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

RULING #1

TO: Owner/Trainer Jorge W Rodriguez: Permit #11193; SS# xxx-xx-4445

On January 5, 2017, the Board of Stewards offered a hearing to Owner/Trainer, Jorge W Rodriguez to which he waived his right to a hearing, regarding allegations set forth in Notice of Hearing issued December 30, 2016.

The Stewards hereby find the following:

The official blood sample #255547, taken on 12/14/16 was reported by Industrial Laboratories, the official testing laboratory, to contain Testosterone, which is a Class 3 drug, with a B Penalty, designation. The permissible threshold for Testosterone is 25 pg/ml in blood in geldings. Sample #255547 contained 417 pg/ml of the drug, which is above the permissible threshold for this drug. The sample was taken from the seven (7) horse, "Cou Rouge", which ran in the 8th Race on 12/14/2016, finishing First.

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

Pursuant to 178 W. Va. C.S.R. 1, section 24.11.a, 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.a.a., 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 Testosterone is 25 pg.ml in the blood for geldings. Because the amount of Testosterone in "Cou Rouge" exceeded the acceptable threshold set forth in Table 178-1 F, Mr. Rodriguez 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 Testosterone positive in "Cou Rouge" is Mr. Rodriguez's Second Offense for a medication/substance violation in a 365 day period. Mr. Rodriguez had a Dexamethasone positive on December 23, 2015 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 #10 on January 12, 2016. Mr. Rodriguez is assessed 4 points for this Testosterone 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 #10 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.a, 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: Testosterone 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 Testosterone 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 an Accredited West Virginia-Bred race with a $12,500 purse. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.

8. Whether the drug found was one for which the drug was receiving a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission: Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with Testosterone. 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 Testosterone 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. Rodriguez horse Cou Rouge will be Disqualified from all purse money and will have a total of 5 points on his record. With the Testosterone positive being Mr. Rodriguez's second medication violation in 365 days Mr. Rodriguez is given 30 day suspension. Having given 4 points for this Testosterone positive and already having 1 point for the Dexamethasone positive for a total of 5 points within a 365 day period of time Mr. Rodriguez is given an enhanced penalty of an additional 30 days. Mr. Rodriguez is suspended a total of 60 days beginning January 1, 2017 running through and including March 1, 2017 and fined ($1000.00) one thousand dollars.

The horse "Cou Rouge" is disqualified from all purse money, Re-Distribution is as following:

1. Raggedy Peak
2. Windsor's Song
3. The Squire
4. Windsor's Flight
5. Noland's Cross
6. Clear Heart

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: January 1, 2017

By Order of the Stewards:

[Signatures]

Michael A. Pearson
CHARLES TOWN RACES  STEWARDS RULING  JANUARY 11, 2017

RULING NUMBER 2

Owner/Trainer, Gregory Viands, Permit #20656, SS#: xxx-xx-7392 is hereby fined Two Hundred Fifty ($250) Dollars.

Mr. Viands was afforded a B.O.S hearing on 1/10/17 at which time he admitted to bringing an unlicensed person on the grounds of the Association, without securing an Occupational Permit.

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
MICHAEL A. PEARSON
CHARLES TOWN RACES    STEWARDS RULING    JANUARY 12, 2017

RULING NUMBER 3

Owner/Trainer; Amanda Marro; Permit #11894; SS# xxx xx 5650

Owner/Trainer license has been rescinded without prejudice as of January 12, 2017.

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

L. ROBERT LOTTS

LAURENCE A. DUPUY
BEFORE THE BOARD OF STEWARDS
CHARLES TOWN RACE TRACK
RULING-MEDICATION VIOLATION

RULING #4

TO: Owner/Trainer Alex Bowman: Permit #10271; SS# xxx- xx-6398

On January 12, 2017, the Board of Stewards offered a hearing to Owner/Trainer, Alex D Bowman to which he waived his right to a hearing, regarding allegations set forth in Notice of Hearing issued January 11, 2017.

The Stewards hereby find the following:

The official blood sample #255621, taken on 12/29/16 was reported by Industrial Laboratories, the official testing laboratory, to contain Dexamethasone, which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for Dexamethasone is 5 pg/ml in blood. Sample #255621 contained 72.6 pg/ml of the drug, which is above the permissible threshold for this drug. The sample was taken from the seven (7) horse, "Nolands Cross", which ran in the 2nd Race on 12/29/2016, finishing fourth.

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

Pursuant to 178 W. Va. C.S.R. 1, section 24.1.1.a., 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 49.4.2.a., a finding by a Racing Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse, and in the case of a post-race test, was present in the horse's body while it was participating. Prohibited substances included controlled therapeutic medications in excess of established threshold concentrations as set forth in the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule, Version 2.1., contained in Table 178-1 F of the Thoroughbred Racing Rule.

Pursuant to 178 W. Va. C.S.R. 1, Table 178-1 F, the post-race threshold for Dexamethasone is 5 pg/ml in the blood. Because the amount of Dexamethasone in "Nolands Cross" exceeded the acceptable threshold set forth in Table 178-1 F, Mr. Bowman may be held responsible and his occupational permit disciplined pursuant to 178 W. Va. C.S.R. 1, sections 49.4.1. and 51.1.a.

The Dexamethasone positive in "Nolands Cross" is Mr. Bowman’s Second Offense for a medication/substance violation in a 365 day period. Mr. Bowman had a Phenybutazone positive on October 7, 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 #151 on October 7, 2016. Mr. Bowman is assessed 1 point for this Dexamethasone medication/substance violation pursuant to section 49.3.m. of 178 W.Va.C.S.R.1.

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

1. **(Aggravating)** The Permit holder's past record: The permit holder’s past record includes a Class 4, Category c, drug positive, Phenybutazone that was the subject of Ruling # 151 issued by the Stewards in West Virginia. Therefore, the permit holder’s past record is an aggravating factor.

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

3. Mitigating The legal availability of the drug: Dexamethasone is legally available.

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

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

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

7. The purse of the race: The races in question was an Accredited West Virginia Bred 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 Dexamethasone. Therefore, this factor is not considered in weighing the penalty in this case.

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

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

Based on the above, the Stewards hereby impose the following penalty for the underlying offense: Mr. Bowman's horse "Nolands Cross" will be Disqualified from all purse money and will have a total of 2 points on his record.

With the Dexamethasone positive being Mr. Bowman' second medication violation in 365 days Mr. Bowman is fined 1500 dollars is given a 15 day suspension starting January 13, 2017 running through and including January 27, 2017.

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

1. Holgoland
2. The Squire
3. Tenacious Child
4. Winnwiniandinnrr
5. Our Boy K C
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: January 13, 2017

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT
LAURENCE A. DUPUY
MICHAEL A. PEARSON
RULING NUMBER 5

Jockey, Yamal Rosario; Permit # 13974, SS# xxx-xx-7033

Mr. Rosario's, Occupational Permit has been summarily suspended 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:

DANIEL A. WRIGHT

LAURENCE A. DUPUY

MICHAEL A. PEARSON
RULING NUMBER 5

Jockey, Yamil Rosario; Permit # 13974, SS# xxx-xx-7033

Mr. Rosario's, Occupational Permit has been summarily suspended 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
MICHAEL A. PEARSON
Jockey, Katherine Davis, Permit #13019; SS# xxx-xx-9226, is hereby fined One-Hundred ($100.00) Dollars for being over his reported weight, on Wednesday, January 11, 2017, in the Sixth Race. This is in violation of West Virginia Rule of Racing Number 178-1-45.5.d which states, “Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision.”

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

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

BY ORDER OF THE STEWARDS:

DANNY K. WRIGHT

LAURENCE A. DUPUY

MICHAEL A. PEARSON
RULING NUMBER 7

Jockey, Luis Batista, Permit #14143; SS# xxx-xx-0427, is hereby fined One-Hundred ($100.00) Dollars for being over his reported weight, on Wednesday, January 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 One-Hundred ($100.00) Dollars.

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

LAURENCE A. DUPUY

MICHAEL A. PEARSON
RULING NUMBER 9

Trainer, Angel Gonzalez, Permit # 10827; SS # XXX-XX-3048, is hereby fined Two Hundred ($200) Dollars for violation of Rule of Racing # 178-1-26.3.g, which states; “Each trainer is responsible for presenting his or her horse and being present in the paddock at a time appointed before post time of the race in which the horse is entered.”

Trainer, Angel Gonzalez failed to be in the paddock with the horse “Ana Ruth”, at the time appointed, for the running of the First Race on January 13, 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 this ruling and must include a security fee in the amount of One-Hundred ($100.00) Dollars.

BY THE ORDER OF THE STEWARDS:

DANNY K. WRIGHT
LAURENCE A. DUPUY
MICHAEL A. PEARSON
BEFORE THE BOARD OF STEWARDS
CHARLES TOWN RACE TRACK
RULING #10

To: Trainer, David Wilhelm Sr., Permit #10411/2016; SS#xxx-xx-7136

Trainer, David Wilhelm, Sr., was afforded a hearing on January 11, 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."

Mr. Wilhelm admitted to being the aggressor in a physical altercation in the Stable Area on the morning of December 24, 2016.

Having been found guilty of said allegations, Mr. Wilhelm is fined Five-Hundred Dollars ($500.00), and suspended Thirty Days (30), beginning December 25, 2016, through and including January 24, 2017.

DATED: 01/17/2017

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
MICHAEL A. PEARSON
RULING NUMBER 11

Bruce Daley; SS# xxx-xx-4022

Mr. Daley, is ineligible for permit, and has been summarily suspended 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

L. ROBERT LOTT

L. ROBERT LOTT
RULING NUMBER 12

Jockey, Arnoldo Bocachica, Permit #12068; SS xxx-xx-7900, is hereby suspended Four (4) Racing Days, starting Wednesday, January 25, 2017, through and including Saturday, January 28, 2017, for violation of Rule of Racing, Number 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, Bocachica rode carelessly after leaving the starting gate, which permitted his mount to drift in and cause interference to the second place finisher “Im a Hot Babe”, in the Second Race, on Wednesday, January 18, 2017.

Bocachica’s mount, “She’s So Carolina” was disqualified from 1st and placed 2nd.

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

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

BY ORDER OF THE STEWARDS:

Danny R. Wright
LAURENCE A. DUPUY
MICHAEL A. PEARSON
RULING NUMBER 13

Jockey, Darius Thorpe, Permit #14285; SS# xxx-xx-2423, is hereby fined One-Hundred ($100.00) Dollars for being over his reported weight, on Friday, January 20, 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 A. WRIGHT
LAURENCE A. DUPUY
MICHAEL A. PEARSON
RULING NUMBER 14

Owner/Trainer, Adam Ingram, Permit#20677; SS# xxx-xx-5328, is hereby fined Two-Hundred ($200) Dollars for violation of West Virginia Rule of Racing Number 178-1-44.17., which reads in part: "A horse is ineligible to start in a race when there is no current test certificate for Equine Infectious Anemia (EIA) attached to its breed registration certificate or proof of a negative test certificate is not otherwise available; and."

Mr. Ingram failed to provide a Valid Coggins test for the horse, "Duke of Chadwick" in the First (1st) Race on Friday, January 20, 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 this ruling and must include a security fee in the amount of One-Hundred ($100.00) Dollars.

BY ORDER OF THE STEWARDS:

DANNY A. WRIGHT

LAURENCE A. DUPUY

MICHAEL A. PEARSON
CHARLES TOWN RACES

STEWARDS RULING

JANUARY 21, 2017

RULING NUMBER 15

Jockey, Christian Hiraldo, Permit # 12179; SS# xxx-xx-4368, is hereby fined Two Hundred ($200.00) Dollars for violation of Rule of Racing Number 178-45.7.e, which states: “All horses shall be ridden out past the finish line in every race.”

Mr. Hiraldo stood up before the wire in the Second (2) Race, January 18, 2017.

Repeat Offender

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

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of the 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

MICHAEL A. PEARSON
BEFORE THE BOARD OF STEWARDS
CHARLES TOWN RACE TRACK
RULING NUMBER 16

TO: Trainer, James (Jim) Ruffner; Permit #15732/2015; SS# xxx-xx-7472

Trainer, James (Jim) Ruffner, is hereby suspended indefinitely, effective
Wednesday, January 25, 2017 for violation of West Virginia Rule of Racing Number
178-1-24.11.c which reads in part, “has demonstrated financial irresponsibility by
having a judgment issued against him or her for failure to pay debt owed as a
result of obtaining feed, shelter, drugs, transportation, services for horses,
veterinary services or supplies for himself or herself or others.”

While under suspension, Mr. Ruffner is denied access to and the privilege of all
grounds under the jurisdiction of the West Virginia Racing Commission.

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

DATED: 01/25/2017

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT
LAURENCE A. DUPUY
MICHAEL A. PEARSON
BEFORE THE BOARD OF STEWARDS
CHARLES TOWN RACE TRACK
RULING NUMBER 17

TO: Owner, Adam C. King; Permit #13846/2016; SS# xxx-xx-3047

Owner, Adam C. King, is hereby suspended indefinitely, effective Wednesday, January 25, 2017 for violation of West Virginia Rule of Racing Number 178-1-24.11.c which reads in part, “has demonstrated financial irresponsibility by having a judgment issued against him or her for failure to pay debt owed as a result of obtaining feed, shelter, drugs, transportation, services for horses, veterinary services or supplies for himself or herself or others.”

While under suspension, Mr. King is denied access to and the privilege of all grounds under the jurisdiction of the West Virginia Racing Commission.

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

DATED: 01/25/2017

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT
LAURENCE A. DUPUY
MICHAEL A. PEARSON
BEFORE THE BOARD OF STEWARDS
CHARLES TOWN RACE TRACK
RULING NUMBER 18

TO: Trainer, David J Rose; Permit #12764/2016; SS# xxx-xx-2883

Trainer, David C. Rose, is hereby suspended indefinitely, effective Wednesday, January 25, 2017 for violation of West Virginia Rule of Racing Number 178-1-24.11.c which reads in part, "has demonstrated financial irresponsibility by having a judgment issued against him or her for failure to pay debt owed as a result of obtaining feed, shelter, drugs, transportation, services for horses, veterinary services or supplies for himself or herself or others."

While under suspension, Mr. Rose is denied access to and the privilege of all grounds under the jurisdiction of the West Virginia Racing Commission.

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

DATED: 01/25/2017

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT
LAURENCE A. DUPUY
MICHAEL A. PEARSON
BEFORE THE BOARD OF STEWARDS
CHARLES TOWN RACE TRACK
RULING NUMBER 19

TO: Trainer, Tim S. Shanley; Permit #11797/2017; SS# xxx-xx-1605

Trainer, Tim S. Shanley, is hereby suspended indefinitely, effective Wednesday, January 25, 2017 for violation of West Virginia Rule of Racing Number 178-1-24.11.c which reads in part, "has demonstrated financial irresponsibility by having a judgment issued against him or her for failure to pay debt owed as a result of obtaining feed, shelter, drugs, transportation, services for horses, veterinary services or supplies for himself or herself or others."

While under suspension, Mr. Shanley is denied access to and the privilege of all grounds under the jurisdiction of the West Virginia Racing Commission.

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

DATED: 01/25/2017

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT
LAURENCE A. DUPUY
MICHAEL A. PEARSON
RULING NUMBER 20

Jockey, Jerry Villegas; Permit #12178; SS# xxx-xx-4546

Mr. Villegas, has been summarily suspended 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
MICHAEL A. PEARSON
RULING NUMBER 21

Trainer, David Wilhelm, Sr., Permit # 10411; SS# xxx-xx-7136, occupational permit has been restored to good standing as of 01/25/2017 by order of the West Virginia Racing Commission, having complied with the conditions set forth in Ruling #10, dated 01/17/2017.

BY ORDER OF THE STEWARDS

Danny R. Wright
LAURENCE A. DUPUY
MICHAEL A. PEARSON
RULING NUMBER 22

Jockey, Yamil Rosario, Permit # 13974, SS # xxx-xx-7033, is hereby suspended per WV Rule of Racing 178-1-24.3.j which reads, "A permit holder who is a first time violator under this subsection shall be required to undergo a professional assessment before the stewards and/or the Racing Commission to determine whether or not the permit holder's condition is such that he or she may hold a permit and participate in racing in the discretion of the stewards and/or the Racing Commission, a first time violator may be required to produce a negative test result; may be required to submit to further testing; and/or may be required to successfully complete a certified drug/alcohol rehabilitation program as a condition of holding a permit and participating in racing."

Mr. Rosario was subjected to a Board of Stewards testing order. The said test proved positive for Opiate Metabolic and Marijuana.

Mr. Rosario must submit to the Board of Stewards a clean drug test, and be professionally accessed before returning to racing.

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

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT
LAURENCE A. DUPUY
MICHAEL A. PEARSON
Trainer, Tim Shanley, Permit # 11797; SS# xxx-xx-1605, Occupational Permit has been restored to good standing as of 01/26/2017 by order of the West Virginia Racing Commission, having complied with the conditions set forth in Ruling #19, dated 01/25/2017.
CHARLES TOWN RACES STEWARDS RULING JANUARY 27, 2017

RULING NUMBER 24

Jockey, Xavier Perez, Permit #14353; SS# xxx-xx-8981, is hereby fined One-Hundred ($100.00) Dollars for being over his reported weight, in the Fourth Race, Thursday, January 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 One-Hundred ($100.00) Dollars.

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

LAURENCE A. DUPUY

MICHAEL A. PEARSON
Groom, Michael Lanager, Permit # 11856; SS# xxx-xx-3030, Occupational Permit has been restored to good standing as of 01/27/2017 by order of the West Virginia Racing Commission, having complied with the conditions set forth in Ruling #128, dated 09/03/2016.

BY ORDER OF THE STEWARDS

DANNY R. WRIGHT
LAURENCE A. DUPUY
MICHAEL A. PEARSON
CHARLES TOWN RACES  STEWARDS RULING  JANUARY 27, 2017

RULING NUMBER  26

Owner/Trainer, Amanda Morro, Permit # 11894; SS# xxx-xx-5650, Occupational Permit has been restored to good standing as of 01/27/2017 by order of the West Virginia Racing Commission, having terminated her position as Bookkeeper for PNGI.

BY ORDER OF THE STEWARDS

[Signatures]

DANNY R. WRIGHT

LAURENCE A. DUPUY

MICHAEL A. PEARSON
RULING NUMBER 27

Trainer/Groom, James (Jim) Ruffner, Permit #15732/2015 & #10724/2017; SS# xxx-xx-7472, Occupational Permit has been restored to good standing as of 01/27/2017 by order of the West Virginia Racing Commission, having complied with the conditions set forth in Ruling #16, dated 01/25/17.

BY ORDER OF THE STEWARDS

DANNY R. WRIGHT
LAURENCE A. DUPUY
MICHAEL A. PEARSON
RULING NUMBER 28

Jockey, Guillermo Rodriguez, Permit #13892; SS xxx-xx-2971, is hereby fined Five ($500), for violation of Rule of Racing, Number 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, Rodriguez allowed his mount "Pirate Captain", to drift in leaving the starting gate and cause interference to "Im Not Quiet ", in the Fifth (5th) Race, on Wednesday, January 25, 2017.

Rodriguez's mount, "Pirate Captain" 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 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:

DANIEL WRIGHT
LAURENCE A. DUPUY
MICHAEL A. PEARSON
RULING 29

Trainer, Wayne Potts; Permit # 13458; SS# xxx-xx-8621

Mr. Potts is hereby fined Five Hundred ($500) Dollars for not having his horse, "Inner Fire", in the paddock at the appointed time for the running of the Fifth (5th) Race on Friday, January 27, 2017, necessitating an untimely scratch.

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

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

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

BY ORDER OF THE STEWARDS:

Danny R. Wright
Laurence A. Dupuy
Michael A. Pearson
CHARLES TOWN RACES

STEWARDS RULING

JANUARY 31, 2017

RULING NUMBER 30

Trainer, David Rose, Permit # 12764/2016; SS# xxx-xx-2883, Occupational Permit has been restored to good standing as of 01/31/2017 by order of the West Virginia Racing Commission, having complied with the conditions set forth in Ruling #18, Dated 01/25/17.

BY ORDER OF THE STEWARDS

DANNY R. WRIGHT

LAURENCE A. DUPUY

MICHAEL A. PEARSON
RULING NUMBER 31

Jockey, Yamil Rosario, Permit # 13974; SS# xxx-xx-7033. Occupational Permit has been restored to good standing as of 02/03/2017 by order of the West Virginia Racing Commission, having complied with the conditions set forth in Ruling #22, Dated 01/26/17.

BY ORDER OF THE STEWARDS

DANNY R. WRIGHT

LAURENCE A. DUPUY

MICHAEL A. PEARSON
BEFORE THE BOARD OF STEWARDS
CHARLES TOWN RACE TRACK
RULING-MEDICATION VIOLATION

RULING #32

TO: Owner/Trainer Wayne Potts: Permit #13458; SS# xxx-xx-8621

On February 8, 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 February 4, 2017.

The Stewards hereby find the following:

The official blood sample #255719, taken on 1/19/17 was reported by Industrial Laboratories, the official testing laboratory, to contain Naproxen, which is a Class 4 drug, with a penalty designation. The permissible threshold for Naproxen is 0 in blood. Sample #255719 contained 96.6 ng/ml of the drug. The sample was taken from the one (1) horse, "Shesgottenmoves", which ran in the 8th Race on 1/19/17, finishing first.

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

Pursuant to 178 W. Va. C.S.R. 1, section 24.11.c, 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 ng/ml in the blood. Because the amount of Naproxen in "Shesgottenmoves" 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 49.1.a.1 and 51.1.a.

The Naproxen positive in "Shesgottenmoves" 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 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. **(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 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: 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 an Allowance race with a $24,500 purse. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.
8. Whether the drug found was one for which the drug was receiving a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission: Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with 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. Potts horse "Shesgonhemoves" will be Disqualified from all purse money and will have a total of 3 points on his record. With the Naproxen positive being Mr. Potts second medication violation in 365 days Mr. Potts is fined 1500 dollars is given a 15 day suspension and an enhanced penalty of 30 days because of the accumulation 3 points on his record for a total of 45 days. Mr. Potts suspension will start Saturday February 11, 2017 and run through and including Monday March 27, 2017.

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

1. Bustin Hearts
2. Kynesi
3. Lily's Peak
4. Artula
5. Williams's luckygray
6. Fair Praise

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: February 7, 2017

BY ORDER OF THE STEWARDS:

[Signatures]

DANNY R. WRIGHT
LAURENCE A. DUPUY
L Robert Lotts
BEFORE THE BOARD OF STEWARDS
CHARLES TOWN RACE TRACK
RULING-MEDICATION VIOLATION

RULING #33

TO: Owner/Trainer John C Carlisle: Permit #12305; SS# xxx-xx-8175

On February 8, 2017, the Board of Stewards offered a hearing to Owner/Trainer, John C Carlisle to which he waived his right to a hearing, regarding allegations set forth in Notice of Hearing issued February 7, 2017.

The Stewards hereby find the following:

The official blood sample #255771, taken on 1/27/17 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 is 0 in blood. Sample #255771 contained 86.9 ng/ml of the drug. The sample was taken from the Three (3) horse, “Windsor’s Gal”, which ran in the 3rd Race on 1/27/2017, finishing third.

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

Pursuant to 178 W. Va. C.S.R. 1, section 24.11.a, 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 ng/ml in the blood. Because the amount of Naproxen in “Windsor’s Gal” exceeded the acceptable threshold set forth in Table 178-1 F, Mr. Carlisle may be held responsible and his occupational permit disciplined pursuant to 178 W. Va. C.S.R. 1, sections 49.1.a. and 51.1.a.

The Naproxen positive in “Windsor’s Gal” is Mr. Carlisle’s First Offense for a medication/substance violation in a 365 day period.

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

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

1. **(Mitigating)** The permit holder’s past record: The permit holder’s past record of no drug positives 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 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 horses are not 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 administration of 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 race in question was a West Virginia-bred 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 having 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. Carlisle is fined One (1,000) Thousand Dollars and the horse “Windsor’s Gal” will be disqualified from all purse money and will have a total of 2 points on his record. With this Naproxen positive being Mr. Carlisle’s First medication violation in 365 days.

Mr. Carlisle is given no enhanced penalty.

The horse “Windsor’s Gal” is disqualified from all purse money, Re-Distribution is as following:

1. Just a Real Cat
2. Big Dreamer
3. Dop Along
4. Harley Hill Lady
5. Purer Than Silk

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: February 8, 2017

BY ORDER OF THE STEWARDS:

Daneke A. Dupuy

Laurence A. Dupuy

L. Robert Lott
RULING NUMBER 34

Apprentice Jockey, Jan Batista, Permit # 14039; SS# xxx-xx-3286 is hereby suspended for Four (4) Race Days, beginning Wednesday, February 15, 2017, through and including Saturday, February 18, 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 other horse, it is a foul."

Mr. Batista's mount "Forty One and Out" swerved outward under the left hand sticking and caused interference to #3, "Back to Seattle" and to #5, "Spur Tree, during the stretch run in the Second Race on Saturday, February 4, 2017.

Batista's mount "Forty One and Out" was disqualified from Third Position and placed Fifth.

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
Please change Ruling #34 to
Jerry Villegas to

#35

TK You

DK
Jockey, Jerry Villegas, Permit # 12178; SS# xxx-xx-4546, Occupational Permit has been restored to good standing as of 02/15/2017 by order of the West Virginia Racing Commission, having complied with the conditions set forth in Ruling #20, Dated 01/25/17.

BY ORDER OF THE STEWARDS

DANNY R. WRIGHT

LAURENCE A. DUPUY

L. ROBERT LOTTS
Jockey, Jerry Villegas, Permit # 12178; SS# xxx-xx-4546, Occupational Permit has been restored to good standing as of 02/15/2017 by order of the West Virginia Racing Commission, having complied with the conditions set forth in Ruling #20, Dated 01/25/17.

BY ORDER OF THE STEWARDS

DANNY R. WRIGHT
LAURENCE A. DUPUY
L. ROBERT LOTTS
RULING NUMBER 36

Jockey, JD Acosta, Permit # 13814; SS# xxx-xx-0435, is hereby fined Two Hundred ($200) Dollars for violation of West Virginia Rule of Racing Number 178-1-28.3.b, which reads: “A jockey shall faithfully fulfill all engagements in respect to racing.”

Mr. Acosta failed to fulfill his riding engagement on Saturday, February 11, 2017, for the Sixth Race.

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

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

BY ORDER OF THE STEWARDS:

[Signatures]

DANNY R. WRIGHT
LAURENCE A. DUPUY
L. ROBERT LOTTS
RULING NUMBER  37

Trainer, Bruce Daley, Permit # 14585; SS# xxx-xx-4022, Occupational Permit has been restored to good standing as of 02/22/2017 by order of the West Virginia Racing Commission, having complied with the conditions set forth in Notice of Hearing, dated 02/22/17, and having paid his fine in the amount of $250.00, for being in violation of Rule of Racing 178-1-24.1.a, which reads, "shall have a valid occupational permit issued by the Racing Commission, unless otherwise specifically exempted from this requirement."

BY ORDER OF THE STEWARDS

DANNY R. WRIGHT
LAURENCE A. DUPUY
DENVER BECKNER
RULING NUMBER 38

Owner/Trainer, Suzanne A. Dempsey, Permit # 14211; SS# xxx-xx-6601, is hereby fined Two-Hundred ($200) Dollars for violation of Rule of Racing #178-1-44.1, which reads: “A horse is ineligible to start in a race when: its breed certificate is not on file with the association’s racing secretary, one-half hour before post time for the first race; the stewards may waive this requirement if the information contained on the registration certificate is otherwise available and the horse is otherwise correctly identified to the stewards’ satisfaction; provided that the stewards shall not waive this requirement if the horse is scheduled to start in a claiming race.

Ms. Dempsey failed to have foal papers on file for the horse “More Abundance” for the running of the Second Race, Wednesday, February 22, 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 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
RULING #39

Apprentice Jockey, Allison Nunez, Permit #14580; SS xxx-xx-2217, is hereby fined Five ($500), for violation of Rule of Racing, Number 178-1-45.7.b.1, which reads: “A jockey shall not ride carelessly or willfully so as to permit his/her mount to interfere with, impede or intimidate any other horses in the race.”

Ms. Nunez carelessly allowed her mount “E Man Mojo”, to drift out going into the quarter pole turn and while entering the stretch, which caused interfere to “Bama Sam” during the running of the Third Race, on Wednesday, February 22, 2017.

Nunez’s mount, “E Man Mojo” was disqualified from 1st and placed 2nd.

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

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT
LAURENCE A. DUPUY
L. ROBERT LOTTTS
RULING NUMBER 40

Apprentice Jockey, Jan Batista; Permit Number #14039; SS# xxx-xx-3286, is hereby fined Two Hundred ($200.00) Dollars for violation of West Virginia Rule of Racing Number 178-1-46.3.h which reads, "No person shall make a frivolous protest." This occurred in the running of the Sixth Race on Saturday, February 25, 2017, and did not appear before BOS for the viewing of movies on Wednesday, March 1, 2017.

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

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

LAURENCE A. DUPUY

L. ROBERT LOTTS
RULING NUMBER 41

Groom, Quincy Jackson, Permit # 12353, SS # xxx-xx-0263, is hereby suspended per WV Rule of Racing 178-1-24.3.j which reads, “A permit holder who is a first time violator under this subsection shall be required to undergo a professional assessment before the stewards and/or the Racing Commission to determine whether or not the permit holder’s condition is such that he or she may hold a permit and participate in racing in the discretion of the stewards and/or the Racing Commission, a first time violator may be required to produce a negative test result; may be required to submit to further testing; and/or may be required to successfully complete a certified drug/alcohol rehabilitation program as a condition of holding a permit and participating in racing.”

Mr. Jackson was subjected to a Board of Stewards testing order. The said test proved positive for Marijuana.

Mr. Jackson must submit to the Board of Stewards a clean drug test, and be professionally accessed before returning to racing.

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

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

LAURENCE A. DUPUY

L. ROBERT LOTTS
RULING NUMBER 42

Jockey, Gerald Almodovar, Permit # 13568; SS# xxx-xx-9660 is hereby fined Five Hundred ($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."

Mr. Almodovar's mount "Charitable Harlow" drifted over and caused interference to "Shesgotthemoves" during the stretch run in the Seventh Race, on March 2, 2017.

Almodovar's mount "Charitable Harlow" was disqualified from 2nd and placed 4th.

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

LAURENCE A. DUPUY

L. ROBERT LOTTTS
CHARLES TOWN RACES

STEWARDS RULINGS

MARCH 7, 2017

RULING NUMBER 43

Jockey, Jarred Journet, Permit #11772; SS xxx-xx-0867, is suspended for Four Racing Days, starting Thursday, March 9, 10, 11 and March 15 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 Journet, carelessly permitted his mount "Captain Holiday" to come out to far at the head of the stretch and caused "Sailaway" to clip heels and fall during the running of the Third Race on Friday, March 3, 2017.

"Captain Holiday" was disqualified from Third position and placed Ninth.

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 R. WRIGHT

LAURENCE A. DUPUY

DENVER BECKNER
RULING NUMBER 44

Groom, Quincy Jackson, Permit # 12353; SS# xxx-xx-0263, Occupational Permit has been restored to good standing as of 03/11/2017 by order of the West Virginia Racing Commission, having complied with the conditions set forth in Notice of Hearing, dated 03/03/17.

BY ORDER OF THE STEWARDS

DANNY R. WRIGHT
LAURENCE A. DUPUY
DENVER BECKNER
RULING NUMBER 45

Jockey, Yamil Rosario, Permit # 13974; SS# xxx-xx-7033 is hereby fined Five Hundred ($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.”

Mr. Rosario was fined for failing to maintain a straight course during the running of the 3rd Race, Saturday, March 11, 2017. Mr. Rosario allowed his mount “Garen” (5) to drift in and cause interference to “Katman Quick” (3).

Rosario’s mount “Garen” was disqualified from 3rd and placed 4th.

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of 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 #46

TO: Owner/Trainer Adam Ingram: Permit #20677; SS# xxx- xx-5328

On March 22, 2017, the Board of Stewards offered a hearing to Owner/Trainer, Adam Ingram to which he waived his right to a hearing, regarding allegations set forth in Notice of Hearing issued March 21, 2017.

The Stewards hereby find the following:

The official blood sample #256003, taken on 3/3/17 was reported by Industrial Laboratories, the official testing laboratory, to contain Dexamethasone, which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for Dexamethasone is 5 pg/ml in blood. Sample #256003 contained 21.8 pg/ml of the drug, which is above the permissible threshold for this drug. The sample was taken from the Ten (10) horse, "Shadows of Love", which ran in the 3rd Race on 3/3/17, finishing Second.

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

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

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

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

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

The Dexamethasone positive in "Shadows of Love" is Mr.Ingram's Second Offense for a medication/substance violation in a 365 day period. Mr. Ingram had a Ketoprofen positive on June 29, 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 #106 on July 15, 2016. Mr. Ingram is assessed 1 point for this Dexamethasone medication/substance violation pursuant to section 49.3.m. of 178 of W.Va.C.S.R.1.

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

1. (Aggravating) The Permit holder’s past record: The permit holder’s past record includes a Class 4, Category C, drug positive, Ketoprofen that was the subject of Ruling # 106 issued by the Stewards in West Virginia. Therefore, the permit holder’s past record is an aggravating factor.

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

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

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

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

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

7. The purse of the race: The races in question was a $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 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. Ingrams horse “Shadows of Love” will be disqualified from all purse money and will have a total of 2 points on his record. With the Dexamethasone positive being Mr. Ingrams' second medication violation in 365 days. Mr. Ingram is fined $1500 dollars and is given a 15 day suspension starting Sunday, March 26, 2017 running through and including Sunday, April 9, 2017.

The horse "Shadows of Love" is disqualified from all purse money; Re-Distribution is as follows:

1. My Vet's a Genius
2. Grip and Ride
3. Pinch This Too
4. Risk It
5. Midnight Blue
6. Glenn's Castle

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: March 23, 2017

BY ORDER OF THE STEWARDS:

[Signatures]

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

LAURENCE A. DUPUX

L. ROBERT LOTTIS
Apprentice Jockey, Caroline Quast, Permit # 13504; SS# xxx-xx-1716 is hereby suspended Four (4) Race Days, beginning Wednesday, March 29, 2017 through and including Saturday, April 1, 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.”

Ms Quast’s mount “Easy Sailing” (2) drifted when not clear and caused interference to “Masons Dream” (5) and “Dean of Salsa” (7), during the stretch run in the 8th Race on Wednesday, March 22, 2017.

Quast’s mount “Easy Sailing” was disqualified from 3rd and placed 9th.

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

RULING #48

TO: Owner/Trainer JOHN J. ROBB: Permit #12486; SS# xxx-xx-1635

On March 24, 2017, the Board of Stewards offered a hearing to Owner/Trainer, JOHN J. ROBB to which he waived his right to a hearing, regarding allegations set forth in Notice of Hearing issued March 24, 2017.

The Stewards hereby find the following:

The official blood sample #256049, taken on 3/10/17 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 #256049 contained 11.8 ng/ml of the drug, which is above the permissible threshold for this drug. The sample was taken from the FOUR (4) horse, "NICE TRY", which ran in the 5TH Race on 3/10/17, finishing FIRST.

MR. ROBB elected not to have a split sample tested.

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

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

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

Pursuant to 178 W. Va. C.S.R. 1, Table 178-1 F, the post-race threshold for NAPROXEN is 0 in the blood. Because the amount of NAPROXEN in “NICE TRY” exceeded the acceptable threshold set forth in Table 178-1 F, MR. ROBB 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 “NICE TRY” is MR. ROBB'S second offense for a medication/substance violation in a 365 day period. MR. ROBB had a DIMETHYL SULFOXIDE positive on June 18, 2016 in MARYLAND.

The permit holder has accumulated 1 point under the multiple medication violation point system as a result of the issuance of Ruling #118 on July 9, 2016. MR. ROBB is assessed 2 point 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. (Aggravating) The Permit holder’s past record: The permit holder’s past record includes a Class 4, Category C, drug positive, DIMETHYL SULFOXIDE that was the subject of Ruling #118 issued by the Stewards in MARYLAND. Therefore, the permit holder’s past record is an aggravating factor.

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

3. **(Mitigating)** The legal availability of the drug: 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 10,000 claiming race with a $15,000 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. ROBB'S horse “NICE TRY” will be disqualified from all purse money and will have a total of 3 points on his record. With the NAPROXEN positive being Mr. ROBB'S second medication violation in 365 day. MR. ROBB is fined $1500 dollars and is given a 15 day suspension and an enhanced penalty of 30 days suspension for having accumulated a total of 3 points on his record, for a total of 45 days suspension starting MONDAY, APRIL 3, 2017 running through and including WEDNESDAY, MAY 17, 2017.

The horse “NICE TRY” is disqualified from all purse money; Re-Distribution is as following.

1. SHERWOOD FOREST
2. LIL` BALLSTAR
3. JUMP FOR TRUMP
4. BRYANA
5. TRIPLE CLOWN
6. WIN WISH

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 29, 2017

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT
LAURENCE A. DUPSUY
DENVER BECKNER
BEFORE THE BOARD OF STEWARDS  
CHARLES TOWN RACE TRACK  
RULING-MEDICATION VIOLATION  

RULING #49  

TO: Owner/Trainer DERRICK J. GOETZ; Permit #14545; SSM xxx-xx-2742  

On March 29, 2017, the Board of Stewards offered a hearing to Owner/Trainer, DERRICK J. GOETZ 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 #255887, taken on 2/15/17 was reported by Industrial Laboratories, the official testing laboratory, to contain A METABOLITE OF ACEPROMAZINE, which is a Class 3 drug, with a B Penalty, designation. The permissible threshold for ACEPROMAZINE in the blood is 10 ng/ml. Sample #255887 contained 23.2 ng/ml of the drug, which is above the permissible threshold for this drug. The sample was taken from the SEVEN (7) horse, “LATE CALLER”, which ran in the 4TH Race on 2/15/17, finishing FIRST.

MR. GOETZ 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 A METABOLITE OF ACEPROMAZINE IS 10 ng/ml in the blood. Because the amount of A METABOLITE OF ACEPROMAZINE in “LATE CALLER” exceeded the acceptable threshold set forth in Table 178-1 F, MR. GOETZ may be held responsible and his occupational permit disciplined pursuant to 178 W. Va. C.S.R. 1, sections 49.4.1 and 51.1.a.

The METABOLITE OF ACEPROMAZINE positive in “LATE CALLER” is MR. GOETZ 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. GOETZ is assessed 2 points for this METABOLITE OF ACEPROMAZINE 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 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: **ACEPROMAZINE** 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 **ACEPROMAZINE** 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 **ACEPROMAZINE**. 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 **ACEPROMAZINE** by a veterinarian. Therefore, this factor is not considered in weighing the penalty in this case.

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Based on the above, the Stewards hereby impose the following penalty for the underlying offense: **MR. GOETZ'S horse "LATE CALLER" will be disqualified from all purse money and will have a total of 2 points on his record.**

With the **ACEPROMAZINE** positive being Mr. GOETZ'S first medication violation in 365 day. **MR. GOETZ is fined $500 dollars and is given a 15 day suspension starting, SATURDAY, APRIL 1, 2017 through and including SATURDAY, APRIL 15, 2017.**

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

1. KEEPIN IT ZEAL
2. COPY CATTER
3. RAMSEY BRANCH
4. BOURNE HOT
5. GRAY NOT BAY
6. MR. RIPKIN

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 30

BY ORDER OF THE STEWARDS:

[Signature]

DANNY R. WRIGHT

[Signature]

LAURENCE A. DURY

[Signature]

L. ROBERT LOTTS
RULING NUMBER 50

Jockey, Darius Thorpe, Permit #14285; SS# xxx-xx-2425, 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 LOTS