

CHARLES TOWN RACES

STEWARDS RULING

MARCH 30, 2017

RULING NUMBER 51

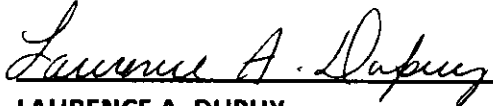
Apprentice Jockey, **Jan Batista**, Permit #14039; SS# xxx-xx-3286, is hereby fined **One-Hundred (\$100.00) Dollars** for being over his reported weight, on the **Wednesday, March 29, 2017**. This is in violation of West Virginia Rule of Racing Number **178-1-45.5.d** which states, "Any overweight shall 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 One-Hundred (\$100.00) Dollars.

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT


LAURENCE A. DUPUY


L. ROBERT LOTTS

VRC1

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

RULING #52

TO: **Owner/Trainer BILLY RAY DAVIS**; Permit #20019; SS# xxx-xx-0601

On **March 29, 2017**, the Board of Stewards offered a hearing to **Owner/Trainer, BILLY RAY DAVIS** to which he waived his right to a hearing, regarding allegations set forth in Notice of Hearing issued **March 28, 2017**.

The Stewards hereby find the following:

The official blood sample **#256057**, taken on **3/11/17** was reported by Industrial Laboratories, the official testing laboratory, to contain **NAPROXEN**, which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for **NAPROXEN** in the blood is 0. Sample **#256057** contained **19.5 ng/ml** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **six (6) horse, "UPTOWN PENTHOUSE"**, which ran in the **2ND Race on 3/11/17, finishing SECOND**.

MR. DAVIS 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 **NAPROXEN** IS 0 in the blood. Because the amount of **NAPROXEN** in "**UPTOWN PENTHOUSE**" exceeded the acceptable threshold set forth in **Table 178-1 F**, **MR. DAVIS** 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 **NAPROXEN** positive in "**UPTOWN PENTHOUSE**" is **MR. DAVIS'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 this ruling, **Mr DAVIS** is assessed **2 points** for this **NAPROXEN** 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. **(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 3 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

aces, 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:** NAPROXEN 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 **NAPROXEN** 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 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 **NAPROXEN**. 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 **NAPROXEN** 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. DAVIS'S** horse "**UPTOWN PENTHOUSE**" will be disqualified from all purse money and will have a total of **2** points on his record, With the **NAPROXEN** positive being **Mr. DAVIS'S** first medication violation in 365 day. **MR. DAVIS** is fined **\$1000** dollars.

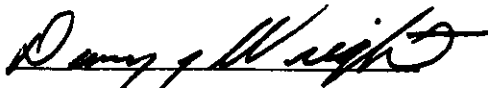
The horse "**UPTOWN PENTHOUSE**" is disqualified from all purse money; Re-Distribution is as following.

1. **GABBI'S AMOR**
2. **BOMBER**
3. **THE REVEREND JAMES**
4. **BRAVACCIO**
5. **BLAME THE JOCKEY**
6. **ULYSSES**

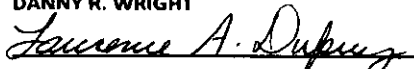
You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 Days of your receipt of this Ruling and must include a security fee in the amount of \$500.00

Dated: March 31, 2017

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



LAURENCE A. DUPUY



L. ROBERT LOTTS

CHARLES TOWN RACES

STEWARDS RULING

APRIL 1, 2017

RULING NUMBER 53

Exercise Rider, **Sylvestor Carmouche III**; Permit #13924; SS #xxx-xx-0335; is hereby fined **Two Hundred Fifty (\$250) Dollars**.

Mr. Carmouche was afforded a **B.O.S** hearing per Hearing Notice dated **2/24/17**, which was hand delivered and signed by Mr. Carmouche.

Mr. Carmouche was charged with being in violation of **Rule of Racing 178-1-24.11.gg**, which reads, "Has engaged in conduct unbecoming or detrimental to the best interest of racing."

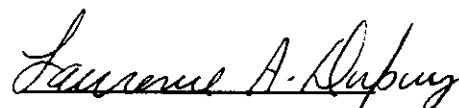
Mr. Carmouche is being charged with bringing an unlicensed/suspended person on the grounds of the association, and then he failed to appear before B.O.S. for hearing, without calling or requesting a continuance for just cause. Having failed to appear Mr. Carmouche is deemed to have admitted to the allegations.

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 \$100.

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT


LAURENCE A. DUPUY


L. ROBERT LOTTS

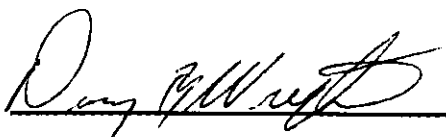
CHARLES TOWN RACES STEWARDS RULING APRIL 1, 2017

RULING NUMBER 54

Trainer: **Victor Ramirez**; Permit #14440; SS# xxx xx 4161

Trainer License has been rescinded without prejudice as of **April 1, 2017**,
having been issued in error.

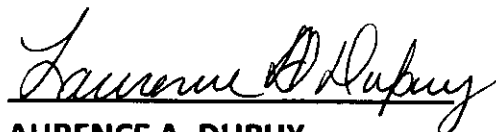
BY ORDER OF THE STEWARDS:

A handwritten signature in black ink, appearing to read "Danny R. Wright", written over a horizontal line.

DANNY R. WRIGHT

A handwritten signature in black ink, appearing to read "L. Robert Lotts", written over a horizontal line.

L. ROBERT LOTTS

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

LAURENCE A. DUPUY

RC

CHARLES TOWN RACES

STEWARDS RULINGS

APRIL 4, 2017

RULING NUMBER 55

Apprentice Jockey, **Carlos Delgado**, Permit #14497; SS xxx-xx-4909, is **suspended for Four Racing Days**, starting **Wednesday, April 5, 2017 through and including Saturday April 8, 2017**, for violation **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, Delgado willfully allowed his mount "**Onebourbononebeer**" (5) to drop in at the quarter pole and cause interference to **#3 "Prairie Schooner,"** in the **First Race on Friday, March 31, 2017.**

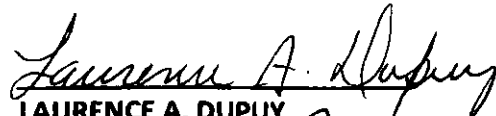
"Onebourbononebeer" was disqualified from **Second position and placed Fourth.**

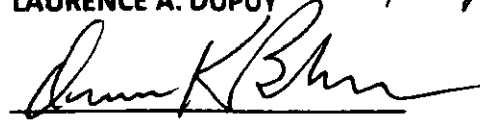
All fines imposed by the Stewards shall be paid to the Racing Commission within Seven (7) days after the ruling is issued, unless otherwise ordered by the Stewards, Per West Virginia Rule of Racing Number 178-1-8.5.n.

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 One-Hundred (\$100.00) Dollars.

BY ORDER OF THE STEWARDS:


DANNY B. WRIGHT


LAURENCE A. DUPUY


DENVER BECKNER

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

RULING #56

TO: **Owner/Trainer RHEA M. PENNELLA**; Permit #13538; SS# xxx- xx-3518

On **April 7, 2017**, the Board of Stewards offered a hearing to **Owner/Trainer, RHEA M. PENNELLA** to which she waived her right to a hearing, regarding allegations set forth in Notice of Hearing issued **April 6, 2017**.

The Stewards hereby find the following: The official blood sample **#256066**, taken on **3/16/17** was reported by Industrial Laboratories, the official testing laboratory, to contain **METHYLPREDNISOLONE**, which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for **METHYLPREDNISOLONE** is **100 pg/ml**. Sample **#256066** contained **271 pg/ml** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **ONE (1) horse, "WANA B WILD"**, which ran in the **1ST Race on 3/16/17, finishing FIRST**.

Ms. PENNELLA 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 **METHYLPREDNISOLONE** is **100 pg/ml** of plasma or serum. Because the amount of **METHYLPREDNISOLONE** found in **"WANA B WILD"** exceeded the acceptable threshold set forth in Table 178-1 F, **MS. PENNELLA** 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 **METHYLPREDNISOLONE** positive in **"WANA B WILD"** is **MS. PENNELLA'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. PENNELLA** is assessed **1 point** for this **METHYLPREDNISOLONE** 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, **METHYLPREDNISOLONE** positive at the level found in **"WANA B WILD"**. 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:** METHYLPREDNISOLONE 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. 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 METHYLPREDNISOLONE 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 METHYLPREDNISOLONE. 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 METHYLPREDNISOLONE 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. PENNELLA will be fined \$1,000 dollars.**

MS. PENNELLA has accumulated 1 point on her record for this METHYLPREDNISOLONE positive.

"WANA B WILD" IS DISQUALIFIED FROM ALL PURSE MONEY.

RE-DISTRIBUTION IS AS FOLLOWS:

1. Slew By The Fool
2. Can't talk right now
3. Come To Utopia
4. Lilton Miss Tilton
5. Canita Mia
6. Tiz Me Back

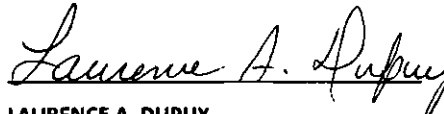
The fine imposed in this ruling shall be paid to the Racing Commission within seven (7) days after the ruling is issued. You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within Days of your receipt of this Ruling and must include a security fee in the amount of \$100.00

Dated: April 7, 2017

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



LAURENCE A. DUPUY



DENVER BECKNER

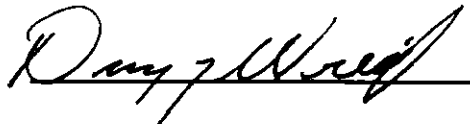
CHARLES TOWN RACES STEWARDS RULING APRIL 11, 2017

RULING NUMBER 57

Hot Walker: **Dean West**; Permit #11615; SS# xxx xx 8896

Hot Walker License #11615/4-17, has been rescinded without prejudice
as of **April 6, 2017**.

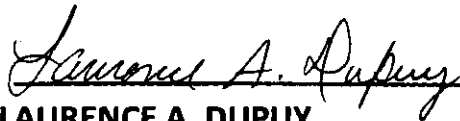
BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



DENVER BECKNER



LAURENCE A. DUPUY

CHARLES TOWN RACES

STEWARDS RULINGS

APRIL 11, 2017

RULING NUMBER 58

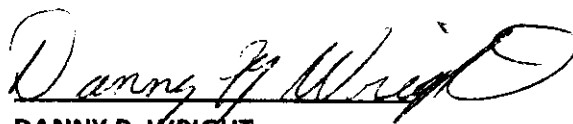
Jockey, Christian Hiraldo, Permit # 12179; SS# xxx-xx-4368 is hereby suspended **Four (4) Race Days, beginning Friday, April 14, Saturday, April 15, Wednesday, April 19 and Thursday, April 20, 2017**, for violation of **Rule of Racing 178-1-45.7.c.1**, which reads: "When the way is clear in a race, a 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 horse, it is a foul."

Jockey Hiraldo crossed over when not clear and caused interference to the third place finisher, "I'm a Prankster" and to the seventh place finisher "He's special", shortly after leaving the starting gate in the Eighth Race, on Friday, April 7, 2017.

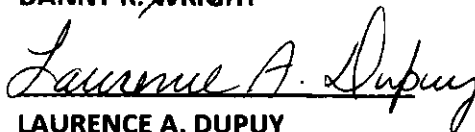
Hiraldo's mount "Green Time" was disqualified from 1st and placed 7th.

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.

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



LAURENCE A. DUPUY



DENVER BECKNER

**BEFORE THE BOARD OF STEWARDS
CHARLES TOWN RACETRACK
RULING NUMBER # 59**

TO: Flint W. Stites Owner/Trainer Permit # 11440

On April 12, 2017, the Board of Stewards conducted a hearing regarding allegations set forth in a notice of hearing issued on April 7, 2017 to Flint W. Stites. Mr. Stites was present in person and testified before the Board of Stewards. He was represented by Todd Mostoler of the Pennsylvania HBPA. After considering the evidence, the Board of Stewards hereby finds the following:

The official samples # **E255863** taken on **February 10, 2017** were reported by Industrial Laboratories to contain Benzoyllecgonine, the metabolite of Cocaine. Pursuant to Table 178-1 D of the Thoroughbred Racing Rule, 178 C.S.R. 1, Cocaine and its metabolite is a Class 1 Drug, carrying a Category B penalty. The samples were taken from "**Majestic Rosebud**", which ran in **RACE NUMBER 5 on February 10, 2017**, finishing **1st**. The horse is trained by **Flint W. Stites** and owned by **James Davis**.

After notification to Mr. Stites, he requested that split sample testing on the samples taken from "**Majestic Rosebud**" be conducted. The split sample testing conducted by Texas A&M Veterinary Medical Diagnostic Laboratory was reported on March 28, 2017 to the Charles Town Board of Stewards. Texas A&M's result was positive for Benzoyllecgonine in the urine.

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. Benzoyllecgonine, the metabolite of Cocaine, confirmed to be present in "**Majestic Rosebud**'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 "**Majestic Rosebud**," Flint W. Stites 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 10, 2017. **178 C.S.R. 1, § 51.1.a.**

The Board of Stewards concludes that while Mr. Stites is responsible for the positive in "**Majestic Rosebud**" 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 10, 2017, there are substantial mitigating factors which cause the Stewards to impose no penalty against Mr. Stites' permit in this matter. Those factors are as follows:

Mr. Stite'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 Benzoyllecgonine 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 is attributable to inadvertent exposure.

There is no reason to believe that Mr. Stites 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 no penalty against a trainer's permit, if warranted.

Weighing and balancing these factors, the Board of Stewards find that while Mr. Stites is held responsible for the positive in this case, the Stewards shall impose no penalty against Mr. Stites' permit. Therefore, the standard penalty for a first offense Class B medication violation (15 day suspension/\$500.00 fine) is not imposed in this matter. In addition, the Stewards do not impose the 4 Multiple Medication Violation points that would typically be imposed under § 49.3.m. of the Thoroughbred Racing Rule.


Because "Majestic Rosebud" was found to have carried Benzoyllecgonine, the metabolite of Cocaine, in its system during the running of the race, the purse of the race is ordered to be **FORFEITED** and "Majestic Rosebud" is **DISQUALIFIED** from its first place finish in **RACE NUMBER 5 on February, 2017**. This disqualification is justified due to the irrefutable drug positive, even though Mr. Stites' permit was not disciplined in this matter. 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. **She's Going Strong**
- 2. **Little Miss Lupe**
- 3. **Shesgotthemoves**
- 4. **Return to Denis**
- 5. **Kyness**


Further, the Stewards **ORDER** that "Majestic Rosebud" undergo an examination by a Racing Commission veterinarian before becoming eligible to be entered in a race.

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:



Chief Steward



Steward



Steward

✓ RC1

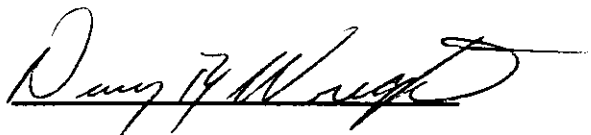
CHARLES TOWN RACES STEWARDS RULING APRIL 14, 2017

RULING NUMBER 60

Ex-Rider: **Zachary Mosco**; Permit #13992; SS# xxx xx 7568

Mr. Mosco's Ex-Rider License has been rescinded pending the outcome of an investigation for falsifying his application for a permit, failing a drug test and allegedly threatening another occupational permit holder.

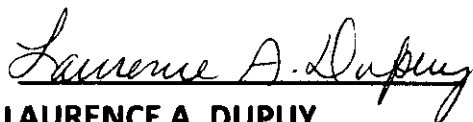
BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



L. ROBERT LOTTS



LAURENCE A. DUPUY

BEFORE THE BOARD OF STEWARDS**CHARLES TOWN RACE TRACK****RULING #61**

To: Owner, William B. Bayne, Jr.; Permit #11551/2017; SS#xxx-xx-2759

Owner, **William B. Bayne, Jr.**, was afforded a hearing (**By Phone**) on **Friday, April 14, 2017** on allegations of being in violation of **Rule of Racing #178-1-24.11.f**, which reads, "has **disturbed the peace on Association Grounds.**"

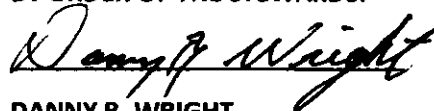
Having been found guilty of said allegations, Mr. Bayne is fined **Five-Hundred Dollars (\$500.00)**.

DATED: 04/15/2017

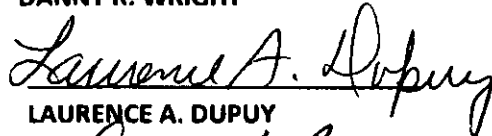
You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this Ruling and must include a security fee in the amount of \$100.00.

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 Rule of Racing Number 178-1-8.5.n.

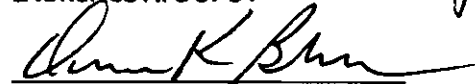
BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



LAURENCE A. DUPUY



DENVER BECKNER

RC1

CHARLES TOWN RACES

STEWARDS RULING

APRIL 20, 2017

RULING NUMBER 62

Apprentice Jockey, **Jan Batista**, Permit #14039; SS# xxx-xx-3286, is hereby fined **One-Hundred (\$100.00) Dollars** for being over his reported weight, on **Thursday, April 13, 2017**. 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."

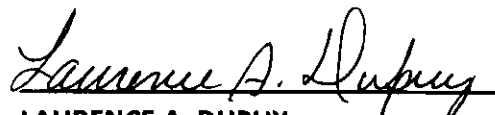
All fines imposed by the Stewards shall be paid to the Racing Commission within **seven (7) Calendar days** after the ruling is issued, unless otherwise ordered by the Stewards, **Per Rule of Racing Number 178-1-8.5.n**.

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



L. ROBERT LOTTS

AC1

CHARLES TOWN RACES

STEWARDS RULING

APRIL 20, 2017

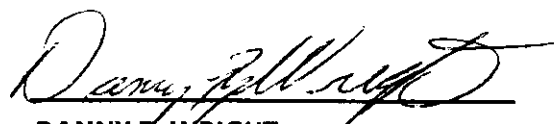
RULING NUMBER 63

Jockey, **Victor Rodriguez**, Permit #12225; SS# xxx-xx-6891, is hereby fined **One-Hundred (\$100.00) Dollars** for being over his reported weight, on **Saturday, April 15, 2017**. 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."

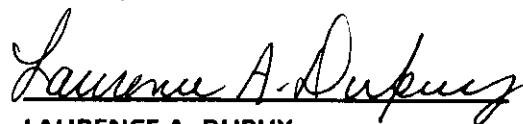
All fines imposed by the Stewards shall be paid to the Racing Commission within **seven (7) Calendar days** after the ruling is issued, unless otherwise ordered by the Stewards, **Per Rule of Racing Number 178-1-8.5.n**.

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



L. ROBERT LOTTS

ACI

CHARLES TOWN RACES

STEWARDS RULINGS

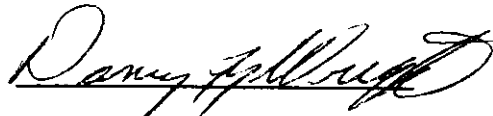
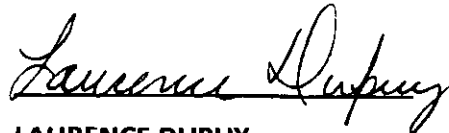
APRIL 19, 2017

RULING NUMBER 64

Owner/Trainer, **Mort Shirazi**, Permit Number #10433; SS# xxx-xx-5602, is hereby fined **One-Hundred (\$100) Dollars** for violation of Rule of Racing Number 178-1-44.1, which reads, "No horse shall be allowed to start in any race unless the Certificate of Registration properly endorsed to the current owner and is on file with the Racing Secretary one-half (1/2) hour prior to post time of the First Race". **Mr. Shirazi** failed to have foal papers on file for the horse "**Dear Benny**", (ran on faxed papers) for the running of the **Fourth (4th) Race, on Thursday, April 13, 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.**

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.

BY ORDER OF THE STEWARDS:**DANNY R. WRIGHT****LAURENCE DUPUY****L. ROBERT LOTTS**

ACI

CHARLES TOWN RACES

STEWARDS RULINGS

APRIL 19, 2017

RULING NUMBER 65

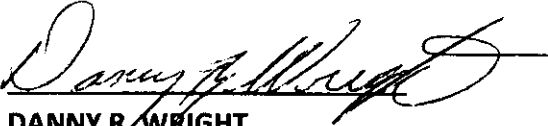
Jockey, **Yamill Rosario**, Permit # 13974; SS# xxx-xx-7033 is hereby fined **\$500.00 Dollars**, for violation of **Rule of Racing 178-1-45.7.c.1**, which reads: "When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede or intimidate any horse, it is a foul."

Jockey Rosario crossed over when not clear and caused interference to the fourth place finisher, #1 "Clearbrook Miss", shortly after leaving the starting gate in the Seventh Race on Thursday, April 13, 2017.

Rosarios' mount "Miss Simon" was disqualified from 2nd 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



L. ROBERT LOTTS

RL1

CHARLES TOWN RACES

STEWARDS RULINGS

APRIL 19, 2017

RULING NUMBER 66

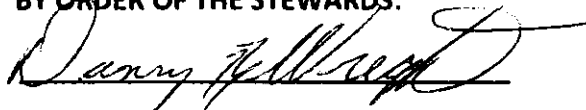
Owner/Trainer, Timothy M. Collins, Permit # 11039, SS# xxx xx 4572, is hereby fined **Two Hundred (\$200) Dollars** for violation of West Virginia Rule of Racing Number **178-1-26.3.f**, which reads, "Each trainer is responsible for ensuring that the correct horse is sent to the paddock for saddling."

Mr. Collins failed to have the proper horse in the paddock for the running of the **Fifth Race on Saturday, April 15, 2017**, necessitating a late scratch of the horse "**Not Fabricated**".

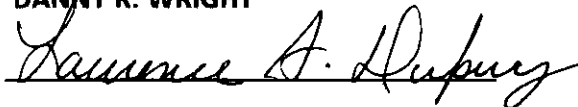
All Fines imposed by the Stewards shall be paid to the Racing Commission within **Seven (7) days** after the ruling is issued, unless otherwise ordered by the Stewards, Per West Virginia **Rule of Racing Number 178-1-8.5.n**.

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



L. ROBERT LOTTS

ACI

CHARLES TOWN RACES

STEWARDS RULINGS

APRIL 19, 2017

RULING NUMBER 67

Owner/Trainer, **James L. Williams**, Permit #12123; SS xxx-xx-5086, is hereby fined **Two hundred Dollars (\$200.00)**, for being in violation of West Virginia Rule of Racing Number **178-1-43.1**, which reads: "Any horse which has not raced for a period of sixty (60) days shall have one (1) published work, or a workout certified by the clocker, to be announced over the public address system prior to the horse starting."

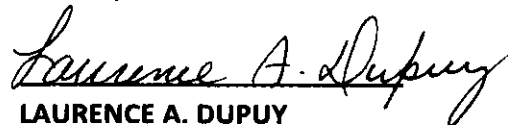
Mr. Williams did not have a published work for the horse "**Tipsey Angel**" in the **Fifth Race on Friday, April 14, 2017**, necessitating a late scratch.

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 the 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



L. ROBERT LOTTS

RULING NUMBER 68

Apprentice Jockey, **Jarred Journet**, Permit #11772; SS# xxx-xx-0867, is hereby fined **One-Hundred (\$100.00) Dollars** for being over his reported weight, on **Wednesday, April 19, 2017**. 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****L. ROBERT LOTTS**

RCI

RULING NUMBER 69

Apprentice Jockey, **Luis Rodriguez**, Permit # 14498; SS# xxx-xx-4712 is hereby suspended for **Eight (8) Racing Days**, starting **Saturday, April 22, Wednesday, April 26, Thursday, April 27, Friday, April 28, Saturday, April 29, 2017**, through and including, **Wednesday, May 3, Thursday, May 4 and Friday, May 5, 2017**. for violation of **Rule of Racing 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 horse, it is a foul."

Jockey **Rodriguez** came over on "**Avenue Road**" shortly after leaving the starting gate, when not clear, during the running of the **Sixth Race on Saturday, April 15, 2017**. "**Avenue Road**" clipped heels, stumbled and lost its rider.

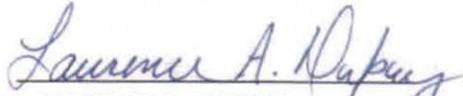
Rodriguez mount "**American Luxury**" was disqualified from **2nd** and placed **7th**.

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


L. ROBERT LOTTS

VAC1

CHARLES TOWN RACES

STEWARDS RULINGS

APRIL 27, 2017

RULING NUMBER 70

Jockey, **Carlos Castro**, Permit #14478; SS xxx-xx-3104, is suspended for **Four Racing Days**, starting **Wednesday, May 3, 2017 through and including Saturday May 6, 2017**, for violation **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.

When leaving the starting gate in the Sixth Race, on Saturday, April 22, 2017, Jockey Castro repeatedly struck his mount on the right shoulder as it drifted in and caused interference to the fifth place finisher, Aaron's Tap (1).

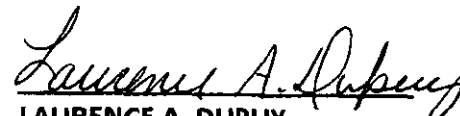
"Unrideabull" was disqualified from Third position and placed Fifth.

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


L. ROBERT LOTTS

RULING NUMBER 71

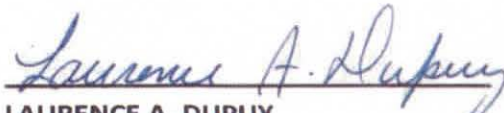
Apprentice Jockey, **Jarred Journet**, Permit #11772; SS# xxx-xx-0867, is hereby fined **One-Hundred (\$100.00) Dollars** for being over his reported weight, on **Wednesday, April 26, 2017**. This is in violation of West Virginia Rule of Racing Number **178-1-45.5.d** which states, "Any overweight shall 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 BECKNER

RC1

CHARLES TOWN RACES

STEWARDS RULINGS

MAY 4, 2017

RULING NUMBER 72

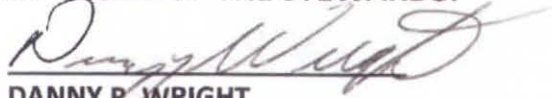
Jockey, **Jerry Villegas**, Permit #14478; SS xxx-xx-4546, is fined **Five-Hundred Dollars (\$500.00)** for violation **Rule of Racing #178-1-45.7.b.1**, which reads: "A jockey shall not ride carelessly or willfully so as to permit his or her mount to interfere with, impede or intimidate any other horses in the race."

During the running of the **5th Race, Friday April 28, 2017**, Jockey Villegas allowed his mount "**Good Sport**" (8) to drift in and cause interference to "**Gone Global**" (5).

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

RC1

CHARLES TOWN RACES

STEWARDS RULINGS

MAY 4, 2017

RULING NUMBER 73


Apprentice Jockey, **Jan Batista**, Permit #14039; SS xxx-xx-3286, is fined **Five-Hundred Dollars (\$500.00)** for violation **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."

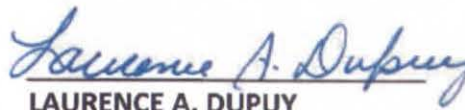
During the running of the **6th Race, Friday April 28, 2017**, Jockey Batista allowed his mount "**Big Dreamer**" (5) to drift and cause interference to "**Alondra's Debut**" (4) "**Big Dreamer**" was disqualified from **1st** and placed **3rd**.

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

RC1

PAID
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216726

CHARLES TOWN RACES

STEWARDS RULINGS

MAY 4, 2017

RULING NUMBER 73

Apprentice Jockey, **Jan Batista**, Permit #14039; SS xxx-xx-3286, is fined **Five-Hundred Dollars (\$500.00)** for violation **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."

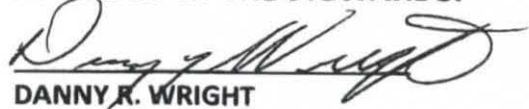
During the running of the **6th Race, Friday April 28, 2017**, Jockey **Batista** allowed his mount **"Big Dreamer" (5)** to drift and cause interference to **"Alondra's Debut" (4)**

"Big Dreamer" was disqualified from 1st and placed 3rd.

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

CHARLES TOWN RACES

STEWARDS RULINGS

MAY 11, 2017

RULING NUMBER 74

Jockey, **Yamil Rosario**, Permit #13974; SS xxx-xx-7033; is suspended for **Four Racing Days, starting Wednesday, May 17, 2017 through and including Saturday, May 20, 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."

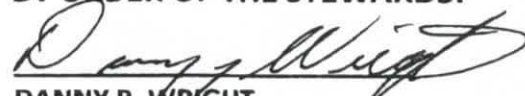
During the running of the **2nd Race, Saturday, May 6, 2017**, Jockey Rosario carelessly came over and caused interference to several inside horses shortly after leaving the starting gate.

After a Stewards inquiry Jockey Rosario's mount "**Mucho Paso**" was **disqualified from second position and placed sixth**.

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


L. ROBERT LOTTS

VRC1

CHARLES TOWN RACES

STEWARDS RULINGS

MAY 11, 2017

RULING NUMBER 75

Jockey, Carlos Castro, Permit # 14478, SS# xxx xx 3104, is hereby fined **Five Hundred (\$500) Dollars** for violation of West Virginia Rule of Racing Number 178-1-8.5.p, which reads, "The stewards have the authority to fine or suspend persons guilty of violating the written policies, rules or regulations of the association. Such written policies must be filed with the stewards and displayed in the association's racing secretary office. Any written policies, rules or regulations of the association that conflict with this rule or the laws of the state governing racing are null and void."

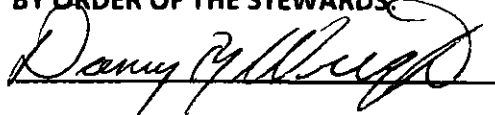
Jockey Castro was afforded a hearing on **Wednesday, May 10, 2017**, regarding the violation of a house policy, which states, when Jockeys enter the Jocks Room they are to put their cell phones in a lock box provided by management. Cell phones are to remain in lock box until said jockeys complete their riding engagements and exit the Jocks Room.

Mr. Castro was witnessed using his cell phone on the walkway from the jocks room to the paddock after the running of the **5th Race, Thursday, April 27, 2017**.

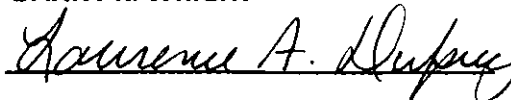
All Fines imposed by the Stewards shall be paid to the Racing Commission within **Seven (7) days** after the ruling is issued, unless otherwise ordered by the Stewards, Per West Virginia Rule of Racing Number 178-1-8.5.n.

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



L. ROBERT LOTTS

VRC1

CHARLES TOWN RACES

STEWARDS RULING

MAY 12, 2017

RULING NUMBER 76

Jockey, **Darius Thorpe**, Permit #14285; SS# xxx-xx-2423, is hereby fined **One-Hundred (\$100.00) Dollars** for being over his reported weight, on **Thursday, May 11, 2017**. 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



L. ROBERT LOTTS

✓ AC1

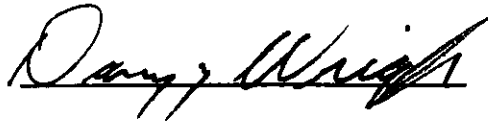
CHARLES TOWN RACES STEWARDS RULING MAY 12, 2017

RULING NUMBER 77

RE: Ruling #75; Jockey, Carlos Castro; Permit #14478; SS# xxx xx 3104

Ruling #75 has been rescinded, by the Stewards, having been issued in error.

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



L. ROBERT LOTTS



LAURENCE A. DUPUY

VRC1

CHARLES TOWN RACES

STEWARDS RULINGS

MAY 13, 2017

RULING NUMBER 78

Jockey, **Yomar Ortiz**, Permit #10905; SS xxx-xx-9958; is fined Five-Hundred (\$500.00) 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."

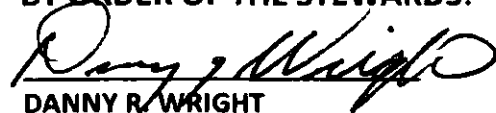
Jockey Ortiz willfully allowed his mount "**Shakin N His Boots**" to drop in going into the quarter pole turn and cause interference to "**Cutty Shark**" (4) during the running of the **First Race on Thursday, May 11, 2017**.

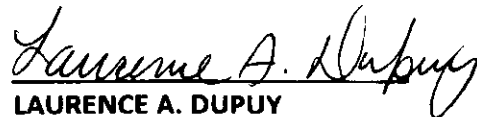
After a Stewards inquiry **Jockey Ortiz's** mount "**Shakin N His Boots**" was not disqualified, because "**Cutty Shark**" beat "**Shakin N His Boots**".

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

VBCI

CHARLES TOWN RACES

STEWARDS RULING

MAY 17, 2017

RULING NUMBER 79

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 **Friday, May 12, 2017**. 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 BECKNER

✓RCI

CHARLES TOWN RACES

STEWARDS RULING

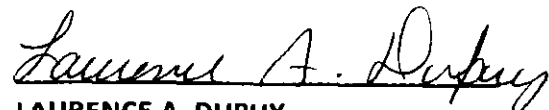
MAY 17, 2017

RULING NUMBER 80

Jockey, **Carlos Castro**, Permit #14478; SS# xxx-xx-3104, is hereby fined **One-Hundred (\$100.00) Dollars** for being over his reported weight, on **Saturday, May 12, 2017**. 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 BECKNER

RCI

CHARLES TOWN RACES

STEWARDS RULINGS

MAY 17, 2017

RULING NUMBER 81

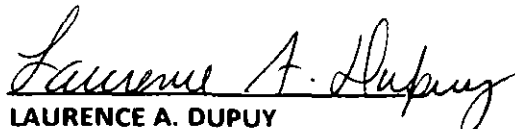
Apprentice Jockey, **Jan Batista**, Permit #14039; SS xxx-xx-3286; is fined Five-Hundred (\$500.00) for violation of **Rule of Racing #178-1-45.7.b.1**, which reads: "A jockey shall not ride carelessly or willfully so as to permit his or her mount to interfere with, impede or intimidate any other horses in the race."

Jockey Batista willfully allowed his mount "**Early Bop**" to come over and cause interference to "**Lets Dance Jack**" at the 3/16 pole during the running of the **First Race on Friday, May 12, 2017**.

After a Stewards inquiry **Jockey Batistas'** mount "**Early Bop**" was disqualified from **second position and placed fifth**.

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

21

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

RULING #82

TO: **Owner/Trainer Richard P. Sillaman**

Permit #12657

On **March 8, 2017**, the Board of Stewards offered a hearing to **Owner/Trainer, Richard P. Sillaman**, regarding allegations set forth in Notice of Hearing issued **January 28, 2017**.

The Stewards hereby find the following:

The official blood sample **#E255878**, taken on **2/11/17** was reported by Industrial Laboratories, the official testing laboratory, to contain **NAPROXEN**, which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for **NAPROXEN** in the blood is **0**. Sample **#E255878** contained **15.5 ng/ml** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **four (4) horse, "I O Ines"**, which ran in the **7th Race on 2/11/17, finishing Third**.

Mr. Sillaman 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 **NAPROXEN** is **0** in the blood. Because the amount of **NAPROXEN** in "**I O Ines**" exceeded the acceptable threshold set forth in **Table 178-1 F**, **Mr. Sillaman** 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 **NAPROXEN** positive in "**I O Ines**" is **Mr. Sillaman's second offense** for a medication/substance violation in a **365 day period**.

The permit holder has accumulated **3 points** under the multiple medication violation point system. As a result of the issuance of this ruling, Mr. Sillaman is assessed **0 points** for this **NAPROXEN** 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.**

Based on **substantial mitigating factors**, the Stewards hereby impose the following penalty for the underlying offense: **Mr. Sillaman's permit will not be disciplined. The horse "I O Ines" will not be disqualified from all purse money and will have a total of 3 points on his record.**

The order of finish is as follows:

1. Bustin Hearts
2. Renaissance Rosie
3. I O Ines
4. Amanda's Best
5. Mc Hottie
6. Queen of the Hill

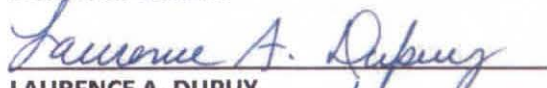
You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 Days of your receipt of this Ruling and must include a security fee in the amount of \$500.00

Ruling Issued on May 19, 2017

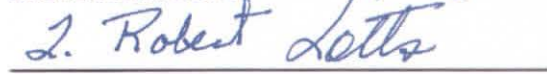
BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



LAURENCE A. DUPUY



L. ROBERT LOTTS

**BEFORE THE BOARD OF STEWARDS
CHARLES TOWN RACETRACK
RULING NUMBER # 83**

TO: Timothy C. Grams

Owner/Trainer Permit # 13751

On **May 3, 2017**, the Board of Stewards conducted a hearing regarding allegations set forth in a notice of hearing issued on April 29, 2017 to Timothy C. Grams. Mr. Grams was present in person and testified before the Board of Stewards. He was represented by Maria Catignani of the Charles Town HBPA. After considering the evidence, the Board of Stewards hereby finds the following:

The official samples # **E256137** taken on March 24, 2017 were reported by Industrial Laboratories to contain Benzoylcegonine, the metabolite of Cocaine. Pursuant to Table 178-1 D of the Thoroughbred Racing Rule, 178 C.S.R. 1, Cocaine and its metabolite is a Class 1 Drug, carrying a Category B penalty. The samples were taken from "**Remy's Rocket**", which ran in **RACE NUMBER 1** on March 24, 2017, finishing **1st**. The horse is trained by Timothy C. Grams and owned by Grams Racing Stable.

After notification to Mr. Grams, he declined split sample testing.

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. Benzoylcegonine, the metabolite of Cocaine, confirmed to be present in "Remy's Rocket'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 "Remy's Rocket," Timothy C. Grams is the absolute insurer of and responsible for the condition of the horse he entered in the 1st race at Charles Town ran on March 24, 2017. **178 C.S.R. 1, § 51.1.a.**

The Board of Stewards concludes that while Mr. Grams is responsible for the positive in "Remy's Rocket" under § 51.1.a. and the presence of the drug has been established to have been in the horse during the 1st race on March 24, 2017, there are substantial mitigating factors which cause the Stewards to impose no penalty against Mr. Grams permit in this matter. Those factors are as follows:

Mr. Grams 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 Benzoylcegonine 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 is attributable to inadvertent exposure.

There is no reason to believe that Mr. Grams 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 no penalty against a trainer's permit, if warranted.

Weighing and balancing these factors, the Board of Stewards find that while Mr. Grams is held responsible for the positive in this case, the Stewards shall impose no penalty against Mr. Grams' permit. Therefore, the standard penalty for a first offense Class B medication violation (15 day suspension/\$500.00 fine) is not imposed in this matter. In addition, the Stewards do not impose the 4 Multiple Medication Violation points that would typically be imposed under § 49.3.m. of the Thoroughbred Racing Rule.


Because "Remy's Rocket" was found to have carried Benzoylcegonine, the metabolite of Cocaine, in its system during the running of the race, the purse of the race is ordered to be **FORFEITED** and "Remy's Rocket" is **DISQUALIFIED** from its first place finish in **RACE NUMBER 1** on **March 24, 2017**. This disqualification is justified due to the irrefutable drug positive, even though Mr. Grams' permit was not disciplined in this matter. 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. **Sweet Lady Sue**
2. **Witchy Windsor**
3. **Why Not Annie**
4. **Quick to Judge**
5. **Lil Linder**


Further, the Stewards **ORDER** that "Remy's Rocket" undergoes an examination by a Racing Commission veterinarian before becoming eligible to be entered in a race.

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.


Ruling issued on May 19, 2017.



Chief Steward



Steward



Steward

1

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

RULING #84

TO: **Owner/Trainer Gary L. Williams Jr.**

Permit #11951

On **May 19, 2017**, the Board of Stewards offered a hearing to **Owner/Trainer, Gary L. Williams Jr.**, regarding allegations set forth in Notice of Hearing issued **March 31, 2017**. **Mr. Williams waived his right to a hearing.**

The Stewards hereby find the following:

The official blood sample **#E255824**, taken on **2/4/17** was reported by Industrial Laboratories, the official testing laboratory, to contain **NAPROXEN**, which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for **NAPROXEN** in the blood is **0**. Sample **#E255824** contained **24.5 ng/ml** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **Three (3) horse, "Dr. Tucker"**, which ran in the **1st Race on 2/4/17, finishing first.**

Mr. Williams elected to have a split sample tested. Split sample was sent to Texas A & M Diagnostic Laboratory. Texas A & M confirmed **NAPROXEN** at a concentration of **21.9 ng/ml**.

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 **NAPROXEN** is **0** in the blood. Because the amount of **NAPROXEN** in "**Dr. Tucker**" 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 **NAPROXEN** positive in "**Dr. Tucker**" is **Mr. Williams's second offense** for a medication/substance violation in a **365 day period**.

The permit holder has accumulated **3 points** under the multiple medication violation point system. As a result of the issuance of this ruling, **Mr. Williams** is assessed **0 points** for this **NAPROXEN** 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.

Based on **substantial mitigating factors**, the Stewards hereby impose the following penalty for the underlying offense: **Mr. Williams's permit will not be disciplined. The horse "Dr. Tucker" will not be disqualified from all purse money and Mr. Williams will have a total of 3 points on his record.**

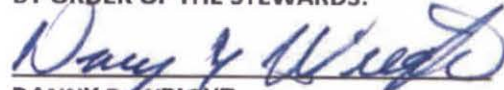
The order of finish is as follows:

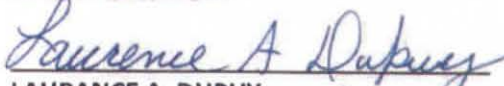
- 1. Dr. Tucker**
- 2. Where's Bentley**
- 3. Pozzuoli**
- 4. Three's the Charm**
- 5. Savanna's Rocket**
- 6. Sahmsara**

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

Ruling Issued on May 19, 2017

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT


LAURANCE A. DUPUY


L. ROBERT LOTTS

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

RULING #85

TO: **Owner/Trainer Gary L. Williams Jr.**

Permit #11951

On **May 19, 2017**, the Board of Stewards offered a hearing to **Owner/Trainer, Gary L. Williams Jr.**, regarding allegations set forth in Notice of Hearing issued **March 31, 2017**. **Mr. Williams waived his right to a hearing.**

The Stewards hereby find the following:

The official blood sample **#E256063**, taken on **3/11/17** was reported by Industrial Laboratories, the official testing laboratory, to contain **NAPROXEN**, which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for **NAPROXEN** in the blood is **0**. Sample **#E256063** contained **11.6 ng/ml** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **Four (4) horse, "Dr. Tucker"**, which ran in the **7th Race on 3/11/17, finishing first.**

Mr. Williams 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 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 **NAPROXEN** is **0** in the blood. Because the amount of **NAPROXEN** in "**Dr. Tucker**" 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 **NAPROXEN** positive in "Dr. Tucker" is **Mr. Williams's second offense** for a medication/substance violation in a **365 day period**.

The permit holder has accumulated **3 points** under the multiple medication violation point system. As a result of the issuance of this ruling, **Mr. Williams is assessed 0 points** for this **NAPROXEN** 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.

Based on **substantial mitigating factors**, the Stewards hereby impose the following penalty for the underlying offense: **Mr. Williams's permit will not be disciplined. The horse "Dr. Tucker" will not be disqualified from all purse money and Mr. Williams will have a total of 3 points on his record.**

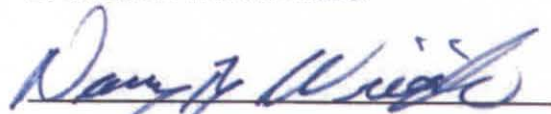
The order of finish is as follows:

- 1. Dr. Tucker**
- 2. Laso the Man**
- 3. He's a Gold Digger**
- 4. Hooray Henry**
- 5. Whippersnapper**
- 6. Creative Mist**

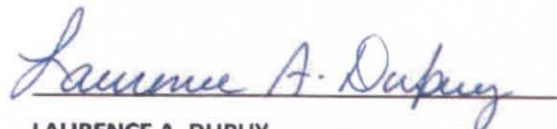
You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 Days of your receipt of this Ruling and must include a security fee in the amount of \$500.00

Ruling Issued on May 19, 2017

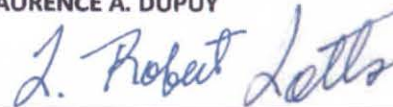
BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



LAURENCE A. DUPUY



L. ROBERT LOTTS

KCI

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

RULING #86

Ruling #52, issued on **March 31, 2017** to **Owner/Trainer Billy Ray Davis: Permit #20019** is hereby **RESCINDED**.

Accordingly, the fine imposed and paid is **ORDERED** to be **REFUNDED**. The MMV Points imposed shall be **RESCINDED** and removed from the trainer's official record. The suspension imposed is hereby removed from the trainer's official record. If, within a **One (1) year period** from the issuance of this ruling, the trainer incurs a medication rule violation, the stewards shall consider that the trainer took the suspension imposed in **Ruling #52** as a substantial mitigating factor in determining whether or not to impose any suspension that may be triggered for that future violation.

It is further **ORDERED** that the order of finish shall be restored as follows and all purse money redistributed as follows:

1. **Gabbi's Amor**
2. **Uptown Penthouse**
3. **Bomber**
4. **The Reverend James**
5. **Bravaccio**
6. **Blame the Jockey**

Ruling Issued on May 19, 2017

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



LAURENCE A. DUPUY



L. ROBERT LOTTS

26

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

RULING #87

Ruling #48, issued on **March 29, 2017** to **Owner/Trainer John J. Robb**; **Permit # 12486** is hereby **RESCINDED**.

Accordingly, the fine imposed and paid is **ORDERED** to be **REFUNDED**. The MMV Points imposed shall be **RESCINDED** and removed from the trainer's official record. The suspension imposed is hereby removed from the trainer's official record. If, within a **One (1) year period** from the issuance of this ruling, the trainer incurs a medication rule violation, the stewards shall consider that the trainer took the suspension imposed in **Ruling #48** as a substantial mitigating factor in determining whether or not to impose any suspension that may be triggered for that future violation.

It is further **ORDERED** that the order of finish shall be restored as follows and all purse money redistributed as follows:

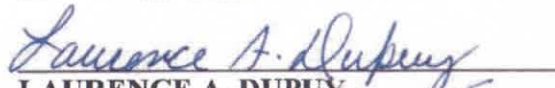
1. Nice Try
2. Sherwood Forest
3. Lil'l Allstar
4. Jump for Trump
5. Bryana
6. Triple Clown

Ruling issued on May 19, 2017

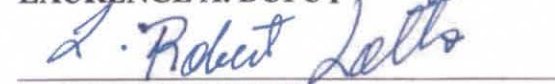
BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



LAURENCE A. DUPUY



L. ROBERT LOTTS

RC1

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

RULING #88

Ruling #33, issued on **February 8, 2017** to **Owner/Trainer John C. Carlisle: Permit # 12305** is hereby **RESCINDED**.

Accordingly, the fine imposed and paid is **ORDERED** to be **REFUNDED**. The MMV Points imposed shall be **RESCINDED** and removed from the trainer's official record. The suspension imposed is hereby removed from the trainer's official record. If, within a **One (1) year period** from the issuance of this ruling, the trainer incurs a medication rule violation, the stewards shall consider that the trainer took the suspension imposed in **Ruling #33** as a substantial mitigating factor in determining whether or not to impose any suspension that may be triggered for that future violation.

It is further **ORDERED** that the order of finish shall be restored as follows and all purse money redistributed as follows:

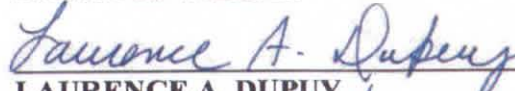
- 1. **Just a Real Cat**
- 2. **Big Dreamer**
- 3. **Windsor's Gal**
- 4. **Bop Along**
- 5. **Harley Hill Lady**
- 6. **Purer Than Silk**

Ruling issued on May 19, 2017


BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



LAURENCE A. DUPUY



L. ROBERT LOTTS

201

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

RULING #89

Ruling #32, issued on February 7, 2017 to Owner/Trainer Wayne Potts: Permit # 13458 is hereby **RESCINDED**.

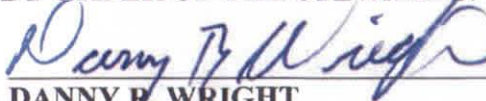
Accordingly, the fine imposed and paid is **ORDERED** to be **REFUNDED**. The MMV Points imposed shall be **RESCINDED** and removed from the trainer's official record. The suspension imposed is hereby removed from the trainer's official record. If, within a **One (1) year period** from the issuance of this ruling, the trainer incurs a medication rule violation, the stewards shall consider that the trainer took the suspension imposed in **Ruling #32** as a substantial mitigating factor in determining whether or not to impose any suspension that may be triggered for that future violation.

It is further **ORDERED** that the order of finish shall be restored as follows and all purse money redistributed as follows:

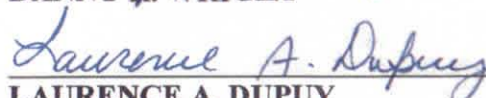
1. Shesgotthemoves
2. Bustin Hearts
3. Kyness
4. Lily's Peak
5. Aritzia
6. William'sluckgray
7. Fair Praise

Ruling issued on May 19, 2017


BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



LAURENCE A. DUPUY



L. ROBERT LOTTS

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

RULING #90

TO: Owner/Trainer Cliff Tuomisto:

Permit #14545

On **May 19, 2017**, the Board of Stewards offered a hearing to **Owner/Trainer, Cliff Tuomisto** to which he waived his right to a hearing, regarding allegations set forth in Notice of Hearing issued **May 17, 2017**.

The Stewards hereby find the following:

The official blood sample **#225921**, taken on **4/29/17** was reported by Industrial Laboratories, the official testing laboratory, to contain **Guanabenz**, which is a Class 3 drug, with a B Penalty, designation. The permissible threshold for **Guanabenz** in the blood is 0 ng/ml. Sample **#225921** contained **2.1 ng/ml** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **Four (4) horse, "Skitt Skatt"**, which ran in the **2nd race** on **4/29/17** finishing **FIRST**.

MR. Tuomisto 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 **Guanabenz** is 0 ng/ml in the blood. Because the amount of **Guanabenz** in **"Skitt Skatt"** exceeded the acceptable threshold set forth in **Table 178-1 F**, **Mr. Tuomisto** 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 **Guanabenz** positive in **"Skitt Skatt"** is **Mr. Tuomisto's 2nd offense** for a medication/substance violation in a 365 day period.

The permit holder has accumulated **4 points** under the multiple medication violation point system. As a result of the issuance of this ruling, **Mr. Tuomisto** is assessed **4 points** for this **Guanabenz** 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 drug violations . Therefore, the permit holder's past record is a aggravating.
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 3 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

aces, 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: Guanabenz** 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 **Guanabenz** 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 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 **Guanabenz**. 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 **Guanabenz** 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. Tuomisto's horse "Skitt Skatt" will be disqualified from all purse money and will have a total of 8 points on his record.** With the Guanabenz positive being Mr. Tuomisto's Second Medication violation in 365 day. **Mr. Tuomisto is fined \$1000 dollars and is given a 75 day suspension starting, Saturday, May 20, 2017 through and including Wednesday, August 2, 2017.**

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

1. Rip Current
2. Late Caller
3. His Freedom Reigns
4. Totethenote
5. Windsors Flight
6. Shaken N His Boots

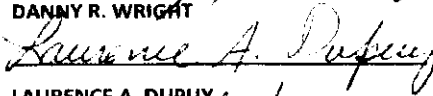
You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 Days of your receipt of this Ruling and must include a security fee in the amount of \$500.00

Dated: May 20, 2017

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



LAURENCE A. DUPUY



L. ROBERT LOTTS

201

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

RULING #91

TO: **Owner/Trainer Kevin J Joy;**

Permit #10664

On **May 23, 2017**, the Board of Stewards offered a hearing to **Owner/Trainer, Kevin J. Joy** to which He waived his right to a hearing, regarding allegations set forth in Notice of Hearing issued **May 20, 2017**.

The Stewards hereby find the following: The official blood sample **#225968**, taken on **5/6/17** 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 **#225968** contained **47.7 ng/ml** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **four (4) horse, "Cool as Ice"**, which ran in the **1ST Race on 5/6/17, finishing FIRST**.

Mr. Joy 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 **Flunixin** is **20- 100 ng/ml** of plasma or serum. Because the amount of **Flunixin** found in "**Cool as Ice**" exceeded the acceptable threshold set forth in Table 178-1 F, **Mr. Joy** 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 "**Cool as Ice**" is **Mr. Joy'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. Joy** 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 "**Cool as Ice**". 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:** 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. 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 **\$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 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. Joy will be fined \$250 dollars.**

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

The horse "Cool as Ice" is not DISQUALIFIED FROM PURSE MONEY.

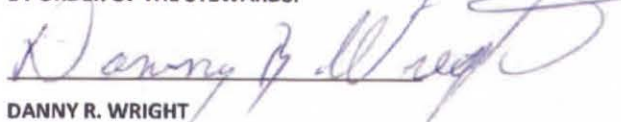
Original order of finish is as follows

1. Cool as Ice
2. Secret Endeavor
3. Sillectico
4. Patricia's Ticket
5. Prairie Schooner
6. Honeycomb Harvest

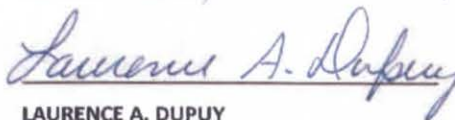
The fine imposed in this ruling shall be paid to the Racing Commission within **seven (7) days** after the ruling is issued. You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within Days of your receipt of this Ruling and must include a security fee in the amount of \$100.00

Dated: May 23, 2017

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



LAURENCE A. DUPUY



DENVER BECKNER

VACI

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

RULING #92 - TO: Owner/Trainer Wayne Potts:

Permit #13458;

On **May 23, 2017**, the Board of Stewards offered a hearing to **Owner/Trainer, Wayne Potts** to which he waived his right to a hearing, regarding allegations set forth in Notice of Hearing issued **May 20, 2017**.

The Stewards hereby find the following:

The official blood sample **#225704**, taken on **4/1/17** was reported by Industrial Laboratories, the official testing laboratory, to contain **Clenbuterol**, which is a **Class 3** drug, with a **B** Penalty, designation. The permissible threshold for **Clenbuterol** is 0 in blood. Sample **#225704** contained **3.6 pg/ml** of the drug. The sample was taken from the **six (6)** horse, "**Just the Zip**", which ran in the **3rd Race on 4/1/2017, finishing first.**

Mr. Potts **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 **Clenbuterol** is 0 ng/ml in the blood. Because the amount of **Clenbuterol** in "**Just the Zip**" exceeded the acceptable threshold set forth in **Table 178-1 F**, Mr.Potts 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 **Clenbuterol** positive in "**Just the Zip**" is Mr. Potts **Second Offense** for a medication/substance violation in a 365 day period. Mr. Potts had a **Dexamethasone** positive on August 5, 2016 in West Virginia.

The permit holder has accumulated **1 point** under the multiple medication violation point system as a result of the issuance of **Ruling #123 on September 24, 2016**. Mr. Potts is assessed **2 points** for this **Clenbuterol** 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's past record includes a Class 4, Category C, drug positive, Dexamethasone that was the subject of Ruling # 123 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 3 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: Clenbuterol 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 Clenbuterol 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 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 Clenbuterol. 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 Clenbuterol by a veterinarian. Therefore, this factor is not considered in weighing the penalty in this case.

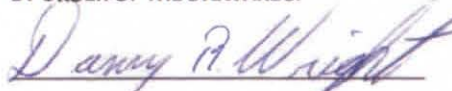
Based on the above, the Stewards hereby impose the following penalty for the underlying offense: **Mr. Pott's horse "Just the Zip" will be disqualified from all purse money and will have a total of 3 points on his record. With the Clenbuterol positive being Mr. Potts second medication violation in 365 days. Mr. Potts is fined \$1000 dollars. Due to Substantial Mitigating Factors Mr. Potts will not be imposed with any Suspension.**

The horse "Just the Zip" is disqualified from all purse money, Re-Distribution is as following.

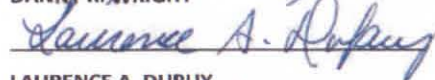
1. Sultry Encounter
2. Zephyrous
3. Scat City
4. Risk It
5. Shadows of Love
6. Nickers in a Twist

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: May 25, 2017

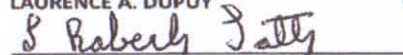
BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



LAURENCE A. DUPUY



L. ROBERT LOTTS

4/21

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

RULING #93 - TO: **Owner/Trainer Joan A Reynolds:**

Permit #14046

On **June 3, 2017**, the Board of Stewards offered a hearing to **Owner/Trainer, Joan Reynolds** to which she waived her right to a hearing, regarding allegations set forth in Notice of Hearing issued **June 1, 2017**.

The Stewards hereby find the following:

The official blood sample **#225927**, taken on **4/29/17** was reported by Industrial Laboratories, the official testing laboratory, to contain **Albuterol**, which is a Class 3 drug, with a B Penalty, designation. The permissible threshold for **Albuterol** is **1 ng/ml** in urine. Sample **#225927** contained **7.4 ng/ml** of the drug. The sample was taken from the **six (6) horse, "Industry Leader"**, which ran in the **6th Race on 4/29/2017, finishing first.**

Ms. Reynolds 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 **Albuterol** is 1 ng.ml in the Urine . Because the amount of **Albuterol** in "**Industry Leader** " exceeded the acceptable threshold set forth in **Table 178-1 F, Ms. Reynolds** 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 **Albuterol** positive in "**Industry Leader**" is **Ms. Reynolds First Offense** for a medication/substance violation in a 365 day period.

The permit holder has accumulated **2 points** under the multiple medication violation point systems as a result of the issuance of **Ruling #185 on October 8, 2015**. **Ms. Reynolds** is assessed **2 points** for this **Albuterol** 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 of no positives in the past 365 days in West Virginia. 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 3 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:** Albuterol 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 Albuterol 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 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 Albuterol. 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 Albuterol 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. Reynolds will have a total of 4 points on her record.** Ms. Reynolds is fined **(500) Five Hundred Dollars** and suspended **15 days** starting **Sunday June 4, 2017** through and including **Sunday June 18, 2017.**


The horse "Industry Leader" is disqualified from all purse money, Re-Distribution is as following.

1. Devil Rising
2. Bourne Hot
3. David's Prince
4. Mr. Fuzzybottom
5. Gray Not Bay

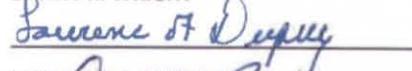
You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 Days of your receipt of this Ruling and must include a security fee in the amount of \$100.00

Dated: June 3, 2017

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



LAURENCE A. DUPUY



DENVER K BECKNER

CHARLES TOWN RACES

STEWARDS RULINGS

JUNE 13, 2017

RULING NUMBER 94

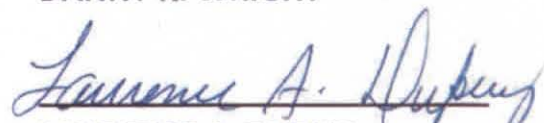
Owner/Trainer/Ex-Rider, **Gerald A. Coker, Jr**; Permit #12211/12210; SS# xxx-xx-7432

Mr. Coker, has been **summarily suspended** as of June 13, 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 One-Hundred (\$100.00) Dollars.

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT


LAURENCE A. DUPUY


DENVER BECKNER

CHARLES TOWN RACES

STEWARDS RULINGS

JUNE 13, 2017

RULING NUMBER 95

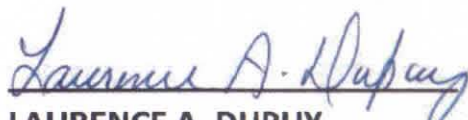
Assistant Trainer, **Thomas W. Washington**; Permit #10207; SS# xxx-xx-3053

Mr. Washington, has been **summarily suspended** as of June 13, 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 One-Hundred (\$100.00) Dollars.

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT


LAURENCE A. DUPUY


DENVER BECKNER

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

RULING #96

TO: **Owner/Trainer Roy I Boyd;**

Permit #11827

On **June 16, 2017**, the Board of Stewards offered a hearing to **Owner/Trainer, Roy I Boyd** to which He waived his right to a hearing, regarding allegations set forth in Notice of Hearing issued **June 14, 2017**.

The Stewards hereby find the following: The official blood sample **#E226083**, taken on **6/2/17** 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**. Sample **#E226083** contained **16.5 pg/ml** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **four (4)** horse, "**Shenandoah**", which ran in the **4th Race on 6/2/17, 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 **51.1.1a, 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** of plasma or serum. Because the amount of **Dexamethasone** found in "**Shenandoah**" 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 **Dexamethasone** positive in "**Shenandoah**" is **Mr. Boyd'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. Boyd** 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 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, **Dexamethasone** positive at the level found in "**Shenandoah**". 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: 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 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 **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. Boyd will be fined \$1,000 dollars.**

Mr. Boyd has accumulated 1/2 point on his record for this **Dexamethasone** positive.

The horse "**Shenandoah**" is **DISQUALIFIED FROM PURSE MONEY**.

Order of finish is as follows

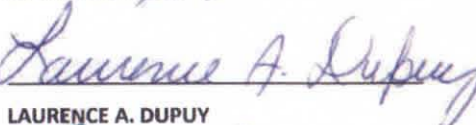
1. He's Special
2. State Media
3. Masons Dream
4. Paul and Silas
5. His Freedom Reigns
6. Hey Kid


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 16, 2017

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT


LAURENCE A. DUPUY


DENVER BECKNER

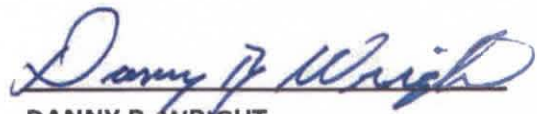
RULING NUMBER 97

Jockey, **Darius Thorpe**, Permit #14285; SS# xxx-xx-2423, is hereby fined **One-Hundred (\$100.00) Dollars** for being over his reported weight, on **Thursday, June 15, 2017**. 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."

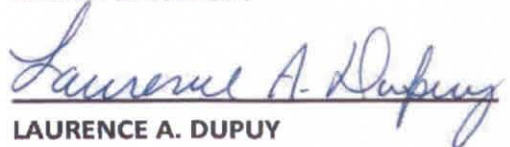
All fines imposed by the Stewards shall be paid to the Racing Commission within **Seven (7) Calendar days** after the ruling is issued, unless otherwise ordered by the Stewards, **Per Rule of Racing Number 178-1-8.5.n**.

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 BECKNER

RULING NUMBER 98

Jockey, **Luis Batista**, Permit #14143; SS# xxx-xx-0427, is hereby fined **One-Hundred (\$100.00) Dollars** for being over his reported weight, on **Friday, June 16, 2017**. 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 BECKNER

RULING NUMBER 99

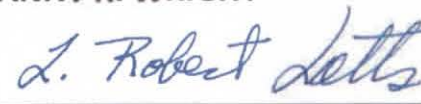
Jockey, **Joseph Schneider**; Permit #10701; SS# xxx-xx-8273

Mr. Schneider, has been **summarily suspended** as of **June 22, 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


L. ROBERT LOTTS


DENVER BECKNER

CHARLES TOWN RACES

STEWARDS RULING

JUNE 22, 2017

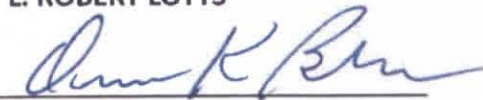
RULING NUMBER 100

Owner/Trainer/Ex-Rider, **Gerald Coker**, Permit # 12211; SS# xxx-xx-7432, Occupational Permit has been restored to good standing as of **6/21/2017** by order of the West Virginia Racing Commission, having complied with the conditions set forth in **Ruling 94**, dated **June 13, 2017**.

BY ORDER OF THE STEWARDS


DANNY R. WRIGHT


L. ROBERT LOTTS


DENVER BECKNER