

RULING #51

Jockey, **Darius Thorpe** Permit #47213 DOB; 05/08/1995 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 **Thorpe** failed to make his reported weight on **Friday July 1, 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.

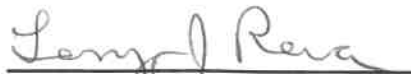
BY ORDER OF THE STEWARDS:



DENVER K. BECKNER



DANNY R. WRIGHT



LENNY J. RERA

RULING #52

Jockey, **Marshall J. Mendez** Permit #48321 DOB; 08/28/1995 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 **Mendez** failed to make his reported weight on **Saturday July 2, 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

RULING #53

Jockey, **Jose Montano** Permit #50113 DOB; 08/28/1995 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 **Montano** failed to make his reported weight on **Saturday July 2, 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

RULING #54

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 July 2, 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

RULING #55

Jockey, **Darius Thorpe** Permit #47213 DOB; 05/08/1995 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.

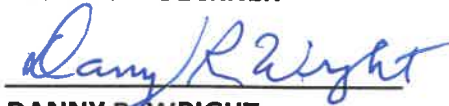
Jockey **Thorpe** failed to make his reported weight on **Saturday July 12, 2022**.

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:

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 "Lenny J. Rera", written over a horizontal line.

LENNY J. RERA

RULING #56

Jockey, **Jose Montano** Permit #50113 DOB; 08/28/1995 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 **Montano** failed to make his reported weight on **Thursday July 7, 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

RULING NUMBER #57**Owner/Trainer Chris R. Harting****Permit #51762**

On **July 22, 2022** the Board of Stewards convened a hearing for **Owner/Trainer, Chris R. Harting, Permit #51762 DOB 1/17/1964**. The official blood sample **#E522325** taken from the horse **"Had the Notion"** which finished **4th** in the **2nd** race on **Friday June 17, 2022**, did contain **"Clenbuterol"** at a concentration level of **4090 pg/ml**.

The Board of Stewards find the following:

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

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

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

The **Clenbuterol** positive in **"Had the Notion"** is **Ms. Harting'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. **Ms. Harting** is assessed **2 points** for this **Clenbuterol** medication/substance violation pursuant to section **49.3.m. of 178 of W.Va.C.S.R.1.**

The penalty guidelines set forth in **Table 178 1 E** of the Thoroughbred Racing Rule provide a minimum penalty of a **\$500 fine**, for a **First Offense Class 3** violation carrying a **Category B** penalty of **Clenbuterol** at the level found in **"Had the Notion"**. 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 violation carrying a **Category B** penalty in the past 365 days. This is her first medical violation of any kind in her career. This is a mitigating factor.
- 2. (Mitigating) The potential of the drug to influence the horse's racing performance:** Pursuant to 178 W. Va. C.S.R. 1, section 49.2.d. Class 3 drugs may influence performance, but generally have a more limited ability to do so. This is a mitigating factor although it is always of concern to the Stewards when a horse tests in excess of a threshold set forth in the Thoroughbred Racing Rule inasmuch as such thresholds are designed to ensure that horses aren't racing under the effects of the medication; to allow a state veterinarian conducting a pre-race examination to have as clean a look at the horse as is possible to make sure that the horse does not have some condition that would cause it to harm itself if it races, and to ensure the integrity of racing so that horse aren't racing under the effect of a medication that could affect performance.]

3. **(Mitigating)** The legal availability of the drug: Clenbuterol is legally available.
4. **Whether there is reason to believe the permit holder knew of the administration of the drug or intentional administered the drug:** The permit holder knew nothing of the administration of the drug, nor the circumstances under which the drug may have been given. Therefore this factor is considered in weighing the penalty in this case.
5. **The steps taken by the trainer to safeguard the horse:** In this case it is unknown what efforts the trainer made to ensure that the treatment of the horse. Therefore this factor is not considered in weighing the penalty in this case.
6. **The probability of environmental contamination exposure due to human use:** This factor is not applicable to this case.
7. **The purse of the race:** The race in question was a **Claiming** race with a **\$16,900 purse**. The Stewards place no weight, either aggravating or mitigating, based upon the purse in this case.
8. **Whether the drug found was one for which the horse was receiving a treatment as documented by the treating veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Ms. Harting claims that this horse "Had the Notion" was not being treated with Clenbuterol. Therefore, this factor is considered in weighing the penalty in this case.
9. **Whether there was any suspicious betting pattern in the race:** There is no evidence of a suspicious betting pattern in this case and therefore, this factor is not considered in weighing the penalty in this case.
10. **Whether the trainer was acting under the advice of a veterinarian licensed to practice in West Virginia and holding an occupational permit issued by the Racing Commission:** Ms. Harting stated that she has never used or had any of her horses treated with Clenbuterol. Therefore, this factor is considered in weighing the penalty in this case.

Based on the findings and WV Rule of Racing 178-1-49.2.d "Clenbuterol" is a therapeutic medication which is a **Class 3** with a **B Penalty**. Based on the above, the Stewards hereby impose the following penalty for the underlying offense: **Ms. Harting's horse "Had the Notion" will be disqualified from all purse monies and Ms. Harting will have a total of 2 points on her record.** With the "Clenbuterol" positive being the first medication violation in 365 days, and due to the presence of mitigating circumstances the Board of Stewards imposes **15 days suspension** of Ms. Harting's license and fined **(\$500) Five hundred dollars** The suspension is stayed under the stipulation that Ms. Harting will not have another violation through December 31, 2022. She can not have any **Class II** medication violations for the remaining year ending on December 31, 2022, or the 15 days suspension will accompany any fines or suspensions for additional violations.

The horse "Had the Notion" is disqualified from all purse money; The distribution is as follows.

1. #1 Lady Kaza
2. #6 Devilish Beauty
3. #7 Mortal Storm
4. #2 Mary's Jewel
5. #5 Just a Bit Sassy

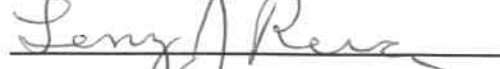
All fines imposed by the Stewards shall be paid to the Racing Commission within **Seven (7) days** after the ruling is issued, unless otherwise ordered by the Stewards, Per West Virginia Rule of Racing Number 178-1-8.5.n. You have the right to appeal this ruling to the Racing Commission. Your appeal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

Dated: July 23, 2022

BY ORDER OF THE STEWARDS:



DENVER K. BECKNER



LENNY J. RERA



L. ROBERT LOTTS

RULING #58

Jockey, **Marshall J. Mendez** Permit #48321 DOB; 08/28/1995 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 **Mendez** failed to make his reported weight on **Saturday July 23, 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.

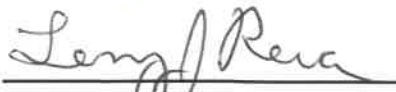
BY ORDER OF THE STEWARDS:



DENVER K. BECKNER



DANNY R. WRIGHT



LENNY J. REBA

RULING #59

Jockey, **Wladimir Rocha** Permit #47090 DOB; 08/22/1979 is suspended **(1) one racing day Friday July 29, 2022** 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 July 23, 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. PERA

RULING #60

Jockey, **Reshawn Latchman** Permit #46354 DOB; 05/25/1991 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 **Latchman** failed to make his reported weight on **Thursday July 28, 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:

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 "Lenny J. Rera", written over a horizontal line.

LENNY J. RERA

RULING #61

Owner/Trainer, **Kevin J. Joy** Permit: #52558 DOB: 03/18/1965, the official sample #E522456 taken from the runner "**Ny Beth Getsitdone**" who finished first (1st) in the second(2nd) race on **Thursday July 14, 2022**, was reported by Industrial Testing Laboratory to contain **Flunixin** above the authorized levels. Specifically, the blood sample contained **26.2 ng/mL**. The measurement uncertainty at the threshold is **+/- 2.7 ng/ml**.

The Stewards conclude that **Mr. Joy** 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.

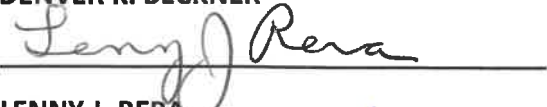
Based on the above, the penalty on **Mr. Joy** will be a warning with no suspension, fine, or points.

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



L. ROBERT LOTTS

RULING #62

Jockey, **Victor A. Rodriguez** Permit #46496 DOB 07/12/1981 is fined **Five Hundred Dollars (\$500.00)** 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 **Friday July 29, 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



L. ROBERT LOTTS

RULING #63

Jockey, **Jose Montano**, Permit #50113 DOB; 12/31/1985, is hereby fined **One Hundred (\$100.00) 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. Montano failed to fulfill his riding engagement on **Saturday July 30, 2021**.

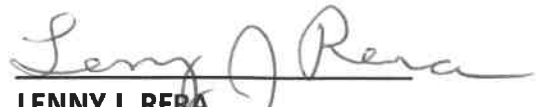
All fines imposed by the stewards shall be paid to the Racing Commission within seven days (7) calendar days after the ruling is issued, unless otherwise ordered by the stewards.

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 "Lenny J. Rera", written over a horizontal line.

LENNY J. RERA

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

L. ROBERT LOTTS

RULING #64

Jockey, **Carlos E. Lopez** Permit #53081 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 July 30, 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.

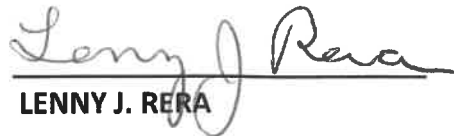
BY ORDER OF THE STEWARDS:

A blue ink signature of Denver K. Beckner, written in a cursive style, positioned above a horizontal line.

DENVER K. BECKNER

A blue ink signature of Danny R. Wright, written in a cursive style, positioned above a horizontal line.

DANNY R. WRIGHT

A blue ink signature of Lenny J. Rera, written in a cursive style, positioned above a horizontal line.

LENNY J. RERA

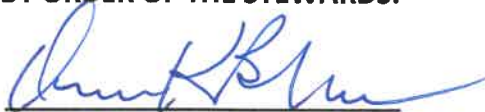
RULING #65

Jockey, **Marshall J. Mendez** Permit #48321 DOB; 08/28/1995 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 **Mendez** failed to make his reported weight on **Friday August 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



DANNY R. WRIGHT



LENNY J. RERA

RULING #66

Jockey, **Carlos E. Lopez** Permit #53081 DOB; 03/06/1991 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 **Lopez** failed to make his reported weight on **Friday August 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:

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 "Lenny J. Rera", written over a horizontal line.

LENNY J. RERA

RULING #67

Jockey, **Marshall J. Mendez** Permit #48321 DOB; 08/28/1995 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 **Mendez** failed to make his reported weight on **Friday August 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:

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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 "Lenny J. Rera", written over a horizontal line.

LENNY J. RERA

RULING #68

Trainer, Anthony M. Rideoutt II

Permit #49677

On Wednesday August 17, 2022 the Board of Stewards offered a hearing to Trainer, Anthony M. Rideoutt II, Permit #49677, DOB 12/24/1985 to which he waived his right to a hearing regarding a medication violation pertaining to his horse "Gabby's Big Notion" who finished first (1st) in the First (1st) race on Friday July 29, 2022.

The Stewards hereby find the following: The official blood sample #E522529 taken on 07/29/22 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 #E522529 contained 8.95 ng/ml of Flunixin and .741 ug/ml of Phenylbutazone, which is above the permissible thresholds for these drugs when stacked together. The sample was taken from the Two (2) horse, "Gabby's Big Notion", which ran in the 1st Race on 07/29/22, finishing first.

Mr. Rideoutt 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 "Gabby's Big Notion" exceeded the acceptable threshold set forth in Table 178-1 F, Mr. Rideoutt 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 violation is Mr. Rideoutt's first 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. Rideoutt 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 not had a medication violation in four years.
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 **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. Rideoutt will be fined Two Hundred Fifty Dollars (\$250.00) and assessed ½ point.

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.

BY ORDER OF THE STEWARD:



DENVER K. BECKNER



LENNY J. RERA



DANNY R. WRIGHT

RULING #69

Jockey, **Marshall J. Mendez** Permit #48321 DOB; 08/28/1995 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 **Mendez** failed to make his reported weight on **Saturday August 13, 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:

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 Lenny J. Bera, written in a cursive style.

LENNY J. BERA

RULING #70

Jockey, **Carlos Eduardo Lopez**, Permit: #53081, DOB: 03/06/1991 is hereby **suspended for Three (3) racing days, Thursday September 1, Friday September 2, and Saturday September 3, 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 "**Hobe Sound**" angle in past the five eight's pole causing the rider of "**Ghost Stalker**" to steady and take up in the **Seventh Race, Saturday August 20, 2022**.

"**Hobe Sound**" 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



LENNY J. RERA

RULING #71

Jockey, **Arnaldo Bocachica** Permit: #46998, DOB: 06/20/1988 is hereby fined **\$500.00 (FIVE HUNDRED DOLLARS)** for violation of **Rule of Racing, Number 178-1-45.7.c.1**, which reads: "When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede or intimidate any other horse, it is a foul."

Jockey, **Bocachica** let his mount "**Social Chic**" lug in down the stretch causing interference to "**Fancy Concho**" in the **Thirteenth Race, Saturday, August 26, 2022**.

"Social Chic" was disqualified from First (1st) and placed Second (2nd)

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

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

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 "Lenny J. Rera", written over a horizontal line.

LENNY J. RERA

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

L. ROBERT LOTTS

RULING #72

Jockey, **Victor A. Rodriguez**, Permit: #56039, DOB: 07/12/1981 is **suspended Three racing days, Wednesday September 7, Thursday September 8, and Friday September 9**, 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 "**Mio Graceland**" come in nearing the five-eight's pole causing the rider of "**Modern Day Romance**" to take up causing "**Rocking to Home**" to clip heels nearly unseating his rider in the **Eighth Race, Saturday August 27, 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



LENNY J. RERA



DANNY R. WRIGHT

RULING #73

Owner, **Sean Michael Perry**, DOB 01/03/1970 is hereby **suspended indefinitely**, effective **Thursday September 8, 2022**, for violation of **West Virginia Rule of Racing 178-1-24.11.c** which reads in part: "has demonstrated financial irresponsibility by having a judgment issued against him or her for failure to pay debt owed as a result of obtaining feed, shelter, drugs, transportation, services for horses, veterinary services or supplies for himself or herself or others."

While under suspension, **Mr. Perry** is denied access to and the privilege of all grounds under the jurisdiction of the West Virginia Racing Commission.

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

BY ORDER OF THE STEWARDS:



DENVER K. BECKNER



LENNY J. RERA



DANNY R. WRIGHT

RULING #74

Jockey, **Luis A. Batista** Permit: #56177, DOB: 05/07/1990 is **fined Two Hundred and Fifty Dollars (\$250.00)** 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 "**Sheriff's Kid**" drift in near the wire the first time around causing the rider of "**Mae Sai Princess**" to take up sharply in the **Sixth Race, Saturday September 10, 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:



LENNY J. RERA



DANNY R. WRIGHT



L. ROBERT LOTTS

RULING #75

Apprentice Jockey, **Marshall J. Mendez** Permit #56169 DOB; 08/28/1995 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 **Mendez** failed to make his reported weight on **Wednesday September 14, 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

RULING #76

Jockey, **Victor A. Rodriguez** Permit #56039 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.

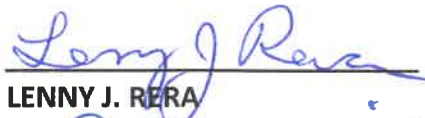
Jockey **Rodriguez** failed to make his reported weight on **Wednesday September 14, 2021.**

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



LENNY J. RERA



DANNY R. WRIGHT

RULING #77

Owner, **Sean Michael Perry** Permit #52916 DOB 01/03/1970, is hereby restored to good standing as of **September 15, 2022** having satisfied **Charles Town Board of Stewards Ruling #73 dated September 8, 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.

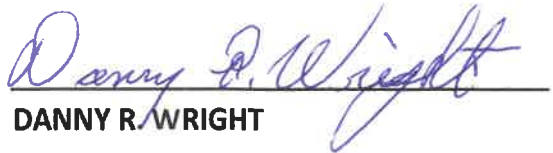
BY ORDER OF THE STEWARDS:

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 "Lenny J. Rera", written over a horizontal line.

LENNY J. RERA

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

DANNY R. WRIGHT

RULING #78

Jockey, **Carlos E. Lopez** Permit #53081 DOB; 03/06/1991 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 **Lopez** failed to make his reported weight on **Friday September 28, 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 LOTT



LENNY J. BERA

RULING #79

Jockey, **Christian Hiraldo** Permit #53081 DOB; 08/16/1992 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 **Hiraldo** failed to make his reported weight on **Friday September 30, 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



LENNY J. RERA

RULING #80

Jockey, **Arnaldo Bocachica** Permit: #56108, DOB: 06/20/1988 is **suspended four racing days, Friday October 7, Wednesday October 12, Thursday October 13, and Friday October 14, 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 "**Unison**" come in nearing the sixteenth pole, and veer out down the lane causing the rider of "**Manhattan Weave**" to alter course in the **Seventh Race, September 30, 2022.**

"Unison" was disqualified from first (1st) and placed third (3rd).

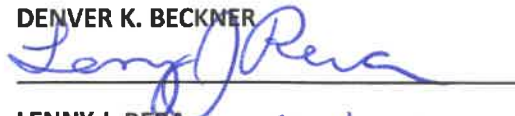
All fines imposed by the Stewards shall be paid to the Racing Commission within Seven (7) days after the ruling is issued, unless otherwise ordered by the Stewards, Per West Virginia **Rule of Racing Number 178-1-8.5.n.**

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



LENNY J. RERA



L. ROBERT LOTTS

RULING #81

Jockey, **Christian Hiraldo** Permit #53081 DOB; 08/16/1992 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 **Hiraldo** failed to make his reported weight on **Thursday October 6, 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

RULING NUMBER #82

Jockey, **Fredy Peltroche**, Permit #53077, DOB 02/07/1977, is hereby fined **Two Hundred Fifty Dollars (\$250.00)** for being in violation of **rule #178-1-24.11.f** which reads: **"has disturbed the peace on Association Grounds"**, by being a participant in a verbal altercation with an assistant starter after the break of the **8th Race on Saturday October 1, 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:

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

DENVER K. BECKNER

A blue ink signature of Lenny J. Rera, written in a cursive style.

LENNY J. RERA

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

L. ROBERT LOTTS

RULING #83

Exercise Rider, **Rubio Morales**, Permit #50004, DOB 10/10/1986, is hereby fined **Five Hundred Dollars (\$500.00)** for being in violation of rule #178-1-45.7.f.6. A rider who elects to use a riding crop may not under any circumstance: willfully strike another rider or horse with the crop.

Exercise rider Morales struck another rider with his crop on the race track **October 12, 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

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 "Lenny J. Rera", written over a horizontal line.

LENNY J. RERA

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

DANNY R. WRIGHT

RULING #84

Jockey, **Fredy Peltroche** Permit: #53077, DOB: 02/07/1977 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, **Peltroche** let his mount "**Chit Chat Girl**" angle in nearing the wire the first time around causing interference to "**Had the Notion**" in the **Fifth Race, Saturday October 15, 2022.**

"Chit Chat Girl" was disqualified from third (3rd) and placed fourth (4th)

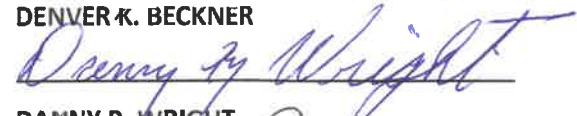
All fines imposed by the Stewards shall be paid to the Racing Commission within Seven (7) days after the ruling is issued, unless otherwise ordered by the Stewards, Per West Virginia **Rule of Racing Number 178-1-8.5.n.**

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

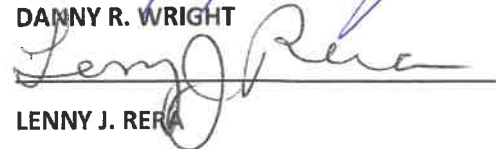
BY ORDER OF THE STEWARDS:



DENVER K. BECKNER



DANNY R. WRIGHT



LENNY J. RERA

RULING #85

Jockey, **Wladimir Rocha** Permit #55402 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 **Friday October 21, 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.

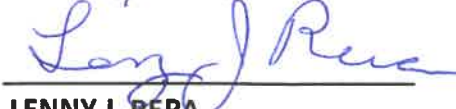
BY ORDER OF THE STEWARDS:



DENVER K. BECKNER



DANNY R. WRIGHT



LENNY J. RERA

RULING #86

Jockey, **Carlos E. Lopez** Permit #53081 DOB; 03/06/1991 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.

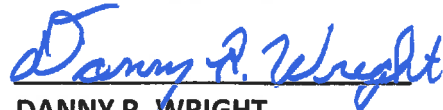
Jockey **Lopez** failed to make his reported weight on **Wednesday 26, 2022**.

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



DANNY R. WRIGHT



LENNY J. RERA

RULING #87

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 "**Drinkwiththestars**" drift in down the stretch causing the rider of "**Hopping Henry**" to take up in the **Sixth Race, Saturday October 29, 2022**.

"Drinkwiththestars" was disqualified from Third (3rd) and placed Fourth (4th)

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

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


BY ORDER OF THE STEWARDS:



DENVER K. BECKNER



L. ROBERT LOTTS



LENNY J. RERA

RULING #88

Jockey, **Xavier Perez**, Permit: #44203, DOB: 12/02/1987 is hereby fined **\$250.00 (TWO HUNDRED FIFTY 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, **Perez** let his mount "**Sparkle Sprinkle**" swerve out rounding the turn bumping with "**Got Your Number**" causing that rival to take up and unseat her rider in the **Seventh Race, Wednesday November 2, 2022.**

"Sparkle Sprinkle" was disqualified from Fifth (5th) 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



L. ROBERT LOTTS



LENNY J. RERA

RULING #89

Apprentice Jockey, **Marshall J. Mendez** Permit #56169 DOB; 08/28/1995 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 **Mendez** failed to make his reported weight on **Wednesday November 9, 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



LENNY J. RERA

RULING #90

Jockey, **Carlos Marrero** Permit #56168 DOB; 07/10/1984 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 **Marrero** failed to make his reported weight on **Wednesday November 9, 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.

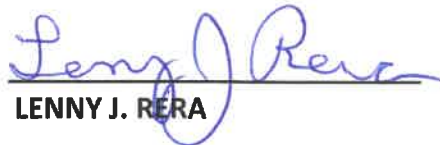
BY ORDER OF THE STEWARDS:



DENVER K. BECKNER



L. ROBERT LOTTS



LENNY J. RERA

RULING #91

Jockey, **Juan De Dios (JD) Acosta** Permit #50247 DOB; 10/3/1981 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 **Acosta** failed to make his reported weight on **Wednesday November 9, 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



LENNY J. RERA

RULING #92

Jockey, **Jose Montano** Permit #50113 DOB; 12/31/1985 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.

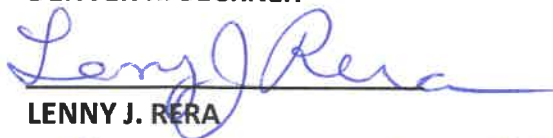
Jockey **Montano** failed to make his reported weight on **Thursday November 10, 2022**.

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:

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 "Lenny J. Rera", written over a horizontal line.

LENNY J. RERA

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

DANNY R. WRIGHT

RULING #93

Jockey, Laureano J. Flores Jr. Permit: #57774, DOB: 10/29/1999 is **suspended four racing days, Wednesday November 16, Thursday November 17, Friday November 18, and Saturday November 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 Flores let his mount "**Miss Corey**" veer out nearing the eighth pole, causing the rider of "**Sakari**" to alter course in the **Sixth Race, November 9, 2022.**

"Miss Corey" was disqualified from first (1st) and placed third (3rd).

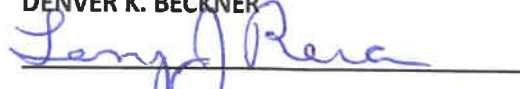
All fines imposed by the Stewards shall be paid to the Racing Commission within Seven (7) days after the ruling is issued, unless otherwise ordered by the Stewards, Per West Virginia **Rule of Racing Number 178-1-8.5.n.**

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.

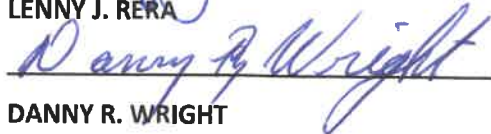
BY ORDER OF THE STEWARDS:



DENVER K. BECKNER



LENNY J. RERA



DANNY R. WRIGHT

RULING #94

Jockey, **Fredy Peltroche**, Permit #53077, DOB 02/10/1986, is hereby fined **Two Hundred Fifty Dollars (\$250.00)** for being in violation of rule #178-1-45.7.f.6. A rider who elects to use a riding crop may not under any circumstance: willfully strike another rider or horse with the crop.

Jockey **Peltroche** struck another horse with his crop in the **Sixth Race on November 23, 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****L. RPBERT LOTTS****DANNY R. WRIGHT**

RULING #95

Apprentice Jockey, **Jan Baez** Permit #53061 DOB: 11/10/2000 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 **Baez** failed to make his reported weight on **Friday December 16, 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



L. ROBERT LOTTS

RULING #96

Owner/Trainer, Lloyd L. Scott

Permit #48962

On December 17, 2022, the Board of Stewards offered a hearing to Owner/Trainer, Lloyd L. Scott, Permit #48962, DOB 11/20/1943 to which he waived his right to a hearing regarding a medication violation pertaining to his horse "Nancysaidso" who finished first (1st) in the fourth (4th) race on Wednesday November 23, 2022.

The Stewards hereby find the following:

The official blood sample #E576204, taken on 11/23/22 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 #E576204 contained 40.1 pg/mL of the drug, which is above the permissible threshold for this drug. The sample was taken from the Five (5) horse "Nancysaidso", which ran in the 4th Race on 11/23/22, finishing First (1st).

Mr. Scott 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 "Nancysaidso", exceeded the acceptable threshold set forth in Table 178-1 F, Mr. Scott 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 "Nancysaidso", is Mr. Scott'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. Scott is assessed .5 points for this Dexamethasone medication/substance violation pursuant to section 49.3.m. of 178 of W.Va.C.S.R.1.

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

1. **(Mitigating) The Permit holder's past record:** The permit holder has no violations in 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:** 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 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 **\$15,700 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 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.
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 **Dexamethasone** by a veterinarian. Therefore, this factor is not considered in weighing the penalty in this case.

Based on the above, the Stewards hereby impose the following penalty for the underlying offense: **Mr. Scott's horse "Nancysaidso", will be disqualified from all purse money and will have a total of .5 points on his record. Mr. Scott will be fined One Thousand Dollars (\$1000.00) and assessed ½ point.**

"Nancysaidso" is disqualified from all purse money; Re-Distribution is as following.

1. #8 Scarlet Tanager
2. #3 Ms Headley
3. #1 Captain Sam
4. #7 Adabel
5. #4 U Know I B Lion
6. #2 Forest Halo

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 22, 2022:

BY ORDER OF THE STEWARDS:



DENVER K. BECKNER



LENNY J. RERA



L. ROBERT LOTTS