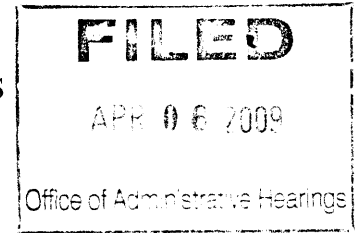


COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
OFFICE OF ADMINISTRATIVE HEARINGS  
FILE NO. HRA-29424-047 (suspension order)  
and HRA-29425-047 (failure to cooperate)



KENTUCKY HORSE RACING COMMISSION

PLAINTIFF

VS.

**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND RECOMMENDED REPORT**

DR. RODNEY STEWART

DEFENDANT

\* \* \* \* \*

This matter is a consolidated appeal of two orders of the Stewards of the Commission. The primary issue involves stewards rulings dated September 17, 2007, pertaining to Dr. Rodney Stewart's possession of prohibited substances, mislabeled medications, and other matters. The other order is entitled Suspension Order of Chief State Steward dated August 16, 2007, and relates to the failure by Dr. Stewart to cooperate in a Commission investigation. A hearing was held on December 3 and 9, 2008. The Commission Staff was represented by Hon. Robert M. Watt, Lynn Sowards Zellen and John Forgy. Dr. Stewart was represented by Hon. Michael D. Meuser and Karen Murphy.

The hearing for these appeals was commenced on Wednesday, December 3, 2008. Proof was taken from ten witnesses, and by agreement of the parties, the testimony of the remaining witness, Don Kolioutas, was scheduled to be taken at 9:00 a.m. on Tuesday, December 9, 2008 at the offices of counsel for the Kentucky Horse Racing Commission. The parties also requested they be given an opportunity to file post-hearing briefs and proposed findings after the transcript is filed for these appeals, and reached agreement on the schedule for those briefs. Although the

record was scheduled to close on February 10, 2009, Stewart's motion for leave to file a Sur-Reply was granted, and the pleadings from both parties concerning the sur-reply were made part of the record, which was then closed and submitted as of the February 19, 2009 filing date of the motion.

KRS 13B.110(1) mandates that the hearing officer shall issue findings of fact, conclusions of law and a recommended disposition from the hearing, including recommended penalties within 60 days of the date the record is closed, or no later than April 20, 2009, since no 30-day extension was requested pursuant to KRS 13B.110(2)-(3).

Although there was a long period of noncompliance, between the two December, 2008 hearing dates, Dr. Stewart did finally comply with the Commission's orders, and produced the sought computer records. Therefore, the Commission stated on the record during the hearing that it would be withdrawing its order of suspension for failure to cooperate, which is the basis for Stewart's appeal of the August 16, 2007, Order (File No. HRA-29425-047). Based on the Commission's withdrawal of its order of suspension for failure to cooperate, this decision finds the appeal HRA-29425-047 of that suspension is moot. Therefore, this recommended decision's remaining responsibility is to address the September 17, 2007, Stewards' Rulings (File No. HRA-29424-047).

Preliminary matters were addressed in an October 2, 2008 order, including an order denying the Kentucky Horse Racing Commission's motion to strike, an order denying Stewards' motion for a hearing before the Kentucky Horse Racing Commission, an order denying Stewards' motion to dismiss for failure to provide prompt post-suspension hearing, an order denying Stewards' motion for a hearing before the Kentucky Horse Racing Commission, an order denying Stewards' motion to dismiss for lack of jurisdiction, and an order denying Stewards' motion to

dismiss the cobra venom violations based on vagueness. Those orders are incorporated into this recommended decision.

### **FINDINGS OF FACT**

1. This appeal arises from the September 17, 2007, Stewards' Rulings, which followed an August 28, 2007, hearing before the Stewards concerning nine alleged violations of Commission regulations by Dr. Stewart: possession at a location under the Commission's jurisdiction of prohibited substances, cobra venom and Carbidopa and Levodopa, and five mislabeled medications; and failure to report violations of Commission regulations by Patrick Biancone.

2. The Stewards found that Dr. Stewart had violated Commission regulations in each instance and suspended his license to practice veterinary medicine at Kentucky race tracks for four years for possession of cobra venom and one year for possession of Carbidopa and Levodopa, the suspensions to run consecutively. He was also suspended for periods ranging from 15 to 30 days for the mislabeling violations and the failure to report Mr. Biancone's violations, the suspensions to run concurrently with the four-year suspension. Dr. Stewart has not pursued in this appeal the mislabeling violations or the failure to report violations.

3. During the hearing, Dr. Stewart did not dispute the facts about where the cobra venom and other items were found during the inspection, although he testified he was not using them on any horses in training, and also claimed he did not know he possessed them. A nerve agent such as cobra venom deadens a horse's nerve sensations to pain, and cuts off a warning sign to the horse that it is having a problem. Without such warnings, a horse would race beyond its physical ability, with potentially catastrophic results.

4. Dr. Stewart resides in Saratoga Springs, New York, and is a veterinarian. (Transcript of Evidence "T.E." 188). On June 22, 2007, he was licensed by the Commission to practice veterinary medicine at race tracks in Kentucky. (T.E. 193).

5. On June 22, 2007, investigators of the Kentucky Horse Racing Authority<sup>1</sup> conducted searches of three barns at Keeneland Race Course in Lexington, Kentucky, at which Patrick Biancone stabled Thoroughbred race horses, and Dr. Stewart's vehicle, which was located at one of the barns. (Exh. 7-8; T.E. 293-294).

6. In Barn 74 at Keeneland Race Course, Commission investigator Don Kolioutas discovered, among other things, the following items: three vials of alpha cobratoxin, one bottle of Ketoconazole tablets, one bottle of Metronidazole tablets, one bottle of an injectable solution labeled "Throat RX," and one bottle of injectable honey-colored solution marked "For Mythical Echo Only." (T.E. 294-295; Exh. 8).

7. The bottles of Ketoconazole tablets and Metronidazole tablets had no prescription labels, the "Throat RX" solution was not labeled for a specific horse, and the injectable honey-colored solution marked "For Mythical Elmo Only" had no prescription label. (Exh. 9).

8. Dr. Stewart admitted that all of the substances discovered at Barn 74, including the alpha cobratoxin, belonged to him. (T.E. 60, 294).

9. Dr. Stewart stated that the three vials labeled "alpha cobratoxin" contained cobra venom. (T.E. 129, 295). He also stated that he had used the cobra venom on a thoroughbred horse prior to June 22, 2007. (T.E. 151).

10. At Barn 14 at Keeneland Race Course, Commission investigator Jim Cain discovered a bottle labeled "Carbidopa and Levodopa" in Dr. Stewart's vehicle. (Exh. 7) Dr.

---

<sup>1</sup> In 2008, the name of the Kentucky Horse Racing Authority was changed to "Kentucky Horse Racing Commission." References herein to the Kentucky Horse Racing Authority and the Kentucky Horse Racing Commission will be to the "Commission."

Stewart admitted that the bottle contained Carbidopa and Levodopa and that it belonged to him. (T.E. 150, 207, 226).

11. Dr. Mary Scollay, the Commission's equine medical director, testified that the administration of cobra venom to a horse could be exceedingly dangerous because of its ability to eliminate the sensation of pain for the horse. Since pain is a protective device, if it is eliminated the horse would overreach its body's limits, which could cause a breakdown of the horse and ensuing injury to the rider. (T.E. 106-108). Chief State Steward John Veitch, a Hall of Fame trainer with 28 years' experience, testified that the administration of cobra venom to a horse could lead to a catastrophic breakdown involving the horse and jockey. (T.E. 141-142). Dr. Stewart's witness, Dr. Benjamin L. Bealmer, testified that there is the potential for catastrophic injury if cobra venom is administered to a structurally unsound horse. (T.E. 258-259). None of Dr. Stewart's witnesses were willing to testify in support of using cobra venom for a horse training for a race.

12. Dr. Scollay testified that cobra venom has not been approved by the U.S. Food and Drug Administration for use in either animals or humans. (T.E. 108-109).

13. Dr. Scollay testified that Carbidopa and Levodopa are combined in tablets and used to treat Parkinson's Disease in humans. (T.E. 109). She knew of no therapeutic use for Carbidopa and Levodopa in horses. Id. Dr. Scollay was aware of no literature that describes the effect of Carbidopa and Levodopa on horses. (T.E. 111). However, she testified that, when used in humans, it increases heart rate, increases cardiac output, and increases the rate of respiration. She said that excessive use in humans has been associated with the development of belligerent and even psychotic behavior. Id.

14. Snake venom, Carbidopa and Levodopa are Class 2 substances under the Association of Racing Commissioners International, Inc. ("RCI") Uniform Classification Guidelines for Foreign Substances. (Exh. 10). In those Guidelines, RCI defines Class 2 substances as follows:

Drugs that have a high potential to affect performance, but less of a potential than drugs in Class 1. These drugs are 1) not generally accepted as therapeutic agents in racing horses, or 2) they are therapeutic agents that have a high potential for abuse. Drugs in this class include: psychotropic drugs, certain nervous system and cardiovascular system stimulants, depressants, and neuromuscular blocking agents. Injectable local anesthetics are included in this class because of their high potential for abuse as nerve blocking agents.

15. Both snake venom and Carbidopa are Class A drugs under the Kentucky Horse Racing Authority Uniform Drug and Medication Classification Schedule (11-05), which was in effect in 2007. (Exh. 30). In that Schedule,

"Class "A" Drugs are those that have no legitimate therapeutic indication in the equine athlete and have not been approved for use in the horse by the US Food and Drug Administration. Their potential to influence performance is high based on their presence in Classes 1, 2 or 3 in Racing Commissioners International Uniform Classification of Foreign Substances."

16. The Keeneland Association is an association licensed by the Commission to conduct horse racing.

17. Barn 74 at Keeneland Race Course is located in an area called "Keeneland Training Center" that is part of the Keeneland Association property at which its race tracks are located. (T.E. 39-40, Exhs. 1-4).

18. Dr. Stewart was asked if he identified any substances he was asked to identify during the track search. In particular, he was asked what he said about a substance of his labeled

RTH. In response, Stewart said "I told them that a fellow had given it to me when I was in South Africa. And it was some medication that they had for bleeding." (T.E. 207).

19. The hearing officer asked a follow-up question about the unknown medication referred to as RTH:

HEARING OFFICER LAYTON: And the other thing, RTH?

DR. STEWART: Uh, huh.

HEARING OFFICER LAYTON: It is an unknown medicine that you got you think from South Africa.

DR. STEWART: I know I got it from South Africa.

HEARING OFFICER LAYTON: You met someone in South Africa?

DR. STEWART: I travel a lot. I went to South Africa. And I was talking to a trainer out there. And, you know, they asked what you do. You are veterinarian. And you talk because, you know, South Africa is a little different in the way they think.

And he was like, well, how do you treat bleeders? And I was like, well, we treat them with Lasix, basically Lasix. He is like, all we use is this stuff called RTF. And I said, well, what is it. And he said, I don't know. But you want a bottle of it. I said, sure. So I have a bottle.

HEARING OFFICER LAYTON: Did you learn what the chemical or pharmacological composition of it was or any—

DR. STEWART: Never knew. Never knew.

(T.E. 239-240).

20. Although the RTH mystery substance is not the basis for Dr. Stewart's suspension, Dr. Stewart testified under oath that as a treating veterinarian, he possessed for use in his veterinary practice an item of an unknown chemical or pharmacological composition that he received from a trainer (not a veterinarian) he had just met in South Africa. Such an approach to veterinary medicine is so fantastic and highly incredible that it sharply reduces the probative value of his remaining testimony, including his testimony on potential mitigating circumstances on the length of suspension.

21. Concerning the mitigating factors, Dr. Stewart also testified that although he brought the bag of medicines which contained the banned substances to the track, he did not know what was in the bag. When asked if he could think of anything that would have prevented him from checking the contents of his own bag of medications, Dr. Stewart responded:

That would be my stupidity. There is no reason I couldn't have looked. But I mean, when you live by yourself and you are living out of a suitease and you go from your rental apartment to the racetrack and back home, and you try to find something to put together to eat. And then you grab a shower and go to bed. (T.E. 224).

22. Dr. Stewart agreed that the bottle of Carbidopa and Levodopa was found in his truck at Barn 14, which is an area of Keeneland that is not on the opposite side of Rice Road. (T.E. 226).

### **CONCLUSIONS OF LAW**

1. Under KRS 230.215, the legislative purpose of KRS Chapter 230 is to bestow the Kentucky Horse Racing Commission with the

power to promulgate administrative regulations prescribing conditions under which all legitimate horse racing and wagering thereon is conducted in the Commonwealth so as to encourage the improvement of the breeds of horses in the Commonwealth, to regulate and maintain horse racing at horse race meetings in the Commonwealth of the highest quality and free of any corrupt, incompetent, dishonest, or unprincipled horse racing practices, and to regulate and maintain horse racing at race meetings in the Commonwealth so as to dissipate

any cloud of association with the undesirable and maintain the appearance as well as the fact of complete honesty and integrity of horse racing in the Commonwealth.”

2. The Kentucky Horse Racing Commission is an independent agency of state government created to regulate the conduct of horse racing and pari-mutuel wagering on horse racing, and related activities within the Commonwealth of Kentucky. KRS 230.225.

3. Under KRS 230.240, the Commission is authorized to promulgate administrative regulations for effectively preventing the use of improper devices, and restricting or prohibiting the use and administration of drugs or stimulants or other improper acts to horses prior to the horse participating in a race.

4. The Commission is vested with jurisdiction and supervision over all persons on association grounds. KRS 230.260(1).

5. All racing licenses are subject to all administrative regulations and conditions as prescribed by the Commission. KRS 230.290(2).

6. Participants in horse racing are required to be licensed by the Commission. KRS 230.310.

7. Licenses granted by the Commission are subject to denial, revocation, or suspension by the Commission in any case where it has reason to believe that any provision of this chapter, administrative regulation, or condition of the Commission affecting it has not been complied with or has been broken or violated. The Commission, in the interest of honesty and integrity of horse racing, may promulgate administrative regulations under which any license may be denied, suspended, or revoked. KRS 230.320(1).

8. If any license is denied, suspended, or revoked after an informal hearing by the stewards or by the authority acting on a complaint or by its own volition, the authority shall grant

the applicant or licensee the right to appeal the decision, and upon appeal, an administrative hearing shall be conducted in accordance with KRS Chapter 13B. KRS 230.320(3).

9. The Commission is authorized to promulgate any reasonable and necessary administrative regulation for the enforcement of the provisions of this chapter and the conduct of hearings held before it. KRS 230.370.

10. KRS 13B.030 authorizes the agency head, in this case, the Kentucky Horse Racing Commission, to exercise all powers conferred on an agency to conduct an administrative hearing, or to delegate those powers to a hearing officer, so long as the agency head does not delegate the power to issue a final order. Subsection 2 allows the agency to contract with another agency, in this case, the Office of Administrative Hearings, for hearing officers.

11. A hearing officer at the appropriate stages of the proceedings, shall give all parties full opportunity to file pleadings, motions, objections, and offers of settlement, and may also give the parties opportunity to file briefs, proposed findings of fact and conclusions of law, and proposed recommended orders. KRS 13B.080.

12. For administrative hearings, findings of fact are based exclusively on the evidence in the record. Evidence may be received in written form if doing so will expedite the hearing without prejudice to the interests of any party. A recommended order may be submitted in written form if there are no genuine issues of material fact in dispute and judgment is appropriate as a matter of law. KRS 13B.090(1)-(4).

13. In all administrative hearings, unless otherwise provided by statute or federal law, the agency (in this case, the Kentucky Horse Racing Commission) bears the burden to show the propriety of a penalty imposed or the removal of a benefit previously granted. KRS 13B.090(7).

14. Stewart's argument that 810 KAR 1:026 Section 25 deprives the Commission of jurisdiction is unsupported by the plain language of the regulation. The obligation is directed toward the licensee racing association, and the reporting required of the licensee is to display structures, piping, fire hydrants, fixed equipment, racing strip, and track composition.

15. Nor does the statutory language in KRS 230.210(9) support the argument that the presence of a road between the barn and the training track somehow eliminate the Commission's authority. The entire definition of "Track" states:

"Track" means any association duly licensed by the Kentucky Horse Racing Authority to conduct horse racing. "Track" shall include any facility or real property that is owned, leased, or purchased by a track within the same geographic area within a sixty (60) mile radius of a track but not contiguous to track premises, upon authority approval, and provided the noncontiguous property is not within a sixty (60) mile radius of another licensed track premise where live racing is conducted and not within a forty (40) mile radius of a simulcast facility, unless any affected track or simulcast facility agrees in writing to permit a noncontiguous facility within the protected geographic area:

16. The parties have cited competing and conflicting case law on the definition of contiguous, none of which was derived from cases concerning the specific statutory definition set forth above. Given that the case law is conflicting and given that it is not clear any of the particular substantive areas of law are most related to the issue of horse racing licensing actions, this decision is not convinced that the case law cited by either side is controlling.

17. The statutory language referring to noncontiguous property envisions a radius of 60 miles. Particularly in light of the legislative purpose behind the Commission, and in light of the fact that the training track used by occupants of Barn 74 are the exact same training facilities used by all other licensees at Keeneland, such statutory language supports the conclusion that the drafters did not intend for "noncontiguous" to apply when the only separation is a public road across which all horses walk to reach the training area.

18. Barns 14 and 74 at Keeneland Race Course are locations under the jurisdiction of the Commission because they are located at a “track” as defined by KRS 230.210(9). 810 KAR 1:018, Section 1(4).

19. Cobra venom is a prohibited substance under the provisions of 810 KAR 1:018, Section 20(1) because its use in a horse may endanger the health and welfare of the horse and the safety of the rider of the horse, in that it may cause a catastrophic breakdown of the horse.

20. Cobra venom is a prohibited substance under the provisions of 810 KAR 1:018, Section 20(2) because it has never been approved for use in humans or animals by the U.S. Food and Drug Administration.

21. Carbidopa and Levodopa is a prohibited substance under the provisions of 810 KAR 1:018, Section 20(1) because its use in a horse may endanger the health and welfare of the horse and the safety of the rider of the horse, in that it has no known therapeutic use in a horse. It can cause increased heart rate, increased cardiac output, and increased the rate of respiration in humans. Further, excessive use in humans has been associated with the development of belligerent and even psychotic behavior.

22. Carbidopa and Levodopa is a prohibited substance under the provisions of 810 KAR 1:018, Section 20(2) because it has never been approved for use in horses by the U.S. Food and Drug Administration. See definition of Class “A” drugs in the Kentucky Horse Racing Authority Uniform Drug and Medication Classification Schedule (11-05). (Exh. 30).

23. Dr. Stewart was in possession of cobra venom and Carbidopa and Levodopa at locations under the jurisdiction of the Commission on June 22, 2007, and thus violated the provisions of 810 KAR 1:018, Sections 20(1) and (2).

24. On June 22, 2007, at a location under the jurisdiction of the Commission, Dr. Stewart was in possession of Ketoconazole tablets and Metronidazole tablets that had no prescription labels, a "Throat RX" solution that was not labeled for a specific horse, and an injectable honey-colored solution marked "For Mythical Elmo Only" that had no prescription label, and thus violated 810 KAR 1:018, Section 14.

25. There is no penalty set forth in Kentucky's racing regulations for violation of 810 KAR 1:018, Sections 20(1) and (2), Section 13, and Section 14(1). Thus, reference must be made to 810 KAR 1:028, Section 9(1), which states: "Upon finding a violation or an attempted violation of the provisions of KRS Chapter 230 relating to Thoroughbred racing or Title 810 KAR, if not otherwise provided for in this administrative regulation, the stewards may impose one (1) or more of the following penalties: . . . ." Subsection (b) provides that the Stewards may "[s]uspend or revoke a person's licensing privileges for a period of not more than five (5) years as may be deemed appropriate by the stewards in keeping with the seriousness of the violation and facts of the case; . . . ." Subsection (d) provides that a suspension may be mitigated by an agreement to pay a fine of not more than \$5000, "as may be deemed appropriate by the stewards in keeping with the seriousness of the violation and the facts of the case." The four-year suspension for possession of cobra venom, the one-year suspension for possession of Carbidopa and Levodopa, the fifteen-day suspensions for labeling violations, and the thirty-day suspension/\$1000 fine for violation of 810 KAR 1:018, Section 15(1) are explicitly within the five-year maximum suspension authority of the Stewards.

26. While the suspensions were long, the length of suspensions is legally supportable. The penalties were imposed in connection with the possession of the most highly dangerous

substances and serious violations of Commission Regulations, which present a catastrophic threat to the safety of both horses and riders.

27. There is an additional and equally compelling legal basis presented in support of the stewards' decision on length of suspension. The Commission (and the stewards acting on its behalf) are charged with nothing less than regulating Kentucky horse racing "of the highest quality and free of any corrupt, incompetent, dishonest, or unprincipled horse racing practices, and to regulate and maintain horse racing at race meetings in the Commonwealth so as to dissipate any cloud of association with the undesirable and maintain the appearance as well as the fact of complete honesty and integrity of horse racing in the Commonwealth". KRS 230.215. Horses which race at tracks in Kentucky are stabled at licensed facilities for a good reason. If a horse giving all appearances of being lame due to pain from an injury is surreptitiously injected with an agent which blocks that pain, regardless of the danger presented by such injection, after the injection, the horse will suddenly be able to race far beyond its apparent ability, which will result in dishonest racing and wagering results.

28. Nor is there any requirement in the regulatory framework for violations under this section that the Commission prove Dr. Stewart had a specific intent to cause such a racing result. There is a good reason for the lack of such a requirement: such a high burden of proof would allow licensees to freely possess medications within the barn that could be freely used for the most dishonest or dangerous of reasons, so long as they were not caught specifically in the act of an illegal injection.

29. Further, as noted in the findings of fact, the claims of mitigating circumstances are severely lacking in credibility. A veterinarian who claims to not know what was in a

medicine in his possession for treating animals lacks credibility. And claims of “stupidity” or “not thinking” (the words chosen by Dr. Stewart) are not a sufficient basis for mitigation.

30. Based on the purposes behind KRS Chapter 230, the above-referenced statutes and regulations, and the lack of mitigating circumstances, the hearing officer finds that the length of suspensions is legally supportable. Deference should be given to the decision of the Stewards as they have demonstrated expertise in the regulation of Thoroughbred horse racing. The penalties issued for the September 17, 2007, Stewards’ Rulings (File No. HRA-29424-047) support the Commission’s mission of ensuring the safety and integrity of racing.

31. As previously noted for the appeal HRA-29425-047, since after a long delay Stewart finally did cooperate, the Commission stated it was withdrawing its order of suspension for failure to cooperate. Because the issue in the appeal HRA-29425-047 is that failure to cooperate, based on the Commission’s withdrawal of the suspension, this decision recommends the appeal HRA-29425-047 be dismissed as moot.

### **RECOMMENDATION**

This decision recommends that the Kentucky Horse Racing Commission adopt the above Findings of Fact and Conclusions of Law, and recommends that the Commission enter a final order affirming the Stewards’ Ruling dated September 17, 2007 for File No. HRA-29424-047, which is the subject of this appeal.


### **NOTICE OF EXCEPTION AND APPEAL RIGHTS**

Pursuant to the authority of KRS 13B.110(4), each party shall have a period of fifteen (15) days from the mailing of this recommended order within which to file exceptions to the recommendations with the agency head, the Executive Director of the Kentucky Horse Racing Commission. A failure to timely file exceptions to this report with the agency head may constitute a waiver of appeal rights to the extent the agency head adopts the recommendations of the Hearing Officer in the agency’s final order. See *Rapier v. Philpot*, 130 SW3d 560 (Ky. 2004).

Pursuant to the authority of KRS 13B.140, all final orders of agencies are subject to judicial review in accordance with the provisions of KRS Chapter 13B. A party shall institute an appeal by filing a petition in the Circuit Court of venue within thirty (30) days after the final order is mailed or delivered by personal service. Some courts, pursuant to the language of KRS 23A.010(4) which requires that an appeal to circuit court be docketed as an original action, require that a summons be served when filing the appeal petition in said Circuit Court.

KRS 230.330 states: Any licensee or any applicant aggrieved by any final order of the authority may appeal to the Franklin Circuit Court in accordance with KRS Chapter 13B.

**DATE OF ORDER: APRIL 6, 2009.**

  
\_\_\_\_\_  
ROBERT LAYFON  
CHIEF HEARING OFFICER  
OFFICE OF ADMINISTRATIVE HEARINGS  
35-36 FOUNTAIN PLACE  
FRANKFORT, KENTUCKY 40601  
TELEPHONE: (502) 564-7312

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing ORDER was, on this 6th day of April, 2009, mailed by first-class mail, postage prepaid to:

RECORDS CUSTODIAN  
KY HORSE RACING COMMISSION  
4063 IRONWORKS PKWY BLDG B  
LEXINGTON KY 40511

HON. ROBERT M WATT, III &  
HON. LYNN SOWARDS ZELLEN  
COUNSEL  
KY HORSE RACING COMMISSION  
STOLL KEENON OGDEN PLLC  
300 WEST VINE STREET STE 2100  
LEXINGTON KY 40507

HON JOHN FORGY  
KY HORSE RACING COMMISSION  
GENERAL COUNSEL  
4063 IRON WORKS PIKE. BLDG B  
LEXINGTON KY 40511

HON. MICHAEL D. MEUSER &  
HON. MICHELLE L. HURLEY  
MILLER, GRIFFIN & MARKS. P.S.C.  
271 WEST SHORT STREET, SUITE 600  
LEXINGTON, KY 40507

HON KAREN MURPHY  
76 PHELPS ROAD  
OLD CHATHAM NY 12136

HON. ROBERT STALLINGS  
239 S. 5TH ST., STE. 414  
LOUISVILLE, KY 40202

  
\_\_\_\_\_  
DOCKET COORDINATOR

h:\common\docs\hra29424\_rr