

# FINES AND SUSPENSIONS BULLETIN

Fri, Sep 30 - Thu, Oct 6

## PART ONE

*The following action has been taken by the United States Trotting Association. This information is in an abbreviated form.*

**GRABER, LONNIE**

**USTA on 10/3/2022**

### **USTA MEMBERSHIP ACTION**

Membership denied pursuant to the provisions of Article 1, Section 4(a) of the Association bylaws.

**DUNDEE, OH**

**DENIAL(DEN) AS OF 10/3/2022**

**YOB 1987**

## PART TWO - MAJOR PENALTIES

*The following actions published herein and imposed pursuant to the rules and regulations of the racing commissions of the various states and provinces are given full faith and credit and strictly enforced by the United States Trotting Association consistent with the provisions of USTA Rule 22, Sections 7 and 8 relative to RECIPROCITY OF PENALTIES. The fact that there is no separate action taken by the USTA in the form of a "ruling of reciprocity" shall not be construed as a failure to recognize and/or reciprocate with these published penalties. Please note that the following action is in an abbreviated form and that the USTA is not responsible for the accuracy or timeliness of reported penalties. Further information may be available by contacting the racing commission where the ruling was issued to determine the accuracy of the information.*

**BOURGAULT, FREDERICK**

**MR on 4/27/2022**

### **FAILURE TO PAY FINE(S)**

Owner/Trainer/Qualif. Driver Frederick Bourgault is hereby suspended pending payment of overdue fines in the amount of \$1250.

***Status as of 10/4/2022 - Subsequent Ruling - MR 58-2022 Owner/Trainer/Qualifying Driver Frederick Bourgault having made restitution in the amount of \$1250.00 due for overdue fines is hereby restored to good standing.***

**SCOTT, QC**

**RESTORED TO GOOD STANDING(RES) AS OF 10/4/2022**

**YOB 1998**

**HOOLEY, BYRON R**

**HoP on 8/17/2022**

### **POSITIVE TEST- POST RACE**

Sample #E542868 collected from STELLA ROSE following the seventh (7th) race on August 17, 2022, was found to contain "RACTOPAMINE" which is a Drug Class 2, Penalty Class A, violation. The standard penalty is a minimum one (1) year suspension, a fine of \$5,000, and six (6) Multiple Medical Violation (MMV) points absent mitigating circumstances, in addition to a loss of purse. After notification of the positive, Mr. Hooley brought in proof from the feed company that contamination of his feed came from a batch that contained "OPTAFLEX (Ractopamine hydrochloride)" for cattle that was mixed just prior to his batch. It was confirmed by the feed company that Mr. Hooley's feed mixture has never had "RACTOPAMINE" added to it. After reviewing the evidence, the Judges find that Mr. Hooley was not culpable for the contamination. Therefore, the penalty is mitigated to "Loss of Purse". STELLA ROSE finished first (1st) is disqualified. Winner's share \$33,000, to be returned and redistributed. See 71

**FORT WAYNE, IN**

**HORSE DISQUALIFIED - PLACED 7, PURSE REDISTRIBUTION**

**YOB 1950**

HoP on 8/25/2022

HORSE DISQUALIFIED - PLACED 8, PURSE  
REDISTRIBUTION

**POSITIVE TEST- POST RACE**

Sample #E542976 collected from COACHES CORNER following the eighth (8th) race on August 25, 2022, was found to contain "RACTOPAMINE" which is a Drug Class 2, Penalty Class A, violation. The standard penalty is a minimum one (1) year suspension, a fine of \$5,000, and six (6) Multiple Medical Violation (MMV) points absent mitigating circumstances, in addition to a loss of purse. After notification of the positive, Mr. Hooley brought in proof from the feed company that contamination of his feed came from a batch that contained "OPTAFLEX (Ractopamine hydrochloride)" for cattle that was mixed just prior to his batch. It was confirmed by the feed company that Mr. Hooley's feed mixture has never had "RACTOPAMINE" added to it. After reviewing the evidence, the Judges find that Mr. Hooley was not culpable for the contamination. Therefore, the penalty is mitigated to "Loss of Purse". COACHES CORNER finished first (1st) is disqualified. Winner's share \$3,750, to be returned and redistributed. See

**MAST, WAYNE JR**

PHL on 10/8/2019

**DUNDEE, OH**

RESTORED TO GOOD STANDING(RES) AS OF  
10/7/2022

**YOB 1977**

**FAILURE TO OBTAIN PROPER LICENSE**

PA Code 58- 183.260 183.267(8) Failure to complete Pennsylvania license requirements. The penalties are a \$50 fine (fines are due within ten days of ruling) and an indefinite full suspension (commencing October 19, 2019). Appeals are due within ten days of ruling and must be submitted in writing to: The Pennsylvania State Horse Racing Commission, 2301 N. Cameron St., Room 301, Harrisburg, PA 17110 ATTN: Anthony Salerno

***Status as of 10/2/2022 - Subsequent Ruling - Ruling is rescinded, as it was written in error.***

**MC HUGH, PAUL K**

PRC on 8/29/2022

**GILBERTVILLE, MA**

FULL - 90 DAYS, 10/5/2022 THRU 1/2/2023

**YOB 1950**

**POSSESSION OF HYPODERMIC NEEDLES, SYRINGES AND/OR INJECTABLE  
AND/OR OTHER DRUGS**

205 CMR 3.27 (d), 3.29 (4) (a)(b). On 08/29/2022 at PRC, subsequent to a report from Industrial Laboratories of a positive test, a truck search of trainer Paul McHugh was conducted by the MRC State Police in the paddock area of Plainridge Race Course per MRC protocol. During the search the State Police uncovered various bottles of which some were labeled and some were not. In addition to the numerous bottles, a needle and syringe was found. All items confiscated during the search were sent to Industrial Laboratories for testing. On 09/12/2022 a report was received from Industrial Labs which confirmed the substance in the bottles. On 10/03/2022 a hearing was conducted and as a result of the facts and findings trainer Paul McHugh is hereby suspended in full for a period of 90 days, beginning 10/05/2022 through and including 01/02/2023. During this time Mr. McHugh is barred from all access to the grounds of Plainridge Park Race Course and Casino.

**MILLER, MICHAEL R** **XENIA, OH** **YOB 1972**  
Nfld on 7/23/2022  
**BAD CHECK**  
Mr. Miller issued a check for ruling #22NFLD-137 to the OSRC and the check was returned for Uncollected Funds Hold. O.S.R.C.-3769-12-26(A)(6) 12-99 The fine has been paid.

**SCHWARTZ, BRET M** **WASHINGTON C H, OH** **YOB 1972**  
Nfld on 8/31/2022  
**POSITIVE TEST- POST RACE**  
Blood sample #892925 collected at Northfield Park on 8/31/22 from the horse Santastic Cruiser was found to contain Omeprazole at a concentration of 15.1+-0.4 nanograms per milliliter of plasma. This exceeds the Regulatory Threshold of 10 nanograms per milliliter adopted by the OSRC. O.S.R.C.-3769-18-01 (B)(10) 18-02 18-99

**SOWERS, PHILIP BO** **MONTICELLO, NY** **YOB 1971**  
PcD on 7/22/2022  
**FAILURE TO PAY FINE(S)**  
INDEFINITE SUSPENSION(IND) AS OF 10/6/2022  
PA Title 7-205.502 Mr. Sowers has failed to pay the fine of ruling #22071PD. He is suspended indefinitely starting on 10/6/2022.

**SUTTON, JOSHUA** **CLARKSVILLE, OH** **YOB 1982**  
DTN on 10/1/2022  
**LATE FOR THE BREATH ANALYZER TEST**  
FINED: \$100  
OSRC-3769-17-29-A(1). Mr. Sutton was late to blow in the breath analyzer for race 2 on 10/01/22 at Dayton Raceway. Mr. Sutton is fined \$100 which is due within 10 days of this ruling. Mr. Sutton has 48 hours to appeal this decision to the OSRC.

### PART THREE - WHIPPING VIOLATIONS

**CRAWFORD, BRETT LEE** **SARATOGA SPRINGS, NY** **YOB 1987**  
Stga on 10/3/2022  
**INAPPROPRIATE USE OF THE WHIP**  
FINED: \$100  
Mr. Crawford while driving #1 CLEMMIE HANOVER in the 1st Race at Saratoga Harness on October 3, 2022, was in violation of the whipping rule in the stretch. The fine is \$100 (1st offense). Further violations of this nature will result in greater penalties.

**DENNISON, WILLIAM A** **GREENFIELD CENTER, NY** **YOB 1956**  
Stga on 9/30/2022  
**INAPPROPRIATE USE OF THE WHIP**  
FINED: \$100  
Mr. Dennison while driving #5 SOUTHWIND CRUZE in the 9th Race at Saratoga Harness on September 30, 2022, was in violation of the whipping rule in the stretch. The fine is \$100 (1st offense). Further violations of this nature will result in greater penalties.

<b>DUBE, DANIEL</b> YR on 9/29/2022	<b>MILLSTONE, NJ</b> FINED: \$250 DRIVING - 1 DAY, 10/6/2022 THRU 10/6/2022	<b>YOB 1969</b>
<b>EXCESSIVE OR INDISCRIMINATE USE OF WHIP</b>		
<b>FINN, JARED D</b> HoP on 9/28/2022	<b>NEWTON, IL</b> FINED: \$200	<b>YOB 1987</b>
<b>EXCESSIVE OR INDISCRIMINATE USE OF WHIP</b>		
71 IAC 7-3-13(d)(1) On 9/28/2022 driver Jared Finn did whip his horse after the thirteenth race.		
<b>GRAFFAM, NICHOLAS M</b> PRc on 10/3/2022	<b>FALMOUTH, ME</b> FINED: \$200	<b>YOB 1990</b>
<b>INAPPROPRIATE USE OF THE WHIP</b>		
USTA Rule 18.00 S18.08 (b)10. On 10/03/2022 at PRC, while driving No.2 SPORTSNEST in Race 4, driver Nicholas Graffam did place the whip between the horses legs in the stretch. (1st offense). As a result of the the violation Mr. Graffam is hereby fined \$200.00. Subsequent violations will result in additional fines. All fines are due within 48 hours of imposition.		
<b>HOLLAND, BRENT</b> YR on 9/16/2022	<b>FRISCO, TX</b> FINED: \$500 DRIVING - 3 DAYS, 10/22/2022 THRU 10/24/2022	<b>YOB 1971</b>
<b>EXCESSIVE OR INDISCRIMINATE USE OF WHIP</b>		
<b>HUSTED, KYLE A</b> Spr on 9/22/2022	<b>ALTAMONT, IL</b> FINED: \$100	<b>YOB 1991</b>
<b>EXCESSIVE OR INDISCRIMINATE USE OF WHIP</b>		
Driver Kyle Husted is fined \$100 for whipping GET E UP after the finish wire of the 10th race at Springfield, IL on September 22, 2022. The fine has been paid.		
<b>INDOF, JEREMY F</b> Mea on 9/27/2022	<b>BELLE VERNON, PA</b> FINED: \$200	<b>YOB 1996</b>
<b>INAPPROPRIATE USE OF THE WHIP</b>		
PA Code Title 7-205.409(c) While driving No. 3 MEAN IRENE in race 11 on 9/28/22 at the Meadows, Mr. Indof did whip the horse using other than wrist and elbow action while in the stretch. Mr. Indof is fined \$200.00 which is due within 10 days of this ruling. Mr. Indof has 10 days to appeal this decision to the Pennsylvania SHRC, Bureau of Standardbred Racing.		
<b>Mea on 9/29/2022</b>	<b>FINED: \$200</b>	
<b>INAPPROPRIATE USE OF THE WHIP</b>		
PA Code Title 7-205.409(c) While driving No. 2 SICILY BEACH in race 7 on 9/29/22 at the Meadows, Mr. Indof did whip the horse using other than wrist and elbow action while in the		

stretch. Mr. Indof is fined \$200.00 which is due within 10 days of this ruling. Mr. Indof has 10 days to appeal this decision to the Pennsylvania SHRC, Bureau of Standardbred Racing.

**LAKE, ANGUS D** **NORTHFIELD, OH** **YOB 1969**  
Nfld on 9/28/2022 FINED: \$300

**INAPPROPRIATE USE OF THE WHIP**

While driving #1 Lickcreekmajicsrd in race 13 on 9/28/22 he whipped the horse in an exaggerated manner by raising his whipping arm above shoulder height and using more than elbow and wrist action. Mr. Angus is hereby fined \$500. The penalty will be reduced to a fine of \$300 if not appealed. O.S.R.C.-3769-17-17(B)&(C) 17-99 If the fine is not paid to the judges by 10/8/22 you shall be suspended.

**LEMS, CHRISTOPHER E** **STREETSBORO, OH** **YOB 1986**  
DTN on 10/1/2022 FINED: \$300

**INAPPROPRIATE USE OF THE WHIP**

OSRC-3769-17-17-B. While driving #5 Fearful Intent during the stretch in race 11 on 10/01/22 at Dayton Raceway, Mr. Lems did whip the horse using other than wrist or elbow action. Mr. Lems is fined \$300 which is due within 10 days of this ruling. Mr. Lems has 48 hours to appeal this decision to the OSRC.

**SMITH, TREVOR GENE** **WASHINGTON CH, OH** **YOB 1996**  
DTN on 9/30/2022 FINED: \$300

**INAPPROPRIATE USE OF THE WHIP**

OSRC-3769-17-17-B. While driving #9 Sunburst Itis after the half in race 10 at Dayton Raceway on 9/30/22, Mr. Smith did reach up and whip the horse using other than wrist and elbow action. Mr. Smith is fined \$300 which is due within 10 days of this ruling. Mr. Smith has 48 hours to appeal this decision to the OSRC.

**PART FOUR - MINOR PENALTIES**

**ALLARD, SIMON** **PITTSTON, PA** **YOB 1982**  
PcD on 10/1/2022 FINED: \$200

**INTERFERENCE/ CAUSING ANOTHER HORSE TO MAKE A BREAK**

**ATHEARN, MARK L** **CUMBERLAND, ME** **YOB 1966**  
CUMB on 10/1/2022 FINED: \$250

**CHANGING COURSE/CAUSING INTERFERENCE**

**ATHEARN, MATTHEW M** **CUMBERLAND, ME** **YOB 1998**  
CUMB on 9/30/2022 FINED: \$125

**FAILURE TO KEEP BOTH FEET IN THE STIRRUPS**

<b>BARTLETT, JASON JAMES</b> YR on 9/23/2022 <b>TAKE UP ABRUPTLY/SIT DOWN IN FRONT OF HORSES CAUSING CONFUSION AMONG TRAILING HORSES</b>	<b>GOSHEN, NY</b> DRIVING - 8 DAYS, 10/4/2022 THRU 10/11/2022	<b>YOB 1981</b>
<b>BECKWITH, MARK D</b> Stga on 10/3/2022 <b>FAILURE TO DRIVE WHEN PROGRAMMED</b>	<b>WILTON, NY</b> FINED: \$100	<b>YOB 1966</b>
<b>BEELER, PATRICK L</b> Nfld on 9/19/2022 <b>INSIDE THE EURO RAIL / PYLON VIOLATION</b>	<b>NORTHFIELD, OH</b> FINED: \$100	<b>YOB 1968</b>
<b>BONGIORNO, JENNIFER L</b> YR on 9/1/2022 <b>FAILURE TO DESIGNATE RESPONSIBLE PERSON/TRAINER IN PADDOCK</b>	<b>ALPINE, NJ</b> FINED: \$500	<b>YOB 1990</b>
<b>BONGIORNO, JOSEPH R</b> Lex on 10/1/2022 <b>TAKE UP ABRUPTLY/SIT DOWN IN FRONT OF HORSES CAUSING CONFUSION AMONG TRAILING HORSES</b>	<b>MONROE, NJ</b> FINED: \$500	<b>YOB 1993</b>
<b>BUFORD, ARCHIE N</b> Wdstk on 9/30/2022 <b>FAILURE TO KEEP BOTH FEET IN THE STIRRUPS</b>	<b>TERRY, MS</b> FINED: \$100	<b>YOB 1986</b>
<b>BUTTERFIELD, KARL F</b> Frybg on 10/4/2022 <b>LATE TO THE LASIX/ DETENTION BARN</b>	<b>RAYMOND, ME</b> FINED: \$50	<b>YOB 1967</b>
<b>CASE, WALTER H JR</b> Frybg on 10/4/2022 <b>FAILURE TO SET AND MAINTAIN A PROPER PACE</b>	<b>RICHMOND, ME</b> FINED: \$100	<b>YOB 1961</b>
<b>CUMMINGS, KEVIN J</b> Btva on 9/30/2022 <b>CHANGING COURSE/CAUSING INTERFERENCE</b>	<b>HAMBURG, NY</b> DRIVING - 3 DAYS, 10/1/2022 THRU 10/3/2022 HORSE PLACED 7	<b>YOB 1970</b>
<b>DALEY, NOEL M</b> YR on 9/1/2022 <b>FAILURE TO DESIGNATE RESPONSIBLE PERSON/TRAINER IN PADDOCK</b>	<b>CHESTERFIELD, NJ</b> FINED: \$500	<b>YOB 1961</b>
<b>DAVIS, ALLAN W</b>	<b>SMYRNA, DE</b>	<b>YOB 1976</b>

Har on 9/28/2022	FINED: \$50 HORSE PLACED 6	
<b>INSIDE THE EURO RAIL / PYLON VIOLATION</b>		
<b>FINN, JOHN D</b> HoP on 9/24/2022	<b>NEWTON, IL</b> FINED: \$100 HORSE PLACED 6	<b>YOB 1957</b>
<b>PASSING LANE VIOLATION</b>		
<b>FLUET, PHILLIP JAMES</b> Stga on 9/26/2022	<b>SARATOGA SPRINGS, NY</b> FINED: \$100 HORSE PLACED 6	<b>YOB 1978</b>
<b>INSIDE THE EURO RAIL / PYLON VIOLATION</b>		
<b>GRAFFAM, MICHAEL S</b> PRc on 10/2/2022	<b>FALMOUTH, ME</b> FINED: \$100	<b>YOB 1963</b>
<b>LATE TO THE LASIX/ DETENTION BARN</b>		
<b>GRAY, SHAWN T</b> Stga on 9/26/2022	<b>SARATOGA SPRINGS, NY</b> FINED: \$200	<b>YOB 1973</b>
<b>FAILURE TO DRIVE WHEN PROGRAMMED</b>		
<b>GREENO, EDWARD A</b> DTN on 10/6/2022	<b>FINDLAY, OH</b> FINED: \$100	<b>YOB 1962</b>
<b>LATE DRIVER CHANGE</b>		
<b>HALL, TONY A</b> DTN on 9/30/2022	<b>LEBANON, OH</b> FINED: \$200 HORSE PLACED 9	<b>YOB 1978</b>
<b>INTERFERENCE/ CAUSING ANOTHER HORSE TO MAKE A BREAK</b>		
<b>HARDER, MARK A</b> YR on 9/1/2022	<b>FREEHOLD, NJ</b> FINED: \$500	<b>YOB 1961</b>
<b>FAILURE TO DESIGNATE RESPONSIBLE PERSON/TRAINER IN PADDOCK</b>		
<b>HARRIS, ANDREW S</b> YR on 9/1/2022	<b>ALLENTOWN, NJ</b> FINED: \$500	<b>YOB 1984</b>
<b>FAILURE TO DESIGNATE RESPONSIBLE PERSON/TRAINER IN PADDOCK</b>		
<b>KAUFFMAN, KAYNE K</b> DTN on 10/4/2022	<b>LEBANON, OH</b> FINED: \$200	<b>YOB 1978</b>
<b>PASSING LANE VIOLATION</b>		
<b>MERRIMAN, AARON E</b>	<b>NORTHFIELD, OH</b>	<b>YOB 1978</b>

<b>Nfld</b> on 9/28/2022	FINED: \$200 HORSE PLACED 5	
<b>INSIDE THE EURO RAIL / PYLON VIOLATION</b>		
<b>MILLER, ANDY RAY</b> Lex on 9/30/2022	<b>MILLSTONE TOWNSHIP, NJ</b> FINED: \$500	<b>YOB 1968</b>
<b>EXCESSIVE OR INDISCRIMINATE USE OF WHIP</b>		
<b>MILLER, BRETT A</b> DTN on 10/1/2022	<b>BLACKLICK, OH</b> FINED: \$750	<b>YOB 1973</b>
<b>KICKING A HORSE</b>		
<b>NAEDELE, CHRISTOPHER W</b> Btva on 9/28/2022	<b>EDEN, NY</b> FINED: \$100	<b>YOB 1981</b>
<b>LATE DRIVER CHANGE</b>		
<b>NAPOLITANO, GEORGE JR</b> PcD on 10/1/2022	<b>BOCA RATON, FL</b> FINED: \$200	<b>YOB 1966</b>
<b>FAILURE TO KEEP BOTH FEET IN THE STIRRUPS</b>		
PcD on 10/3/2022	FINED: \$200	
<b>INSIDE THE EURO RAIL / PYLON VIOLATION</b>		
<b>NORRIS, CHARLIE R II</b> Mea on 9/27/2022	<b>BENTLEYVILLE, PA</b> FINED: \$100	<b>YOB 1982</b>
<b>FAILURE TO COME UP/STAY IN POSITION</b>		
<b>OENEMA, RACHEL A</b> DTN on 10/5/2022	<b>WINDGAP, PA</b> FINED: \$100	<b>YOB 1995</b>
<b>LATE DRIVER CHANGE</b>		
<b>PAGE, CHRIS L</b> DTN on 9/30/2022	<b>MT VERNON, OH</b> FINED: \$200 HORSE PLACED 4	<b>YOB 1983</b>
<b>PASSING LANE VIOLATION</b>		
<b>PETRELLI, CHRISTOPHER A</b> MR on 10/3/2022	<b>MONTICELLO, NY</b> FINED: \$100	<b>YOB 1999</b>
<b>FAILURE TO DRIVE WHEN PROGRAMMED</b>		
<b>POLISENO, CODY D</b> Har on 9/28/2022	<b>DOVER, DE</b> FINED: \$100	<b>YOB 1994</b>
<b>SLOW QUARTER/HALF</b>		
<b>RIDEOUT, DOUGLAS J</b>	<b>WINCHESTER, IN</b>	<b>YOB 1967</b>



<b>DTN</b> on 10/4/2022 <b>LATE DRIVER CHANGE</b>	<b>FINED: \$100</b>	
<b>ROSS, JORDAN M</b> <b>HoP</b> on 9/29/2022 <b>INSIDE THE EURO RAIL / PYLON VIOLATION</b>	<b>COVINGTON, TN</b> <b>FINED: \$200</b>	<b>YOB 1997</b>
<b>SMITH, RANDAL R</b> <b>PRc</b> on 10/2/2022 <b>LATE TO THE LASIX/ DETENTION BARN</b>	<b>XENIA, OH</b> <b>FINED: \$100</b>	<b>YOB 1976</b>
<b>SUTTON, JOSHUA</b> <b>DTN</b> on 9/29/2022 <b>INSIDE THE EURO RAIL / PYLON VIOLATION</b>	<b>CLARKSVILLE, OH</b> <b>FINED: \$200</b> <b>HORSE PLACED 3</b>	<b>YOB 1982</b>
<b>SWITZER, KEVIN P JR</b> <b>CUMB</b> on 9/30/2022 <b>FAILURE TO KEEP BOTH FEET IN THE STIRRUPS</b> <b>PRc</b> on 10/2/2022 <b>FAILURE TO KEEP BOTH FEET IN THE STIRRUPS</b>	<b>E WATERBORO, ME</b> <b>FINED: \$125</b> <b>FINED: \$400</b>	<b>YOB 1987</b>
<b>WATSON, WALLACE R</b> <b>CUMB</b> on 9/30/2022 <b>FAILURE TO KEEP BOTH FEET IN THE STIRRUPS</b>	<b>DRESDEN, ME</b> <b>FINED: \$125</b>	<b>YOB 1970</b>
<b>WRENN, RONNIE H JR.</b> <b>DTN</b> on 10/1/2022 <b>PASSING LANE VIOLATION</b>	<b>CHAGRIN FALLS, OH</b> <b>FINED: \$200</b> <b>HORSE PLACED 8</b>	<b>YOB 1986</b>