



TEXAS RACING COMMISSION
P.O. BOX 12080
AUSTIN, TEXAS 78711-2080
(512) 833-6699
FAX (512) 833-6907

September 27, 2011

Grey2K USA
PO. Box 442117
Somerville, MA 02144

Attn: Amelia Cook

Re: Request for Ruling on Open Records Request by Grey2K USA

Dear Ms Cook:

The Texas Racing Commission (the "Commission") is in receipt of your request for public information dated September 12, 2011.

The Commission does have documents that are responsive to your request, but some may be confidential under Texas law. Those that are public have been enclosed for your use. Those that may not be have been submitted to the Attorney General's Office for a decision under the Public Information Act. Enclosed is a copy of the Commission's request to the Office of the Attorney General for the decision.

Please call me at (512) 833-6699 if you have any further questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Fenner", with a long horizontal line extending from the end of the signature.

Mark Fenner
General Counsel

Enclosures: Items responsive to open records request
Copy of request for Open Records Decision



TEXAS RACING COMMISSION
P.O. BOX 12080
AUSTIN, TEXAS 78711-2080
(512) 833-6699
FAX (512) 833-6907

September 27, 2011

The Honorable Greg Abbott
Attorney General of Texas
Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

Re: Request for Ruling on Open Records Request by Grey2K USA

Dear General Abbott:

On September 13, 2011, the Texas Racing Commission (the "Commission") received an open records request from Grey2K USA. A copy of the request is enclosed. Although the fax notation indicates September 12, it was transmitted after business hours and not received by agency staff until the next business day. In accordance with section 552.301 of the Texas Government Code, the Commission is seeking a ruling on the request. September 27, 2011, is the 10th business day following the date received.

The requestor has requested any and all documents, photographs, corresponding exhibits, and other information (including video footage) related to greyhound disciplinary rulings and investigations involving Jim Titsworth, Timothy Titsworth, Titsworth Kennels, Premier Enterprises, and Kay Smith. The requestor has also asked that, if any of this information is related to an open investigation, that the Commission notify the requestor and provide the information as soon as it becomes available.

On September 1, 2011, the Commission held an administrative hearing involving Timothy Norbert Titsworth on a charge of violating 16 TAC 311.6(b)(5), Detrimental Practices, by training greyhounds using a live lure. After staff's presentation of the evidence during the hearing, Mr. Titsworth reached an agreed settlement with the racing judges under 16 TAC 307.62(g) and surrendered his license for revocation.

The Commission is providing to the requestor the written documents that were entered into evidence during the hearing and a copy of the hearing tape. However, the Commission declines to release certain information and evidence at this time pending a ruling by the Open Records Division.

The withheld information falls into two categories.

- 1) Certain investigative reports that were provided to the Commission by the Texas Department of Public Safety (DPS) as part of its criminal investigation into Mr. Titsworth's activities, and certain investigative reports that were prepared by the Commission's own licensed peace officers. See Exhibit A. Per § 2.16 of the Texas Racing Act (TRA, Vernon's Rev. Civ. Stat. Ann. § 179e), reports and other documents provided to the Commission by the DPS become part of the investigative files of the Commission. None of the documents in Exhibit A were entered into evidence at the hearing and therefore remain confidential under TRA § 2.15.
- 2) A video of Mr. Titsworth that was shown to the racing judges as part of the administrative hearing. See DVD labeled Exhibit B. This video was provided to the Commission by the Texas DPS as part of its investigative report. The Commission is withholding this video in reliance on TRA §§ 2.15's provision that "The contents of the investigatory files of the commission, however, are not public records and are confidential except in a criminal proceeding or in a hearing conducted by the commission." This type of information was previously considered by the Attorney General's Office in Open Records Decision 548. Although the confidential investigative files considered in ORD 548 did not include a video, the principle in the Decision remains the same: confidential information obtained by the Texas Racing Commission from the Texas Department of Public Safety is confidential by law and not subject to disclosure under the Public Information Act. Such information does not become public, nor is its confidential nature altered simply because it is discussed in an administrative hearing as authorized by TRA § 2.15.

For these reasons, the TRC requests that the Office of the Attorney General find that the set of documents contained in Exhibits A and B be excepted from public disclosure under Texas Gov't Code § 552.101 due to their confidential nature under TRA § 2.15.

In accordance with § 552.301(d)(1) of the Tex. Gov't Code, TRC has notified the requestor that it wishes to withhold the excepted information and is seeking an attorney general ruling. TRC has also sent a copy of this letter to the requestor in accordance with § 552.301(d)(2).

Please call me at (512) 833-6699 if you have any further questions or need additional information.

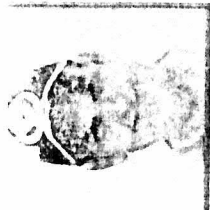
Sincerely,

A handwritten signature in black ink, appearing to read "Mark Fenner", with a long horizontal flourish extending to the right.

Mark Fenner
General Counsel

Enclosures: Copy of Request by Grey2K USA dated September 12, 2011
Exhibit A – DPS Investigatory Files
Exhibit B – Video DVD provided by DPS
Copy of ORD 548
Texas Racing Act § 2.15, 2.16

cc: Amelia Cook, Grey2K USA

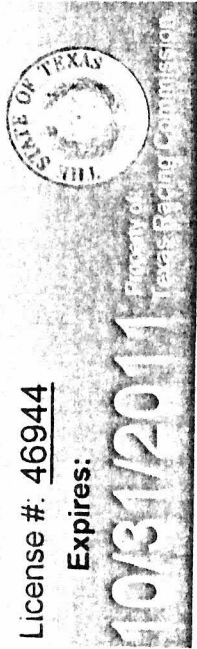


TITSWORTH
TIMOTHY NORBERT
Sex: M
Type: KENNEL OWNR/O-T

License #: 46944

Expires:

10/31/2011



TXRC Witnesses

Terry Field, DPS Agent

Marshall Ray, Cooperating Individual

Dr Ken Quirk, Chief Veterinarian

Johnny Whitley, TXRC Investigator

Possible witness

Jean Cook, TXRC Employee

defense
witnesses

JAMES PARKER
Ray Smith
Jack Feeley

License No. 46944

THE STATE OF TEXAS

VS.

TIMOTHY NORBERT TITSWORTH

§
§
§
§
§

HEARING

TEXAS RACING COMMISSION

MOTION TO DISMISS

BEFORE THE TEXAS RACING COMMISSION:

TIMMY NORBERT TITSWORTH, Respondent moves to dismiss this cause and as grounds shows:

1. **Sec. 3.07. of the Texas Racing Act “Officials of Race Meetings”** states in part:

(a) The commission shall employ all of the judges and all of the stewards for the supervision of a horse race or greyhound race meeting. Each horse race or greyhound race meeting shall be supervised by three stewards for horse racing or by three judges for greyhound racing. ...

(b) The commission shall make rules specifying the authority and the duties of each official, including the power of stewards or judges to impose penalties for unethical practices or violations of racing rules. A penalty imposed by the stewards or judges may include a fine of not more than \$5,000, a suspension for not more than one year, or both a fine and suspension. Before imposing a penalty under this subsection, the stewards and judges shall conduct a hearing that is consistent with constitutional due process. A hearing conducted by a steward or judge under this subsection is not subject to Chapter 2001, Government Code. If, in the opinion of the stewards or judges, the allowable penalties are not sufficient, the stewards or judges may refer the case to the commission for further action.

...

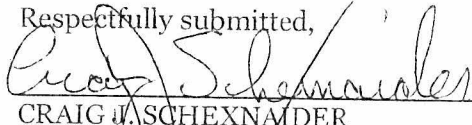
2. **Sec.3.15. of the Texas Racing Act Hearing Requirements.** states in part:

If the commission proposes to suspend, revoke, or refuse to renew a person's license, the person is entitled to a hearing conducted by the State Office of Administrative Hearings. Proceedings for a disciplinary action, other than those conducted by racing stewards or judges, are governed by Chapter 2001, Government Code. Rules of practice adopted by the commission under Section 2001.004, Government Code, applicable to the proceedings for a disciplinary action, other than those conducted by racing stewards or judges, may not conflict with rules adopted by the State Office of Administrative Hearings.

3. In the most recent appellate decision involving the Texas Racing Commission, Texas Racing Commission and Charla Ann King, Executive Director v. Javier Marquez dba J&M Racing and Farm, No. 03-09-00635-CV, Texas Court of Appeals, Third District, it states: "The legislature has provided for the hiring of stewards to supervise horse races." It appears as if this was the argument of the Commission.

4. The incident forming the basis of this hearing was not at a racetrack and per the appellate decision may not be under the purview of the judges. Absolutely, the Act specifically does not give the Racing Judges the power of revocation as this power has been specifically relegated to a SOAH hearing.

Respondent requests that this cause be dismissed.

Respectfully submitted,

CRAIG J. SCHEXNAIDER
Texas State Bar No. 00797385
3280 Delaware
Beaumont, Texas 77703
Phone: 409-899-3360
Fax: 409-899-3372
Email address:
conleyschexnaider@yahoo.com

Attorney for Respondent

License No. 46944

THE STATE OF TEXAS	§	HEARING
	§	
VS.	§	
	§	
TIMOTHY NORBERT TITSWORTH	§	TEXAS RACING COMMISSION

MOTION TO RECUSE

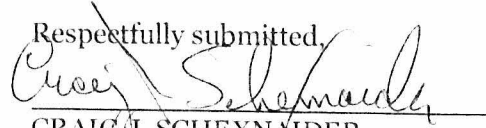
BEFORE THE TEXAS RACING COMMISSION:

TIMMY NORBERT TITSWORTH, Respondent moves to recuse the honorable administrative judges and as grounds shows:

1. These three judges of the Texas Racing Commission suspended Respondent initially. The law does not permit such suspension because this case does not involve an immediate danger to the public health, safety, or welfare as required by Racing Rule 307.62. this appears to have been used to specifically *ex parte* the judges. As a result, the judges were exposed to *ex parte* contact with members of the state authorities. The Administrative Procedure Act prohibits "*ex parte*" contact on the part of the decision makers.
2. Respondent has already been deprived of the opportunity for a full and fair hearing and thus due process by having decision makers who cannot be fair and impartial.
3. The TRC, knowing Mr. Titsworth was represented, filed the suspension on 8/17/11, but did not fax the suspension to Mr. Titsworth's counsel until 4:30 pm on 8/20/11 thereby denying Mr. Titsworth's appeal rights. An appeal must be within 3 days of the suspension. Interestingly, not only was Mr. Titsworth not notified or served with this suspension, but his pictures were put around Gulf Greyhound Park, with orders to Security for him to be arrested and charged with criminal trespass.

Respondent requests that the judges on the panel recuse themselves from any further hearing in Respondent's case.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Craig J. Schexnaider", written over a horizontal line.

CRAIG J. SCHEXNAIDER

Texas State Bar No. 00797385

3280 Delaware

Beaumont, Texas 77703

Phone: 409-899-3360

Fax: 409-899-3372

Email address:

conleyschexnaider@yahoo.com

Attorney for Respondent



TEXAS RACING COMMISSION
P.O. BOX 12080
AUSTIN, TEXAS 78711-2080
(512) 833-6699
FAX (512) 833-6907

August 17, 2011

Craig J. Schexnaider
Conley & Schexnaider, Attorneys at Law
3280 Delaware
Beaumont, TX 77703

Via FedEx #797423288946

Re: Titsworth – Live Lure Training

Dear Mr. Schexnaider:

I have received your request for a copy of the video and other evidence to be used in Mr. Titsworth's hearing, which is scheduled for 1:00 p.m., August 25, 2011, at Gulf Greyhound Park. Enclosed please find a DVD that has on it two video files that will be introduced into evidence at the hearing. I am also enclosing a screenshot of the agency's licensing screen, which shows that Mr. Titsworth is currently licensed by the Commission as a Kennel Owner/Owner-Trainer.

During the hearing, I intend to introduce three witnesses. The first is Harry Marshall Rae, a cooperating individual who made the video. Mr. Rae will provide firsthand testimony as to the contents of the video, the events of that day, and his cooperation with the Department of Public Safety. The second witness is Terry Field, a DPS agent stationed in Bryan, Texas. He will testify as to the criminal investigation he has conducted. Agent Field may have additional documents and photographs that confirm the identity of Mr. Titsworth in the video, and I will provide these to you in advance of the hearing if possible. The third witness is Texas Racing Commission Investigator Johnny Whitley, who conducted an administrative investigation on behalf of the agency.

In regards to your motion for continuance, I would like to talk with you further after you have had an opportunity to review the video and before we approach the racing judges with your motion. Please give me a call tomorrow afternoon or Friday morning and we can discuss whether delay is appropriate and, if so, the timing of the hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Fenner", written over a horizontal line.

Mark Fenner
General Counsel



TEXAS RACING COMMISSION
P.O. BOX 12080
AUSTIN, TEXAS 78711-2080
(512) 833-6699
FAX (512) 833-6907

August 31, 2011

Craig J. Schexnaider
Conley & Schexnaider, Attorneys at Law
3280 Delaware
Beaumont, TX 77703

Via Fax to (409) 899-3372

Re: Titsworth – Live Lure Training

Dear Mr. Schexnaider:

In anticipation of Mr. Titsworth's hearing on September 1, 2011, before the judges at Gulf Greyhound Park, I am notifying you of the following additional witnesses and evidence that I intend to introduce.

I intend to introduce the Commission's Chief Veterinarian, Dr. Ken Quirk, to testify as to the condition of the rabbit and any injuries that are apparent to him from watching the video.

I also intend to introduce the attached transcript of the video. If necessary, I will introduce the transcriber, Jean Cook, to testify as to the method she used to prepare the transcript.

Regarding your request that subpoenas be issued for Executive Director Trout and TXRC Investigator Johnny Whitley, there will be no subpoenas issued. However, Mr. Whitley will be in attendance at the hearing and I reserve the right to call him as a witness as to the conduct of his investigation. Mr. Trout has no personal knowledge of the investigation or of the video recorded incident and will not be available.

Regarding any pre-hearing motions, I am willing to meet with you and the judges in advance of the hearing for them to hear motions that you or I might have.

Regarding Mr. Titsworth's summary suspension and exclusion, I will ask the judges to temporarily, and partially, lift the exclusion for the hearing on September 1 so that Mr. Titsworth may attend and participate. I do not favor allowing Mr. Titsworth access to the backside of the racetrack.

A handwritten signature in black ink, appearing to read "Mark Fenner", with a long horizontal flourish extending to the right.

Mark Fenner
TXRC General Counsel

cc: Gulf Greyhound Park Judges
Daniel Wiseman, Office of the Attorney General



TEXAS RACING COMMISSION
P.O. BOX 12080
AUSTIN, TEXAS 78711-2080
(512) 833-6699
FAX (512) 833-6907

August 31, 2011

Captain Wynn Reynolds
Texas Department of Public Safety
Criminal Investigations Division
6100 Guadalupe, Building E
Austin, TX 78773

Re: Request for Assistance of DPS Agent Field

Dear Captain Reynolds:

On September 1, 2011, the Commission will conduct an administrative hearing into allegations that Timothy Norbert Titsworth, TXRC License #46944, violated Texas Racing Act § 7.04(14) and Commission Rule 311.6(b)(5) by using a live animal as a lure in dog race training, and that such activity or practice is detrimental to the best interests of the public and to the racing industry. DPS Agent Terry Field participated in the criminal investigation of this matter and has valuable information that would assist the Commission in determining the facts of the case. Therefore, the Commission requests the presence and participation of Agent Field at this hearing. The hearing is scheduled for:

Thursday, September 1, 2011, 1:00 p.m.
Gulf Greyhound Park
Conference Room
1000 FM 2004
La Marque, TX 77568

Thank you for your assistance. If the Commission can provide any other information, please call me or our general counsel, Mark Fenner.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Trout", is written over a horizontal line.

Chuck Trout
Executive Director

AGREED SETTLEMENT

This agreement is entered into between the Board of Racing Judges at Gulf Greyhound Park and Timothy Norbert Titsworth, TXRC License 46944.

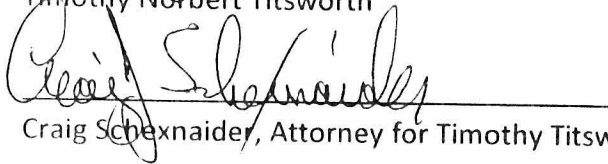
Regarding the alleged violation underlying the rescheduled hearing held on September 1, 2011, Timothy Norbert Titsworth hereby waives his right to the remainder of the hearing initiated on September 1, 2011, surrenders his license for revocation under Texas Racing Act § 13.01(2) and Commission Rule 311.6(b)(4), waives his right to appeal under Commission Rule 307.67, and agrees to be excluded from all racetracks under the Commission's jurisdiction.

Agreed:



Timothy Norbert Titsworth

9/1/11
Date



Craig Schexnaider, Attorney for Timothy Titsworth

9/1/11
Date

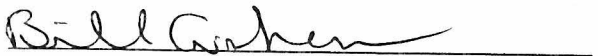
Agreed:

Gulf Greyhound Park Board of Judges



Mike Pelletier, Judge

9-1-11
Date



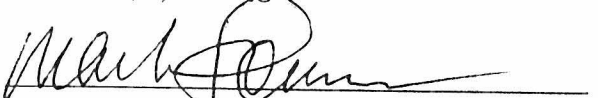
Bill Cuchens, Judge

9-1-11
Date



Tom Campbell, Judge

9/1/11
Date



Mark Fenner, Prosecuting Attorney

9/1/11
Date

Texas Racing Commission
Ruling Report for Licensee

Ruling Date: 09/01/2011 Violation Date: 05/26/2010

Licensee: TIMOTHY NORBERT TITSWORTH DOB: 01/02/1952

Ruling#: GULF979
Status: CLSD

License#	Type	Status
46944	KENNEL OWNR/O-T	REVOKED

Actions	Begin Date	End Date
REVOKED	09/01/2011	

Violation Type MISC.

Redistribute Purse: N

Rules Violated: 13.01 REGULATION BY COMMISSION
311.6 GROUNDS FOR DENIAL, SUSPENSION, AND REVOCATIONS

<u>Fine</u>	<u>Fine Due Date</u>	<u>Fine Paid Date</u>
\$		

Narrative:

A disciplinary hearing was held on September 1, 2011 before the Gulf Greyhound Board of Judges. At that time an agreed settlement was reached between Mr. Titsworth and the Gulf Greyhound Board of Judges. Regarding the alleged violation underlying the hearing held on 09/01/2011 Mr. Titsworth hereby waives his right to the remainder of the hearing, surrenders his license for revocation under Texas Racing Act 13.01(2) and Commission Rule 311.6(b)4, waives his right to appeal under Commission Rule 307.67 and agrees to be excluded from all racetracks under the Commission's jurisdiction.

MICHAEL PELLETIER

THOMAS CAMPBELL

BILL CUCHENS

Texas Racing Commission
Ruling Report for Licensees

Page 1

DRAFT

Ruling Date: 08/17/2011 Violation Date: 05/26/2010
Licensee: TIMOTHY NORBERT TITSWORTH DOB: 01/02/1952

Ruling#: GULF974
Status: CLSD

Licensee	Type	Status
46944	KENNEL OWNER/O-T	SUSPENDED
113993	OWNER-TRAINER	SURRENDER

Actions	Begin Date	End Date
SUSPENDED	08/17/2011	

Redistribute Purse: N

Violation Type CONDUCT

Rules Violated: 307.62 FAILURE TO APPEAR AT HEARING OR SUMMARY SUSPENSION

Fine	Fine Due Date	Fine Paid Date
9		

Narrative:

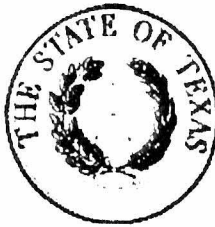
Kennel owner /owner/ trainer Timothy Norbert Titsworth is hereby summarily suspended on 8/17/2011 by the Board of Judges at Gulf Greyhound Park, pending a formal hearing, by the authority of Texas Racing Commission rule 307.62, for detrimental practices of using live animals in training of greyhounds. During his suspension Mr. Titsworth is denied access to all areas under the jurisdiction of the Texas Racing Commission. Greyhounds owned or trained by Mr. Titsworth are denied entry pending transfer to a third party approved by the Board of Judges.

2011 AUG 17 PM 4:17
RECEIVED
TEXAS RACING
COMMISSION

Tom Campbell

Bill G. Lewis

R. L. Lewis



FOR OFFICE USE ONLY			
FEE		CASE NO.	
CK NO.		DATE SERVED	
CLERK		SIGNATURE OF SERVER	

TEXAS RACING COMMISSION

Lone Star Park
1000 Lone Star Parkway
Grand Prairie Texas 75050
www.txrc.state.tx.us

NOTICE OF ALLEGED VIOLATION

August

TIMOTHY NORBERT TITSWORTH, Lic#46944 You are hereby notified that the Board of Stewards/Judges at Gulf Greyhound Park have cause to believe that you have committed a violation of the Texas Racing Act or the Texas Racing Commission's Rules. The following matter(s) are alleged in connection with this proceeding: That on or about May 26, 2010, you violated Texas Racing Act § 7.04(14) and Commission Rule 311.6(b)(5) by knowingly using a live animal as a lure in dog race training, and that such activity or practice is detrimental to the best interests of the public and to the racing industry.

Pursuant to authority granted to the Stewards/Judges in the Texas Racing Act (Vernon's Texas Civil Statutes Art. 179e) and the Texas Racing Commission's Rules (16 Tex. Admin. Code §301.1 et seq.), the Stewards/Judges are authorized to impose the following sanctions. The Stewards/Judges may: revoke or deny your occupational license(s); suspend your occupational license(s) for up to one year; impose a fine of up to \$5,000; or both suspend your occupational license(s) for up to one year and impose a fine of up to \$5,000.

If you elect to exercise your right to a formal hearing, at the hearing you have the right to:

Be represented by counsel.

Call witnesses.

Present a defense.

Cross-examine the witnesses testifying against you.

Make opening and closing statements.

Place an "X" FOR THE OPTION YOU REQUEST IN ORDER TO RESOLVE THIS MATTER:

☐

OPTION 1

REQUEST TO EXERCISE MY RIGHT TO A DISCIPLINARY HEARING ON THE ALLEGED VIOLATION.

Location of Hearing:

GULF GREYHOUND PARK

Date of Hearing: 08/25/2011

Time of Hearing: 1:00 P.M.

SIGNATURE: _____

DATE: _____

☐

OPTION 2

I WAIVE MY RIGHT TO A DISCIPLINARY HEARING, I WAIVE MY RIGHT TO APPEAL UNDER RULE 307.67, I VOLUNTARILY SURRENDER MY LICENSE FOR REVOCATION UNDER RULE 311.6(b)(5), AND I AGREE TO BE EXCLUDED UNDER TEXAS RACING ACT § 13.01 FROM ALL RACETRACKS UNDER THE COMMISSION'S JURISDICTION.

SIGNATURE: _____

DATE: _____

☐

OPTION 3

I WAIVE MY RIGHT FOR A 10 DAY NOTICE FOR A HEARING AND I REQUEST THAT THE HEARING BE HELD AS SOON AS POSSIBLE.

Contact the Stewards/Judges immediately to schedule a hearing date, time and location.

SIGNATURE: _____

DATE: _____

TIMMY TITSWORTH: Let me make sure this squawker squawks.
Hey, Pete, check that squawker right there, make sure it squawks or I'll put mine on.
Now that's (indecipherable) – see how deep that is?

MARSHALL RAY: Yeah.

TIMMY TITSWORTH: It'll pull the guts out of a dog.
(Squawker noise.) That's good. And it's got a rope on it. Here. We don't need the lead. Come here, Pete, and grab... we're gonna take three dogs.

Hear whaling sound for approximately 10 seconds and continues during following dialog.

TIMMY TITSWORTH: Grab those first two.

00:45.0 *Video shows man w/ red cap carrying rabbit over and placing on whirligig.*

UNKNOWN: Alright (indecipherable).

TIMMY TITSWORTH: Hey there puppy.

00:53.8 *Dogs bark at squealing rabbit.*

01:20.5

TIMMY TITSWORTH: Come here, puppy. Nope....get back.

01:27.0 *Hear rabbit and dogs again and see man in black/grey striped shirt walk over and climb fence.*

MARSHALL RAY: (indecipherable)

TIMMY TITSWORTH: Two rounds. And then let them fight it. I don't want to kill him.

GARY WHITE: (indecipherable)

01:34.8 *Hear rabbit and then dogs.*

01:42.2

TIMMY TITSWORTH: Are they looking?

MARSHALL RAY: Yeah.

TIMMY TITSWORTH: Back it up some. Get ready to push.

01:54

TIMMY TITSWORTH: Come on, baby. ... Push it, Gary....(indecipherable).

02:09.8 *Dogs catch rabbit.*

02:16.0 *Begins to pull dogs away from rabbit.*

02:33.5

TIMMY TITSWORTH: Pull her off. Take it away.

2:39.5

MARSHALL RAY: If he ain't happy with that he ain't wanting to buy dogs, right?

TIMMY TITSWORTH: I guess. I would say so. They will fight a lure. That little green muzzled dog
(indecipherable)
That's good enough.

GARY WHITE: (indecipherable) God almighty, he made....(indecipherable).

UNKNOWN: (indecipherable)

MARSHALL RAY: Huh?

GARY WHITE: Nah, this rabbit.

TIMMY TITSWORTH: Get back.

UNKNOWN: (indecipherable)

TIMMY TITSWORTH: Hey, Gary.

GARY WHITE: Yeah.

TIMMY TITSWORTH: Where did you load them at? They didn't get it here. Yeah.

GARY WHITE: Nah. But that third hole right there What?

TIMMY TITSWORTH: Where is the seventh puppy?

GARY WHITE: That second hole right there.

TIMMY TITSWORTH: There's one dog, one dog and one dog. That's six dogs. Where's the seventh one? This way?

GARY WHITE: Those two.

TIMMY TITSWORTH: You get that black one right there.

03:44.9 *Hear rabbit.*

TIMMY TITSWORTH: ... that one there. There's only one dog in this hole.

GARY WHITE: Yeah.

03:49.2 *Hear dogs.*

GARY WHITE: There's the two males there. And the two puppies.

TIMMY TITSWORTH: Aw shoot. What's wrong with me? Hey, hey, leave him. Let's go ahead with those older dogs. He is good.. (indecipherable)

UNKNOWN: (indecipherable)

GARY WHITE: There's those two.

TIMMY TITSWORTH: (indecipherable)

GARY WHITE: It's the two, it's the two, uh....

TIMMY TITSWORTH: I see.

Indecipherable conversation while loading the starting box.

04:12.4 *Hear dogs*

4:29.7

MARSHALL RAY: Man, they want to go.

04:31.7 *Hear rabbit.*

TIMMY TITSWORTH: It's hotter than it looks... (indecipherable).

MARSHALL RAY: Well, all that humidity.

04:52.9

TIMMY TITSWORTH: (indecipherable)

05:05.7 *Dogs catch rabbit.*

TIMMY TITSWORTH: To one side, Pete get out from under your leg.

05:26.2

TIMMY TITSWORTH: Give ... Come here, little girl, how'd you do that?
Huh? Come on. Come on, babies. Come on.

GARY WHITE: Got a little blood, didn't it.

TIMMY TITSWORTH: These might turn out to be some really nice pups, Pete. I hope. (indecipherable).

MARSHALL RAY: They're aggressive.

GARY WHITE: Oh yeah.

TIMMY TITSWORTH: Come on in there. ... I'm going to have to run ole Big Red with these older dogs.

PETE BYNAUM: Uh huh.

TIMMY TITSWORTH: Hey Pete.

PETE BYNAUM: Which one is Red?

TIMMY TITSWORTH: This one right here.

PETE BYNAUM: Uh huh.

TIMMY TITSWORTH: One, two ...

UNKNOWN: Uh huh.

TIMMY TITSWORTH: You get Big Red?

UNKNOWN: Yeah... I did...(indecipherable)

TIMMY TITSWORTH: The one on the back row. Wait a minute. (indecipherable)

Indecipherable conversation loading starting box.

06:50.6

MARSHALL RAY: How many more do you got to do?

TIMMY TITSWORTH: Huh?

MARSHALL RAY: How many more?

06:54.7 *Hear dogs.*

TIMMY TITSWORTH: Two more. This big red brindle is a (indecipherable). These are older dogs. They're supposed to be going to Galveston. I don't have a home for them just now.

MARSHALL RAY: That's terrible when you're too full.

TIMMY TITSWORTH: I love it. I tell you. They're on the farm. The big Brindle, the big Brindle male is fifteen months old.

MARSHALL RAY: Alright.

TIMMY TITSWORTH: And these are like twenty months old. They've been, they've been finished out already. But the whirligig is always good for them. ...

07:29.0 *Release dogs.*

TIMMY TITSWORTH: Come on big boy. (Indecipherable)
Good enough.

07:42.7 *Hear rabbit.*

07:53.7

TIMMY TITSWORTH: Get the white dog, Pete. Come on big fat boy. Come on.

MARSHALL RAY: Well they got him good.

TIMMY TITSWORTH: One more race. Actually twice he(indecipherable)

UNKNOWN: (indecipherable)

08:26.4

TIMMY TITSWORTH: They're doing good. They're ready to go to the track.

UNKNOWN : Yeah, they ready.
UNKNOWN: I think they're ready.
MARSHALL RAY: I do.
UNKNOWN: (indecipherable)
MARSHALL RAY: This the last race?
TIMMY TITSWORTH: This is it. These are older dogs.
MARSHALL RAY: Are you taking their muzzles off? No?
TIMMY TITSWORTH: No. They don't – they don't want us to.
MARSHALL RAY: Oh...
TIMMY TITSWORTH: They just (indecipherable). They've killed enough jackrabbits.
MARSHALL RAY: That one's turned around.
TIMMY TITSWORTH: Good. Pete, go in the front of the box there, bud. (indecipherable).
MARSHALL RAY: He's all right.
(indecipherable)

09:31.6

MARSHALL RAY: Huh?
TIMMY TITSWORTH: Feel the heat.....

09:42.5 *Dogs released.*

TIMMY TITSWORTH: Oww! ... Come on, big boy. Good enough.

09:56.0 *Dogs catch rabbit.*

TIMMY TITSWORTH: (indecipherable)

10:34.3

TIMMY TITSWORTH: Come on, pup. That's it.

MARSHALL RAY: That's it.

TIMMY TITSWORTH: Get in there, boy.

UNKNOWN: (indecipherable)

10:52.0 *Rabbit is removed from whirligig.*

10:53.9

MARSHALL RAY: Timmy, how do I get to 35 from here?

TIMMY TITSWORTH: Uh. To 35?

MARSHALL RAY: Yeah.

TIMMY TITSWORTH: Well you're going to Abilene, right?

MARSHALL RAY: Yeah. Well I'm going that way.

TIMMY TITSWORTH: Your best bet is go right back to Cameron.

MARSHALL RAY: Yeah.

TIMMY TITSWORTH: And, uh, take a right on 77, don't you think, Pete?

PETE BYNAUM: (indecipherable)

TIMMY TITSWORTH: He's going to Abilene.

PETE BYNAUM: You going to Abilene? ... Go, go, go like you came and take 36.

MARSHALL RAY: Okay.

PETE BYNAUM: 36.

TIMMY TITSWORTH: Yeah, you go right, you go right here

MARSHALL RAY: Uh-huh.

TIMMY TITSWORTH: And then you go, when you go out that gate by the track, take a right, and take a right and go all the way and you'll dead end at the highway buddy.

MARSHALL RAY: ... miles, alright.

TIMMY TITSWORTH: Take a right and go all the way, uh, to another dead end at the red light.

MARSHALL RAY: Yeah.

TIMMY TITSWORTH: Take a left. And you can go all the way to Temple to 35.

MARSHALL RAY: Alright.

TIMMY TITSWORTH: Or you can take a right on 77 in Cameron.

MARSHALL RAY: I'll get a hold of this guy this afternoon and have him call you and then you can work out money, alright?

TIMMY TITSWORTH: (indecipherable)

MARSHALL RAY: Alright.

TIMMY TITSWORTH: Well how did they look to you?

MARSHALL RAY: To me, great. Really great. For what he wants, they're real aggressive. They look good. They're not skinny. They drive hard. You guys did good training 'em.

WHITE & BYNAUM: Alright...thank you....thank you...

UNKNOWN: A lot of damn work.

TIMMY TITSWORTH: A lot of jackrabbits. That, these dogs have had seven rabbits in the field.

MARSHALL RAY: Yeah.

TIMMY TITSWORTH: And then they've had about eight on the whirligig.

MARSHALL RAY: Yeah.

TIMMY TITSWORTH: The field and whirligig three or four times.

MARSHALL RAY: Who owns the other ones over there?

TIMMY TITSWORTH: Huh?

MARSHALL RAY: Who owns the other ones, the older dogs?

TIMMY TITSWORTH: Which ones are you talking about?

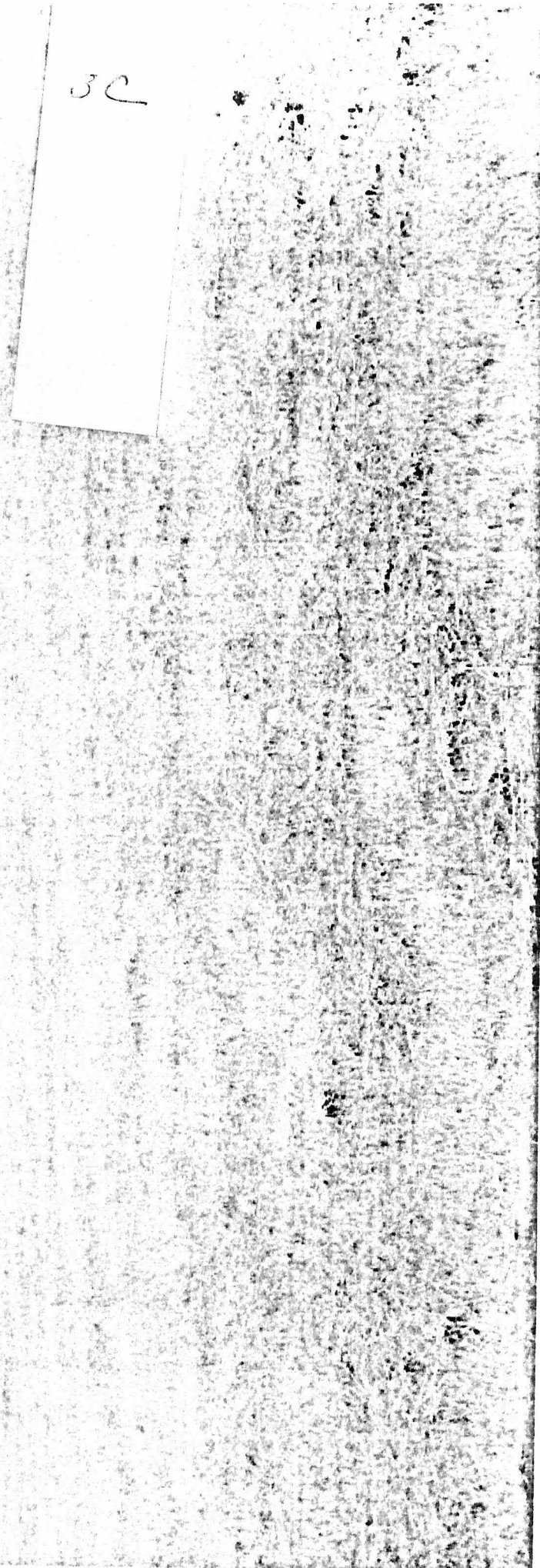
MARSHALL RAY: The older dogs.

TIMMY TITSWORTH: Virgil Hobbs.

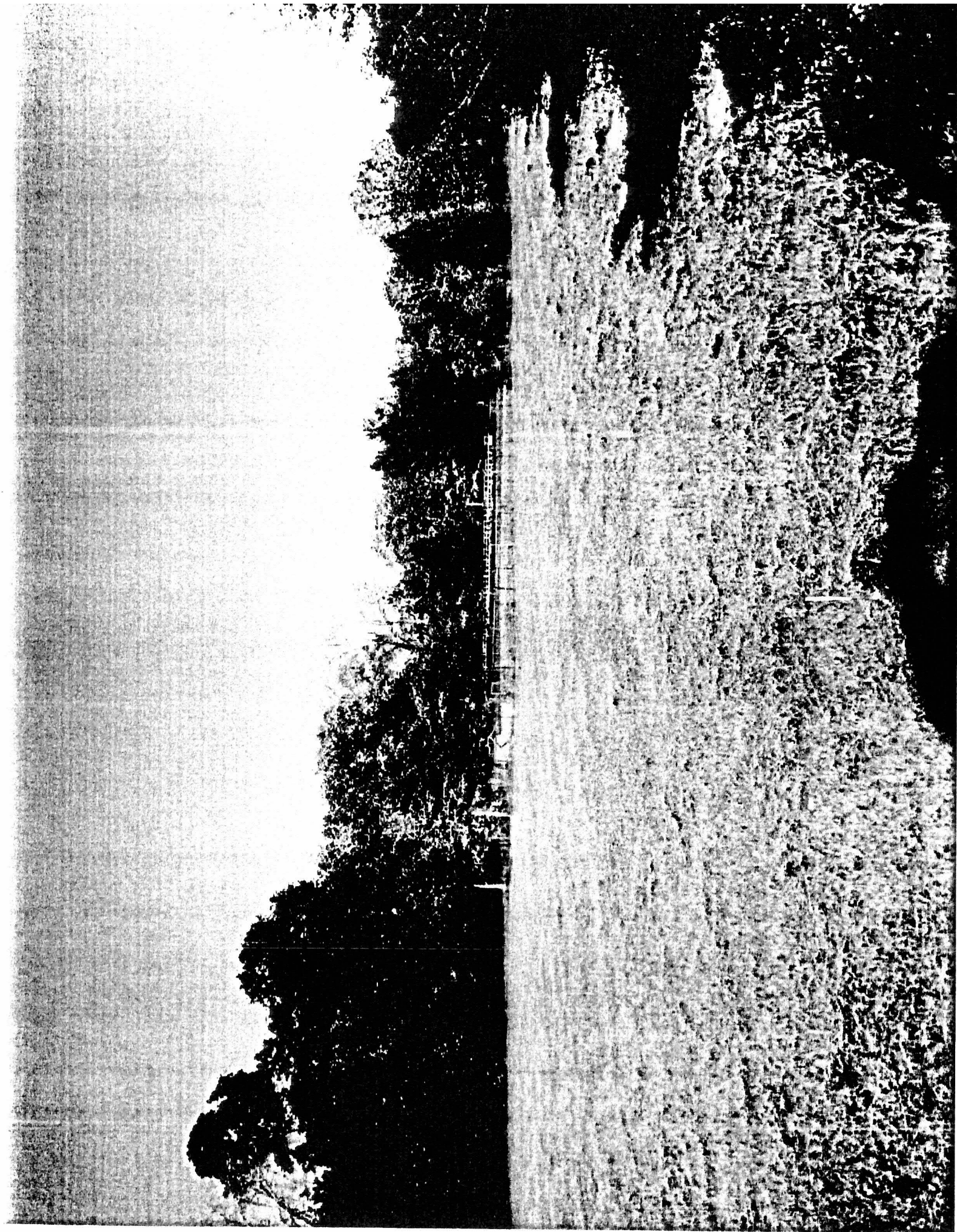
MARSHALL RAY: Oh, okay. He'll be happy with them. They're good.

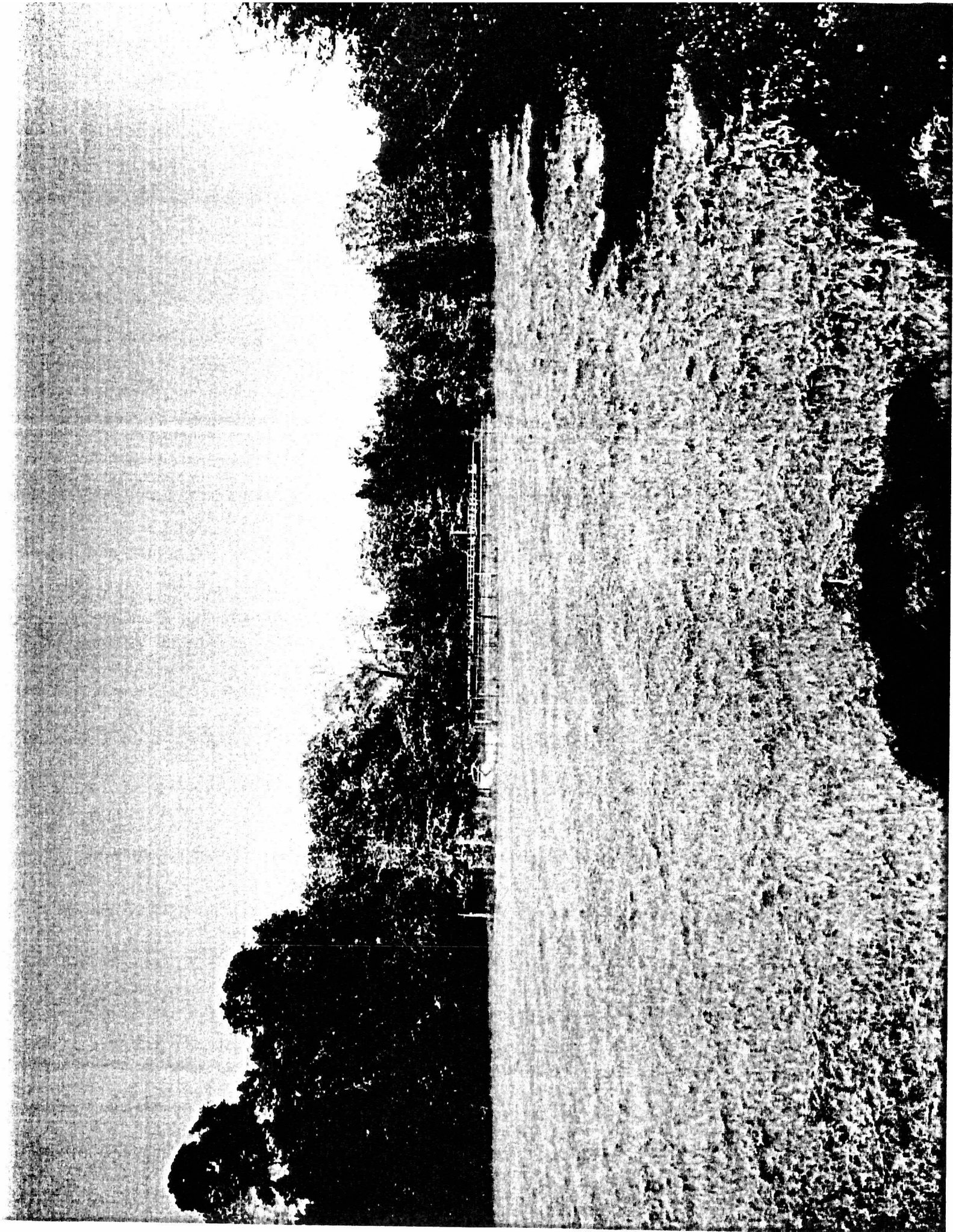
TIMMY TITSWORTH: He ought to be.

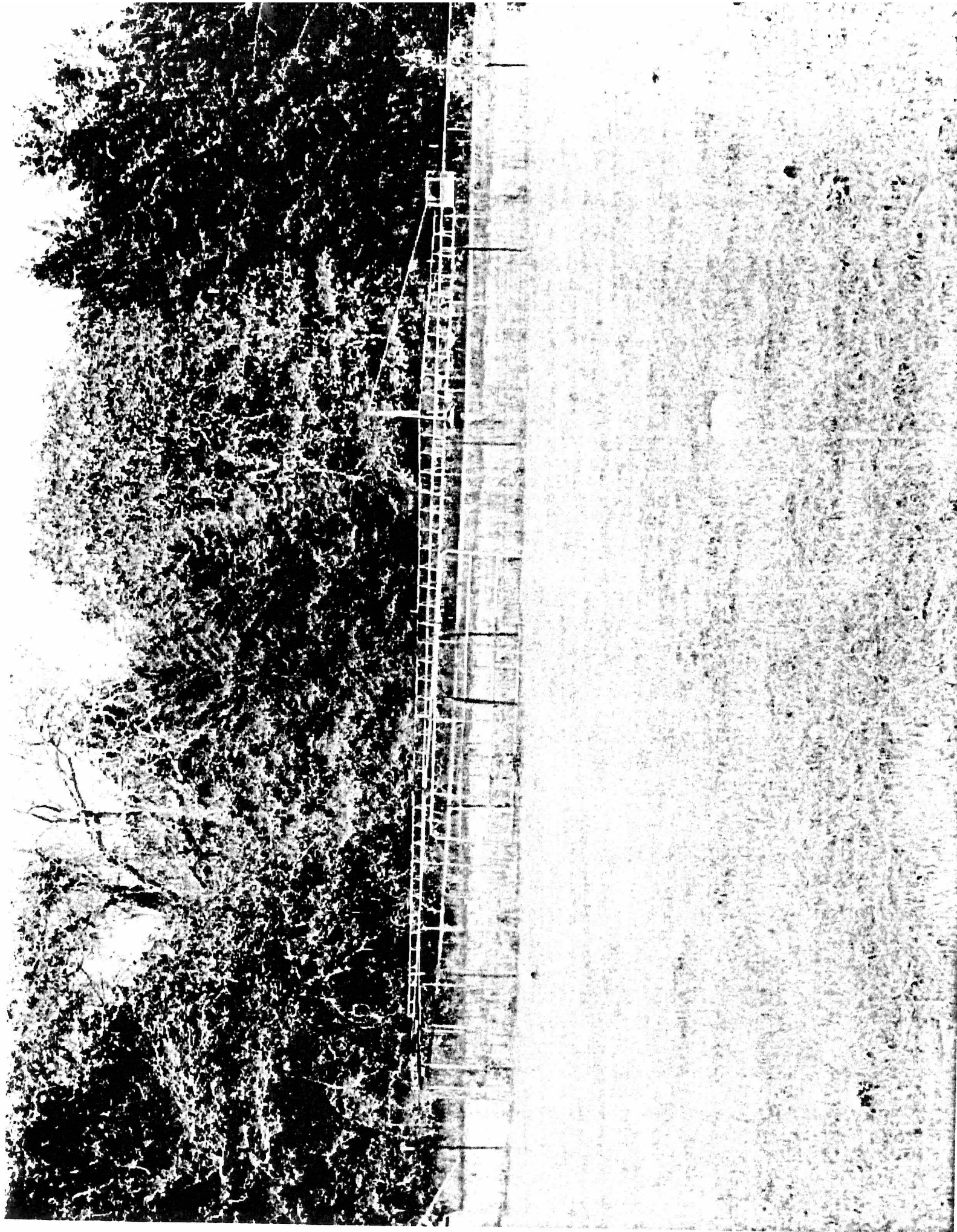
12:24.6 *Recording ends.*



3C







TXRC 10.6
MFENNER

Badge Maintenance

08/04/2011
10:32

Track GULF



License No **27164**

Type 30 ASST TRAIN/OWNER

Expires 12/31/1994

Status EXPD

Name TITSWORTH, TIMOTHY NORBERT

Badge Desc ASST TRAIN/OWNER

Updated Date

☐ Check box to generate revenues

After saving your photo to P:/PHOTOS, query the license record.
Enter 'PHOTOS/license_no.JPG' in the pink name field below, then
press enter. Use uppercase only.

Example for license #5555, enter: /PHOTOS/5555.JPG

Photo File Name

OCLFBADGE

4-D

Zimbra Collaboration Suite

mark.fenner@txrc.state.tx.us

Re: summary suspension

Friday, August 12, 2011 1:48 PM

From: mark.fenner@txrc.state.tx.us

To: mike.pelletier@txrc.state.tx.us

Cc: daniel.wiseman@oag.state.tx.us

Bcc: Gougler@txrc.state.tx.us; chuck.trout@txrc.state.tx.us

Sender: mfenner@txrc.state.tx.us

Mike,

I think that the board of judges is too narrowly defining what constitutes an "immediate danger to the public health, safety or welfare" under Rule 307.62(i). My copy of Black's Law Dictionary (Abridged 5th Edition) defines "public welfare" as:

"The prosperity, well-being, or convenience of the public at large, or of a whole community, as distinguished from the advantage of an individual or limited class. It embraces the primary social interests of safety, order, morals, economic interest, and non-material and political interests. In the development of our civic life, the definition of "public welfare" has also developed until it has been held to bring within its purview regulations for the promotion of economic welfare and public convenience."

The evidence shows that Mr. Titsworth has engaged in egregious, reprehensible, criminal conduct in his pursuit of greyhound racing. His continued participation in racing threatens the morals and economic interests of the entire industry, and the economic welfare of La Marque. Especially after he receives the 10-day hearing notice, his continued presence on the backside threatens the morals of the industry because he will seek support from his peers for this behavior, and he will seek to prevent others from cooperating with the Commission's ongoing investigation. His continued participation and presence threatens the economic interests of the industry by serving as a flash point for those who oppose the industry on principle. It also threatens the economic welfare of La Marque, as the operations of Gulf Greyhound Park itself depend upon the integrity and reputation of its participants. Mr. Titsworth's behavior is likely to severely damage the greyhound industry's reputation and economic outlook unless addressed quickly and appropriately.

So my request, as prosecuting attorney in this case, is that Mr. Titsworth's license be summarily suspended at the same time he is given the 10-day notice for the hearing, which hopefully will be held on August 25. I'm still trying to confirm the availability of the DPS officer.

I am copying Daniel Wiseman on this email since he is serving the board's counsel in this matter. Please feel free to call him at 512/475-4045 if you have questions.

Sincerely,

Mark Fenner

----- Original Message -----

From: "Mike Pelletier" <mike.pelletier@txrc.state.tx.us>

To: "Mark Fenner" <mark.fenner@txrc.state.tx.us>

Sent: Thursday, August 11, 2011 10:19:27 PM GMT -06:00 US/Canada Central

Subject: summary suspension

We have one question about this suspension...it says in the rulebook that is is allowed if the individual is considered an immediate danger to the public not anything else...can you clear that up for us....we have doubts about doing this...thanks....judges ggp.

MODE = MEMORY TRANSMISSION

START=AUG-15 13:13

END=AUG-15 13:14

FILE NO.=525

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	2	12546976963	002/002	00:00:28

-TX RACING COMMISSION -

***** -TX RACING COMM - ***** 512 833 6907- *****



TEXAS RACING COMMISSION
PO Box 12080
Austin, TX 78711
Phone: 512-833-6699
Fax: 512-833-6907

FAX COVER SHEET

DATE: 8/15/11

Total Number of Pages Including this Cover Sheet: 2

To: TIMOTHY NORBERT TITZWORTH (254) 697-6963

From: MARK FENNER, ON BEHALF OF GGP RACING JUDGES

NOTICE: The information contained in this fax is intended solely for the recipient named above and may contain information that is confidential or subject to attorney-client privilege. Review, use, or distribution by or to anyone other than the recipient named is strictly prohibited. If you have received this fax in error, please notify the Texas Racing Commission by telephone immediately.

MESSAGE: ATTACHED IS A HEARING NOTICE FOR
THURSDAY, AUGUST 25, 2011, AT
GULF GREYHOUND PARK.

PLEASE FAX YOUR RESPONSE TO BOTH
(409) 986 9134 AND TO (512) 833-6907.

MODE = MEMORY TRANSMISSION

START=AUG-15 16:16

END=AUG-15 16:17

FILE NO.=529

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK		12546973135	002/002	00:00:41

-TX RACING COMMISSION -

***** -TX RACING COMM - ***** 512 833 6907- *****



TEXAS RACING COMMISSION
PO Box 12080
Austin, TX 78711
Phone: 512-833-6699
Fax: 512-833-6907

FAX COVER SHEET

DATE: 8/15/11

Total Number of Pages Including this Cover Sheet: 2

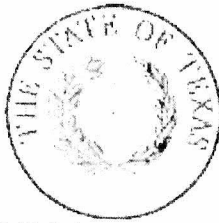
To: TIMOTHY TITSWORTH

From: MARK FENNER, ON BEHALF OF CCRP Judges

NOTICE: The information contained in this fax is intended solely for the recipient named above and may contain information that is confidential or subject to attorney-client privilege. Review, use, or distribution by or to anyone other than the recipient named is strictly prohibited. If you have received this fax in error, please notify the Texas Racing Commission by telephone immediately.

MESSAGE: AS REQUESTED, I AM FAXING THIS HEARING
NOTICE TO YOU AT (254) 697-3135.

PLEASE FAX YOUR RESPONSE TO BOTH
(409) 986-9134 AND TO (512) 833 6907



FOR OFFICE USE ONLY			
FEE		CASE NO.	
CK NO.		DATE SERVED	
CLERK		SIGNATURE OF SERVER	

TEXAS RACING COMMISSION

Lone Star Park

1000 Lone Star Parkway

Grand Prairie Texas 75050

www.txrc.state.tx.us

NOTICE OF ALLEGED VIOLATION

August 15, 2011

TIMOTHY NORBERT TITSWORTH, Lic#46944 You are hereby notified that the Board of Stewards/Judges at Gulf Greyhound Park have cause to believe that you have committed a violation of the Texas Racing Act or the Texas Racing Commission's Rules. The following matter(s) are alleged in connection with this proceeding: That on or about May 26, 2010, you violated Texas Racing Act § 7.04(14) and Commission Rule 311.6(b)(5) by knowingly using a live animal as a lure in dog race training, and that such activity or practice is detrimental to the best interests of the public and to the racing industry.

Pursuant to authority granted to the Stewards/Judges in the Texas Racing Act (Vernon's Texas Civil Statutes Art. 179e) and the Texas Racing Commission's Rules (16 Tex. Admin. Code §301.1 et seq.), the Stewards/Judges are authorized to impose the following sanctions. The Stewards/Judges may: revoke or deny your occupational license(s); suspend your occupational license(s) for up to one year; impose a fine of up to \$5,000; or both suspend your occupational license(s) for up to one year and impose a fine of up to \$5,000.

you elect to exercise your right to a formal hearing, at the hearing you have the right to:

Be represented by counsel.

Call witnesses.

Present a defense.

Cross-examine the witnesses testifying against you.

Make opening and closing statements.

Place an "X" FOR THE OPTION YOU REQUEST IN ORDER TO RESOLVE THIS MATTER:

☐

OPTION 1

I REQUEST TO EXERCISE MY RIGHT TO A DISCIPLINARY HEARING ON THE ALLEGED VIOLATION.

Location of Hearing:

GULF GREYHOUND PARK

Date of Hearing: **08/25/2011**

Time of Hearing: **1:00 P.M.**

SIGNATURE: _____

DATE: _____

☐

OPTION 2

I WAIVE MY RIGHT TO A DISCIPLINARY HEARING, I WAIVE MY RIGHT TO APPEAL UNDER RULE 307.67, I VOLUNTARILY SURRENDER MY LICENSE FOR REVOCATION UNDER RULE 311.6(b)(5), AND I AGREE TO BE EXCLUDED UNDER TEXAS RACING ACT § 13.01 FROM ALL RACETRACKS UNDER THE COMMISSION'S JURISDICTION.

SIGNATURE: _____

DATE: _____

☐

OPTION 3

I WAIVE MY RIGHT FOR A 10 DAY NOTICE FOR A HEARING AND I REQUEST THAT THE HEARING BE HELD AS SOON AS POSSIBLE.

Contact the Stewards/Judges immediately to schedule a hearing date, time and location.

SIGNATURE: _____

DATE: _____

CONLEY ★ SCHEXNAIDER

Craig J. Schexnaider, CPA

Attorneys at Law

William H. Conley, CPA

FACSIMILE TRANSMISSION

TO: Mark Fenner
FAX: 512-833-6907
FROM: Craig J. Schexnaider
DATE: August 16, 2011
Re: Timmy Titsworth
NO. of PAGES: 2
COMMENTS:

THE INFORMATION CONTAINED IN THIS FACSIMILE IS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION WHICH IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, OR REPRODUCTION OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, THE MATERIAL HERewith SHOULD BE DESTROYED IMMEDIATELY AND THE SENDER LISTED ABOVE SHOULD BE NOTIFIED BY TELEPHONE.

(409) 899-3360 3280 Delaware, Beaumont, Texas 77703 Fax (409) 899-3372

2011 AUG 16 PM 3: 59

RECEIVED
TEXAS RACING
COMMISSION

CONLEY ★ SCHEXNAIDER

Attorneys at Law

Craig J. Schexnaider, CPA

William H. Conley, CPA

August 16, 2011

Mr. Mark Fenner, Esquire
Texas Racing Commission
P O Box 12080
Austin, TX 78711

Via fax: 512-833-6907

Re: Timmy Titsworth

Dear Sirs:

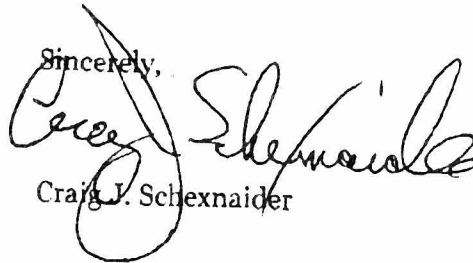
I represent Timmy Titsworth. Per our conversation, please send me the videotape and any other documentation to be used against Mr. Titsworth at the hearing.

After I review the video I will call you.

Please consider this letter as a motion for continuance on this matter as I have only learned about it yesterday.

Thank you for your assistance.

Sincerely,



Craig J. Schexnaider

CJS:ksb

(409) 899-3360 3280 Delaware, Beaumont, Texas 77703 Fax (409) 899-3372



TEXAS RACING COMMISSION
P.O. BOX 12080
AUSTIN, TEXAS 78711-2080
(512) 833-6699
FAX (512) 833-6907

August 17, 2011

Craig J. Schexnaider
Conley & Schexnaider, Attorneys at Law
3280 Delaware
Beaumont, TX 77703

Via FedEx #797423288946

Re: Titsworth – Live Lure Training

Dear Mr. Schexnaider:

I have received your request for a copy of the video and other evidence to be used in Mr. Titsworth's hearing, which is scheduled for 1:00 p.m., August 25, 2011, at Gulf Greyhound Park. Enclosed please find a DVD that has on it two video files that will be introduced into evidence at the hearing. I am also enclosing a screenshot of the agency's licensing screen, which shows that Mr. Titsworth is currently licensed by the Commission as a Kennel Owner/Owner-Trainer.

During the hearing, I intend to introduce three witnesses. The first is Harry Marshall Rae, a cooperating individual who made the video. Mr. Rae will provide firsthand testimony as to the contents of the video, the events of that day, and his cooperation with the Department of Public Safety. The second witness is Terry Field, a DPS agent stationed in Bryan, Texas. He will testify as to the criminal investigation he has conducted. Agent Field may have additional documents and photographs that confirm the identity of Mr. Titsworth in the video, and I will provide these to you in advance of the hearing if possible. The third witness is Texas Racing Commission Investigator Johnny Whitley, who conducted an administrative investigation on behalf of the agency.

In regards to your motion for continuance, I would like to talk with you further after you have had an opportunity to review the video and before we approach the racing judges with your motion. Please give me a call tomorrow afternoon or Friday morning and we can discuss whether delay is appropriate and, if so, the timing of the hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Fenner".
Mark Fenner
General Counsel

**Shipment Receipt
Address Information****Ship to:**

Craig J. Schexnaider
Conley & Schexnaider
3280 DELAWARE ST

BEAUMONT, TX
77703-3718
US
409.899.3360

Ship from:

Mark Fenner
Texas Racing Commission
8505 Cross Park Drive, Suite
110

Austin, TX
78754
US
5128336699

Shipping Information

Tracking number: 797423288946

Ship date: 08/17/2011

Estimated shipping charges: 5.94

Package Information

Service type: Priority Overnight

Package type: FedEx Envelope

Number of packages: 1

Total weight: 1LBS

Declared value: 0.00USD

Special Services:

Pickup/Drop-off: Drop off package at FedEx location

Billing Information

Bill transportation to: My Account-434

Your reference: Carolyn

P.O. no.:

Invoice no.:

Department no.:

Thank you for shipping online with Fedex ShipManager at fedex.com.

Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits. Consult the applicable FedEx Service Guide for details. The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable [FedEx Rates](http://fedex.com/rates) or the FedEx Rate Sheets for details on how shipping charges are calculated.

MODE = MEMORY TRANSMISSION

START=AUG-19 16:44

END=AUG-19 16:45

FILE NO.=620

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	<14>	GULF GH LIC	002/002	00:00:53

-TX RACING COMMISSION -

***** -TX RACING COMM - ***** 512 833 6907- *****



TEXAS RACING COMMISSION
PO Box 12080
Austin, TX 78711
Phone: 512-833-6699
Fax: 512-833-6907

FAX COVER SHEET

DATE: 8/19/11

Total Number of Pages including this Cover Sheet: 2

To: Tom CAMPBELL / GGP Judges

From: MARK FENNER

NOTICE: The information contained in this fax is intended solely for the recipient named above and may contain information that is confidential or subject to attorney-client privilege. Review, use, or distribution by or to anyone other than the recipient named is strictly prohibited. If you have received this fax in error, please notify the Texas Racing Commission by telephone immediately.

MESSAGE: REVISED HEARING NOTICE. I HAVE
FAXED TO SCHENNAIDER

MODE = MEMORY TRANSMISSION

START=AUG-19 16:41

END=AUG-19 16:42

FILE NO.=619

STN NO.	COMM.	ADDR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK		14098993372	003/003	00:00:40

-TX RACING COMMISSION -

***** -TX RACING COMM - ***** 512 833 6907- *****



TEXAS RACING COMMISSION
PO Box 12080
Austin, TX 78711
Phone: 512-833-6699
Fax: 512-833-6907

FAX COVER SHEET

DATE: 8/19/11

Total Number of Pages Including this Cover Sheet: 3

To: Craig Schexnider

From: Mark Feuer

NOTICE: The information contained in this fax is intended solely for the recipient named above and may contain information that is confidential or subject to attorney-client privilege. Review, use, or distribution by or to anyone other than the recipient named is strictly prohibited. If you have received this fax in error, please notify the Texas Racing Commission by telephone immediately.

MESSAGE: As discussed

Let's talk again Monday afternoon

MODE = MEMORY TRANSMISSION

START=AUG-19 16:19

END=AUG-19 16:23

FILE NO.=617

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK		3200911	002/002	00:00:21

-TX RACING COMMISSION

***** -TX RACING COMM - ***** 512 833 6907- *****



TEXAS RACING COMMISSION
PO Box 12080
Austin, TX 78711
Phone: 512-833-6699
Fax: 512-833-6907

FAX COVER SHEET

DATE: 8/19/11

Total Number of Pages Including this Cover Sheet: 2

To: Daniel Wiseman

From: Mark Fenner

NOTICE: The information contained in this fax is intended solely for the recipient named above and may contain information that is confidential or subject to attorney-client privilege. Review, use, or distribution by or to anyone other than the recipient named is strictly prohibited. If you have received this fax in error, please notify the Texas Racing Commission by telephone immediately.

MESSAGE: As discussed



FOR OFFICE USE ONLY			
FEE		CASE NO.	
CK NO.		DATE SERVED	
CLERK		SIGNATURE OF SERVER	

TEXAS RACING COMMISSION

Lone Star Park
1000 Lone Star Parkway
Grand Prairie Texas 75050
www.txrc.state.tx.us

NOTICE OF ALLEGED VIOLATION

August 10, 2011

TIMOTHY NORBERT TITSWORTH, Lic#46944 **You are hereby notified** that the Board of Stewards/Judges at Gulf Greyhound Park have cause to believe that you have committed a violation of the Texas Racing Act or the Texas Racing Commission's Rules. The following matter(s) are alleged in connection with this proceeding: That on or about May 26, 2010, you violated Texas Racing Act § 7.04(14) and Commission Rule 311.6(b)(5) by knowingly using a live animal as a lure in dog race training, and that such activity or practice is detrimental to the best interests of the public and to the racing industry.

Pursuant to authority granted to the Stewards/Judges in the Texas Racing Act (Vernon's Texas Civil Statutes Art. 179e) and the Texas Racing Commission's Rules (16 Tex. Admin. Code §301.1 et seq.), the Stewards/Judges are authorized to impose the following sanctions. The Stewards/Judges may: revoke or deny your occupational license(s); suspend your occupational license(s) for up to one year; impose a fine of up to \$5,000; or both suspend your occupational license(s) for up to one year and impose a fine of up to \$5,000.

you elect to exercise your right to a formal hearing, at the hearing you have the right to:

Be represented by counsel.

Call witnesses.

Present a defense.

Cross-examine the witnesses testifying against you.

Make opening and closing statements.

Place an "X" FOR THE OPTION YOU REQUEST IN ORDER TO RESOLVE THIS MATTER:

<input type="checkbox"/> OPTION 1 I REQUEST TO EXERCISE MY RIGHT TO A DISCIPLINARY HEARING ON THE ALLEGED VIOLATION. HEARING RESCHEDULED FROM 8/25/2011 Location of Hearing: GULF GREYHOUND PARK Date of Hearing: <u>09/1/2011</u> Time of Hearing: <u>1:00 P.M.</u> SIGNATURE: _____ DATE: _____	<input type="checkbox"/> OPTION 2 I WAIVE MY RIGHT TO A DISCIPLINARY HEARING, I WAIVE MY RIGHT TO APPEAL UNDER RULE 307.67, I VOLUNTARILY SURRENDER MY LICENSE FOR REVOCATION UNDER RULE 311.6(b)(5), AND I AGREE TO BE EXCLUDED UNDER TEXAS RACING ACT § 13.01 FROM ALL RACETRACKS UNDER THE COMMISSION'S JURISDICTION. SIGNATURE: _____ DATE: _____	<input type="checkbox"/> OPTION 3 I WAIVE MY RIGHT FOR A 10 DAY NOTICE FOR A HEARING AND I REQUEST THAT THE HEARING BE HELD AS SOON AS POSSIBLE. Contact the Stewards/Judges immediately to schedule a hearing date, time and location. SIGNATURE: _____ DATE: _____
--	--	--

CONLEY ★ SCHEXNAIDER

Craig J. Schexnaider, CPA

Attorneys at Law

William H. Conley, CPA

FACSIMILE TRANSMISSION

TO: Mark Fenner
FAX: 512-833-6907
FROM: Craig J. Schexnaider
DATE: August 19, 2011
Re: Timmy Titsworth
NO. of PAGES: 2
COMMENTS:

THE INFORMATION CONTAINED IN THIS FACSIMILE IS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION WHICH IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, OR REPRODUCTION OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, THE MATERIAL HERewith SHOULD BE DESTROYED IMMEDIATELY AND THE SENDER LISTED ABOVE SHOULD BE NOTIFIED BY TELEPHONE.

(409) 899-3360 3280 Delaware, Beaumont, Texas 77703 Fax (409) 899-3372

2011 AUG 19 PM 3: 26

CONLEY ★ SCHEXNAIDER

Attorneys at Law

Craig J. Schexnaider, CPA

William H. Conley, CPA

RECEIVED
TEXAS RACING
COMMISSION

August 19, 2011

Mr. Mark Fenner, Esquire
Texas Racing Commission
P O Box 12080
Austin, TX 78711

Via fax: 512-833-6907

Re: Timmy Norbert Titsworth; License number 46944

Dear Sirs:

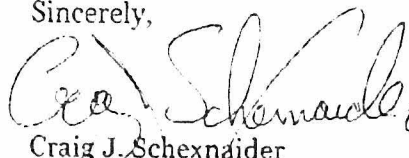
Please accept this letter as a voluntary surrender of the suspended Texas Racing Commission license of Timmy Titsworth.

Mr. Titsworth does not admit or agree that he was using a live animal as a lure in dog race training. Mr. Titsworth understands that he is excluded from all track associations' property per the stewards at Gulf Greyhound Park. Mr. Titsworth understands that he is excluded from all track associations under the Commission's jurisdiction. We have not seen anything formal in this regard and the Commission knows that Mr. Titsworth is represented by counsel.

Mr. Titsworth waives his appeal rights for the pending alleged violation. Mr. Titsworth also waives his rights to a disciplinary hearing for the aforementioned alleged violation.

Thank you for your assistance.

Sincerely,


Craig J. Schexnaider

CJS:ksb

(409) 899-3360 3280 Delaware, Beaumont, Texas 77703 Fax (409) 899-3372

CONLEY ★ SCHEXNAIDER

Craig J. Schexnaider, CPA

Attorneys at Law

William H. Conley, CPA

FACSIMILE TRANSMISSION

TO: Mark Fenner
FAX: 512-833-6907
FROM: Craig J. Schexnaider
DATE: August 23, 2011
Re: Timmy Titsworth
NO. of PAGES: 3
COMMENTS:

THE INFORMATION CONTAINED IN THIS FACSIMILE IS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION WHICH IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, OR REPRODUCTION OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, THE MATERIAL HERewith SHOULD BE DESTROYED IMMEDIATELY AND THE SENDER LISTED ABOVE SHOULD BE NOTIFIED BY TELEPHONE.

(409) 899-3360 3280 Delaware, Beaumont, Texas 77703 Fax (409) 899-3372

2011 AUG 23 PM 3: 41

CONLEY ★ SCHEXNAIDER
Attorneys at Law

Craig J. Schexnaider, CPA

RECEIVED
TEXAS RACING
COMMISSION

William H. Conley, CPA

August 23, 2011

Mr. Mark Fenner, Esquire
Texas Racing Commission
P O Box 12080
Austin, TX 78711

Via fax: 512-833-6907

Re: Timmy Norbert Titsworth; License number 46944

Dear Sirs:

Thank you for the continuance in this matter.

We understand the Texas Racing Commission has decided not to accept Mr. Titsworth's voluntary surrender of his license.

Since Mr. Titsworth's license has been suspended and cannot enter upon the track grounds without being guilty of criminal trespass, please send me a letter removing that suspension for the day of the hearing.

I will have several pre-trial motions on the day of the hearing. Hopefully, we will invoke the rule before the pre-trial matters are discussed with the judges. It might be wise to have the pretrial matters heard by the judges before any public hearing takes place.

Mr. Titsworth is going before the grand jury in Burleson County, Texas today. The District Attorney's office has informed me they have been in contact with the Texas Racing Commission. They told me they were uninformed about the attempted extortion and did not know anything about it.

In my opinion, the Texas Racing Commission is knowingly aiding and abetting an interstate extortionist. Since Mr. Ray has been talking to Sgt. Field and has not told him about the use of the tape (i.e. blackmail), Mr. Ray is probably guilty of obstruction of justice, which is another felony. At your hearing, if Mr. Ray does not tell the truth he would be guilty of perjury, which is an additional felony. I would like to procure the testimony of Mr. Ray.

(409) 899-3360 3280 Delaware, Beaumont, Texas 77703 Fax (409) 899-3372

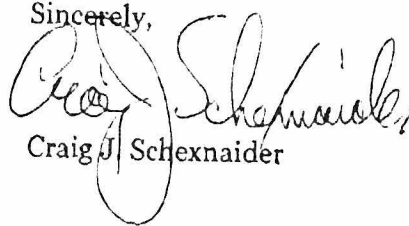
Texas Racing Commission
August 23, 2011
Page 2

As you know, it is almost impossible to get a deposition in a criminal matter.

As you know and is clearly visible on the video on the day of the incident, there was no racing or training taking place. The incident was both requested and staged by Mr. Ray. At one point, Mr. Ray is heard asking Mr. Titsworth to take the muzzles off the dogs. Again, this has nothing to do with dog training and everything to do with inflaming passions. Mr. Titsworth declined and at the end, the jackrabbit was put back in its cage and the next morning was let loose.

Thank you for your assistance.

Sincerely,



Craig J. Schexnaider

CJS:ksb

CONLEY ★ SCHEXNAIDER

Craig J. Schexnaider, CPA

Attorneys at Law

William H. Conley, CPA

FACSIMILE TRANSMISSION

TO: Mark Fenner
FAX: 512-833-6907
FROM: Craig J. Schexnaider
DATE: August 24, 2011
Re: Timmy Titsworth
NO. of PAGES: 2
COMMENTS:

THE INFORMATION CONTAINED IN THIS FACSIMILE IS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION WHICH IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, OR REPRODUCTION OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, THE MATERIAL HEREWITH SHOULD BE DESTROYED IMMEDIATELY AND THE SENDER LISTED ABOVE SHOULD BE NOTIFIED BY TELEPHONE.

(409) 899-3360 3280 Delaware, Beaumont, Texas 77703 Fax (409) 899-3372

2011 AUG 24 PM 3:28

RECEIVED
TEXAS RACING
COMMISSION

CONLEY ★ SCHEXNAIDER

Attorneys at Law

Craig J. Schexnaider, CPA

William H. Conley, CPA

August 24, 2011

Mr. Mark Fenner, Esquire
Texas Racing Commission
P O Box 12080
Austin, TX 78711

Via fax: 512-833-6907

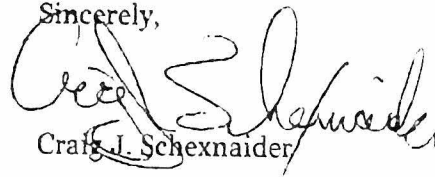
Re: Timmy Norbert Titsworth; License number 46944

Dear Sirs:

Since I have been informed, the Texas Racing Commission has not accepted, and will not accept, Mr. Titsworth's voluntary surrender of his license, please accept this letter as a withdrawal of Mr. Titsworth's voluntary surrender.

Thank you.

Sincerely,


Craig J. Schexnaider

CJS:ksb

(409) 899-3360 3280 Delaware, Beaumont, Texas 77703 Fax (409) 899-3372

CONLEY ★ SCHEXNAIDER

Attorneys at Law

Craig J. Schexnaider, CPA

William H. Conley, CPA

FACSIMILE TRANSMISSION

TO: Mark Fenner
FAX: 512-833-6907
FROM: Craig J. Schexnaider
DATE: August 29, 2011
Re: Timmy Titsworth
NO. of PAGES: 2
COMMENTS:

THE INFORMATION CONTAINED IN THIS FACSIMILE IS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION WHICH IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, OR REPRODUCTION OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, THE MATERIAL HERewith SHOULD BE DESTROYED IMMEDIATELY AND THE SENDER LISTED ABOVE SHOULD BE NOTIFIED BY TELEPHONE.

(409) 899-3360 3280 Delaware, Beaumont, Texas 77703 Fax (409) 899-3372

2011 AUG 29 PM 4:30

CONLEY ★ SCHEXNAIDER

Attorneys at Law

Craig J. Schexnaider, CPA

RECEIVED
TEXAS RACING
COMMISSION
William H. Conley, CPA

August 29, 2011

Mr. Mark Fenner, Esquire
Texas Racing Commission
P O Box 12080
Austin, TX 78711

Via fax: 512-833-6907

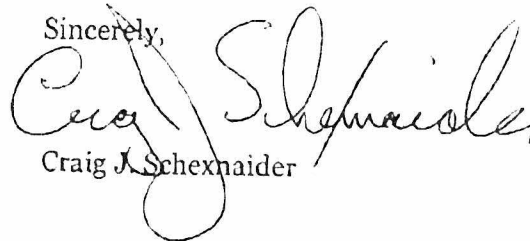
Re: Timmy Norbert Titsworth; License number 46944

Dear Mr. Fenner:

I would like to have subpoenas issued for Charles Trout and John Whitley for their attendance at the hearing for Timmy Titsworth on September 1, 2011 at 1:00 p.m.

Thank you.

Sincerely,


Craig J. Schexnaider

CJS:ksb

(409) 899-3360 3280 Delaware, Beaumont, Texas 77703 Fax (409) 899-3372

CONLEY ★ SCHEXNAIDER

Craig J. Schexnaider, CPA

Attorneys at Law

William H. Conley, CPA

FACSIMILE TRANSMISSION

TO: Mark Fenner
FAX: 512-833-6907
FROM: Craig J. Schexnaider
DATE: August 29, 2011
Re: Timmy Titsworth
NO. of PAGES: 2
COMMENTS:

THE INFORMATION CONTAINED IN THIS FACSIMILE IS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION WHICH IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, OR REPRODUCTION OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, THE MATERIAL HERewith SHOULD BE DESTROYED IMMEDIATELY AND THE SENDER LISTED ABOVE SHOULD BE NOTIFIED BY TELEPHONE.

(409) 899-3360 3280 Delaware, Beaumont, Texas 77703 Fax (409) 899-3372

2011 AUG 29 PM 5:03

CONLEY ★ SCHEXNAIDER

Attorneys at Law

Craig J. Schexnaider, CPA

RECEIVED
TEXAS RACING
COMMISSION

William H. Conley, CPA

August 29, 2011

Mr. Mark Fenner, Esquire
Texas Racing Commission
P O Box 12080
Austin, TX 78711

Via fax: 512-833-6907

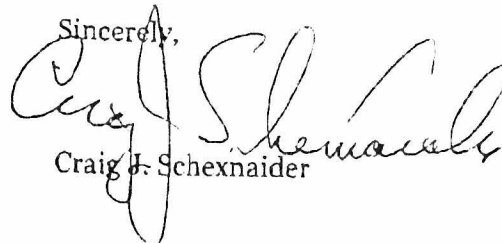
Re: Timmy Norbert Titsworth; License number 46944

Dear Mr. Fenner:

Per our conversation, you stated this hearing is not under the disciplinary action and enforcement rules (TAC, Title 16, Part 8, Chapter 23). Please tell me what rules this action is under.

Thank you.

Sincerely,



Craig J. Schexnaider

CJS:ksb

(409) 899-3360 3280 Delaware, Beaumont, Texas 77703 Fax (409) 899-3372

MODE = MEMORY TRANSMISSION

START=AUG-31 16:27

END=AUG-31 16:29

FILE NO.=604

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK		14098993372	008/008	00:01:14

***** -TX RACING COMM - ***** 512 833 6907- *****



TEXAS RACING COMMISSION
P.O. BOX 12080
AUSTIN, TEXAS 78711-2080
(512) 833-6699
FAX (512) 833-6907

August 31, 2011

Craig J. Schexnaider
Conley & Schexnaider, Attorneys at Law
3280 Delaware
Beaumont, TX 77703

Via Fax to (409) 899-3372

Re: Titsworth - Live Lure Training

Dear Mr. Schexnaider:

In anticipation of Mr. Titsworth's hearing on September 1, 2011, before the judges at Gulf Greyhound Park, I am notifying you of the following additional witnesses and evidence that I intend to introduce.

I intend to introduce the Commission's Chief Veterinarian, Dr. Ken Quirk, to testify as to the condition of the rabbit and any injuries that are apparent to him from watching the video.

I also intend to introduce the attached transcript of the video. If necessary, I will introduce the transcriber, Jean Cook, to testify as to the method she used to prepare the transcript.

Regarding your request that subpoenas be issued for Executive Director Trout and TXRC Investigator Johnny Whitley, there will be no subpoenas issued. However, Mr. Whitley will be in attendance at the hearing and I reserve the right to call him as a witness as to the conduct of his investigation. Mr. Trout has no personal knowledge of the investigation or of the video recorded incident and will not be available.

Regarding any pre-hearing motions, I am willing to meet with you and the judges in advance of the hearing for them to hear motions that you or I might have.

Regarding Mr. Titsworth's summary suspension and exclusion, I will ask the judges to temporarily, and partially, lift the exclusion for the hearing on September 1 so that Mr. Titsworth may attend and participate. I do not favor allowing Mr. Titsworth access to the backside of the racetrack.

Mark Fenner
TXRC General Counsel

cc: Gulf Greyhound Park Judges
Daniel Wiseman, Office of the Attorney General

MODE = MEMORY TRANSMISSION

START=AUG-31 17:11

END=AUG-31 17:16

FILE NO.=790

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	2	14098993372	002/002	00:00:24

-TX RACING COMMISSION -

***** -TX RACING COMM - ***** 512 833 6907- *****



TEXAS RACING COMMISSION
PO Box 12080
Austin, TX 78711
Phone: 512-833-6699
Fax: 512-833-6907

FAX COVER SHEET

DATE: 8/31/11

Total Number of Pages Including this Cover Sheet: 2

To: CRAIG SCHEXNAIDER

From: MARK FENNER

NOTICE: The information contained in this fax is intended solely for the recipient named above and may contain information that is confidential or subject to attorney-client privilege. Review, use, or distribution by or to anyone other than the recipient named is strictly prohibited. If you have received this fax in error, please notify the Texas Racing Commission by telephone immediately.

MESSAGE: ATTACHED IS A MEMO FROM THE
PRESIDING JUDGE ALLOWING TITSWORTH
OUT TO GULF GREYHOUND PARK'S PREMISES.

Location

TxRC Licensing Office – Gulf Greyhound Park
P.O. Box 488
La Marque, TX 77568 - 0488
409-986-7975 Fax 409-986-9134

TEXAS RACING COMMISSION



MEMO

To: Gulf Greyhound Park Security
From: Michael Pelletier, Presiding Judge
Date: 8/31/2011
Subject: Mr. Timothy Titsworth

Please allow Mr. Timothy Titsworth to enter Gulf Greyhound Park on Thursday September 1, 2011. His Summary Suspension is lifted for that day only. He is allowed into the main building only and may not enter the compound area. Thank you for your cooperation in this matter.

Michael Pelletier
Presiding Judge, TXRC

cc:file