

**RULING #51**

Jockey, **Jose Montano**, Permit #41433 DOB 12/31/1985 is fined **Three hundred dollars (\$300.00)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

Jockey **Montano** used his crop excessively in **Race 3 on Friday September 3** and **Race 7 and Race 8 on Saturday September 4, 2021.**

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

BY ORDER OF THE STEWARDS:



DENVER K. BECKNER



DANNY R. WRIGHT



L. ROBERT LOTTS

**RULING #52**

Jockey, **Jason Simpson**, Permit #47205 DOB 07/16/1985 is fined **One hundred dollars (\$100.00)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

Jockey **Simpson** used his crop excessively in **Race 8** on **Saturday September 4, 2021.**

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

**BY ORDER OF THE STEWARDS:**



**DENVER K. BECKNER**



**DANNY R. WRIGHT**



**L. ROBERT LOTTS**

**RULING #53**

Jockey, **Wesley Ho**, Permit #47167 DOB 05/09/1986 is fined **One hundred dollars (\$100.00)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

Jockey **Ho** used his crop excessively in **Race 2** on **Saturday September 4, 2021.**

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

**BY ORDER OF THE STEWARDS:**

A handwritten signature in 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 "Danny B. Wright", written over a horizontal line.

**DANNY B. WRIGHT**

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

**L. ROBERT LOTTS**

**RULING #54**

Jockey, **Arnaldo Bocachica**, Permit #46998 DOB 06/20/1988 is fined **One hundred dollars (\$100.00)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

Jockey **Bocachica** used his crop excessively in **Race 6** on **Wednesday September 8, 2021.**

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

**BY ORDER OF THE STEWARDS:**

A handwritten signature in 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 "Danny R. Wright", written over a horizontal line.

**DANNY R. WRIGHT**

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

**L. ROBERT LOTTS**

**RULING #55**

Jockey, **Alexis Rios Conde**, Permit #47376 DOB 08/18/1978 is fined **One hundred dollars (\$100.00)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

Jockey **Rios Conde** used his crop excessively in **Race 7** on **Wednesday September 8, 2021.**

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

**BY ORDER OF THE STEWARDS:**



**DENVER K. BECKNER**



**DANNY R. WRIGHT**



**L. ROBERT LOTTS**

**RULING #56**

On **September 8, 2021** the Board of Stewards conducted a hearing regarding allegations to Owner/Trainer **Richard A. Hummer** Permit #43286 DOB 04/13/1946. **Mr. Hummer** was present in person and testified before the Board of Stewards. **Mr. Hummer** was not represented by council. The Board of Stewards hereby finds the following:

The official sample **#E432434** taken on **August 13, 2021** was reported by Industrial Laboratories to contain **Lamotrigine**, approx. **.364 pg/ml**. Pursuant to **Table 178-1 E** of the **Thoroughbred Racing Rule, 178 C.S.R. 1**, **Lamotrigine** is a **Class 3 Drug**, carrying a **Category A** penalty. The samples were taken from "**Alltheway to Cairo**", which ran in **Race Number 2** on **August 13, 2021**, finishing **First (1<sup>st</sup>)**. The horse is owned and trained by **Richard A. Hummer**.

After notification to **Mr. Hummer**, he declined split sample testing.

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

Additionally, as the trainer of "**Alltheway to Cairo**" **Richard A. Hummer** is the absolute insurer of and responsible for the condition of the horse he entered in the **2<sup>nd</sup> race** at Charles Town ran on **August 13, 2021. 178 C.S.R. 1, § 51.1.a.**

The Board of Stewards concludes that while **Mr. Hummer** is responsible for the positive in "**Alltheway to Cairo**" under **§ 51.1.a.** and the presence of the drug has been established to have been in the horse during the **2<sup>nd</sup> race** on **August 13, 2021** there are substantial mitigating factors which cause the Stewards to impose no penalty against **Mr. Hummer's** permit in this matter. Those factors are as follows:

**Mr. Hummer's** past record as a permit holder is good in that he has no medication violations in any jurisdiction in the past 365 days. **Mr. Hummer** has had no medication violations since his first license in 1993.

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

**Mr. Hummer** is prescribed the drug **Lamotrigine** and has been taking the prescription for over 2 years.

**Mr. Hummer** prepared the tongue tie not knowing that he might have had **Lamotrigine** on his hands and not knowing that **Lamotrigine** was a prohibited drug.

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

Weighing and balancing these factors, the Board of Stewards find that while **Mr. Hummer** is held responsible for the positive in this case, the Stewards shall impose no penalty against **Mr. Hummer's** permit. Therefore, the standard penalty for a first offense Class A medication violation (1 year suspension/\$10,000.00 fine) is not imposed in this matter. In addition, the Stewards do not impose the 6 Multiple Medication Violation points that would typically be imposed under **§ 49.3.m.** of the Thoroughbred Racing Rule.

Because "**Alltheway to Cairo**" was found to have carried **Lamotrigine** in its system during the running of the race, the purse of the race is ordered to be **FORFEITED** and "**Alltheway to Cairo**" is **DISQUALIFIED** from its (1<sup>st</sup>) first place finish in the second (2<sup>nd</sup>) race on August 13, 2021. This disqualification is justified due to the irrefutable drug positive, even though **Mr. Hummer's** permit was not disciplined in this matter. Although it is likely that the horse carried the drug in its system due to inadvertent exposure, it nonetheless carried the drug in its system which necessitates the disqualification to ensure the integrity of racing and to instill confidence in the betting public. The order of finish is hereby re-ordered as follows:

1. #1 Strong Like Bull
2. #4 Unnamed Soldier
3. #6 Won Dozen Banks
4. #5 Grandpa Munster

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: September 9, 2021

BY ORDER OF THE STEWARD:

  
DANNY R. WRIGHT

  
DENVER K. BECKNER

  
L. ROBERT LOTTS

**RULING #57**

**Authorized Agent** license of **Crystal Picket**, for **Owner Glenn Rubin** Permit **#45066** DOB **02/24/1967** has been rescinded without prejudice.

**BY ORDER OF THE STEWARDS:**

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 "Danny R. Wright", written over a horizontal line.

**DANNY R. WRIGHT**

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

**L. ROBERT LOTTS**



**RULING #58**

Apprentice Jockey, **Felino Lima**, Permit #44407 DOB 02/13/1991 is fined **One hundred dollars (\$100.00)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

Jockey **Lima** used his crop excessively in **Race 2** on **Saturday September 11, 2021.**

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

**BY ORDER OF THE STEWARDS:**



**DENVER K. BECKNER**



**DANNY R. WRIGHT**



**L. ROBERT LOTTS**

**RULING #59**

Jockey, **Victor A. Rodriguez** Permit #46496 DOB; 07/12/1981 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 **Rodriguez** failed to make his reported weight on **Wednesday September 15, 2021**.

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

**BY ORDER OF THE STEWARDS:**

A handwritten signature in 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 "Danny R. Wright", written over a horizontal line.

**DANNY R. WRIGHT**

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

**L. ROBERT LOTTS**

**RULING #60**

Jockey, **Victor A. Rodriguez** Permit #46496 DOB 07/12/1981 is fined **One hundred dollars (\$100.00)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

Jockey **Rodriguez** used his crop excessively in **Race 3** on **Wednesday September 15, 2021.**

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

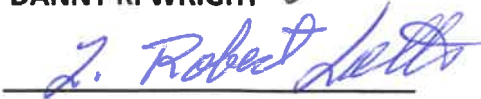
**BY ORDER OF THE STEWARDS:**



**DENVER K. BECKNER**



**DANNY R. WRIGHT**



**L. ROBERT LOTTS**

**RULING #61**

Jockey, **Kelvin Morales-Cruz** Permit #43745 DOB 04/10/1997 is fined **One hundred dollars (\$100.00)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

Jockey **Morales** used his crop excessively in **Race 2** on **Wednesday September 15, 2021.**

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

**BY ORDER OF THE STEWARDS:**

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

**DENVER K. BECKNER**

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

**DANNY R. WRIGHT**

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

**L. ROBERT LOTTS**

**RULING #62**

Jockey, **Gerald Almodovar** Permit #41083 DOB 09/25/1985 is fined **One hundred dollars (\$100.00)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

Jockey **Almodovar** used his crop excessively in **Race 6 on Wednesday September 15, 2021.**

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

**BY ORDER OF THE STEWARDS:**



**DENVER K. BECKNER**



**DANNY R. WRIGHT**



**L. ROBERT LOTTS**

**RULING #63**

Jockey, **Darius Thorpe** Permit #47213 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.

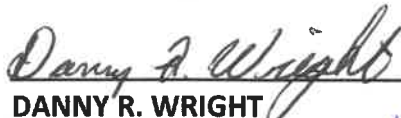
Jockey **Thorpe** failed to make his reported weight on **Wednesday September 15, 2021**.

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

**BY ORDER OF THE STEWARDS:**

A handwritten signature in 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 "Danny R. Wright", written over a horizontal line.

**DANNY R. WRIGHT**

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

**L. ROBERT LOTTS**

**RULING #64**

Jockey, **Jose Montano** Permit #41433 DOB; 12/31/1985 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.

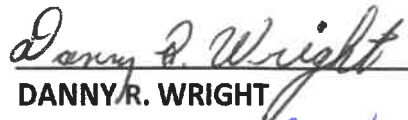
Jockey **Montano** failed to make his reported weight on **Wednesday September 15, 2021**.

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

**BY ORDER OF THE STEWARDS:**

A handwritten signature in 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 "Danny R. Wright", written over a horizontal line.

**DANNY R. WRIGHT**

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

**L. ROBERT LOTTS**

**RULING #65**

Jockey Jason Simpson Permit #47205; DOB 07/16/1985 is **suspended four racing days**, starting **Wednesday September 22, Thursday September 23, Friday September 24**, and including **Saturday September 25, 2021**.

**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** aimed his mount, **Dusky** in after leaving the gate causing the rider of **Now I'm Broke** to take up sharply interfering with that rival in the **Eighth Race** on **Wednesday September 15, 2021**. **Dusky** was disqualified from win position and placed third.

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: September 17, 2021**

**BY ORDER OF THE STEWARDS:**



**DENVER K. BECKNER**



**DANNY R. WRIGHT**



**L. ROBERT LOTTS**



**RULING #66**

Owner/Trainer, **Billy Ray Davis**, Permit: #42675 DOB: 7 01/24/1950, the official sample #E432588 taken from the runner "**Zaino Boy**" who finished second (2<sup>nd</sup>) in the sixth (6<sup>th</sup>) race on Friday, September 3, 2021, was reported by Industrial Testing Laboratory to contain **Ketoprofen** above the authorized levels. Specifically, the blood sample contained 4.1 +/-0.3 ng/ml at the threshold of 2 ng/mg.

The Stewards conclude that **Mr. Davis** 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. Davis** will be a warning with no suspension, fine, or points.

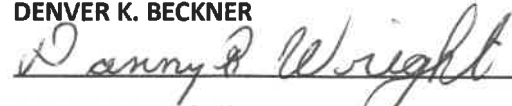
You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 Days of your receipt of this Ruling and must include a security fee in the amount of \$500.

**Dated: September 24, 2021**

**BY ORDER OF THE STEWARDS:**

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 "Danny R. Wright", written over a horizontal line.

**DANNY R. WRIGHT**

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

**L. ROBERT LOTTS**

**RULING #67**

Jockey, **Jan Batista**, Permit #42163; DOB 12/28/1994, is hereby fined **One Hundred (\$100) Dollars** for violation of West Virginia Rule of Racing Number **178-1-28.3.b**, which reads: "A jockey shall faithfully fulfill all engagements in respect to racing."

**Mr. Batista** failed to fulfill his riding engagement on **Friday September 24, 2021**

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

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

BY ORDER OF THE STEWARDS:



DENVER K. BECKNER



DANNY R. WRIGHT



L. ROBERT LOTTS

**RULING #68**

Jockey **Wladimir Rocha** Permit #47090 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 **Rocha** failed to make his reported weight on **Friday September 24, 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 (\$500.00) Dollars.

**BY ORDER OF THE STEWARDS:**



**DENVER K. BECKNER**



**DANNY R. WRIGHT**



**L. ROBERT LOTTS**

## RULING #69

Trainer, Miguel Ramos-Agosto

Permit #46643

On September 30, 2021, the Board of Stewards offered a hearing to Trainer, Miguel Ramos-Agosto, Permit #46643, DOB 06/17/1981 to which he waived his right to hearings regarding a medication violations pertaining to his horses "Willie the Whale" who finished first (1<sup>st</sup>) in the second (2<sup>nd</sup>) race, on September 4, 2021, and "Sonde St. Blues" who finished first (1<sup>st</sup>) in the eighth (8<sup>th</sup>) on September 9, 2021.

The Stewards hereby find the following:

The official blood samples #E432592 taken on 9/04/2021 and #E432625 taken on 9/09/21 and were reported by Industrial Laboratories, the official testing laboratory, to contain Diclofenec which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for Diclofenec is 5 ng/ml in blood. Sample #E432592 contained 108 ng/ml and sample #E432625 contained 29.3 ng/ml of the drug, which in both samples is above the permissible threshold for this drug. The sample #E432592 was taken from the Three (3) horse, "Willie the Whale", which ran in the 2<sup>nd</sup> Race on 9/04/21, finishing First (1<sup>st</sup>). Sample #E432625 was taken from the Five (5) horse "Sonde St Blues", which ran in the 8<sup>th</sup> race on 9/09/21, finishing First (1<sup>st</sup>).

Mr. Ramos-Agosto elected not to have a split samples tested.

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

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

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

Pursuant to 178 W. Va. C.S.R. 1, Table 178-1 F, the post-race threshold for Diclofenec is 5 ng/ml in the blood. Because the amount of Diclofenec in both "Willie the Whale" and "Sonde St Blues" exceeded the acceptable threshold set forth in Table 178-1 F, Mr. Ramos-Agosto may be held responsible and his occupational permit disciplined pursuant to 178 W. Va. C.S.R. 1, sections 49.a.1. and 51.1.a.

Because of mitigating circumstances, the Diclofenec positives in "Willie the Whale" and "Sonde St Blues" will be considered as one violation in this category for a medication/substance violation in a 365 days period.

The permit holder has accumulated 0 points under the multiple medication violation point system as a result of the issuance of. Mr. Ramos-Agosto is assessed ½ point for these Diclofenec medication/substance violations pursuant to section 49.3.m. of 178 of W.Va.C.S.R.1.

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

1. **(Mitigating) The Permit holder's past record:** The permit holder has no violations in the last 365 days
2. **(Mitigating) The potential of the drug to influence the horse's racing performance:** Pursuant to 178 W. Va. C.S.R. 1, section 49.2.d, Class 4 drugs may influence performance, but generally have a more limited ability to do so. This is a

mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication; to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it races, and to ensure the integrity of racing so that horse aren't racing under the effect of a medication that could affect performance.

3. **(Mitigating) The legal availability of the drug:** Diclofenec 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:** While notifying Mr. Ramos-Agosto about his violations he stated that he knew of no way that both of his horses were treated with the drug, Diclofenec. Upon returning to the barn he questioned his workers to find out if anything was done different. One man came forth to state that he went to Walmart and purchased a cream. That cream contained Diclofenec Sodium, 1%. Mr. Ramos-Agosto stated that he didn't request them to purchase or order his employee to administer the cream to his horses.
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 Diclofenec 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. 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:** Both races in question were \$5000 claiming races with a \$13,200 purse, The Stewards place no weight, either aggravating or mitigating, based upon the purses in this case.
8. **Whether the drug found was one for which the drug was receiving a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with Diclofenec 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:** It was established the horse had been treated with Diclofenec by a groom. 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. Ramos-Agosto's horse "Willie the Whale" will be disqualified from all purse money and will have a total of ½ point on his record. Also: Mr. Ramos-Agosto's horse "Sonde St Blues" will be disqualified from all purse money.

Re-Distributions are as followed.

September 4, 2021                      Race #1  
"Willie the Whale" is disqualified from all purse money

1. #4 Kickin' Kirby
2. #5 Truth Serum
3. #7 Gunter
4. #2 Grandpa Munster
5. #1 Tiz Auction Time
6. #6 Rioja Palace

September 9, 2021                      Race #8  
"Sonde St Blues" is disqualified from all purse money;

1. #6 Hard Being Me
2. #7 Brilliant Ideas
3. #4 Lucky Penguin
4. #2 Meldon
5. #1 Becoming Smitty

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

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: October 2, 2021

BY ORDER OF THE STEWARD:

DANNY R. WRIGHT

DENVER K. BECKNER

L. ROBERT LOTTS

**RULING #70**

Jockey, **Fredy Peltroche**, Permit #42717 DOB 02/07/1997 is fined **One hundred dollars (\$100.00)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

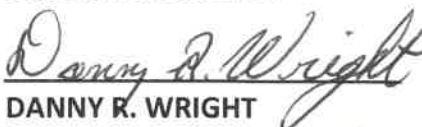
Jockey **Peltroche** used his crop excessively in **Race 2** on **Friday October 1, 2021.**

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

BY ORDER OF THE STEWARDS:



DENVER K. BECKNER



DANNY R. WRIGHT



L. ROBERT LOTTS

**RULING #71**

Jockey, **Alexis Rios Conde**, Permit #47376 DOB 08/18/1978 is fined **One hundred dollars (\$100.00)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

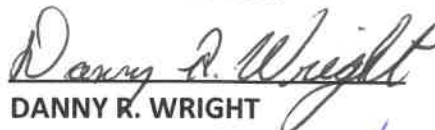
Jockey **Rios Conde** used his crop excessively in **Race 3** on **Friday October 1, 2021.**

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

BY ORDER OF THE STEWARDS:

A blue ink signature of Denver K. Beckner, written in a cursive style.

DENVER K. BECKNER

A blue ink signature of Danny R. Wright, written in a cursive style.

DANNY R. WRIGHT

A blue ink signature of L. Robert Lotts, written in a cursive style.

L. ROBERT LOTTS

**RULING #72**

Jockey, **Victor A. Rodriguez** Permit #46496 DOB; 07/12/1981 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 **Rodriguez** failed to make his reported weight on **Friday October 1, 2021**.

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

**BY ORDER OF THE STEWARDS:**

A handwritten signature in 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 "Danny R. Wright", written over a horizontal line.

**DANNY R. WRIGHT**

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

**L. ROBERT LOTTS**



**RULING #73**

Jockey, **John Hiraldo** Permit #47178 DOB; 07/19/2001 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.

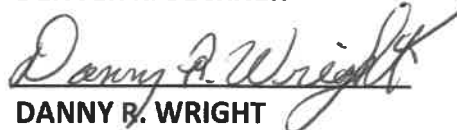
Jockey **Hiraldo** failed to make his reported weight on **Friday October 1, 2021**.

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

**BY ORDER OF THE STEWARDS:**

A handwritten signature in 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 "Danny B. Wright", written over a horizontal line.

**DANNY B. WRIGHT**

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

**L. ROBERT LOTTS**

**RULING #74**

Jockey, **Antonio Lopez** Permit #43480 DOB; 01/21/1987 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 **Lopez** failed to make his reported weight on **Friday October 1, 2021**.

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

**BY ORDER OF THE STEWARDS:**

A handwritten signature in 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 "Danny R. Wright", written over a horizontal line.

**DANNY R. WRIGHT**

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

**L. ROBERT LOTTS**

**RULING #75**

Jockey, **Victor A. Rodriguez** Permit #46496 DOB; 07/12/1981 is fined **One Hundred (\$100.00)** for being in violation of **Rule 178-1-45.5d** applicable part which reads. Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision.

Jockey **Rodriguez** failed to make his reported weight on **Saturday October 2, 2021**.

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

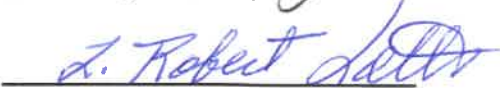
**BY ORDER OF THE STEWARDS:**

A handwritten signature in 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 "Danny R. Wright", written over a horizontal line.

**DANNY R. WRIGHT**

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

**L. ROBERT LOTTS**

**RULING #76**

Jockey, **Antonio Lopez** Permit #43480 DOB; 01/21/1987, is hereby fined **One Hundred (\$100) Dollars** for violation of West Virginia Rule of Racing Number **178-1-28.3.b**, which reads: "A jockey shall faithfully fulfill all engagements in respect to racing."

**Mr. Lopez** failed to fulfill his riding engagements on **Saturday October 2, 2021**.

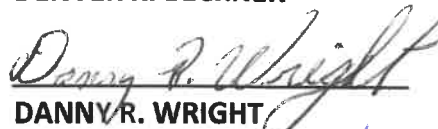
All fines imposed by the stewards shall be paid to the Racing Commission within seven days (7) calendar days after the ruling is issued, unless otherwise ordered by the stewards.

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

**BY ORDER OF THE STEWARDS:**

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 "Danny R. Wright", written over a horizontal line.

**DANNY R. WRIGHT**

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

**L. ROBERT LOTTS**

**RULING #77**

Jockey, **Christian Hiraldo**, Permit #47173 DOB 08/16/1992 is fined **One hundred dollars (\$100.00)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

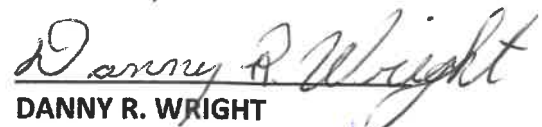
Jockey **Hiraldo** used his crop excessively in **Race 7** on **Friday October 8, 2021.**

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

**BY ORDER OF THE STEWARDS:**



**DENVER K. BECKNER**



**DANNY R. WRIGHT**



**L. ROBERT LOTTS**

**RULING #78**

Jockey, **Arnaldo Bocachica**, Permit #46998 DOB 06/20/1988 is fined **One Hundred Dollars (\$100.00)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

Jockey **Bocachica** used his crop excessively in **Race 4** on **Saturday October 9, 2021.**

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

**BY ORDER OF THE STEWARDS:**



**DENVER K. BECKNER**



**DANNY R. WRIGHT**



**L. ROBERT LOTTS**

**RULING #79**

Jockey, **Fredy Peltroche**, Permit #42717 DOB 02/07/1997 is fined **Two hundred dollars (\$200.00)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

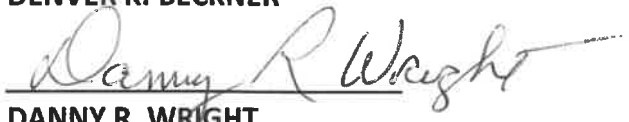
Jockey **Peltroche** used his crop excessively in **Race 6** and **Race 7** on **Saturday October 16, 2021.**

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

**BY ORDER OF THE STEWARDS:**



**DENVER K. BECKNER**



**DANNY R. WRIGHT**



**L. ROBERT LOTTS**

**RULING #80**

Jockey, **Arnaldo Bocachica**, Permit #46998 DOB 06/20/1988 is fined **Two Hundred Fifty Dollars (\$250.00) (4<sup>th</sup> Violation)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

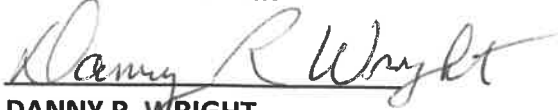
Jockey **Bocachica** used his crop excessively in **Race 2** on **Saturday October 16, 2021.**

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

**BY ORDER OF THE STEWARDS:**



**DENVER K. BECKNER**



**DANNY R. WRIGHT**



**L. ROBERT LOTTS**



**RULING #81**

Jockey, **Victor A. Rodriguez** Permit #46496 DOB 07/12/1981 is fined **One hundred dollars (\$100.00)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

Jockey **Rodriguez** used his crop excessively in **Race 6** on **Saturday October 16, 2021.**

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

**BY ORDER OF THE STEWARDS:**

A handwritten signature in 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 "Danny R. Wright", written over a horizontal line.

**DANNY R. WRIGHT**

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

**L. ROBERT LOTTS**

**RULING #82**

Jockey, **Christian Hiraldo**, Permit #47173 DOB 08/16/1992 is fined **One hundred dollars (\$100.00)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

Jockey **Hiraldo** used his crop excessively in **Race 3** on **Wednesday October 20, 2021.**

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

**BY ORDER OF THE STEWARDS:**

A handwritten signature in 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 #83**

Jockey, **Christian Hiraldo**, Permit #47173 DOB 08/16/1992 is fined **Two hundred Fifty dollars (\$250.00) (4<sup>th</sup> Violation)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

Jockey **Hiraldo** used his crop excessively in **Race 7** on **Wednesday October 20, 2021.**

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

**BY ORDER OF THE STEWARDS:**

A handwritten signature in 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 #84**

Jockey, **Arnaldo Bocachica**, Permit #46998 DOB 06/20/1988 is fined **Two Hundred Fifty Dollars (\$250.00) (5<sup>th</sup> Violation)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

Jockey **Bocachica** used his crop excessively in **Race 7** on **Saturday October 21, 2021.**

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

**BY ORDER OF THE STEWARDS:**

A handwritten signature in 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 #85**

Jockey, **Jason Simpson**, Permit #47205 DOB 07/16/1985 is fined **One hundred dollars (\$100.00)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

Jockey **Simpson** used his crop excessively in **Race 5** on **Friday October 22, 2021.**

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

**BY ORDER OF THE STEWARDS:**

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

**DENVER K. BECKNER**

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

**L. ROBERT LOTTS**

**RULING #86**

Jockey **Juan De Dios Acosta**, Permit: #44312 DOB: 10/03/1981 is fined **Five Hundred (\$500.00)** for using profane and indecent language over the phone to the **Board of Stewards** after the **3<sup>rd</sup> race on Friday October 22, 2021**. **Mr. Acosta** is in violation of **WVRC rule 24.11.g. that reads:** has used profane, indecent or vulgar language to any racing official.

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

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

**Dated: October 23, 2021**

**BY ORDER OF THE STEWARDS:**

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 #87**

Jockey, **Victor A. Rodriguez** Permit #46496 DOB; 07/12/1981 is fined **One Hundred (\$100.00)** for being in violation of **Rule 178-1-45.5d** applicable part which reads. Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision.

Jockey **Rodriguez** failed to make his reported weight on **Saturday October 23, 2021**.

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

**BY ORDER OF THE STEWARDS:**

A handwritten signature in 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 #88**

Jockey, **Arnaldo Bocachica**, Permit #46998 DOB 06/20/1988 is fined **Two Hundred Fifty Dollars (\$250.00) (6<sup>th</sup> Violation)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

Jockey **Bocachica** used his crop excessively in **Race 7** on **Saturday October 23, 2021.**

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

**BY ORDER OF THE STEWARDS:**

  
DENVER K. BECKNER  
L. ROBERT LOTTS



**RULING #89**

Jockey, **Juan De Dios Acosta** Permit: #44312, DOB: 10/03/1981 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, **Acosta** let his mount **"Big Boy Potts"** bump with and intimidate **"Goodluckwiththat"** down the backside and once in the stretch in the **Third Race, Friday October 22, 2021**.

**"Big Boy Potts" was disqualified from First (1<sup>st</sup>) and placed Second (2<sup>nd</sup>)**

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:

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 #90**

Jockey, **Arnaldo Bocachica**, Permit #46998 DOB 06/20/1988 is fined **Five Hundred Dollars (\$500.00) (7<sup>th</sup> Violation)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

Jockey **Bocachica** used his crop excessively in **Race 8** on **Wednesday October 27, 2021.**

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

**BY ORDER OF THE STEWARDS:**

A handwritten signature in 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 #91**

Jockey, **Alexis Rios Conde**, Permit #47376 DOB 08/18/1978 is fined **One hundred dollars (\$100.00)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

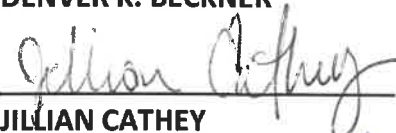
Jockey **Rios Conde** used his crop excessively in **Race 4 on Saturday October 30, 2021.**

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

**BY ORDER OF THE STEWARDS:**



**DENVER K. BECKNER**



**JILLIAN CATHEY**



**L. ROBERT LOTTS**

**RULING #92**

Jockey, **Wesley Ho**, Permit #47167 DOB 05/09/1986 is fined **One hundred dollars (\$100.00)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

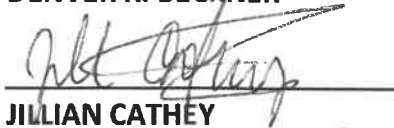
Jockey **Ho** used his crop excessively in **Race 6** on **Saturday October 30, 2021.**

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

**BY ORDER OF THE STEWARDS:**



**DENVER K. BECKNER**



**JILLIAN CATHEY**



**L. ROBERT LOTTS**

**RULING #93**

Jockey, **Jerry Villegas** Permit: #47181, DOB: 08/22/1992 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, **Villegas** let his mount "**Excuses Excuses**" come in nearing the sixteenth pole causing interference to "**Pettyfourthoughts**" in the **Fourth Race, Friday, October 29, 2021**.

**"Excuses Excuses" was disqualified from Third (3<sup>rd</sup>) and placed Fifth (5<sup>th</sup>)**

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

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

BY ORDER OF THE STEWARDS:



DENVER K. BECKNER



JILLIAN CATHEY



L. ROBERT LOTTS

**RULING #94**

Jockey, **Arnaldo Bocachica**, Permit #46998 DOB 05/09/1986 is fined **Five hundred dollars (\$500.00) (8<sup>th</sup> Violation)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

Jockey **Bocachica** used his crop excessively in **Race 1** on **Thursday November 4, 2021.**

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

**BY ORDER OF THE STEWARDS:**



**DENVER K. BECKNER**



**JILLIAN CATHEY**



**L. ROBERT LOTTS**

**RULING #95**

Jockey, **Antonio Lopez**, Permit #43480 DOB 01/21/1987 is fined **One hundred dollars (\$100.00)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

Jockey **Lopez** used his crop excessively in **Race 1** on **Friday November 5, 2021.**

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

**BY ORDER OF THE STEWARDS:**

A handwritten signature in 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 "Jillian Cathey", written over a horizontal line.

**JILLIAN CATHEY**

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

**L. ROBERT LOTTS**

**RULING #96**

Jockey, **Christian Hiraldo** Permit #47173 DOB; 08/16/1992 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 **Hiraldo** failed to make his reported weight on **Saturday 6, 2021**.

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

**BY ORDER OF THE STEWARDS:**



**DENVER K. BECKNER**



**JILLIAN CATHEY**



**L. ROBERT LOTTS**



**RULING #97**

Jockey, **Victor A. Rodriguez** Permit #46496 DOB 07/12/1981 is fined **Two hundred fifty dollars (\$250.00)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

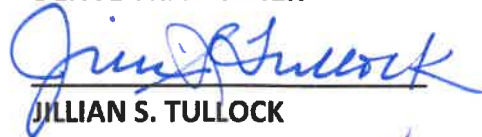
Jockey **Rodriguez** used his crop excessively in **Race 5** on **Wednesday 17, 2021.**

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

**BY ORDER OF THE STEWARDS:**



**DENVER K. BECKNER**



**JILLIAN S. TULLOCK**



**L. ROBERT LOTTS**

**RULING #98**

Jockey, **Angel Cruz** Permit: #45591, DOB: 03/29/1995 is hereby fined **\$500.00 (FIVE HUNDRED DOLLARS)** for violation of **Rule of Racing, Number 178-1-45.7.c.1**, which reads: "When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede or intimidate any other horse, it is a foul."

Jockey, **Cruz** let his mount "**Momza**" bump with "**Are You Happy**" and elbowed that rival in the head past the quarter pole in the **Fourth Race, Friday November 19, 2021.**

**"Momza" was disqualified from Second (2<sup>nd</sup>) and placed Third (3<sup>rd</sup>)**

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

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

BY ORDER OF THE STEWARDS:



DENVER K. BECKNER



L. ROBERT LOTTS



JILLIAN S. TULLOCK

**RULING #99**

Jockey, **Victor A. Rodriguez** Permit #46496 DOB 07/12/1981 is fined **Two hundred fifty dollars (\$250.00) 5<sup>th</sup> Violation** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

Jockey **Rodriguez** used his crop excessively in **Race 4** on **Friday November 19, 2021.**

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

**BY ORDER OF THE STEWARDS:**

A handwritten signature in 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 "Jillian S. Tullock", written over a horizontal line. To the right of the signature is a circular stamp containing the letters "DKB".

**JILLIAN S. TULLOCK**

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

**L. ROBERT LOTTS**

**RULING #100**

Jockey, **Carlos Eduardo Lopez** Permit #45691 DOB; 03/06/1991 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 **Lopez** failed to make his reported weight on **Saturday November 20, 2021**.

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

**BY ORDER OF THE STEWARDS:**



**DENVER K. BECKNER**



**JILLIAN S. TULLOCK**



**L. ROBERT LOTTS**

**RULING #101**

Jockey, **Carlos Eduardo Lopez** Permit #45691 DOB; 03/06/1991 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, **Lopez** let his mount "**Curlee Fox**" come in down the lane and impede with "**Northern Ridge**" causing that rival to take up sharply in the **Seventh Race, Friday November 26, 2021**.

**"Curlee Fox" was disqualified from Fourth (4<sup>th</sup>) and placed Fifth (5<sup>th</sup>)**

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

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

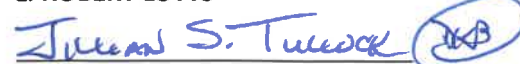
BY ORDER OF THE STEWARDS:



DENVER K. BECKNER



L. ROBERT LOTTS



JILLIAN S. TULLOCK

**RULING #102**

Jockey, **Alexis Rios Conde**, Permit #47376 DOB 08/18/1978 is fined **Two hundred Fifty dollars (\$250.00)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond

Jockey **Rios Conde** used his crop excessively in **Race 1** on **Saturday November 27, 2021.**

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

BY ORDER OF THE STEWARDS:



DENVER K. BECKNER

 TKB

JILLIAN S. TULLOCK



L. ROBERT LOTTS

**RULING #103**

Jockey, **Wesley Ho**, Permit #47167 DOB 05/09/1986 is fined **Two hundred fifty dollars (\$250.00)** for being in violation of **Rules 178-1-45.7.f.5.** applicable part which reads. A rider who elects to use a riding crop, may not: **45.7.f.5.A.** Use the crop more than six (6) times during the race; and **45.7.f.5.B.** Use the crop more than two (2) times without allowing the horse to respond


Jockey **Ho** used his crop excessively in **Race 6** on **Thursday December 2, 2021.**

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

**BY ORDER OF THE STEWARDS:**



**DENVER K. BECKNER**



**JILLIAN CATHEY**



**L. ROBERT LOTTS**

**RULING #104**

Jockey, **Victor A. Rodriguez** Permit #46496 DOB; 07/12/1981 is fined **One Hundred (\$100.00)** for being in violation of **Rule 178-1-45.5d** applicable part which reads. Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision.

Jockey **Rodriguez** failed to make his reported weight on **Saturday December 4, 2021.**

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

**BY ORDER OF THE STEWARDS:**



**DENVER K. BECKNER**



**L. ROBERT LOTTS**



**JILLIAN S. TULLOCK**



**RULING NUMBER #105**

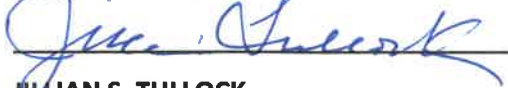
**Jockey, Wesley Ho, Permit #47167 DOB 05/09/1986; Board of Stewards Ruling #103 dated December 3, 2021 is hereby rescinded having been issued in error**

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

**BY ORDER OF THE STEWARDS:**

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 "Julian S. Tullock", written over a horizontal line.

**JULIAN S. TULLOCK**

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

**L. ROBERT LOTTS**

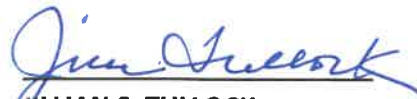
**RULING #106**

**Jockey Agent's** license of **Vanessa Peltroche**, Permit #47143 DOB 05/26/1984 has been rescinded without prejudice upon application as an **Owner**.

**BY ORDER OF THE STEWARDS:**



**DENVER K. BECKNER**



**JILLIAN S. TULLOCK**



**L. ROBERT LOTTS**

## RULING #107

Owner/Trainer Kevin S. Patterson

Permit #42994

On December 10, 2021, the Board of Stewards offered a hearing to Owner/Trainer, Kevin S. Patterson, Permit #42994, DOB 01/13/1960 to which he waived his right to a hearing regarding a medication violation pertaining to her horse "Go Daddy" who finished first (1<sup>st</sup>) in the sixth (6<sup>th</sup>) race on Wednesday September 29, 2021.

The Stewards hereby find the following: The official blood sample #E432770, taken on 09/29/2021 was reported by Industrial Laboratories, the official testing laboratory, to contain Hydroxyethylpromazine sulfoxide which are Class 3 drugs, with a B Penalty, designation. Sample #E432770 contained Hydroxyethylpromazine sulfoxide confirmed in urine at 16.6ng/ml. The sample was taken from the Six (6) horse, "Go Daddy", which ran in the 6<sup>th</sup> Race on 09/29/2021, finishing first.

Mr. Patterson elected to have a split sample tested. The split #E432770 was sent to Texas A&M Veterinary Medical Diagnostic Laboratory and was received on 11/18/2021 and reported on 12/9/2021. Sample #E432770 contained 17.35 +/- 0.44 ng/ml which is above the permissible level for this drug, confirming the presences of the drug Hydroxyethylpromazine sulfoxide

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

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

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

Pursuant to 178 W. Va. C.S.R. 1, Table 178-1 F, Because the amount of Hydroxyethylpromazine sulfoxide in "Go Daddy" exceeded the acceptable threshold set forth in Table 178-1 F. Mr. Patterson 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 Hydroxyethylpromazine sulfoxide positive in "Go Daddy" is Mr. Patterson's First Offense in this category for a medication/substance violation in a 365 days period.

The permit holder has accumulated 0 points under the multiple medication violation point system as a result of this issuance. Mr. Patterson is assessed ½ point for this Hydroxyethylpromazine sulfoxide 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 any 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 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's aren't racing under the effect of a medication that could affect performance.

3. **(Mitigating) The legal availability of the oral application: Hydroxyethylpromazine sulfoxide** 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:** The trainer admitted to the treatment of the horse "Go Daddy" with **Hydroxyethylpromazine sulfoxide** and thought the treatment 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.
5. **The probability of environmental contamination exposure due to human use:** This factor is not applicable to this case.
6. **The purse of the race:** The race in question was a Claiming race with a **\$14,300 purse**. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.
7. **Whether the drug found was one for which the horse was receiving as a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with **Hydroxyethylpromazine sulfoxide** therefore, this factor is not considered in weighing the penalty in this case.
8. **Whether there was any suspicious betting pattern in the race:** There is no evidence of a suspicious betting pattern in this case and therefore, this factor is not considered in weighing the penalty in this case.

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

**Mr. Patterson's horse "Go Daddy" will be disqualified from all purse money and Mr. Patterson will have a total of ½ point on his record. The Hydroxyethylpromazine sulfoxide positive, being the first medication violation in this class category in 365 days. Mr. Patterson is fined \$1000.00 dollars.**

**The horse "Go Daddy" is disqualified from all purse money. Redistribution is as following:**

1. #3 Fluent in Sarcasm
2. #4 Wizard of Odds
3. #1 Gattosing
4. #2 Union Grace
5. #8 Shackled
6. #7 Taneleer

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

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

**Dated: December 10, 2021**

**BY ORDER OF THE STEWARDS:**



**DENVER K. BECKNER**



**L. ROBERT LOTTS**

**RULING #108**

Owner/Trainer **Crystal Pickett**, Permit #40982, DOB 09/24/1980, is hereby fined **Two Hundred Fifty Dollars (\$250.00)** for not having the horse, "**Sunman**" in the paddock at the appointed time for the running of the **First (1<sup>st</sup>) Race on Thursday December 9, 2021** necessitating a late scratch, **Per Rule of Racing #178-1-26.3.g**, which states "Each Trainer is responsible for presenting his or her horse and being present in the paddock at a time appointed before post time of the race in which the horse is entered."

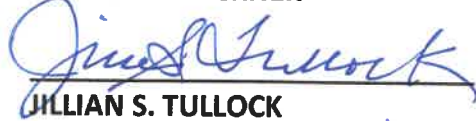
All fines imposed by the stewards shall be paid to the Racing Commission within (7) Calendar days after the ruling is issued, unless otherwise ordered by the stewards.

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

**BY ORDER OF THE STEWARDS:**



**DENVER K. BECKNER**



**JILLIAN S. TULLOCK**



**L. ROBERT LOTTS**

**RULING #109****Owner/Trainer, Donald C. Barber****Permit #42796**

On Friday December 10, 2021 the Board of Stewards offered a hearing to **Owner/Trainer, Donald C. Barber Permit #42796, DOB 04/06/1940** to which he waived his right to a hearing regarding a medication violation pertaining to his horse **"Forever Takes Time"** who finished first (1<sup>st</sup>) in the Third (3<sup>rd</sup>) race on Saturday November 20, 2021.

The Stewards hereby find the following: The official blood sample **#E433146** taken on **11/20/21** was reported by Industrial Laboratories, the official testing laboratory, to contain **Flunixin and Phenylbutazone** which are a Class 4 drugs, with a C Penalty, designation. Sample **#E433146** contained **6.79 ng/ml of Flunixin** and **1.15 ug/ml of Phenylbutazone**, which is above the permissible thresholds for these drugs when stacked together. The sample was taken from the **Four (4) horse, "Forever Takes Time"**, which ran in the **3<sup>rd</sup> Race on 11/20/21, finishing first.**

**Mr. Barber** 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**,. Because the amount of **Flunixin and Phenylbutazone** in **"Forever Takes Time"** exceeded the acceptable threshold set forth in **Table 178-1 F**, **Mr. Barber** 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.**

This Stacking violation is **Mr. Barber's** 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. Barber** is assessed **½ point** for this medication/substance violation pursuant to section **49.3.m. of 178 of W.Va.C.S.R.1.**

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

1. **(Mitigating) The Permit holder's past record:** The permit holder has never had a medication violation in his life.
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:** Flunixin and Phenylbutazone are 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 **Flunixin and Phenylbutazone** was done within the withdrawal guidelines and dosing specifications set forth in **178 W. Va. C.S.R. 1, Table 178-1 F**, so as to avoid a positive. Therefore this factor is not considered in weighing the penalty in this case.
6. **The probability of environmental contamination exposure due to human use:** This factor is not applicable to this case.
7. **The purse of the race:** The race in question was a **Allowance** race with a **\$30,800 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 **Flunixin and Phenylbutazone**. Therefore, this factor is not considered in weighing the penalty in this case.
9. **Whether there was any suspicious betting pattern in the race:** There is no evidence of a suspicious betting pattern in this case and therefore, this factor is not considered in weighing the penalty in this case.
10. **Whether the trainer was acting under the advice of a veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated with **Flunixin and Phenylbutazone** by a veterinarian. Therefore, this factor is not considered in weighing the penalty in this case.

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

**Mr. Barber will be fined Two Hundred Fifty Dollars (250.00)**

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

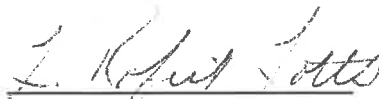
You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 Days of your receipt of this Ruling and must include a security fee in the amount of \$500.00.

**Dated: December 14, 2021**

**BY ORDER OF THE STEWARD:**



**DENVER K. BECKNER**



**L. ROBERT LOTTS**

## RULING #110

Trainer, Kevin J. Joy

Permit #42715

On December 14, 2021, the Board of Stewards offered a hearing to Trainer, Kevin J. Joy, Permit #42715, DOB 03/18/1965 to which he waived his right to a hearing regarding a medication violation pertaining to his horse "Church of Many" who finished fourth (4<sup>th</sup>) in the fourth (4<sup>th</sup>) race on Thursday November 25, 2021.

The Stewards hereby find the following:

The official blood sample #E42715, taken on 11/25/21 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 blood. Sample #E42715 contained 3.1 ng/ml of the drug, which is above the permissible threshold for this drug. The sample was taken from the Three (3) horse, "Church of Many", which ran in the 4<sup>th</sup> Race on 11/25/21, finishing Fourth (4<sup>th</sup>).

Mr. Joy elected not to have a split sample tested

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

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

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

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

The Methocarbamol positive in "Church of Many" is Mr. Joy's First Offense in this category for a medication/substance violation in a 365 days period.

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

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

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



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

3. **(Mitigating) The legal availability of the drug: Methocarbamol** is legally available.
4. **Whether there is reason to believe the permit holder knew of the administration of the drug or intentional administered the drug:** Inasmuch as there was no hearing in this matter it was not established whether or not the permit holder knew of the administration of the drug, or the circumstances under which the drug may have been given. Therefore this factor is not considered in weighing the penalty in this case.
5. **The steps taken by the trainer to safeguard the horse:** Inasmuch as there was no hearing in this case it is unknown what efforts the trainer made to ensure that the treatment of the horse with **Methocarbamol** was done within the withdrawal guidelines and dosing specifications set forth in **178 W. Va. C.S.R. 1, Table 178-1 F**, so as to avoid a positive. Therefore this factor is not considered in weighing the penalty in this case.
6. **The probability of environmental contamination exposure due to human use:** This factor is not applicable to this case.
7. **The purse of the race:** The races in question was an **Claiming** race with a **\$13,200** purse. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.
8. **Whether the drug found was one for which the drug was receiving a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with **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. Joy's horse "Church of Many" will be disqualified from all purse money and will have a total of ½ points on his record. With the Methocarbamol positive being his first medication violation in 365 days, Mr. Joy is fined \$1000 dollars.**

**The horse "Church of Many" is disqualified from all purse money; Re-Distribution is as following.**

1. #8 Willie the Whale
2. #1 Truth Serum
3. #6 Jess's Reserve
4. #4 Gunter
5. #2 More Thunder
6. #7 Joeyville


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

**Dated: December 16, 2021**

**BY ORDER OF THE STEWARDS:**



**DENVER K. BECKNER**



**L. ROBERT LOTTS**

**RULING #111**

Jockey **Wladimir Rocha** Permit #47090 DOB; 08/22/1979 is fined **One Hundred dollars (\$100.00)** for being in violation of **Rule 178-1-45.5d** applicable part which reads. Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision.

Jockey **Rocha** failed to make his reported weight on **Wednesday December 15, 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 (\$500.00) Dollars.

**BY ORDER OF THE STEWARDS:**

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 #112**

Jockey, **Keimar Trotman**, Permit: #41493, DOB: 09/26/1997 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, **Trotman** let his mount "**Running Roy**" come in crossing the chute bumping with "**Magic of Love**" and interfering with "**Split the Rock**" in the **First Race, Friday December 17, 2021**.

**"Running Roy" was disqualified from First (1<sup>st</sup>) and placed Third (3<sup>rd</sup>)**

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:

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 #113**

Jockey, **Jason Simpson**, Permit: #47205, DOB: 07/16/1985 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, **Simpson** let his mount "**Kalenjin**" come in near the quarter pole interfering with "**Dinner at Five**" in the **Ninth Race, Friday December 17, 2021.**

**"Kalenjin" was disqualified from Second (2<sup>nd</sup>) and placed Fifth (5<sup>th</sup>)**

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:

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