

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)

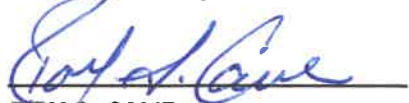
All fines imposed by the Stewards shall be paid to the Racing Commission within Seven (7) days after the ruling is issued, unless otherwise ordered by the Stewards, Per West Virginia **Rule of Racing Number 178-1-8.5.n**.

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 (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

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 (2nd)** and placed **Sixth (6th)**

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 (1st) and placed Seventh (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 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 (2nd) and placed Third (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:



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 (1st) in the first (1st) race on **Saturday March 23, 2024**.

The official sample **#E606369** taken on **March 23, 2024** was reported by Industrial Laboratories to contain **Benzoyllecgonine**, in both urine and blood. Pursuant to **Table 178-1 E** of the **Thoroughbred Racing Rule, 178 C.S.R. Benzoyllecgonine** 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 (1st)**.

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 **Benzoyllecgonine**.

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. **Benzoyllecgonine**, 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 **1th 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 **1st 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 (1st) **first place** finish in the **first (1st) 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

RULING #61

Jockey, **Ederik O. Robles** Permit #70859 DOB; 12/16/2005 is fined **One Hundred Dollars (\$100.00)** for being in violation of **Rule 178-1-45.5d** applicable part which reads. 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.

Jockey **Robles** failed to do his reported weight on **Saturday, August 2024**.

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 #62

Jockey, **Juan M. Nunez**, Permit: #74638, DOB: 07/15/1999 is hereby fined **\$250.00 (TWO HUNDRED FIFTY DOLLARS)** for violation of **Rule of Racing, Number 178-1-45.7.c.1**, which reads: "When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede or intimidate any other horse, it is a foul."

Jockey **Nunez** let his mount "**Grandy**" drift in leaving the gate taking the room away from "**Mr. Dumblemore**" causing his rider to take up in the **Sixth Race, Saturday, August 24, 2024.**

"Grandy" was disqualified from Fourth (4th) and placed Fifth (5th)

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

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

BY ORDER OF THE STEWARDS:



DENVER K. BECKNER



ROY S. CAVE



CARLOS PARTIDA

RULING #63

Jockey, **Marshall Mendez**, Permit: #74651, DOB: 08/28/1995 is hereby fined **\$250.00 (TWO HUNDRED FIFTY DOLLARS)** for violation of **Rule of Racing, Number 178-1-45.7.c.1**, which reads: "When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede or intimidate any other horse, it is a foul."

Jockey **Mendez** let his mount "**Im the Director**" drift in passing the five-eighths pole taking the room away from "**Manny Too**" causing his rider to take up in the **Fifth Race, Thursday September 12, 2024**.

"Im the Director" was disqualified from **First (1st)** and placed **Third (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:



DENVER K. BECKNER



ROY S. CAVE



CARLOS PARTIDA

RULING NUMBER #64**Owner/Trainer Edwin L. Tobin****Permit #74302**

On **September 17, 2024** the Board of Stewards offered a hearing to **Owner/Trainer, Edwin L. Tobin, Permit #74302, DOB 8/15/1958** to which he waived his right to a hearing and elected not to send a split sample, the Board of Stewards find the following:

The official blood sample **#E607039** taken from the horse **"Symptomatic"** which finished **1st in the 3rd race on Saturday, August 24, 2024**, did contain **"7-carboxycannabidiol (CBD)"** confirmed in blood, of which there is no permissible level for this drug.

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.

The **7-carboxycannabidiol (CBD)** positive in **"Symptomatic"** is **Mr. Tobin's First Offense** for a medication/substance violation carrying a **Category B** penalty in a 365 days period.

The permit holder has **0 points** under the multiple medication violation point system. **Mr. Tobin** is assessed **2 points** for this **7-carboxycannabidiol (CBD)** medication/substance violation pursuant to section **49.3.m. of 178 of W.Va.C.S.R.1.**

The penalty guidelines set forth in **Table 178 1 E** of the Thoroughbred Racing Rule provide a minimum penalty of a **\$500 fine**, for a **First Offense Class 2** violation carrying a **Category B** penalty of **7-carboxycannabidiol (CDB)** found in **"Symptomatic"** 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 indicates this is his first violation carrying a **Category B** penalty in the past 365 days. This is his first medical violation of any kind since 2021. This 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 2** 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: 7-carboxycannabidiol (CBD)** 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 considered in weighing the penalty in this case.

5. The steps taken by the trainer to safeguard the horse: In this case it is unknown what efforts the trainer made to ensure the treatment of the horse. 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 **Claiming** race with a **\$17,600 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: **Mr. Tobin** claims that this horse **"Symptomatic"** was not being treated with **7-carboxycannabidiol (CBD)**. Therefore, this factor is considered in weighing the penalty in this case.

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

10. Whether the trainer was acting under the advice of a veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission: **Mr. Tobin** stated that he has never used or had any of his horses treated with **7-carboxycannabidiol (CBD)**. Therefore, this factor is considered in weighing the penalty in this case.

Based on the findings and **WV Rule of Racing 178-1-49.2.d "7-carboxycannabidiol (CBD)"** could be classified as a therapeutic medication which is a **Class 2** with a **B Penalty**. Based on the above, the Stewards hereby impose the following penalty for the underlying offense: **Mr. Tobin's horse "Symptomatic" will be disqualified from all purse monies and Mr. Tobin will have a total of 2 points on his record.** With the **"7-carboxycannabidiol" (CBD)** positive being the first medication violation in 365 days, the Board of Stewards imposes **15 days suspension of Mr. Tobin's license and fined (\$500) Five hundred dollars, The suspension starts September 21, 2024 and runs through and including October 5, 2024.**

The horse **"Symptomatic"** is disqualified from all purse money; The distribution is as follows.

1. #1 Yes to Love
2. #3 Just Have Faith
3. #4 Jumpin Jack Brass
4. #7 Parallax View
5. #5 Girls Perfume
6. #6 Bet Your 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



DENVER K. BECKNER



ROY S. CAVE



CARLOS PARTIDA

RULING #65

Jockey **Carlos E. Lopez**, Permit: #71562 DOB: 03/06/1991 is fined **Two Hundred Fifty Dollars (\$250.00)** for causing a disturbance in the Jockey's Room on **Friday September 20, 2024**.

Mr. Lopez violates **WVRC rule 24.11.g. that reads:** has used profane, indecent or vulgar language to any racing official.


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 #66

Jockey, **Carlos E. Lopez**, Permit: #71562, DOB: 03/06/1991 is hereby **suspended ten (10) calendar days, Saturday, September 28, through October 7, 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." And **45.7.b.2**. No jockey shall carelessly or willfully jostle, strike or touch another jockey or another jockey's horse or equipment.

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 #67

Jockey **Juan Mauricio Nunez**, Permit #74638, DOB 7/15/1999, is hereby fined **Two Hundred Dollars (\$200.00)** for being in violation of **Rule 178-1-45.5d** applicable part which reads. 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.

Jockey **Nunez** failed to make his reported weight on **Saturday, September 28, 2024**.

Jockey **Nunez** is a repeat offender of this rule.

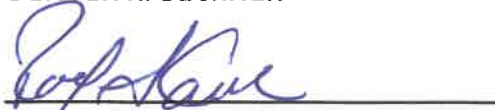
All fines imposed by the Stewards shall be paid to the Racing Commission within seven (7) Calendar days after the ruling is issued, unless otherwise ordered by the Stewards, Per Rule of Racing Number **178-1-8.5.n**.

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 #68

Jockey, **Victor A. Rodriguez** Permit #72428 DOB; 07/12/1981 is fined **One Hundred (\$100.00) Dollars** for being in violation of **Rule 178-1-45.5d** applicable part which reads. 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.

Jockey **Rodriguez** failed to make his reported weight on **Saturday September 28, 2024**.

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 #69

Jockey, **Darius Thorpe** Permit #74991 DOB; 05/08/1995 is fined **One Hundred Dollars (\$100.00)** for being in violation of **Rule 178-1-45.5d** applicable part which reads. 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.

Jockey **Thorpe** failed to report his weight on **Saturday, September 28, 2024.**

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 #70

Apprentice Jockey, **James L. Adams**, Permit: #75055, DOB: 08/21/1985 is hereby fined **\$250.00 (TWO HUNDRED FIFTY DOLLARS)** for violation of **Rule of Racing, Number 178-1-45.7.c.1**, which reads: "When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede or intimidate any other horse, it is a foul."

Jockey **Adams** let his mount "**Castle Toy**" drift in nearing the wire taking the room away from "**Fortes**" causing her rider to take up in the **Fifth Race, Saturday September 28, 2024**.

There was no change in the order of finish.

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 #71

Apprentice Jockey, **Anthony Radcliffe**, Permit: #72427, DOB: 12/31/1993 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 **Radcliffe** let his mount "**Big Smile**" drift out near the eighth pole taking the room away from "**Bali's Shade**" causing his rider to take up in the **Second Race, Thursday, October 3, 2024.**

"Big Smile" was disqualified from Fourth (4th) and placed Seventh (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 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 #72

Apprentice Jockey, **James L. Adams**, Permit: #75055, DOB: 08/21/1985 is hereby fined **One Hundred Dollars (\$100)** for failing to appear for movies with the Stewards on **Thursday, October 3, and Friday, October 4, 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 NUMBER #73**Owner/Trainer Kevin M. Boykins****Permit #71212**

On **October 9, 2024** the Board of Stewards offered a hearing to **Owner/Trainer, Kevin M. Boykins, Permit #71214, DOB 8/27/1960** to which he waived his right to a hearing and elected not to send a split sample, the Board of Stewards find the following:

The official blood sample **#E607099** taken from the horse **"Cedar Runs Fiber"** which finished **1st in the 1st race on Saturday, September 21, 2024**, did contain **"Caffeine"** confirmed in blood at **261 ng/mL**. The measurement uncertainty of the method is **12 ng/mL** at the threshold of **100ng/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.

The **"Caffeine"** positive in **"Cedar Runs Fiber"** is **Mr. Boykins' First Offense** for a **Class 2** medication/substance violation carrying a **Category B** penalty in a 365 days period.

The permit holder has **0 points** under the multiple medication violation point system. **Mr. Boykins** is assessed **4 points** for this **"Caffeine"** medication/substance violation pursuant to section **49.3.m. of 178 of W. Va. C.S.R.1.**

The penalty guidelines set forth in **Table 178 1 E** of the Thoroughbred Racing Rule provide a minimum penalty of a **\$500 fine**, for a **First Offense Class 2** violation carrying a **Category B** penalty of **"Caffeine"** found in **"Cedar Runs Fiber"** 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 indicates this is his first violation carrying a **Category B** penalty in the past 365 days. This is his first medical violation of any kind since 2017. This 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 2** 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:** **"Caffeine"** 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 considered in weighing the penalty in this case.

5. The steps taken by the trainer to safeguard the horse: In this case it is unknown what efforts the trainer made to ensure the treatment of the horse. 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 **Claiming** race with a **\$13,000 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: **Mr. Boykins** claims that this horse **"Cedar Runs Fiber"** was not being treated with **"Caffeine"**. Therefore, this factor is considered in weighing the penalty in this case.

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

10. Whether the trainer was acting under the advice of a veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission: **Mr. Boykins** stated that he has never used or had any of his horses treated with **"Caffeine"**. Therefore, this factor is considered in weighing the penalty in this case.

Based on the findings and **WV Rule of Racing 178-1-49.2.d**, the Stewards hereby impose the following penalty for the underlying offense: **Mr. Boykins' horse "Cedar Runs Fiber" will be disqualified from all purse monies and Mr. Boykins will have a total of 4 points on his record.** With the **"Caffeine"** positive being the first medication violation in 365 days, the Board of Stewards imposes **15 days suspension of Mr. Boykins' license and fined (\$500) Five hundred dollars, the suspension starts October 18, 2024 and runs through and including November 1, 2024.**

The horse "Cedar Runs Fiber" is disqualified from all purse money; The distribution is as follows.

- 1. #5 Gettin Spicy**
- 2. #4 Salty Starkey**
- 3. #8 Best Hop Is a Drop**
- 4. #7 Colonial Road**
- 5. #2 November Imperium**
- 6. #3 Juba's Yankee One**

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 #74

Jockey, **Fredy Peltroche**, Permit: #69735, DOB: 02/07/1977 is hereby **suspended three racing days, Thursday, October 31, Friday, November 1, and Saturday, November 2, 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 **Peltroche** steered his mount "**Advance Cash**" in down the backstretch, taking the room away from "**Imperial King**" causing his rider to take up in the **Third Race, Thursday, October 24, 2024**.

"Advance Cash" was disqualified from Third (3rd) and placed Fifth (5th)

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

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

BY ORDER OF THE STEWARDS:



DENVER K. BECKNER



ROY S. CAVE



CARLOS PARTIDA

RULING #75

Apprentice Jockey, **Anthony Radcliffe** Permit #72427 DOB; 12/31/1993 is fined **One Hundred Dollars (\$100.00)** for being in violation of **Rule 178-1-45.5d** applicable part which reads. 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.

Jockey **Radcliffe** failed to make his reported weight on **Thursday, October 31, 2024**.

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



L. ROBERT LOTTS



CARLOS PARTIDA

RULING #76

Jockey **Juan Mauricio Nunez**, Permit #74638, DOB 7/15/1999, is hereby fined **Two Hundred Dollars (\$200.00)** for being in violation of **Rule 178-1-45.5d** applicable part which reads. 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.

Jockey **Nunez** failed to make his reported weight on **Saturday, November 16, 2024**.

Jockey **Nunez** is a repeat offender of this rule.

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 #77

Trainer Michael G. Atkins

Permit #71328

On **December 10, 2024**, the Board of Stewards offered a hearing to **Trainer, Michael G. Atkins, Permit #71328, DOB 03/15/1956**. The hearing was to take place at **11:00 am, December 18, 2024**, but was waived the morning of the hearing by **Mr. Atkins**, regarding a medication violation pertaining to his horse "**Marshall Peanut**" who finished **first (1st)** in the **seventh (7th)** race on **Friday June 28, 2024**.

The Stewards hereby find the following: The official blood sample **#E606753**, taken on **06/28/2024** was reported by Industrial Laboratories, the official testing laboratory, to contain **Dexamethasone** which is **Class 4** drug, with a **C Penalty**, designation. Sample **#E606753** contained **Dexamethasone** confirmed in the blood at **56 pg/ml**. The sample was taken from the **Five (5)** horse, "**Marshall Peanut**", which ran in the **7th Race on 06/28/2024, finishing first**.

Mr. Atkins elected to have a split sample tested. The split **#E606753** was sent to **Kenneth L. Maddy Equine Analytical Chemistry Laboratory University of California-Davis** and was received on **09/19/2024** and reported on **12/09/2024**. Sample **#E606753** contained **24 pg/ml** which is above the permissible level for this drug, confirming the presences of the drug **Dexamethasone**.

Mr. Atkins also elected to have a blood sample sent to the **Veterinary Genetics Laboratory School of Veterinary Medicine** at the **University of California, Davis**. The **DNA** profile obtained from the blood sample **#E606753** tested as **FCH345-1**, was identical to the **DNA** on file for "**Marshall Peanut**". The **DNA** database of over **3.7 million** horses revealed one match to this profile, "**Marshall Peanut**".

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

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

Pursuant to **178 W. Va. C.S.R. 1, section 49.4.a.2.**, a finding by a Racing Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse, and in the case of a post-race test, was present in the horse's body while it was participating. Prohibited substances included controlled therapeutic medications in excess of established threshold concentrations as set forth in the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule, Version 3.2., contained in Table 178-1 F of the Thoroughbred Racing Rule.

Pursuant to **178 W. Va. C.S.R. 1, Table 178-1 F**, Because the amount of **Dexamethasone** in "**Marshall Peanut**" exceeded the acceptable threshold set forth in **Table 178-1 F. Mr. Atkins** may be held responsible and his occupational permit disciplined pursuant to **178 W. Va. C.S.R. 1, sections 49.4.a.2. and 51.1.a**.

The **Dexamethasone** positive in "**Marshall Peanut**" is **Mr. Atkins First Offense** in this category for a medication/substance violation ever.

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

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

1. **(Mitigating) The Permit holder's past record:** The permit holder has never had a violation in this class category in the last 365 days.
2. **(Mitigating) The potential of the drug to influence the horse's racing performance:** Pursuant to 178 W. Va. C.S.R. 1, section 49.2.d, Class 4 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication, to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it races, and to ensure the integrity of racing so that horse's aren't racing under the effect of a medication that could affect performance.
3. **(Mitigating) The legal availability of the oral application:** 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, nor the circumstances under which the drug may have been given. Therefore this factor is considered in weighing the penalty in this case.
5. **The probability of environmental contamination exposure due to human use:** This factor is not applicable to this case.
6. **The purse of the race:** The race in question was an Allowance race with a \$27,400 purse. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.
7. **Whether the drug found was one for which the horse was receiving as 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 "Marshall Peanut" was treated with Dexamethasone therefore, this factor is not considered in weighing the penalty in this case.
8. **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.

Based on the above, the Stewards hereby impose the following penalty for the underlying offense:

Mr. Atkins' horse "Marshall Peanut" will be disqualified from all purse money, this disqualification is justified due to the irrefutable drug positive, and **Mr. Atkins will have a total of ½ points on his record**. The Dexamethasone positive, being the first medication violation in this class category in 365 days. **Mr. Atkins is fined \$1000.00 dollars**.

The horse "Marshall Peanut" is disqualified from all purse money. Redistribution is as following:

1. #3 Penguin Parade
2. #2 Lord of Cork
3. #4 Vagabond Virgin
4. #7 I'lltakecareofit
5. #7 Neverpopthecork
6. #1 Lieutenant Brown

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 \$500.00.

Dated: December 18, 2024

BY ORDER OF THE STEWARDS:



DENVER K. BECKNER



ROY S. CAVE



CARLOS A. PARTIDA