

**RULING #101**

Jockey, **Marshall J. Mendez**, Permit #56169 DOB: 08/28/1995 is fined **Two Hundred Dollars (\$200.00)** 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 June 16, 2023**.

Jockey **Mendez** is a **repeat offender**.

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 #102**

Jockey, **Carlos E. Lopez** Permit #53081 DOB; 03/06/1991 is fined **Two Hundred Dollars (\$200.00)** 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 June 17, 2023**.

Jockey **Lopez** is a repeat offender.

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 #103**

Jockey **Juan Mauricio Nunez**, Permit #59521, DOB 7/15/1999, is hereby fined **Two Hundred Dollars (\$200.00)** 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 **Nunez** failed to make his reported weight on **Saturday June 17, 2023**.

Jockey **Nunez** is a repeat offender of this rule.

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**



**LENNY J. RERA**



**L. ROBERT LOTTS**

**RULING #104**

Jockey, **Christian Hiraldo** Permit #50961 DOB: 08/16/1992 is fined **Two Hundred Dollars (\$200.00)** 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 17, 2023**.

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 #105**

Jockey, **Jose Montano**, Permit; #58823, DOB 12/31/1985 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 **Montano's** mount "**Cruz in the Castle**" drifted out nearing the wire while not clear and caused interference to "**Thunderturtle**" in the **Fourth Race, June 2, 2023**.

"**Cruz in the Castle**" was **disqualified from Second (2<sup>nd</sup>)** and placed **Third (3<sup>rd</sup>)**.

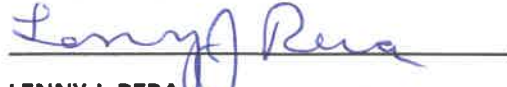
All fines imposed by the Stewards shall be paid to the Racing Commission within Seven (7) days after the ruling is issued, unless otherwise ordered by the Stewards, Per West Virginia **Rule of Racing Number 178-1-8.5.n**.

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

BY ORDER OF THE STEWARDS:



DENVER K. BECKNER



LENNY J. RERA



L. ROBERT LOTTS

**RULING #106**

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 **Thursday June 22, 2023**.

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 #107**

Jockey, **Marshall J. Mendez**, Permit #56169 DOB: 08/28/1995 is fined **Two Hundred Dollars (\$200.00)** 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 **Thursday June 22, 2023**.

Jockey **Mendez** is a repeat offender.

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 #108**

Jockey, **Orlando Bocachica** Permit #56511 DOB: 06/17/1987 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.

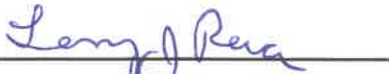
Jockey **Bocachica** failed to make his reported weight on **Friday June 23, 2023**.

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 #109**

Jockey, **Christian Hiraldo** Permit #50961 DOB: 08/16/1992 is fined **Two Hundred Dollars (\$200.00)** 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.

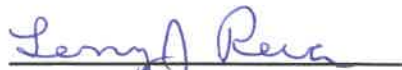
Jockey **Hiraldo** failed to make his reported weight on **Friday June 23, 2023**.

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 #110**

Jockey **Juan Mauricio Nunez**, Permit #59521, DOB 7/15/1999, is hereby fined **Two Hundred Dollars (\$200.00)** 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 **Nunez** failed to make his reported weight on **Friday June 23, 2023**.

Jockey **Nunez** is a repeat offender of this rule.


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**



**LENNY J. RERA**



**L. ROBERT LOTTS**

**RULING #111**

Owner/Trainer **Michael E. Jones Jr, Permit #62894, DOB 05/18/1978**, is hereby fined **Two Hundred Fifty Dollars (\$250.00)** for not having the horse, **"Showtime Cat"** in the paddock at the appointed time for the running of the **Seventh (7<sup>th</sup>) Race on Saturday June 24, 2023** 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. RERA**



**L. ROBERT LOTTS**

**RULING #112****Owner/Trainer, Busundra C. Armstrong****Permit #59870**

On **June 8, 2023**, the Board of Stewards offered a hearing to **Owner/Trainer, Busundra C. Armstrong, Permit #59870, DOB 16/16/1981** to which she waived her right to a hearing regarding a medication violation pertaining to her horse "**Last Party**" who finished first (1<sup>st</sup>) in the Fifth (5<sup>th</sup>) race on Thursday May 18, 2023.

The Stewards hereby find the following:

The official blood sample #E576975, taken on 5/18/23 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 #E576975 contained 10.5 pg/mL of the drug, which is above the permissible threshold for this drug. The sample was taken from the Three (3) "Last Party", which ran in the 5<sup>th</sup> Race on 05/18/23, finishing First (1<sup>st</sup>).

Ms. Armstrong elected to have a split sample tested. The split #E576975 was sent to New York Drug Testing and Research Program and was received on 06/15/2023 and reported on 06/26/2023. Sample #E576975 contained 10.8 pg/ml which is above the permissible level for this drug, confirming the presences of the drug Dexamethasone.

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 "Last Party", exceeded the acceptable threshold set forth in Table 178-1 F, Ms. Armstrong may be held responsible and her occupational permit disciplined pursuant to 178 W. Va. C.S.R. 1, sections 49.a.1. and 51.1.a.

The Dexamethasone positive in "Last Party", is Ms. Armstrong's First Offense in this category for a medication/substance violation in a 365 day period.

The permit holder has accumulated 0 points under the multiple medication violation point system as a result of the issuance of. Ms. Armstrong 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 **Maiden** race with a **\$29,400** 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: **Ms. Armstrong's horse "Last Party", will be disqualified from all purse money and will have a total of .5 points on her record.**

**Ms. Armstrong will be fined One Thousand Dollars (\$1000.00) and assessed ½ point.**

**"Last Party" is disqualified from all purse money; Re-Distribution is as following.**

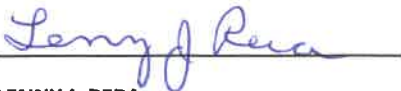
1. #9 Comeonturnmeloose
2. #8 Lieutenant Brown
3. #1 King of Luck
4. #4 Uncle Press
5. #7 Moon Fall
6. #5 Callisto's Brigade

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

BY ORDER OF THE STEWARDS:



DENVER K. BECKNER



LENNY J. RERA



L. ROBERT LOTTS