

**INDIANA HORSE RACING COMMISSION
ADMINISTRATIVE COMPLAINT**

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INDIANA HORSE RACING COMMISSION

INDIANA HORSE RACING COMMISSION
STAFF,

Petitioner

vs.

ADMINISTRATIVE COMPLAINT NO. 214003

DR. ROSS RUSSELL,
Respondent

Before the Hon. Bernard L. Pylitt,
Administrative Law Judge

PETITION FOR REVIEW OF RULING

Respondent, Dr. Ross Russell, by counsel, Peter J. Sacopulos, pursuant to Indiana Code 4-21.5-3-9(d) respectfully petitions the Indiana Horse Racing Commission for a review of the Findings of Fact, Conclusions of Law, and Recommended Order Denying Dr. Ross Russell's Motion to Disqualify Bernard Pylitt as Administrative Law Judge. In support of this Petition, Respondent Russell states:

1. On May 13, 2015, Respondent Russell filed his Motion to Disqualify Administrative Law Judge pursuant to I.C. 4-21.5-3-10. A true and exact copy of Respondent Russell's Motion to Disqualify is attached hereto and marked as Exhibit "A."

2. On June 3, 2015, the Indiana Horse Racing Commission Staff filed its Opposition to Dr. Ross Russell's Motion to Disqualify Administrative Law Judge. A true and exact copy of the Commission Staff's June 3, 2015 filing is attached hereto and marked as Exhibit "B."

3. On June 17, 2015, Respondent Russell filed his Reply to Commission Staff's Opposition to Dr. Ross Russell's Motion to Disqualify Administrative Law Judge. A true and exact copy of Dr. Russell's June 17, 2015 filing is attached hereto and marked as Exhibit "C."

4. On June 19, 2015, Administrative Law Judge Pylitt issued Findings of Fact, Conclusions of Law, and Recommended Order Denying Dr. Ross Russell's Motion to Disqualify Bernard Pylitt as Administrative Law Judge. A true and exact copy of the same is attached hereto and marked as Exhibit "D."

5. Pursuant to I.C. 4-21.5-3-9(d) Respondent Russell timely petitions the Indiana Horse Racing Commission for a review of the June 19, 2015, Findings of Fact, Conclusions of Law, and Recommended Order Denying Dr. Ross Russell's Motion to Disqualify Bernard Pylitt as Administrative Law Judge, a copy of which is attached hereto and identified as Exhibit "D."

6. Pursuant to I.C. 4-21.5-3-9(d) and I.C. 4-21.5-3-28(e) Respondent/Petitioner Russell respectfully requests that the Indiana Horse Racing Commission affords him the opportunity to prepare and file a brief, provided by the cited authority and further requests that the Indiana Horse Racing Commission establish designated dates by which Dr. Russell's brief be filed of

record and additionally respectfully requests to be afforded an opportunity to present oral argument as well as the other opportunities set forth and identified in I.C. 4-21.5-3-28(e)(1-4).

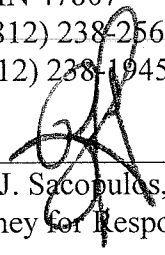
7. The June 19, 2015, Findings of Fact, Conclusions of Law and Recommended Order incorrectly cite I.C. 4-21.5-3-29(d). I.C. 24-21.5-3-29(d) sets forth the requirement for pursuing an objection to an order of an Administrative Law Judge for judicial review and required specific objections be filed within fifteen (15) days of an order from an Administrative Law Judge.

8. I.C. 4-21.5-3-9(d) governs a parties petition/request for review of an order of an Administrative Law Judge by the "ultimate authority" that being the Indiana Horse Racing Commission. I.C. 4-21.5-3-9(d) requires the petitioning party timely request said review within ten (10) days. Dr. Russell is doing so/has done so by timely filing his Petition of the June 19, 2015 recommended order this date June 29, 2015. I.C. 4-21.5-3-9(d) requires the Petitioner, in so timely filing for review, to request a date certain be established by the Commission for the filing/submitting of briefs. Dr. Russell has, as part of this filing, requested a hearing be set pursuant to I.C. 4-21.5-3-28(e) as well as all opportunities afforded a petitioner pursuant to I.C. 4-21.5-3-28(e)(1-4).

WHEREFORE, Respondent and Petitioner, Dr. Ross Russell, prays this Commission issue an order scheduling Dr. Russell's Petition for Review of Ruling for oral argument, establishing a date certain that Respondent/Petitioner Russell's Brief be filed/submitted and further for an order dissolving Administrative Law Judge Pylitt's June 19, 2015 Findings of Fact, Conclusions of Law and Recommended Order Denying Dr. Ross Russell's Motion to Disqualify Bernard Pylitt as Administrative Law Judge and for all other just and proper relief in the premises.

Respectfully submitted,

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By: 
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon the following counsel of record by email and first class U.S. Mail, postage prepaid, this 29th day of June, 2015:

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