

RULING #1

Owner/Trainer David J. Rose

Permit #85669

On January 6, 2025, the Board of Stewards offered a hearing to Owner/Trainer, David J. Rose, Permit #85669, DOB 11/20/1970, to which he waived his right to a hearing and elected not to send a split sample.

The Board of stewards find the following:

The official blood sample #E567116, taken on 12/12/2025 was reported by Industrial Laboratories, the official testing laboratory, to contain Dexamethasone which is a Class 4 drug, with a C Penalty, designation. Sample #E567116 contained Dexamethasone confirmed in the blood at 56.7 pg/mL. The measurement uncertainty of the method is 0.60 pg/mL at the threshold of 5 pg/mL. The sample was taken from the Ten (10) horse, "Karpathian Dream" which ran in the 2nd Race on 12/12/2025, finishing first.

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

The Dexamethasone positive in "Karpathian Dream" is Mr. Rose's First Offense in this category for a medication/substance violation in 365 days.

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

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

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

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

3. **(Mitigating) The legal availability of the oral application: 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, 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 probability of environmental contamination exposure due to human use:** This factor is not applicable to this case.
6. **The purse of the race:** The race in question was a **Claiming** race with a **\$12,400 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 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 "Karpathan Dream" was treated with **Dexamethasone** therefore, this factor is not considered in weighing the penalty in this case.
8. **Whether there was any suspicious betting pattern in the race:** There is no evidence of a suspicious betting pattern in this case and therefore, this factor is not considered in weighing the penalty in this case.

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

Mr. Rose's horse "Karpathan Dream" will be disqualified from all purse money, this disqualification is justified due to the irrefutable drug positive, and **Mr. Rose will have a total of a ½ point on his record**. The **Dexamethasone** positive, **being the first medication violation** in this class category in 365 days. **Mr. Rose is fined \$1000.00 dollars.**

The horse "Karpathan Dream" is disqualified from all purse money. Redistribution is as following:

1. #7 Dream Street Rose
2. #6 Hannahs Red Ruby
3. #9 Just Have Faith
4. #4 Cut Him Loose
5. #2 Lil Sweezey
6. #8 Mitole Candy

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

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

Dated: January 6, 2026

BY ORDER OF THE STEWARDS:



DENVER K. BECKNER



ROY S. CAVE



CARLOS A. PARTIDA

RULING #2

Jockey, **Juan M. Nunez**, Permit: #83359, DOB: 07/15/1999 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." And **45.7.c.2**. The offending horse may be disqualified, if in the opinion of the stewards, the foul altered the finish of the race, regardless of whether the foul was accidental, willful or the result of careless riding.

Jockey **Nunez** let his mount "**Marilyn Moonroe**" drift in nearing the top of the stretch taking the room away from "**Diakonissa**" forcing that rival to take causing a chain reaction eventually causing "**Xanthe**" to clip heels and fall in the **Seventh Race, Saturday, January 3, 2026**.

"Marilyn Moonroe" was disqualified from Third (3rd) and placed Ninth(9th)

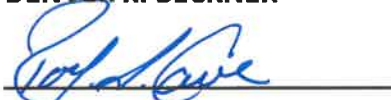
All fines imposed by the Stewards shall be paid to the Racing Commission within Seven (7) days after the ruling is issued, unless otherwise ordered by the Stewards, Per West Virginia **Rule of Racing Number 178-1-8.5.n**.

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



ROY S. CAVE



CARLOS A. PARTIDA

RULING #3

Jockey, **Christian J. Maldonado**, Permit: #81054, DOB: 09/04/2003 is hereby fined **\$250.00 (TWO HUNDRED AND 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." And 45.7.c.2. The offending horse may be disqualified, if in the opinion of the stewards, the foul altered the finish of the race, regardless of whether the foul was accidental, willful or the result of careless riding.

Jockey **Maldonado** let his mount **"Count The Flowers"** angle in down the stretch impeding with **"Verdi's Surprise"** in the **Fourth Race, Thursday, January 8, 2026.**

"Count the Flowers" was disqualified from Second (2nd) and placed Fifth (5th)

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

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

BY ORDER OF THE STEWARDS:



DENVER K. BECKNER



ROY S. CAVE



CARLOS A. PARTIDA