

RULING #1

Jockey, **Luis Barista** Permit; #20046 DOB (05/07/1990) is hereby fined **\$500.00 (FIVE HUNDRED DOLLARS)**, for violation of **Rule of Racing, Number 178-1-45.7.c.1**, which reads: "When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede or intimidate any other horse, it is a foul."

Jockey **Luis Barista** let his mount **#4 Allen's Castle** drift in while not clear causing interference to **#8 Prince of Windsor** near the quarter pole in the **Seventh (7th) Race, Friday January 4, 2019.**

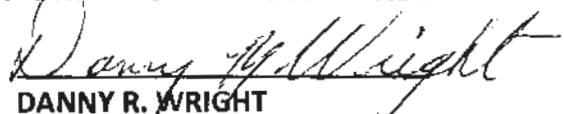
Jockey **Batista's** mount **Allen's Castle** was **disqualified from Second (2nd)** and placed **Fourth (4th).**

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

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

Dated: January 9, 2019:

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT
Chief Steward


DENVER K. BECKNER


Dr. Beth Albrecht

RULING #2

Owner/Trainer, **Kristy Gazzier**, Permit: #20075 DOB: 08/31/1993, the official sample #E288596 taken from the runner **"Handsome Hunt" who finished first (1st) in the eighth (8th) race on Friday, December 21, 2018**, was reported by Industrial Testing Laboratory to contain **Ketoprofen** above the authorized levels. Specifically, the blood sample contained **25.7 +/-0.3 ng/ml**.

The Stewards conclude that **Ms. Gazzier** has violated section(s) **178-1-49.6.a** and **178-1-49.4.a.2**, which reads: "Controlled therapeutic medications in excess of established threshold concentrations as set forth in the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule, Version 3.2, contained in table **178-1F** at the end of this rule".

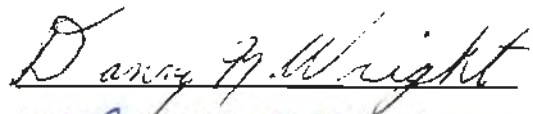
However, the Stewards determine the appropriate penalty on a case by case basis by considering the mitigating/aggravating factors.

Based on the above, the penalty on **Ms. Gazzier** will be a warning with no suspension, fine, or points.

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.

Dated: January 12, 2019

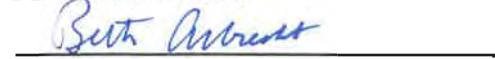
BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT Chief Steward



DENVER K. BECKNER



DR. BETH ALBRECHT

RULING #3

Owner/Trainer, **Alexandra Hillegass** Permit: #21069 DOB: 03/16/1995, the official sample #E288675 taken from the runner "Dancin in the Soup" who finished first (2nd) in the first (1st) race on Wednesday, January 9, 2019 was reported by Industrial Testing Laboratory to contain Flunixin above the authorized levels. Specifically, the blood sample contained 44.1 +/- 2.4 ng/ml.

The Stewards conclude that **Ms. Hillegass** has violated section(s) **178-1-49.6.a** and **178-1-49.4.a.2**, which reads: "Controlled therapeutic medications in excess of established threshold concentrations as set forth in the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule, Version 3.2, contained in table **178-1F** at the end of this rule".

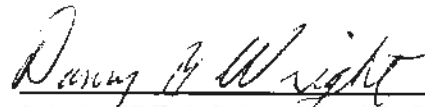
However, the Stewards determine the appropriate penalty on a case by case basis by considering the mitigating/aggravating factors.

Based on the above, the penalty on **Ms. Hillegass** will be a warning with no suspension, fine, or points.

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.

Dated: January 23, 2019

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT, Chief Steward



DENVER K. BECKNER



DR. BETH ALBRECHT

RULING #4

Jockey, **Wladimir Rocha** Permit #118847 DOB 08/22/1979 is fined **Fifty dollars (\$50.00)** for being in violation of **Rule 178-1-45.5d** applicable part which reads. Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision.

Jockey **Wladimir Rocha** failed to make his reported weight in the **Seventh** race on **Friday, February 2, 2019**.

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 Chief Steward


DENVER K. BECKNER

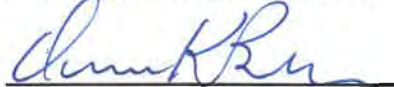

Dr. BETH ALBRECHT

RULING #5

Jockey, **Darius Thorpe** Permit #20072 DOB 05/08/1995 is fined **Fifty dollars (\$50.00)** for being in violation of **Rule 178-1-45.5d** applicable part which reads. Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision.

Jockey **Darius Thorpe** failed to make his reported weight in the **Eighth** race on **Friday February 1, 2019**.

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** Chief Steward**DENVER K. BECKNER****Dr. BETH ALBRECHT**

RULING #6

Jockey, **Adrian Flores** Permit; #16403, DOB 12/30/1999 is hereby fined **\$500.00 (FIVE HUNDRED DOLLARS)** for violation of **Rule of Racing, Number 178-1-45.7.c.1**, which reads: "When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede or intimidate any other horse, it is a foul."

Jockey **Adrian Flores** let his mount "**Decoupage**" drift out sharply while not clear and caused interference to "**Holy Freedom**" entering the clubhouse turn carrying that rival out past the crown of the track, and later in the race failed to maintain a straight course through the stretch bothering "**Maybe Wild**" in the **Fifth Race, February 1, 2019**

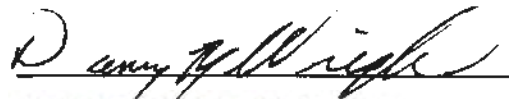
Jockey **Flores'** mount "**Decoupage**" was **disqualified** from **First (1st)** and placed **Sixth (6th)**.

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

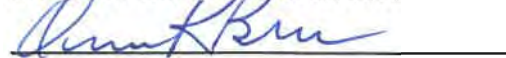
You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 days of your receipt of this ruling and must include a security fee in the amount of Five-Hundred (\$500.00) Dollars

Dated: February 5, 2019:

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT Chief Steward



DENVER K. BECKNER



DR. BETH ALBRECHT

RULING #7

TO: **Owner/Trainer John A. Casey**

On **February 6, 2019** the Board of Stewards spoke to **Owner/Trainer, John A. Casey** about findings reported by Industrial Laboratories regarding blood sample **#288746** taken on **1/23/2019**.

The Stewards hereby find the following: The official blood sample **#288746** taken on **1/23/19** was reported by Industrial Laboratories, the official testing laboratory, to contain **Phenylbutazone**, which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for **Phenylbutazone**, is **< 2.0 mcg/ml**. Sample **#288746** contained **2.59 +/- .39 ug/ml** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **two (2)** horse, "**Cameron Street**", which ran in the **3rd Race on 1/23/19, finishing First**.

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 or attendance of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined."

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

Pursuant to **178 W. Va. C.S.R. 1, Table 178-1 F**, the post-race threshold for **Phenylbutazone**, is **< 2.0 mcg/ml** of plasma or serum. Because the amount of **Phenylbutazone** found in "**Cameron Street**" exceeded the acceptable threshold set forth in **Table 178-1 F**, **Mr. Casey** may be held responsible and his or her occupational permit disciplined pursuant to **178 W. Va. C.S.R. 1, sections 49.4.a.2. and 51.1.a.**

The **Phenylbutazone**, positive in "**Cameron Street**" is **Mr. Casey's Second Offense** for a medication/substance violation carrying a Category C penalty in a 365 day period.

- 1. (Mitigating) The Permit holders past record:** The permit holder's past record indicates this is his Second Category C offense in the past 365 days. Therefore, the permit holder's past record is a mitigating factor.
- 2. (Mitigating) The potential of the drug to influence the horse's racing performance:** Pursuant to **178 W. Va. C.S.R. 1, section 49.2.d**, Class 4 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication, to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it races, and to ensure the integrity of racing so that horses aren't racing under the effect of a medication that could affect performance.
- 3. (Mitigating) The legal availability of the drug:** **Phenylbutazone**, 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 **Phenylbutazone** 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 an **Allowance** race with a **\$24,500** purse. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.

8. Whether the drug found was one for which the 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 **Phenylbutazone**. 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.

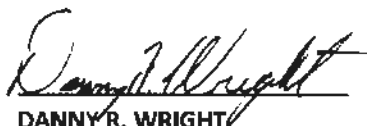
10. Whether the trainer was acting under the advice of a veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission: Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated with **Phenylbutazone**, 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. Casey will be fined (\$500) Five hundred dollars with no disqualification of purse, no suspension, or points.**

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 20 days of your receipt of this Ruling and must include a security fee in the amount of \$500.00

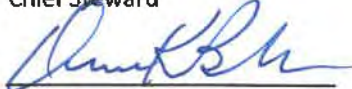
Dated: February 7, 2019

BY ORDER OF THE STEWARDS:

A handwritten signature in black ink, appearing to read "Danny R. Wright", written over a horizontal line.

DANNY R. WRIGHT

Chief Steward

A handwritten signature in blue ink, appearing to read "Denver K. Beckner", written over a horizontal line.

DENVER K. BECKNER

A handwritten signature in blue ink, appearing to read "Beth Albrecht", written over a horizontal line.

DR. BETH ALBRECHT

RULING #8

Jockey, **Ramon Maldonado** Permit; #19835, DOB 2/2/1971 is hereby fined **\$500.00 (FIVE HUNDRED DOLLARS)**, for violation of **Rule of Racing, Number 178-1-45.7.c.1**, which reads: "When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede or intimidate any other horse, it is a foul."

Jockey **Ramon Maldonado** let his mount "**Windsor Legend**" drift inward while not clear and caused interference to "**Gone Camping**" down the backside causing a chain reaction in the **Sixth Race, February 6, 2019**.

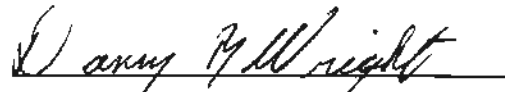
Jockey **Maldonado's** mount "**Windsor Legend**" was **disqualified** from **Second (2nd)** and placed **Sixth (6th)**.

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

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

Dated: February 8, 2019:

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT Chief Steward



DENVER K. BECKNER



DR. BETH ALBRECHT

RULING #9

Owner/Trainer, Sara Kopecki

Permit #22597

On February 9, 2019, the Board of Stewards offered a hearing to Owner/Trainer, Sara Kopecki, Permit #22597, DOB 11/24/1950 to which she waived her right to a hearing regarding a medication violation pertaining to her horse "Global Coffee" who finished sixth (6th) in the fifth (5th) race on Friday, January 18, 2019.

The Stewards hereby find the following: The official blood sample #288738, taken on 1/18/19 was reported by Industrial Laboratories, the official testing laboratory, to contain **Methocarbamol** which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for **Methocarbamol** is 1 ng/ml in plasma or serum. Sample #288738 contained 2.97 +/-0.16 ng/ml of the drug, which is above the permissible threshold for this drug. The sample was taken from the **Four (4)** horse, "**Global Coffee**", which ran in the **5th Race on 1/18/19**, finishing **sixth**.

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

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

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

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

Pursuant to **178 W. Va. C.S.R. 1, Table 178-1 F**, the post-race threshold for **Methocarbamol** is 1 ng/ml in plasma or serum. Because the amount of **Methocarbamol** in "**Global Coffee**" exceeded the acceptable threshold set forth in **Table 178-1 F**, Ms. Kopecki may be held responsible and her occupational permit disciplined pursuant to **178 W. Va. C.S.R. 1, sections 49.4.a.2. and 51.1.a.**

The **Methocarbamol** positive in "**Global Coffee**" is Ms. Kopecki's **First Offense** in this category 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 this issuance. Ms. Kopecki is assessed **½ point** for this **Methocarbamol** medication/substance violation pursuant to section **49.3.m. of 178 of W.Va.C.S.R.1.**

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

1. **(Mitigating) The Permit holder's past record:** The permit holder has no violations in the last 365 days
2. **(Mitigating) The potential of the drug to influence the horse's racing performance:** Pursuant to 178 W. Va. C.S.R. 1, section 49.2.d, Class 4 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication, to allow a state veterinarian conducting a pre-race examination to have as clean a look at the

horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it races, and to ensure the integrity of racing so that horse's aren't racing under the effect of a medication that could affect performance.

3. **(Mitigating) The legal availability of the drug: Methocarbamol** 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 **Methocarbamol** 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 **Maiden** race with a **\$23,000** 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 as a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with **Methocarbamol**. 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 **Methocarbamol** 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. Kopecki's horse "Global Coffee" will be disqualified from all purse money and Ms. Kopecki will have a total of ¼ points on her record. With the Methocarbamol positive being the first medication violation in 365 day. Ms. Kopecki is fined \$1000 dollars.

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

1. #2 Gorgeous Road
2. #1 Doridori
3. #7 Gattalottacharm
4. #5 Quincys Way
5. #6 Uaintseenmecrazyyet
6. #3 My Exotic Lady

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

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

Dated: February 13, 2019

BY ORDER OF THE STEWARD:


DANNY R. WRIGHT

Chief Steward


DENVER K. BECKNER


DR. BETH ALBRECHT

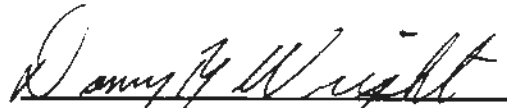
RULING #10

Owner, **Freya Gerlach**, Permit #23590; DOB 4/19/1984, license has been rescinded having been issued in error.

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: February 14, 2019

BY ORDER OF THE STEWARDS



DANNY R. WRIGHT Chief Steward



DENVER K. BECKNER



DR. BETH ALBRECHT

RULING #11

Owner/Trainer, Timothy M. Collins

Permit #16692

On **February 15, 2019**, the Board of Stewards offered a hearing to **Owner/Trainer, Timothy M. Collins Permit #16692, DOB 4/25/1963** to which he waived his right to a hearing regarding a medication violation pertaining to his horse **"Gab's Lil Leaguer"** who finished first (1st) in the second (2nd) race on **Wednesday, November 21, 2018**.

The Stewards hereby find the following: The official blood sample **#288384**, taken on **11/21/18** 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 picograms per milliliter of plasma or serum**. Sample **#288384** contained **26.8 +/-2.9 pg/ml** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **Nine (9) horse, "Gab's Lil Leaguer"**, which ran in the **2nd Race on 11/21/18, finishing first**.

Mr. Collins elected to have a split sample tested. The split sample **#288384** was sent to Texas A&M Veterinary Medical Diagnostic Laboratory in College Station Texas. The findings at Texas A&M confirmed the testing at Industrial Laboratories. Sample **#288384** was subjected to instrumental analysis for the presence of **Dexamethasone**. **Dexamethasone was found at a concentration of 17 +/- 3 picograms per milliliter**.

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

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

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

Pursuant to **178 W. Va. C.S.R. 1, Table 178-1 F**, the post-race threshold for **Dexamethasone** is **5 picograms per milliliter of plasma or serum**. Because the amount of **Dexamethasone** in **"Gab's Lil Leaguer"** exceeded the acceptable threshold set forth in **Table 178-1 F**, **Mr. Collins** may be held responsible and his occupational permit disciplined pursuant to **178 W. Va. C.S.R. 1, sections 49.4.a.2. and 51.1.a.**

The **Dexamethasone** positive in **"Gab's Lil Leaguer"** is **Mr. Collins' First Offense** in this category for a medication/substance violation in a 365 day period.

The permit holder has accumulated **2 points** under the multiple medication violation point system as a result of this issuance. **Mr. Collins** is assessed **½ point** for this **Dexamethasone** medication/substance violation pursuant to section **49.3.m. of 178 of W.Va.C.S.R.1**.

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

1. **(Mitigating) The Permit holder's past record:** The permit holder has no violations in this class category in the last 365 days

2. **(Mitigating) The potential of the drug to influence the horse's racing performance:** Pursuant to 178 W. Va. C.S.R. 1, section 49.2.d, Class 4 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication, to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it races, and to ensure the integrity of racing so that horse's aren't racing under the effect of a medication that could affect performance.
3. **(Mitigating) The legal availability of the drug: Dexamethasone** is legally available.
4. **Whether there is reason to believe the permit holder knew of the administration of the drug or intentional administered the drug:** Inasmuch as there was no hearing in this matter it was not established whether or not the permit holder knew of the administration of the drug, or the circumstances under which the drug may have been given. Therefore this factor is not considered in weighing the penalty in this case.
5. **The steps taken by the trainer to safeguard the horse:** Inasmuch as there was no hearing in this case it is unknown what efforts the trainer made to ensure that the treatment of the horse with **Dexamethasone** was done within the withdrawal guidelines and dosing specifications set forth in **178 W. Va. C.S.R. 1, Table 178-1 F**, so as to avoid a positive. Therefore this factor is not considered in weighing the penalty in this case.
6. **The probability of environmental contamination exposure due to human use:** This factor is not applicable to this case.
7. **The purse of the race:** The races in question was a **\$5000 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 as a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not 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. Collins horse "Gab's Lil Leaguer" will be disqualified from all purse money and Mr. Collins will have a total of ½ points on his record. The **Dexamethasone** positive, **being the first medication** violation in this class category in 365 day. **Mr. Collins is fined \$1000 dollars.**

The horse "Gab's Lil Leaguer" is disqualified from all purse money; Re-Distribution is as follows.

1. #5 Miss Frnluda
2. #8 Denise of Cork
3. #10 Printscess Hunt
4. #2 Rapid Rabbit
5. #4 Paris Mountain
6. #3 Indigo Sky

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

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

Dated: February 16, 2019

BY ORDER OF THE STEWARD:

DANNY R. WRIGHT

Chief Steward

DENVER K. BECKNER

DR. BETH ALBRECHT

RULING #12

Owner/Trainer, **Cynthia Boys** Permit: #22855 DOB: 10/15/1971, the official sample #E288747 taken from the runner "**Whiz Pass**" who finished Fourth (4th) in the Third (3rd) race on Wednesday, January 23, 2018, was reported by Industrial Testing Laboratory to contain Furosemide confirmed in blood above the authorized levels. Specifically, the blood sample contained 735 +/- 10 ng/ml.

The Stewards conclude that **Ms. Boys** has violated section(s) **178-1-49.6.a** and **178-1-49.4.a.2**, which reads: "Controlled therapeutic medications in excess of established threshold concentrations as set forth in the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule, Version 3.2, contained in table **178-1F** at the end of this rule".

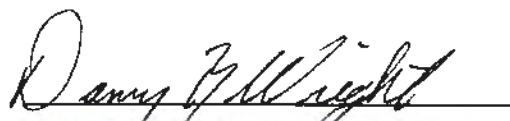
However, the Stewards determine the appropriate penalty on a case by case basis by considering the mitigating/aggravating factors.

Based on the above, the penalty on **Ms. Boys** will be a warning with no suspension, fine, or points.

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.

Dated: February 20, 2019

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT Chief Steward



DENVER K. BECKNER



L. ROBERT LOTTS

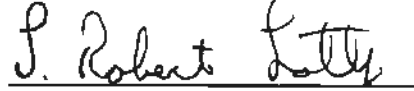
RULING #13

Jockey, **Wladimir Rocha** Permit #118847 DOB 08/22/1979 is fined **Fifty dollars (\$50.00)** for being in violation of **Rule 178-1-45.5d** applicable part which reads. Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision.

Jockey **Wladimir Rocha** failed to make his reported weight in the **Seventh** race on **Thursday February 21, 2019**.

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 Chief Steward
DENVER K. BECKNER
L. ROBERT LOTTS

RULING #14

Jockey **Christian Santiago-Reyes** Permit #23669; DOB 9/1/1989 is **suspended Four racing days**, including **Wednesday March 6, Thursday March 7, Friday March 8, and Saturday March 9, 2019**. Jockey **Santiago-Reyes** is in 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."

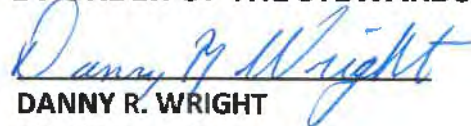
Jockey **Santiago-Reyes** let his mount, **Lil'I Allstar** drift in nearing the eighth pole and continued through the stretch causing the rider of **Shackled** to take up sharply in the **Fourth Race on Wednesday, February 27, 2019**. **Lil'I Allstar** was **disqualified from First (1st) and placed Third (3rd)**.

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

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

Dated: March 1, 2019

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT

Chief Steward


DENVER K. BECKNER


DR. BETH ALBRECHT

RULING #15

Owner/Trainer, **Roland Clement III**, Permit: #23728 DOB: 11/06/1969, the official sample #E288874 taken from the runner "**Holy Freedom**" who finished first (1st) in the sixth (6th) race on Thursday, **February 14, 2019**, was reported by Industrial Testing Laboratory to contain **Ketoprofen** above the authorized levels. Specifically, the blood sample contained **4.53 +/- 0.29 ng/ml**.

The Stewards conclude that **Mr. Clement** has violated section(s) **178-1-49.6.a** and **178-1-49.4.a.2**, which reads: "Controlled therapeutic medications in excess of established threshold concentrations as set forth in the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule, Version 3.2, contained in table **178-1F** at the end of this rule".

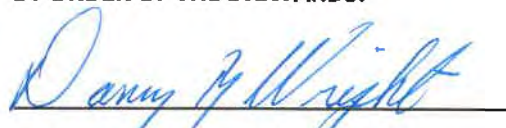
However, the Stewards determine the appropriate penalty on a case by case basis by considering the mitigating/aggravating factors.

Based on the above, the penalty on **Mr. Clement** will be a warning with no suspension, fine, or points.

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.

Dated: March 7, 2019

BY ORDER OF THE STEWARDS:

A handwritten signature in blue ink, reading "Danny R. Wright", is written over a horizontal line.

DANNY R. WRIGHT Chief Steward

A handwritten signature in blue ink, reading "Denver K. Beckner", is written over a horizontal line.

DENVER K. BECKNER

A handwritten signature in blue ink, reading "Beth Albrecht", is written over a horizontal line.

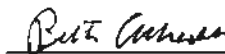
DR. BETH ALBRECHT

RULING #16

Jockey, **Keimar Trotman**, Permit #21980 DOB 09/26/1997 is fined **Fifty dollars (\$50.00)** for being in violation of **Rule 178-1-4S.5d** applicable part which reads. Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision.

Jockey **Keimar Trotman** failed to make his reported weight in the **Sixth** race on **Wednesday, March 6, 2019**.

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** Chief Steward**DENVER K. BECKNER****Dr. BETH ALBRECHT**

RULING #17

Owner/Trainer, Jody Caison

Permit #19948

On March 15, 2019, the Board of Stewards offered a hearing to Owner/Trainer, Jody Caison, Permit #19948, DOB 08/10/1968 to which he waived his right to a hearing regarding a medication violation pertaining to his horse "Sister Aim" who finished seventh (7th) in the seventh (7th) race on Friday, February 22, 2019.

The Stewards hereby find the following: The official blood sample #288920, taken on 2/22/19 was reported by Industrial Laboratories, the official testing laboratory, to contain Methocarbamol which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for Methocarbamol is 1 ng/ml in plasma or serum. Sample #288920 contained 2.02 +/- 0.16 ng/ml of the drug, which is above the permissible threshold for this drug. The sample was taken from the Six (6) horse, "Sister Aim", which ran in the 7th Race on 2/22/19, finishing seventh.

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

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

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

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

Pursuant to 178 W. Va. C.S.R. 1, Table 178-1 F, the post-race threshold for Methocarbamol is 1 ng/ml in plasma or serum. Because the amount of Methocarbamol in "Sister Aim" exceeded the acceptable threshold set forth in Table 178-1 F, Mr. Caison may be held responsible and his occupational permit disciplined pursuant to 178 W. Va. C.S.R. 1, sections 49.4.a.2. and 51.1.a.

The Methocarbamol positive in "Sister Aim" is Mr. Caison's First Offense in this category for a medication/substance violation in a 365 days period.

The permit holder has accumulated 0 points under the multiple medication violation point system. Mr. Caison is assessed ¼ point for this Methocarbamol medication/substance violation pursuant to section 49.3.m. of 178 of W.Va.C.S.R.1.

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

1. **(Mitigating) The Permit holder's past record:** The permit holder has no violations in the last 365 days.
2. **(Mitigating) The potential of the drug to influence the horse's racing performance:** Pursuant to 178 W. Va. C.S.R. 1, section 49.2.d, Class 4 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication, to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it

racers, and to ensure the integrity of racing so that horse's aren't racing under the effect of a medication that could affect performance.

3. **(Mitigating) The legal availability of the drug:** Methocarbamol 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 Methocarbamol 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 an Allowance race with a \$24,500 purse. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.
8. **Whether the drug found was one for which the horse was receiving as a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with Methocarbamol. 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 Methocarbamol 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. Caison's horse "Sister Alm" will be disqualified from all purse money and Mr. Caison will have a total of ½ points on his record. With the Methocarbamol positive being the first medication violation in 365 day. Mr. Caison is fined \$1000 dollars.

The horse "Sister Alm" is disqualified from all purse money; The distribution is as follows.

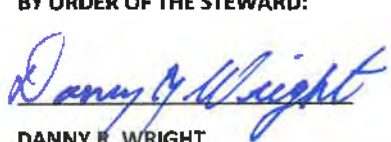
1. #8 Moonlit Song
2. #5 All Flatter
3. #3 Spanish Moss
4. #7 Jacky's Moss
5. #4 B's Wild Cork
6. #2 Rock n' Gold

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

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

Dated: March 15, 2019

BY ORDER OF THE STEWARD:



DANNY K. WRIGHT

Chief Steward



DENVER K. BECKNER



DR. BETH ALBRECHT


RULING #18

Jockey **Antonio Lopez**, Permit #16080, DOB 1/21/1987, is hereby fined **Five Hundred Dollars (\$500.00)** for being in violation of rule **#178-1-24.11.f** which reads, "**has disturbed the peace on Association Grounds**", by being the aggressor in a verbal and physical altercation in **Jockey's Room on Wednesday March 20, 2019**.

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 Chief Steward

DENVER K. BECKNER

DR. BETH ALBRECHT

RULING #19

Jockey Fredy Peltroche, Permit #15664 DOB 2/7/1977, is hereby fined **Two Hundred & Fifty Dollars (\$250.00)** for being in violation of rule **#178-1-24.11.f** which reads, "has disturbed the peace on Association Grounds", by being in a verbal and physical altercation in Jockey's Room on Wednesday March 20, 2019., and in violation of rule **#178-1-24.11.ff.** which reads "has knowingly filed a false complaint against another permit holder and/or a racing official where the Racing Commission and/or the stewards determine that the complaint was made without reasonable or probable cause and for the purpose of harassment or abuse of the complaint process".

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 Chief Steward
DENVER K. BECKNER
DR. BETH ALBRECHT

RULING #20

Owner/Trainer, **Donovan Raymond** Permit: **#19433** DOB: **07/31/1968** the official sample **#E288984** taken from the runner **"Corrupt"** who finished sixth (6th) in the fifth (5th) race on Wednesday, March 6, 2019 was reported by Industrial Testing Laboratory to contain **Phenylbutazone (2.3 +/- 0.38 ug/mL)** and **Flunixin (26.3 +/- 0.6 ng/mL)** both above the authorized levels, and both were confirmed in the blood.

The Stewards conclude that **Mr. Raymond** has violated section(s) **178-1-49.6.a** and **178-1-49.4.a.2**, which reads: "Controlled therapeutic medications in excess of established threshold concentrations as set forth in the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule, Version 3.2, contained in table **178-1F** at the end of this rule".

The Stewards determine the appropriate penalty on a case by case basis by considering the mitigating/aggravating factors.

Based on the above, the penalty on **Mr. Raymond** will be a fine of **\$250.00**, he will be assessed ½ point, with no suspension.

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.

Dated: March 30, 2019

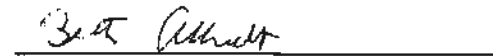
BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT Chief Steward



DENVER K. BECKNER



DR. BETH ALBRECHT

RULING #21**Owner/Trainer, John D. McKee****Permit #22636**

On **April 2, 2019**, the Board of Stewards offered a hearing to **Owner/Trainer, John D. McKee Permit #22636, DOB 10/03/1939** to which he waived his right to a hearing regarding a medication violation pertaining to his horse **"Lies and Scandals"** who finished second (2nd) in the first(1st) race on **Saturday, March 16, 2019**.

The Stewards hereby find the following: The official blood sample **#289055**, taken on **3/16/19** was reported by Industrial Laboratories, the official testing laboratory, to contain **Phenylbutazone** which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for **Phenylbutazone** is **2 mcg/ml in plasma or serum**. Sample **#289055** contained **5.7 +/- 0.4 ug/ml** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **Two (2) horse, "Lies and Scandals"**, which ran in the **1st Race** on **3/16/19**, finishing **second**.

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

Pursuant to **178 W. Va. C.5.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.5.R.1**: "The trainer is the absolute insurer of and responsible for the condition of the horses he or she enters in an official workout or a race, regardless of the acts of third parties. If testing or analysis of urine, blood or other bodily substances or tissues prove positive showing the presence of any prohibited drug, medication or substance, the trainer of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined. In addition, the owner of the horse, the foreman in charge of the horse, the groom, and any other person shown to have had the care, attendance of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined."

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

Pursuant to **178 W. Va. C.S.R. 1, Table 178-1 F**, the post-race threshold for **Phenylbutazone** is **2 mcg/ml in plasma or serum**. Because the amount of **Phenylbutazone** in **"Lies and Scandals"** exceeded the acceptable threshold set forth in **Table 178-1 F**, **Mr. McKee** may be held responsible and his occupational permit disciplined pursuant to **178 W. Va. C.S.R. 1, sections 49.4.a.2. and 51.1.a.**

The **Phenylbutazone** positive in **"Lies and Scandals"** is **Mr. McKee's First Offense** in this category for a medication/substance violation in a 365 days period.

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

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

1. **(Mitigating)** The Permit holder's past record: The permit holder has no violations in the last 365 days
2. **(Mitigating)** The potential of the drug to influence the horse's racing performance: Pursuant to **178 W. Va. C.S.R. 1, section 49.2.d**, Class 4 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication, to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it

aces, and to ensure the integrity of racing so that horses aren't racing under the effect of a medication that could affect performance.

3. **(Mitigating) The legal availability of the drug: Phenylbutazone** 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 **Phenylbutazone** 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 an **Allowance** race with a **\$24,500 purse**. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.
8. **Whether the drug found was one for which the horse was receiving as a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with **Phenylbutazone**. 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 **Phenylbutazone** 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. McKee's horse "Lies and Scandals" will be disqualified from all purse money and Mr. McKee will have a total of ½ points on his record. With the Phenylbutazone positive being the first medication violation in 365 day. Mr. McKee is fined \$1000 dollars.

The horse "Lies and Scandals" is disqualified from all purse money. The distribution is as follows:

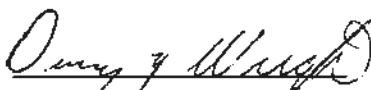
1. #1 T Rex Express
2. #4 Return to Denis
3. #6 Talk a About Magic
4. #5 My Sweet Charity
5. #3 Rocket Bid

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

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

Dated: April 5, 2019

BY ORDER OF THE STEWARD:




DANNY R. WRIGHT

Chief Steward



DENVER K. BECKNER



DR. BETH ALBRECHT

RULING #22

Owner/Trainer, Phil B. Schoenthal

Permit #20803

On April 6, 2019, the Board of Stewards offered a hearing to Owner/Trainer, Phil B. Schoenthal Permit #20803, DOB 07/31/1977 to which he waived his right to a hearing regarding a medication violation pertaining to his horse "Happy Sophia" who finished first (1st) in the second (2nd) race on Friday, March 15, 2019.

The Stewards hereby find the following: The official blood sample #289044, taken on 3/15/19 was reported by Industrial Laboratories, the official testing laboratory, to contain Betamethasone which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for Betamethasone is 10 pg/ml in plasma or serum. Sample #289044 contained 34.1 +/- 4.2 pg/ml of the drug, which is above the permissible threshold for this drug. The sample was taken from the Six (6) horse, "Happy Sophia", which ran in the 2nd Race on 3/15/19, finishing first.

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

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

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

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

Pursuant to 178 W. Va. C.S.R. 1, Table 178-1 F, the post-race threshold for Betamethasone is 10 pg/ml in plasma or serum. Because the amount of Betamethasone in "Happy Sophia" exceeded the acceptable threshold set forth in Table 178-1 F, Mr. Schoenthal may be held responsible and his occupational permit disciplined pursuant to 178 W. Va. C.S.R. 1, sections 49.4.a.2. and 51.1.a.

The Betamethasone positive in "Happy Sophia" is Mr. Schoenthal's First Offense in this category for a medication/substance violation in a 365 days period.

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

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

1. **(Mitigating) The Permit holder's past record:** The permit holder has no violations in the last 365 days
2. **(Mitigating) The potential of the drug to influence the horse's racing performance:** Pursuant to 178 W. Va. C.S.R. 1, section 49.2.d, Class 4 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication, to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it

racers, and to ensure the integrity of racing so that horses aren't racing under the effect of a medication that could affect performance.

3. **(Mitigating) The legal availability of the drug:** Betamethasone 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 Betamethasone 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 an Allowance race with a \$23,000 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 as a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with Betamethasone. 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 Betamethasone 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. Schoenthal's horse "Happy Sophia" will be disqualified from all purse money and Mr. Schoenthal will have a total of ½ points on his record. With the Betamethasone positive being the first medication violation in 365 days, Mr. Schoenthal is fined \$1000 dollars.

The horse "Happy Sophia" is disqualified from all purse money. The distribution is as follows:

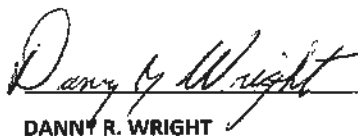
1. #5 Decoupage
2. #2 Tel Aviv
3. #1 Flying Fireball
4. #3 Adonai Love
5. #4 Gold and Strike
6. #7 Kelcie's Mandate

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

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

Dated: April 6, 2019

BY ORDER OF THE STEWARD:


DANNY R. WRIGHT

Chief Steward


DENVER K. BECKNER


DR. BETH ALBRECHT

RULING #23

Jockey **Fredy Peltroche** Permit #15664; DOB 2/7/1977 is **Suspended Three racing days**, including **Thursday May 2, Friday May 3, and Saturday May 4, 2019**. Jockey Peltroche is in 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 **Peltroche** let his mount, **Castle Five** bear out nearing the eighth pole and causing the rider of **The Names Billy** to take up sharply in the **Sixth Race on Thursday April 18, 2019**. **Castle Five** was **disqualified from Fourth (4th) and placed Fifth (5th)**.

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

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

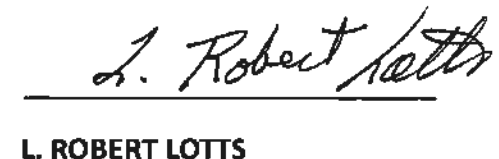
Dated: April 20, 2019

BY ORDER OF THE STEWARDS:


DANNY B. WRIGHT

Chief Steward


DENVER K. BECKNER


L. ROBERT LOTTS

RULING #24

Trainer, **Joe Sharp** Permit: #25773 DOB: 12/06/1984, the official sample #E303337 taken from the runner "**Cool Arrow**" who finished second (2nd) in the ninth (9th) race on Saturday, April 20, 2019, was reported by Industrial Testing Laboratory to contain **Ketoprofen** above the authorized levels. Specifically, the blood sample contained 8.8 +/- 0.3 ng/ml.

The Stewards conclude that **Mr. Sharp** has violated section(s) 178-1-49.6.a and 178-1-49.4.a.2, which reads: "Controlled therapeutic medications in excess of established threshold concentrations as set forth in the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule, Version 3.2, contained in table 178-1F at the end of this rule".

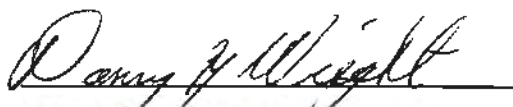
However, the Stewards determine the appropriate penalty on a case by case basis by considering the mitigating/aggravating factors.

Based on the above, the penalty on **Mr. Sharp** will be a warning with no suspension, fine, or points.

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.

Dated: May 7, 2019

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT Chief Steward



DENVER K. BECKNER



L. ROBERT LOTTS

RULING #25

Trainer, **Michael E. Sterling** Permit: #19605 DOB: 7/30/1962, the official sample #E303327 taken from the runner "**Vic's Pick**" who finished first (1st) in the fifth (5th) race on Saturday, April 20, 2019, was reported by Industrial Testing Laboratory to contain **Ketoprofen** above the authorized levels. Specifically, the blood sample contained 15.2 +/- 0.3 ng/ml.

The Stewards conclude that **Mr. Sterling** has violated section(s) 178-1-49.6.a and 178-1-49.4.a.2, which reads: "Controlled therapeutic medications in excess of established threshold concentrations as set forth in the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule, Version 3.2, contained in table 178-1F at the end of this rule".

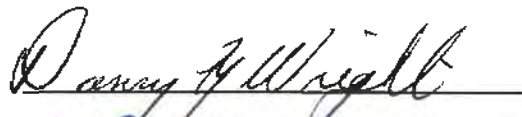
However, the Stewards determine the appropriate penalty on a case by case basis by considering the mitigating/aggravating factors.

Based on the above, the penalty on **Mr. Sterling** will be a warning with no suspension, fine, or points.

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.

Dated: May 7, 2019

BY ORDER OF THE STEWARDS:

A handwritten signature in black ink, appearing to read "Danny R. Wright", written over a horizontal line.

DANNY R. WRIGHT Chief Steward

A handwritten signature in blue ink, appearing to read "Denver K. Beckner", written over a horizontal line.

DENVER K. BECKNER

A handwritten signature in black ink, appearing to read "L. Robert Lotts", written over a horizontal line.

L. ROBERT LOTTS

RULING #26

Jockey **Arnaldo Bocachica** Permit #20054 DOB 6/20/1988 is **Suspended Three racing days**, including **Friday May 10, Thursday May 16, and Friday May 17, 2019**. Jockey **Bocachica** is in 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 **Bocachica** let his mount, **Phonemyposseagain** bear out nearing the eighth pole and causing the rider of **Corporate Raider** to take up sharply in the **Fourth Race on Friday May 3, 2019**. **Phonemyposseagain** was disqualified from first (1st) and placed second (2nd).

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

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

Dated: May 7, 2019

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT

Chief Steward



DENVER K. BECKNER



L. ROBERT LOTTS

RULING #27**Owner/Trainer, John A. Casey****Permit #19835**

On **May 10, 2019**, the Board of Stewards offered a hearing to **Owner/Trainer, John A. Casey Permit #19835, DOB 07/15/1961** to which he waived his right to a hearing regarding a medication violation pertaining to his horse **"Winning Scholar"** who finished first (1st) in the thirteenth (13th) race on Saturday, April 20, 2019.

The Stewards hereby find the following: The official blood sample **#303347**, taken on **4/20/19** 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 5 pg/ml in plasma or serum**. Sample **#303347** contained **19 pg/ml** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **Seven (7) horse, "Winning Scholar"**, which ran in the **13th Race on 4/20/19**, finishing first.

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

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

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

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

Pursuant to **178 W. Va. C.S.R. 1, Table 178-1 F**, the post-race threshold for **Dexamethasone** is **5 pg/ml in plasma or serum**. Because the amount of **Dexamethasone** in **"Winning Scholar"** exceeded the acceptable threshold set forth in **Table 178-1 F**, **Mr. Casey** may be held responsible and his occupational permit disciplined pursuant to **178 W. Va. C.S.R. 1, sections 49.4.a.2. and 51.1.a.**

The **Dexamethasone** positive in **"Winning Scholar"** is **Mr. Casey's Second Offense** in this category for a medication/substance violation in a 365 days period.

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

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

1. **(Mitigating) The Permit holder's past record:** The permit holder has one violation in the last 365 days
2. **(Mitigating) The potential of the drug to influence the horse's racing performance:** Pursuant to **178 W. Va. C.S.R. 1, section 49.2.d**, Class 4 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication, to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it

racers, and to ensure the integrity of racing so that horses 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 an Allowance race with a **\$24,000** 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 as a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not 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. Casey's horse "Winning Scholar" will be disqualified from all purse money and Mr. Casey will have a total of 1 point on his record. With the Dexamethasone positive being the second medication violation in 365 days, Mr. Casey will be suspended for fifteen (15) days beginning on Sunday May 12, 2019 thru and including May 26, 2019. Mr. Casey is also fined \$1500.00 dollars.

The horse "Winning Scholar" is disqualified from all purse money. The distribution is as follows:

1. #3 The Seven Five
2. #8 Righteous Man
3. #6 Classy Crossing
4. #4 Rucker
5. #10 Turner Ashby
6. #2 Frathouse Music

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

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

Dated: May 11, 2019

BY ORDER OF THE STEWARD:



DANNY R. WRIGHT

Chief Steward



DENVER K. BECKNER



L. ROBERT LOTTS

RULING #28**Owner/Trainer, Lewis E. Craig Jr.****Permit #19442**

On **May 11, 2019**, the Board of Stewards offered a hearing to **Owner/Trainer, Lewis E. Craig Jr. Permit #19442, DOB 06/09/1952** to which he waived his right to a hearing regarding a medication violation pertaining to his horse **"Allen's Castle"** who finished first (1st) in the ninth (9th) race on Friday, April 19, 2019.

The Stewards hereby find the following: The official blood sample **#303322**, taken on **4/19/19** 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 5 pg/ml in plasma or serum**. Sample **#303322** contained **84 pg/ml** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **Five (5) horse, "Allen's Castle"**, which ran in the **9th Race on 4/19/19**, finishing first.

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

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

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

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

Pursuant to **178 W. Va. C.S.R. 1, Table 178-1 F**, the post-race threshold for **Dexamethasone** is **5 pg/ml in plasma or serum**. Because the amount of **Dexamethasone** in **"Allen's Castle"** exceeded the acceptable threshold set forth in **Table 178-1 F, Mr. Craig** may be held responsible and his occupational permit disciplined pursuant to **178 W. Va. C.S.R. 1, sections 49.4.a.2. and 51.1.a.**

The **Dexamethasone** positive in **"Allen's Castle"** is **Mr. Craig's First Offense** in this category for a medication/substance violation in a 365 days period.

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

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

1. **(Mitigating) The Permit holder's past record:** The permit holder has no violations in the last 365 days
2. **(Mitigating) The potential of the drug to influence the horse's racing performance:** Pursuant to **178 W. Va. C.S.R. 1, section 49.2.d**, Class 4 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication, to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it

aces, and to ensure the integrity of racing so that horses 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 an \$5000.00 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 as a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not 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. Craig's horse "Allen's Castle" will be disqualified from all purse money and Mr. Craig will have a total of ½ points on his record. With the Dexamethasone positive being the first medication violation in 365 days, Mr. Craig will be fined \$1000.00 dollars.

The horse "Allen's Castle" is disqualified from all purse money. The distribution is as follows:

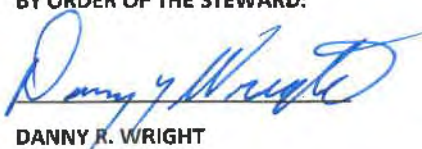
1. #4 Royal Blue
2. #7 Letcher
3. #8 Clubin Til Midnite
4. #3 Cross Me Again

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

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

Dated: May 14, 2019

BY ORDER OF THE STEWARD:



DANNY R. WRIGHT

Chief Steward



DENVER K. BECKNER



L. ROBERT LOTTS

RULING #29

Jockey **Carlos Delgado**, Permit: #19254; DOB 7/31/1995 is **Suspended Three racing days**, including **Thursday May 23, Friday May 24, and Saturday May 25, 2019**. Jockey **Delgado** is in 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 **Delgado** let his mount, **Laughing Cat** come in soon after leaving the chute causing the rider of **Purgatory** to take up sharply in the **Second Race on Thursday May 16, 2019**. **Laughing Cat** was disqualified from first (1st) and placed second (2nd).

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

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

Dated: May 18, 2019

BY ORDER OF THE STEWARDS:

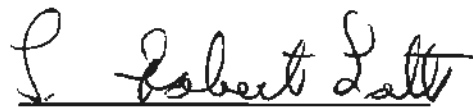


DANNY R. WRIGHT

Chief Steward



DENVER K. BECKNER



L. ROBERT LOTTS

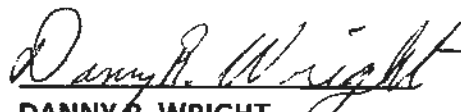
RULING #30

Jockey, **Darius Thorpe** Permit #20072 DOB 05/08/1995 is fined **One Hundred (\$100.00)** for being in violation of **Rule 178-1-45.5d** applicable part which reads. Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision.


Jockey **Darius Thorpe** failed to make his reported weight in the **Second** race on **Saturday May 18, 2019**.

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
Chief Steward


DENVER K. BECKNER


L. ROBERT LOTTS


RULING #31

Jockey, **Victor Rodríguez** Permit #20014 DOB 07/12/1981 is fined **One Hundred (\$100.00) Dollars** for being in violation of **Rule 178-1-45.5d** applicable part which reads. Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision.

Jockey **Victor Rodríguez** failed to make his reported weight in the **Fifth** race on **Saturday May 18, 2019**.

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.

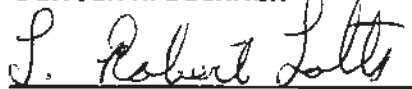
BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT

Chief Steward



DENVER K. BECKNER



L. ROBERT LOTTS

RULING #32

Jockey **Christian Hiraldo** Permit #20081 DOB 08/16/1992 is **Suspended Three racing days**, including **Friday May 24, Saturday May 25, and Thursday May 30, 2019**. Jockey **Hiraldo** is in 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 **Hiraldo** let his mount, **Global First Class** bear out nearing the quarter pole, causing the rider of **Salerno** to take up and unseat the rider of **Satchmo's Crossing** in the **Eighth Race on Friday May 17, 2019**. **Global First Class** was **disqualified from first (1st) and placed tenth (10th)**.

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

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

Dated: May 21, 2019

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT
Chief Steward



DENVER K. BECKNER



L. ROBERT LOTTS

RULING #33

Jockey **Adrian Flores** Permit #16403 DOB 12/30/1999 is **Suspended Three racing days**, including **Thursday May 30, Friday May 31, and Saturday June 1, 2019**. Jockey Flores is in 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."

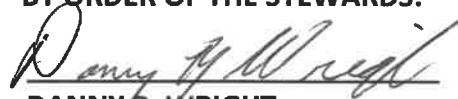
Jockey **Flores** let his mount, **Ifurnotfirsturlast** drift out nearing the head of the stretch interfering with **Upperville** and **Telecommunication** carrying them out past the center of the track in the **6th Race on Saturday May 18, 2019**. **Ifurnotfirsturlast** was **disqualified from first (1st) and placed fourth (4th)**.

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

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

Dated: May 24, 2019

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT

Chief Steward



DENVER K. BECKNER



L. ROBERT LOTTS

RULING #34

Jockey **Angel Cruz**, Permit: #27109 DOB: 03/29/1995 is **Fined Two Hundred (\$200.00)** for causing a disturbance in the **Jockey's Room on Friday May 24, 2019**. Mr. Cruz is in violation of **WVRC rule 24.11.g. that reads:** has used profane, indecent or vulgar language to any racing official.

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

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

Dated: May 29, 2019

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT
Chief Steward


DENVER K. BECKNER


L. ROBERT LOTTS

RULING #35

Exercise rider **Colton Lemar Pitman** Permit #21476; DOB 05/06/1989, license has been rescinded having been issued in error.

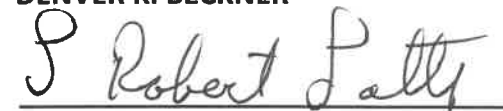
You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 Days of your receipt of this Ruling and must include a security fee in the amount of \$500.00

Dated: May 31, 2019

BY ORDER OF THE STEWARDS


DANNY R. WRIGHT Chief Steward


DENVER K. BECKNER


L. ROBERT LOTTS

RULING #36

Trainer, **Anthony M. Rideoutt II**, Permit #23111; DOB 12/24/1985, is fined **Two Hundred dollars (\$200)** for violating **WVRC rule 26.3.g which reads:** Each trainer is responsible for presenting his or her horse and being present in the paddock at a time appointed before post time of the race in which the horse is entered.

"Indian Sound" was entered at another track after having been entered in the (7th) Seventh race at Charles Town on Thursday, June 13, 2019, therefore necessitating a late scratch. Trainer **Anthony M. Rideoutt II** elected to run **"Indian Sound"** at Mountaineer Park Wednesday June 12, 2019

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

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

BY ORDER OF THE STEWARDS:

A handwritten signature in black ink, appearing to read "Danny R. Wright", written over a horizontal line.

DANNY R. WRIGHT

Chief Steward

A handwritten signature in blue ink, appearing to read "Denver K. Beckner", written over a horizontal line.

DENVER K. BECKNER

A handwritten signature in black ink, appearing to read "L. Robert Lotts", written over a horizontal line.

L. ROBERT LOTTS

RULING #37

Jockey, **Wladimir Rocha** Permit #118847 DOB 08/22/1979 is fined **One Hundred Dollars (\$100.00)** for being in violation of **Rule 178-1-45.5d** applicable part which reads. Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision.

Jockey **Wladimir Rocha** failed to make his reported weight in the **Seventh** race on **Thursday, June 20, 2019**.

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 Chief Steward


DENVER K. BECKNER


L. ROBERT LOTTS

RULING #38

Jockey, **Juan De Dios Acosta**, Permit #12547; DOB 10/3/1981, is hereby fined **One Hundred (\$100) Dollars** for violation of West Virginia Rule of Racing Number **178-1-28.3.b**, which reads: "A jockey shall faithfully fulfill all engagements in respect to racing."

Mr. Acosta failed to fulfill his riding engagement on **Thursday June 20, 2019**

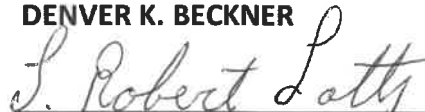
All fines imposed by the stewards shall be paid to the Racing Commission within seven days (7) calendar days after the ruling is issued, unless otherwise ordered by the stewards.

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

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT


DENVER K. BECKNER


L. ROBERT LOTTS

RULING #39

Owner/Trainer, **Gregory R. Viands** Permit: **#26552** DOB: **04/05/1988**, is fined **Five hundred dollars (\$500.00)** for being in repeat violation of **WVRC rule 26.3.q** which reads:


No trainer shall move or permit to be moved any horse or horses under his or her custody, care or control into the association's grounds without permission from the association's racing secretary or his or her designee. No trainer shall move or permit to be moved any horse or horses under his or her custody, care or control out of the association's grounds without first signing out the horse on a form prescribed by the association and made available at the stable gate: *Provided*, That, for all horses stabled on the association grounds, permission is required from the association's racing secretary or his or her designee at the time of removal if the horse is entered to race or may be entered to race at another racetrack for a period of seven (7) days following the day of its removal from the association's grounds. No trainer shall move or permit to be moved any horse or horses under his or her custody, care or control into the association's grounds without presenting a current negative Coggins test for equine infectious anemia (EIA).

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

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

Dated: June 26, 2019

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT Chief Steward
DENVER K. BECKNER
L. ROBERT LOTTS

RULING #40

Trainer, **Michael E. Sterling** Permit: **#19605** DOB: **7/30/1962**, the official sample **#E288851** taken from the runner **"Vic's Pick"** who finished first (1st) in the sixth (6th) race on Saturday, February 9, 2019, was reported by Industrial Testing Laboratory to contain **Dexamethasone** above the authorized levels. Specifically, the blood sample contained **20.8 +/- 3.1 pg/ml**.

The Stewards hereby find the following: The official blood sample **#E288851**, taken on **2/9/19** 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 picograms per milliliter of plasma or serum**. Sample **#E288851** contained **20.8 +/- 3.1 pg/ml** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **Six (6) horse, "Vic's Pick"**, which ran in the **6th Race on 2/9/19, finishing first**.

Mr. Sterling elected to have a split sample tested. The split sample **#E288851** was sent to Texas A&M Veterinary Medical Diagnostic Laboratory in College Station Texas. The findings at Texas A&M confirmed the testing at Industrial Laboratories. Sample **#E288851** was subjected to instrumental analysis for the presence of **Dexamethasone**. **Dexamethasone was found at a concentration of 20 +/- 3 picograms per milliliter**.

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

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

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

Pursuant to **178 W. Va. C.S.R. 1, Table 178-1 F**, the post-race threshold for **Dexamethasone** is **5 picograms per milliliter of plasma or serum**. Because the amount of **Dexamethasone** in **"Vic's Pick"** exceeded the acceptable threshold set forth in **Table 178-1 F**, **Mr. Sterling** may be held responsible and his occupational permit disciplined pursuant to **178 W. Va. C.S.R. 1, sections 49.4.a.2. and 51.1.a.**

The **Dexamethasone** positive in **"Vic's Pick"** is **Mr. Sterling's First Offense** in this category for a medication/substance violation in a 365 days period.

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

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

1. **(Mitigating) The Permit holder's past record:** The permit holder has no violations in this class category in the last 365 days
2. **(Mitigating) The potential of the drug to influence the horse's racing performance:** Pursuant to 178 W. Va. C.S.R. 1, section 49.2.d, Class 4 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication, to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it races, and to ensure the integrity of racing so that horse's aren't racing under the effect of a medication that could affect performance.
3. **(Mitigating) The legal availability of the drug: Dexamethasone** is legally available.
4. **Whether there is reason to believe the permit holder knew of the administration of the drug or intentional administered the drug:** Inasmuch as there was no hearing in this matter it was not established whether or not the permit holder knew of the administration of the drug, or the circumstances under which the drug may have been given. Therefore this factor is not considered in weighing the penalty in this case.
5. **The steps taken by the trainer to safeguard the horse:** Inasmuch as there was no hearing in this case it is unknown what efforts the trainer made to ensure that the treatment of the horse with **Dexamethasone** was done within the withdrawal guidelines and dosing specifications set forth in **178 W. Va. C.S.R. 1, Table 178-1 F**, so as to avoid a positive. Therefore this factor is not considered in weighing the penalty in this case.
6. **The probability of environmental contamination exposure due to human use:** This factor is not applicable to this case.
7. **The purse of the race:** The races in question was an **Allowance** race with a **\$24,000 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 as a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not 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. Sterling's horse "Vic's Pick" will be disqualified from all purse money and Mr. Sterling will have a total of ½ points on his record. The Dexamethasone positive, being the first medication violation in this class category in 365 day. Mr. Sterling's fined \$1000 dollars.

The horse "Vic's Pick" is disqualified from all purse money; Re-Distribution is as follows.

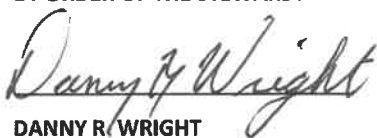
1. #5 True Crossing
2. #2 Boundtobegood
3. #1 Blushing Owen
4. #3 Boostie Boy

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

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

Dated: July 2, 2019

BY ORDER OF THE STEWARD:


DANNY R. WRIGHT


DENVER K. BECKNER


L. ROBERT LOTTS

Chief Steward

RULING #41

Owner/Trainer, Edward T. Schottroffe

Permit #25874

On July 2, 2019, the Board of Stewards offered a hearing to Owner/Trainer, Edward T. Schottroffe, Permit #25874, DOB 01/06/1988 to which he waived his right to a hearing regarding a medication violation pertaining to his horse "Fear the Reaper" who finished first (1st) in the first (1st) race on Friday, June 14, 2019.

The Stewards hereby find the following: The official blood sample E303563 taken on 6/14/19 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 in plasma or serum. Sample E303563 contained 171 pg/ml of the drug, which is above the permissible threshold for this drug. The sample was taken from the Six (6) horse, "Fear the Reaper", which ran in the first (1st) Race on 6/14/19, finishing First.

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

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

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

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

Pursuant to 178 W. Va. C.S.R. 1, Table 178-1 F, the post-race threshold for Methylprednisolone is 100 pg/ml in plasma or serum. Because the amount of Methylprednisolone in "Fear the Reaper" exceeded the acceptable threshold set forth in Table 178-1 F, Mr. Schottroffe may be held responsible and his occupational permit disciplined pursuant to 178 W. Va. C.S.R. 1, sections 49.4.a.2. and 51.1.a.

The Methylprednisolone positive in "Fear the Reaper" is Mr. Schottroffe's First Offense in this category for a medication/substance violation in a 365 days period.

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

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

1. **(Mitigating) The Permit holder's past record:** The permit holder has no violations in the last 365 days
2. **(Mitigating) The potential of the drug to influence the horse's racing performance:** Pursuant to 178 W. Va. C.S.R. 1, section 49.2.d, Class 4 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication, to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it

aces, and to ensure the integrity of racing so that horse's aren't racing under the effect of a medication that could affect performance.

3. **(Mitigating) The legal availability of the 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, 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 **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 **\$5000.00 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 as a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not 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:

Mr. Schottroffe's horse "Fear the Reaper" will be disqualified from all purse money and Mr. Schottroffe will have a total of ½ points on his record. With the Methylprednisolone positive being the first medication violation in 365 days. Mr. Schottroffe is fined \$1000 dollars.

The horse "Fear the Reaper" is disqualified from all purse money; The distribution is as follows.

1. #4 Exploitation
2. #2 Feature five hundred
3. #1 Keep the Winning
4. #7 Pleasantly Royal

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

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

Dated: July 2, 2019

BY ORDER OF THE STEWARD:


DANNY R. WRIGHT

Chief Steward


DENVER K. BECKNER


L. ROBERT LOTTS