

**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 (3<sup>rd</sup>) and placed Tenth (10<sup>th</sup>)

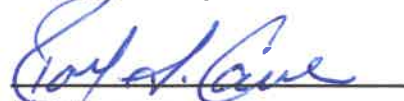
All fines imposed by the Stewards shall be paid to the Racing Commission within Seven (7) days after the ruling is issued, unless otherwise ordered by the Stewards, Per West Virginia **Rule of Racing Number 178-1-8.5.n**.

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 #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 (1<sup>st</sup>)**. 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 **(1<sup>st</sup>) first place** finish in the **second (2<sup>nd</sup>) 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

**RULING #54**

Owner/Trainer **Keith Brown**, Permit #71558, DOB 3/11/1973, is hereby fined **Five Hundred Dollars (\$500.00)** for being in violation of rule #178-1-24.11.f which reads, “has disturbed the peace on Association Grounds”, by being in a verbal and physical altercation in the **Paddock on Friday July 19, 2024.**

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**



**DENVER K. BECKNER**



**ROY S. CAVE**



**CARLOS PARTIDA**

**RULING #55**

Owner/Trainer **Kelton Brown**, Permit #66540, DOB 5/13/1999, is hereby fined **Five Hundred Dollars (\$500.00)** for being in violation of rule **#178-1-24.11.f** which reads, **“has disturbed the peace on Association Grounds”**, by being in a verbal and physical altercation in the **Paddock** on **Friday July 19, 2024**.

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**



**DENVER K. BECKNER**



**ROY S. CAVE**



**CARLOS PARTIDA**

**RULING #56**

Jockey **Arnaldo Bocachica**, Permit #65611, DOB 6/20/1988, is hereby fined **Five Hundred Dollars (\$500.00)** for being in violation of rule **#178-1-24.11.f** which reads, “has disturbed the peace on Association Grounds”, by being in a verbal and physical altercation in the **Paddock** on **Friday July 19, 2024**.

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**



**DENVER K. BECKNER**



**ROY S. CAVE**



**CARLOS PARTIDA**

**RULING #57**

Jockey, **Angel Cruz**, Permit: #71578, DOB: 03/29/1995 is hereby fined **\$500.00 (FIVE HUNDRED DOLLARS)** for violation of **Rule of Racing, Number 178-1-45.7.c.1**, which reads: "When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede or intimidate any other horse, it is a foul."

Jockey **Cruz** let his mount "**Grand Fiber**" drift in leaving the chute, taking the room away from "**Hey Congrats**" causing his rider to take up in the **Second Race, Saturday, July 27, 2024**.

**"Grand Fiber"** was disqualified from **Second (2<sup>nd</sup>)** and placed **Sixth (6<sup>th</sup>)**

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 #58**

Jockey, **Antonio Lopez**, Permit: #70533, DOB: 01/21/1987 is hereby **suspended three racing days, Thursday, August 8, Friday, August 9, and Saturday, August 10, 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 **Lopez's** mount "**Lona Lee**" angled in mid-stretch, pushing "**Impressionism**" down taking the room away from "**Kristinachrysalis**" causing her rider to take up sharply and to loose all chance in the **Fifth Race, Friday, August 2, 2024**.

**"Lona Lee" was disqualified from First (1<sup>st</sup>) and placed Seventh (7<sup>th</sup>)**

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 #59**

Jockey, **Juan M. Nunez**, Permit: #65373, DOB: 07/15/1999 is hereby **suspended three racing days, Thursday, August 15, Friday, August 16, and Saturday, August 17, 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 **Nunez's** mount "**Crafty Windsor Cat**" lugged in down the stretch, taking the room away from "**Cherokee Castle**" causing her rider to take up in the **Fifth Race, Saturday, August 3, 2024**.

**"Crafty Windsor Cat" was disqualified from Second (2<sup>nd</sup>) and placed Third (3<sup>rd</sup>)**

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 #60**

On **April 18, 2024**, the Board of Stewards notified **Owner/Trainer, Justin J. Nixon, Permit #69321 DOB 11/17/1968**, of a medication violation pertaining to his horse **“Tempest”** who finished first (1<sup>st</sup>) in the first (1<sup>st</sup>) race on **Saturday March 23, 2024**.

The official sample **#E606369** taken on **March 23, 2024** was reported by Industrial Laboratories to contain **Benzoylecgonine**, in both urine and blood. Pursuant to **Table 178-1 E** of the **Thoroughbred Racing Rule, 178 C.S.R. Benzoylecgonine** the main **metabolite of cocaine**, is a **Class 1 Drug**, carrying a **Category A** penalty. The sample was taken from **“Tempest”**, which ran in **Race 1** on **March 23, 2024**, finishing **First (1<sup>st</sup>)**.

**Mr. Nixon** elected to have a split sample tested. The split **#E606369** was sent to **Animal Forensic Toxicology Laboratory University of Illinois-Chicago** and was received on **05/08/2024** and reported on **08/13/2024**. Sample **#E606369** confirmed the presence of **Benzoylecgonine**.

**Mr. Nixon** waived his right to a hearing.

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. **Benzoylecgonine**, confirmed to be present in **“Tempest’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 **“Tempest” Justin J. Nixon** is the absolute insurer of and responsible for the condition of the horse he entered in the **1<sup>th</sup> race** at Charles Town who ran on **March 23, 2024. 178 C.S.R. 1, § 51.1.a.**

The Board of Stewards concludes that while **Mr. Nixon** is responsible for the positive in **“Tempest”** under **§ 51.1.a.** and the presence of the drug has been established to have been in the horse during the **1<sup>st</sup> race on March 23, 2024** there are mitigating factors which cause the Stewards to impose no penalty against **Mr. Nixon’s** permit in this matter. Those factors are as follows:

**Mr. Nixon’s** past record as a permit holder is good in that he has never had a medication violation in any jurisdiction since his first license in 1994.

The amount of **Benzoylecgonine** 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. Nixon** 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. Nixon** is held responsible for the positive in this case, the Stewards shall impose no penalty against **Mr. Nixon's** permit. Therefore, the standard penalty for a first offense **Class A** medication violation (one year suspension/\$10,000.00 fine) is not imposed in this matter. In addition, the Stewards do not impose the 6 Multiple Medication Violation points that would typically be imposed under **§ 49.3.m.** of the Thoroughbred Racing Rule.

Because "**Tempest**" was found to have carried **Benzoylecgonine** in its system during the running of the race, the purse of the race is ordered to be **Forfeited** and "**Tempest**" is **Disqualified** from its (**1<sup>st</sup>**) **first place** finish in the **first (1<sup>st</sup>)** race on **March 23, 2024**. This disqualification is justified due to the irrefutable drug positive, even though **Mr. Nixon's** 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. #1 Papa Don
2. #2 Court Tudor
3. #6 Brave Sand Rider
4. #6 Buff's Cat

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

Dated: August 20, 2024

BY ORDER OF THE STEWARD:



DENVER K. BECKNER

ROY S. CAVE



CARLOS PARTIDA