

RULING #1

Owner/Trainer, **Gary L. Williams Jr.** Permit: #31647 DOB: 05/19/1940 the official sample #E339566 taken from the runner "**Aunt Maggie**" who finished first (1st) in the second (2ND) race on Friday, **December 13, 2019** was reported by Industrial Testing Laboratory to contain **Phenylbutazone (.06 +/- 0.042 ug/mL)** and **Ketoprofen (6.67 +/- 0.13 ng/mL)** both above the authorized levels, and both were confirmed in the blood.

The Stewards conclude that **Mr. Williams** 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. Williams** will be a fine of **\$500.00**, he will be assessed ½ point, with no suspension.

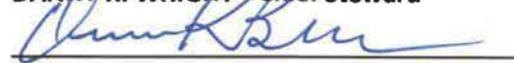
You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 Days of your receipt of this Ruling and must include a security fee in the amount of \$500.

Dated: January 10, 2020

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT Chief Steward



DENVER K. BECKNER



L. ROBBERT LOTTS

RULING #2**Trainer, Damon Gladden****Permit #33223**

On **December 18, 2019**, the Board of Stewards offered a hearing to **Trainer, Damon Gladden, Permit #33223, DOB 08/20/1968** to which he waived his right to a hearing regarding a medication violation pertaining to his horse "**Fellow**" who finished fifth (5th) in the fourth (4th) race on **Wednesday, December 18, 2019**.

The Stewards hereby find the following: The official blood sample **#E339593**, taken on **12/18/19** 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 1 ng/ml in plasma or serum**. Sample **#E339593** contained **436 ng/ml** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **Three (3) horse, "Fellow"**, which ran in the **4th Race on 12/18/19**, finishing **fifth**.

Mr. Gladden 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 "**Fellow**" exceeded the acceptable threshold set forth in **Table 178-1 F**, **Mr. Gladden** 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 is **Mr. Gladden'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. Gladden** is assessed $\frac{1}{2}$ **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 horses 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 a **Maiden/Claiming** race with a **\$11,000 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:

Mr. Gladden's horse "Fellow" will be disqualified from all purse money and Mr. Gladden will have a total of ½ point on his record. With the Methocarbamol positive being the first medication violation in 365 days, Mr. Gladden will be is fined \$1000.00 dollars.

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

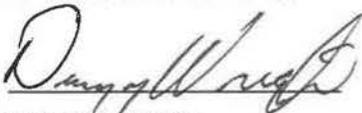
1. #7 Machen of the Hill
2. #2 Endless Paradigm
3. #5 Eight of Diamonds
4. #4 Gotto Getitman
5. #1 Cryptosonde
6. #8 Tax Hunter

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: January 10, 2019

BY ORDER OF THE STEWARD:



DANNY R. WRIGHT



DENVER K. BECKNER



L. ROBERT LOTTS

RULING #3

Jockey, **Sylvester Carmouche III** Permit #29364; 01/24/1964 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 **Sylvester Carmouche III** failed to make his reported weight on **Friday January 10, 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

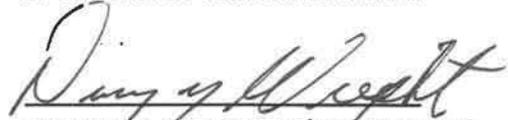
RULING #4

Jockey, **Wladimir Rocha** Permit #30645 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 on **Saturday, January 11, 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.

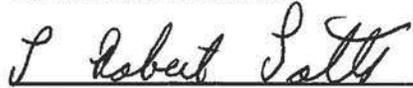
BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT Chief Steward



DENVER K. BECKNER



L. ROBERT LOTTS

RULING #5

Trainer, Willie Kee

Permit #28165

On **December 4, 2019**, the Board of Stewards held a hearing for **Trainer, Willie Kee, Permit #28165, DOB 04/17/1959** regarding a medication violation pertaining to his horse **"Anazara" who finished fifth (5th) in the fifth (5th) race on Saturday, November 9, 2019.**

The Stewards hereby find the following: The official blood sample **#339359**, taken on **11/09/19** 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 **#339359** contained **1,025 pg/ml** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **One (1) horse, "Anazara"**, which ran in the **5th Race on 11/09/19**, finishing **fifth**.

Mr. Kee 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 **"Anazara"** exceeded the acceptable threshold set forth in **Table 178-1 F**, **Mr. Kee** 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 is **Mr. Kee'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. Kee** is assessed **0 points** 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 his twenty years licensed as trainer.
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. ***(Mitigating)*** Whether there is reason to believe the permit holder knew of the administration of the drug or intentional administered the drug: Mr. Kee denies using Dexamethasone on "Anazara". The amount of Dexamethasone found in the horse is such a high level which lends credibility to the probability that the horse was inadvertently exposed to the drug in some manner. Based upon an evaluation of the evidence, the Stewards conclude that the positive is attributable to inadvertent exposure.
5. ***(Mitigating)*** The steps taken by the trainer to safeguard the horse: Mr. Kee made every attempt to ensure that the treatment of the horse 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 considered in weighing the penalty in this case.
6. ***(Mitigating)*** The probability of environmental contamination exposure due to human use: With Dexamethasone at such a high concentration we feel that inadvertent exposure could be a factor is applicable to this case.
7. **The purse of the race:** The race in question was an Allowance race with a \$29,000 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:** The horse was not being treated by a veterinarian with Dexamethasone. Therefore, this factor is considered in weighing the penalty in this case.
9. **Whether there was any suspicious betting pattern in the race:** There is no evidence of a suspicious betting pattern in this case and therefore, this factor is not considered in weighing the penalty in this case.
10. **Whether the trainer was acting under the advice of a veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** The horse was not being treated with Dexamethasone by a veterinarian. Therefore, this factor is considered in weighing the penalty in this case.

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

Mr. Kee's horse "Anazara" will be disqualified from all purse money and Mr. Kee will have a total of 0 points on his record with the Dexamethasone positive being the first medication violation in 365 days. Although it is likely that the horse carried the drug in its system due to inadvertent exposure, it nonetheless carried the drug in its system which necessitates the disqualification to ensure the integrity of racing and to instill confidence in the betting public. The order of finish is hereby re-ordered as follows:

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

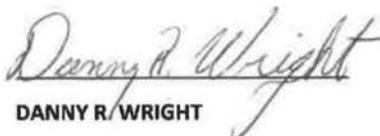
1. #5 Tel Aviv
2. #2 Honorable Lilly
3. #3 Lies and Scandals
4. #7 Aussie Gold

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: January 17, 2020

BY ORDER OF THE STEWARD:


DANNY R. WRIGHT


DENVER K. BECKNER


L. ROBERT LOTTS

RULING #6

Apprentice Jockey, **Sunday Diaz Jr.** Permit #29731 DOB; 08/17/2000 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.

Apprentice Jockey, **Sunday Diaz Jr.** failed to make his reported weight on **Friday, January 17, 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 #7

Groom, **Marcus Allison**, Permit #32533; DOB 8/24/1973, license has been **rescinded having been issued in error.**

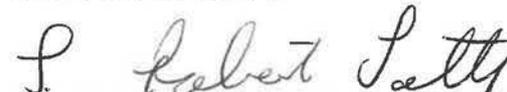
You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 Days of your receipt of this Ruling and must include a security fee in the amount of \$500.00

Dated: January 22, 2020

BY ORDER OF THE STEWARDS


DANNY R. WRIGHT Chief Steward


DENVER K. BECKNER


L. ROBERT LOTTS

RULING #8

Jockey, **Sunday Diaz Jr.** Permit; #29731, DOB 08/17/2000 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 **Sunday Diaz Jr.** let his mount "**Candyforacause**" lug in down the stretch while not clear and caused interference to "**Bold Valor**" in the **Fifth Race, Friday January 17, 2020**

Jockey **Diaz's** mount "**Candyforacause**" was **disqualified from Third (3rd)** 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: January 22, 2020:

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT, Chief Steward



DENVER K. BECKNER



L. ROBERT LOTTS

RULING #9

Jockey, **Sylvester Carmouche III** Permit #29364; 01/24/1964 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 **Sylvester Carmouche III** failed to make his reported weight on **Saturday, January 25, 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

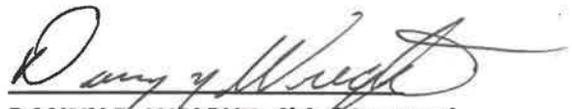
RULING #10

Jockey, **Wladimir Rocha** Permit #30645 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 on **Saturday, January 25, 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

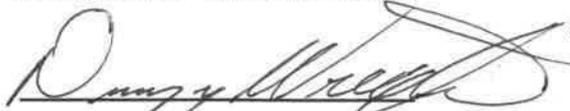
RULING #11

Jockey, **Darius Thorpe** Permit #30347 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 on **Saturday, January 25, 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

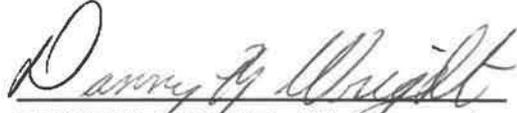
RULING #12

Trainer applicate, **Elvis Trujillo**, Permit #34585; DOB 10/7/1983, his trainer's 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: January 7, 2020

BY ORDER OF THE STEWARDS



DANNY R. WRIGHT Chief Steward



DENVER K. BECKNER



L. ROBERT LOTTS

RULING #13

Jockey, **Wladimir Rocha** Permit #30645 DOB; 08/22/1979 is **Suspended Eight racing days**, including **Wednesday February 19, thru, Saturday February 22, 2020 and Wednesday February 26, thru, Saturday February 29, 2020**. Jockey Rocha 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 **Rocha** let his mount, **Kulani** lug in near the eighth pole causing the rider of **Boppin Bob** to take up and clip heels causing **Boppin Bob** to fall unseating jockey **Keimar Trotman, Willie the Whale** and jockey **Reshawn Latchman** fell over **Boppin Bob** in the **Second Race on Saturday, February 8, 2020**. **Kulani** was **disqualified from Second (2nd) and placed Eighth (8th)**.

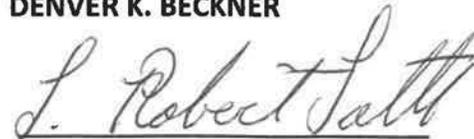
All fines imposed by the Stewards shall be paid to the Racing Commission within **Seven (7) days** after the ruling is issued, unless otherwise ordered by the Stewards, Per West Virginia Rule of Racing Number 178-1-8.5.n.

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

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT
Chief Steward


DENVER K. BECKNER



L. ROBERT LOTTS

RULING #14

Jockey, **Juan De Dios Acosta**, Permit #33927; DOB 10/3/1981 is **Suspended Four racing days** starting **Wednesday February 19, through and including Saturday 22, 2020**. Jockey **Acosta** 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 **Acosta** let his mount, **Me Darlin Chessie** bear in leaving the chute and continuing to bear in down the back stretch causing the rider of **Prospect Toy** to clip heels with **The Message R V F** nearly unseating his rider in the **Fourth Race on Wednesday February 12, 2020**. **Me Darlin Chessie** was **disqualified from First (1st) and placed Seventh (7th)**.

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

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

Dated: February 13, 2019

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT

Chief Steward



DENVER K. BECKNER



L. ROBERT LOTTS

RULING #15

Owner/Trainer, Laura Carson

Permit #26462

On February 18, 2020, the Board of Stewards offered a hearing to Owner/Trainer, Laura Carson, Permit #26462, DOB 03/23/1990 to which she waived her right to a hearing regarding a medication violation pertaining to his horse "Ghostly Song" who finished first (1st) in the second (2nd) race on Thursday January 30, 2020.

The Stewards hereby find the following: The official blood sample #339785, taken on 01/30/20 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 #339785 contained 12.1 ng/ml of the drug, the measurement uncertainly is +/- 0.2 ng/mL at the 1 ng/mL threshold, which is above the permissible threshold for this drug. The sample was taken from the One (1) horse, "Ghostly Song", which ran in the 2nd Race on 01/30/20, finishing first.

Ms. Carson 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 "Ghostly Song" exceeded the acceptable threshold set forth in Table 178-1 F, Ms. Carson 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 "Ghostly Song" is Ms. Carson'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. Ms. Carson 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

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: 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 a **Claiming** race with a **\$12,000 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. Carson's horse "Ghostly Song" will be disqualified from all purse money and Ms. Carson will have a total of ¼ points on her record. With the Methocarbamol positive being the first medication violation in 365 day. Ms. Carson is fined \$1000 dollars.

The horse "Ghostly Song" is disqualified from all purse money; The distribution is as follows.

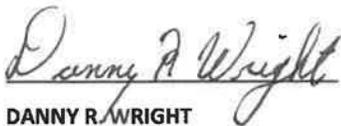
1. #3 Shackled
2. #4 Quickhatch
3. #6 Faster Than Chrome
4. #2 Sterling Rebel
5. #5 Rhinestone Cowboy
6. #7 Bedtime for Bonzo

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 19, 2020

BY ORDER OF THE STEWARD:


DANNY R. WRIGHT

Chief Steward


DENVER K. BECKNER


L. ROBERT LOTTS

RULING #16

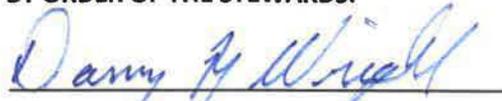
Trainer, **G. Marion England III**, Permit #32534 DOB: **08/06/1957** is hereby suspended for failure to pay a fine for **Ruling #159** dated **December 1, 2017**. While under suspension **Mr. England** is denied the privileges of the grounds of any jurisdiction regulated by the **West Virginia Racing Commission**.

The Stewards conclude that **Mr.England** has violated section(s) **178-1-19.5.e.** which reads: Has had a license to hold or conduct a horse race meeting denied for just cause, suspended or revoked in any other state; **178-1-8.n** which reads: 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; and **178-1-24.11.w**, which reads: has failed to pay a required fee, fine or cost.

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 19, 2020

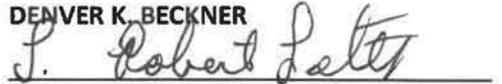
BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT Chief Steward



DENVER K. BECKNER



L. ROBERT LOTTS

RULING #17

Jockey, **Christian Hiraldo** Permit: #29260, DOB: 08/16/1992 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, **Hiraldo** let his mount "**Absolute Love**" veer out nearing the wire causing interference to "**Whiz Pass**" in the **Eighth Race, Saturday, February 22, 2020**.

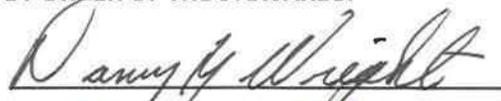
"Absolute Love" was disqualified from First (1st) and placed Third (3rd)

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: February 27, 2020:

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT Chief Steward



DENVER K. BECKNER



L. ROBERT LOTTS

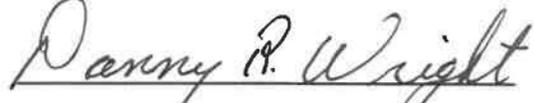
RULING #18

Authorized Agent for Trevor Jones, **Joseph N. Pyke**, Permit #28411; DOB 2/17/1971 has been **rescinded**.

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.

February 29, 2020

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT Chief Steward


DENVER K. BECKNER


L. ROBERT LOTTS

RULING #19

Jockey, **Arnaldo Bocachica** Permit: #29701, DOB: 06/20/1988 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, **Bocachica** let his mount "**Jaxbradenrishi**" bear out down the backside causing interference to "**Rolling Brook**" in the **First Race, Friday, February 28, 2020.**

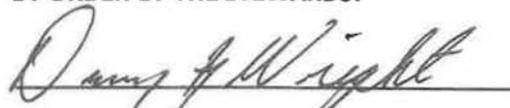
"Jaxbradenrishi" was disqualified from Second (2nd) and placed Fifth (5th)

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: March 3, 2020:

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT Chief Steward



DENVER K. BECKNER



L. ROBERT LOTTS

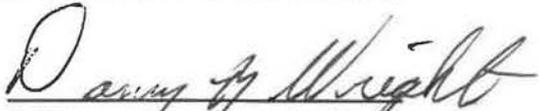
RULING #20

Apprentice Jockey, **Sunday Diaz Jr.** Permit #29731 DOB; 08/17/2000 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.

Apprentice Jockey, **Sunday Diaz Jr.** failed to make his reported weight on **Wednesday, March 4, 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 #21

Owner/Trainer, **Timothy M. Collins** Permit: #25932 DOB: 04/25/1963, the official sample #E339935 taken from the runner "Lil Bitty Road" who finished sixth (6th) in the fifth (5th) race on Friday, February 21, 2020, was reported by Industrial Testing Laboratory to contain Flunixin above the authorized levels. Specifically, the blood sample contained 25.0 +/- 2.6 ng/ml.

The Stewards conclude that **Mr. Collins** 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. Collins** 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, 2020

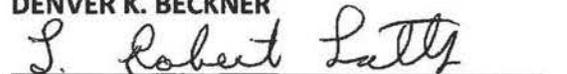
BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT Chief Steward



DENVER K. BECKNER



L. ROBERT LOTTS

RULING #22

Owner/Trainer, **Irving Velez** Permit: #31914 DOB: 02/13/1982, the official sample #E339953 taken from the runner "**Bearcat Kitten**" who finished first (1st) in the second (2nd) race on **Friday, February 26, 2020**, was reported by Industrial Testing Laboratory to contain **Phenylbutazone** above the authorized levels. Specifically, the blood sample contained **3.1 ug/mL**. The measurement uncertainty at the threshold is **+/- 0.4 ug/ml**.

The Stewards conclude that **Mr. Velez** 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".

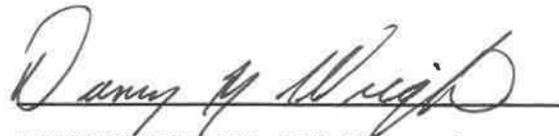
However, the Stewards determine the appropriate penalty on a case by case basis by considering the mitigating/aggravating factors.

Based on the above, the penalty on **Mr. Velez** 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 12, 2020

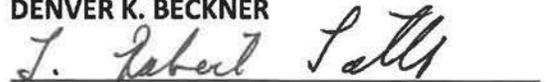
BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT Chief Steward



DENVER K. BECKNER



L. ROBERT LOTTS

RULING #23

Trainer, Paul L. McEntee

Permit #26932

On **March 28, 2020** the Board of Stewards offered a hearing for **Trainer, Paul L, McEntee Permit #26932, DOB 03/05/1974** to which he waived his right to a hearing regarding a medication violation pertaining to his horse **"Fuerte" who finished first (1st) in the third (3rd) race on Saturday, March 7, 2020.**

The Stewards hereby find the following: The official blood sample **#340033**, taken on **03/07/20** was reported by Industrial Laboratories, the official testing laboratory, to contain **Dexamethasone** which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for **Dexamethasone** is **5 pg/ml in plasma or serum**. Sample **#340033** contained **21.6 pg/ml** of the drug, which is above the permissible threshold for this drug. The measurement uncertainty is **+/- 0.6 pg/mL at the 5 pg/mL** threshold. The sample was taken from the **Seven (7) horse, "Fuerte"**, which ran in the **3rd Race on 03/07/20**, finishing **first**.

Mr. McEntee 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 **"Fuerte"** exceeded the acceptable threshold set forth in **Table 178-1 F, Mr. McEntee** 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 is **Mr. McEntee'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. McEntee** is assessed **½ points** 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 a 365 day period.
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. **(Mitigating) 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. **(Mitigating) The steps taken by the trainer to safeguard the horse: Mr. McEntee** made every attempt to ensure that the treatment of the horse 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 considered in weighing the penalty in this case.
6. **(Mitigating) The probability of environmental contamination exposure due to human use:** This factor is not applicable to this case.
7. **The purse of the race:** The race in question was a **Claiming** race with a **\$11,500** 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:** The horse was not being treated by a veterinarian with **Dexamethasone**. Therefore, this factor is considered in weighing the penalty in this case.
9. **Whether there was any suspicious betting pattern in the race:** There is no evidence of a suspicious betting pattern in this case and therefore, this factor is not considered in weighing the penalty in this case.
10. **Whether the trainer was acting under the advice of a veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** 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. McEntee's horse "Fuerte" will be disqualified from all purse money and Mr. McEntee will have a total of ½ points on his record with the Dexamethasone positive being the first medication violation in 365 days. Mr. McEntee will also be is fined \$1000.00 dollars

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

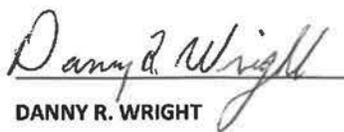
1. #6 Spiritus
2. #3 Are U
3. #8 Whiraway R V F
4. #1 Mizzbang
5. #4 Brilliant Bolt
6. #5 R U Sure

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.

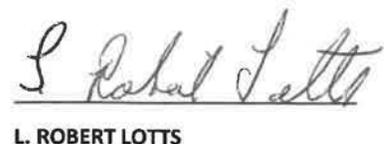
You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 Days of your receipt of this Ruling and must include a security fee in the amount of \$500.00.

Dated: March 31, 2020

BY ORDER OF THE STEWARD:


DANNY R. WRIGHT


DENVER K. BECKNER


L. ROBERT LOTTS

RULING #24

Trainer, Clifford Tuomisto

Permit #26932

On April 4, 2020 the Board of Stewards offered a hearing for Trainer, Clifford Tuomisto Permit #33797, DOB 09/27/1983 to which he waived his right to a hearing regarding a medication violation pertaining to his horse "Giant Dreams" who finished first (1st) in the eighth (8th) race on Thursday, March 12, 2020.

The Stewards hereby find the following: The official blood sample #340062, taken on 03/12/20 was reported by Industrial Laboratories, the official testing laboratory, to contain Dimethylsulfoxide (DMSO) which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for Dimethylsulfoxide (DMSO) is 10 ug/ml in plasma or serum. Sample #340062 contained 13.6 ug/ml of the drug, which is above the permissible threshold for this drug. The measurement uncertainty is +/- 1.34 ug/mL at the 10 ug/mL threshold. The sample was taken from the Five (5) horse, "Giant Dreams", which ran in the 8th Race on 03/12/20, finishing first.

Mr. Tuomisto 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 Dimethylsulfoxide (DMSO) is 10 ug/ml in plasma or serum. Because the amount of Dimethylsulfoxide (DMSO) in "Giant Dreams" exceeded the acceptable threshold set forth in Table 178-1 F, Mr. Tuomisto may be held responsible and his occupational permit disciplined pursuant to 178 W. Va. C.S.R. 1, sections 49.4.a.2. and 51.1.a.

The Dimethylsulfoxide (DMSO) positive is Mr. Tuomisto'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. Tuomisto is assessed ½ points for this Dimethylsulfoxide (DMSO) 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 a 365 day period.
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: Dimethylsulfoxide (DMSO) is legally available.
4. ***(Mitigating)*** 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. ***(Mitigating)*** The steps taken by the trainer to safeguard the horse: Mr. Tuomisto made every attempt to ensure that the treatment of the horse 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 considered in weighing the penalty in this case.
6. ***(Mitigating)*** The probability of environmental contamination exposure due to human use: This factor is not applicable to this case.
7. **The purse of the race:** The race in question was a **Claiming** race with a **\$13,000 purse**. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.
8. **Whether the drug found was one for which the horse was receiving 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:** The horse was not being treated by a veterinarian with **Dimethylsulfoxide (DMSO)**. Therefore, this factor is considered in weighing the penalty in this case.
9. **Whether there was any suspicious betting pattern in the race:** There is no evidence of a suspicious betting pattern in this case and therefore, this factor is not considered in weighing the penalty in this case.
10. **Whether the trainer was acting under the advice of a veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated with **Dimethylsulfoxide (DMSO)** by a veterinarian. Therefore, this factor is not considered in weighing the penalty in this case.

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

Mr Tuomisto.'s horse "Giant Dreams" will be disqualified from all purse money and Mr. Tuomisto will have a total of ½ points on his record with the Dimethylsulfoxide (DMSO) positive being the first medication violation in 365 days. Mr. Tuomisto will also be is fined \$1000.00 dollars

The horse "Giant Dreams" is disqualified from all purse money. The distribution is as follows:

1. #8 Letcher
2. #4 Rambam Rocker
3. #9 Lil Bitty Road
4. #3 The Son Wind
5. #1 Cat Mor Bridge
6. #10 Pistolinmypocket

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 7, 2020

BY ORDER OF THE STEWARD:



DANNY R. WRIGHT



DENVER K. BECKNER



L. ROBERT LOTTS

RULING #25

Owner/Trainer, **Crystal Pickett, Permit #32616, DOB 9/24/1980**, 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 in a verbal and physical altercation **on the race track near the paddock on April 20, 2020.**

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

L. ROBERT LOTT

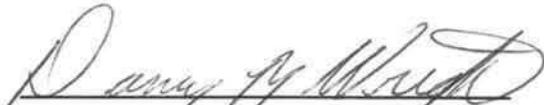
RULING #26

Owner, **Mauricio Rodriguez, Permit #30350, DOB 5/16/1984**, 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 in a verbal and physical altercation **on the race track near the paddock on April 20, 2020.**

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

L. ROBERT LOTT

RULING #27

Jockey, **Sylvester J. Carmouche III**; Permit #29346; DOB 01/24/1983

Mr. Carmouche's license has been summarily suspended as of May 30, 2020 pending the outcome of a Board of Stewards hearing. During the suspension Mr. Carmouche will be denied his privileges to all grounds under the jurisdictions of the West Virginia Racing Commission.

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

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT


DENVER K. BECKNER


L. ROBERT LOTTS

RULING #28

Jockey, **Sylvester J. Carmouche III**, Permit #29346, DOB 01/24/1983, having been afforded a Board of Stewards hearing on **June 6, 2020** is hereby found guilty of being a repeat violator of **Rule of Racing 178-1-24.11.gg** which reads, "has engaged in conduct unbecoming or detrimental to the best interests of racing"

Jockey, **Sylvester J. Carmouche III**, will be suspended and denied privileges of the grounds under the jurisdiction of the **West Virginia Racing Commission** and is ineligible to seek reinstatement in racing until he gets professionally evaluated and enters and completes a certified alcoholic and drug rehabilitation program.

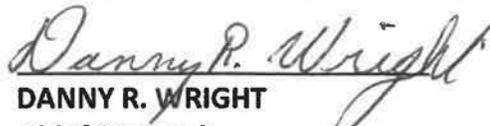
Mr. Carmouche will also have to present a clean drug test upon completion.

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.

Dated: June 9, 2020

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT
Chief Steward


DENVER K. BECKNER


L. ROBERT LOTTS

CHARLES TOWN RACES

STEWARDS RULING

JULY 3, 2020

RULING NUMBER #29

Unlicensed applicant, **Adam C. King**, DOB 10/11/1984, is hereby restored to good standing as of, **July 3, 2020** having complied with the **Board of Stewards Rulings #17**, dated **January 25, 2017**.

Dated: July 3, 2020

BY ORDER OF THE STEWARDS:

A handwritten signature in blue 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 "L. Robert Lotts", written over a horizontal line.

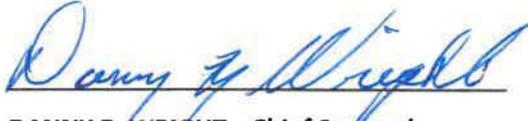
L. ROBERT LOTTS

RULING NUMBER #30

Unlicensed applicant, **Guillermo Rodriguez**, DOB 09/29/1992, is hereby restored to good standing as of, **June 19, 2020** having appeared before the **West Virginia Racing Commission** and complying with the **Board of Stewards Rulings #58**, dated **July 19, 2018**.

Dated: July 3, 2020

BY ORDER OF THE STEWARDS:



A handwritten signature in blue 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 "L. Robert Lotts", written over a horizontal line.

L. ROBERT LOTTS

RULING #31

Owner/Trainer, **Victor M. Espinosa**, Permit #32979, DOB 11/18/1938, 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 a participant in an altercation in **Barn 18** on **Friday July 3, 2020**.

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



L. ROBERT LOTTS

RULING #32

Owner/Exercise Rider, **Alexander Naupac**, Permit #30354, DOB 07/21/1978, 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 a participant in an altercation in **Barn 18** on **Friday July 3, 2020**.

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


L. ROBERT LOTTS

RULING #33

Jockey **Jason Simpson** Permit #30311; DOB 07/16/1985 is **Suspended Three racing days**, including **Thursday July 16, Friday July 17, and Saturday July 18, 2020**. Jockey **Simpson** 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."

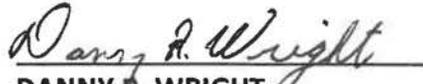
Jockey **Simpson** let his mount, **Distorted Splendor** lug in nearing the quarter pole and causing the rider of **College Kid** to take up and lugged out passing the eighth pole bothering **Three Bops** in the **Eighth Race on Thursday July 9, 2020**.

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: July 11, 2020

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT

Chief Steward


DENVER K. BECKNER



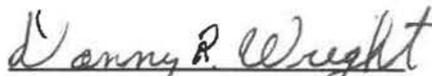
L. ROBERT LOTTS

RULING #34

Jockey, **Darius Thorpe** Permit #30347 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 on **Friday, July 10, 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 NUMBER #35

Jockey **Sylvester J. Carmouche III**, Permit #29346, DOB 1/24/1983, having satisfied the **Stewards Ruling #28** dated June 9, 2020, Mr. Carmouche is hereby restored to good standings.

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT Chief Steward



DENVER BECKNER



L. ROBERT LOTTS

RULING #36

Owner/Trainer, **Nelsi Roman-Salon** Permit: #32246 DOB: 11/07/1992 the official sample #E363344 taken from the runner "**Windsor Calling**" who finished sixth (6th) in the fifth (5th) race on Thursday, June 25, 2020 was reported by Industrial Testing Laboratory to contain **Phenylbutazone 0.83 +/- 0.3 ug/mL** at the 0.3 ug/mL threshold and **Flunixin 13.3 ng/mL**. The measurement uncertainty is +/- 0.5 ng/mL at the 3 ng/mL threshold, both above the authorized levels, and both were confirmed in the blood.

The Stewards conclude that **Ms. Roman-Salon** 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.

The **Phenylbutazone/Flunixin** positive in "**Windsor Calling**" is **Ms. Roman-Salon's Second** in this category for a medication/substance violation in a 365 days period.

Based on the above, "**Windsor Calling**" is disqualified from all purse monies, the penalty on **Ms. Roman-Salon** will be a fine of **\$1500.00**, she will be assessed **½ point**, and **suspended fifteen days (15)**, from Sunday July 19 through and including August 2, 2020

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 dollars (\$500).

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

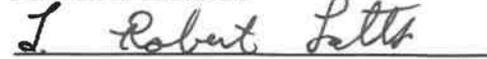
BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT Chief Steward



DENVER K. BECKNER

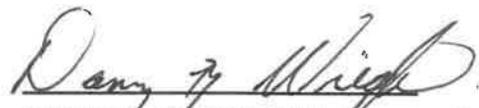


L. ROBBERT LOTTS

RULING NUMBER #37

Unlicensed Trainer, Jennivieve Burton DOB: 01/28/1965, having satisfied the **Stewards Ruling #67** dated October 9, 2019. Ms. Burton is hereby restored to good standings.

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT Chief Steward


DENVER BECKNER


L. ROBERT LOTTS

RULING #38

Jockey, **Joseph M. Schneider**; Permit #36223; DOB 01/08/1980

Mr. Schneider's license has been **summarily suspended** as of **July 24, 2020** pending the outcome of a Board of Stewards hearing. During the suspension **Mr. Schneider will be denied his privileges to all grounds under the jurisdictions of the West Virginia Racing Commission.**

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

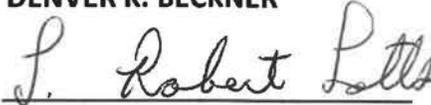
BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT



DENVER K. BECKNER



L. ROBERT LOTTS

RULING #39

Jockey **Christian Hiraldo** Permit #29260; DOB 08/16/1992 is **Suspended Three racing days**, including **Thursday July 30, Friday July 31, and Saturday August 1, 2020.**

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, **Start Line** lug in nearing the finish line the first time around causing the rider of **Awesome Faith** to take up sharply in the **Fourth Race on Thursday July 23, 2020.**

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: July 25, 2020

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT

Chief Steward



DENVER K. BECKNER



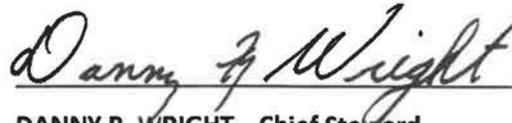
L. ROBERT LOTTS

RULING NUMBER #40

Unlicensed applicant, **Sylvester McGill**, DOB 12/06/1959, is hereby restored to good standing as of, **June 19, 2020** having appeared before the **West Virginia Racing Commission** and complying with the **Board of Stewards Rulings #221**, dated **October 4, 2011**.

Dated: July 25, 2020

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT Chief Steward



DENVER K. BECKNER



L. ROBERT LOTTS

RULING #41

Jockey **Victor A. Rodriguez** Permit #28350 DOB 7/12/1981 is **Suspended Six racing days**, including **Friday July 31, Saturday August 1, Thursday 6, Friday August 7, Saturday August 8 and Thursday 13, 2020.**

Jockey Rodriguez 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 **Rodriguez** let his mount, **Mighty Crossing** bear out turning for home under left hand whipping, causing the rider of **Tina's Song** to clip heels and fall in the **First Race on Friday July 24, 2020. Mighty Crossing** was **disqualified from Third (3rd) 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: July 28, 2020

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT

Chief Steward



DENVER K. BECKNER



L. ROBERT LOTTS

RULING #42

Owner, **Larry Woodson**, Permit #34448, DOB 10/23/1981, having been afforded a Board of Stewards hearing on **July 24, 2020** is hereby found guilty of being a repeat violator (**3 times**) of **Rule of Racing 178-1-24.11.f** which reads, "has disturbed the peace on Association Grounds" and by being the aggressor in a verbal and physical altercation in **Barn 17**, on **March 21, 2020**.

Owner, **Larry Woodson**, will be suspended for **6 months**. **Mr. Woodson** has been denied privileges of the grounds under the jurisdiction of the **West Virginia Racing Commission**, since the incident on **March 21, 2020**. He will be suspended through and including **September 20, 2020**. **Mr. Woodson** is also fined **One Thousand Dollars (\$1000.00)**.

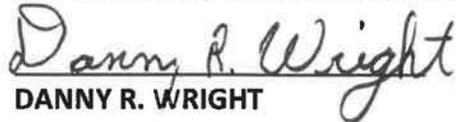
Mr. Woodson is put on notice; any further rule violation will result in the revocation of his occupational permit.

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

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

Dated: July 29, 2020

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT

Chief Steward



DENVER K. BECKNER



L. ROBERT LOTTS

RULING #43

Jockey, **Joseph M. Schneider**, Permit #36223, DOB 01/08/1980, having been afforded a Board of Stewards hearing on **July 31, 2020** is hereby found guilty of being in violation of **Rule of Racing 178-1-24.3.w** which reads, "A permit holder who is a first time violator under this subsection shall be required to undergo a professional assessment before the stewards and/or the Racing Commission determine whether or not the permit holder's condition is such that he or she may hold a permit and participate in racing. In the discretion of the stewards and/or the Racing Commission, a first time violator may be required to produce a negative test result; may be required to submit to further testing; and/or may be required to successfully complete a certified drug/alcohol rehabilitation program as a condition of holding a permit and participating in racing."

Jockey, **Joseph M. Schneider**, will be suspended and denied privileges of the grounds under the jurisdiction of the **West Virginia Racing Commission** and is ineligible to seek reinstatement in racing until he gets professionally evaluated and if needed, completes a certified alcoholic and drug rehabilitation program.

Mr. Schneider will also have to present a clean drug test upon completion.

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



L. ROBERT LOTTS

RULING #44

Owner/Trainer, **Gerald A. Coker Jr.**, Permit #30586, DOB 07/29/1984, having waived a Board of Stewards hearing on **July 31, 2020** is hereby found guilty of being in violation of **Rule of Racing 178-1-24.3.x** A permit holder who is a second time violator under this subsection shall be subject to suspension. The permit holder may not apply for reinstatement of his or her permit until such time as he or she has successfully completed a certified drug/alcohol rehabilitation program and has otherwise satisfied the Racing Commission and/or the stewards that he or she is fit to hold a permit.

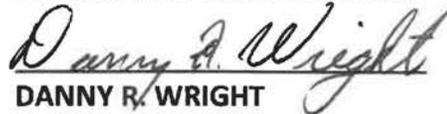
Jockey, **Gerald A. Coker Jr.**, will be suspended and denied privileges of the grounds under the jurisdiction of the **West Virginia Racing Commission** and is ineligible to seek reinstatement in racing until he gets professionally evaluated and if needed, completes a certified alcoholic and drug rehabilitation program.

Mr. Coker will also have to present a clean drug test upon completion.

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:

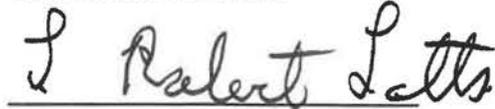


DANNY R. WRIGHT

Chief Steward



DENVER K. BECKNER



L. ROBERT LOTTS

RULING #45**Owner/Trainer, John A. Casey****Permit #30288**

On **August 7, 2020**, the Board of Stewards offered a hearing to **Owner/Trainer, John A. Casey, Permit #30288, DOB 7/15/1961** to which he waived his right to a hearing regarding a medication violation pertaining to his horse **"Feisty and Sassy" who finished first (1st) in the first (1st) race on Saturday June 13, 2020.**

The Stewards hereby find the following: The official blood sample **#363287**, taken on **06/13/20** 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 **#363287** contained **253 +/- .6 pg/ml** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **Five (5) horse, "Feisty and Sassy"**, which ran in the **1st Race on 6/13/20, finishing first.**

Mr. Casey elected to have a split sample tested. The split sample **#363287** 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 **#363287** was subjected to instrumental analysis for the presence of **Dexamethasone. Dexamethasone was found at a concentration of 242 +/- 63 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 **"Feisty and Sassy"** 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 **"Feisty and Sassy"** is **Mr. Casey's First Offense** in this category for a medication/substance violation in a 365 days period.

The permit holder has accumulated $\frac{1}{2}$ **points** under the multiple medication violation point system as a result of this issuance. **Mr. Casey** 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 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 race in question was an **Allowance** race with a **\$29,000** 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 "Feisty and Sassy" will be disqualified from all purse money and Mr. Casey will have a total of 1 point on his record. The Dexamethasone positive, being the first medication violation in this class category in 365 day. Mr. Casey is fined \$1000 dollars.

The horse "Feisty and Sassy" is disqualified from all purse money; Re-Distribution is as follows.

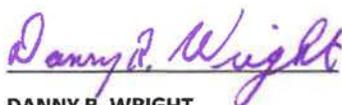
1. #3 Dubai Was Lit
2. #6 Moonlit Night
3. #4 Meltech
4. #1 Mean to Amend
5. #2 Mayhem Like Me

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: August 8, 2020

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT

Chief Steward



DENVER K. BECKNER



L. ROBERT LOTTS

RULING NUMBER #46**Owner/Trainer Nelsi Roman-Salon****Permit #32246**

On **August 14, 2020** the Board of Stewards offered a hearing to **Owner/Trainer, Nelsi Roman-Salon Permit #32246 DOB 11/7/1992** to which she waived her right to a hearing and elected not to send a split sample, the Board of Stewards find the following:

The official blood sample **#E363451** taken from the horse **"Windsor Calling"** which finished **1st in the 8th race on Thursday July 16, 2020**, did contain **"Clenbuterol"** at a concentration level of **238 pg/ml**.

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

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

Pursuant to **178 W. Va. C.S.R. 1, Table 178-1 F**, the post-race threshold for **Clenbuterol** is **140 pg/ml in urine or Level of Detection in plasma or serum**. Because the amount of **Clenbuterol** in **"Windsor Calling"** exceeded the acceptable threshold set forth in Table 178-1 F, **Ms. Roman-Salon** may be held responsible and his or her occupational permit disciplined pursuant to 178 W. Va. C.S.R. 1, sections 49.a.1. and 51.1.a.

The **Clenbuterol** positive in **"Windsor Calling"** is **Ms. Roman-Salon's First Offense** for a medication/substance violation carrying a Category B penalty in a 365 days period.

The permit holder has **2.5 points** under the multiple medication violation point system. **Ms. Roman-Salon** is assessed **2 points** for this **Clenbuterol** medication/substance violation pursuant to section **49.3.m. of 178 of W.Va.C.S.R.1**.

The penalty guidelines set forth in **Table 178 1 E** of the Thoroughbred Racing Rule provide a minimum penalty of a **\$500 fine**, for a **First Offense Class 3** violation carrying a **Category B** penalty of **Clenbuterol** at the level found in **"Windsor Calling"**. The Stewards determine the appropriate penalty for the underlying offense on a case by case basis by considering mitigating and aggravating factors. The following is an analysis of the factors set forth in section 49.1 of the Thoroughbred Racing Rule:

- 1. (Mitigating) The Permit holders past record:** The permit holder's past record indicates this is her first **Class 3** violation carrying a **Category B** penalty 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 3 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication; to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure

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

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

4. Whether there is reason to believe the permit holder knew of the administration of the drug or intentional administered the drug: Inasmuch as there was no hearing in this matter it was not established whether or not the permit holder knew of the administration of the drug, 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 Clenbuterol was done within the withdrawal guidelines and dosing specifications set forth in 178 W. Va. C.S.R. 1, Table 178-1 F, so as to avoid a positive. Therefore this factor is not considered in weighing the penalty in this case.

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

7. The purse of the race: The race in question was a Claiming race with a \$11,000 purse. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.

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

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

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

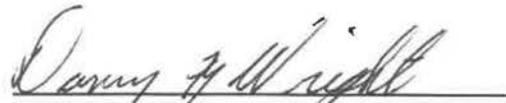
Based on the findings and WV Rule of Racing 178-1-49.2.d "Clenbuterol" is a therapeutic medication which is a Class 3 with a B Penalty. Ms. Roman-Salon this being her first offense in the past 365 days is hereby fined (\$500) five hundred dollars and suspended 15 calendar days, commencing on Sunday August 16 thru and including August 30, 2020. Her horse "Windsor Calling" will be disqualified from all purse earnings. The order of finish is hereby re-ordered as follows:

1. #2 Synergy Unbridled
2. #9 Firebird
3. #8 Kulanii
4. #10 Chris' Cherokeebop
5. #1 Fit But Fat
6. #3 Gattosing

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: August 14, 2020

BY ORDER OF THE STEWARDS:



DANNY R. WRIGHT Chief Steward



DENVER K. BECKNER



L. ROBERT LOTTS

RULING NUMBER #47**Manuel Chapman:****DOB: 6/25/1959**

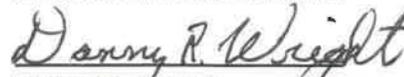
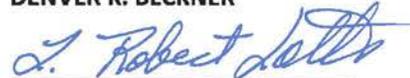
On March 10, 2020 Mr. Chapman applied for a permit as an exercise rider at the License Clerk's office in Charles Town without disclosing his 2019 criminal conviction in Ohio. Specifically, on his application, Mr. Chapman falsely answered no to the question: "Have you or your spouse ever been convicted of, or forfeited bail on, any felony or criminal misdemeanor offense? (including DUI or DWI)." Upon information and belief, Mr. Chapman was convicted of a drug-related criminal offense in Ohio in 2019. As a result of Mr. Chapman's untruthful application, the License Clerk issued a permit in error to Mr. Chapman.

Upon subsequent review of the application by the Stewards, Mr. Chapman was contacted by the Stewards and advised that they were aware of the false information contained on the application. Mr. Chapman was advised that the Stewards were rescinding the erroneously issued permit and therefore, denying his application. Mr. Chapman indicated that he intended to provide further information about his criminal offenses to the Stewards for consideration. However, Mr. Chapman failed to follow through and provide any further information.

In 2013, Mr. Chapman was granted a conditional permit by order of the West Virginia Racing Commission. Mr. Chapman's request for a permit was before the West Virginia Racing Commission for consideration because he had a lengthy misdemeanor and felony criminal history, including a 2013 drug-related conviction in Virginia. Included in the conditions set forth in the Commission's order, Mr. Chapman was obligated to report any offenses he was charged or convicted of to the Charles Town Board of Stewards. Mr. Chapman failed to adhere to this condition. Mr. Chapman was also obligated under the conditional order to refrain from purchasing or possessing any drugs or drug paraphernalia. Mr. Chapman appears to have violated this condition as well. Violation of any conditions established by the Commission in its order was expressly stated to be a basis for revocation of his permit.

Based upon the foregoing, the Board of Stewards hereby **ORDERS** that Mr. Chapman's permit application is **DENIED**.

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 #48

Trainer **Donald L. Robb** Permit #37708; DOB 07/27/1977, trainer's license has been **denied pending West Virginia Racing Commission approval.**

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: August 19, 2020

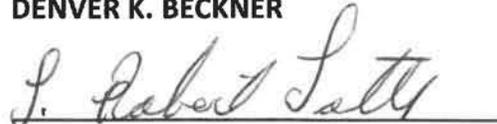
BY ORDER OF THE STEWARDS



DANNY R. WRIGHT Chief Steward



DENVER K. BECKNER



L. ROBERT LOTTS

RULING #49**Owner/Trainer, Anthony Farris****Permit #33013**

On **August 20, 2020**, the Board of Stewards convened a hearing for **Owner/Trainer, Anthony Farris, Permit #33013, DOB 11/04/1981** regarding a medication violation pertaining to his horse **"Twirling Owen" who finished first (1st) in the eighth (8th) race on Friday June 5, 2020.**

The Stewards hereby find the following: The official blood sample **#363246**, taken on **06/05/20** 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 **#363246** contained **24.4 +/-6 pg/ml** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **Four (4) horse, "Twirling Owen"**, which ran in the **8th Race on 6/05/20, finishing first.**

Mr. Farris elected to have a split sample tested. The split sample **#363246** 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 **#363246** was subjected to instrumental analysis for the presence of **Dexamethasone**. **Dexamethasone was found at a concentration of 26.2 +/- 6.3 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 **"Twirling Owen"** exceeded the acceptable threshold set forth in **Table 178-1 F**. **Mr. Farris** 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 **"Twirling Owen"** is **Mr. Farris's First Offense in this category** for a medication/substance violation in a 365 days period.

The permit holder had accumulated **0 points** under the multiple medication violation point system as a result of this issuance. **Mr. Farris** 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:** In the hearing it was established the permit holder knew of the administration of the drug, and the circumstances under which the drug was given.
5. **The steps taken by the trainer to safeguard the horse:** In the hearing every effort was made by the trainer 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.
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 **Stake** race with a **\$50,000** 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 Maryland and holding an occupational permit issued by the Racing Commission:** It was established 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 Maryland and holding an occupational permit issued by the Racing Commission:** 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. Farrior's horse "Twirling Owen" will be disqualified from all purse money and Mr. Farrior will have a total of ½ points on his record. The Dexamethasone positive, being his first medication violation in this class category in 365 days. Mr. Farrior is fined \$1000 dollars.

The horse "Twirling Owen" is disqualified from all purse money; Re-Distribution is as follows.

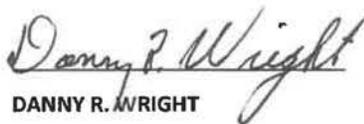
1. #2 Remy's Rocket
2. #7 Manarola
3. #8 Nellysford
4. #5 Unaquoi
5. #3 C R Case's Legacy

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 (\$500.00) Dollars**

Dated: August 21, 2020

BY ORDER OF THE STEWARDS:


DANNY R. WRIGHT


DENVER K. BECKNER


L. ROBERT LOTTS

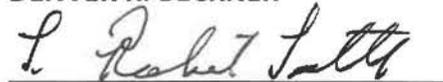
Chief Steward

RULING #50**Owner/Trainer Ronney W. Brown****Permit #35585**

Ronney W. Brown is hereby fined **Fifty (\$50.00) Dollars** for not having the horse, "**Basket Girl**", in the paddock at the appointed time for the running of the **First (1st) Race on Thursday August 20, 2020. Per Rule of Racing #178-1-26.3.g**, which states "Each Trainer is responsible for presenting his or her horse and being present in the paddock at a time appointed before post time of the race in which the horse is entered."

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

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

BY ORDER OF THE STEWARDS:**DANNY R. WRIGHT** Chief Steward**DENVER K. BECKNER****L. ROBERT LOTTS**