

RULING #51

Jockey, **Megan E. Reap**, Permit #71223 DOB 01/05/1985 is fined **One Hundred Dollars (\$100.00)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

Jockey **Reap** used her crop excessively in **Race 1** on **Thursday July 18, 2024.**

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:



DENVER K. BECKNER



ROY S. CAVE



CARLOS PARTIDA

RULING #52

Jockey, **Orlando Bocachica**, Permit: #65739, DOB: 06/17/1987 is hereby **suspended three racing days, Thursday, July 25, Friday, July 26, and Saturday, July 27, 2024** for violation of **Rule of Racing, Number 178-1-45.7.c.1**, which reads: "When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede or intimidate any other horse, it is a foul."

Jockey **Bocachica's** mount "**Look Ahead**" angled in leaving the half-mile chute, pushing "**Collecting Angels**" down taking the room away from "**Why Not Dixie**" causing her rider to clip heels and fall in the **Third Race, Friday July 18, 2024**.

"Look Ahead" was disqualified from Fifth (3rd) and placed Tenth (10th)

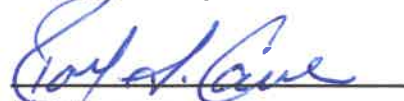
All fines imposed by the Stewards shall be paid to the Racing Commission within Seven (7) days after the ruling is issued, unless otherwise ordered by the Stewards, Per West Virginia **Rule of Racing Number 178-1-8.5.n**.

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BY ORDER OF THE STEWARDS:



DENVER K. BECKNER



ROY S. CAVE



CARLOS PARTIDA

RULING #53

On **July 20, 2024** the Board of Stewards conducted a hearing regarding allegations set forth in a notice of hearing issued on **July 18, 2024** to Owner/Trainer **John J. Robb** Permit #65619 DOB 07/19/1952. **Mr. Robb** was present in person and testified before the Board of Stewards. **Mr. Robb** was not represented by council. The Board of Stewards hereby finds the following:

The official sample #E606662 taken on **June 6, 2024** was reported by Industrial Laboratories to contain **Oxymorphone**, confirmed in urine approx. **7.8 ng/ml.** and **Gabapentin**, confirmed in blood, approx. **1.5 ng/ml.** Pursuant to **Table 178-1 E** of the **Thoroughbred Racing Rule, 178 C.S.R. 1**, **Oxymorphone** is a **Class 1** drug, carrying a **Category A** penalty, **Gabapentin** is a **Class 3** drug with a **Category B** penalty. The samples were taken from "**Dublshotofcourage**", which ran in **Race Number 2** on **June 6, 2024**, finishing **First (1st)**. The horse is owned by **Erica Upton** and trained by **John J. Robb**.

After notification to **Mr. Robb**, 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. **Oxymorphone**, and **Gabapentin** confirmed to be present in "**Dublshotofcourage's**" body while it was participating in a race, is a drug or medication for which the West Virginia Racing Commission has established no acceptable threshold concentration.

Additionally, as the trainer of "**Dublshotofcourage**" **John J. Robb** is the absolute insurer of and responsible for the condition of the horse he entered in the **2nd race** at **Charles Town** that ran on **June 6, 2024. 178 C.S.R. 1, § 51.1.a.**

The Board of Stewards concludes that while **Mr. Robb** is responsible for the positive in "**Dublshotofcourage**" under **§ 51.1.a.** and the presence of the drug has been established to have been in the horse during the **2nd race** on **June 06, 2024** there are substantial mitigating factors which cause the Stewards to impose no penalty against **Mr. Robb's** permit in this matter. Those factors are as follows:

Mr. Robb's record as a permit holder is good in that he has no medication violations in any jurisdiction in the past two years.

The amounts of **Oxymorphone** and **Gabapentin** found in the horse are at trace levels 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.

A licensee that had contact with “**Dubshotofcourage**” hours before the race was prescribed both drugs. The van driver provided current prescriptions for **Oxymorphone**, and **Gabapentin**. He admitted to urinating in the stall upon arrival from Maryland, and is no longer shipping horses for Mr. Robb

There is no reason to believe that **Mr. Robb** 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. Robb** is held responsible for the positive in this case, the Stewards shall impose no penalty against **Mr. Robb’s** permit. Therefore, the standard penalty for a **Class A** and **Class B** medication violations are not imposed in this matter. In addition, the Stewards do not impose the Multiple Medication Violation points that would typically be imposed under **§ 49.3.m.** of the Thoroughbred Racing Rule.

Because “**Dubshotofcourage**” was found to have carried **Oxymorphone** and **Gabapentin** in its system during the running of the race, the purse of the race is ordered to be **FORFEITED** and “**Dubshotofcourage**” is **DISQUALIFIED** from its **(1st) first place** finish in the **second (2nd) race** on **June 6, 2024**. This disqualification is justified due to the irrefutable drug positive, even though **Mr. Robb’s** permit was not disciplined in this matter. The horse likely 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. #2 Practical Sense
2. #4 Rubys Flash
3. #8 Schmear
4. #6 Akingisalwaysking
5. #5 Smokin Smitty
6. #1 Stavanger

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: July 24, 2024

BY ORDER OF THE STEWARD:



ROY S. CAVE



DENVER K. BECKNER



CARLOS PARTIDA