL GUERRERO (04-24) 20%
Tr: Sacramento Chavez (2-8-20) 0%

9 Shiss Ineprable (OH)
MAYNARD JACKSON (13-22-22-20-20) 10% 40%
Tr: Whino White (04-20-20-20)

10 Skye Fire (OH)
GABRIEL LAGUNES (01-04-11) 35%
Tr: John Amador (04)

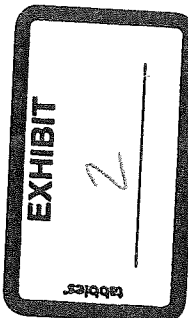
11 Spit Curt Daisy (OH)
RAUL GUERRERO (04-24) 20%
Tr: Sacramento Chavez (2-8-20) 0%

12 Shiss Ineprable (OH)
MAYNARD JACKSON (13-22-22-20-20) 10% 40%
Tr: Whino White (04-20-20-20)

13 Skye Fire (OH)
GABRIEL LAGUNES (01-04-11) 35%
Tr: John Amador (04)

14 Spit Curt Daisy (OH)
RAUL GUERRERO (04-24) 20%
Tr: Sacramento Chavez (2-8-20) 0%

15 Shiss Ineprable (OH)
MAYNARD JACKSON (13-22-22-20-20) 10% 40%
Tr: Whino White (04-20-20-20)





# INDIANA GRAND RACE COURSE Chart Results For Saturday, October 11, 2014

7th Race		Purse \$34,000		Maiden Special Weight S		Open 2 yo										Track: Good		1 Mile (Run Up 28 Feet)	
Pge#	Horse Name (Ears)	Last Race	Sex	Age	Wgt	Med	Exp	05/6	PP	ST	1/4	1/2	3/4	Str	Fin	Trainer	Jockey	Comments	
3	Devil's Due West (120,435)	25Sep14 Ind 6	g	2	118	L		4.83	3	5	67	5:4	2:4	1:4	1:4	M Weaver	F De La Cruz	called, w, dntg	
9	Sky Pilot (15,859)	08Oct14 Ind 5	g	2	115	L	b	11.70	8	3	3:4	2:4	1:4	2:1	2:1	R H Gorham	A Alvarez	stak, 3v, tred late	
5	Prince Grand (13,426)	25Sep14 Ind 6	c	2	118	L	f	5.10	4	1	1:4	3:1	2:1	3:1	3:1	T Glyshaw	O Mojca	poce hnd, weakened	
7	Magna P. L. (11,700)	26Sep14 CD 8	g	2	118	L		1.95	6	2	6:4	6:1	7:1	5:1	4:1	G W Stans	F C Torres	settled, 4v, no threat	
2	Headstrong (1342)	25Sep14 Ind 6	c	2	118	L		12.20	2	6	5:1	4:4	5:1	4:1	5:1	K Bordin	M Franklin	stak inside, no menace	
1	Watch My Pulse (1342)	30Sep14 Ind 8	c	2	117	L	bf	27.39	1	9	8:2	7:4	6:1	7:1	6:2	F Keelin	A Lezano	hnd, no threat	
8	Bread Frontier (1342)	02Oct14 Ind 5	g	2	115	L		23.70	7	4	2:1	1:4	6:4	6:4	7:1	G Garcia	H Pedraza	ved 2v, gave way	
10	Tapscott Blues (1342)	02Oct14 Ind 5	g	2	115	L		42.10	9	7	7:1	6:1	8:1	8:1	8:1	A Duran	A L Contreras	unrined, no threat	
6	Lorenzo Barido (1342)	02Oct14 Ind 5	g	2	118	L	b	73.00	5	8	9	9	9	9	9	R Goodhue	O Hernandez	waited, outrun	
Off Time: 7:58		Time Of Race: :23.77		:47.27	:1:12.05	:1:24.54	:1:38.62	Winner: Devil's Due West, Gray or Roan Gelding by Devil His Due - Prophesy Bred In Indiana											
3 Devil's Due West		11.69		4.80	3.20	42 Pick 3 (5/11-1-3) Pool \$1,153	Overs: (3) Eads, James and Teal; (4) Mast Thoroughbreds LLC; (5) Whitaker, Larry and Charlene; (7)												
9 Sky Pilot		3.80		3.69	42 Daily Double (1-3) Pool \$1,166	Margeson Self, LLC; (2) Krause, Tom and Gissaway, Brent; (1) Shank, Thomas D. and Young, Stan;													
5 Prince Grand		3.45		42 Exacta (3-8) Pool \$2,027	(8) Fire Creek Farm; (10) Rancho Monarca, LLC; (16) Robert Goodhue														
Mutual Pool: \$23,273		42 Superfecta (3-8-5-7) Pool \$12,511		421.20												Late Scratch: King Quintero		\$18.20	

8th Race		Purse \$9,500		Claiming C S \$5,000		F & M 3 yo's & up										Track: Good		1 Mile (Run Up 28 Feet)	
Pge#	Horse Name (Ears)	Last Race	Ch	Sex	Age	Wgt	Med	Exp	05/6	PP	ST	1/4	1/2	3/4	Str	Fin	Trainer	Jockey	Comments
8	A Unique Lady (15,769)	25Sep14 Ind 3	35,000	f	4	120	L	b	44.43	7	5	5:1	3:1	1:1	1:1	1:1	S V Fossick	A Alvarez	stak, 4v, drew off
9	Glossed and Fours (11,652)	25Sep14 Ind 2	45,000	m	5	124	L	f	5.00	8	7	7:1	6:1	3:4	2:1	2:1	H E Lauer	A Lezano	called, 4v, led, lung
3	Uda's Moonshine (1357)	26Sep14 Ind 3	45,000	m	5	118	L	b	28.89	3	4	3:4	4:1	4:1	3:1	3:1	T Phillips	R Rechy	2v, drop back, mid lung
4	Short and Sassy (1475)	26Sep14 Ind 3	45,000	f	4	115	L	bf	12.20	4	3	2:4	2:4	2:1	3:1	4:1	R G Patrick	F De La Cruz	press hnd, weakened
1	Runway Launch (1159)	25Sep14 Ind 2	45,000	m	6	116	L	bf	44.20	1	6	6:4	7:1	7:1	6:1	5:1	J Riggs	A L Contreras	settled, no menace
6	No More X's (135)	46Sep14 Btp 5	45,000	m	6	115	L		23.20	8	8	8	8	7:1	6:1	D L Bode	G Legunes	broke slow, no menace	
5	Harold (135)	26Sep14 Ind 3	45,000	m	5	120	L		20.10	1	1	1:4	1:4	4:1	5:4	7:1	R L Klopp	A Ayuso	poce 2v, gave way
2	Otzen Sassy (135)	26Sep14 Ind 3	45,000	f	4	117	L		7.00	2	2	4:4	5:1	8	8	C Hobar	M Franklin	stak, stopped, eased	
Off Time: 8:25		Time Of Race: :23.85		:47.25	:1:12.87	:1:26.25	:1:38.43	Winner: A Unique Lady, Dark Bay or Brown Filly by Terpis - Gimar Ice Bred In Indiana											
8 A Unique Lady		2.82		2.20	2.10	42 Pick 3 (1-3-7/8) Pool \$1,433	Overs: (8) Blake Davidson; (5) Perry S. Lauer; (3) Terry Phillips; (1) Cindy Patrick; (1) Earl D. Riggs; (1)												
9 Glossed and Fours		3.20		2.60	41 Pick 4 (5/11-1-3-7/8) Pool \$2,520	Dona B. L. Bode; (5) Claravon, Daris and Cynthia; (2) Otzen Sassy Partnership													
3 Uda's Moonshine		3.49		41 Pick 6 (3-7-5/11-1-3-7/8) Pool \$435	11.05												Late Scratch: Ivory Cat		\$23.20
Mutual Pool: \$11,173		42 Daily Double (3-8) Pool \$1,166		42.20												42 Exacta (3-8) Pool \$3,215		\$7.20	
		42 Superfecta (3-8-3-4) Pool \$7,878		\$12.43												42 Trifecta (3-8-3) Pool \$3,928		\$34.03	

9th Race		Purse \$3,500		Derby Trial		Open 3 yo										Track: Good		400 Yards	
Pge#	Horse Name (Ears)	Last Race	Sex	Age	Wgt	Med	Exp	05/6	PP	ST	Str	Fin	Time	Spd	Trainer	Jockey	Comments		
3	Fosse On Fire (11,925)	22Aug14 Pm 7	g	3	122	L	b	6.30	3	1	1:4	1:1	1:1	1:1	1:1	1:1	R H Smith	J D Guerrero	dud'ed, drew off
8	Mary for Corona (1762)	30Jul14 Ind 9	c	3	122	L	bf	23.10	8	2	3:1	2:4	2:1	1:1	1:1	1:1	J Yoder	C R Esqueda	game second
2	Eagle's Blusion (1355)	26Jul14 Ind 9	f	3	122	L	bf	2.00	2	3	2:4	3:1	3:1	2:1	1:1	1:1	R Alvarez	Y Avoro	fell past wire, then off
7	Sky Fire (1175)	09Oct14 Ind 8	f	3	122	L	bf	11.93	7	5	4:4	4:1	4:1	2:1	1:1	1:1	J Alvarez	G Legunes	evenly, no menace
1	Cross Reigns (1116)	30Aug14 Ind 8	g	3	122	L	b	13.49	1	6	6:1	5:1	5:1	4:1	3:1	3:1	M Frazer	B Creed	no menace
4	By Nighty Nite (176)	20Aug14 Ind 9	c	3	122	L	b	5.50	4	4	5:4	6:1	6:1	4:1	3:1	3:1	R Halfner	R A Prescott	no rally
6	Mass Resprable (133)	16Sep14 Ind 9	f	3	122	L	b	12.30	6	8	7:1	7:1	7:1	6:1	5:1	5:1	M Frazer	S Jackson	stumbled start
5	Spot Out Daisy (132)	06Nov13 Wd 5	f	3	122	L	bf	11.50	5	7	6	8	8	8	8	8	S Chavez	B Guerrero	dud'ed in start
Off Time: 8:51		Time Of Race: :19.725		Winner: Fosse On Fire, Sorrel Gelding by Fosse - Fraze Fire Bred In Indiana															
3 Fosse On Fire		14.69		5.69	5.20	42 Pick 3 (3-7/8-3) Pool \$1,454	Overs: (5) Rose Bode; (3) Brian L. Gorder; (2) Cesar Quiroles; (7) J.G. Arevalo; (1) Todd S. Asterik; (1)												
8 Mary for Corona		26.00		17.60	42 Daily Double (8-3) Pool \$283	Randy Halfner; (16) Dale Racing LLC; (5) Samuel Quintarte													
2 Eagle's Blusion		4.00		42 Exacta (3-8) Pool \$5,500	\$35.23														
Mutual Pool: \$3,787		42 Superfecta (3-8-2-7) Pool \$5,750		\$3,409.23															
		42 Trifecta (3-8-2) Pool \$5,763		\$1,812.19															

10th Race		Purse \$3,500		Derby Trial		Open 3 yo										Track: Good		400 Yards	
Pge#	Horse Name (Ears)	Last Race	Sex	Age	Wgt	Med	Exp	05/6	PP	ST	Str	Fin	Time	Spd	Trainer	Jockey	Comments		
9	Jettastic (11,925)	16Sep14 Ind 8	c	3	122	L	b	11.43	9	3	4:1	4:1	1:4	1:4	1:4	1:4	A F Cunningham	J A Beltran	called, up at wire
4	DQ-Fatal Policy (153)	18Sep14 Pm 7	g	3	122	L	bf	17.83	4	5	2:4	1:4	2:4	1:4	1:4	1:4	R Alvarez	Y Avoro	dud'ed in, bump head
2	Secrets Fly (1700)	18Sep14 Ind 10	g	3	122	L	bf	4.20	2	7	1:4	2:1	2:1	1:4	1:4	1:4	R Raper	B Creed	bump, forced in, lung
6	Secret Miracle (1352)	09Oct14 Ind 8	f	3	122	L	b	5.00	6	1	1:4	3:4	4:1	1:4	1:4	1:4	J Alvarez	G Legunes	outfished late
1	Kalifornia Quick (1175)	02Oct14 Ind 9	g	3	122	L	b	22.50	1	8	5:1	5:1	5:1	4:1	4:1	4:1	H Frazer	S Jackson	evenly, no menace
3	General Lee (1116)	26Jul14 Ind 9	g	3	122	L	bf	38.00	8	9	6:1	6:1	6:1	5:1	5:1	5:1	J Yoder	C R Esqueda	no threat
8	By Hit the Big One (170)	18Sep14 Ind 10	g	3	122	L	b	2.60	3	6	8:1	7:1	7:1	7:1	7:1	7:1	R Halfner	R A Prescott	wped out start
5	By Frisco Boy (152)	30Sep14 Ind 9	g	3	124	L	b	20.20	5	2	7:1	8:1	8:1	8:1	8:1	8:1	R Halfner	G Garrido	no factor
7	Desiring Torsofa (135)	25Jul14 Ind 9	f	3	122	L	b	36.20	7	4	9	9	9	9	9	9	S Chavez	J D Guerrero	no factor
Off Time: 9:22		Time Of Race: :19.730		Winner: Jettastic, Brown Colt by Jet Black Patriot - Men Szeza Fast Bred In Texas															
9 Jettastic		4.69		3.00	2.60	42 Pick 3 (7/8-3-9) Pool \$238	Overs: (1) Fatal Policy from 2 to 7												
2 Secrets Fly		4.69		4.00	42 Daily Double (3-9) Pool \$762	Overs: (9) Rebecca Barton; (2) Cynthia Allen; (6) J.G. Arevalo; (1) Jackie C. Hanson; (8) Brian L. Gorder;													
6 Secret Miracle		3.49		42 Exacta (3-2) Pool \$13,545	Overs: (3) Bill B. Price; (4) Francisco J. Robles; (5) Randy Halfner; (7) Hipolito Bazo														
Mutual Pool: \$16,168		42 Superfecta (3-2-6-1) Pool \$7,912		\$52.60															
		42 Trifecta (3-2-6) Pool \$11,785		\$54.20															

ATTENDANCE AND HANDLE: On Track Attendance: 0, Handle: \$34,000; ITH - Intra-state wagering Handle; ISW - Inter-state wagering Handle



COMMISSION TEST BARN REPORT  
INDIANA DOWNS

SALIX CONTROL #	RACE #	HORSE #	TATTOO #	NAME OF HORSE	SEX	OCCUPATION	TRAINER	TIME HORSE ARRIVED/ DISMISSED	URINE	TIME	Date:		WELTS YES/NO/NAME
											Blood Drawn By	Blood Sealed By	
✓ 0047960	1	5	N2646a	Melaleuca	F		Brian Michael	520 546	Katelyn	539	SK	BB	543 NO SK
✓ 0047961	2	4	P20020	Express Miss	F		Bernarda Flint	547 616	Beth	610	SK	BB	612 NO SK
✓ 0047962	3	3	N08908	Spansulfat-Super	F		Douglas Denver	617 657	Bre	655	SK	BB	648 NO SK
✓ 0047963	4	5	N14059	Promise Anything	F		Adolfo Meades	614 627	Megan	636	SK	BB	640 NO SK
✓ 0047964	5	7	L30142	Irma Slumpbaster	F		Tecoma Richardsville	645 729	Katelyn	746	SK	BB	718 NO SK
✓ 0047965	6	5	P16775	Lady Foghan	F		Anthony Granitz	711 745	Beth	738	SK	BB	742 NO SK
✓ 0047966	7	4	P23049	Ampetize	F		Michael Louver	710 742	Ric	736	SK	BB	739 NO SK
✓ 0047967	8	1	024131	Say Hey Elly Mae	F		Michael Nense	739 808	Megan	800	SK	BB	804 NO SK
✓ 0047968	9	3	P03335	Devils Due West	G		Michael Louver	808 841	Bre	833	SK	BB	837 NO SK
✓ 0047969	10	8	N032176	A unique Lady	F		Stephen Fossick	834 915	Beth	912	SK	BB	906 NO SK
✓ 0047970	11	3	806P9	Fosse on Fire	G	X	Randy Smith	900 1031	Katelyn	None	SK	BB	940 NO SK
✓ 0047971	12	8	153B1	Merry For Corona	M	X	Jeff Yoder	903 939	Megan	932	SK	BB	937 NO SK
✓ 0047972	13	9	104B1	ZeFashic	M	X	Anthony Cummings	930 1013	Beth	1003	SK	BB	1009 NO SK
✓ 0047973	14	2	B27P6	Secrets Fly	G	X	Ron Reper	930 1009	Bre	1007	SK	BB	1005 NO SK

Signature of Veterinarian:

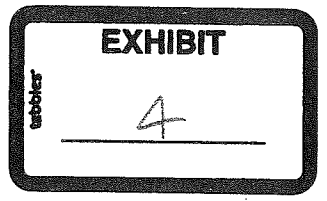
Vet Tech: OP

EXHIBIT

3



Date: 10/11/14 0047971  
 Track: Indiana Downs  
 Salix  PBZ  Other  
 HORSE: Merry for Corona  
 ATTOO NUMBER: 153B1  
 COLOR: B SEX: H AGE: 3  
 ACE: 9 FINISH: 2  
 RAINER: Jeff Yoder  
 SAMPLED BY: [Signature] URINE  
 SAMPLED BY: [Signature] BLOOD  
 WITNESS NAME: Dog Chang  
 WITNESS LICENSE: 140596  
 COMMENTS:





# Sample Shipment List

Page 1 of 2

Race Track: Indiana Grand Collection Date: 10, 11, 14

Packed By / Date: Dawn Martin 10/14/14 Seal Number: 5304033

POST Race Samples

TCO2 Analysis

Out of Competition

TAG NUMBER	NUMBER OF BLOOD TUBES	NUMBER OF URINE CUPS	GENDER (H, M, G, R, F, Q)	DECLARED MEDICATION(S) (L, PBZ)	COMMENTS OR SAMPLE INFORMATION (INJURED, WORK, CLAIMED, TRAINER SUBMISSION)
0047960	1	∅	F	L	Cobalt Test
0047961	1	∅	F	L	
0047962	1	∅	F	L	
0047963	1	∅	F	L	
0047964	1	∅	F	L	
0047965	1	∅	F	L	
0047966	1	∅	F	L	
0047967	1	∅	F	L	
0047968	1	∅	G	L	
0047969	1	∅	F	L	
0047970	1	∅	G	L	
0047971	1	∅	H	L	

**EXHIBIT**  
5



K14012841

HFL SPORT SCIENCE

### Testing Chain of Custody

SDG/Sample Number(s): 0047940 → 0047958, 0047960 → 0047973, \* Additional Info

Sample Type:  Serum     Plasma    Testing:  BN     SQ     EPO     TCO2

Urine     Other \_\_\_\_\_     QAD     BL     GL     pH/SG

Other Cobalt

Worksheet Number: \_\_\_\_\_  N/A     Confirm \_\_\_\_\_ (analyte)

N/A (section only applies for confirmatory testing)

Client/Source: \_\_\_\_\_ Track: \_\_\_\_\_

Collection Date: \_\_\_\_\_ Tag Number: \_\_\_\_\_

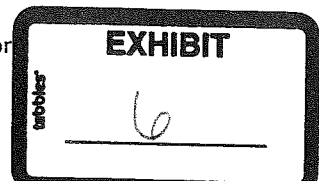
Repour Witness: \_\_\_\_\_

Remainder of Aliquot:  None     Discarded     Transferred \_\_\_\_\_

Volume/Weight	From	To	Purpose	Date	Time
All	B1/F1	CW	Transport to UKVDL	15-Oct-2014	11:30
All	CW	LS	Receipt to Lab	10-15-14	12:05
All	LS	Refrigerator	Storage	10-15-14	12:13
All	Refrigerator	MH	Analysis	10/21/14	1:02 PM
Remainder	MH	Refrigerator	Storage	10/21/14	3:50 PM
All	Refrigerator	MH	Analysis	10/22/14	8:14 AM
Remainder	MH	Refrigerator	Storage	10/22/14	9:38 AM
Remainder	Refrigerator	MH	transfer	10/22/14	12:58 PM
Remainder	MH	Discard Location	Discard	10/22/14	1:00 PM

Common Terms & Abbreviations
Testing
Extraction (EXT)
Prep for Hydrolysis (PFH)
Hydrolysis (HYD)
Short Term Storage (STS)
Analysis
Transfer (TNS)
Disposal

Comments: \* 0053690 → 0053725, 135825, 130685





UKY  
 University of Kentucky Veterinary Diagnostic Laboratory  
 Veterinary Diagnostic Laboratory  
 1490 Bull Lea Road  
 Lexington KY 40511  
 Phone: (859) 257-8283 Fax: (859) 255-1624

Report Date: 10/22/2014

**Final Report**

Date Received: 10/15/2014 12:05 PM

Case Coordinator: Dr. Cynthia Gaskill  
 Dr. Cynthia Gaskill

Accession No: K14012841

LGC SCIENCE, INC.  
 DR. RICK SAMS  
 1745 ALYSHEBA WAY, SUITE 160  
 LEXINGTON KY 40509

Phone: (859) 721-0180  
 Fax: (859) 264-0371  
 Email: richard.sams@lgcgroup.com

**Associated Parties**

Other: LGC Science, Inc.  
 Other: Dr. Rick Sams; LGC Science, Inc.  
 Other: Chris Ware; LGC Science, Inc.

**Animal Information**

**Farm IDs:**

[0047940] [0053702] [0047953] [0047958] [0053713] [0053693] [0047945] [0053707] [0053690] [0053706] [0053695] [0047954]  
 [0053722] [0053714] [0053720] [0053694] [0047963] [0047949] [0053709] [0047973] [0053719] [0047943] [0053704] [0047960]  
 [0053708] [0053691] [130685] [0047957] [0047942] [0047947] [0053705] [0047956] [0047964] [0047941] [0047969] [0047946]  
 [0053718] [0047971] [0053700] [0047961] [0053712] [0053711] [0053721] [0053725] [0053697] [0047966] [0047944] [0053717]  
 [0053716] [0053710] [0053698] [0047972] [0053715] [0053696] [0053701] [0053723] [135825] [0053703] [0047967] [0047970]  
 [0053699] [0047948] [0047951] [0053724] [0047952] [0053692] [0047968] [0047962] [0047950] [0047955] [0047965]

Equidae - Equine

Qty:71

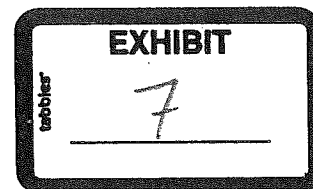
**Quality Notice**

Note: The Sample identification list provided with this accession has three samples listed out of order - samples 0053698, 0053697, and 0053699. We duplicated the order of the samples as stated on the form received. See attached accession form and sample list. CG

**Lab Findings**

**Toxicology**

Specimen	Test Name	Result
0047940 - Mammalian - Equidae - Equine - Adult		
Serum - 1	Cobalt - Serum - 10/22/2014 1:30 PM	5.81 ppb
0047941 - Mammalian - Equidae - Equine - Adult		
Serum - 2	Cobalt - Serum - 10/22/2014 1:30 PM	6.03 ppb
0047942 - Mammalian - Equidae - Equine - Adult		
Serum - 3	Cobalt - Serum - 10/22/2014 1:30 PM	7.13 ppb
0047943 - Mammalian - Equidae - Equine - Adult		
Serum - 4	Cobalt - Serum - 10/22/2014 1:30 PM	5.31 ppb
0047944 - Mammalian - Equidae - Equine - Adult		
Serum - 5	Cobalt - Serum - 10/22/2014 1:30 PM	5.89 ppb
0047945 - Mammalian - Equidae - Equine - Adult		
Serum - 6	Cobalt - Serum - 10/22/2014 1:30 PM	5.60 ppb
0047946 - Mammalian - Equidae - Equine - Adult		





UKY  
University of Kentucky Veterinary Diagnostic Laboratory  
Veterinary Diagnostic Laboratory  
1490 Bull Lea Road  
Lexington KY 40511  
Phone: (859) 257-8283 Fax: (859) 255-1624

### Toxicology

Specimen	Test Name	Result
Serum - 7	Cobalt - Serum - 10/22/2014 1:30 PM	4.49 ppb
0047947	Mammalian - Equidae - Equine - Adult	
Serum - 8	Cobalt - Serum - 10/22/2014 1:30 PM	4.26 ppb
0047948	Mammalian - Equidae - Equine - Adult	
Serum - 9	Cobalt - Serum - 10/22/2014 1:30 PM	4.08 ppb
0047949	Mammalian - Equidae - Equine - Adult	
Serum - 10	Cobalt - Serum - 10/22/2014 1:30 PM	6.28 ppb
0047950	Mammalian - Equidae - Equine - Adult	
Serum - 11	Cobalt - Serum - 10/22/2014 1:30 PM	4.01 ppb
0047951	Mammalian - Equidae - Equine - Adult	
Serum - 12	Cobalt - Serum - 10/22/2014 1:30 PM	6.24 ppb
0047952	Mammalian - Equidae - Equine - Adult	
Serum - 13	Cobalt - Serum - 10/22/2014 1:30 PM	6.22 ppb
0047953	Mammalian - Equidae - Equine - Adult	
Serum - 14	Cobalt - Serum - 10/22/2014 1:30 PM	5.81 ppb
0047954	Mammalian - Equidae - Equine - Adult	
Serum - 15	Cobalt - Serum - 10/22/2014 1:30 PM	3.63 ppb
0047955	Mammalian - Equidae - Equine - Adult	
Serum - 16	Cobalt - Serum - 10/22/2014 1:30 PM	6.32 ppb
0047956	Mammalian - Equidae - Equine - Adult	
Serum - 17	Cobalt - Serum - 10/22/2014 1:30 PM	7.75 ppb
0047957	Mammalian - Equidae - Equine - Adult	
Serum - 18	Cobalt - Serum - 10/22/2014 1:30 PM	14.9 ppb
0047958	Mammalian - Equidae - Equine - Adult	
Serum - 19	Cobalt - Serum - 10/22/2014 1:30 PM	6.48 ppb
0047960	Mammalian - Equidae - Equine - Adult	
Serum - 20	Cobalt - Serum - 10/22/2014 1:30 PM	3.80 ppb
0047961	Mammalian - Equidae - Equine - Adult	
Serum - 21	Cobalt - Serum - 10/22/2014 1:30 PM	3.68 ppb
0047962	Mammalian - Equidae - Equine - Adult	
Serum - 22	Cobalt - Serum - 10/22/2014 1:30 PM	2.08 ppb
0047963	Mammalian - Equidae - Equine - Adult	
Serum - 23	Cobalt - Serum - 10/22/2014 1:30 PM	1.54 ppb
0047964	Mammalian - Equidae - Equine - Adult	
Serum - 24	Cobalt - Serum - 10/22/2014 1:30 PM	< 1.00 ppb
0047965	Mammalian - Equidae - Equine - Adult	
Serum - 25	Cobalt - Serum - 10/22/2014 1:30 PM	1.47 ppb
0047966	Mammalian - Equidae - Equine - Adult	
Serum - 26	Cobalt - Serum - 10/22/2014 1:30 PM	< 1.00 ppb
0047967	Mammalian - Equidae - Equine - Adult	
Serum - 27	Cobalt - Serum - 10/22/2014 1:30 PM	< 1.00 ppb
0047968	Mammalian - Equidae - Equine - Adult	
Serum - 28	Cobalt - Serum - 10/22/2014 1:30 PM	3.49 ppb
0047969	Mammalian - Equidae - Equine - Adult	
Serum - 29	Cobalt - Serum - 10/22/2014 1:30 PM	2.44 ppb
0047970	Mammalian - Equidae - Equine - Adult	
Serum - 30	Cobalt - Serum - 10/22/2014 1:30 PM	6.43 ppb
0047971	Mammalian - Equidae - Equine - Adult	



UKY  
University of Kentucky Veterinary Diagnostic Laboratory  
Veterinary Diagnostic Laboratory  
1490 Bull Lea Road  
Lexington KY 40511  
Phone: (859) 257-8283 Fax: (859) 255-1624

### Toxicology

Specimen	Test Name	Result
Serum - 31	Cobalt - Serum - 10/22/2014 1:30 PM	249 ppb
0047972 - Mammalian - Equidae - Equine - Adult		
Serum - 32	Cobalt - Serum - 10/22/2014 1:30 PM	3.60 ppb
0047973 - Mammalian - Equidae - Equine - Adult		
Serum - 33	Cobalt - Serum - 10/22/2014 1:30 PM	6.45 ppb
0053690 - Mammalian - Equidae - Equine - Adult		
Serum - 34	Cobalt - Serum - 10/22/2014 1:30 PM	3.18 ppb
0053691 - Mammalian - Equidae - Equine - Adult		
Serum - 35	Cobalt - Serum - 10/22/2014 1:30 PM	1.83 ppb
0053692 - Mammalian - Equidae - Equine - Adult		
Serum - 36	Cobalt - Serum - 10/22/2014 1:30 PM	6.72 ppb
0053693 - Mammalian - Equidae - Equine - Adult		
Serum - 37	Cobalt - Serum - 10/22/2014 1:30 PM	1.46 ppb
0053694 - Mammalian - Equidae - Equine - Adult		
Serum - 38	Cobalt - Serum - 10/22/2014 1:30 PM	6.37 ppb
0053695 - Mammalian - Equidae - Equine - Adult		
Serum - 39	Cobalt - Serum - 10/22/2014 1:30 PM	1.84 ppb
0053696 - Mammalian - Equidae - Equine - Adult		
Serum - 40	Cobalt - Serum - 10/22/2014 1:30 PM	5.43 ppb
0053698 - Mammalian - Equidae - Equine - Adult		
Serum - 41	Cobalt - Serum - 10/22/2014 1:43 PM	1.66 ppb
0053697 - Mammalian - Equidae - Equine - Adult		
Serum - 42	Cobalt - Serum - 10/22/2014 1:43 PM	1.64 ppb
0053699 - Mammalian - Equidae - Equine - Adult		
Serum - 43	Cobalt - Serum - 10/22/2014 1:43 PM	1.47 ppb
0053700 - Mammalian - Equidae - Equine - Adult		
Serum - 44	Cobalt - Serum - 10/22/2014 1:43 PM	4.75 ppb
0053701 - Mammalian - Equidae - Equine - Adult		
Serum - 45	Cobalt - Serum - 10/22/2014 1:43 PM	3.39 ppb
0053702 - Mammalian - Equidae - Equine - Adult		
Serum - 46	Cobalt - Serum - 10/22/2014 1:43 PM	7.96 ppb
0053703 - Mammalian - Equidae - Equine - Adult		
Serum - 47	Cobalt - Serum - 10/22/2014 1:43 PM	4.06 ppb
0053704 - Mammalian - Equidae - Equine - Adult		
Serum - 48	Cobalt - Serum - 10/22/2014 1:43 PM	7.00 ppb
0053705 - Mammalian - Equidae - Equine - Adult		
Serum - 49	Cobalt - Serum - 10/22/2014 1:43 PM	< 1.00 ppb
0053706 - Mammalian - Equidae - Equine - Adult		
Serum - 50	Cobalt - Serum - 10/22/2014 1:43 PM	3.20 ppb
0053707 - Mammalian - Equidae - Equine - Adult		
Serum - 51	Cobalt - Serum - 10/22/2014 1:43 PM	5.20 ppb
0053708 - Mammalian - Equidae - Equine - Adult		
Serum - 52	Cobalt - Serum - 10/22/2014 1:43 PM	8.04 ppb
0053709 - Mammalian - Equidae - Equine - Adult		
Serum - 53	Cobalt - Serum - 10/22/2014 1:43 PM	13.0 ppb
0053710 - Mammalian - Equidae - Equine - Adult		
Serum - 54	Cobalt - Serum - 10/22/2014 1:43 PM	1.07 ppb
0053711 - Mammalian - Equidae - Equine - Adult		



UKY  
University of Kentucky Veterinary Diagnostic Laboratory  
Veterinary Diagnostic Laboratory  
1490 Bull Lea Road  
Lexington KY 40511  
Phone: (859) 257-8283 Fax: (859) 255-1624

### Toxicology

Specimen	Test Name	Result
Serum - 55	Cobalt - Serum - 10/22/2014 1:43 PM	2.24 ppb
0053712	Mammalian - Equidae - Equine - Adult	
Serum - 56	Cobalt - Serum - 10/22/2014 1:43 PM	7.35 ppb
0053713	Mammalian - Equidae - Equine - Adult	
Serum - 57	Cobalt - Serum - 10/22/2014 1:43 PM	2.21 ppb
0053714	Mammalian - Equidae - Equine - Adult	
Serum - 58	Cobalt - Serum - 10/22/2014 1:43 PM	8.37 ppb
0053715	Mammalian - Equidae - Equine - Adult	
Serum - 59	Cobalt - Serum - 10/22/2014 1:43 PM	1.45 ppb
0053716	Mammalian - Equidae - Equine - Adult	
Serum - 60	Cobalt - Serum - 10/22/2014 1:43 PM	10.7 ppb
0053717	Mammalian - Equidae - Equine - Adult	
Serum - 61	Cobalt - Serum - 10/22/2014 1:43 PM	8.00 ppb
0053718	Mammalian - Equidae - Equine - Adult	
Serum - 62	Cobalt - Serum - 10/22/2014 1:43 PM	6.67 ppb
0053719	Mammalian - Equidae - Equine - Adult	
Serum - 63	Cobalt - Serum - 10/22/2014 1:43 PM	1.77 ppb
0053720	Mammalian - Equidae - Equine - Adult	
Serum - 64	Cobalt - Serum - 10/22/2014 1:43 PM	3.03 ppb
0053721	Mammalian - Equidae - Equine - Adult	
Serum - 65	Cobalt - Serum - 10/22/2014 1:43 PM	2.52 ppb
0053722	Mammalian - Equidae - Equine - Adult	
Serum - 66	Cobalt - Serum - 10/22/2014 1:43 PM	1.16 ppb
0053723	Mammalian - Equidae - Equine - Adult	
Serum - 67	Cobalt - Serum - 10/22/2014 1:43 PM	1.08 ppb
0053724	Mammalian - Equidae - Equine - Adult	
Serum - 68	Cobalt - Serum - 10/22/2014 1:43 PM	< 1.00 ppb
0053725	Mammalian - Equidae - Equine - Adult	
Serum - 69	Cobalt - Serum - 10/22/2014 1:43 PM	< 1.00 ppb
135825	Mammalian - Equidae - Equine - Adult	
Serum - 70	Cobalt - Serum - 10/22/2014 1:43 PM	3.24 ppb
130685	Mammalian - Equidae - Equine - Adult	
Serum - 71	Cobalt - Serum - 10/22/2014 1:43 PM	58.4 ppb

Method: ICP-MS. The minimum level of quantification established for this analysis in equine serum is 1.00 ppb

### Bulletin(s)

Confidential and privileged information - not for publication.





K14012841

**UK** UNIVERSITY OF KENTUCKY  
College of Agriculture, Food, and Environment  
Veterinary Diagnostic Laboratory

Deliveries: 1490 Bull Lea Rd., Lexington, KY 40511  
US Mail: PO Box 14125, Lexington, KY 40512-4125  
Phone: (859) 257-8283 Fax: (859) 255-1624

<http://vdl.uky.edu>

10-15-14 P12:05 IN

FOR LAB USE ONLY

Section(s): C B M D N P S **T** V J R  
Case Coordinator: **CG**  
Carrier: M B **(Wa)** U F O V Other  
Rec'd By / Shipped Date:  
Comments: **V JAG RTX 71**

Veterinarian: **Christopher Ware / File Same**  
Clinic: **UGA Science Inc**  
Address:  
City: State: Zip:  
Phone: Fax:  
Email: **On File**  
Report Distribution Preference:  Fax  Email  Mail  Box

Owner:  
Farm:  
Address:  
City: State: Zip:  
Phone: Fax:  
Email:  
 Add'l copy to:

General Information (Please provide as much information as possible):

- RABIES SUSPECT  Diagnostic  Necropsy  Cremation  Neurologic (Spinal Cord Removal)
- RABIES ONLY  Regulatory  Surveillance  Sale / Prepurchase  Export Sample: \_\_\_\_\_ (Country of Destination)

Location of Animal (county, state, premise ID)

Animal ID / Name*	Species	Breed	Color	Gender (F / M / NM / SF)	Age	Weight
<b>See attached</b>						

\*Multiple submissions from same premises may require the use of the Accession Continuation Form (available at vdl.uky.edu) [Continuation Form Link](#)

History (Attach additional history if provided space is inadequate).

Duration of Illness: \_\_\_\_\_  Euthanized  
Date of Death: \_\_\_\_\_  Insured \_\_\_\_\_ (Insurance Company)  
Related Accession: \_\_\_\_\_

# Sick Animals	# Animals in Group <b>71</b>
# Dead Animals	# Animals on Farm

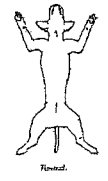
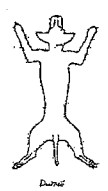
- Please describe:**
1. Clinical Signs
  2. Vaccinations
  3. Treatments
  4. Nutrition
  5. Environment
  6. Other Management

**Cobalt Analysis**  
**Windle i custody**

Submitted Specimen Information (Please check all that apply):

Date Sample(s) Taken: \_\_\_\_\_  
 Carcass  Urine  Feces  Feed / Forage  
 Fetus  Placenta  Milk  
 Blood (Whole blood, Serum or Plasma)  
*Specify stopper color as submitted:*  
 Red  Purple  Red / Gray Swirl  
 Other: \_\_\_\_\_  
 Fluid (List Type): \_\_\_\_\_  
 Swab (List Source / Site): \_\_\_\_\_  
 Other: \_\_\_\_\_

Tissue / Biopsy Information:  
Tissue Information:  Fresh  Fixed (List Fixative): \_\_\_\_\_  
Neoplasm Size: (LxWxD in cm)  
Shape:  
Attachment:  
Tissue Involved:  
Gross Appearance:  
Consistency:  
Color:  
Duration:  
Development Rate:



For Cytology Information, complete section on back of form.

The information and animal specimens submitted to the University of Kentucky Veterinary Diagnostic Laboratory are done so under the protection of the Veterinarian-Client-Patient relationship, as codified in KRS 321.185, and are confidential. Privileged information regarding patients will not be released without the owner's consent, unless disclosure is required by law.

Signature of Submitter: **[Signature]**

Date: **15 Oct 2014**

**Test Offerings (Please check all that apply):**

Only the most frequently requested tests are listed below. For a complete list of test offerings, specimen and sample handling conditions, please visit our website (<http://vdl.uky.edu>) or call 859-257-8283 for further assistance.

SPECIMEN REQUIREMENT KEY					
F	FECES	SST	SERUM SEPARATOR	TTW	TRANS TRACH WASH
OF	OCULAR FLUID	SW	SWAB	U	URINE
S	SERUM	T	TISSUE	WB	WHOLE BLOOD

Blood Collection Tubes:  
Red Top Tubes = Serum  
Lavender / Purple Top Tubes = Whole Blood

**Bacteriology**

- Aerobic Culture
  - Salmonella Screen
  - Strept. equi. Screen
- Anaerobic Culture
  - C. Perf. Screen
- Fungal / Yeast Culture
- Mastitis Culture (*susceptibility by request*)
- Mycoplasma Culture\*
 

\*No susceptibility routinely offered.

Other: \_\_\_\_\_

**Clinical Pathology**

- CBC (WB)
- CBC - No Differential (WB)
- Chemistry Panel - Species Specific (S)
- Chemistry Panel - Renal or Hepatic (S)
- Feline Pancreatic Lipase (S)
- Fibrinogen (WB + S)
- Foal IgG (WB, S)
- Foal Panel (IgG, CBC - No Diff, Fibrinogen) (WB + S)
- Phenobarbital (S)
- Fecal Cryptosporidia (F)
- Fecal Parasite Exam (Qualitative) (F)
- Giardia Antigen (Canine / Feline) (F)
- Urinalysis (U)
- Urolith / Stone Analysis

**Endocrine Tests**

- SST's should not be submitted for the following tests.*
- ACTH Stimulation (2 samples) (S)
  - Cortisol (S)
  - Dexamethasone Suppression (3 samples) (S)
  - Endogenous ACTH (Canine / Equine) (Frozen Plasma) (S)
  - Progesterone (Canine / Equine) (S)
  - T3 (S)
  - T4 (S)
  - TLI (Canine) (S)
  - TSH (Canine) (S)

Other: \_\_\_\_\_

**Cytology**

- Fluid Cytology
 

*Indicate Fluid Source below:*

  - Cerebrospinal Fluid (CSF)
  - Fine Needle Aspiration (FNA)

*Site:* \_\_\_\_\_

  - Impression Smear

*Site:* \_\_\_\_\_

  - Synovial Fluid

*Site:* \_\_\_\_\_

  - Peritoneal Fluid
  - Pleural Fluid
  - Transtracheal Wash

Other: \_\_\_\_\_

**Serology**

- Avian**
  - Avian Influenza (S)
  - Mycoplasma (S)
  - Salmonella pullorum (S)
- Bovine**
  - Anaplasma marginale (S)
  - Bluetongue Virus (S)
  - Bovine Leukemia Virus (S)
  - Bovine Pregnancy Test (S)
  - Brucella abortus (S)
  - Epizootic Hemorrhagic Disease (EHD) Virus (S)
  - Leptospira (MAT) Screen (S)
  - Neospora caninum (S)
  - John's (Mycobacterium paratuberculosis) (S)
- Equine**
  - Leptospira (MAT) Screen (S)
  - Piroplasmosis Panel (S)
    - B. caballi (S)
    - T. equi (S)
  - Brucellosis (S)
- Canine**
  - Canine Heartworm (S)
  - Fungal Panel (S)
    - Blastomyces dermatidis (S)
    - Histoplasma capsulatum (S)
  - Brucella canis (B. canis) (S)
  - Leptospira (MAT) Screen (S)
  - B. burgdorferi (Lyme Disease) (S, WB)
  - Tick panel (canine) (S)
- Feline**
  - Feline Heartworm (S)
  - Feline Immunodeficiency Virus (FIV) (S, WB)
  - Feline Leukemia Virus (FeLV) (S, WB)
  - Feline Infectious Peritonitis (FIP) Virus (S)
  - Toxoplasmosis (S)
- Caprine / Ovine**
  - Brucella melitensis (S)
  - Caprine Arthritis and Encephalitis / Ovine Progressive Pneumonia (CAE / OPP) (S)
- Porcine**
  - Pseudorabies (S)
  - Brucella abortus (S)

Other: \_\_\_\_\_

**Toxicology**

See <http://vdl.uky.edu> for all toxicology tests offered. Click on the link for Test Information, and select Toxicology for the lab section, then click on the Search button.

Specimen	Test Requested

Consult with Toxicologist for appropriate test (no charge).

**Virology**

- Virus Isolation (SW, T, TTW, WB)
- Bovine**
  - BVDV Antigen ELISA (for PI)
    - Ear Notch
    - Serum
  - BVDV-VN (S)
  - Infectious Bovine Rhinotracheitis (IBR)-VN (S)
  - Respiratory Syncytial Virus (RSV)-VN (S)
- Equine**
  - Equine Herpes Virus-1 (EHV-1)-VN (S)
  - Equine Viral Arteritis (EVA)-VN (S)
  - Equine Influenza-HI (S)
  - Equine Influenza Rapid Antigen (SW, TTW)
  - Potomac Horse Fever-IFA (S)
  - Vesicular Stomatitis-VN (S)
  - West Nile-IgM Capture ELISA (S)
- Canine**
  - Distemper virus FA (WB, U, Conjunctival Swear)

Other: \_\_\_\_\_

**Molecular (PCR)**

- Bovine**
    - BVDV PCR
      - Ear Notch
      - Serum
      - Tissue
    - John's PCR (Mycobacterium paratuberculosis) (F)
    - Leptospira PCR (U, T)
    - Salmonella PCR (F)
    - Tritrichomonas Fetus PCR (Trich Pouch)
  - Caprine/Ovine**
    - BVDV PCR (WB)
  - Equine**
    - Equine Adenovirus PCR (TTW, SW, T)
    - Equine Herpes Virus-1 PCR (WB and SW or TTW, paired)
    - Equine Herpes Virus PCR (TTW, SW, WB)
- Specify Type Below:*
- Type 2
  - Type 3
  - Type 4
  - Type 5
- Equine Viral Arteritis PCR (SW, WB, T)
  - Equine Influenza PCR (TTW, SW)
  - Equine Protozoal Encephalomyelitis (EPM) PCR (T)
  - Lawsonia PCR (F)
  - Leptospira PCR (U, T)
  - Nocardioform PCR (SW, Placenta)
  - Potomac Horse Fever PCR (WB and F, paired)
  - Rhodococcus equi PCR (SW, TTW)
  - Salmonella PCR (F)
  - Streptococcus equi PCR (SW, TTW)
  - West Nile Virus PCR (T)

**Canine**

- Canine Influenza PCR (SW, TTW)
- Leptospira PCR (U, T)

Other: \_\_\_\_\_

**Diagnostic Plans**

- Bovine**
  - Diarrhea Plan (Calf) (F)
 

*Includes: Corona Virus, Rotavirus, E. coli K99, Salmonella and Cryptosporidium. Culture & sensitivity completed upon request for an additional fee.*
- Equine**
  - Diarrhea Plan (Adult) (WB + SW + F)
 

*Includes: Aerobic / Anaerobic Culture, Fecal Exam, Salmonella, Potomac Horse Fever, Lawsonia (PCR)*
  - Diarrhea / Septicemia Plan (Foal) (WB + F)
 

*Includes: Aerobic, Anaerobic and Blood Culture, Fecal Exam, C. difficile ELISA, Rotavirus, Lawsonia and Salmonella (PCR), Selentam*
  - Respiratory Plan (SW + TTW + WB)
 

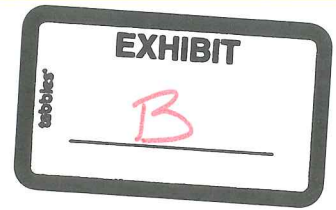
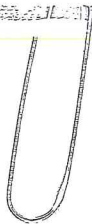
*Includes: Aerobic and Fungal Culture, VI, EHV-1, 2, 4 and 5 (PCR), EVA PCR, and Equine Influenza PCR.*



K14012841

1	0047940	34	0053690	70	135825
2	0047941	35	0053691		
3	0047942	36	0053692	71	130685
4	0047943	37	0053693		
5	0047944	38	0053694		
6	0047945	39	0053695		
7	0047946	40	0053696		
8	0047947				
9	0047948	41	0053698		
10	0047949				
11	0047950	42	0053697		
12	0047951				
13	0047952	43	0053699		
14	0047953	44	0053700		
15	0047954	45	0053701		
16	0047955	46	0053702		
17	0047956	47	0053703		
18	0047957	48	0053704		
19	0047958	49	0053705		
		50	0053706		
20	0047960	51	0053707		
21	0047961	52	0053708		
22	0047962	53	0053709		
23	0047963	54	0053710		
24	0047964	55	0053711		
25	0047965	56	0053712		
26	0047966	57	0053713		
27	0047967	58	0053714		
28	0047968	59	0053715		
29	0047969	60	0053716		
30	0047970	61	0053717		
31	0047971	62	0053718		
32	0047972	63	0053719		
33	0047973	64	0053720		
		65	0053721		
		66	0053722		
		67	0053723		
		68	0053724		
		69	0053725		





BEFORE THE ADMINISTRATIVE LAW JUDGE  
 THE HONORABLE JAMES G. LAUCK  
 APPOINTED BY THE INDIANA HORSE RACING COMMISSION

INDIANA HORSE RACING COMMISSION STAFF,  
 Petitioner,

v.

JEFFREY YODER,  
 Respondent

)  
 )  
 ) ADMINISTRATIVE  
 ) COMPLAINT  
 ) NO. 215009  
 )  
 )  
 )  
 )  
 )

COMMISSION STAFF'S REQUESTS FOR ADMISSION  
 AND ALTERNATIVE INTERROGATORY TO RESPONDENT

Comes now the Petitioner, Indiana Horse Racing Commission Staff (hereafter "Commission Staff"), by counsel, and pursuant to Ind. Code 4-21.5-3-22, Indiana Rule of Trial Procedure 36, and 71 IAC 10-3-9-(b) propounds upon the Respondent, Jeffrey Daniel Yoder ("Yoder"), the following Requests for Admission, which requests shall be deemed admitted unless, within thirty (30) days after service hereof, the Respondent serves the Petitioner with a written answer or objection addressed to each request, signed by the Respondent or the Respondent's attorney.

With respect to these requests for admission, the Respondent is advised of the following: Each matter of which an admission is requested will be deemed admitted unless on or before thirty (30) days of service (or as otherwise ordered by the Honorable James G. Lauck) Jeffery Daniel Yoder, or his counsel, serves upon the Commission Staff a written answer or objection addressed to each request. If objection is made, the reasons therefore shall be stated. The answer shall specifically admit or deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify his answer or deny only a part of the matter of which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him would be unreasonably burdensome. A party who considers that a matter of which an admission has been

requested presents a genuine issue for trial may not, on that ground alone, object to the request; he may, subject to the provisions of Rule 37(C), deny the matter or set forth reasons why he cannot admit or deny it.

Be advised that any matter admitted herein is considered to be conclusively established unless the Administrative Law Judge on motion permits withdrawal or amendment of the admission. Also note that the Commission Staff may apply to the ALJ for an Order requiring the opposing party to pay the reasonable expenses incurred in making proof, including reasonable attorney's fees, if a party fails to admit the genuineness of any document or the truth of any matter as requested pursuant to Rule 36, and if the party requesting the admissions thereafter proves the genuineness of the document or the truth of the matter of which an admission is requested.

The terms "you," "your," and "Respondent" as used herein refer to Jeffrey Daniel Yoder.

"Commission" or "IHRC" means the Indiana Horse Racing Commission.

#### REQUESTS FOR ADMISSION

With that background, the Respondent, Jeffrey Daniel Yoder, is requested to admit or deny, for purposes of this action, the following:

1. Admit that cobalt was, during 2014, a Penalty Class A substance, as defined by the Indiana Horse Racing Commission's administrative rules for flat racing then in effect.

#### RESPONSE:

2. Admit that, during 2014, cobalt was not allowed to be present, in excess of 25 picograms per milliliter, in a horse participating in pari-mutuel racing in Indiana.

#### RESPONSE:

3. Admit that it is the responsibility of an Indiana Horse Racing Commission licensee to be aware of the rules governing horse racing in Indiana.

**RESPONSE:**

4. Admit that you were a licensee of the Indiana Horse Racing Commission at all times relevant to the above-referenced administrative complaint.

**RESPONSE:**

5. Admit that you were the trainer of the quarter horse race horse Merry for Corona on October 11, 2014.

**RESPONSE:**

6. Admit that as the trainer you were responsible for the presence of any prohibited drug, medication, or other substance, including permitted medication in excess of the maximum allowable level, in Merry for Corona on October 11, 2014.

**RESPONSE:**

7. Admit that the quarter horse race horse Merry for Corona participated in the ninth race on October 11, 2014, at Indiana Grand Racing and Casino.

RESPONSE:

8. Admit that the quarter horse race horse Merry for Corona placed second in the ninth race on October 11, 2014, at Indiana Grand Racing and Casino.

RESPONSE:

9. Admit that the quarter horse race horse Merry for Corona's blood sample tested positive for cobalt in excess of allowable limits after the ninth race on October 11, 2014, at Indiana Grand Racing and Casino.

RESPONSE:

ALTERNATIVE INTERROGATORY

Pursuant to Indiana Rule of Civil Procedure 33, Respondent, Commission Staff propounds the following Alternative Interrogatory to Petitioner, Jeffrey Daniel Yoder:

1. If you deny, in whole or in part, any of the preceding Requests for Admission, please state all facts upon which the denial is based, including the name, current address, and phone number of each witness with knowledge of facts upon which the qualified or complete denial is based, and described any documents upon which you rely in making any such denial.

ANSWER(S):




I affirm, under the penalties for perjury that the foregoing representations are true and accurate to the best of my knowledge and belief.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JEFFREY YODER

Respectfully submitted,

  
\_\_\_\_\_  
Lea Ellingwood, #22346-49

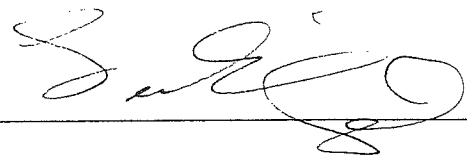
INDIANA HORSE RACING COMMISSION  
1302 N. Meridian Street, Suite 175  
Indianapolis, IN 46202  
Tel: (317) 232-0397  
Fax: (317) 233-4470  
hnewell@hrg.in.gov

*Attorney for Indiana Horse Racing Commission Staff*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing has been served upon the following counsel of record by first class U.S. Mail, postage prepaid, this 26<sup>th</sup> day of May, 2015:

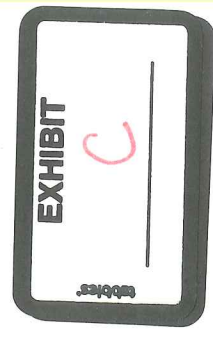
Jeffrey Yoder  
3966 Horatio Harris  
Greenville, OH 45331

  
\_\_\_\_\_

# Recommended Penalty and Model Rule

The following are recommended penalties for violations due to the presence of a drug carrying a Category "A" penalty and for violations of ARCI-011-015: Prohibited Practices:

<b>LICENSED TRAINER:</b>	<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> LIFETIME offense in any jurisdiction</b>	<b>3<sup>rd</sup> LIFETIME offense in any jurisdiction</b>
<ul style="list-style-type: none"> <li>Minimum one-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension</li> </ul>	<p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>Minimum fine of \$10,000 or 10% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$25,000 or 25% of purse (greater of the two).</li> </ul>	<ul style="list-style-type: none"> <li>Minimum three-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a three-year period.</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>Minimum fine of \$25,000 or 25% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$50,000 or 50% of purse (greater of the two).</li> </ul>	<ul style="list-style-type: none"> <li>Minimum five-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a five-year period.</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>Minimum fine of \$50,000 or 50% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$100,000 or 100% of purse (greater of the two).</li> </ul>
<ul style="list-style-type: none"> <li>May be referred to the Commission for any further action deemed necessary by the Commission.</li> </ul>	<p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>May be referred to the Commission for any further action deemed necessary by the Commission.</li> </ul>	<p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>May be referred to the Commission for any further action deemed necessary by the Commission.</li> </ul>	<ul style="list-style-type: none"> <li>May be referred to the Commission for any further action deemed necessary by the Commission.</li> </ul>
<b>LICENSED OWNER:</b>	<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> LIFETIME offense in owner's stable any jurisdiction</b>	<b>3<sup>rd</sup> LIFETIME offense in owner's stable in any jurisdiction</b>
<ul style="list-style-type: none"> <li>Disqualification and loss of purse</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>Horse shall be placed on the Veterinarian's List for 90 days and must pass a commission-approved examination before becoming eligible to be entered.</li> </ul>	<ul style="list-style-type: none"> <li>Disqualification and loss of purse</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>Horse shall be placed on the Veterinarian's List for 120 days and must pass a commission-approved examination before becoming eligible to be entered.</li> </ul>	<ul style="list-style-type: none"> <li>Disqualification and loss of purse and \$50,000 fine</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>Horse shall be placed on the Veterinarian's List for 180 days and must pass a commission-approved examination before becoming eligible to be entered.</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>Referral to the Commission with a recommendation of a suspension for a minimum of 90 days.</li> </ul>	<ul style="list-style-type: none"> <li>Disqualification, loss of purse and \$50,000 fine</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>Horse shall be placed on the Veterinarian's List for 180 days and must pass a commission-approved examination before becoming eligible to be entered.</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>Referral to the Commission with a recommendation of a suspension for a minimum of 90 days.</li> </ul>



BEFORE AN ADMINISTRATIVE LAW JUDGE  
APPOINTED BY THE INDIANA HORSE RACING COMMISSION

INDIANA HORSE RACING  
COMMISSION,

Petitioner,

v.

JEFFREY YODER,

Respondent.

Administrative Complaint No. 215009

**AFFIDAVIT OF STANLEY BOWKER**

Comes now the undersigned, and being duly sworn upon his oath, alleges and says as follows:

1. I am an adult, over eighteen (18) years of age, of sound mind, have personal knowledge of and am competent to testify as to the matters contained herein.
2. I am the Senior State Steward of the Indiana Horse Racing Commission (the "Commission"). I commenced my duties on October 18, 2009. The Senior State Steward is the highest ranking steward.
3. As Senior State Steward, I, along with two associate stewards, am responsible for ensuring that IHRC rules are enforced on a day-to-day basis. The stewards work together to act as referee to all pari-mutuel thoroughbred and quarter horse racing in Indiana.
4. My review of information relating to the ninth race conducted at Indiana Grand on October 11, 2014 reveals that Merry for Corona finished second and was awarded a \$700.00 purse. The Program for Race 8 at the Indiana Grand Race Course is attached to this Affidavit as Exhibit 2. The Equibase report

showing the race results and purse for Race 9 at the Indiana Grand Race Course is attached to this Affidavit as Exhibit 2.

5. At all times relevant, Merry for Corona was owned by Brian Gunder, who was licensed by the Commission as an owner.
6. At all times relevant, Merry for Corona was trained by Yoder, who was licensed by the Commission as a trainer.
7. Blood samples were collected from Merry for Corona after the October 11, 2014 race.
8. On October 22, 2014, the University of Kentucky Veterinary Diagnostic Laboratory (“UKVDL”) identified Sample No. 47971 as being positive for cobalt in an amount over the threshold limit of twenty five parts per billion (25 ppb). Specifically, UKVDL found Sample No. 47971 contained 249 ppb.
9. The Stewards notified Yoder of the positive tests.
10. Yoder declined to have a split sample tested.
11. On March 5, 2015 the Commission Staff issued Administrative Complaint No. 215009. Administrative Complaint No. 215009 appeal is attached to this Affidavit as Exhibit 10.
12. IHRC Chairman Tom Weatherwax directed that the matter be heard by Administrative Law Judge James Lauck (“ALJ Lauck”).
13. The matter was forwarded to ALJ Lauck for consideration on March 9, 2015.

Further Affiant Sayeth Not.

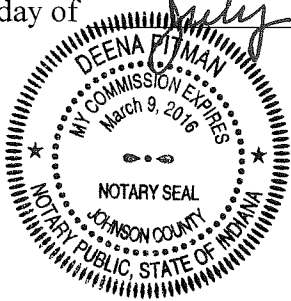
I affirm under the penalties for perjury that the foregoing representations are true and correct to the best of my knowledge.

7-25-15  
Date

Stanley K. Bowker  
Stanley Bowker

STATE OF INDIANA )  
COUNTY OF Shelby ) SS:  
)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared Stanley Bowker and acknowledged the execution of the foregoing instrument this 25 day of July, 2015.



Deena Pitman  
Notary Public

Deena Pitman  
Printed Name

My Commission Expires:  
March 9, 2016

County of Residence:  
Johnson

BEFORE AN ADMINISTRATIVE LAW JUDGE  
APPOINTED BY THE INDIANA HORSE RACING COMMISSION

2015 SEP 21 P 3:03

INDIANA HORSE RACING COMMISSION )  
STAFF, )

Petitioner, )

v. )

JEFFREY YODER, )

Respondent. )

Administrative Complaint No. 215009

INDIANA HORSE RACING COMM

**ORDER GRANTING INDIANA HORSE RACING COMMISSION STAFF'S  
MOTION FOR SUMMARY JUDGMENT AND MEMORANDUM  
IN SUPPORT THEREOF**

Comes now, James G. Lauck, Administrative Law Judge in this matter and represents to the Indiana Horse Racing Commission the following:

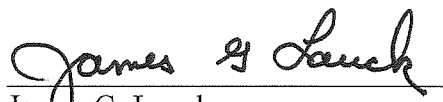
1. The Indiana Horse Racing Commission filed its Administrative Complaint Number 215009 against Jeffrey Yoder on March 5, 2015.
2. That on March 9, 2015, James G. Lauck was appointed Administrative Law Judge to conduct hearings and rule upon the Administrative Complaint.
3. That on March 20, 2015, a Notice of Telephonic Prehearing Conference was prepared and served on the parties setting a telephonic prehearing conference for April 1, 2015.
4. That on April 1, 2015 the Administrative Law Judge conducted a telephonic prehearing conference with Lea Ellingwood, representing the Indiana Horse Racing Commission and Jeffrey Yoder. The purpose of the conference was set in the Notice I.C. 4-21.5-3-19.
5. That on April 27, 2015 a Prehearing Order was issued, including among other conditions, that should the parties desire to file any dispositive motions, they must be filed by the close of business on July 28, 2015. And then the parties shall have until August 3, 2015 to file any response to such motions.
6. That on July 27, 2015, the Indiana Horse Racing Commission filed its Motion for Summary Judgment and Memorandum in Support Thereof, Affidavit of Joe Garajec, and Affidavit of Stanley Bowker.

7. That to allow 30 days to reply, the Administrative Law Judge issued his Amended Prehearing Order allowing response to Summary Judgment and Memorandum in Support Thereof through September 7, 2015.

8. That the timeline to reply has passed. Commission Staff's First Set of Interrogatories to Respondent, Requests for Admission and Alternative Interrogatory to Respondent, and Requests for Production of Documents were sent to Yoder by first class U.S. Mail, postage prepaid, on May 26, 2015, giving him with thirty (3) days of service to respond. Mr. Yoder failed to respond. The Request for Admissions are deemed admitted.

9. That the Administrative Law Judge has received the Summary Judgment Motion; and supporting documents; and being duly advised in this case; and the Defendant having failed to reply, the Administrative Law Judge determines the relief sought in the Motion shall be granted and now enters an Order granting Summary Judgment in favor of the Commission Staff and thereby adopting the proposed penalty, suspension, and purse redistribution recommended in Administrative Complaint No. 215009 issued by the Indiana Horse Racing Commission Staff, which imposes \$5,000.00 fine, a one-year suspension, and the forfeiture and redistribution of the second place purse (\$700.00).

IT IS SO ORDERED THIS 17<sup>th</sup> DAY OF SEPTEMBER, 2015.

  
James G. Lauck  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been duly served via first-class United States mail, postage prepaid this 17<sup>th</sup> day of September, 2015 to the following parties of record:

Jeffrey Yoder  
3966 Horatio Harris  
Greenville, OH 45331

Lea Ellingwood  
Indiana Horse Racing Commission  
1302 North Meridian, Suite 175  
Indianapolis, IN 46202

  
James G. Lauck