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 PAID
 6/21/17
 CASH

**BEFORE THE BOARD OF STEWARDS
 CHARLES TOWN RACE TRACK
 RULING-MEDICATION VIOLATION**

RULING #101

TO: **Owner/Trainer Sharilyn Stephens; Permit #12052**

DOB. 8/29/1959

The Stewards hereby impose the following penalty.

Having waived her right to a hearing regarding a positive sample reported by industrial laboratories, the Board of Stewards find the following:

The official blood sample #E226158 taken from the horse **Denise of Cork** which finished 7th in the 7th race on Friday June 10, 2017, did contain "Clenbuterol" at a concentration level of 4.86 pg/ml. Also, Industrial Laboratories found in the same sample #E226158 "Methocarbamol" at concentration level of 5.35 ng/ml. Ms. Stephens elected not to send a split sample.

WV Rule of Racing 17B-1-49.2.d they are both therapeutic medications which are a class 4 and a class 3 with a class B & C penalty. Ms. Stephens is hereby find (\$500) five hundred dollars for the **Clenbuterol** that being her 1st offense due to mitigating circumstances. She will be assessed 2 points under the multiple medication violation system. In addition Ms. Stephens is fined (\$1,000) one thousand dollars for the **Methocarbamol** positive with that being considered her second offense and will be assessed ¼ point for 2 separate violations in sample.

The Stewards determine the appropriate penalty on a case by case bases considering the mitigating and aggravating factors.

- A. The permit holder past record. Ms. Stephens has no prior medication violations
- B. The potential of the drug to influence the horse's performance. Class 4 & 3 drugs have less of an ability to influence the performance of a racehorse.
- C. The legal availability of the drug. Therapeutic medications are legally available.
- D. Whether there is reason to believe the permit holder knew of the administration of drug or intentionally administered the drug. When asked Ms. Stephens admitted to the administration of the two drugs.
- E. The steps taken by the trainer to safeguard the horse Information not available since she waved her right to a hearing.
- F. The probability of environmental contamination or inadvertent exposure due to human use. No probability.
- G. Purse of the race \$15,500 purse not a factor.
- H. Whether the drug found was one for which the horse was receiving treatment as documented by the treating veterinarian treatment records. Ms. Stephens mentioned she got the veterinarian to treat the horse.
- I. Whether there was any suspicious betting pattern in the race. None.
- J. Whether the trainer was acting under the advice of a veterinarian licensed to practice in West Virginia and holding an occupational permit by the Racing Commission. Ms. Stephens said vet treated horse.
- K. Other factors deemed relevant by the Stewards. The Board of Stewards felt Ms. Stephens was honest and upfront when questioned and has no prior record.

Therefore Ms. Stephens will be fined a total of (\$1500.00) fifteen hundred dollars. Serve a 15 day suspension starting Sunday June 25, 2017 through and including Sunday July 9, 2017. She will be assessed 2 ¼ points and the horse **Denise of Cork** is disqualified from all purse money.

The order of finish is as follows

1st Golack

2nd Charitable Vow

3rd Gemini Dream

4th Windsor's Sunshine

5th Blue Ridge Mist

6th Snickerdoodle

All fines are to be paid within (7) days of imposition as per West Virginia Rule of racing 178-1-8.5.n.

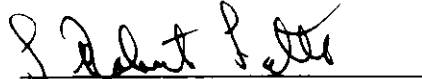
You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of the ruling and must include a security fee in the amount of \$500.00.

Dated: JUNE 23, 2017

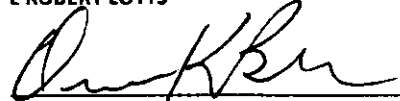
BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



L ROBERT LOTTS



DENVER K BECKNER

PAID 9/16/17 QC
218728

BEFORE THE BOARD OF STEWARDS
CHARLES TOWN RACE TRACK
RULING-MEDICATION VIOLATION

RULING #102

TO: **Owner/Trainer Ronney W. Brown;**

Permit #10764

On **June 22, 2017**, the Board of Stewards offered a hearing to **Owner/Trainer, Ronney W. Brown** to which he waived his right to a hearing, regarding allegations set forth in Notice of Hearing issued **June 20, 2017**.

The Stewards hereby find the following: The official blood sample **#E226121**, taken on **6/9/17** was reported by Industrial Laboratories, the official testing laboratory, to contain **Methocarbamol** which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for **Methocarbamol** is **1 ng/ml**. Sample **#E226121** contained **5.36 ng/ml** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **four (4)** horse, "**Au Chaunte**", which ran in the **3rd Race on 6/9/17, finishing FIRST**.

Mr. Brown elected not to have a split sample tested.

Pursuant to **178 W. Va. C.S.R. 1, section 24.11.o.**, the Stewards are authorized to take disciplinary action against a permit holder for violating any provision of the Thoroughbred Racing Rule. Pursuant to section **51.1.1a, of the Thoroughbred Racing Rule, 178 W.Va.C.S.R.1**: "The trainer is the absolute insurer of and responsible for the condition of the horses he or she enters in an official workout or a race, regardless of the acts of third parties. If testing or analysis of urine, blood or other bodily substances or tissues prove positive showing the presence of any prohibited drug, medication or substance, the trainer of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined. In addition, the owner of the horse, the foreman in charge of the horse, the groom, and any other person shown to have had the care, attendance of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined."

Pursuant to **178 W. Va. C.S.R. 1, section 49.4.a.2.**, a finding by a Racing Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse, and in the case of a post-race test, was present in the horse's body while it was participating. Prohibited substances included controlled therapeutic medications in excess of established threshold concentrations as set forth in the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule, Version 2.1., contained in Table 178-1 F of the Thoroughbred Racing Rule.

Pursuant to **178 W. Va. C.S.R. 1, Table 178-1 F**, the post-race threshold for **Methocarbamol** is **1 ng/ml** of plasma or serum. Because the amount of **Methocarbamol** found in "**Au Chaunte**" exceeded the acceptable threshold set forth in Table 178-1 F, **Mr. Brown** may be held responsible and his occupational permit disciplined pursuant to **178 W. Va. C.S.R. 1, sections 49.a.1. and 51.1.a.**

The **Methocarbamol** positive in "**Au Chaunte**" is **Mr. Brown's First Offense** for a medication/substance violation carrying a Category C penalty in a 365 day period.

The permit holder has accumulated **0 points** under the multiple medication violation point system. **Mr. Brown** is assessed **1/2 point** for this **Methocarbamol** medication/substance violation pursuant to section **49.3.m. of 178 of W.Va.C.S.R.1.**

The penalty guidelines set forth in **Table 178 1 E** of the Thoroughbred Racing Rule provide a minimum penalty of a \$1,000 fine, for a First Offense Category C at this level of a positive, **Methocarbamol** positive at the level found in "**Au Chaunte**". The Stewards determine the appropriate penalty for the underlying offense on a case by case basis by considering mitigating and aggravating factors. The following is an analysis of the factors set forth in section 49.1 of the Thoroughbred Racing Rule:

1. **(Mitigating) The Permit holders past record:** The permit holder's past record clean with no positives. Therefore, the permit holder's past record is a mitigating factor.
2. **(Mitigating) The potential of the drug to influence the horse's racing performance:** Pursuant to **178 W. Va. C.S.R. 1, section 49.2.d.**, Class 4 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication;

to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it races, and to ensure the integrity of racing so that horse aren't racing under the effect of a medication that could affect performance.]

- 3. **(Mitigating) The legal availability of the drug: Methocarbamol** is legally available.
- 4. **Whether there is reason to believe the permit holder knew of the administration of the drug or intentional administered the drug:** Inasmuch as there was no hearing in this matter it was not established whether or not the permit holder knew of the administration of the drug, or the circumstances under which the drug may have been given. Therefore this factor is not considered in weighing the penalty in this case.
- 5. **The steps taken by the trainer to safeguard the horse:** Inasmuch as there was no hearing in this case it is unknown what efforts the trainer made to ensure that the treatment of the horse with **Methocarbamol** was done within the withdrawal guidelines and dosing specifications set forth in 178 W. Va. C.S.R. 1, Table 178-1 F, so as to avoid a positive. Therefore this factor is not considered in weighing the penalty in this case.
- 6. **The probability of environmental contamination exposure due to human use:** This factor is not applicable to this case.
- 7. **The purse of the race:** The race in question was a **\$5,000 CLAIMING RACE WITH A 10,000 PURSE**. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.
- 8. **Whether the drug found was one for which the horse was receiving a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with **Methocarbamol**. Therefore, this factor is not considered in weighing the penalty in this case.
- 9. **Whether there was any suspicious betting pattern in the race:** There is no evidence of a suspicious betting pattern in this case and therefore, this factor is not considered in weighing the penalty in this case.
- 10. **Whether the trainer was acting under the advice of a veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated with **Methocarbamol** by a veterinarian. Therefore, this factor is not considered in weighing the penalty in this case.

Based on the above, the Stewards hereby impose the following penalty for the underlying offense: **Mr. Brown will be fined \$1,000 dollars. Mr. Brown has accumulated 1/2 point on his record for this Methocarbamol positive.**

The horse "Au Chaunte" is DISQUALIFIED FROM PURSE MONEY.

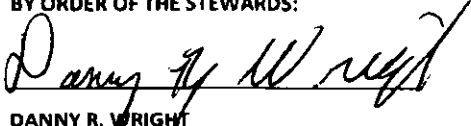
Order of finish is as follows

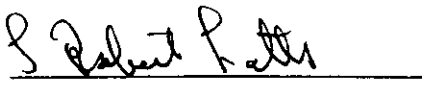
- 1. Lil Escape Artist
- 2. Kyness
- 3. Rosie Brown
- 4. Fair Praise
- 5. Don't Knock Katy


The fine imposed in this ruling shall be paid to the Racing Commission within **seven (7) days** after the ruling is issued. You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within Days of your receipt of this Ruling and must include a security fee in the amount of \$500.00

Dated: June 23, 2017

BY ORDER OF THE STEWARDS:


 DANNY R. WRIGHT


 L. ROBERT LOTTS


 DENVER BECKNER

RC1

CHARLES TOWN RACES

STEWARDS RULINGS

JUNE 23, 2017

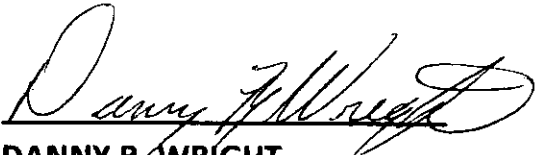
RULING NUMBER 103

Groom, Eric Johnston; Permit #15085; SS# xxx-xx-6031

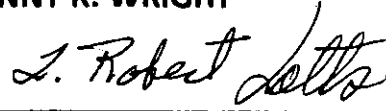
Mr. Johnston license has been summarily suspended as of June 23, 2017 having been issued in error.

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of Five-Hundred (\$500.00) Dollars.

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



L. ROBERT LOTTS



DENVER BECKNER

From:

10/04/2017 09:43

#686 P.006/011

ACI

From:

RECEIVED 06/30/2017 15:10

06/30/2017 18:56

#399 P.001/001

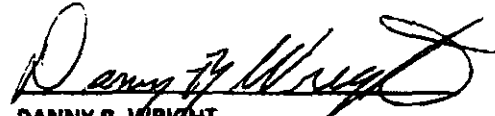
CHARLES TOWN RACES STEWARDS RULING JUNE 30, 2017

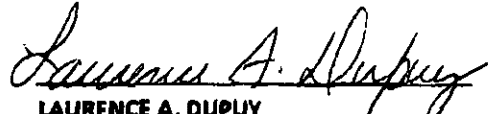
RULING NUMBER 104


Jockey, Joseph Schneider, Permit #10701, SS #: xxx-xx-8273, is hereby re-instated as of June 30, 2017.

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of Five Hundred (\$500.00) Dollars.

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT


LAURENCE A. DUPUY


DENVER BECKNER

WPC
 Waideck 1506
 9/19/17

**BEFORE THE BOARD OF STEWARDS
 CHARLES TOWN RACE TRACK
 RULING-MEDICATION VIOLATION**

RULING #105

TO: **Owner/Trainer Stephen N Pollard;**

Permit #12312

On **June 30, 2017**, the Board of Stewards offered a hearing to **Owner/Trainer, Stephen N Pollard** to which he waived his right to a hearing, regarding allegations set forth in Notice of Hearing issued **June 29, 2017**.

The Stewards hereby find the following: The official blood sample #E226164, taken on **6/15/17** was reported by Industrial Laboratories, the official testing laboratory, to contain **Phenylbutazone** which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for **Phenylbutazone** is **2 ug/ml**. Sample #E226164 contained **3.69 ug/ml** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **three (3) horse, "Behind the Times"**, which ran in the **1st Race on 6/15/17, finishing 7th**.

Mr. Pollard elected not to have a split sample tested.

Pursuant to **178 W. Va. C.S.R. 1, section 24.11.o.**, the Stewards are authorized to take disciplinary action against a permit holder for violating any provision of the Thoroughbred Racing Rule. Pursuant to section **51.1.1a, of the Thoroughbred Racing Rule, 178 W.Va.C.S.R.1**: "The trainer is the absolute insurer of and responsible for the condition of the horses he or she enters in an official workout or a race, regardless of the acts of third parties. If testing or analysis of urine, blood or other bodily substances or tissues prove positive showing the presence of any prohibited drug, medication or substance, the trainer of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined. In addition, the owner of the horse, the foreman in charge of the horse, the groom, and any other person shown to have had the care, attendance of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined."

Pursuant to **178 W. Va. C.S.R. 1, section 49.4.a.2.**, a finding by a Racing Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse, and in the case of a post-race test, was present in the horse's body while it was participating. Prohibited substances included controlled therapeutic medications in excess of established threshold concentrations as set forth in the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule, Version 2.1., contained in Table 178-1 F of the Thoroughbred Racing Rule.

Pursuant to **178 W. Va. C.S.R. 1, Table 178-1 F**, the post-race threshold for **Phenylbutazon** is **2 ug/ml** of plasma or serum. Because the amount of **Phenylbutazone** found in "**Behind the Times**" exceeded the acceptable threshold set forth in Table 178-1 F, **Mr. Pollard** may be held responsible and his occupational permit disciplined pursuant to **178 W. Va. C.S.R. 1, sections 49.a.1. and 51.1.a.**

The **Phenylbutazone** positive in "**Behind the Times**" is **Mr. Pollard's First Offense** for a medication/substance violation carrying a Category C penalty in a 365 day period.

The permit holder has accumulated **0 points** under the multiple medication violation point system. **Mr. Pollard** is assessed **1/2 point** for this **Phenylbutazone** medication/substance violation pursuant to section **49.3.m. of 178 of W.Va.C.S.R.1.**

The penalty guidelines set forth in **Table 178 1 E** of the Thoroughbred Racing Rule provide a minimum penalty of a warning up to a \$500 fine, for a First Offense Category C at this level of a positive, **Phenylbutazone** positive at the level found in "**Behind the Times**". The Stewards determine the appropriate penalty for the underlying offense on a case by case basis by considering mitigating and aggravating factors. The following is an analysis of the factors set forth in section 49.1 of the Thoroughbred Racing Rule:

1. **(Mitigating) The Permit holders past record:** The permit holder's past record clean with no positives. Therefore, the permit holder's past record is a mitigating factor.
2. **(Mitigating) The potential of the drug to influence the horse's racing performance:** Pursuant to **178 W. Va. C.S.R. 1, section 49.2.d.**, Class 4 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred

Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication; to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it races, and to ensure the integrity of racing so that horse aren't racing under the effect of a medication that could affect performance.]

3. (Mitigating) The legal availability of the drug: Phenylbutazone is legally available.

4. Whether there is reason to believe the permit holder knew of the administration of the drug or intentional administered the drug: Inasmuch as there was no hearing in this matter it was not established whether or not the permit holder knew of the administration of the drug, or the circumstances under which the drug may have been given. Therefore this factor is not considered in weighing the penalty in this case.

5. The steps taken by the trainer to safeguard the horse: Inasmuch as there was no hearing in this case it is unknown what efforts the trainer made to ensure that the treatment of the horse with **Phenylbutazone** was done within the withdrawal guidelines and dosing specifications set forth in 178 W. Va. C.S.R. 1, Table 178-1 F, so as to avoid a positive. Therefore this factor is not considered in weighing the penalty in this case.

6. The probability of environmental contamination exposure due to human use: This factor is not applicable to this case.

7. The purse of the race: The race in question was a **\$5,000 CLAIMING RACE WITH A \$10,000 PURSE**. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.

8. Whether the drug found was one for which the horse was receiving a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission: Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with **Phenylbutazone**. Therefore, this factor is not considered in weighing the penalty in this case.

9. Whether there was any suspicious betting pattern in the race: There is no evidence of a suspicious betting pattern in this case and therefore, this factor is not considered in weighing the penalty in this case.

10. Whether the trainer was acting under the advice of a veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission: Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated with **Phenylbutazone** by a veterinarian. Therefore, this factor is not considered in weighing the penalty in this case.

Based on the above, the Stewards hereby impose the following penalty for the underlying offense: **Mr. Pollard will be fined \$250.00 dollars. Mr. Pollard has accumulated 1/2 point on his record for this Phenylbutazone positive.**

The horse "Behind the Times" IS NOT DISQUALIFIED FROM PURSE MONEY.

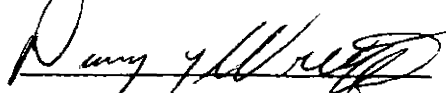
Order of finish is as follows

1. Sienna's Estate
2. Lucky Maggie
3. Offtonevrnevrland
4. Dynafleet
5. Red n' Nasty
6. Miss Berry O

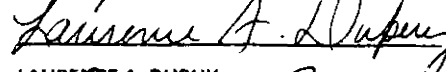
The fine imposed in this ruling shall be paid to the Racing Commission within **seven (7) days** after the ruling is issued. You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within Days of your receipt of this Ruling and must include a security fee in the amount of **\$500.00**

Dated: July 1, 2017

BY ORDER OF THE STEWARDS:



DANNY B. WRIGHT



LAURENCE A. DUPUY



DENVER K. BECKNER

Dated: July 1, 2017

✓BCI
✓Paid
7/11/17
CK# 1516

**BEFORE THE BOARD OF STEWARDS
CHARLES TOWN RACE TRACK
RULING-MEDICATION VIOLATION**

RULING #106TO: **Owner/Trainer Yolonda King;**

Permit #10929

On **June 30, 2017**, the Board of Stewards offered a hearing to **Owner/Trainer, Yolonda King** to which she waived her right to a hearing, regarding allegations set forth in Notice of Hearing issued **June 29, 2017**.

The Stewards hereby find the following: The official blood sample **#E226188**, taken on **6/17/17** was reported by Industrial Laboratories, the official testing laboratory, to contain **Phenylbutazone** which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for **Phenylbutazone** is **2 ug/ml**. Sample **#E226188** contained **3.74 ug/ml** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **three (3) horse, "Cole and Taylor"**, which ran in the **2nd Race on 6/17,17**, finishing **1st**.

Ms. King elected not to have a split sample tested.

Pursuant to **178 W. Va. C.S.R. 1, section 24.11.o.**, the Stewards are authorized to take disciplinary action against a permit holder for violating any provision of the Thoroughbred Racing Rule. Pursuant to section **51.1.1a, of the Thoroughbred Racing Rule, 178 W.Va.C.S.R.1**: "The trainer is the absolute insurer of and responsible for the condition of the horses he or she enters in an official workout or a race, regardless of the acts of third parties. If testing or analysis of urine, blood or other bodily substances or tissues prove positive showing the presence of any prohibited drug, medication or substance, the trainer of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined. In addition, the owner of the horse, the foreman in charge of the horse, the groom, and any other person shown to have had the care, attendance of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined."

Pursuant to **178 W. Va. C.S.R. 1, section 49.4.a.2.**, a finding by a Racing Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse, and in the case of a post-race test, was present in the horse's body while it was participating. Prohibited substances included controlled therapeutic medications in excess of established threshold concentrations as set forth in the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule, Version 2.1., contained in Table 178-1 F of the Thoroughbred Racing Rule.

Pursuant to **178 W. Va. C.S.R. 1, Table 178-1 F**, the post-race threshold for **Phenylbutazone** is **2 ug/ml** of plasma or serum. Because the amount of **Phenylbutazone** found in "**Cole and Taylor**" exceeded the acceptable threshold set forth in Table 178-1 F, **Ms. King** may be held responsible and her occupational permit disciplined pursuant to 178 W. Va. C.S.R. 1, sections 49.a.1. and 51.1.a.

The **Phenylbutazone** positive in "**Cole and Taylor**" is **Ms. King's First Offense** for a medication/substance violation carrying a Category C penalty in a 365 day period.

The permit holder has accumulated **0 points** under the multiple medication violation point system. **Ms. King's** is assessed **1/2 point** for this **Phenylbutazone** medication/substance violation pursuant to section **49.3.m. of 178 of W.Va.C.S.R.1**.

The penalty guidelines set forth in **Table 178 1 E** of the Thoroughbred Racing Rule provide a minimum penalty of a warning up to a **\$500 fine**, for a First Offense Category C at this level of a positive, **Phenylbutazone** positive at the level found in "**Cole and Taylor**". The Stewards determine the appropriate penalty for the underlying offense on a case by case basis by considering mitigating and aggravating factors. The following is an analysis of the factors set forth in section 49.1 of the Thoroughbred Racing Rule:

1. **(Mitigating) The Permit holders past record:** The permit holder's past record clean with no positives. Therefore, the permit holder's past record is a mitigating factor.
2. **(Mitigating) The potential of the drug to influence the horse's racing performance:** Pursuant to 178 W. Va. C.S.R. 1, section 49.2.d., Class 4 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred

Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication; to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it races, and to ensure the integrity of racing so that horse aren't racing under the effect of a medication that could affect performance.]

- 3. **(Mitigating) The legal availability of the drug: Phenylbutazone** is legally available.
- 4. **Whether there is reason to believe the permit holder knew of the administration of the drug or intentional administered the drug:** Inasmuch as there was no hearing in this matter it was not established whether or not the permit holder knew of the administration of the drug, or the circumstances under which the drug may have been given. Therefore this factor is not considered in weighing the penalty in this case.
- 5. **The steps taken by the trainer to safeguard the horse:** Inasmuch as there was no hearing in this case it is unknown what efforts the trainer made to ensure that the treatment of the horse with **Phenylbutazone** was done within the withdrawal guidelines and dosing specifications set forth in 178 W. Va. C.S.R. 1, Table 178-1 F, so as to avoid a positive. Therefore this factor is not considered in weighing the penalty in this case.
- 6. **The probability of environmental contamination exposure due to human use:** This factor is not applicable to this case.
- 7. **The purse of the race:** The race in question was a **\$5,000 CLAIMING RACE WITH A 10,000 PURSE**. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.
- 8. **Whether the drug found was one for which the horse was receiving a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with **Phenylbutazone**. Therefore, this factor is not considered in weighing the penalty in this case.
- 9. **Whether there was any suspicious betting pattern in the race:** There is no evidence of a suspicious betting pattern in this case and therefore, this factor is not considered in weighing the penalty in this case.
- 10. **Whether the trainer was acting under the advice of a veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated with **Phenylbutazone** by a veterinarian. Therefore, this factor is not considered in weighing the penalty in this case

Based on the above, the Stewards hereby impose the following penalty for the underlying offense: **Ms. King will be fined \$250.00 dollars. Ms. King has accumulated 1/2 point on her record for this Phenylbutazone positive.**

The horse "Cole and Taylor" is NOT DISQUALIFIED FROM PURSE MONEY.

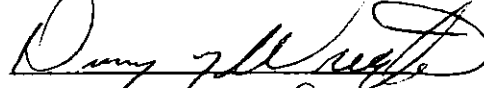
Order of finish is as follows

- 1. Cole and Taylor
- 2. Lucky Little Lime
- 3. Caminaconloscodos
- 4. George Jet
- 5. Town Called Malice
- 6. Eldarion

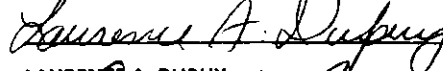
The fine imposed in this ruling shall be paid to the Racing Commission within **seven (7) days** after the ruling is issued. You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within Days of your receipt of this Ruling and must include a security fee in the amount of **\$500.00**

Dated: July 1, 2017

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



LAURENCE A. DUPUY



DENVER K. BECKNER

VACI

CHARLES TOWN RACES STEWARDS RULING JULY 5, 2017

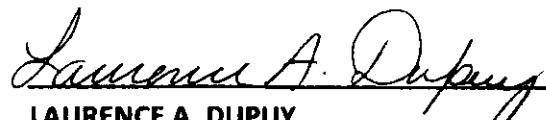
RULING NUMBER 107

Assistant Trainer, **Thomas W. Washington**, Permit #10207, SS #: xxx-xx-3053, is hereby re-instated as of **July 5, 2017**.

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of Five Hundred (\$500.00) Dollars.

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT


LAURENCE A. DUPUY


DENVER BECKNER

VACI
✓PAID
7/22/17
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CHARLES TOWN RACES STEWARDS RULING JULY 5, 2017

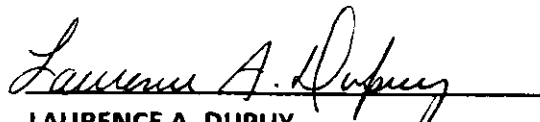
RULING NUMBER 108


Owner/Trainer, **Raul Garrido**, Permit #11406-16, SS #: xxx-xx-4729, is hereby re-instated as of July 6, 2017, having satisfied Board of Stewards Ruling #39/2016.

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of Five Hundred (\$500.00) Dollars.

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT


LAURENCE A. DUPUY


DENVER BECKNER

FINES PAID 7/5/17

CHARLES TOWN RACE STEWARDS RULING MARCH 3, 2016

RULING NUMBER 39

Owner/Trainer, **Raul Garrido**; Permit # 11406; SS # xxx-xx-4729

Mr. Garrido's Occupational Permit has been **suspended** as of **March 3, 2016** by the Board of Stewards for **non-payment of fines**, per West Virginia Rule of Racing **#178-1-24.11**, which reads, "Grounds for Denial, suspension or Revocation of Permit. The Racing Commission and/or the stewards may, in their discretion, refuse to issue or renew an occupational permit to an applicant, or may in their discretion suspend, revoke, or impose other disciplinary measures upon an occupational permit issued pursuant to this rule, if the applicant or permit holder: **24.11.w**, which reads, "has failed to pay a required fee, fine or cost."

RE: These fines are still unpaid:

Ruling #13 - \$750.00 – 1/20/16

Ruling #221 - \$500.00 – 12/15/15

Ruling #187 - \$200 – 10/10/15

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of One-Hundred (\$100.00) Dollars.

During his suspension, he is denied access to and the privileges of all grounds under the jurisdiction of the West Virginia Racing Commission.

DONNA

*Put in status to
Good standing
Paid Fines at
Del Park.*

BY ORDER OF THE STEWARDS:

Danny R. Wright
DANNY R. WRIGHT

Laurence A. Dupuy
LAURENCE A. DUPUY

Ismael L. Trejo
ISMAEL L. TREJO

✓ACI

CHARLES TOWN RACES

STEWARDS RULINGS

JULY 6, 2017

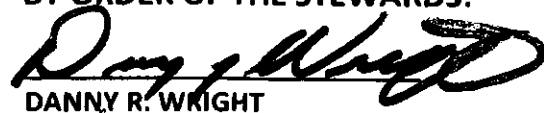
RULING NUMBER 109

Jockey, **Christian Hiraldo**, Permit #12179; SS xxx-xx-4368; is **suspended for Six days** starting **Friday, July 7, 2017, July 8, 2017, July 13,14,15 and 20th**. Hiraldo is in violation of **Rule of Racing #178-1-45.7.b.1**, which reads: "A jockey shall not ride carelessly or willfully so as to permit his or her mount to interfere with, impede or intimidate any other horses in the race."

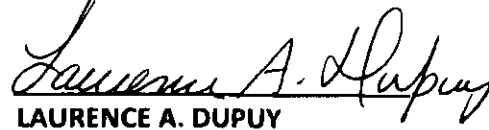
Jockey Hiraldo carelessly drove his mount, "**Only Rock Roll**" outward under left hand sticking and caused, the third place finisher, "**Just a Lil Lukey**" to clip heels and fall during the **First Race on Friday, June 30, 2017**. This incident happened at the finish line and there was no disqualification.

All fines imposed by the Stewards shall be paid to the Racing Commission within **Seven (7) days** after the ruling is issued, unless otherwise ordered by the Stewards, Per West Virginia Rule of Racing Number 178-1-8.5.n.

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within **20 days** of your receipt of this ruling and must include a security fee in the amount of **Five-Hundred (\$500.00) Dollars**.

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT



LAURENCE A. DUPUY



DENVER BECKNER

✓RCI
 PAID 7/22/17
 ck 2135

BEFORE THE BOARD OF STEWARDS
 CHARLES TOWN RACE TRACK
 RULING-MEDICATION VIOLATION

RULING #110

TO: Owner/Trainer Calvin Barth:

Permit #13950

On July 7, 2017, the Board of Stewards offered a hearing to Owner/Trainer, Calvin Barth to which he waived his right to a hearing, regarding allegations set forth in Notice of Hearing issued July 5, 2017.

The Stewards hereby find the following:

The official blood sample #226192, taken on 6/17/17 was reported by Industrial Laboratories, the official testing laboratory, to contain Hydroxy-lidocaine, which is a Class 2 drug, with a B Penalty, designation. The permissible threshold for Hydroxy-lidocaine in the blood is 20 pg/ml. Sample #226192 contained 6.52 ng/ml of the drug, which is above the permissible threshold for this drug. The sample was taken from the seven (7) horse, "Northern Justice", which ran in the 5th race on 6/17/17 finishing FIRST.

Mr. Barth elected not to have a split sample tested.

Pursuant to 178 W. Va. C.S.R. 1, section 24.11.o, The Stewards are authorized to take disciplinary action against a permit holder for violating any provision of the Thoroughbred Racing Rule.

Pursuant to section 51.1.1a, of the Thoroughbred Racing Rule, 178 W.Va.C.S.R.1: "The trainer is the absolute insurer of and responsible for the condition of the horses he or she enters in an official workout or a race, regardless of the acts of third parties. If testing or analysis of urine, blood or other bodily substances or tissues prove positive showing the presence of any prohibited drug, medication or substance, the trainer of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined. In addition, the owner of the horse, the foreman in charge of the horse, the groom, and any other person shown to have had the care, attendance of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined."

Pursuant to 178 W. Va. C.S.R. 1, section 49.4.a.2., a finding by a Racing Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse, and in the case of a post-race test, was present in the horse's body while it was participating. Prohibited substances included controlled therapeutic medications in excess of established threshold concentrations as set forth in the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule, Version 2.1., contained in Table 178-1 F of the Thoroughbred Racing Rule.

Pursuant to 178 W. Va. C.S.R. 1, Table 178-1 F, the post-race threshold for Hydroxy-lidocaine is 20 pg/ml in the blood. Because the amount of Hydroxy-lidocaine in "Northern Justice" exceeded the acceptable threshold set forth in Table 178-1 F, Mr. Barth may be held responsible and his occupational permit disciplined pursuant to 178 W. Va. C.S.R. 1, sections 49.a.1. and 51.1.a.

The Hydroxy-lidocaine positive in "Northern Justice" is Mr. Barth's 1st offense for a medication/substance violation in a 365 day period.

The permit holder has accumulated 0 points under the multiple medication violation point system. As a result of the issuance of this ruling, Mr. Barth is assessed 2 points for this Hydroxy-lidocaine medication/substance violation pursuant to section 49.3.m. of 178 of W.Va.C.S.R.1.

The Stewards determine the appropriate penalty for the underlying offense on a case by case basis by considering mitigating and aggravating factors. The following is an analysis of the factors set forth in section 49.1 of the Thoroughbred Racing Rule:

1. **(MITIGATING) The Permit holder's past record:** The permit holder's past record includes no drug violations. Therefore, the permit holder's past record is a Mitigating
2. **(AGGRAVATING) The potential of the drug to influence the horse's racing performance:** Pursuant to 178 W. Va. C.S.R. 1, section 49.2.d, Class 2 drugs could influence performance. This is an aggravating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication; to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the

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**BEFORE THE BOARD OF STEWARDS
 CHARLES TOWN RACE TRACK
 RULING-MEDICATION VIOLATION**

RULING #111

TO: Owner/Trainer Adam Ingram;

Permit #10882

On July 8, 2017, the Board of Stewards offered a hearing to Owner/Trainer, Adam Ingram to which He waived his right to a hearing, regarding allegations set forth in Notice of Hearing Issued July 8, 2017.

The Stewards hereby find the following: The official blood sample #239202, taken on 6/22/17 was reported by Industrial Laboratories, the official testing laboratory, to contain Flunixin, which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for Flunixin is 20 - 100 ng/ml. Sample #239202 contained 31.2 +/-3.0 ng/ml of the drug, which is above the permissible threshold for this drug. The sample was taken from the six (6) horse, "Bull Bailey", which ran in the 1st Race on 6/22/17, finishing Fourth.

Mr. Ingram elected not to have a split sample tested.

Pursuant to 178 W. Va. C.S.R. 1, section 24.11.o., the Stewards are authorized to take disciplinary action against a permit holder for violating any provision of the Thoroughbred Racing Rule. Pursuant to section 51.1.1a, of the Thoroughbred Racing Rule, 178 W.Va.C.S.R.1: "The trainer is the absolute insurer of and responsible for the condition of the horses he or she enters in an official workout or a race, regardless of the acts of third parties. If testing or analysis of urine, blood or other bodily substances or tissues prove positive showing the presence of any prohibited drug, medication or substance, the trainer of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined. In addition, the owner of the horse, the farrier in charge of the horse, the groom, and any other person shown to have had the care, attendance of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined."

Pursuant to 178 W. Va. C.S.R. 1, section 49.4.a.2., a finding by a Racing Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse, and in the case of a post-race test, was present in the horse's body while it was participating. Prohibited substances included controlled therapeutic medications in excess of established threshold concentrations as set forth in the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule, Version 2.1., contained in Table 178-1 F of the Thoroughbred Racing Rule.

Pursuant to 178 W. Va. C.S.R. 1, Table 178-1 F, the post-race threshold for Flunixin is 20- 100 ng/ml of plasma or serum. Because the amount of Flunixin found in "Bull Bailey" exceeded the acceptable threshold set forth in Table 178-1 F, Mr. Ingram may be held responsible and his occupational permit disciplined pursuant to 178 W. Va. C.S.R. 1, sections 49.a.1. and 51.1.a.

The Flunixin positive in "Bull Bailey" is Mr. Ingram's Third Offense for a medication/substance violation carrying a Category C penalty in a 365 day period.

The permit holder has accumulated 2 points under the multiple medication violation point system. Mr. Ingram is assessed 1/2 point for this Flunixin medication/substance violation pursuant to section 49.3.m. of 178 of W.Va.C.S.R.1.

The penalty guidelines set forth in Table 178 1 E of the Thoroughbred Racing Rule provide a minimum penalty of a \$250 fine, for a First Offense Category C at this level of a positive, Flunixin positive at the level found in "Bull Bailey".

The Stewards determine the appropriate penalty for the underlying offense on a case by case basis by considering mitigating and aggravating factors. The following is an analysis of the factors set forth in section 49.1 of the Thoroughbred Racing Rule:

1. **(AGGRAVATING) The Permit holders past record:** The permit holder's past record of two medication violations in 365 days. Therefore, the permit holder's past record is an aggravating factor.

2. **(Mitigating) The potential of the drug to influence the horse's racing performance:** Pursuant to 178 W. Va. C.S.R. 1, section 49.2.d., Class 4 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication; to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it races, and to ensure the integrity of racing so that horse aren't racing under the effect of a medication that could affect performance.]

3. **(Mitigating) The legal availability of the drug:** Flunixin is legally available.

4. **Whether there is reason to believe the permit holder knew of the administration of the drug or intentional administered the drug:** Inasmuch as there was no hearing in this matter it was not established whether or not the permit holder knew of the administration of the drug, or the circumstances under which the drug may have been given. Therefore this factor is not considered in weighing the penalty in this case.

5. **The steps taken by the trainer to safeguard the horse:** Inasmuch as there was no hearing in this case it is unknown what efforts the trainer made to ensure that the treatment of the horse with Flunixin was done within the withdrawal guidelines and dosing specifications set forth in 178 W. Va. C.S.R. 1, Table 178-1 F, so as to avoid a positive. Therefore this factor is not considered in weighing the penalty in this case.

6. **The probability of environmental contamination exposure due to human use:** This factor is not applicable to this case.

7. **The purse of the race:** The race in question was a \$10,000 CLAIMING RACE WITH A 15,500 PURSE. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.

8. **Whether the drug found was one for which the horse was receiving a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with Flunixin. Therefore, this factor is not considered in weighing the penalty in this case.

9. **Whether there was any suspicious betting pattern in the race:** There is no evidence of a suspicious betting pattern in this case and therefore, this factor is not considered in weighing the penalty in this case.

10. **Whether the trainer was acting under the advice of a veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated with Flunixin by a veterinarian. Therefore, this factor is not considered in weighing the penalty in this case.

Based on the above, the Stewards hereby impose the following penalty for the underlying offense: With this Positive being Mr. Ingram's third offence in a 365 days he will be fined \$500 dollars. The horse Bull Bailey is disqualified from purse money. Mr. Ingram will have a total of 2 1/2 points on the multi medication point system.

Redistribution is as follows

- 1. Mona Lima
- 2. Forbidden Topic
- 3. Prince of the Nile
- 4. High Dreamer
- 5. Hand of the King
- 6. Nite Blitzen

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission office within 20 days of your receipt of this ruling and must include a security fee in the amount of \$500.00


DANNY R. WRIGHT


LAURENCE A. DUPUY


DENVER K. BECKNER

Dated: July 8, 2017

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BEFORE THE BOARD OF STEWARDS
CHARLES TOWN RACETRAC
RULING NUMBER # 112

TO: Sylvia L. Johnson

Owner/Trainer Permit #11077

On June 15, 2017, the Board of Stewards conducted a hearing regarding allegations set forth in a notice of hearing issued on June 7, 2017 to Sylvia L. Johnson. Ms. Johnson was present in person and testified before the Board of Stewards. After considering the evidence, the Board of Stewards hereby finds the following:

The official sample # E255971 taken on February 25, 2017 was reported by Industrial Laboratories to contain Aminorex. Pursuant to Table 178-1 D of the Thoroughbred Racing Rule, 178 C.S.R. 1, Aminorex is a Class 1 Drug, carrying a Category A penalty. The samples were taken from "Whateveryousaybaby", which ran in race number 5 on February 25, 2017, finishing 4th. The horse is trained by Sylvia L. Johnson and owned by Sylvia L. Johnson.

After notification to Ms. Johnson, she declined split sample testing on the samples taken from "Whateveryousaybaby".

Pursuant to section 49.4.a.1. of the Thoroughbred Racing Rule, 178 C.S.R. 1, a finding by a Racing Commission approved laboratory of a prohibited drug, chemical or other substance in a post-race test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was present in the horse's body while it was participating in a race. Aminorex, confirmed to be present in "Whateveryousaybaby's" body while it was participating in a race, is a drug or medication for which no acceptable threshold concentration has been established by the West Virginia Racing Commission.

Additionally, as the trainer of "Whateveryousaybaby," Sylvia L. Johnson is the absolute insurer of and responsible for the condition of the horse he entered in the 5th race at Charles Town ran on February 25, 2017. Per 178 C.S.R. 1, § 51.1.a.

The Board of Stewards concludes that while Ms. Johnson is responsible for the positive in "Whateveryousaybaby" under § 51.1.a. and the presence of the drug has been established to have been in the horse during the 5th race on February 25, 2017, there are substantial mitigating factors which cause the Stewards to impose the penalty against Ms. Johnson's permit in this matter. Those factors are as follows:

Ms. Johnsons' past record as a permit holder is good in that (he) has no medication violations in any jurisdiction in the past 365 days.

The amount of Aminorex found in the horse is a trace level which lends credibility to the probability that the horse was inadvertently exposed to the drug in some manner. Based upon an evaluation of the evidence, the Stewards conclude that the positive could be attributable to inadvertent exposure to a possible worming medication with the drug Levamisole which is a class 2 with a B penalty can metabolite in to the drug Aminorex.

There is no reason to believe that Ms. Johnson knew of or caused the drug to be administered to the horse.

1

178 C.S.R. 1, §49.10.a, the Stewards are explicitly authorized to consider inadvertent exposure as a factor in determining medication violations. Further, pursuant to § 49.1., the Stewards are to determine medication violations on a case by case basis and may determine to impose any penalty against a trainer's permit, if warranted.

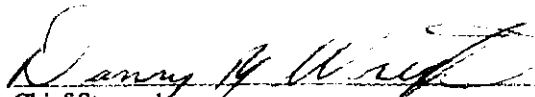
Weighing and balancing these factors, the Board of Stewards find that while **Ms. Johnson** is held responsible for the positive in this case, the Stewards shall impose a class **B** penalty against **Ms. Johnson's** permit. Therefore, the standard penalty for a first offense Class B medication violation (5 day suspension beginning **Wednesday July 12, 2017** through and including **Wednesday July 26, 2017** and a \$500.00 fine) is imposed in this matter. In addition, the Stewards do impose the 4 Multiple Medication Violation points that would typically be imposed under § 49.3.m. of the Thoroughbred Racing Rule.

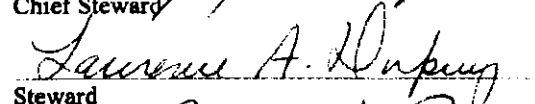
Because "**Whateveryousaybaby**" was found to have carried **Aminorex**, the metabolite of **Levamisole**, in its system during the running of the race, the purse of the race is ordered to be **FORFEITED** and "**Whateveryousaybaby**" is **DISQUALIFIED** from its fourth place finish in race number 5 on **February 25, 2017**. This disqualification is justified due to the irrefutable drug positive. Although it is likely that the horse carried the drug in its system due to inadvertent exposure, it nonetheless carried the drug in its system which necessitates the disqualification to ensure the integrity of racing and to instill confidence in the betting public. The order of finish is hereby ordered as follows:


- 1. Moon Star Magic
- 2. Beyond Forever
- 3. New Blue Cat
- 4. Ana Ruth
- 5. Jamesons Double
- 6. Moosejoose

You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this Ruling and must include a security fee in the amount of \$500.00.

Dated: 7/12/17


 Chief Steward


 Steward


 Steward

CHARLES TOWN RACES

STEWARDS RULING

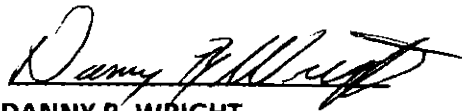
JULY 25, 2017

RULING NUMBER 113

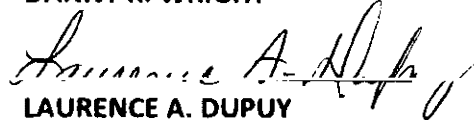
Vendor, **Kelly Daub**, Permit #14470; SS#: xxx-xx-5568, license has been **rescinded having been issued in error.**

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of Five-Hundred (\$500.00) Dollars.

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



LAURENCE A. DUPUY



DENVER K. BECKNER

CHARLES TOWN RACES

STEWARDS RULINGS

JULY 29, 2017

RULING # 114

Jockey, **Arnaldo Bocachica**, Permit #10268; SS xxx-xx-7900, is hereby fined **Five (\$500) Hundred Dollars**, for violation of **Rule of Racing, Number 178-1-45.7.c.1**, which reads: "When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede or intimidate any other horse, it is a foul."

Jockey Bocachica swerved inward while not clear and caused interference to "Return to Denis" during the stretch run in the **Seventh Race, July 27, 2017**.

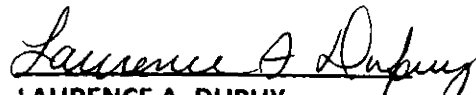
Bocachica's mount "Honeymoon Cruise" was disqualified from 2nd and placed 5th.

All fines imposed by the Stewards shall be paid to the Racing Commission within Seven (7) days after the ruling is issued, unless otherwise ordered by the Stewards, Per West Virginia Rule of Racing Number 178-1-8.5.n.

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of Five-Hundred (\$500.00) Dollars.

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT


LAURENCE A. DUPUY


DENVER K. BECKNER

CHARLES TOWN RACES

STEWARDS RULINGS

JULY 29, 2017

RULING NUMBER 115

Apprentice Jockey, Carlos Delgado, Permit # 14457, SS# XXX-XX-4909 is hereby suspended for **Three (3) Racing Days, starting Thursday, August 3, Friday, August 4, and including Saturday, August 5, 2017.** for violation of Rule of Racing 178-1-45.7.b.1, which reads: "A jockey shall not ride carelessly or willfully so as to permit his or her mount to interfere with, impede or intimidate any other horse in the race."

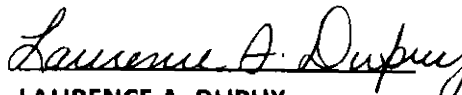
Jockey **Delgado** carelessly allowed his mount to drop in going into the quarter pole turn and cause interference to "Eagles Zone" during the running of the **2nd Race on Saturday, July 22, 2017.**

Delgado's mount "**Sharpasabowlinball**" was disqualified from **3rd** and placed **4th.**

All fines imposed by the Stewards shall be paid to the Racing Commission within **Seven (7) Days** after the ruling is issued, unless otherwise ordered by the Stewards, Per **West Virginia Rule of Racing #178-1-8.5.n**

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of **Five-Hundred (\$500.00) Dollars.**

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT
LAURENCE A. DUPUY
DENVER K. BECKNER

CHARLES TOWN RACES

STEWARDS RULINGS

JULY 29, 2017

RULING NUMBER 116

Jockey, **Wilfredo Santiago**, Permit # 12181; SS# xxx-xx-3513 is hereby suspended for **Three (3) Racing Days**, starting **Thursday, August 3, Friday, August 4, and including Saturday, August 5, 2017**. for violation of **Rule of Racing 178-1-45.7.b.1**, which reads: "A jockey shall not ride carelessly or willfully so as to permit his or her mount to interfere with, impede or intimidate any other horse in the race."

Jockey **Santiago** carelessly allowed his mount "Fancy Fierce" to drop in going into the quarter pole turn and cause interference to "Baleroom Dancer" during the running of the **4th Race on Saturday, July 22, 2017**.

Santiago's mount was not disqualified, because "Baleroom Dancer" beat "Fancy Fierce in the race.

All fines imposed by the Stewards shall be paid to the Racing Commission within **Seven (7) Days** after the ruling is issued, unless otherwise ordered by the Stewards, Per **West Virginia Rule of Racing #178-1-8.5.n**

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of **Five-Hundred (\$500.00) Dollars**.

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT



LAURENCE A. DUPUY



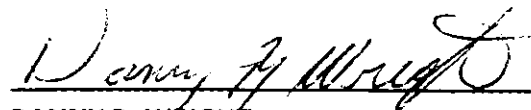
DENVER K. BECKNER

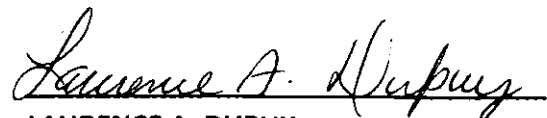
CHARLES TOWN RACES STEWARDS RULING JULY 29, 2017**RULING NUMBER 117**

Apprentice Jockey, **Stephanie Sheroski**, Permit #21937-15 - MNTR, SS #: xxx-xx-0214, is hereby restored to good standing as of **July 29, 2017**, having satisfied Board of Stewards Ruling #202/2015/CT.

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of Five Hundred (\$500.00) Dollars.

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT


LAURENCE A. DUPUY


DENVER K. BECKNER

PAID 9/17/17
1618

**BEFORE THE BOARD OF STEWARDS
CHARLES TOWN RACE TRACK
RULING NUMBER # 118**

TO: Joseph Stehr

Owner/Trainer Permit #12141

On **May 30, 2017**, the Board of Stewards contacted Trainer **Joseph Stehr** of a positive for one of his horses.

The official sample # **E226008** taken on **May 12, 2017** was reported by Industrial Laboratories to contain **Aminorex**. Pursuant to Table 178-1 D of the Thoroughbred Racing Rule, 178 C.S.R. 1, **Aminorex** is a Class 1 Drug, carrying a Category A penalty. The samples were taken from "**Miss Simon**", which ran in race number 7 on **May 12, 2017**, finishing 3rd. The horse is trained by **Joseph Stehr** and owned by **Betty J. Stehr**.

After notification to **Mr. Stehr**, he declined split sample testing on the samples taken from "**Miss Simon**".

Pursuant to section **49.4.a.1.** of the Thoroughbred Racing Rule, 178 C.S.R. 1, a finding by a Racing Commission approved laboratory of a prohibited drug, chemical or other substance in a post-race test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was present in the horse's body while it was participating in a race. **Aminorex**, confirmed to be present in "**Miss Simon**" body while it was participating in a race, is a drug or medication for which no acceptable threshold concentration has been established by the West Virginia Racing Commission.

Additionally, as the trainer of "**Miss Simon**," **Joseph Stehr** is the absolute insurer of and responsible for the condition of the horse he entered in the 7th race at Charles Town ran on **May 12, 2017**. Per 178 C.S.R. 1, § 51.1.a.

The Board of Stewards concludes that while **Mr. Stehr** is responsible for the positive in "**Miss Simon**" under § 51.1.a. and the presence of the drug has been established to have been in the horse during the 7th race on **May 12, 2017**, there are substantial mitigating factors which cause the Stewards to impose the penalty against **Mr. Stehr's** permit in this matter. Those factors are as follows:

Mr. Stehr's past record as a permit holder is good in that he has no medication violations in any jurisdiction in the past 365 days.

The amount of **Aminorex** found in the horse is a trace level which lends credibility to the probability that the horse was inadvertently exposed to the drug in some manner. Based upon an evaluation of the evidence, the Stewards conclude that the positive could be attributable to inadvertent exposure to a possible worming medication with the drug **Levamisole** which is a class 2 with a **B** penalty can metabolite in to the drug **Aminorex**.

There is no reason to believe that **Mr. Stehr** knew of or caused the drug to be administered to the horse.

178 C.S.R. 1, §49.10.a, the Stewards are explicitly authorized to consider inadvertent exposure as a factor in determining medication violations. Further, pursuant to § 49.1., the Stewards are to determine medication violations on a case by case basis and may determine to impose any penalty against a trainer's permit if warranted

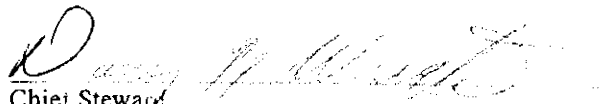
Weighing and balancing these factors, the Board of Stewards find that while Mr. Stehr is held responsible for the positive in this case, the Stewards shall impose a class B penalty against Mr. Stehr's permit. Therefore, the standard penalty for a first offense Class B medication violation (15 day suspension beginning Tuesday August 1, 2017 through and including Tuesday August 15, 2017 and a \$500.00 fine) is imposed in this matter. In addition, the Stewards do impose the 4 Multiple Medication Violation points that would typically be imposed under § 49.3.m. of the Thoroughbred Racing Rule.


Because "Miss Simon" was found to have carried Aminorex, the metabolite of Levamisole, in its system during the running of the race, the purse of the race is ordered to be FORFEITED and "Miss Simon" is DISQUALIFIED from its 3rd place finish in race number 7 on May 12, 2017. This disqualification is justified due to the irrefutable drug positive. Although it is likely that the horse carried the drug in its system due to inadvertent exposure, it nonetheless carried the drug in its system which necessitates the disqualification to ensure the integrity of racing and to instill confidence in the betting public. The order of finish is hereby re-ordered as follows:

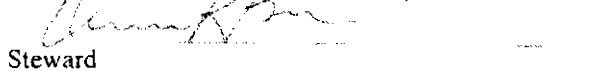
- 1. Scottish Denis
- 2. Rock N' Gold
- 3. Charitable Heart
- 4. Aye Fancy
- 5. Bellamy Princess

You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this Ruling and must include a security fee in the amount of \$500.00.

Dated: 8/1/17


 Daisy M. Wright
 Chief Steward


 Steward


 Steward

✓RCI PAID
8/11/17
clerk 10743

**BEFORE THE BOARD OF STEWARDS
CHARLES TOWN RACE TRACK
RULING-MEDICATION VIOLATION**

RULING #119

TO: Owner/Trainer Lawrence Perry

Permit #13798

On August 2, 2017, the Board of Stewards conducted a hearing to Owner/Trainer, Lawrence E. Perry, regarding allegations set forth in Notice of Hearing issued July 28, 2017.

The Stewards hereby find the following:

The official blood sample #239279, taken on 7/6/17 was reported by Industrial Laboratories, the official testing laboratory, to contain Triamcinolone Acetonide, which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for Triamcinolone Acetonide is 100 pg/ml. Sample #239279 contained 200 pg/ml of the drug, which is above the permissible threshold for this drug. The sample was taken from the three (3) horse "Midday Castle", which ran in the first Race on July 8, 2017, finishing 4th.

Mr. Perry elected to not have a split sample tested.

Pursuant to 178 W. Va. C.S.R. 1, section 24.11.o., The Stewards are authorized to take disciplinary action against a permit holder for violating any provision of the Thoroughbred Racing Rule.

Pursuant to section 51.1.1a, of the Thoroughbred Racing Rule, 178 W. Va. C.S.R. 1: "The trainer is the absolute insurer or and responsible for the condition of the horses he or she enters in an official workout or a race, regardless of the acts of third parties. If testing or analysis of urine, blood or other bodily substances or tissues prove positive showing the presence of any prohibited drug, medication or substance, the trainer of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined. In addition, the owner of the horse, the foreman in charge of the horse, the groom, and any other person shown to have had the care, attendance of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined."

Pursuant to 178 W. Va. C.S.R. 1, section 49.4.a.2., a finding by a Racing Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse, and in the case of a post race test, was present in the horse's body while it was participating. Prohibited substances included controlled therapeutic medications in excess of established threshold concentrations set forth in the jurisdiction of Racing Commissioners International Controlled Therapeutic Medication Schedule, Version 2.1., contained in Table 178-1 F of the Thoroughbred Racing Rule.

Pursuant to 178 W. Va. C.S.R. 1, Table 178-1 F, the post-race threshold for Triamcinolone Acetonide is 100 pg/ml. Because the amount of Triamcinolone Acetonide in "Midday Castle" exceeded the acceptable threshold set forth in Table 178-1 F, Mr. Perry may be held responsible and his occupational permit suspended pursuant to 178 W. Va. C.S.R. 1, sections 24.11. and 51.1.1.

The Triamcinolone Acetonide positive in "Midday Castle" is Mr. Perry's first offense for a medication/substance violation carrying a Category C penalty in a 365 day period.

The permit holder has accumulated 0 points under the multiple medication violation point system. Mr. Perry is assessed 1/2 point for this Triamcinolone Acetonide medication/substance violation pursuant to section 49.5.m. of 178 W. Va. C.S.R. 1.

The Stewards determine the appropriate penalty for the underlying offense on a case by case basis by considering mitigating and aggravating factors. The following is an analysis of the factors set forth in section 49.1 of the Thoroughbred Racing Rule:

1. **(Mitigating)** The Permit holder's past record: no medication rule violations in 365 days.
2. **(Mitigating)** The potential of the drug to influence the horse's racing performance: Pursuant to 178 W. Va. C.S.R. 1, section 49.2.d, Class 4 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication; to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it races and to ensure the integrity of racing so that horse aren't racing under the effect of a medication that could affect performance.]
3. **(Mitigating)** The legal availability of the drug: Triamcinolone Acetonide is legally available

4. **Whether there is reason to believe the permit holder knew of the administration of the drug or intentional administered the drug:** Midday Castle was being treated for medical reasons and the permit holder knew of the administration of the drug. Therefore this factor is considered in weighing the penalty in this case.
5. **The steps taken by the trainer to safeguard the horse:**s efforts were made by the trainer to ensure that the treatment of the horse with Triamcinolone Acetonide was done within the withdrawal guidelines and dosing specifications set forth in 17B W. Va. C.S.R. 1, Table 17B-1 F, so as to avoid a positive. There for this is a mitigating factor.
6. **The probability of environmental contamination exposure due to human use:** This factor is not applicable to this case.
7. **The purse of the race:** The races in question was a \$5000 claiming with a \$10,000 purse. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.
8. **Whether the drug found was one for which the drug was receiving a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** It was established the horse was being treated by a veterinarian with Triamcinolone acetonide. Therefore, this factor is considered in weighing the penalty in this case.
9. **Whether there was any suspicious betting pattern in the race:** There is no evidence of a suspicious betting pattern in this case and therefore, this factor is not considered in weighing the penalty in this case.
10. **Whether the trainer was acting under the advice of a veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** The horse was being treated with Triamcinolone Acetonide by a veterinarian. Therefore, this factor is considered in weighing the penalty in this case.

Based on the above, the Stewards hereby impose the following penalty for the underlying offense: Mr. Perry is fined \$500.00 Dollars, and assigned 1/2 point for this violation. The horse, "Midday Castle" is disqualified from all purse money, with a redistribution of purse. Under the RCi Multiple Medication Violation, Mr Perry has accumulated 1 point,

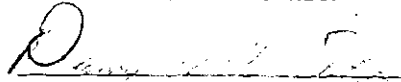
The horse Midday Castle is disqualified from all purse money, Re-Distribution is as following.

1. Paying Dividens
2. Funk Shui
3. Mavis
4. Lemon Latl
5. Queenle Rules
6. Grand Offer

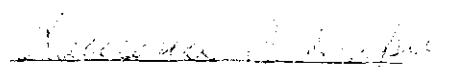
You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 Days of your receipt of this Ruling and must include a security fee in the amount of \$100.00

Dated: August 3, 2017

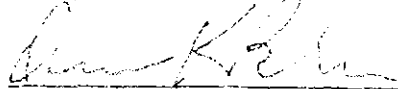
BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



LAURENCE A. DUPUY



DENVER K BECKNER

**BEFORE THE BOARD OF STEWARDS
CHARLES TOWN RACE TRACK
RULING-MEDICATION VIOLATION**

PAID
218800

RULING #120

TO: **Owner/Trainer Timothy Collins;**

Permit # 10888

On July 2 2017 the Board of Stewards offered a hearing to Owner/Trainer, Timothy Collins to which He waived his right to a hearing, regarding allegations set forth in Notice of Hearing issued July 1, 2017.

The Stewards hereby find the following: The official blood sample #239332, taken on 7/15/17 was reported by Industrial Laboratories, the official testing laboratory, to contain Flunixin, which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for Flunixin is 20 - 100 ng/ml. Sample #239332 contained 24.9 ng/ml of the drug, which is above the permissible threshold for this drug. The sample was taken from the Ten (10) horse, "Joanie's Jitters", which ran in the 5th Race on 7/15/17, finishing Fourth. Mr.Collins elected not to have a split sample tested.

Pursuant to 178 W. Va. C.S.R. 1, section 24.11.o., the Stewards are authorized to take disciplinary action against a permit holder for violating any provision of the Thoroughbred Racing Rule. Pursuant to section 51.1.1a, of the Thoroughbred Racing Rule, 178 W.Va.C.S.R.1: "The trainer is the absolute insurer of and responsible for the condition of the horses he or she enters in an official workout or a race, regardless of the acts of third parties. If testing or analysis of urine, blood or other bodily substances or tissues prove positive showing the presence of any prohibited drug, medication or substance, the trainer of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined. In addition, the owner of the horse, the foreman in charge of the horse, the groom, and any other person shown to have had the care, attendance of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined."

Pursuant to 178 W. Va. C.S.R. 1, section 49.4.a.2., a finding by a Racing Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse, and in the case of a post-race test, was present in the horse's body while it was participating. Prohibited substances included controlled therapeutic medications in excess of established threshold concentrations as set forth in the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule, Version 2.1., contained in Table 178-1 F of the Thoroughbred Racing Rule.

Pursuant to 178 W. Va. C.S.R. 1, Table 178-1 F, the permissible threshold for Flunixin is 20-100 ng/ml of plasma or serum. Because the amount of Flunixin found in "Joanie's Jitters" exceeded the acceptable threshold set forth in Table 178-1 F, Mr.Collins may be held responsible and her occupational permit disciplined pursuant to 178 W. Va. C.S.R. 1, sections 49.a.1. and 51.1.a.

The Flunixin positive in "Joanie's Jitters" is Mr. Collin's second offense for a medication/substance violation carrying a Category C penalty in a 365 day period. The permit holder has accumulated 0 points under the multiple medication violation point system. Mr. Collins is assessed 1/2 point for this Flunixin medication/substance violation pursuant to section 49.3.m. of 178 of W.Va.C.S.R.1.

The penalty guidelines set forth in Table 178 1 E of the Thoroughbred Racing Rule provide a minimum penalty of a \$500 fine, for a second Offense Category C at this level of a Flunixin positive found in "Joanie's Jitters". The Stewards determine the appropriate penalty for the underlying offense on a case by case basis by considering mitigating and aggravating factors. The following is an analysis of the factors set forth in section 49.1 of the Thoroughbred Racing Rule:

1. **(Mitigating)** The Permit holders past record: The permit holder's past record clean with one positive. Therefore, the permit holder's past record is a mitigating factor.
2. **(Mitigating)** The potential of the drug to influence the horse's racing performance: Pursuant to 178 W. Va. C.S.R. 1, section 49.2.d., Class 4 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication; to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure

that the horse does not have some condition that would cause it to harm itself if it races, and to ensure the integrity of racing so that horse aren't racing under the effect of a medication that could affect performance.}]

3. **(Mitigating) The legal availability of the drug:** Flunixin is legally available.

4. **Whether there is reason to believe the permit holder knew of the administration of the drug or intentional administered the drug:** Inasmuch as there was no hearing in this matter it was not established whether or not the permit holder knew of the administration of the drug, nor the circumstances under which the drug may have been given. There for this factor is not considered in weighing the penalty in this case.

5. **The steps taken by the trainer to safeguard the horse:** Inasmuch as there was no hearing in this case it is unknown what efforts the trainer made to ensure that the treatment of the horse with Flunixin was done within the withdrawal guidelines and dosing specifications set forth in 178 W. Va. C.S.R. 1, Table 178-1 F, so as to avoid a positive. There for this factor is not considered in weighing the penalty in this case.

6. **The probability of environmental contamination exposure due to human use:** This factor is not applicable to this case.

7. **The purse of the race:** The race in question was a Maiden Special Weight \$23,000 PURSE. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.

8. **Whether the drug found was one for which the horse was receiving a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with Flunixin. Therefore, this factor is not considered in weighing the penalty in this case.

9. **Whether there was any suspicious betting pattern in the race:** There is no evidence of a suspicious betting pattern in this case and therefore, this factor is not considered in weighing the penalty in this case.

10. **Whether the trainer was acting under the advice of a veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated with Flunixin by a veterinarian. Therefore, this factor is not considered in weighing the penalty in this case.

Based on the above, the Stewards hereby impose the following penalty for the underlying offense: **Mr. Collins will be fined \$500 dollars.**

Mr. Collins has accumulated 1/2 point on his record for this Flunixin positive.

The horse "Joanie's Jitters" is not DISQUALIFIED FROM PURSE MONEY.

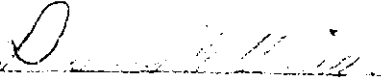
Original order of finish is as follows

- 1. Like That
- 2. Dramatic Pegasus
- 3. Shesonamission
- 4. Joanie's Jitters
- 5. Returntasenda
- 6. Miss Baby Betty

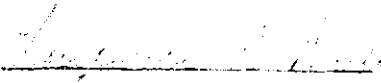
The fine imposed in this ruling shall be paid to the Racing Commission within seven (7) days after the ruling is issued. You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within Days of your receipt of this Ruling and must include a security fee in the amount of \$500.00

Dated: August 3, 2017

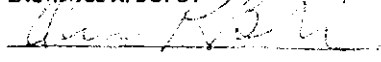
BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



LAURENCE A. DUPUY



DENVER BECKNER

VPAID 9/26/17
CK# 2336
LRCI

BEFORE THE BOARD OF STEWARDS
CHARLES TOWN RACE TRACK
RULING-MEDICATION VIOLATION

RULING #121

TO: Owner/Trainer Elex Bowman

Permit #10294

On August 8, 2017, the Board of Stewards offered a hearing to Owner/Trainer Elex Bowman to which he waived his right to a hearing, regarding allegations set forth in Notice of Hearing issued August 1, 2017.

The Stewards hereby find the following:

- The official blood sample #239264, taken on 7/1/17 was reported by Industrial Laboratories, the official testing laboratory, to contain Dexamethasone, which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for Dexamethasone is 5 pg/ml in blood. Sample #239264 contained 22.5 pg/ml of the drug, which is above the permissible threshold for this drug. The sample was taken from the Ten (10) horse, "R and R Boy", which ran in the 5th Race on 7/1/17, finishing Ninth.

Mr. Bowman elected not to have a split sample tested.

Pursuant to 178 W. Va. C.S.R. 1, section 24.11.o, The Stewards are authorized to take disciplinary action against a permit holder for violating any provision of the Thoroughbred Racing Rule.

Pursuant to section 51.1.1a, of the Thoroughbred Racing Rule, 178 W.Va.C.S.R.1: "The trainer is the absolute insurer of and responsible for the condition of the horses he or she enters in an official workout or a race, regardless of the acts of third parties. If testing or analysis of urine, blood or other bodily substances or tissues prove positive showing the presence of any prohibited drug, medication or substance, the trainer of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined. In addition, the owner of the horse, the foreman in charge of the horse, the groom, and any other person shown to have had the care, attendance of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined."

Pursuant to 178 W. Va. C.S.R. 1, section 49.4.a.2., a finding by a Racing Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse, and in the case of a post-race test, was present in the horse's body while it was participating. Prohibited substances included controlled therapeutic medications in excess of established threshold concentrations as set forth in the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule, Version 2.1., contained in Table 178-1 F of the Thoroughbred Racing Rule.

Pursuant to 178 W. Va. C.S.R. 1, Table 178-1 F, the post-race threshold for Dexamethasone is 5 pg/ml in the blood. Because the amount of Dexamethasone in "R and R Boy" exceeded the acceptable threshold set forth in Table 178-1 F, Mr. Bowman may be held responsible and his occupational permit disciplined pursuant to 178 W. Va. C.S.R. 1, sections 49.a.1. and 51.1.a.

The Dexamethasone positive in "R and R Boy" is Mr. Bowman's Third Offense for a medication/substance violation in a 365 day period. Mr. Bowman had a Phenylbutazone positive on 10/27/16 and a Dexamethasone on 12/29/16 in West Virginia.

The permit holder has accumulated 2 point under the multiple medication violation point system as a result of the issuance of Ruling #151 on 10/27/16 and ruling # 4 on 1/13/17. Mr. Bowman is assessed 1/2 point for this Dexamethasone medication/substance violation pursuant to section 49.3.m. of 178 of W.Va.C.S.R.1.

The Stewards determine the appropriate penalty for the underlying offense on a case by case basis by considering mitigating and aggravating factors. The following is an analysis of the factors set forth in section 49.1 of the Thoroughbred Racing Rule:

- (Aggravating) The Permit holder's past record:** The permit holder's past record includes 2 Class 4, Category C, drug positive. Therefore, the permit holder's past record is an aggravating factor.
- (Mitigating) The potential of the drug to influence the horse's racing performance:** Pursuant to 178 W. Va. C.S.R. 1, section 49.2.d, Class 4 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication; to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it

racers, and to ensure the integrity of racing so that horse aren't racing under the effect of a medication that could affect performance.]

- 3. **(Mitigating) The legal availability of the drug:** Dexamethasone is legally available.
- 4. **Whether there is reason to believe the permit holder knew of the administration of the drug or intentional administered the drug:** Inasmuch as there was no hearing in this matter it was not established whether or not the permit holder knew of the administration of the drug, or the circumstances under which the drug may have been given. Therefore this factor is not considered in weighing the penalty in this case.
- 5. **The steps taken by the trainer to safeguard the horse:** Inasmuch as there was no hearing in this case it is unknown what efforts the trainer made to ensure that the treatment of the horse with Dexamethasone was done within the withdrawal guidelines and dosing specifications set forth in **178 W. Va. C.S.R. 1, Table 178-1 F**, so as to avoid a positive. Therefore this factor is not considered in weighing the penalty in this case.
- 6. **The probability of environmental contamination exposure due to human use:** This factor is not applicable to this case.
- 7. **The purse of the race:** The races in question was a Maiden 12,500 claiming race with a \$14,500 purse. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.
- 8. **Whether the drug found was one for which the drug was receiving a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with Dexamethasone. Therefore, this factor is not considered in weighing the penalty in this case.
- 9. **Whether there was any suspicious betting pattern in the race:** There is no evidence of a suspicious betting pattern in this case and therefore, this factor is not considered in weighing the penalty in this case.
- 10. **Whether the trainer was acting under the advice of a veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated with Dexamethasone by a veterinarian. Therefore, this factor is not considered in weighing the penalty in this case.

Based on the above, the Stewards hereby impose the following penalty for the underlying offense: **Mr. Bowman's horse "R and R boy" will be Disqualified from all purse money and will have a total of 2 1/2 points on his record. With the Dexamethasone positive being Mr. Bowman's Third medication violation in 365 days. Mr. Bowman is fined \$2500 dollars and is given a 30 day suspension starting Sunday, August 13, 2017 running through and including Monday September 11, 2017.**

The horse "R and R Boy" is disqualified from all purse money Re-Distribution is as following.

- 1. Addys Castle
- 2. I Know Thats Right
- 3. Araostook
- 4. Why All Da Time
- 5. Where To
- 6. Gone Global

You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 Days of your receipt of this Ruling and must include a security fee in the amount of \$500.00

Dated: August 9, 2017

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

LAURENCE A. DUPUY

Denver K. Beckner

CHARLES TOWN RACES

STEWARDS RULINGS

AUGUST 11, 2017

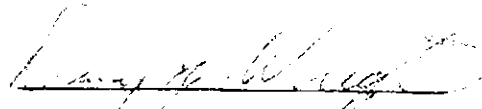
RULING NUMBER 122

Owner, Charles W. Engle Sr.; Permit #15109; SS# xxx-xx-6252


Mr. Engle's license has been summarily suspended as of August 11, 2017 pending the outcome of a Board of Stewards hearing.

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of five-hundred (\$500.00) Dollars.

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



LAURENCE A. DUPUY



DENVER BECKNER

CHARLES TOWN RACES

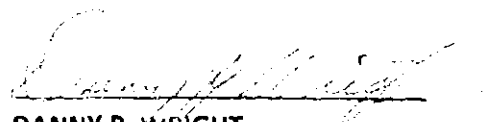
STEWARDS RULING

AUGUST 12, 2017

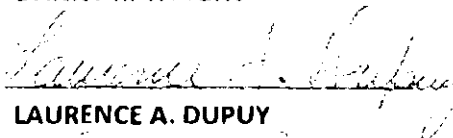
RULING NUMBER 123

Groom, **Devan Ewell**, Permit # 11312/2015; SS# xxx-xx-1561, Occupational Permit has been restored to good standing as of **8/12/2017** by order of the West Virginia Racing Commission, having complied with the conditions set forth in **Ruling 188**, dated **October 14, 2015**.

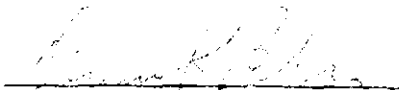
BY ORDER OF THE STEWARDS



DANNY R. WRIGHT



LAURENCE A. DUPUY



DENVER K. BECKNER

*VPaid
9/8/17
#20799*

CHARLES TOWN RACES

STEWARDS RULING

AUGUST 12, 2017,

RULING NUMBER 124

Jockey, **JD Acosta**, Permit #13814; SS# xxx-xx-0435, is hereby fined **One-Hundred (\$100.00) Dollars** for being over his reported weight, on **Thursday, August 10, 2017**, for the **Eighth (8) Race**. This is in violation of West Virginia Rule of Racing Number **178-1-45.5.d** which states, "Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision."

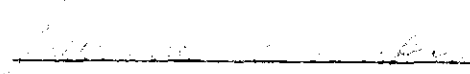
All fines imposed by the Stewards shall be paid to the Racing Commission within **Seven (7) Calendar days** after the ruling is issued, unless otherwise ordered by the Stewards, **Per Rule of Racing Number 178-1-8.5.n**.

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of **Five-Hundred (\$500.00) Dollars**.

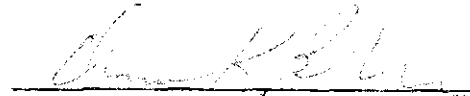
BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



LAURENCE A. DUPUY



DENVER K. BECKNER

*paid 9/8/17
#218779*

CHARLES TOWN RACES

STEWARDS RULING

AUGUST 12, 2017,


RULING NUMBER 125

Jockey, **Darius Thorpe**, Permit #11518; SS# xxx-xx-2423, is hereby fined **One-Hundred (\$100.00) Dollars** for being over his reported weight, on **Friday, August 11, 2017**, for the **Fifth (5) Race**. This is in violation of West Virginia Rule of Racing Number **178-1-45.5.d** which states, "Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision."

All fines imposed by the Stewards shall be paid to the Racing Commission within **Seven (7) Calendar days** after the ruling is issued, unless otherwise ordered by the Stewards, **Per Rule of Racing Number 178-1-8.5.n.**

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of **Five-Hundred (\$500.00) Dollars.**

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



LAURENCE A. DUPUY



DENVER K. BECKNER

**BEFORE THE BOARD OF STEWARDS
CHARLES TOWN RACE TRACK
RULING-MEDICATION VIOLATION**

RULING #126

TO: Owner/Trainer Gary L. Williams Jr.

Permit # 11951

On **August 4, 2017**, the Board of Stewards offered a hearing to **Owner/Trainer, Gary L. Williams Jr.**, regarding allegations set forth in Notice of Hearing issued **June 7, 2017**.

The Stewards hereby find the following:

The official blood sample **#255876**, taken on **2/11/17** and sample **# 225170** taken on **4/1/17**, was reported by Industrial Laboratories, the official testing laboratory, to contain **Dexamethasone**, which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for **Dexamethasone** is **5 pg/ml** in blood. Sample **#225876** contained **20.0 pg/ml** of the drug and sample **# 255710** contained **17.9 pg/ml** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **four (4) horse, "Follow the Notion"**, which ran in the **6th Race on 2/11/17, finishing First and the 2 horse, "Follow The Notion"** which ran in the seventh race on **4/1/17 finishing first respectfully**.

Mr. Williams elected not to have a split sample testing.

Pursuant to **178 W. Va. C.S.R. 1, section 24.11.o**, The Stewards are authorized to take disciplinary action against a permit holder for violating any provision of the Thoroughbred Racing Rule.

Pursuant to section **51.1.1a, of the Thoroughbred Racing Rule, 178 W.Va.C.S.R.1**: "The trainer is the absolute insurer of and responsible for the condition of the horses he or she enters in an official workout or a race, regardless of the acts of third parties. If testing or analysis of urine, blood or other bodily substances or tissues prove positive showing the presence of any prohibited drug, medication or substance, the trainer of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined. In addition, the owner of the horse, the foreman in charge of the horse, the groom, and any other person shown to have had the care, attendance of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined."

Pursuant to **178 W. Va. C.S.R. 1, section 49.4.a.2.**, a finding by a Racing Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse, and in the case of a post-race test, was present in the horse's body while it was participating. Prohibited substances included controlled therapeutic medications in excess of established threshold concentrations as set forth in the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule, Version 2.1., contained in Table 178-1 F of the Thoroughbred Racing Rule.

Pursuant to **178 W. Va. C.S.R. 1, Table 178-1 F**, the post-race threshold for **Dexamethasone** is **5 pg/ml** in the blood. Because the amount of **Dexamethasone** in **"Follow the Notion"** exceeded the acceptable threshold set forth in **Table 178-1 F**, **Mr. Williams** may be held responsible and his occupational permit disciplined pursuant to **178 W. Va. C.S.R. 1, sections 49.a.1. and 51.1.a.**

The **Dexamethasone** positive in **"Follow the Notion"** is **Mr. Williams second and third Offense** for a medication/substance violation in a 365 day period. **Mr. Williams** had a **Dexamethasone** positive on **November 18, 2016 in West Virginia**.

The permit holder has accumulated **3 points** under the multiple medication violation point system as a result of the issuance of **Ruling #170 on December 9, 2016**. **Mr. Williams** is assessed **1 point** for these two **Dexamethasone** medication/substance violations pursuant to section **49.3.m. of 178 of W.Va.C.S.R.1**.

The Stewards determine the appropriate penalty for the underlying offense on a case by case basis by considering mitigating and aggravating factors. The following is an analysis of the factors set forth in section 49.1 of the Thoroughbred Racing Rule:

1. **(Aggravating) The Permit holder's past record:** The permit holder's past record includes a Class 4, Category C, drug positive, **Dexamethasone**, that was the subject of **Ruling # 170** issued by the Stewards in West Virginia. Therefore, the permit holder's past record is an aggravating factor.
2. **(Mitigating) The potential of the drug to influence the horse's racing performance:** Pursuant to **178 W. Va. C.S.R. 1, section 49.2.d**, Class 4 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in

the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication; to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it races, and to ensure the integrity of racing so that horse aren't racing under the effect of a medication that could affect performance.]

- 3. **(Mitigating)** The legal availability of the drug: Dexamethasone is legally available.
- 4. **Whether there is reason to believe the permit holder knew of the administration of the drug or intentional administered the drug:** In the hearing the trainer claimed to have no knowledge of the horse receiving the drug in question. Therefore this factor is not considered in weighing the penalty in this case.
- 5. **The steps taken by the trainer to safeguard the horse:** Trainer says he washed down stall and did all he could to safe guard his horse so as to avoid a positive. Therefore this factor is not considered in weighing the penalty in this case.
- 6. **The probability of environmental contamination exposure due to human use:** The trainer claims that environmental contamination was a strong possibility.
- 7. **The purse of the race:** The races in question was allowance races with a \$24,000 purse. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.
- 8. **Whether the drug found was one for which the drug was receiving a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** The trainer says the horse was not being treated by a veterinarian with Dexamethasone. Therefore, this factor is not considered in weighing the penalty in this case.
- 9. **Whether there was any suspicious betting pattern in the race:** There is no evidence of a suspicious betting pattern in this case and therefore, this factor is not considered in weighing the penalty in this case.
- 10. **Whether the trainer was acting under the advice of a veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Trainer says horse was not being treated by himself or a licensed veterinarian

Based on the above, the Stewards hereby impose the following penalty for the underlying offense: Mr. Williams horse "Follow the Notion" will be disqualified from all purse money's and will have a total of 4 points on his record. With the Dexamethasone positives being Mr. Williams second and third medication violations in 365 days. Mr. Williams is fined \$4,000 dollars and is given a 45-day suspension starting Friday August 18, 2017 running through and including Sunday October 1, 2017.

The horse "Follow the Notion" is disqualified from all purse money; Race 6 on 3/11/17 Re-Distribution is as following

- 1. Royal Blue
- 2. River City Rambler
- 3. Morning Muse
- 4. Weekend Liberty
- 5. Bops Gold
- 6. Sea of Roses

The horse "Follow the Notion" is disqualified from all purse money; Race 7 on 4/1/17 Re- Distribution is as following.

- 1. Big Bad Dude
- 2. Gold Sovereign
- 3. Perfect Cross
- 4. Royal Blue
- 5. Rocket Road
- 6. Deco Czar

You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 Days of your receipt of this Ruling and must include a security fee in the amount of \$500.00

Dated: August 17, 2017

BY ORDER OF THE STEWARD:

DANNY W. WRIGHT

LAURENCE A. DUPUY

DENVER K. BECKNER

✓ PAID
9/21/17
218520

CHARLES TOWN RACES

STEWARDS RULINGS

AUGUST 17, 2017

RULING NUMBER 127

Jockey, Luis Batista, Permit # 14143; SS# xxx-xx-0427, is hereby fined **Two Hundred (\$200) Dollars** for violation of West Virginia Rule of Racing Number 178-1-28.3.b, which reads: "A jockey shall faithfully fulfill all engagements in respect to racing."

Mr. Batista failed to fulfill his riding engagement on **Saturday, August 12, 2017**, necessitating a scratch in the **Eighth (8th) Race**.

All fines imposed by the stewards shall be paid to the Racing Commission within seven days (7) calendar days after the ruling is issued, unless otherwise ordered by the stewards.

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of Five-Hundred (\$500.00) Dollars.

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT


LAURENCE A. DUPUY


DENVER K. BECKNER

✓ paid 8/21/17
#219520

CHARLES TOWN RACES

STEWARDS RULING

AUGUST 18, 2017,

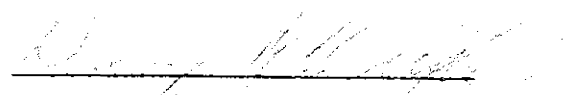
RULING NUMBER 128

Apprentice Jockey, **Carlos Delgado**, Permit #14497; SS# xxx-xx-4909, is hereby fined **One-Hundred (\$100.00) Dollars** for being over his reported weight, on **Saturday, August 12, 2017**, for the **First (1) Race**. This is in violation of West Virginia Rule of Racing Number **178-1-45.5.d** which states, "Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision."

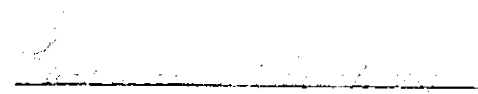
All fines imposed by the Stewards shall be paid to the Racing Commission within **Seven (7) Calendar days** after the ruling is issued, unless otherwise ordered by the Stewards, **Per Rule of Racing Number 178-1-8.5.n**.

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of **Five-Hundred (\$500.00) Dollars**.

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



LAURENCE A. DUPUY



DENVER K. BECKNER

LPTD
8/21/17
219,491

CHARLES TOWN RACES

STEWARDS RULINGS

AUGUST 18, 2017

RULING 129

Trainer, **Jeff Runco**; Permit # 14040; SS# xxx-xx-1210

Mr. Runco is hereby fined **Two Hundred and Fifty (\$250) Dollars** for not having his horse, "**Honeymoon Cruise**", in the paddock at the appointed time for the running of the **Third (3rd) Race on Thursday, August 17, 2017**, necessitating an untimely scratch.

Per Rule of Racing #178-1-26.3.g, which states "Each Trainer is responsible for presenting his or her horse and being present in the paddock at a time appointed before post time of the race in which the horse is entered."

All fines imposed by the stewards shall be paid to the Racing Commission within (7) calendar days after the ruling is issued, unless otherwise ordered by the stewards.

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of the ruling and must include a security fee in the amount of \$500.00.

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



LAURENCE A. DUPUY



DENVER K. BECKNER

RCI
DOI 9/20/17
#219052

CHARLES TOWN RACES

STEWARDS RULING

SEPTEMBER 15, 2017,

RULING NUMBER 130

Jockey, Luis Batista, Permit #11974; SS# xxx-xx-0427, is hereby fined **One-Hundred (\$100.00) Dollars** for not reporting his weight, on **Thursday, September 14, 2017**, for the **Seventh (7) Race**. This is in violation of West Virginia Rule of Racing Number **178-1-45.5.d** which states, "Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision."

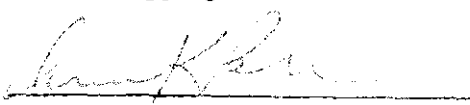
All fines imposed by the Stewards shall be paid to the Racing Commission within **Seven (7) Calendar days** after the ruling is issued, unless otherwise ordered by the Stewards, **Per Rule of Racing Number 178-1-8.5.n**.

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of **Five-Hundred (\$500.00) Dollars**.

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT


L. ROBERT LOTTS


DENVER K. BECKNER

CHARLES TOWN RACES

STEWARDS RULING

SEPTEMBER 16, 2017

RULING NUMBER 131

Jockey, **Christian Hiraldo**, Permit #11976; SS# xxx-xx-4368, is suspended for **Three (3) Racing Days**, beginning **Thursday, September 21, Friday September 22, and including Saturday, September 23, 2017** for violation of rule of Racing 178-1-45.7.b.1 which reads, "A jockey shall not ride carelessly or willfully so as to permit his or her mount to interfere with, impede or intimidate any other horses in the race. "

Jockey **Christian Hiraldo** is suspended for allowing his mount (**#9 "Brenda J"**) to drift in near the quarter pole, causing interference to (**#4 "Charitable Luck"**) and to (**#8 "WakingNightmare"**) during the running of the **Fifth (5th) race on Thursday, September 14, 2017**

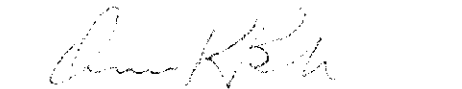
"**Brenda J**" was disqualified from **First (1st)** position to **Fourth (4th)**

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of Five Hundred (\$500.00) Dollars

BY ORDER OF THE STEWARDS



DANNY R. WRIGHT



DENVER K. BECKNER

L. ROBERT LOTTS

CHARLES TOWN RACES

STEWARDS RULING

SEPTEMBER 19, 2017

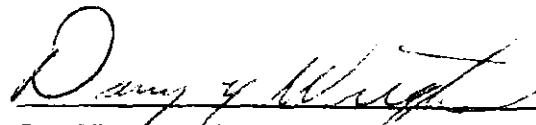
RULING NUMBER 132

Jockey, Christian Hiraldo, Permit # 11976; SS: xxx-xx-4368;, is currently under suspension three (3) days, effective Thursday, September 21, 2017, thru and including Saturday, September 23, 2017, is hereby permitted to ride in designated stake races on Saturday, September 23, 2017, in accordance with West Virginia Rules of Racing Number 178-1-28.1.d, (d.1, d.2, d.3, d.4, and d.5, designated race rules).

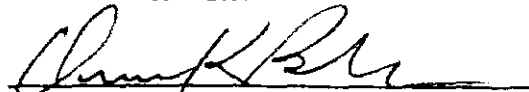
Jockey, Christian Hiraldo will serve One (1) additional racing day of suspension on Thursday, September 28, 2017, in accordance with West Virginia Rule of Racing Number 178-1-28.1.d.4.

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of Five Hundred (\$500.00) Dollars.

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



DENVER K. BECKNER



L. ROBERT LOTTS

CHARLES TOWN RACES

STEWARDS RULING

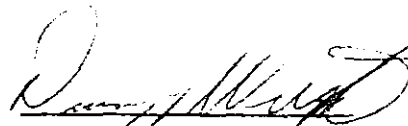
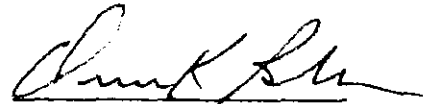
SEPTEMBER 21, 2017

RULING NUMBER 133

Miscellaneous Employee, **Regina Hostler**, Permit #14179, SS # xxx-xx-1679, is hereby fined **Two Hundred Dollars (\$200.00)** for being in violation of rule #178-1-24.11.f which reads, "has disturbed the peace on Association Grounds", by being the aggressor in a verbal altercation in the track kitchen on Thursday, September 14, 2017.

All fines imposed by the Stewards shall be paid to the Racing Commission within seven (7) Calendar days after the ruling is issued, unless otherwise ordered by the Stewards, Per Rule of Racing Number 178-1-8.5.n.

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of One-Hundred (\$500.00) Dollars.

BY ORDER OF THE STEWARDS:**DANNY R. WRIGHT****DENVER K. BECKNER****L. ROBERT LOTTS**

CHARLES TOWN RACES

STEWARDS RULING

September 22, 2017

RULING NUMBER 134

Owner's license of **Jeffrey D. Allen**, Permit #13811 has been rescinded without prejudice upon application as a Jockey Agent.

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT


DENVER K. BECKNER


L. ROBERT LOTTS

RULING # 135

Jockey, **Gerald Almodovar**, Permit; #135689, SS(xxx-xx-9660), is hereby fined **\$250.00 (TWO HUNDRED FIFTY DOLLARS)**, for violation of **Rule of Racing, Number 178-1-45.7.c.1**, which reads: "When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede or intimidate any other horse, it is a foul."

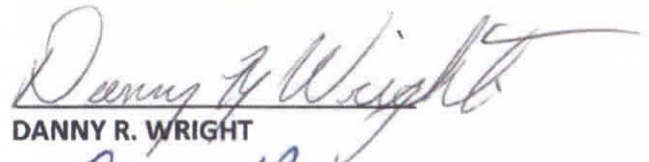
Jockey **Gerald Almodovar** swerved inward while not clear and caused interference to "**Cashton Peak**" during the stretch run in the **Second Race, September, 23, 2017**.

Jockey **Almodovar's** mount "**Emblem's Estate**" was **disqualified from 2nd and placed 5th**.

All fines imposed by the Stewards shall be paid to the Racing Commission within Seven (7) days after the ruling is issued, unless otherwise ordered by the Stewards, Per West Virginia **Rule of Racing Number 178-1-8.5.n**.

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of Five-Hundred (\$500.00) Dollars.

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT


DENVER K. BECKNER


JILLIAN SOFARELLI TULLOCK

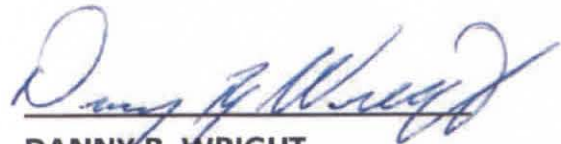
RULING NUMBER 136

Groom, **Brian Yowell**; permit #13167 SS(xxx-xx-9245)

Mr. Yowell's license has been **summarily suspended** as of **October 4, 2017** as a result of not disclosing a felony conviction on his occupational permit.

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of Five-Hundred (\$500.00) Dollars.

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



DENVER K. BECKNER



L. ROBERT LOTTS

**BEFORE THE BOARD OF STEWARDS
CHARLES TOWN RACE TRACK
RULING-MEDICATION VIOLATION**

RULING #137

TO: Owner/Trainer Ray Boyd:

Permit #11328

On **October 4, 2017**, the Board of Stewards offered a hearing to **Owner/Trainer, Roy Boyd** to which he waived his right to a hearing, regarding allegations set forth in Notice of Hearing issued **September 29, 2017**.

The Stewards hereby find the following:

The official blood sample **#239636**, taken on **9/16/17** was reported by Industrial Laboratories, the official testing laboratory, to contain **Hydroxy-lidocaine**, which is a **Class 2** drug, with a **B** Penalty, designation. The permissible threshold for **Hydroxy-lidocaine** in the blood is **20 pg/ml**. Sample **#239636** contained **54.1 pg/ml** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **two (2) horse**, "**Preppy**", which ran in the **1st race** on **9/16/17 finishing FIRST**.

Mr. Boyd elected not to have a split sample tested.

Pursuant to **178 W. Va. C.S.R. 1, section 24.11.o**, The Stewards are authorized to take disciplinary action against a permit holder for violating any provision of the Thoroughbred Racing Rule.

Pursuant to section **51.1.a, of the Thoroughbred Racing Rule, 178 W.Va.C.S.R.1**: "The trainer is the absolute insurer of and responsible for the condition of the horses he or she enters in an official workout or a race, regardless of the acts of third parties. If testing or analysis of urine, blood or other bodily substances or tissues prove positive showing the presence of any prohibited drug, medication or substance, the trainer of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined. In addition, the owner of the horse, the foreman in charge of the horse, the groom, and any other person shown to have had the care, attendance of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined."

Pursuant to **178 W. Va. C.S.R. 1, section 49.4.a.2.**, a finding by a Racing Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse, and in the case of a post-race test, was present in the horse's body while it was participating. Prohibited substances included controlled therapeutic medications in excess of established threshold concentrations as set forth in the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule, Version 2.1., contained in Table 178-1 F of the Thoroughbred Racing Rule.

Pursuant to **178 W. Va. C.S.R. 1, Table 178-1 F**, the post-race threshold for **Hydroxy-lidocaine** is **20 pg/ml** in the blood. Because the amount of **Hydroxy-lidocaine** in "**Preppy**" exceeded the acceptable threshold set forth in **Table 178-1 F**, **Mr. Boyd** may be held responsible and his occupational permit disciplined pursuant to **178 W. Va. C.S.R. 1, sections 49.a.1. and 51.1.a.**

The **Hydroxy-lidocaine** positive in "**Preppy**" is **Mr. Boyd's 2nd offense** for a medication/substance violation in a 365 day period.

The permit holder has accumulated **1/2 points** under the multiple medication violation point system. As a result of the issuance of this ruling, **Mr. Boyd** is assessed **2 points** for this **Hydroxy-lidocaine** medication/substance violation pursuant to section **49.3.m. of 178 of W.Va.C.S.R.1.**

The Stewards determine the appropriate penalty for the underlying offense on a case by case basis by considering mitigating and aggravating factors. The following is an analysis of the factors set forth in section 49.1 of the Thoroughbred Racing Rule:

1. **(MITIGATING) The Permit holder's past record:** The permit holder's past record includes one (1) drug violation. Therefore, the permit holder's past record is a Mitigating.
2. **(AGGRAVATING) The potential of the drug to influence the horse's racing performance:** Pursuant to **178 W. Va. C.S.R. 1, section 49.2.d**, Class 2 drugs could influence performance. This is an aggravating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication; to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the

horse does not have some condition that would cause it to harm itself if it races, and to ensure the integrity of racing so that horse aren't racing under the effect of a medication that could affect performance.]

3. **(MITIGATING) The legal availability of the drug:** Hydroxy-lidocaine is legally available.
4. **Whether there is reason to believe the permit holder knew of the administration of the drug or intentional administered the drug:** Inasmuch as there was no hearing in this matter it was not established whether or not the permit holder knew of the administration of the drug, or the circumstances under which the drug may have been given. Therefore this factor is not considered in weighing the penalty in this case.
5. **The steps taken by the trainer to safeguard the horse:** Inasmuch as there was no hearing in this case it is unknown what efforts the trainer made to ensure that the treatment of the horse with Hydroxy-lidocaine was done within the withdrawal guidelines and dosing specifications set forth in **178 W. Va. C.S.R. 1, Table 178-1 F**, so as to avoid a positive. Therefore this factor is not considered in weighing the penalty in this case.
6. **The probability of environmental contamination exposure due to human use:** This factor is not applicable to this case.
7. **The purse of the race:** The races in question were a 5,000 claiming race with a \$10,000 purse. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.
8. **Whether the drug found was one for which the drug was receiving a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with **Hydroxy-lidocaine**. Therefore, this factor is not considered in weighing the penalty in this case.
9. **Whether there was any suspicious betting pattern in the race:** There is no evidence of a suspicious betting pattern in this case and therefore, this factor is not considered in weighing the penalty in this case.
10. **Whether the trainer was acting under the advice of a veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated with **Hydroxy-lidocaine** by a veterinarian. Therefore, this factor is not considered in weighing the penalty in this case.

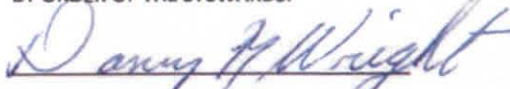
Based on the above, the Stewards hereby impose the following penalty for the underlying offense: **Mr. Boyd's horse "Preppy" will be disqualified from all purse money and will have a total of 2½ points on his record. With the Hydroxy-lidocaine positive being Mr. Boyd's second Medication violation in 365 day. Mr. Boyd is fined \$1000 (One Thousand Dollars) and is given a 30 day suspension starting, Sunday, October 8, 2017 through and including Monday November 6, 2017.**

The horse "Preppy" is disqualified from all purse money; re-distribution is as following.

1. Charismatic Miss
2. South Carolina
3. Girlzilla
4. Apple of Eden
5. Mae's Magic
6. Highland Queen
7. Starry Dancer

You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 Days of your receipt of this Ruling and must include a security fee in the amount of \$500.00

BY ORDER OF THE STEWARDS:



DANNY B. WRIGHT



DENVER K. BECKNER



L. ROBERT LOTT

**BEFORE THE BOARD OF STEWARDS
CHARLES TOWN RACE TRACK
RULING-MEDICATION VIOLATION**

RULING #137

TO: Owner/Trainer Ray Boyd:

Permit #11328

On **October 4, 2017**, the Board of Stewards offered a hearing to **Owner/Trainer, Roy Boyd** to which he waived his right to a hearing, regarding allegations set forth in Notice of Hearing issued **September 29, 2017**.

The Stewards hereby find the following:

The official blood sample **#239636**, taken on **9/16/17** was reported by Industrial Laboratories, the official testing laboratory, to contain **Hydroxy-lidocaine**, which is a Class 2 drug, with a B Penalty, designation. The permissible threshold for **Hydroxy-lidocaine** in the blood is 20 pg/ml. Sample **#239636** contained **54.1 pg/ml** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **two (2) horse, "Preppy"**, which ran in the **1st race on 6/16/17 finishing FIRST**.

Mr. Boyd elected not to have a split sample tested.

Pursuant to **178 W. Va. C.S.R. 1, section 24.11.o**, The Stewards are authorized to take disciplinary action against a permit holder for violating any provision of the Thoroughbred Racing Rule.

Pursuant to section **51.1.a, of the Thoroughbred Racing Rule, 178 W.Va.C.S.R.1**: "The trainer is the absolute insurer of and responsible for the condition of the horses he or she enters in an official workout or a race, regardless of the acts of third parties. If testing or analysis of urine, blood or other bodily substances or tissues prove positive showing the presence of any prohibited drug, medication or substance, the trainer of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined. In addition, the owner of the horse, the foreman in charge of the horse, the groom, and any other person shown to have had the care, attendance of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined."

Pursuant to **178 W. Va. C.S.R. 1, section 49.4.a.2.**, a finding by a Racing Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse, and in the case of a post-race test, was present in the horse's body while it was participating. Prohibited substances included controlled therapeutic medications in excess of established threshold concentrations as set forth in the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule, Version 2.1., contained in Table 178-1 F of the Thoroughbred Racing Rule.

Pursuant to **178 W. Va. C.S.R. 1, Table 178-1 F**, the post-race threshold for **Hydroxy-lidocaine** is 20 pg/ml in the blood. Because the amount of **Hydroxy-lidocaine** in "**Preppy**" exceeded the acceptable threshold set forth in **Table 178-1 F**, **Mr. Boyd** may be held responsible and his occupational permit disciplined pursuant to **178 W. Va. C.S.R. 1, sections 49.a.1. and 51.1.a.**

The **Hydroxy-lidocaine** positive in "**Preppy**" is **Mr. Boyd's 2nd offense** for a medication/substance violation in a 365 day period.

The permit holder has accumulated **1/2 points** under the multiple medication violation point system. As a result of the issuance of this ruling, **Mr. Boyd** is assessed **2 points** for this **Hydroxy-lidocaine** medication/substance violation pursuant to section **49.3.m. of 178 of W.Va.C.S.R.1.**

The Stewards determine the appropriate penalty for the underlying offense on a case by case basis by considering mitigating and aggravating factors. The following is an analysis of the factors set forth in section 49.1 of the Thoroughbred Racing Rule:

1. **(MITIGATING) The Permit holder's past record:** The permit holder's past record includes one (1) drug violation. Therefore, the permit holder's past record is a Mitigating.
2. **(AGGRAVATING) The potential of the drug to influence the horse's racing performance:** Pursuant to 178 W. Va. C.S.R. 1, section 49.2.d, Class 2 drugs could influence performance. This is an aggravating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication; to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the

horse does not have some condition that would cause it to harm itself if it races, and to ensure the integrity of racing so that horse aren't racing under the effect of a medication that could affect performance.]

3. **(MITIGATING) The legal availability of the drug: Hydroxy-lidocaine** is legally available.
4. **Whether there is reason to believe the permit holder knew of the administration of the drug or intentional administered the drug:** Inasmuch as there was no hearing in this matter it was not established whether or not the permit holder knew of the administration of the drug, or the circumstances under which the drug may have been given. Therefore this factor is not considered in weighing the penalty in this case.
5. **The steps taken by the trainer to safeguard the horse:** Inasmuch as there was no hearing in this case it is unknown what efforts the trainer made to ensure that the treatment of the horse with Hydroxy-lidocaine was done within the withdrawal guidelines and dosing specifications set forth in 178 W. Va. C.S.R. 1, Table 178-1 F, so as to avoid a positive. Therefore this factor is not considered in weighing the penalty in this case.
6. **The probability of environmental contamination exposure due to human use:** This factor is not applicable to this case.
7. **The purse of the race:** The races in question were a 5,000 claiming race with a \$10,000 purse. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.
8. **Whether the drug found was one for which the drug was receiving a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with Hydroxy-lidocaine. Therefore, this factor is not considered in weighing the penalty in this case.
9. **Whether there was any suspicious betting pattern in the race:** There is no evidence of a suspicious betting pattern in this case and therefore, this factor is not considered in weighing the penalty in this case.
10. **Whether the trainer was acting under the advice of a veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated with Hydroxy-lidocaine by a veterinarian. Therefore, this factor is not considered in weighing the penalty in this case.

Based on the above, the Stewards hereby impose the following penalty for the underlying offense: Mr. Boyd's horse "Preppy" will be disqualified from all purse money and will have a total of 2½ points on his record. With the Hydroxy-lidocaine positive being Mr. Boyd's second Medication violation in 365 day. Mr. Boyd is fined \$1000 (One Thousand Dollars) and is given a 30 day suspension starting, Sunday, October 8, 2017 through and including Monday November 6, 2017.

The horse "Preppy" is disqualified from all purse money; re-distribution is as following.

1. Charismatic Miss
2. South Carolina
3. Girlzilla
4. Apple of Eden
5. Mae's Magic
6. Highland Queen
7. Starry Dancer

You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 Days of your receipt of this Ruling and must include a security fee in the amount of \$500.00

BY ORDER OF THE STEWARDS:



DANNY B. WRIGHT



DENVER K. BECKNER



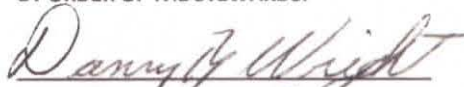
L. ROBERT LOTT

RULING NUMBER 138

Owner, Groom, and Exercise rider, **Susan Cummings**, permits #11393, #12491 and #12490; has been **rescinded having been issued in error**. This matter will be addressed by the West Virginia Racing Commission.

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of Five-Hundred (\$500.00) Dollars.

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



DENVER K. BECKNER



L. ROBERT LOTT

RULING NUMBER 139

Jockey, **Jerry Villegas**, Permit #11975; SS# xxx-xx-4546, is hereby fined **100 Hundred (\$100) Dollars** for violation of West Virginia Rule of Racing Number 178-1-28.3.b, which reads: "A jockey shall faithfully fulfill all engagements in respect to racing."

Mr. Villegas failed to fulfill his riding engagement in the **Eighth (8th) Race on Friday, October 13, 2017.**

All fines imposed by the stewards shall be paid to the Racing Commission within seven (7) calendar days after the ruling is issued, unless otherwise ordered by the stewards.

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of Five-Hundred (\$500.00) Dollars

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

DENVER K. BECKNER

L. ROBERT LOTT

RULING #140

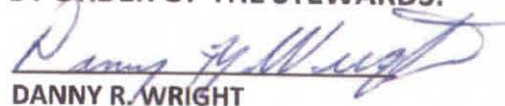
Jockey, **Jerry Villegas**, Permit #11975; SS xxx-xx-4546; is **suspended for three racing days starting Friday, October 20, 2017, Saturday October 21, & Thursday October 26, 2017.** Jockey Villegas is in violation of **Rule of Racing #178-1-45.7.b.1**, which reads: "A jockey shall not ride carelessly or willfully so as to permit his or her mount to interfere with, impede or intimidate any other horses in the race."

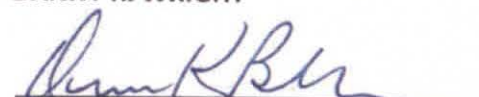
Jockey Villegas let his mount, **Blown Away Baby** drift in down the lane taking the lane away from **Flirting Fuhr Real** causing her rider to take up sharply, during the **Second Race on Friday, October 13, 2017.** **Blown Away Baby** was **disqualified from First (1st) and placed Second (2nd).**

All fines imposed by the Stewards shall be paid to the Racing Commission within **Seven (7) days** after the ruling is issued, unless otherwise ordered by the Stewards, Per West Virginia Rule of Racing Number 178-1-8.5.n.

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within **20 days** of your receipt of this ruling and must include a security fee in the amount of **Five-Hundred (\$500.00) Dollars.**

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT


DENVER K. BECKNER


L. ROBERT LOTTS

RULING 141

Trainer, **David Hussey** Permit #10627; SS# xxx-xx-4059. The official sample #E239770 taken from the runner "**Cherokee Blessing**" who finished first (1st) in the eighth (8th) race on Saturday, October 7, 2017, was reported by Industrial Testing Laboratory to contain **Flunixin** above the authorized levels. Specifically, the blood sample contained **46.1 nanograms**.

The Stewards conclude that **Mr. Hussey** has violated section(s) **178-1-49.6.a.1** and **178-1-49.6.a.1.A**, which reads, "Not to exceed the following permitted serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection at least twenty-four (24) hours before post time for the race in which the horse is entered.

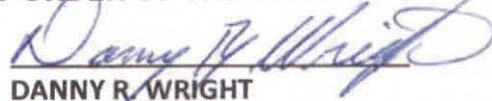
However, the Stewards determine the appropriate penalty on case by case basis by considering the mitigating/aggravating factors.

Based on the above, the penalty on **Mr. Hussey** will be a warning with no suspension, fine, or points.

You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 Days of your receipt of this Ruling and must include a security fee in the amount of \$500.

Dated: October 21, 2017,

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT


DENVER K. BECKNER


L. ROBERT LOTTS

RULING 142**Owner/Trainer, John E. Salzman Jr.:****Permit #11111**

On **October, 21 2017**, the Board of Stewards offered a hearing to **Owner/Trainer, John E. Salzman Jr.** to which he waived his right to a hearing regarding a medication violation pertaining to his horse **"The Great Renaldo"** who finished first (1st) in the second (2nd) race on **Saturday October 7, 2017**.

The Stewards hereby find the following:

The official blood sample **#239761**, taken on **10/7/17** was reported by Industrial Laboratories, the official testing laboratory, to contain **Dexamethasone**, which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for Dexamethasone is 5 pg/ml in blood. Sample **#239761** contained **19.6 pg/ml** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **Three (3) horse, "The Great Ronaldo"**, which ran in the **2nd Race on 10/7/17, finishing First**.

Mr. Salzman elected not to have a split sample tested

Pursuant to **178 W. Va. C.S.R. 1, section 24.11.o**, The Stewards are authorized to take disciplinary action against a permit holder for violating any provision of the Thoroughbred Racing Rule.

Pursuant to section **51.1.1a, of the Thoroughbred Racing Rule, 178 W.Va.C.S.R.1**: "The trainer is the absolute insurer of and responsible for the condition of the horses he or she enters in an official workout or a race, regardless of the acts of third parties. If testing or analysis of urine, blood or other bodily substances or tissues prove positive showing the presence of any prohibited drug, medication or substance, the trainer of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined. In addition, the owner of the horse, the foreman in charge of the horse, the groom, and any other person shown to have had the care, attendance of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined."

Pursuant to **178 W. Va. C.S.R. 1, section 49.4.a.2.**, a finding by a Racing Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse, and in the case of a post race test, was present in the horse's body while it was participating. Prohibited substances included controlled therapeutic medications in excess of established threshold concentrations as set forth in the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule, Version 2.1., contained in Table 178-1 F of the Thoroughbred Racing Rule.

Pursuant to **178 W. Va. C.S.R. 1, Table 178-1 F**, the post-race threshold for **Dexamethasone** is 5 pg/ml in the blood. Because the amount of Dexamethasone in **"The Great Ronaldo"** exceeded the acceptable threshold set forth in **Table 178-1 F**, Mr. Salzman may be held responsible and his occupational permit disciplined pursuant to **178 W. Va. C.S.R. 1, sections 49.a.1. and 51.1.a.**

The Dexamethasone positive in **"The Great Ronaldo"** is Mr. Salzman's **First Offense** for a medication/substance violation in a 365 day period.

The permit holder has accumulated **0 points** under the multiple medication violation point system as a result of the issuance of. Mr. Salzman is assessed **½ point** for this Dexamethasone medication/substance violation pursuant to section **49.3.m. of 178 of W.Va.C.S.R.1.**

The Stewards determine the appropriate penalty for the underlying offense on a case by case basis by considering mitigating and aggravating factors. The following is an analysis of the factors set forth in section 49.1 of the Thoroughbred Racing Rule:

1. **(Aggravating) The Permit holder's past record:** The permit holder has no violations in the last 365 days
2. **(Mitigating) The potential of the drug to influence the horse's racing performance:** Pursuant to 178 W. Va. C.S.R. 1, section 49.2.d, Class 4 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the

effects of the medication; to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it races, and to ensure the integrity of racing so that horse aren't racing under the effect of a medication that could affect performance.]

3. **(Mitigating) The legal availability of the drug:** Dexamethasone is legally available.
4. **Whether there is reason to believe the permit holder knew of the administration of the drug or intentional administered the drug:** Inasmuch as there was no hearing in this matter it was not established whether or not the permit holder knew of the administration of the drug, or the circumstances under which the drug may have been given. Therefore this factor is not considered in weighing the penalty in this case.
5. **The steps taken by the trainer to safeguard the horse:** Inasmuch as there was no hearing in this case it is unknown what efforts the trainer made to ensure that the treatment of the horse with Dexamethasone was done within the withdrawal guidelines and dosing specifications set forth in **178 W. Va. C.S.R. 1, Table 178-1 F**, so as to avoid a positive. Therefore this factor is not considered in weighing the penalty in this case.
6. **The probability of environmental contamination exposure due to human use:** This factor is not applicable to this case.
7. **The purse of the race:** The races in question was a \$12,500 claiming race with a \$15,500 purse. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.
8. **Whether the drug found was one for which the drug was receiving a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with Dexamethasone. Therefore, this factor is not considered in weighing the penalty in this case.
9. **Whether there was any suspicious betting pattern in the race:** There is no evidence of a suspicious betting pattern in this case and therefore, this factor is not considered in weighing the penalty in this case.
10. **Whether the trainer was acting under the advice of a veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated with Dexamethasone by a veterinarian. Therefore, this factor is not considered in weighing the penalty in this case.

Based on the above, the Stewards hereby impose the following penalty for the underlying offense: **Mr. Salzman horse "The Great Ronaldo" will be disqualified from all purse money and will have a total of ½ points on his record. With the Dexamethasone positive being Mr. Salzman's first medication violation in 365 day. Mr. Salzman is fined \$1000 dollars.**

The horse "The Great Renaldo" is disqualified from all purse money; Re-Distribution is as following.

1. #2 True Lime
2. #4 Run Banner
3. #1 Satan's Friday
4. #5 Pistolinmypocket
5. #6 Windsor Legend
6. #3 The Great Ronaldo

You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 Days of your receipt of this Ruling and must include a security fee in the amount of \$500.00

Dated: October 25, 2017

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

DENVER K. BECKNER

L. ROBERT LOTTS