



State of Indiana Indiana Horse Racing Commission

Mitchell E. Daniels, Governor

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Federal Court Rules in Favor of Indiana Commission in Daley/Victor Lawsuit

Judge John D. Tinder, of the United States District Court in Indianapolis, has ruled in favor of the Indiana Horse Racing Commission in a lawsuit filed by Noel Daley and Adam Victor and Sons Stable, LLC.

Mr. Daley's application for a trainer's license was refused by the Commission's Executive Director, Joe Gorajec, on August 18, 2006.

In a decision dated August 7, 2007, the Court dismissed all claims against the Commission including the allegations that the Commission deprived Mr. Daley and Victor Stables of their property without due process of law, and that the Commission's action was "in bad faith."

"The Commission has the right and the responsibility to refuse the license of those individuals whose conduct is deemed contrary to the public's interest," said Sarah McNaught, commission chairman. *"We will continue to set a high bar for those who wish to participate in our racing program."*

In August of 2006, Mr. Daley entered four horses to race at Indiana Downs, including a two-horse entry in the \$200,000+ Kentuckiana Stallion Management Stake. However, Mr. Daley did not apply for the required license until the day his horse was scheduled to race.

After review of Mr. Daley's past racing-related infractions, Mr. Gorajec refused Mr. Daley's license application. Mr. Daley's record included a recent settlement with the New Jersey Racing Commission after drugs and drug instruments were confiscated from his barn and stable area. New Jersey suspended Mr. Daley for 270 days, fined him \$20,000, and ordered him to pay an additional \$20,000 to offset the cost of the investigation.

In an affidavit filed with the court, Mr. Gorajec indicated that Mr. Daley's contraband violation was the most "egregious" he had seen in his regulatory career.

(30)