

STATE OF INDIANA
BEFORE THE INDIANA HORSE RACING COMMISSION

2013 OCT -2 A 10: 51

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

INDIANA HORSE RACING COMMISSION

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

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

NOTICE OF HEARING

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

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

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

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

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

PRE-HEARING ORDER

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

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

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

II. Application Process Time Line.

a. Hearing Date and Time.

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

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

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

c. Report of the Commission Staff.

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

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

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

e. Witness and Exhibits Lists of Applicant.

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

f. Request for Official Notice.

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

g. Issuance of Subpoenas.

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

III. Matters Relating to the Conduct of the Hearing.

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

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

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

b. Hearing to be Conducted under Oath.

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

c. Staff Review and Presentation of Findings.

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

d. Application Hearing Time Schedule.

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

Opening Statement of Applicant

Up to 10 minutes

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

e. Chairman to Rule on Procedural Issues.

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

f. Commission Free to Ask Questions.

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

g. Individuals Requesting Time to Speak to the Application.

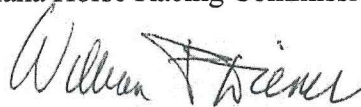
A sign-up sheet will be made available on the date of the hearing for those interested in speaking during the time allotted for Testimony of Interested Persons and Organizations. An appropriate amount of time will be determined by the Chair at the hearing with consideration of the number of individuals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

IV. Notice of Pre-Hearing Order.

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

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

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



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

CERTIFICATE OF SERVICE

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

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

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

Steve Schaefer
10987 Innisbrooke Lane
Fishers, IN 46037

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

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

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

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

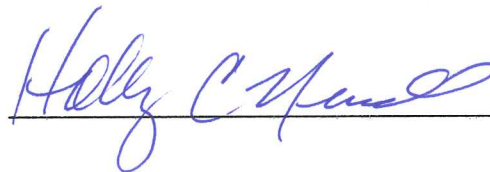


Exhibit A

Heddington, Sam

Laur, Michael

Weatherwax, Thomas K

Leist, Jim

Hopper, Ashley

Wilson, Kurt

Thompson, Randy

Keeler, John

Duke, Vickie

Engel, Ted

STATE OF INDIANA
BEFORE THE INDIANA HORSE RACING COMMISSION

2013 OCT -2 A 10: 50

IN RE:

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

INDIANA HORSE RACING COMMISSION

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

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

NOTICE OF HEARING

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

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

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

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

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

PRE-HEARING ORDER

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

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

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

II. Application Process Time Line.

a. Hearing Date and Time.

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

b. Amendments to Applications.

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

c. Report of the Commission Staff.

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

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

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

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

e. Witness and Exhibits Lists of Applicant.

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

f. Request for Official Notice.

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

g. Issuance of Subpoenas.

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

III. Matters Relating to the Conduct of the Hearing.

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

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

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

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

b. Hearing to be Conducted under Oath.

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

c. Staff Review and Presentation of Findings.

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

d. Application Hearing Time Schedule.

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

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

Rebuttal and Final Statement

Up to 5 minutes

e. Chairman to Rule on Procedural Issues.

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

f. Commission Free to Ask Questions.

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

g. Individuals Requesting Time to Speak to the Application.

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

IV. Notice of Pre-Hearing Order.

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

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

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



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

CERTIFICATE OF SERVICE

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

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

Thomas Weatherwax
3012 Woodland Drive
Logansport, IN 46947

Steve Schaefer
10987 Innisbrooke Lane
Fishers, IN 46037

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

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

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

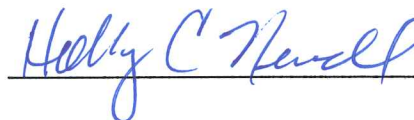


Exhibit A

Heddington, Sam

Laur, Michael

Weatherwax, Thomas K

Leist, Jim

Hopper, Ashley

Wilson, Kurt

Thompson, Randy

Keeler, John

Duke, Vickie

Engel, Ted

STATE OF INDIANA
BEFORE THE INDIANA HORSE RACING COMMISSION

2013 OCT -2 A 10:47

IN RE:

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

INDIANA HORSE RACING COMMISSION

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

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

NOTICE OF HEARING

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

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

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

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

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

PRE-HEARING ORDER

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

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

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

II. Application Process Time Line.

a. Hearing Date and Time.

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

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

c. Report of the Commission Staff.

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

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

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

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

e. Witness and Exhibits Lists of Applicant.

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

f. Request for Official Notice.

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

g. Issuance of Subpoenas.

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

III. Matters Relating to the Conduct of the Hearing.

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

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

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

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

b. Hearing to be Conducted under Oath.

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

c. Staff Review and Presentation of Findings.

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

d. Application Hearing Time Schedule.

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

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

e. Chairman to Rule on Procedural Issues.

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

f. Commission Free to Ask Questions.

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

g. Individuals Requesting Time to Speak to the Application.

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

IV. Notice of Pre-Hearing Order.

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

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

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



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

CERTIFICATE OF SERVICE

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

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

Thomas Weatherwax
3012 Woodland Drive
Logansport, IN 46947

Steve Schaefer
10987 Innisbrooke Lane
Fishers, IN 46037

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

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

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

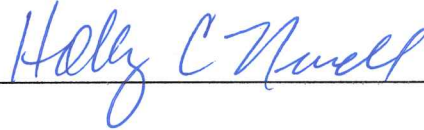


Exhibit A

Heddington, Sam

Laur, Michael

Weatherwax, Thomas K

Leist, Jim

Hopper, Ashley

Wilson, Kurt

Thompson, Randy

Keeler, John

Duke, Vickie

Engel, Ted

STATE OF INDIANA
BEFORE THE INDIANA HORSE RACING COMMISSION

IN RE:

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

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

This matter comes before the Indiana Horse Racing Commission (hereinafter “the Commission”) on an Application for Approval as a Registered Horsemen’s Association Pursuant to 71 IAC 13-1-1 *et seq.* for the calendar year 2014 [hereinafter “the Application”], submitted by the Indiana Standardbred Association (hereinafter “the Applicant” or “ISA”) on or about September 3, 2013¹. The Commission, by its Chair, issues this notice and order pursuant to the provisions of the Indiana Administrative Orders and Procedures Act, Indiana Code sections 4-21.5-1-1 *et seq.*:

NOTICE OF HEARING

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

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

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

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

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

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

PRE-HEARING ORDER

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

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

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

II. Application Process Time Line.

a. Hearing Date and Time.

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

b. Amendments to Applications.

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

c. Report of the Commission Staff.

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

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

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

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

e. Witness and Exhibits Lists of Applicant.

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

f. Request for Official Notice.

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

g. Issuance of Subpoenas.

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

III. Matters Relating to the Conduct of the Hearing.

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

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

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

b. Hearing to be Conducted under Oath.

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

c. Staff Review and Presentation of Findings.

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

d. Application Hearing Time Schedule.

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

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

Testimony of Interested Persons
And Organizations

Up to 10 minutes

Rebuttal and Final Statement

Up to 5 minutes

e. Chairman to Rule on Procedural Issues.

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

f. Commission Free to Ask Questions.

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

g. Individuals Requesting Time to Speak to the Application.

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

IV. Notice of Pre-Hearing Order.

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

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

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



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

CERTIFICATE OF SERVICE

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

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

Thomas Weatherwax
3012 Woodland Drive
Logansport, IN 46947

Steve Schaefer
10987 Innisbrooke Lane
Fishers, IN 46037

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

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

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

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



Exhibit A

Heddington, Sam

Laur, Michael

Weatherwax, Thomas K

Leist, Jim

Hopper, Ashley

Wilson, Kurt

Thompson, Randy

Keeler, John

Duke, Vickie

Engel, Ted

STATE OF INDIANA
BEFORE THE INDIANA HORSE RACING COMMISSION

IN RE:

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

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

NOTICE OF HEARING

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

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

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

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

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

PRE-HEARING ORDER

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

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

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

II. Petition Process Time Line.

a. Hearing Date and Time.

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

b. Amendment to Petition.

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

c. Report of the Commission Staff.

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

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

III. Matters Relating to the Conduct of the Hearing.

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

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

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

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

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

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

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

IV. Notice of Pre-Hearing Order.

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

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

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



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

CERTIFICATE OF SERVICE

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

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

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

Steve Schaefer
10987 Innisbrooke Lane
Fishers, IN 46037

Chris Duke
QHRAI
PO Box 254
Whiteland, IN 46184

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

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

Thomas Weatherwax
3012 Woodland Drive
Logansport, IN 46947

Robin Babbitt
Phil Bayt
Ice Miller
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Indianapolis, IN 46204

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

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

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

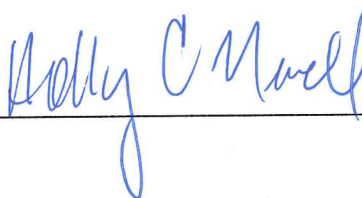


Exhibit A

Heddington, Sam

Laur, Michael

Weatherwax, Thomas K

Leist, Jim

Hopper, Ashley

Wilson, Kurt

Thompson, Randy

Keeler, John

Duke, Vickie

Engel, Ted