RULING NUMBER 51

Apprentice Jockey, Jan Batista, Permit #14039; SS# xxx-xx-3286, is hereby fined One-Hundred ($100.00) Dollars for being over his reported weight, on the Wednesday, March 29, 2017. This is in violation of West Virginia Rule of Racing Number 178-1-45.5.d which states, “Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision.”

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

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

BY ORDER OF THE STEWARDS:

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

RULING #52

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

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

The Stewards hereby find the following:

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

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

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

Pursuant to section 51.1.1a, of the Thoroughbred Racing Rule, 178 W.Va.C.S.R.1: "The trainer is the absolute insurer of and responsible for the condition of the horses he or she enters in an official workout or a race, regardless of the acts of third parties. If testing or analysis of urine, blood or other bodily substances or tissues prove positive showing the presence of any prohibited drug, medication or 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, section 49.3.m. of 178 W.Va.C.S.R.1, the post-race threshold for NAPROXEN is 0 in the blood. Because the amount of NAPROXEN in "UPTOWN PENTHOUSE" exceeded the acceptable threshold set forth in Table 178-1 F, MR. DAVIS may be held responsible and his occupational permit disciplined pursuant to 178 W. Va. C.S.R. 1, sections 49.a.1. and 51.1.a.

The NAPROXEN positive in "UPTOWN PENTHOUSE" is MR. DAVIS'S first offense for a medication/substance violation in a 365 day period.

The permit holder has accumulated 0 points under the multiple medication violation point system. As a result of the issuance of this ruling, MR DAVIS is assessed 2 points for this NAPROXEN medication/substance violation pursuant to section 49.3.m. of 178 of W.Va.C.S.R.1.

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

1. **MITIGATING** The Permit holder's past record: The permit holder's past record includes no drug violations. Therefore, the permit holder's past record is a mitigating.

2. **MITIGATING** The potential of the drug to influence the horse's racing performance: Pursuant to 178 W. Va. C.S.R. 1, section 49.2.d, Class 3 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication; to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it...
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 $5,000 claiming race with a $10,000 purse. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.

8. Whether the drug found was one for which the drug was receiving a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission: Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with NAPROXEN. Therefore, this factor is not considered in weighing the penalty in this case.

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

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

Based on the above, the Stewards hereby impose the following penalty for the underlying offense: MR. DAVIS'S horse "UPTOWN PENTHOUSE" will be disqualified from all purse money and will have a total of 2 points on his record. With the NAPROXEN positive being Mr. DAVIS'S first medication violation in 365 day. MR. DAVIS is fined $1000 dollars.

The horse "UPTOWN PENTHOUSE" is disqualified from all purse money; Re-Distribution is as follow:

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

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

Dated: March 31, 2017

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT
LAURENCE A. DUPUY
L. ROBERT LOTTS
Exercise Rider, Sylvester Carmouche III; Permit #13924; SS #xxx-xx-0335; is hereby fined Two Hundred Fifty ($250) Dollars.

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

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

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

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

You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 Days of your receipt of this Ruling and must include a security fee in the amount of $100.

BY ORDER OF THE STEWARDS:

DANNY K. WRIGHT

LAURENCE A. DUPUY

L. ROBERT LOTTS
CHARLES TOWN RACES    STEWARDS RULING    APRIL 1, 2017

RULING NUMBER 54

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

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

L. ROBERT LOTT

LAURENCE A. DUPUY
Apprentice Jockey, Carlos Delgado, Permit #14497; SS xxx-xx-4909, is suspended for Four Racing Days, starting Wednesday, April 5, 2017 through and including Saturday April 8, 2017, for violation Rule of Racing #178-1-45.7.b.1, which reads: “A jockey shall not ride carelessly or willfully so as to permit his or her mount to interfere with, impede or intimidate any other horses in the race.

Jockey, Delgado willfully allowed his mount “Onebourbononebeer” (5) to drop in at the quarter pole and cause interference to #3 “Prairie Schooner,” in the First Race on Friday, March 31, 2017.

“Onebourbononebeer” was disqualified from Second position and placed Fourth.

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

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

BY ORDER OF THE STEWARDS:

DANNY B. WRIGHT
LAURENCE A. DUPUY
DENVER BECKNER
RULING #56

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

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

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

Ms. PENNELLA elected not to have a split sample tested.

Pursuant to 178 W. Va. C.S.R. 1, section 24.11.o., the Stewards are authorized to take disciplinary action against a permit holder for violating any provision of the Thoroughbred Racing Rule. Pursuant to section 51.1.1a, of the Thoroughbred Racing Rule, 178 W. Va. C.S.R.1: "The trainer is the absolute insurer of and responsible for the condition of the horses he or she enters in an official workout or a race, regardless of the acts of third parties. If testing or analysis of urine, blood or other bodily substances or tissues prove positive showing the presence of any prohibited drug, medication or substance, the trainer of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined. In addition, the owner of the horse, the foreman in charge of the horse, the groom, and any other person shown to have had the care, attendance of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined."

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

Pursuant to 178 W. Va. C.S.R. 1, Table 178-1 F, the post-race threshold for METHYLPREDNISOLONE is 100 pg/ml of plasma or serum. Because the amount of METHYLPREDNISOLONE found in "WANA B WILD" exceeded the acceptable threshold set forth in Table 178-1 F, MS. PENNELLA may be held responsible and her occupational permit disciplined pursuant to 178 W. Va. C.S.R. 1, sections 49.a.1. and 51.1.a.

The METHYLPREDNISOLONE positive in "WANA B WILD" is MS. PENNELLA's First Offense for a medication/substance violation carrying a Category C penalty in a 365 day period.

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

The penalty guidelines set forth in Table 178 1 E of the Thoroughbred Racing Rule provide a minimum penalty of a $1,000 fine, for a First Offense Category C at this level of a positive, METHYLPREDNISOLONE positive at the level found in "WANA B WILD". The Stewards determine the appropriate penalty for the underlying offense on a case by case basis by considering mitigating and aggravating factors. The following is an analysis of the factors set forth in section 49.1 of the Thoroughbred Racing Rule:

1. [Mitigating] The Permit holders past record: The permit holder's past record clean with no positives. Therefore, the permit holder's past record is a mitigating factor.

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

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

4. Whether there is reason to believe the permit holder knew of the administration of the drug or intentional administered the drug: Inasmuch as there was no hearing in this matter it was not established whether or not the permit holder knew of the administration of the drug, nor the circumstances under which the drug may have been given. Therefore this factor is not considered in weighing the penalty in this case.

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

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

7. The purse of the race: The race in question was a $5,000 CLAIMING RACE WITH A 10,000 PURSE. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.

8. Whether the drug found was one for which the horse was receiving a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission: Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with METHYLPREDNISOLONE Therefore, this factor is not considered in weighing the penalty in this case.

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

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

Based on the above, the Stewards hereby impose the following penalty for the underlying offense: **MS. PENNELLA will be fined $1,000 dollars.**

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

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

RE-DISTRIBUTION IS AS FOLLOWS:

1. Slew By The Fool
2. Can’t Talk Right Now
3. Come To Utopia
4. Litton Miss Tilton
5. Canita Mia
6. Tiz Me Back

The fine imposed in this ruling shall be paid to the Racing Commission within seven (7) days after the ruling is issued. You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within 2 Days of your receipt of this Ruling and must include a security fee in the amount of $100.00.

Dated: April 7, 2017

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

LAURENCE A. DUPUY

DENVER BECKNER
CHARLES TOWN RACES STEWARDS RULING APRIL 11, 2017

RULING NUMBER 57

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

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT
DENVER BECKNER
LAURENCE A. DUPUY
RULING NUMBER 58

Jockey, Christian Hiraldo, Permit # 12179; SS# xxx-xx-4368 is hereby suspended Four (4) Race Days, beginning Friday, April 14, Saturday, April 15, Wednesday, April 19 and Thursday, April 20, 2017, for violation of Rule of Racing 178-1-45.7.c.1, which reads: “When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede or intimidate any horse, it is a foul.”

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

Hiraldo’s mount “Green Time” was disqualified from 1st and placed 7th.

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT
LAURENCE A. DUPUY
DENVER BECKNER
BEFORE THE BOARD OF STEWARDS
CHARLES TOWN RACETRACK
RULING NUMBER # 59

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

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

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

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

Pursuant to section 49.4.a.1. of the Thoroughbred Racing Rule, 178 C.S.R. 1, a finding by a
Racing Commission approved laboratory of a prohibited drug, chemical or other substance in a post-race
test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was
present in the horse’s body while it was participating in a race. Benzoylecgonine, the metabolite of
Cocaine, confirmed to be present in “Majestic Rosebud’s” body while it was participating in a race, is a
drug or medication for which no acceptable threshold concentration has been established by the West
Virginia Racing Commission.

Additionally, as the trainer of “Majestic Rosebud,” Flint W. Stites is the absolute insurer of and
responsible for the condition of the horse he entered in the 5th race at Charles Town ran on February 10,
2017. 178 C.S.R. 1, § 51.1.a.

The Board of Stewards concludes that while Mr. Stites is responsible for the positive in
“Majestic Rosebud” under § 51.1.a. and the presence of the drug has been established to have been in the
horse during the 5th race on February 10, 2017, there are substantial mitigating factors which cause the
Stewards to impose no penalty against Mr. Stites’ permit in this matter. Those factors are as follows:

Mr. Stite’s past record as a permit holder is good in that he has no medication violations in any
jurisdiction in the past 365 days.

The amount of Benzoylecgonine found in the horse is a trace level which lends credibility to the
probability that the horse was inadvertently exposed to the drug in some manner. Based upon an
evaluation of the evidence, the Stewards conclude that the positive is attributable to inadvertent
exposure.
There is no reason to believe that Mr. Stites knew of or caused the drug to be administered to the horse.

178 C.S.R. 1, §49.10 a, the Stewards are explicitly authorized to consider inadvertent exposure as a factor in determining medication violations. Further, pursuant to §49.1, the Stewards are to determine medication violations on a case by case basis and may determine to impose no penalty against a trainer’s permit, if warranted.

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

Because “Majestic Rosebud” was found to have carried Benzoylecgonine, the metabolite of Cocaine, in its system during the running of the race, the purse of the race is ordered to be FORFEITED and “Majestic Rosebud” is DISQUALIFIED from its first place finish in RACE NUMBER 5 on February, 2017. This disqualification is justified due to the irrefutable drug positive, even though Mr. Stites’ permit was not disciplined in this matter. Although it is likely that the horse carried the drug in its system due to inadvertent exposure, it nonetheless carried the drug in its system which necessitates the disqualification to ensure the integrity of racing and to instill confidence in the betting public. The order of finish is hereby re-ordered as follows:

1. She’s Going Strong
2. Little Miss Lupe
3. Shesgotthemoves
4. Return to Denis
5. Kyness

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

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

Dated:

[Signature]
Chief Steward

[Signature]
Steward

[Signature]
Steward
CHARLES TOWN RACES  STEWARDS RULING  APRIL 14, 2017

RULING NUMBER 60

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

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

L. ROBERT LOTTs

LAURENCE A. DUPUY
BEFORE THE BOARD OF STEWARDS
CHARLES TOWN RACE TRACK
RULING #61

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

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

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

DATED: 04/15/2017

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

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

LAURENCE A. DUPUY

DENVER BECKNER
RULING NUMBER 62

Apprentice Jockey, Jan Batista, Permit #14039; SS# xxx-xx-3286, is hereby fined One-Hundred ($100.00) Dollars for being over his reported weight, on Thursday, April 13, 2017. This is in violation of West Virginia Rule of Racing Number 178-1-45.5.d which states, “Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision.”

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

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT
LAURENCE A. DUPUY
L. ROBERT LOTTS
CHARLES TOWN RACES        STEWARD S RULING        APRIL 20, 2017

RULING NUMBER 63

Jockey, Victor Rodriguez, Permit #12225; SS# xxx-xx-6891, is hereby fined One-Hundred ($100.00) Dollars for being over his reported weight, on Saturday, April 15, 2017. This is in violation of West Virginia Rule of Racing Number 178-1-45.5.d which states, “Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision.”

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

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT
LAURENCE A. DUPUY
L. ROBERT LOTT

L. ROBERT LOTT
OWNER/Trainer, Mort Shirazi, Permit Number #10433; SS# xxx-xx-5602, is hereby fined One-Hundred ($100) Dollars for violation of Rule of Racing Number 178-1-44.1, which reads, “No horse shall be allowed to start in any race unless the Certificate of Registration properly endorsed to the current owner and is on file with the Racing Secretary one-half (1/2) hour prior to post time of the First Race”. Mr. Shirazi failed to have foal papers on file for the horse “Dear Benny”, (ran on faxed papers) for the running of the Fourth (4th) Race, on Thursday, April 13, 2017.

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

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT
LAURENCE DUPUY
L. ROBERT LOTTS
RULING NUMBER 65

Jockey, Yamill Rosario, Permit # 13974; SS# xxx-xx-7033 is hereby fined $500.00 Dollars, for violation of Rule of Racing 178-1-4S.7.c.1, which reads: “When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede or intimidate any horse, it is a foul.”

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

Rosarios’ mount “Miss Simon” was disqualified from 2nd and placed 4th.

All fines imposed by the Stewards shall be paid to the Racing Commission within Seven (7) Days after the ruling is issued, unless otherwise ordered by the Stewards, Per West Virginia Rule of Racing #178-1-8.S.n

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

LAURENCE A. DUPUY

L. ROBERT LOTTS
CHARLES TOWN RACES STEWARDS RULINGS APRIL 19, 2017

RULING NUMBER 66

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

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

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

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

LAURENCE A. DUPUY

L. ROBERT LOTTS
CHARLES TOWN RACES  STEWARDS RULINGS  APRIL 19, 2017

RULING NUMBER 67

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

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

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

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT
LAURENCE A. DUPUY
L. ROBERT LOTTS
RULING NUMBER 68

Apprentice Jockey, Jarred Journet, Permit #11772; SS# xxx-xx-0867, is hereby fined One-Hundred ($100.00) Dollars for being over his reported weight, on Wednesday, April 19, 2017. This is in violation of West Virginia Rule of Racing Number 178-1-45.5.d which states, “Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision.”

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

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT
LAURENCE A. DUPUY
L. ROBERT LOTTS
Apprentice Jockey, Luis Rodriguez, Permit # 14498; SS# xxx-xx-4712 is hereby suspended for Eight (8) Racing Days, starting Saturday, April 22, Wednesday, April 26, Thursday, April 27, Friday, April 28, Saturday, April 29, 2017, through and including, Wednesday, May 3, Thursday, May 4 and Friday, May 5, 2017, for violation of Rule of Racing 178-1-45.7.c.1, which reads: “When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede or intimidate any horse, it is a foul.”

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

Rodriguez mount “American Luxury” was disqualified from 2nd and placed 7th.

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

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT
LAURENCE A. DUPUY
L. ROBERT LOTTS
CHARLES TOWN RACES STEWARDS RULINGS APRIL 27, 2017

RULING NUMBER 70

Jockey, Carlos Castro, Permit #14478; SS xxx-xx-3104, is suspended for Four Racing Days, starting Wednesday, May 3, 2017 through and including Saturday May 6, 2017, for violation Rule of Racing #178-1-45.7.b.1, which reads: “A jockey shall not ride carelessly or willfully so as to permit his or her mount to interfere with, impede or intimidate any other horses in the race.

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

“Unrideabull” was disqualified from Third position and placed Fifth.

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

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

LAURENCE A. DUPUY

L. ROBERT LOTTTS
Apprentice Jockey, Jarred Journet, Permit #11772; SS# xxx-xx-0867, is hereby fined One-Hundred ($100.00) Dollars for being over his reported weight, on Wednesday, April 26, 2017. This is in violation of West Virginia Rule of Racing Number 178-1-45.5.d which states, “Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision.”

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

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT
LAURENCE A. DUPUY
DENVER BECKNER
RULING NUMBER 72

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

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

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

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

LAURENCE A. DUPUY

DENVER BECKNER
RULING NUMBER 73

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

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

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

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

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

LAURENCE A. DUPUY

DENVER BECKNER
CHARLES TOWN RACES

RULING NUMBER 73

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

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

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

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

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

BY ORDER OF THE STEWARDS:

DANNY K. WRIGHT

LAURENCE A. DUPUY

DENVER BECKNER
CHARLES TOWN RACES          STEWARDS RULINGS          MAY 11, 2017

RULING NUMBER 74

Jockey, Yamil Rosario, Permit #13974; SS xxx-xx-7033; is suspended for Four Racing Days, starting Wednesday, May 17, 2017 through and including Saturday, May 20, 2017 for violation of Rule of Racing #178-1-45.7.b.1, which reads: “A jockey shall not ride carelessly or willfully so as to permit his or her mount to interfere with, impede or intimidate any other horses in the race.”

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

After a Stewards inquiry Jockey Rosario’s mount “Mucho Paso” was disqualified from second position and placed sixth.

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

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

LAURENCE A. DUPUY

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

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

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

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

You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of Five-Hundred ($500.00) Dollars.
RULING NUMBER 76

Jockey, Darius Thorpe, Permit #14285; SS# xxx-xx-2423, is hereby fined One-Hundred ($100.00) Dollars for being over his reported weight, on Thursday, May 11, 2017. This is in violation of West Virginia Rule of Racing Number 178-1-45.5.d which states, “Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision.”

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

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

BY ORDER OF THE STEWARDS:

Danny R. Wright
Laurence A. Dupuy
L. Robert Lotts
RULING NUMBER 77

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

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

L. ROBERT LOTTS

LAURENCE A. DUPUY
RULING NUMBER 78

Jockey, Yomar Ortiz, Permit #10905; SS xxx-xx-9958; is fined Five-Hundred ($500.00) for violation of Rule of Racing #178-1-45.7.b.1, which reads: "A jockey shall not ride carelessly or willfully so as to permit his or her mount to interfere with, impede or intimidate any other horses in the race."

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

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

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

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

BY ORDER OF THE STEWARDS:

[Signatures]

DANNY R. WRIGHT
LAURENCE A. DUPUY
DENVER BECKNER
Apprentice Jockey, Carlos Delgado, Permit #14497; SS# xxx-xx-4909, is hereby fined One-Hundred ($100.00) Dollars for being over his reported weight, on Friday, May 12, 2017. This is in violation of West Virginia Rule of Racing Number 178-1-45.5.d which states, “Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision.”

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

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

BY ORDER OF THE STEWARDS:

Danny R. Wright

Laurence A. Dupuy

Denver Beckner
CHARLES TOWN RACES          STEWARDS RULING          MAY 17, 2017

RULING NUMBER 80

Jockey, Carlos Castro, Permit #14478; SS# xxx-xx-3104, is hereby fined One-Hundred ($100.00) Dollars for being over his reported weight, on Saturday, May 12, 2017. This is in violation of West Virginia Rule of Racing Number 178-1-45.5.d which states, “Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision.”

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

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

LAURENCE A. DUPUY

DENVER BECKNER
CHARLES TOWN RACES

STEWARDS RULINGS

MAY 17, 2017

RULING NUMBER 81

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

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

After a Stewards inquiry Jockey Batista’s mount “Early Bop” was disqualified from second position and placed fifth.

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

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

BY ORDER OF THE STEWARDS:

DANNY K. WRIGHT

LAURENCE A. DUPUY

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

RULING #82

TO: Owner/Trainer Richard P. Sillaman
Permit #12657


The Stewards hereby find the following:

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

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

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

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

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

Pursuant to 178 W. Va. C.S.R. 1, Table 178-1 F, the post-race threshold for NAPROXEN is 0 in the blood. Because the amount of NAPROXEN in "I O Ines" exceeded the acceptable threshold set forth in Table 178-1 F, Mr. Sillaman may be held responsible and his occupational permit disciplined pursuant to 178 W. Va. C.S.R. 1, sections 49.a.1. and 51.1.a.

The NAPROXEN positive in "I O Ines" is Mr. Sillaman’s second offense for a medication/substance violation in a 365 day period.
The permit holder has accumulated **3 points** under the multiple medication violation point system. As a result of the issuance of this ruling, Mr. **Sillaman** is assessed **0 points** for this **NAPROXEN** medication/substance violation pursuant to section **49.3.m.** of **W.Va.C.S.R.1.**

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

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

The order of finish is as follows:

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

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

Ruling Issued on May 19, 2017

BY ORDER OF THE STEWARDS:

[Signature]

DANNY R. WRIGHT

[Signature]

LAURENCE A. DUPUY

[Signature]

L. ROBERT LOTTs
TO: Timothy C. Grams

Owner/Trainer Permit # 13751

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

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

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

Pursuant to section 49.4.a.1. of the Thoroughbred Racing Rule, 178 C.S.R. 1, a finding by a Racing Commission approved laboratory of a prohibited drug, chemical or other substance in a post-race test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was present in the horse’s body while it was participating in a race. Benzoylecgonine, the metabolite of Cocaine, confirmed to be present in “Remy’s Rocket’s” body while it was participating in a race, is a drug or medication for which no acceptable threshold concentration has been established by the West Virginia Racing Commission.

Additionally, as the trainer of “Remy’s Rocket,” Timothy C. Grams is the absolute insurer of and responsible for the condition of the horse he entered in the 1st race at Charles Town ran on March 24, 2017. 178 C.S.R. 1, § 51.1.a.

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

Mr. Grams past record as a permit holder is good in that he has no medication violations in any jurisdiction in the past 365 days.

The amount of Benzoylecgonine found in the horse is a trace level which lends credibility to the probability that the horse was inadvertently exposed to the drug in some manner. Based upon an evaluation of the evidence, the Stewards conclude that the positive is attributable to inadvertent exposure.

There is no reason to believe that Mr. Grams knew of or caused the drug to be administered to the horse.
178 C.S.R. 1, §49.10.a, the Stewards are explicitly authorized to consider inadvertent exposure as a factor in determining medication violations. Further, pursuant to § 49.1, the Stewards are to determine medication violations on a case by case basis and may determine to impose no penalty against a trainer’s permit, if warranted.

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

Because “Remy’s Rocket” was found to have carried Benzoylecgonine, the metabolite of Cocaine, in its system during the running of the race, the purse of the race is ordered to be FORFEITED and “Remy’s Rocket” is DISQUALIFIED from its first place finish in RACE NUMBER 1 on March 24, 2017. This disqualification is justified due to the irrefutable drug positive, even though Mr. Grams’ permit was not disciplined in this matter. Although it is likely that the horse carried the drug in its system due to inadvertent exposure, it nonetheless carried the drug in its system which necessitates the disqualification to ensure the integrity of racing and to instill confidence in the betting public. The order of finish is hereby re-ordered as follows:

1. Sweet Lady Sue  
2. Witchy Windsor  
3. Why Not Annie  
4. Quick to Judge  
5. Lil Linder

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

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

Ruling issued on May 19, 2017.

[Signatures]

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

RULING #84

TO: Owner/Trainer Gary L. Williams Jr. Permit #11951

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

The Stewards hereby find the following:

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

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

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

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

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

Pursuant to 178 W. Va. C.S.R. 1, Table 178-1 F, the post-race threshold for NAPROXEN is 0 in the blood. Because the amount of NAPROXEN in "Dr. Tucker" exceeded the acceptable threshold set forth in Table 178-1 F, Mr. Williams may be held responsible and his occupational permit disciplined pursuant to 178 W. Va. C.S.R. 1, sections 49.a.1. and 51.1.a.

The NAPROXEN positive in "Dr. Tucker" is Mr. Williams's second offense for a medication/substance violation in a 365 day period.
The permit holder has accumulated 3 points under the multiple medication violation point system. As a result of the issuance of this ruling, Mr. Williams is assessed 0 points for this NAPROXEN medication/substance violation pursuant to section 49.3.m. of 178 of W.Va.C.S.R.1.

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

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

The order of finish is as follows:

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

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

Ruling Issued on May 19, 2017

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT
LAURANCE A. DUPUY
L. ROBERT LOTS
BEFORE THE BOARD OF STEWARDS
CHARLES TOWN RACE TRACK
RULING-MEDICATION VIOLATION

RULING #85

TO: Owner/Trainer Gary L. Williams Jr. Permit #11951

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

The Stewards hereby find the following:

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

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

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

Pursuant to section 51.1.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 “Dr. Tucker” exceeded the acceptable threshold set forth in Table 178-1 F, Mr. Williams may be held responsible and his occupational permit disciplined pursuant to 178 W. Va. C.S.R. 1, sections 49.a.1. and 51.1.a.
The NAPROXEN positive in "Dr. Tucker" is Mr. Williams's second offense for a medication/substance violation in a 365 day period.

The permit holder has accumulated 3 points under the multiple medication violation point system. As a result of the issuance of this ruling, Mr. Williams is assessed 0 points for this NAPROXEN medication/substance violation pursuant to section 49.3.m. of 178 of W.Va.C.S.R.1.

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

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

The order of finish is as follows:
1. Dr. Tucker
2. Laso the Man
3. He's a Gold Digger
4. Hooray Henry
5. Whippersnapper
6. Creative Mist

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

Ruling Issued on May 19, 2017

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

LAURENCE A. DUPUY

L. ROBERT LOTTS
RULING #86

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

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

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

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

Ruling Issued on May 19, 2017

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

LAURENCE A. DUPUY

L. ROBERT LOTTS
BEFORE THE BOARD OF STEWARDS  
CHARLES TOWN RACE TRACK  
RULING-MEDICATION VIOLATION  

RULING #87  

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

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

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

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

Ruling issued on May 19, 2017  

BY ORDER OF THE STEWARDS:  

[Signatures]  

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

RULING #88

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

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

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

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

Ruling issued on May 19, 2017

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

LAURENCE A. DUPUY

L. ROBERT LOTTS
BEFORE THE BOARD OF STEWARDS
CHARLES TOWN RACE TRACK
RULING-MEDICATION VIOLATION

RULING #89

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

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

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

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

Ruling issued on May 19, 2017

BY ORDER OF THE STEWARDS:

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

RULING #90

TO: Owner/Trainer Cliff Tuomisto: Permit #14545

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

The Stewards hereby find the following:

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

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

Pursuant to 178 W.Va. C.S.R. 1, section 24.11.0, 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 ln a test specimen of a horse Is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse, and in the case of a post-race test, was present in the horse’s body while it was participating. Prohibited substances included controlled therapeutic medications in excess of established threshold concentrations as set forth in the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule, Version 2.1., contained In Table 178-1 F of the Thoroughbred Racing Rule.

Pursuant to 178 W. Va. C.S.R. 1, Table 178-1 F, the post-race threshold for Guanabenz is 0 ng/ml in the blood. Because the amount of Guanabenz in “Skitt Skatt” exceeded the acceptable threshold set forth in Table 178-1 F, Mr. Tuomisto may be held responsible and his occupational permit disciplined pursuant to 178 W. Va. C.S.R. 1, sections 49.a.1. and 51.1.a.

The Guanabenz positive in “Skitt Skatt” is Mr. Tuomisto’s 2nd offense for a medication/substance violation in a 365 day period.

The permit holder has accumulated 4 points under the multiple medication violation point system. As a result of the issuance of this ruling, Mr. Tuomisto is assessed 4 points for this Guanabenz medication/substance violation pursuant to section 49.3.m. of 178 of W.Va.C.S.R.1.

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

1. (MITIGATING) The Permit holder’s past record: The permit holder’s past record includes one drug violations . Therefore, the permit holder’s past record is an aggravating.

2. (MITIGATING) The potential of the drug to influence the horse’s racing performance: Pursuant to 178 W. Va. C.S.R. 1, section 49.2.d, Class 3 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren’t racing under the effects of the medication; to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it
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: Guanabenz is legally available.

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

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

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

7. The purse of the race: The races in question was a 5,000 claiming race with a $10,000 purse. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.

8. Whether the drug found was one for which the drug was receiving a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission: Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with Guanabenz. Therefore, this factor is not considered in weighing the penalty in this case.

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

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

Based on the above, the Stewards hereby impose the following penalty for the underlying offense: Mr. Tuomisto’s horse “Skitt Skatt” will be disqualified from all purse money and will have a total of 8 points on his record. With the Guanabenz positive being Mr. Tuomisto’s Second Medication violation in 365 day. Mr. Tuomisto is fined $1000 dollars and is given a 75 day suspension starting, Saturday, May 20, 2017 through and including Wednesday, August 2, 2017.

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

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

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

Dated: May 20, 2017

**BY ORDER OF THE STEWARDS:**

[Danny R. Wright]

[DANNY R. WRIGHT]

[Laurence A. Dupuy]

[LAURENCE A. DUPUY]

[L. Robert Lotts]
BEFORE THE BOARD OF STEWARDS
CHARLES TOWN RACE TRACK
RULING-MEDICATION VIOLATION

RULING #91

TO: Owner/Trainer Kevin J. Joy; Permit #10664

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

The Stewards hereby find the following: The official blood sample #225968, taken on 5/6/17 was reported by Industrial Laboratories, the official testing laboratory, to contain Flunixin, which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for Flunixin is 20-100 ng/ml. Sample #225968 contained 47.7 ng/ml of the drug, which is above the permissible threshold for this drug. The sample was taken from the four (4) horse, "Cool as Ice", which ran in the 1ST Race on 5/6/17, finishing FIRST.

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

Pursuant to 178 W. Va. C.S.R. 1, section 24.11.o., the Stewards are authorized to take disciplinary action against a permit holder for violating any provision of the Thoroughbred Racing Rule. Pursuant to section 51.1.1a, of the Thoroughbred Racing Rule, 178 W. Va.C.S.R.1: "The trainer is the absolute insurer of and responsible for the condition of the horses he or she enters in an official workout or a race, regardless of the acts of third parties. If testing or analysis of urine, blood or other bodily substances or tissues prove positive showing the presence of any prohibited drug, medication or substance, the trainer of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined. In addition, the owner of the horse, the foreman in charge of the horse, the groom, and any other person shown to have had the care, attendance of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined."

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

Pursuant to 178 W. Va. C.S.R. 1, Table 178-1 F, the post-race threshold for Flunixin is 20-100 ng/ml of plasma or serum. Because the amount of Flunixin found in "Cool as Ice" exceeded the acceptable threshold set forth in Table 178-1 F, Mr. Joy may be held responsible and her occupational permit disciplined pursuant to 178 W. Va. C.S.R. 1, sections 49.a.1. and 51.1.a.

The Flunixin positive in "Cool as Ice" is Mr. Joy's First Offense for a medication/substance violation carrying a Category C penalty in a 365 day period.

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

The penalty guidelines set forth in Table 178 1 E of the Thoroughbred Racing Rule provide a minimum penalty of a $250 fine, for a First Offense Category C at this level of a positive, Flunixin positive at the level found in "Cool as Ice". The Stewards determine the appropriate penalty for the underlying offense on a case by case basis by considering mitigating and aggravating factors. The following is an analysis of the factors set forth in section 49.1 of the Thoroughbred Racing Rule:

1. (Mitigating) The Permit holders past record: The permit holder's past record clean with no positives. Therefore, the permit holder's past record is a mitigating factor.

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

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

4. Whether there is reason to believe the permit holder knew of the administration of the drug or intentional administered the drug: Inasmuch as there was no hearing in this matter it was not established whether or not the permit holder knew of the administration of the drug, nor the circumstances under which the drug may have been given. Therefore this factor is not considered in weighing the penalty in this case.

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

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

7. The purse of the race: The race in question was a $5,000 CLAIMING RACE WITH A 10,000 PURSE. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.

8. Whether the drug found was one for which the horse was receiving a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission: Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with Flunixin. Therefore, this factor is not considered in weighing the penalty in this case.

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

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

Based on the above, the Stewards hereby impose the following penalty for the underlying offense: Mr. Joy will be fined $250 dollars.

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

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

Original order of finish is as follows

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

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

Dated: May 23, 2017

BY ORDER OF THE STEWARDS:

DENVER BECKNER

DANNY R. WRIGHT

LAURENCE A. DUPUY

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

RULING #92 - TO: Owner/Trainer Wayne Potts: Permit #13458;

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

The Stewards hereby find the following:

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

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

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

Pursuant to 178 W. Va. C.S.R. 1, Table 178-1 F, the post-race threshold for Clenbuterol is 0 ng/ml in the blood. Because the amount of Clenbuterol in “Just the Zip” exceeded the acceptable threshold set forth in Table 178-1 F, Mr. Potts may be held responsible and his occupational permit disciplined pursuant to 178 W. Va. C.S.R. 1, sections 49.1.a. and 51.1.a.

The Clenbuterol positive in “Just the Zip” is Mr. Potts Second Offense for a medication/substance violation in a 365 day period. Mr. Potts had a Dexamethasone positive on August 5, 2016 in West Virginia.

The permit holder has accumulated 1 point under the multiple medication violation point system as a result of the issuance of Ruling #123 on September 24, 2016. Mr. Potts is assessed 2 points for this Clenbuterol medication/substance violation pursuant to section 49.3.m. of 178 W.Va.C.S.R.1.

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

1. **(Aggravating) The permit holder’s past record:** The permit holder’s past record includes a Class 4, Category C, drug positive, Dexamethasone that was the subject of Ruling # 123 issued by the Stewards in West Virginia. Therefore, the permit holder’s past record is an aggravating factor.

2. **(Mitigating) The potential of the drug to influence the horse’s racing performance:** Pursuant to 178 W. Va. C.S.R. 1, section 49.2.d, Class 3 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule. Inasmuch as such thresholds are designed to ensure that horses aren’t racing under the effects of the medication; to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it races, and to ensure the integrity of racing so that horse aren’t racing under the effect of a medication that could affect performance.]
3. **(Mitigating)** The legal availability of the drug: Clenbuterol is legally available.

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

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

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

7. **The purse of the race:** The races in question was a $5,000 Claiming race with a $10,000 purse. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.

8. Whether the drug found was one for which the drug was receiving a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission: Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with Clenbuterol. Therefore, this factor is not considered in weighing the penalty in this case.

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

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

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

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

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

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

Dated: May 25, 2017

**BY ORDER OF THE STEWARDS:**

![Signature]

DANNY R. WRIGHT

LAURENCE A. DUPUY

L. ROBERT LOTTS
BEFORE THE BOARD OF STEWARDS  
CHARLES TOWN RACE TRACK  
RULING-MEDICATION VIOLATION

RULING #93 - TO: Owner/Trainer Joan A Reynolds: Permit #14046

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

The Stewards hereby find the following:

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

Ms. Reynolds elected not to have a split sample tested.

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

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

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

Pursuant to 178 W. Va. C.S.R. 1, Table 178-1 F, the post-race threshold for Albuterol is 1 ng.ml in the Urine. Because the amount of Albuterol in “Industry Leader” exceeded the acceptable threshold set forth in Table 178-1 F, Ms. Reynolds may be held responsible and her occupational permit disciplined pursuant to 178 W. Va. C.S.R. 1, sections 49.a.1. and 51.1.a.

The Albuterol positive in “Industry Leader” is Ms. Reynolds First Offense for a medication/substance violation in a 365 day period.

The permit holder has accumulated 2 points under the multiple medication violation point systems as a result of the issuance of Ruling #185 on October 8, 2015. Ms. Reynolds is assessed 2 points for this Albuterol medication/substance violation pursuant to section 49.3.m. of 178 W.Va.C.S.R.1.

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

1. (Mitigating) The Permit holder’s past record: The permit holder’s past record of no positives in the past 365 days in West Virginia. Therefore, the permit holder’s past record is a Mitigating factor.

2. (Mitigating) The potential of the drug to influence the horse’s racing performance: Pursuant to 178 W. Va. C.S.R. 1, section 49.2.d, Class 3 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren’t racing under the effects of the medication; to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it races, and to ensure the integrity of racing so that horse aren’t racing under the effect of a medication that could affect performance.]
3. **(Mitigating)** The legal availability of the drug: Albuterol is legally available.

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

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

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

7. **The purse of the race:** The races in question was a 5,000 Claiming race with a $10,000 purse. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.

8. Whether the drug found was one for which the drug was receiving a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission: Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with Albuterol. Therefore, this factor is not considered in weighing the penalty in this case.

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

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

Based on the above, the Stewards hereby impose the following penalty for the underlying offense: Ms. Reynolds will have a total of 4 points on her record. Ms. Reynolds is fined $500 Five Hundred Dollars and suspended 15 days starting Sunday June 4, 2017 through and including Sunday June 18, 2017.

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

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

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

Dated: June 3, 2017

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**BY ORDER OF THE STEWARDS:**

**DANNY R. WRIGHT**

**LAURENCE A. DUPUY**

**DENVER K BECKNER**
RULING NUMBER 94

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

Mr. Coker, has been summarily suspended as of June 13, 2017 pending the outcome of a Board of Stewards hearing.

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

LAURENCE A. DUPUY

DENVER BECKNER
RULING NUMBER 95

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

Mr. Washington, has been summarily suspended as of June 13, 2017 pending the outcome of a Board of Stewards hearing.

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

LAURENCE A. DUPUY

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

RULING #96

TO: Owner/Trainer Roy L. Boyd; Permit #11827

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

The Stewards hereby find the following: The official blood sample #E226083, taken on 6/2/17 was reported by Industrial Laboratories, the official testing laboratory, to contain Dexamethasone, which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for Dexamethasone is 5 pg/ml. Sample #E226083 contained 16.5 pg/ml of the drug, which is above the permissible threshold for this drug. The sample was taken from the four (4) horse, "Shenandoah", which ran in the 4th Race on 6/2/17, finishing FIRST.

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

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

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

The Dexamethasone positive in "Shenandoah" is Mr. Boyd's First Offense for a medication/substance violation carrying a Category C penalty in a 365 day period.

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

The penalty guidelines set forth in Table 178 1 E of the Thoroughbred Racing Rule provide a minimum penalty of a $1,000 fine, for a First Offense Category C at this level of a positive, Dexamethasone positive at the level found in "Shenandoah". The Stewards determine the appropriate penalty for the underlying offense on a case by case basis by considering mitigating and aggravating factors. The following is an analysis of the factors set forth in section 49.1 of the Thoroughbred Racing Rule:

1. **(Mitigating) The Permit holder's past record:** The permit holder's past record clean with no positives. Therefore, the permit holder's past record is a mitigating factor.

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

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

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

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

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

7. The purse of the race: The race in question was a $5,000 CLAIMING RACE WITH A 10,000 PURSE. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.

8. Whether the drug found was one for which the horse was receiving a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission: Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with Dexamethasone. Therefore, this factor is not considered in weighing the penalty in this case.

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

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

Based on the above, the Stewards hereby impose the following penalty for the underlying offense: Mr. Boyd will be fined $1,000 dollars.

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

The horse “Shenandoah” is DISQUALIFIED FROM PURSE MONEY.

Order of finish is as follows

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

The fine imposed in this ruling shall be paid to the Racing Commission within seven (7) days after the ruling is issued.

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

Dated: June 16, 2017

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT
LAURENCE A. DUPUY
DENVER BECKNER
RULING NUMBER 97

Jockey, Darius Thorpe, Permit #14285; SS# xxx-xx-2423, is hereby fined One-Hundred ($100.00) Dollars for being over his reported weight, on Thursday, June 15, 2017. This is in violation of West Virginia Rule of Racing Number 178-1-45.5.d which states, “Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision.”

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

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT
LAURENCE A. DUPUY
DENVER BECKNER
RULING NUMBER 98

Jockey, Luis Batista, Permit #14143; SS# xxx-xx-0427, is hereby fined One-Hundred ($100.00) Dollars for being over his reported weight, on Friday, June 16, 2017. This is in violation of West Virginia Rule of Racing Number 178-1-45.5.d which states, "Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision."

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

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

BY ORDER OF THE STEWARDS:

Danny R. Wright
Laurence A. Dupuy
Denver Beckner
RULING NUMBER 99

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

Mr. Schneider, has been summarily suspended as of June 22, 2017 pending the outcome of a Board of Stewards hearing.

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

BY ORDER OF THE STEWARDS:

DANNY R. WRIGHT

L. ROBERT LOTTs

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

BY ORDER OF THE STEWARDS

DANNY R. WRIGHT

L. ROBERT LOTTS

DENVER BECKNER