CHARLES TOWN RACES **STEWARDS RULINGS** **JANUARY 21, 2022**

RULING #1

Jockey, **Sunday Diaz Jr., Permit** #47210 **DOB**; 08/17/2000, is hereby fined **Two Hundred ($200.00) 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. Diaz Jr. failed to fulfill his riding engagements on **Saturday January 15, 2022** necessitating a late scratch in the **4th race.**

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

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

BY ORDER OF THE STEWARDS:

DENVER K. BECKNER

DANNY R. WRIGHT

L. ROBERT LOTTS

CHARLES TOWN RACES **STEWARDS RULINGS** **JANUARY 28, 2022**

RULING #2

Authorized Agent for Owner **Law Legacy Stable LLC and Ronney W. Brown**: **Joel Weiner** Authorize Agent, **Permit** #49381; **DOB** 10/24/1945, license has been rescinded per request of **Ronney W. Brown.**

BY ORDER OF THE STEWARDS:

DENVER K. BECKNER

DANNY R. WRIGHT

L. ROBERT LOTTS

CHARLES TOWN RACES **STEWARDS RULINGS** **FEBRUARY 5, 2022**

RULING #3

Jockey, **Keimar Trotman, Permit**: #50088, **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 **"Freedom is Ringing"** come in crossing the chute bumping with **"Black Candy"** in the **Seventh Race, Thursday February 3, 2022.**

"Freedom is Ringing" was disqualified from Fourth (4th) and after another horse being disqualified in an incident at the eighth pole "Freedom is Ringing" was placed Fourth (4th)

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

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

BY ORDER OF THE STEWARDS:

DENVER K. BECKNER

DANNY R. WRIGHT

L. ROBERT LOTTS

CHARLES TOWN RACES **STEWARDS RULINGS** **FEBRUARY 5, 2022**

RULING #4

Jockey, **Luis A. Batista** Permit: #47242, DOB: 05/07/1990 is **suspended Three racing days, Thursday February 10, Friday February 11, and Saturday February 12, 2021** 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, **Batista** let his mount **"Impetuous"** drift out nearing the eighth pole causing **"Black Candy"** to take up and drift out into **"Freedom is Ringing"** in the **Seventh Race, Thursday February 3, 2022.**

"Impetuous" was disqualified from third (3rd) and placed fifth (5th).

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

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

BY ORDER OF THE STEWARDS:

DENVER K. BECKNER

DANNY R. WRIGHT

L. ROBERT LOTTS

CHARLES TOWN RACES **STEWARDS RULINGS** **FEBRUARY 10, 2022**

RULING #5

Trainer Georgina Baxter Permit #46507

On **January 15, 2022,** the Board of Stewards offered a hearing to **Trainer, Georgina Baxter, Permit #46507, DOB 06/03/1974.** The hearing took place at **10:00 am** on **February 1, 2022** regarding a medication violation pertaining to her horse **"R Adios Jersey"** who finished **first (1st)** in the eleventh **(11th)** race on **Friday August 27, 2021.**

The Stewards hereby find the following: The official blood sample **#E432550,** taken on **08/27/2021** was reported by Industrial Laboratories, the official testing laboratory, to contain **Flunixin** which is **Class 4** drug, with a **C Penalty**, designation. Sample **#E432550** contained **Flunixin** confirmed in the blood at **1121 ng/ml**. The sample was taken from the **Eight (8) horse, "R Adios Jersey"**, which ran in the **11th Race on 08/27/2022, finishing first.**

Ms. Baxter elected to have a split sample tested. The split **#E432550** was sent to **New York Drug Testing and Research Program** and was received **on 10/13/2021** and reported on **10/27/2021.** Sample **#E432550 contained 985 ng/ml** which is above the permissible level for this drug, confirming the presences of the drug **Flunixin.**

Ms. Baxter also elected to have a blood sample sent to the **Veterinary Genetics Laboratory School of Veterinary Medicine** at the **University of California, Davis.** The **DNA** profile obtained from the blood sample **E432550** tested as **FCH323-1,** was identical to the **DNA** on file for the filly **"R Adios Jersey".** The **DNA** database of over **3.3 million horses** revealed one match to this profile, **"R Adios Jersey".**

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** in **"R Adios Jersey"** exceeded the acceptable threshold set forth **in Table 178-1 F. Ms. Baxter** may be held responsible and her occupational permit disciplined pursuant to **178 W. Va. C.S.R. 1. sections 49.4.a.2.** and **51.1.a.**

The **Flunixin** positive in **"R Adios Jersey"** is **Ms. Baxter'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. **Ms. Baxter** is assessed **½ point** for this **Flunixin** medication/substance violation pursuant to section **49.3.m. of 178 of W.Va.C.S.R.1.**

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

1. ***(Mitigating)*** **The Permit holder's past record:** The permit holder has no violations in this class category in the last **365 days.**
2. ***(Mitigating)*** **The potential of the drug to influence the horse's racing performance:** Pursuant to **178 W. Va. C.S.R. 1,** section **49.2.d, Class 4** drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication, to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it races, and to ensure the integrity of racing so that horse's aren't racing under the effect of a medication that could affect performance.
3. ***(Mitigating)*** **The legal availability of the oral application: Flunixin** is legally available.
4. **Whether there is reason to believe the permit holder knew of the administration of the drug or intentional administered the drug:** The trainer admitted to the treatment of the horse **"R Adios Jersey"** with **Flunixin or Ketophen** 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 **Grade 3** race with a **$400,000 Guaranteed 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:** The horse was being treated by a veterinarian with **Flunixin** therefore, this factor is 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:
Ms. Baxter's horse "R Adios Jersey" will be disqualified from all purse money, this disqualification is justified due to the irrefutable drug positive, and **Ms. Baxter will have a total of ½ points on her record.** The **Flunixin** positive, **being the first medication** violation in this class category in **365** days. **Ms. Baxter is fined $1000.00 dollars.**

The horse "R Adios Jersey" is disqualified from all purse money. Redistribution is as following:

1. **#8 Pauline's Pearl**
2. **#10 Allworthy**
3. **#1 Caramel Swirl**
4. **#9 Miss Leslie**
5. **#5 Fabricate**
6. **#2 Street Lute**

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

You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 Days of your receipt of this Ruling and must include a security fee in the amount of $500.00.
Dated: February 10, 2022

BY ORDER OF THE STEWARDS:

DENVER K. BECKNER	**L. ROBERT LOTTS**	**DANNY R. WRIGHT**

CHARLES TOWN RACES **STEWARDS RULING** **February 10, 2022**

RULING #6

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 **Saturday February 5, 2022.**

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

DANNY R. WRIGHT

CHARLES TOWN RACES **STEWARDS RULINGS** **FEBRUARY 12, 2022**

RULING #7

Jockey, **Arnaldo Bocachica** Permit: #46998, DOB: 06/20/1988 is **suspended three racing days, Thursday February 17, Friday February 18, and Saturday February 19, 2022** for violation of **Rule of Racing, Number 178-1-45.7.c.1**, which reads: "When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede or intimidate any other horse, it is a foul."

Jockey **Bocachica** let his mount **"Perth Amboy"** come in nearing the sixteenth pole causing "**Strong Safty**" to clip heels, unseating his rider in the **Third Race, Thursday February 10, 2022.**

"Perth Amboy" was disqualified from third (3rd) and placed seventh (7th).

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

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

BY ORDER OF THE STEWARDS:

DENVER K. BECKNER

DANNY R. WRIGHT

L. ROBERT LOTTS

CHARLES TOWN RACES **STEWARDS RULINGS** **FEBRUARY 12, 2022**

RULING #8

Jockey, **Victor A. Rodriguez** Permit: #469496, DOB: 07/12/1981 is **suspended three racing days, Thursday February 17, Friday February 18, and Saturday February 19, 2022** 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 **Rodriguez** let his mount **"Windsor's Champion"** come in nearing the quarter pole causing **"Lil Miss Fiber"** and **"Mary Boppins Too"** to steady and cause crowding to other rivals in the **Nineth Race, Thursday February 10, 2022.**

"Windsor's Champion" was disqualified from second (2nd) and placed seventh (7th).

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

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

BY ORDER OF THE STEWARDS:

DENVER K. BECKNER

DANNY R. WRIGHT

L. ROBERT LOTTS

CHARLES TOWN RACES **STEWARDS RULING** **February 15, 2022**

RULING #9

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 **Saturday February 12, 2022.**

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

DANNY R. WRIGHT

CHARLES TOWN RACES **STEWARDS RULING** **February 15, 2022**

RULING #10

Jockey **Jose Montano Permit** #50113 **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 **Saturday February 12, 2022.**

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

DANNY R. WRIGHT

CHARLES TOWN RACES **STEWARDS RULING** **FEBRUARY 15, 2022**

RULING #11

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 7** on **Saturday 12, 2022.**

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

DANNY R. WRIGHT

CHARLES TOWN RACES **STEWARDS RULING** **FEBRUARY 19, 2022**

RULING #12

Owner/Trainer **Nelsi Roman-Salon, Permit** #49269, **DOB** 11/07/1992, is hereby fined **One Hundred Dollars ($100.00)** for not having her horses, **"Henry Standingbear" and "Windsor Calling"** in the paddock at the appointed time for the running of the **First (1st) Race on Thursday February 17, 2022, 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

DANNY R. WRIGHT

L. ROBERT LOTTS

CHARLES TOWN RACES **STEWARDS RULING** **FEBRUARY 19, 2022**

RULING #13

Owner/Trainer **Edward Clouston, Permit** #47118, **DOB** 07/02/1965, is hereby fined **Two Hundred Dollars ($200.00)** for not having his horse, **"Frank's Legacy"** in the paddock at the appointed time for the running of the **Second (2nd) Race on Friday February 18, 2022, 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

DANNY R. WRIGHT

L. ROBERT LOTTS

CHARLES TOWN RACES **STEWARDS RULING** **FEBRUARY 19, 2022**

RULING #14

Jockey's license of **Jacinto Chilo,** Permit **#50946** DOB 11/15/1958 has been rescinded without prejudice upon application as a **Owner**.

BY ORDER OF THE STEWARDS:

DENVER K. BECKNER

DANNY R. WRIGHT

L. ROBERT LOTTS

CHARLES TOWN RACES **STEWARDS RULINGS** **MARCH 5, 2022**

RULING #15

Apprentice Jockey, **Marshall J. Mendez, Permit**: #48321, **DOB**: 08/28/1998 is hereby fined **$1000.00 (ONE THOUSAND 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, **Mendez** let his mount **"Love to Zoom"** come in near the wire the first time around causing **"Magnificent Rocket"** to take up in the **Fourth Race, Thursday March 3, 2022.**

"Love to Zoom" was disqualified from Second (2nd) and placed Fourth (4th)

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

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

BY ORDER OF THE STEWARDS:

DENVER K. BECKNER

DANNY R. WRIGHT

L. ROBERT LOTTS

CHARLES TOWN RACES **STEWARDS RULING** **MARCH 5, 2022**

RULING #16

Jockey Victor A. Rodriguez, Permit #46496, DOB: 07/12/1981 is hereby fined **Five Hundred ($500.00) Dollars** for violation of **WV Rules of Racing # 178-1-24.28.1.b**, which reads in part, "A jockey shall pass a physical examination given within the previous twelve (12) months by a licensed physician, a licensed physician's assistant, or a licensed nurse practitioner affirming fitness to participate as a jockey."

Mr. Rodriguez provided to the **Clerk of Scales** a jockey physical form which was filled out in a fraudulent manner on **March 4, 2022**

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

DANNY R. WRIGHT

L. ROBERT LOTTS

CHARLES TOWN RACES **STEWARDS RULING** **March 12, 2022**

RULING #17

Jockey **Carlos Eduardo Lopez Permit** #45691 **DOB**; 03/09/1991 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 **Friday March 11, 2022.**

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

DANNY R. WRIGHT

CHARLES TOWN RACES **STEWARDS RULINGS** **MARCH 12, 2022**

RULING #18

Jockey, **Fredy Peltroche, Permit**: #42717, **DOB**: 02/07/1997 is hereby fined **$1000.00 (ONE THOUSAND 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, **Peltroche** let his mount **"Golden Key"** come in crossing the chute causing a chain reaction and making **"Cairo Calling"** to take up and impede with **"Dan the Man Can"** in the **Third Race, Thursday March 10, 2022.**

"Golden Key" was disqualified from First (1st) and placed Third (3rd)

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

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

BY ORDER OF THE STEWARDS:

DENVER K. BECKNER

DANNY R. WRIGHT

L. ROBERT LOTTS

CHARLES TOWN RACES **STEWARDS RULINGS** **MARCH 19, 2022**

RULING #19

Jockey, **Fredy Peltroche, Permit**: #42717, **DOB**: 02/07/1977 is **suspended four racing days, Thursday March 24, Friday March 25, Saturday March 26 , and Wednesday March 30, 2022** 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, **Peltroche** let his mount **"Kaylie's Girl"** come in near the quarter pole causing the rider of **"Rockin Anna Rollin"** to take up sharply in the **Third Race, Thursday March 17, 2022.**

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

DANNY R. WRIGHT

L. ROBERT LOTTS

CHARLES TOWN RACES **STEWARDS RULING** **March 19, 2022**

RULING #20

Veterinarian **William A. Selby, Permit** #49782 **DOB**; 11/12/1978 is fined **Five Hundred Dollars ($500.00)** for being in violation of **Rule 178-1-31.2.** Responsibility. The following provisions apply to the responsibilities of practicing veterinarians:

Rule 178-1-31.2.a. All practicing veterinarians administering drugs, medications or other substances shall be responsible for ensuring that the drugs, medications or other substances and the veterinary treatment of horses are administered in accordance with this rule.

Veterinarian **Selby** treated horses in error that were scheduled to run, thereby causing late scratches.

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

DANNY R. WRIGHT

CHARLES TOWN RACES **STEWARDS RULINGS** **MARCH 22, 2022**

RULING #21

Trainer, Runco Jeff **Permit #48944**

On **March 17, 2022,** the Board of Stewards had a hearing for **Trainer, Jeff Runco, Permit #48944, DOB 09/07/1959** regarding a medication violation pertaining to his horse **"Cairo Calling" who finished first (1st) in the seventh (7th) race on Saturday February 12, 2022.**

The Stewards hereby find the following:

The official blood sample **#E483539,** taken on **02/12/22** was reported by **Industrial Laboratories**, the official testing laboratory, to contain **Dexamethasone** which is a Class 4 drug, with a C Penalty, designation. The permissible threshold for **Dexamethasone** is **5 pg/mL** in blood. Sample **#E483539** contained **94.3 pg/mL** of the drug, which is above the permissible threshold for this drug. The sample was taken from the **Five (5) horse**, **"Cairo Calling"**, which ran in the **7th Race on 2/12/22, finishing First (1st).**

Mr. Runco elected not to have a split sample tested

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

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

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

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

The **Dexamethasone** positive in **"Cairo Calling"**, is **Mr. Runco'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. Runco** is assessed **0 point** for this **Dexamethasone** medication/substance violation pursuant to section **49.3.m. of 178 of W.Va.C.S.R.1.**

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

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

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

3. ***(Mitigating)*** **The legal availability of the drug: Dexamethasone** is legally available.
4. **Whether there is reason to believe the permit holder knew of the administration of the drug or intentional administered the drug:** At the hearing it was determined that the practicing veterinarian working for **Mr. Runco** administered **Dexamethasone** by mistake instead of **Phenylbutazone. Phenylbutazone** was detected in blood screening analysis at approximately **80 ng/mL.** This is well below the permitted level of **2.0 mcg/mL.** Therefore this factor was 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 races in question was a **Claiming** race with a **$19,800 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 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:** It was not established whether or not the horse was being treated by a veterinarian with **Dexamethasone.** Therefore, this factor is not considered in weighing the penalty in this case.
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. Runco's horse "Cairo Calling", will be disqualified from all purse money and will have a total of 0 points on his record.**

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

1. **#2 Cajun Invasion**
2. **#7 Uottalikeit**
3. **#6 Golden Hughes**
4. **#4 Citizen's Fire**
5. **#8 Baytown Jakester**
6. **#1 About to Rage**

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

Dated: March 22, 2022:

BY ORDER OF THE STEWARDS:

DENVER K. BECKNER

L. ROBERT LOTTS

DANNY R. WRIGHT

CHARLES TOWN RACES **STEWARDS RULING** **MARCH 22, 2022**

RULING #22

Owner/Trainer, **Harry M. Dodson**, Permit #48957, DOB 11/28/1968, having been afforded a **Board of Stewards** hearing on **March 19, 2022** is hereby found guilty and is hereby fined **Two Hundred and Fifty Dollars ($250.00)** for being in violation of rule **#178-1-24.11.f** which reads, "**has disturbed the peace on Association Grounds**", by being in verbal and physical altercation at **Barn 8** on **March 11, 2022**.

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

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

BY ORDER OF THE STEWARDS:

DENVER K. BECKNER

DANNY R. WRIGHT

L. ROBERT LOTTS

CHARLES TOWN RACES **STEWARDS RULING** **MARCH 22, 2022**

RULING #23

Owner/Trainer, **Michael Sandoval**, Permit #50362, DOB 09/05/1979, having been afforded a **Board of Stewards** hearing on **March 19, 2022** is hereby found guilty and is hereby fined **Two Hundred and Fifty Dollars ($250.00)** for being in violation of rule **#178-1-24.11.f** which reads, "**has disturbed the peace on Association Grounds**", by being in verbal and physical altercation at **Barn 8** on **March 11, 2022**.

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

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

BY ORDER OF THE STEWARDS:

DENVER K. BECKNER

DANNY R. WRIGHT

L. ROBERT LOTTS

CHARLES TOWN RACES **STEWARDS RULING** **MARCH 22, 2022**

RULING #24

Veterinarian **Keith B. Berkeley, Permit** #45245 **DOB**; 03/03/1959 is fined **Five Hundred Dollars ($500.00)** for being in violation of **Rule 178-1-31.2.** Responsibility. The following provisions apply to the responsibilities of practicing veterinarians:

Rule 178-1-31.2.a. All practicing veterinarians administering drugs, medications or other substances shall be responsible for ensuring that the drugs, medications or other substances and the veterinary treatment of horses are administered in accordance with this rule.

Veterinarian **Berkeley** treated **"Cairo Calling"** the winner of the **Seventh (7th) race on February 12, 2022** in error causing a medication violation and disqualification from all purse money.

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

DANNY R. WRIGHT

CHARLES TOWN RACES **STEWARDS** **MARCH 24, 2022**

RULING NUMBER #25

Owner/Trainer William "Willie" Straughn Permit #44920

On **March 16, 2022** the Board of Stewards offered a hearing to **Owner/Trainer, William "Willie" Straughn Permit** #44920 **DOB** 02/19/1959 to which he waived his right to a hearing and elected not to send a split sample, the Board of Stewards find the following:

The official blood sample **#E483471** taken from the horse **"Han Sense"** which finished **1st in the 7th race on Thursday February 3, 2022**, did contain **Methotrexate** contained in the blood.

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**, there is no post-race threshold for **Methotrexate, Methotrexate is a prohibited drug. Mr. Straughn** may be held responsible and his or her occupational permit disciplined pursuant to 178 W. Va. C.S.R. 1, sections 49.a.1. and 51.1.a.

The **Methotrexate** positive in **"Han Sense"** is **Mr. Straughn's First Offense** for a medication/substance violation carrying a Category B penalty in a 365 days period.

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

The penalty guidelines set forth in **Table 178 1 E** of the Thoroughbred Racing Rule provide a minimum penalty of a **$500 fine**, for a **First Offense Class 4** violation carrying a **Category B** penalty of **Methotrexate** at the level found in **"Han Sense".** The Stewards determine the appropriate penalty for the underlying offense on a case by case basis by considering mitigating and aggravating factors. The following is an analysis of the factors set forth in section 49.1 of the Thoroughbred Racing Rule:

1. *(Mitigating)* The Permit holders past record: The permit holder's past record indicates this is her first **Class 4** violation carrying a **Category B** penalty in the past 365 days. Therefore, the permit holder's past record is a mitigating factor.
***2. (Mitigating)* The potential of the drug to influence the horse's racing performance:** Pursuant to 178 W. Va. C.S.R. 1, section 49.2.d. **Class 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: Methotrexate is legally available.
4. Whether there is reason to believe the permit holder knew of the administration of the drug or intentional administered the drug: Inasmuch as there was no hearing in this matter it was not established whether or not the permit holder knew of the administration of the drug, nor the circumstances under which the drug may have been given. Therefore this factor is not considered in weighing the penalty in this case.
5. The 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 **Starter Optional Claiming** race with a **$22,000 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 a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission: Inasmuch as there was no hearing in this matter it was not established whether or not the horse was being treated by a veterinarian with **Clenbuterol.** Therefore, this factor is not considered in weighing the penalty in this case.
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.
9. 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 **Methotrexate** by a veterinarian. Therefore, this factor is not considered in weighing the penalty in this case.

Based on the findings and **WV Rule of Racing 178-1-49.2.d Methotrexate** is a medication which is a **Class 4** with a **B Penalty. Mr. Straughn this being his first offense in the past 365 days** is hereby **fined ($500) five hundred dollars** and **suspended 15 calendar days, commencing on Friday March 25 thru and including April 8, 2022**. Her horse **"Han Sense" will be disqualified from all purse earnings. The order of finish is hereby re-ordered as follows**:

1. **#8 To the Front**
2. **#4 Impetuous**
3. **#7 Freedom Is Ringing**
4. **#6 Black Candy**
5. **#3 Gold and Strike**
6. **#5 Interesting Legacy**

All fines imposed by the Stewards shall be paid to the Racing Commission within **Seven (7) days** after the ruling is issued, unless otherwise ordered by the Stewards, Per West Virginia Rule of Racing Number 178-1-8.5.n. You have the right to appeal this ruling to the Racing Commission. Your appeal must be received in the Commission Office within **20 days** of your receipt of this ruling and must include a security fee in the amount of **Five Hundred ($500.00) Dollars**.

Dated: March 24, 2022

BY ORDER OF THE STEWARDS:

DENVER K. BECKNER

DANNY R. WRIGHT

L. ROBERT LOTTS

CHARLES TOWN RACES **STEWARDS RULINGS** **MARCH 25, 2022**

RULING #26

Jockey, **Victor A. Rodriguez, Permit**: #46494, **DOB**: 07/12/1981 is **suspended four racing days, Wednesday March 30, Thursday March 31, Friday April 1, Saturday April 2, 2022** 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, **Rodriguez** let his mount **"Parishioner"** come in leaving the chute causing the rider of **"Don't Make Cents"** to take up bothering **"El Zopilote"** in the **Sixth Race, Wednesday March 23, 2022.**

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

DANNY R. WRIGHT

L. ROBERT LOTTS

CHARLES TOWN RACES **STEWARDS RULINGS** **MARCH 26, 2022**

RULING #27

Jockey, **Carlos Eduardo Lopez, Permit**: #45691, **DOB**: 03/09/1991 is hereby fined **$1000.00 (ONE THOUSAND 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 **"Orbit Mars"** veer in near the eighth pole causing the rider of **"Valid Reason"** to take up in the **First Race, Thursday March 24, 2022.**

"Orbit Mars" was disqualified from First (1st) and placed Third (3rd)

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

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

BY ORDER OF THE STEWARDS:

DENVER K. BECKNER

DANNY R. WRIGHT

L. ROBERT LOTTS

CHARLES TOWN RACES **STEWARDS RULINGS** **MARCH 29, 2022**

RULING #28

Jockey, **Luis A. Batista** Permit: #47242, DOB: 05/07/1990 is **suspended Four racing days, Friday April 1, Saturday April 2, Wednesday April 6, and Thursday April 7, 2022** 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, **Batista** let his mount **"Dr. Devera's Way"** drift in sharply under the wire the first time around causing a chain reaction nearly unseating the rider of **"Silver Castle"** in the **Sixth Race, Friday March 25, 2022.**

"Dr. Devera's Way" did not finish the race.

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

DANNY R. WRIGHT

L. ROBERT LOTTS

CHARLES TOWN RACES **STEWARDS RULINGS** **APRIL 23, 2022**

RULING #29

Trainer Sara Kopecki **Permit #50178**

On **April 23, 2022,** the Board of Stewards offered a hearing to **Trainer, Sara Kopecki, Permit #50178, DOB 11/24/1950,** to which she waived her right to a hearing regarding her horse **"B. J. Moose"** who finished **fourth (4th)** in the **third (3rd)** race on **Wednesday April 6, 2022.**

The Stewards hereby find the following: The official blood sample **#E483851,** taken on **04/06/2022** was reported by Industrial Laboratories, the official testing laboratory, to contain **Flunixin** which is **Class 4** drug, with a **C Penalty**, designation. Sample **#E483851** contained **Flunixin** confirmed in the blood at **149 ng/ml**. The sample was taken from the **Three (3) horse, "B. J. Moose"**, which ran in the **3rd Race on 04/06/2022, finishing fourth.**

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

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

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

Pursuant to **178 W. Va. C.S.R. 1, section 49.4.a.2.**, a finding by a Racing Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse, and in the case of a post-race test, was present in the horse's body while it was participating. Prohibited substances included controlled therapeutic medications in excess of established threshold concentrations as set forth in the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule, Version 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** in **"B. J. Moose"** exceeded the acceptable threshold set forth **in Table 178-1 F. Ms. Kopecki** may be held responsible and her occupational permit disciplined pursuant to **178 W. Va. C.S.R. 1. sections 49.4.a.2.** and **51.1.a.**

The **Flunixin** positive in **"B. J. Moose"** is **Ms. Kopecki'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. **Ms. Kopecki** is assessed **½ point** for this **Flunixin** medication/substance violation pursuant to section **49.3.m. of 178 of W.Va.C.S.R.1.**

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

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

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

3. ***(Mitigating)*** **The legal availability of the oral application: Flunixin** is legally available.
4. **Whether there is reason to believe the permit holder knew of the administration of the drug or intentional administered the drug:** Inasmuch as there was no hearing in this matter it was not established whether or not the permit holder knew of the administration of the drug, nor the circumstances under which the drug may have been given. Therefore this factor is not considered in weighing the penalty in this case.
5. **The 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 **Maiden** race with a **$32,700 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 permit holder knew of the administration of the drug, nor the circumstances under which the drug may have been given. Therefore this factor is not considered in weighing the penalty in this case.
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.
9. **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 **Fluninin** by a veterinarian. Therefore, this factor is not considered in weighing the penalty in this case.

Based on the above, the Stewards hereby impose the following penalty for the underlying offense:
Ms. Kopecki's "B. J. Moose" horse will be disqualified from all purse money, and **Ms. Kopecki will have a total of ½ points on her record**. The **Flunixin** positive, **being the first medication** violation in this class category in **365** days. **Ms.Kopecki is fined $1000.00 dollars.**

The horse "B. J. Moose" is disqualified from all purse money. Redistribution is as following:

1. **#2 Spirit of Windsor**
2. **#1 Nice But Naughty**
3. **#5 Figaros Fortune**
4. **#6 C R's Uncle Lino**
5. **#4 Youhavetobesomean**
6. **#7 Indian Empire**

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

You have the right to appeal this Ruling to the Racing Commission. Your appeal must be received in the Commission Office within 20 Days of your receipt of this Ruling and must include a security fee in the amount of $500.00.
Dated: April 23, 2022

BY ORDER OF THE STEWARDS:

DENVER K. BECKNER	**L. ROBERT LOTTS**	**DANNY R. WRIGHT**

CHARLES TOWN RACES **STEWARDS RULINGS** **APRIL 30, 2022**

RULING #30

Owner/Trainer, Elex D. Bowman Permit #52303

On **Thursday April 28, 2022** the Board of Stewards offered a hearing to **Owner/Trainer, Elex D. Bowman Permit #52303, DOB 01/06/1944** to which he waived his right to a hearing regarding a medication violation pertaining to his horse **"Lilbitsofdrama" who finished first (1st) in the First (1st) race on Saturday April 9, 2022.**

The Stewards hereby find the following: The official blood sample **#E483880** taken on **4/09/22** 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 **#E483880** contained **44.4 ng/ml** of **Flunixin** and **.5 ug/ml of Phenylbutazone**, which is above the permissible thresholds for these drugs when stacked together. The sample was taken from the **Three (3) horse, "Lilbitsofdrama"** which ran in the **1st Race on 4/09/22,** finishing **first.**

Mr. Bowman 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 "Lilbitsofdrama"** exceeded the acceptable threshold set forth **in Table 178-1 F, Mr. Bowman** may be held responsible and his occupational permit disciplined pursuant to **178 W. Va. C.S.R. 1, sections 49.4.a.2.** and **51.1.a.**

This Stacking violation is **Mr. Bowman's** first in this category for a medication/substance violation in a 365 days period.

The permit holder has accumulated **0.5 points** under the multiple medication violation point system. **Mr. Bowman** 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: Mr. Bowman's** first in this category for a medication/substance violation in a 365 days period.
2. ***(Mitigating)*** **The potential of the drug to influence the horse's racing performance:** Pursuant to 178 W. Va. C.S.R. 1, section 49.2.d, Class 4 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication, to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it

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

3. ***(Mitigating)*** **The legal availability of the drug: Flunixin and Phenylbutazone** are legally available.
4. **Whether there is reason to believe the permit holder knew of the administration of the drug or intentionally 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 **Maiden Claiming** race with a **$13,300 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. Bowman's horse "Lilbitsofdrama" will be disqualified from all purse money and Mr. Bowman will have a total of 1 point on his record. With the **Flunixin and Phenylbutazone** positive **being the first medication** violation in 365 day. **Mr. Bowman is fined $1000 dollars. The horse "Lilbitsofdrama" is disqualified from all purse money; The distribution is as follows.**

1. **#4 Hazy Winter**
2. **#2 Trueno Fuerte**
3. **#1 Petite N' Smitty**
4. **#5 Bads Lil Lady**
5. **#6 Sterling Ariel**

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

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

Dated: April 30, 2022

BY ORDER OF THE STEWARD:

DENVER K. BECKNER | **L. ROBERT LOTTS** | **DANNY R. WRIGHT**

CHARLES TOWN RACES **STEWARDS RULINGS** **MAY 17, 2022**

RULING #31

Apprentice Jockey, **Marshall Mendez, Permit**: #48321, **DOB**: 08/28/1995 is **suspended four racing days, Friday May 20, Saturday May 21, Wednesday May 25, Thursday May 26, 2022** 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."

Apprentice Jockey, **Mendez** let his mount **"Forgotten Mission"** veer in down the lane causing the rider of **"Perth Amboy"** to take up in the **Third Race, Friday May 13, 2022.**

"Forgotten Mission" was disqualified from win and placed second.

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:

Lenny Rera

LENNY RERA

Danny R. Wright

DANNY R. WRIGHT

L. Robert Lotts

L. ROBERT LOTTS

CHARLES TOWN RACES **STEWARDS RULING** **MAY 20, 2022**

RULING #32

Owner/Trainer **John D. McKee**, **Permit** #49117, **DOB** 10/03/1939, is hereby fined **Two Hundred Fifty Dollars ($250.00)** for not having the horse, **"I'm A Total Diva"** in the paddock at the appointed time for the running of the **Eighth (8th) Race on Thursday May 19, 2022** 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

LENNY J. LERA

DANNY R. WRIGHT

CHARLES TOWN RACES **STEWARDS RULING** **MAY 27, 2022**

RULING #33

Jockey, **Victor A. Rodriguez Permit** #46496 **DOB** 07/12/1981 is fined **Two hundred fifty dollars ($250.00) 5th 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 6** on **Thursday May 26, 2022.**

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

CHARLES TOWN RACES **STEWARDS RULINGS** **MAY 27, 2022**

RULING #34

Jockey, **Carlos Eduardo Lopez, Permit** #53081 **DOB**; 03/06/1991, is hereby fined **Three Hundred Fifty ($350.00) 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."

Jockey **Lopez.** failed to fulfill his riding engagements on **Thursday May 26, 2022**. **Mr. Lopez** failed to notify the Clerk of Scales and the Stewards that he was taking off his mount in the 8th Race.

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

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

BY ORDER OF THE STEWARDS:

DENVER K. BECKNER

L. ROBERT LOTTS

CHARLES TOWN RACES **STEWARDS RULINGS** **MAY 31, 2022**

RULING #35

Jockey, **Carlos Eduardo Lopez, Permit**: #53081, **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 **"Lunar Notion"** break out leaving the gate causing the rider of **"Noble Present"** to take up losing all chance in the **Third Race, Friday May 27, 2022.**

"Lunar Notion" was disqualified from Third (3rd) and placed Sixth (6th)

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

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

BY ORDER OF THE STEWARDS:

DENVER K. BECKNER

DANNY R. WRIGHT

L. ROBERT LOTTS

CHARLES TOWN RACES **STEWARDS RULINGS** **JUNE 3, 2022**

RULING #36

Jockey, **Carlos Eduardo Lopez, Permit**: #53081, **DOB**: 03/06/1991 is hereby **suspended for Three (3) racing days, Thursday June 9, Friday June 10, and Saturday June 11, 2022** 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 **"Love to Zoom"** lug in turning for home, bump repeatedly with **"Katalima"** making her rider steady and take up in the **Sixth Race, Saturday May 28, 2022.**

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

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

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

BY ORDER OF THE STEWARDS:

DENVER K. BECKNER

DANNY R. WRIGHT

L. ROBERT LOTTS

CHARLES TOWN RACES **STEWARDS RULING** **JUNE 7, 2022**

RULING #37

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 June 4, 2022.**

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

LENNY J. RERA

CHARLES TOWN RACES **STEWARDS RULING** **JUNE 7, 2022**

RULING #38

Jockey, **Jose Montano** Permit #50113 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 **Saturday June 4, 2022.**

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

LENNY J. RERA

CHARLES TOWN RACES **STEWARDS RULING** **JUNE 7, 2022**

RULING #39

Jockey **Wladimir Rocha Permit** #47090 **DOB**; 08/22/1979 is fined **One Hundred dollars ($100.00)** for being a **repeat violator** 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 **Saturday June 4, 2022.**

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

LENNY J. RERA

DANNY R. WRIGHT

CHARLES TOWN RACES **STEWARDS RULING** **JUNE 21, 2022**

RULING #40

Owner/Trainer, **James R. Price Jr.** Permit: **#49987** DOB: **10/20/1957,** the official sample **#E522208** taken from the runner **"Hillbilly Pride" who finished first (1st) in the sixth (6th) race on Thursday May 26, 2022**, was reported by Industrial Testing Laboratory to contain **Phenylbutazone** above the authorized levels. Specifically, the blood sample contained **2.88 ug/mL.** The measurement uncertainty at the threshold is **+/- 0.45 ug/ml.**

The Stewards conclude that **Mr. Price** 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. Price** 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.

BY ORDER OF THE STEWARDS:

DENVER K. BECKNER

LENNY J. RERA