

# FINES AND SUSPENSIONS BULLETIN

Fri, Nov 24 - Thu, Nov 30

## PART ONE

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

\*\*\* NO RECORDS FOUND \*\*\*

## 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.

**ALAGNA, TONY P**

**M** on 5/8/2021

**HOWELL, NJ**

FINED: \$1,000

HORSE DISQUALIFIED, PURSE

REDISTRIBUTION

**YOB 1972**

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

Tony Alagna was the programmed trainer of the horse AMERICAN HISTORY when he raced in the 7th race at Meadowlands Racetrack on May 8, 2021. Following this race, AMERICAN HISTORY was required to submit to a post-race blood sample for analysis. A report from Industrial Laboratories identified the presence of Aminocaproic Acid. At Mr. Alagna's request, a split sample was analyzed at an approved independent laboratory and did confirm the presence of Aminocaproic Acid. As a result, Mr. Alagna is hereby fined the sum of one thousand (\$1000.00) dollars. Consistent with N.J.A.C. 13:71-23.7, the horse AMERICAN HISTORY is hereby disqualified from sharing in the purse from the 7th race on May 8, 2021. The fine associated with this ruling must be paid by February 26, 2022. MMV Points - 1/2 Point Violation N.J.A.C. 13:71-23.1(a)(b) Violation N.J.A.C. 13:71-23.6(a)(b)(c)(d) Violation N.J.A.C. 13:71-23.7(a)(b)(c)(d) Violation N.J.A.C. 13:71-23.8 BY ORDER OF THE NEW JERSEY RACING COMMISSION BOARD OF J

**Status as of 11/29/2023 - Subsequent Ruling - Anthony Alagna withdrew his appeal in Anthony Alagna v. New Jersey Racing Commission, OAL Docket No. RAC-01751-22, which resulted in the OAL returning his case file to the New Jersey Racing Commission. At issue in the appeal was Ruling No. 22MDH5 in which the Board of Judges at the Meadowlands Racetrack imposed a \$1,000 fine, disqualification of the horse "American History," loss of purse and 1/2 MMV points for violation of N.J.A.C. 13:71-23.1(a)(b), N.J.A.C. 13:71-23.6(a)(b)(c)(d), N.J.A.C. 13:71-23.7(a)(b)(c)(d) and N.J.A.C. 13:71-23.8 in connection with a post race positive test result revealing the presence of Aminocaproic Acid in the horse "American History" after the 7th race on May 8, 2021. Mr. Alagna appealed the decision of the Board of Judges and requested a stay of the penalties. By Ruling No. 22TRH19 dated February 14, 2022, a stay was granted and the matter was transmitted to the Office of Administrative Law as a contested case. Having withdrawn his appeal, the penalties issued in Ruling No. 22MDH5 by the Board of Judges at Meadowlands Racetrack are reinstated. Mr.**

***Alagna is hereby fined \$1,000 and 1/2 MMV points are imposed. Payment of the \$1,000 fine is due on or before October 5, 2023. The horse "American History" is hereby disqualified from sharing in the purse from the 7th race on May 8, 2021 at the Meadowlands Racetrack. The Horsemen's Bookkeeper is hereby ordered to redistribute the purse monies from the 7th race on May 8, 2021 at Meadowlands Racetrack accordingly. This matter is hereby referred to the Board of Judges for a hearing to determine if further disciplinary action is warranted in the event Mr. Alagna fails to show good cause to the Board of Judges as to why the withdrawal of his appeal should not be deemed frivolous in accordance with N.J.A.C. 13:71-3.6. Related rulings: 22MDH5, dated January 26, 2022 and 22TRH19, dated February 14, 2022.***

**BOULIANNE, MELANIE**

**LEVIS, QC**

**YOB 1984**

VD on 11/4/2023

FINED: \$250

**POSITIVE TEST- POST RACE**

Melanie Boulianne, as trainer of record for the horse "Maching Time" that raced on 11/4/23 at Vernon Downs is hereby fined the sum of \$500. Post Race analysis of the sample submitted resulted in a positive finding for Furosemide at level higher than the allowable threshold. Having appeared before a representative of the NYSGC and waived the right to a formal hearing and appeal the fine is hereby reduced to \$250- (1st offense in this category in a 365 day period) Fined: \$250.00

**FAGAN, DYLAN A**

**WASHINGTON COURT HOU, OH**

**YOB 1995**

DTN on 11/20/2023

FINED: \$1,000

**OFFENSIVE/PROFANE LANGUAGE**

OSRC 3769-12-26-A(10), 3769-17-29-A(7). Prior to the 8th race on 11/20/23 at Dayton Raceway, Mr. Fagan did use offensive and profane language towards a racing official. This kind of conduct is detrimental to the best interest of horse racing. Mr. Fagan is fined \$1000 and given a 10 day full suspension (11/30/23 thru 12/09/23). All horses owned and/or trained by Mr. Fagan may only be transferred by the judges at Dayton Raceway or the OSRC. During his suspension, Mr. Fagan is denied the use and privileges of all the grounds sanctioned by the OSRC. The penalty will be reduced to just the fine of \$1000, if not appealed, which is due within 10 days of this ruling. Mr. Fagan has 48 hours to appeal this decision to the OSRC.

**GALE, ROBERT C**

**VERNON, NY**

**YOB 1965**

VD on 10/28/2023

FINED: \$250

**POSITIVE TEST- POST RACE**

Robert Gale, as trainer of record for the horse "Gunpowder N" that raced on 10/28/23 at Vernon Downs is hereby fined the sum of \$500. Post Race analysis of the sample submitted resulted in a positive finding for Furosemide at level higher than the allowable threshold. Having appeared before a representative of the NYSGC and waived the right to a formal hearing and appeal the fine is hereby reduced to \$250- (1st offense in this category in a 365 day period) Fined: \$250.00

**HINES, AMOS**  
Humb on 11/30/2023

**FRIERSON, LA**  
INDEFINITE SUSPENSION(IND) AS OF  
11/30/2023

**YOB 1971**

**OTHER**

Amos Hines is hereby suspended for failure to return the purse ordered by the positive test finding for the horse FLASHY REBA in its start on September 20, 2023 in the eleventh race at the Humboldt County Fairgrounds in Humboldt, Iowa. Mr. Hines shall remain suspended until the purse is returned.

**LA MONTAGNE, KATHLEEN**  
PHL on 8/10/2023

**CHESTERFIELD, NJ**  
FINED: \$500  
HORSE DISQUALIFIED - PLACED 8, PURSE  
REDISTRIBUTION

**YOB 1951**

**POSITIVE TEST- POST RACE**

PA CODE 7-203.22, 401.3(a)(b) Sample #394026 collected from horse #8 PORTULACA after Race 13 on 8/10/2023 at Harrah`s Philadelphia was found to contain Minoxidil. This is in violation of PA medication rules. After waiving the right to appeal, Kathleen LaMontagne is fined \$500. PORTULACA finished 1st and has been disqualified. There is a loss of purse of \$7,200.00. Mitigating factors were considered in the determination of this ruling. Fine must be paid and purse money returned within 10 days of this ruling.

**LAIL, THOMAS O**  
Fhld on 4/1/2022

**SWEDESBORO, NJ**  
FINED: \$1,000  
FULL - 7 DAYS, 1/5/2024 THRU 1/11/2024  
HORSE DISQUALIFIED, PURSE  
REDISTRIBUTION

**YOB 1961**

**POSITIVE TEST- POST RACE**

An administrative hearing was conducted on January 12,2023 to accept evidence and testimony relating to the positive post-race analysis of the horse "Goinroundncircles" which competed in the 10th race on April 1,2022 at Freehold Raceway. As a result of the administrative hearing, the Board of Judges has determined that: New Jersey Racing Commission ("NJRC") licensee, Thomas Lail was the programmed trainer of the horse "Goinroundncircles" when it competed in the 10th race at Freehold Raceway on Friday, April 1,2022; The horse "Goinroundncircles" finished 2nd in the 10th race on April 1,2022; Following its performance in the 10th race at Freehold Raceway on April 1, 2022, the horse "Goinroundncircles" was selected to submit blood and urine samples for analysis; The urine sample collected from the horse "Goinroundncircles" on April 1,2022 identified the presence of the prohibited substance Oxymorphone at a level of 6.0ng/mL; The presence of Oxymorphone in the horse "Goinroundncircles" on April 1,2022 is in direct violation of NJRC rule N.J.A.C. 13:71-23.1; As a trainer licensed by the NJRC, Mr. Lail: is the absolute insurer of and responsible for the condition of a horse within his care and custody; shall not enter or start a horse that has in its body any drug or substance foreign to the natural horse; has the duty to be familiar with medication rules of the Commission and with any

drug or substance foreign the natural horse administered to said horse at his direction or while in his custody and care; Mr. Lail is in violation of N.J.A.C 13:71-23.6(a)(b)(c)(d). Having considered the mitigating factors surrounding the post-race positive test of the horse "Goinroundncircles," Mr. Lail is hereby issued a full suspension of his NJRC license for a period of seven (7) days. The said suspension shall begin Friday, January 5, 2024 through and including Thursday, January 11, 2024 inclusive. Mr. Lail is also fined the sum of one thousand (\$1,000.00) dollars. Paymen

**MALONE, CARRIE M**  
RcR on 10/28/2023

**OCEAN VIEW, DE** **YOB 1981**  
FINED: \$500  
FULL - 15 DAYS, 12/2/2023 THRU 12/16/2023  
HORSE DISQUALIFIED - PLACED 9, PURSE  
REDISTRIBUTION

**POSITIVE TEST- POST RACE**

Trainer Carrie Malone, for being the trainer of record on sample #E583379 taken from VELOCITY KOMODO in the 5th race on October 28th, 2023 at Rosecroft Raceway, was found to contain the presence of Testosterone. As a result, trainer Malone is fined \$500.00, must return all purse monies. Additionally, she will be issued a 15-day full suspension from December 2nd, 2023 through December 16th, 2023. During this suspension, she and all horses trained and/or owned by her are barred from the grounds, under the jurisdiction of the Maryland Racing Commission. VELOCITY KOMODO is disqualified, finishing 1st and placed 9th. All purse monies must be returned within 72 hours of this issuance, and all fines are due within 10 days of ruling. COMAR: 09.10.03.04.B. Four Multiple Medication Violation (MMV) points assessed.

**MARASHIAN, MARCUS J**  
Mea on 10/14/2022

**WASHINGTON, PA** **YOB 1974**  
FINED: \$10,000  
FULL - 366 DAYS, 11/28/2023 THRU 11/27/2024  
HORSE DISQUALIFIED - PLACED 6, PURSE  
REDISTRIBUTION

**POSITIVE TEST- POST RACE**

PA Code Title 7-203.22(a) 203.22(b) 401.2(a)(1) 401.2(a)(3)(i) 401.3(a) 401.3(b) 401.45 403.6(a)(2) Mr. Marashian was the trainer of the horse BLACKTREE for the tenth race on October 14, 2022, at The Meadows. Blood samples drawn from BLACKTREE (post-race) were tested and found to contain Darbepoetin (DPO). A split sample was tested by The Kenneth L. Maddy Equine Analytical Chemistry Laboratory at University of California, Davis and the presence of DPO was confirmed. As the trainer, Mr. Marashian is responsible for the positive test. BLACKTREE finished fourth in this race but is now disqualified. The purse money earned (\$808) must be returned within ten days of this ruling. Mr. Marashian is issued a \$10,000 fine (fines are due within ten days of ruling) and a 1-year full suspension (November 28th, 2023, up to and including November 27th, 2024). Appeals (and a request for a stay) are due within ten days of this ruling and must be submitted in writing (accompanied by a \$750 bond) to: The PA State Horse Racing Commission, 2301 N. Cameron St., Room 304, Harrisburg, PA 17110 ATTN: Anthony Salerno During the time of

the suspension Mr. Marashian is denied the access and use of all areas under the jurisdiction of The Pennsylvania State Horse Racing Commission (PSHRC). Any owner and/or trainer transfers from Mr. Marashian must be approved by the Judges at The Meadows or the PSHRC. No transfers will be approved to a spouse, family member, current employee, or former employee.

**MIMS, JERRY**

Haw on 10/29/2023

**VARDAMAN, MS**

HORSE DISQUALIFIED, PURSE  
REDISTRIBUTION

**YOB 1951**

**LOW OR EXCESS LEVEL OF AUTHORIZED MEDICATION**

On 6 November 2023, the UIC Analytical Forensic Testing Laboratory reported to the IRB that serum sample #139614 (Sudden Approach) dated 29 October 2023, from Hawthorne Racecourse revealed the presence of Flunixin at a concentration of 15.9 +/-2.2 ng/mL. Pursuant to IRB rule 603.140 d), the purse money earned by Sudden Approach is hereby ordered forfeited and redistributed among the remaining horses according to their order of finish in the 5th race on 29 October 2023 as follows: Sudden Approach 3rd pl unplaced; Teetter Trotter 4th pl 3rd; Mr Red Hunter 5th pl 4th; She Pirate 6th pl 5th

**MONGIELLO, BRANDON L**

M on 5/5/2023

**MANALAPAN, NJ**

FINED: \$3,000  
FULL - 395 DAYS, 11/1/2023 THRU 11/29/2024  
*APPEALED - 11/29/2023*

**YOB 1992**

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

An administrative hearing was conducted on 8/3/23 in the Judges office at the Meadowlands Racetrack to receive evidence and testimony regarding a routine inspection of NJRC licensed trainer Brandon Mongiello`s stabling area at Crystal Brook Training Center, an off-track stabling facility licensed by and under the jurisdiction of the NJRC. Having considered evidence and testimony presented, the Board of Judges has determined that, on May 5, 2023: Mongiello did possess hypodermic needles and syringes, as well as other instruments used for injection, in his stabling area which is in direct violation of NJAC. As a result, Mongiello is hereby issued a full suspension of his NJRC license for 6 months and is fined the sum of \$1000; In addition to possessing hypodermic needles, syringes and instruments used for injection, Mongiello was also in possession of injectable substances and prescription legend drugs, which is in direct violation of NJAC rules. For this second violation, Mongiello is hereby issued an additional full suspension of his NJRC license for 6 months and fined the additional sum of \$1,000.00. Mongiello did employ an individual at his stabling area who had access to and cared for race horses while that individual was not licensed by the NJRC. Mongiello`s actions regarding this matter are in direct violation of NJAC rules. As a result, Mongiello is hereby issued an additional full suspension of his NJRC license for a period of 30 days and fined the sum of \$1,000.00. As a result of all violations, Mongiello is issued a full suspension of his NJRC license for a total of 395 days and fined the total sum \$3,000.00. The suspensions shall all be served consecutively beginning November 1, 2023 and run thru November 30, 2024. During the time of

suspension, Mr. Mongiello is denied access to all grounds under the jurisdiction of the NJRC for any and all purposes. The fine associated with this ruling must be received by the NJRC on or before November 24, 2024.

**Status as of 11/29/2023 - Appeal - The New Jersey Racing Commission is in receipt of a notice of appeal and a request for a stay from trainer Brandon Mongiello in connection with the three hundred ninety-five day suspension and \$3,000 fine issued by the Board of Judges at Meadowlands Racetrack for the violation of N.J.A.C. 13:71-1.19, N.J.A.C. 13:71-7.29(a) 13, N.J.A.C. 23.6(c)(d), N.J.A.C. 13:71-23.9, and N.J.A.C. 13:71-7.26(d) in connection with a routine inspection of Brandon Mongiello's stabling area located at Crystal Brook Training Center, an off-track stabling facility licensed by and under the jurisdiction of the New Jersey Racing Commission. The Executive Director, having considered the request for a stay, hereby grants a stay of the penalties pending a final determination by the Racing Commission. The matter will be transmitted to the Office of Administrative Law for a de novo hearing. Related ruling: 23MDH110 dated September 2, 2023.**

PELLING, JACK W  
Fhld on 9/17/2022

CREAM RIDGE, NJ  
FINED: \$2,000...**STAYED**  
FULL - 180 DAYS, 12/1/2023 THRU  
5/28/2024...**STAYED**

YOB 1995

### **CONDUCT DETRIMENTAL TO THE BEST INTEREST OF HORSE RACING**

An administrative hearing was conducted on January 19, 2023 to accept evidence and testimony relating to an incident that you were involved in, following the 11th race on Saturday, September 17, 2022, at Freehold Raceway. As a result of the administrative hearing, the Board of Judges has determined that: New Jersey Racing Commission ("NJRC") licensee, Jack Pelling was the programmed driver of the horse "Magazine Theme" when it competed in the 11th race at Freehold Raceway on Saturday, September 17, 2022; Following the performance in the 11th race at Freehold Raceway on September 17, 2022, Mr. Pelling did strike the horse "Magazine Theme" with his driving whip while exiting the racetrack and did drive the horse into the exterior wall of the detention building creating a dangerous situation for the horses and licensees in the paddock area, as well as, disturbing the peace. Mr. Pelling failed to conduct himself in a professional and forthright manner following the 11th race and has taken no responsibility or accountability for his actions; Also, while in the detention barn, following race 11 on September 17, 2022 at Freehold Raceway, numerous marks were observed on the rear of the horse "Magazine Theme." Mr. Pelling is in violation of N.J.A.C 13:71-20.15(a)(b)1,6 Whipping rule N.J.A.C 13:71-7.29(a)9 Disturbing the peace N.J.A.C 13:71-7.29(a)13 Conduct detrimental to the sport Having considered aggravating factors and the severity of the incident on Saturday, September 17, 2022, Mr. Pelling is hereby issued a full suspension of his NJRC license for a period of one hundred eighty (180) days. The said suspension shall begin Friday, December 1, 2023 through and including Tuesday, May 28, 2024. Mr. Pelling is also fined the sum of two thousand (\$2,000.00) dollars. Payment of the fine associated with this ruling

**Status as of 11/29/2023 - Stay - The New Jersey Racing Commission is in receipt of a notice of appeal and a request for a stay from driver Jack Pelling in connection with**

***a 180 day suspension and \$2,000.00 fine issued by the Board of Judges at Freehold Raceway for the violation of N.J.A.C. 13:71-20.15(a)(b)1,6; N.J.A.C. 13:71-7.29(a)9; and N.J.A.C. 13:71-7.29(a)13 in connection with his drive of the horse "Magazine Theme" following the 11th race at Freehold Raceway on September 17, 2022. The Executive Director, having considered the request for a stay, hereby grants a stay of the penalties pending a final determination by the Racing Commission. The matter will be transmitted to the Office of Administrative Law for a de novo hearing. Related ruling: 23FRE100, dated November 16, 2023.***

**SCHWARTZ, BRET M**

**WASHINGTON C H, OH**

**YOB 1972**

**DTN on 11/20/2023**

**FINED: \$1,000**

**OFFENSIVE/PROFANE LANGUAGE**

OSRC 3769-12-26-A(10), 3769-17-29-A(7). Prior to the 8th race on 11/20/23 at Dayton Raceway, Mr. Schwartz used offensive and profane language towards a racing official. This kind of conduct is detrimental to the best interest of horse racing. Mr. Schwartz is fined \$1000 and given a 10 day full suspension (11/30/23 thru 12/09/23). All horses owned and/or trained by Mr. Schwartz may only be transferred by the judges at Dayton Raceway or the OSRC. During the suspension, Mr. Schwartz is denied the use and privileges of all the grounds sanctioned by the OSRC. The penalty will be reduced to just the fine of \$1000 if not appealed, which is due within 10 days of this ruling. Mr. Schwartz has 48 hours to appeal this decision to the OSRC.

**SHERIDAN, NEWTON M**

**MANCHESTER, NJ**

**YOB 1978**

**Fhld on 5/22/2021**

**FINED: \$1,000**

**HORSE DISQUALIFIED, PURSE  
REDISTRIBUTION**

**POSITIVE TEST- POST RACE**

Newton (Yogi) Sheridan was the programmed trainer of the horse "Statesman N" when he raced in the tenth race at Freehold Raceway on May 22, 2021. Following this race, "Statesman N" was required to submit a blood sample for analysis. A report from Industrial laboratories identified the presence of the drug Aminocaproic Acid. As a result, Mr. Sheridan is hereby fined the sum of one-thousand (\$1,000.00) dollars. The fine associated with this ruling must be paid on or before September 20, 2021. Consistent with N.J.A.C. 13:71-23.7, the horse "Statesman N" is disqualified from sharing in all purse monies earned on May 22, 2021. MMV points incurred: 1/2 point Violation of N.J.A.C. 13:71-23.1 (a) (b) Violation of N.J.A.C. 13:71-23.6 (a) (b) (c) (d) Violation of N.J.A.C. 13:71-23.7 (a) (b) (c) (d) Violation of N.J.A.C. 13:71-23.8(a)

***Status as of 11/29/2023 - Subsequent Ruling - Newton (Yogi) Sheridan withdrew his appeal in Newton (Yogi) Sheridan v. New Jersey Racing Commission, OAL Docket No. RAC 07731-2021S, which resulted in the OAL returning his case file to the New Jersey Racing Commission. At issue in the appeal was Ruling No. 21FRE71 in which the Board of Judges at Freehold Raceway imposed a \$1,000 fine, disqualification of the horse "Statesman N," loss of purse and 1/2 MMV point for violation of N.J.A.C. 13:71-23.1(a)(b), N.J.A.C. 13:71-23.6(a)(b)(c)(d), N.J.A.C. 13:71-23.7(a)(b)(c)(d) and***



***N.J.A.C. 13:71-23.8(a) in connection with a post-race positive test result revealing the presence of Aminocaproic Acid in the horse "Statesman N" after the 10th race on May 22, 2021. Mr. Sheridan appealed the decision of the Board of Judges and requested a stay of the penalties. By Ruling No. 21TRH29, dated September 3, 2021, a stay was granted and the matter was transmitted to the Office of Administrative Law as a contested case. Having withdrawn his appeal, the penalties issued in Ruling No. 21FRE71 by the Board of Judges at Freehold Raceway are reinstated. Mr. Sheridan is hereby fined \$1,000 and 1/2 MMV point is imposed. Payment of the \$1,000 fine is due on or before October 28, 2023. The horse "Statesman N" is hereby disqualified from sharing in the purse from the 10th race on May 22, 2021 at Freehold Raceway. The Horsemen's Bookkeeper is hereby ordered to redistribute the purse monies from the 10th race on May 22, 2021 at Freehold Raceway accordingly. This matter is hereby referred to the Board of Judges for a hearing to determine if further disciplinary action is warranted in the event Mr. Sheridan fails to show good cause to the Board of Judges as to why the withdrawal of his appeal should not be deemed frivolous in accordance with N.J.A.C. 13:71.3.6. Related rulings: 21FRE71, dated August 24, 2021 and 21TRH29, dated September 3, 2021.***

**SPICER, SYMON**  
Fhld on 1/14/2023

**MANALAPAN, NJ**  
FINED: \$5,000...**STAYED**  
FULL - 366 DAYS, 11/3/2023 THRU  
11/2/2024...**STAYED**  
HORSE DISQUALIFIED, PURSE  
REDISTRIBUTION...**STAYED**

**YOB 1975**

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

An administrative hearing was conducted on September 7, 2023 to accept evidence and testimony relating to the positive post-race analysis of the horse BEAST MODE, which competed in the 12th race on Saturday January 14, 2023 at Freehold Raceway. As a result of the administrative hearing, the Board of Judges has determined that: NJRC licensee, Symon Spicer was the programmed trainer of the horse BEAST MODE when it competed in the 12th race at Freehold Raceway on Saturday January 14, 2023; BEAST MODE finished 1st; Following its performance, BEAST MODE submitted blood and urine samples for analysis; The urine sample identified the presence of the prohibited substance 3-methoxytyramine which is in direct violation of NJAC 13:71-23.1; Pursuant to NJAC 13:71-23.4(d), Mr. Spicer elected to have a urinalysis conducted on the split sample, the split sample was sent to Texas A&M Veterinary Medical Diagnostic Laboratory for analysis, which confirmed the presence of the prohibited substance, 3-methoxytyramine; As a trainer licensed by the NJRC, Mr. Spicer is in violation of NJAC 13:71-23.6(a)(b)(c)(d). As a result, Mr. Spicer is hereby issued a full suspension of his NJRC license for a period of one-year (365) days, Friday November 3, 2023 through and including Saturday November 2, 2024 and fined the sum of \$5,000 which must be received by the NJRC on or before November 2, 2024. During the suspension, Mr. Spicer is denied access to all grounds under jurisdiction of NJRC for any and all purposes. Pursuant to NJAC 13:71-23.7, the purse monies earned by BEAST MODE on January 14, 2023 are ordered to be held pending the



timely filing of an appeal. Should an appeal be filed, the purse monies earned by BEAST MODE on January 14, 2023 shall be redistributed in accordance with the official order of finish.

**Status as of 11/29/2023 - Stay - The New Jersey Racing Commission is in receipt of a notice of appeal and a request for a stay from trainer Symon Spicer in connection with the one year suspension, \$5,000 fine and 6 MMV points issued by the Board of Judges at Freehold Raceway for the violation of N.J.A.C. 13:71-23.1 and N.J.A.C. 13:71-23.6(a)(b)(c)(d) in connection with a positive post-race analysis for 3-methoxytyramine for the horse "Beast Mode" in the 12th race at Freehold Raceway on January 14, 2023. The Executive Director, having considered the request for a stay, hereby grants a stay of the penalties pending a final determination by the Racing Commission. The matter will be transmitted to the Office of Administrative Law for a de novo hearing. Related ruling: 23FRE71, dated September 12, 2023.**

**VER HAGE, RYAN M**  
Nor on 10/14/2023

**WAYLAND, MI**  
INDEFINITE SUSPENSION(IND) AS OF  
11/11/2023

**YOB 1991**

**FAILURE TO PAY FINE(S)**

MGCB Ruling 7648 - Ryan Verhage is hereby suspended for failure to pay fine in the amount of \$50.00 as ordered by MGCB Stewards' Ruling #7626

**WIEST, DONALD L**  
PcD on 6/12/2023

**LYKENS, PA**  
FINED: \$500  
FULL - 10 DAYS, 11/24/2023 THRU 12/3/2023  
HORSE DISQUALIFIED, PURSE  
REDISTRIBUTION

**YOB 1930**

**POSITIVE TEST- POST RACE**

PA Code Title 7-203.22(a)(b), 401.3(a)(b) Sample #405084 collected after race 1 from #5 TUIS SHADOW on 6/12/2023 at Pocono Downs was found to contain Trazodone. This is in violation of PA medication rules. As the trainer Mr. Wiest is responsible for the positive test. However, credible evidence has been presented to show there is a reasonable chance that this positive was a result of environmental contamination. After waiving his right to appeal, Mr. Wiest has been fined \$500 and will serve a 10 day suspension 11/24/2023 thru 12/3/2023. TUIS SHADOW finished 1st and was disqualified. Purse money (\$4,250.00) must be returned within 10 days of this ruling to be redistributed. Mitigating factors were considered in the determination of this penalty.

**PART THREE - WHIPPING VIOLATIONS**

**BAYNES, RAY**  
Fhld on 5/7/2021

**FREEHOLD, NJ**  
FINED: \$1,000  
DRIVING - 10 DAYS, 6/14/2021 THRU 6/23/2021

**YOB 1956**

**EXCESSIVE OR INDISCRIMINATE USE OF WHIP**

Driver Ray Baynes is hereby issued a driving suspension for a period of ten (10) days. Said suspension shall begin on June 14, 2021 and run through June 23, 2021 inclusive and is also fined the sum of one-thousand (\$1,000.00) dollars. While driving #1 "Skyline Hanover" in the second race at Freehold Raceway on May 7, 2021, Mr. Baynes did violate the New Jersey Racing Commission rule regarding the restrictive use of the whip. This is Mr. Baynes's 2nd Violation of N.J.A.C. 13:71-20.15. Violation of N.J.A.C. 13:71-20.15 (b) 2, 3, 4.

**Status as of 11/29/2023 - Subsequent Ruling - On May 27, 2021, the Board of Judges issued a driving suspension to Ray Baynes for a period of ten days and fined him the sum of \$1,000 dollars, in connection with the restrictive use of the whip while driving "Skyline Hanover" in the second race on May 7, 2021 at Freehold Raceway. Ray Baynes appealed and the matter was transmitted to the OAL on June 22, 2021 as a contested case. On July 31, 2023, Administrative Law Judge Susan M. Scarola issued an initial decision which affirmed the Board of Judges decision to impose a ten day suspension and a \$1,000 fine against the petitioner. At its September 20, 2023 meeting, the New Jersey Racing Commission determined to adopt the initial decision. Having adopted the initial decision, the penalties issued in Ruling No. 21FRE51 are reinstated. Ray Baynes is hereby suspended from driving for a period of ten days beginning on November 10, 2023 through and including November 19, 2023. Payment of the fine is due on or before November 19, 2023. Related rulings: 21FRE51, dated May 27, 2021 and 21TRH12, dated June 15, 2021.**

**HAWK, ALEXANDER D**

**CIRCLEVILLE, OH**

**YOB 1992**

**Nfld** on 11/22/2023

**FINED: \$300**

**INAPPROPRIATE USE OF THE WHIP**

While driving #8 Bee Stormin in race 12 on 11/22/23 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. Hawk waived his right to hearing and 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) The fine must be paid by 12/7/23.

**LEMS, CHRISTOPHER E**

**STREETSBORO, OH**

**YOB 1986**

**Mea** on 11/24/2023

**FINED: \$200**

**EXCESSIVE OR INDISCRIMINATE USE OF WHIP**

PA Code Title 7-205.409(c) Mr. Lems failed to restrict his whip use to elbow and wrist action only while driving #9, HES A SWEETHEART, in the 11th race on November 24, 2023 at The Meadows. Mr. Lems is fined \$200 (fines are due within ten days of ruling) and has waived his hearing/appeal rights).

**LONGO, GERALD**

**RIVERSIDE, CA**

**YOB 1945**

**CaIX** on 11/17/2023

**FINED: \$300**

**EXCESSIVE OR INDISCRIMINATE USE OF WHIP**

CAL EXPO Driver GERALD LONGO, who drove NO.6 BODY ARMOR in the fifth race on Friday, November 17, 2023 is hereby fined the sum of three hundred (\$300.00) dollars for

violation of CHRB Whipping Rule #1734(b)(7) Use of the whip more than two times without giving a horse a chance to respond and Rule #1734(b)(8) Use of the whip more than six times during a race, excluding showing or waving the whip. If this fine is not paid to the paymaster of purses within seven calendar days from the date of this ruling you may be suspended and/or your license revoked by the CHRB.

**CaIX** on 11/17/2023 FINED: \$300

**EXCESSIVE OR INDISCRIMINATE USE OF WHIP**

CAL EXPO Driver GERALD LONGO, who drove NO.7 DIVINE ART in the tenth race on Friday, November 17, 2023 is hereby fined the sum of three hundred (\$300.00) dollars for violation of CHRB Whipping Rule #1734(b)(7) Use of the whip more than two times without giving a horse a chance to respond and Rule #1734(b)(8) Use of the whip more than six times during a race, excluding showing or waving the whip. If this fine is not paid to the paymaster of purses within seven calendar days from the date of this ruling, you may be suspended and/or your license revoked by the CHRB.

**PALONE, DAVID M** WASHINGTON, PA YOB 1962

**Mea** on 11/22/2023 FINED: \$250

**FAILURE TO KEEP A LINE IN EACH HAND**

PA Code Title 7-205.409(b) Mr. Palone used his whip in a one-handed fashion while driving #6, JEFFERY P, in the 8th race on November 22, 2023 at The Meadows. Mr. Palone is fined \$250 (fines are due within ten days of ruling) and has waived his hearing/appeal rights.

**PORTER, JAMES TRAE** SMYRNA, DE YOB 2001

**RcR** on 11/16/2023 FINED: \$200

**EXCESSIVE OR INDISCRIMINATE USE OF WHIP**

Driver Trae Porter is fined \$200.00 for excessive use of the whip (one-handed whipping) in the stretch while driving CROOK BOYZZ in the 11th race on November 16th, 2023 at Rosecroft Raceway. This is Porter's second offense of the meet. All fines are due within 10 days of the ruling or Maryland Racing Commission licensee will be suspended until payment is received. COMAR: 09.10.03.03 A(14)

**SILVESTRI, RALPH R III** PEMBERTON, NJ YOB 1989

**MR** on 11/22/2023 FINED: \$1,000  
DRIVING - 10 DAYS, 12/22/2023 THRU  
12/31/2023

**EXCESSIVE OR INDISCRIMINATE USE OF WHIP**

Rule 4117.8(C) Mr. Silvestri is suspended for a term of 10 days and fined \$1,000 for his 4th whipping violation within a calendar year. While driving #4 Soho Chelsea A in Race 4 Mr. Silvestri did use his whip in an unnecessary and excessive manner throughout the stretch. Further violations will result in increased penalties.

**TSIPOURAS, FRANK W** PHILADELPHIA, PA YOB 1980

PHL on 6/23/2023

FINED: \$500  
DRIVING - 5 DAYS, 6/20/2023 THRU 6/24/2023

**EXCESSIVE OR INDISCRIMINATE USE OF WHIP**

PA Code Title 7-205.409(c) 205.409(a) Mr. Tsipouras drove #4, RICKYBOBBYNTHEHAUS, in the 4th race on June 18, 2023 at Harrah`s Philadelphia. In the stretch drive, Mr. Tsipouras used his whip excessively and repeatedly raised his whipping arm above shoulder height. Mr. Tsipouras is issued a \$500 fine (fines are due within ten days of ruling) and a 5 day suspension (June 20, 21,22,23,&24, 2023) from driving in overnight events. Mr. Tsipouras has waived his hearing/appeal rights.

***Status as of 11/29/2023 - Amendment - RESCINDED The New Jersey Racing Commission is in receipt of a notice of appeal and a request for a stay from driver Frank Tsipouras in connection with the 5 day driving suspension and \$500.00 fine issued by the Board of Judges at Meadowlands Racetrack for the violation of N.J.A.C. 13:71-20.15(c) 2, 3 4 in connection with the restrictive use of the whip on the horse "Beach Demon" in the 1st race at the Meadowlands Racetrack on June 3, 2023. The Executive Director, having considered the request for a stay, hereby grants a stay of the penalties pending a final determination by the Racing Commission. The matter will be transmitted to the Office of Administrative Law for a de novo hearing. Related ruling: 23MDH84, dated June 13, 2023.***

Fhld on 10/28/2023

FINED: \$1,000...**STAYED**  
DRIVING - 10 DAYS, 12/8/2023 THRU  
1/6/2024...**STAYED**

**EXCESSIVE OR INDISCRIMINATE USE OF WHIP**

While driving #1 NEEDLESS TO SAY in the 6th race at Freehold Raceway on Saturday, October 28, 2023, Mr. Tsipouras did whip with more than wrist action and also did raise his whipping arm above his shoulder. Mr. Tsipouras also moved his arm in an exaggerated manner. The Board of Judges has determined that Mr. Tsipouras`s actions are in direct violation of N.J.A.C. 13:71-20.15( c) 3, 4. Driver Frank Tsipouras is hereby issued a driving suspension for a period of ten (10) days and is also fined the sum of one thousand (\$1000.00) dollars. Said suspension shall be served on ten (10) consecutive New Jersey Racing Days and shall be served on Dec. 8, Dec. 9, Dec. 15, Dec.16, Dec. 22, Dec. 23, Dec. 29, Dec. 30, 2023, Jan. 5, and Jan. 6, 2024 . This is Mr. Tsipouras`s 2nd Violation of N.J.A.C. 13:71-20.15 The payment of the fine associated with this ruling must be received by the New Jersey Racing Commission on or before January 6, 2024.

***Status as of 11/29/2023 - Stay - The New Jersey Racing Commission is in receipt of a notice of appeal and a request for a stay from driver Frank Tsipouras in connection with the 10 day driving suspension and \$1,000 fine issued by the Board of Judges at Freehold Raceway for the violation of N.J.A.C. 13:71-20.15(c) 3, 4 in connection with the restrictive use of the whip on the horse "Needless To Say" in the 6th race at Freehold Raceway on October 28, 2023. The Executive Director, having considered the request for a stay, hereby grants a stay of the penalties pending a final determination by the Racing Commission. The matter will be transmitted to the Office of Administrative Law for a de novo hearing. This ruling will rescind ruling***

*number 23TRH44, dated November 17, 2023. Related rulings: 23TRH44, dated November 17, 2023; 23FRE95, dated November 8, 2023.*

#### PART FOUR - MINOR PENALTIES

<b>ALLARD, SIMON</b> PHL on 11/19/2023 <b>FAILURE TO COME UP/STAY IN POSITION</b>	<b>GILBERTSVILLE, PA</b> FINED: \$200	<b>YOB 1982</b>
<b>ANNUNZIATA, MICHAEL</b> CUMB on 11/19/2023 <b>FAILURE TO HONOR DECLARATION</b> CUMB on 11/19/2023 <b>FAILURE TO HONOR DECLARATION</b>	<b>MAHOPAC, NY</b> FINED: \$250  FINED: \$250	<b>YOB 1977</b>
<b>CLEGG, NICK A</b> Nfld on 11/13/2023 <b>INSIDE THE EURO RAIL / PYLON VIOLATION</b>	<b>NORTHFIELD, OH</b> FINED: \$100	<b>YOB 1974</b>
<b>DEL CID, FRANCISCO</b> Nfld on 11/22/2023 <b>FAILURE TO HONOR DECLARATION</b>	<b>BORDENTOWN, NJ</b> FINED: \$300	<b>YOB 1960</b>
<b>GINGRAS, YANNICK</b> YR on 11/27/2023 <b>CROWDING/PUTTING ANOTHER WHEEL UNDER ANOTHER HORSE OR DRIVER</b>	<b>ALLENTOWN, NJ</b> DRIVING - 3 DAYS, 12/18/2023 THRU 12/20/2023	<b>YOB 1979</b>
<b>HARDY, JAMES E</b> PRc on 4/18/2023 <b>SLOW QUARTER/HALF</b> PRc on 11/24/2023 <b>FAILURE TO KEEP BOTH FEET IN THE STIRRUPS</b>	<b>NORTH ATTLEBORO, MA</b> FINED: \$100  FINED: \$300	<b>YOB 1964</b>
<b>HARMON, ROBERT W</b> PRc on 11/27/2023 <b>RACING A HORSE WHICH IS IMPROPERLY EQUIPPED</b>	<b>MILFORD, PA</b> FINED: \$100	<b>YOB 1969</b>
<b>HENRY, PIERCE D</b> Nfld on 11/22/2023 <b>INSIDE THE EURO RAIL / PYLON VIOLATION</b>	<b>LEIPSIC, OH</b> FINED: \$100	<b>YOB 1997</b>
<b>HILL, JOHNSON JR</b> DTN on 11/28/2023 <b>INACCURATE PROGRAM INFORMATION</b>	<b>DAYTON, OH</b> FINED: \$50	<b>YOB 1950</b>

<b>JOHNSTON, SHAWN P</b> Mea on 11/1/2023	<b>EVANS CITY, PA</b> FINED: \$200 HORSE PLACED 6	<b>YOB 1993</b>
<b>INSIDE THE EURO RAIL / PYLON VIOLATION</b>		
<b>KILLEEN, JACK J</b> Mea on 11/15/2023	<b>CANONSBURG, PA</b> FINED: \$200 HORSE PLACED 6	<b>YOB 2000</b>
<b>INSIDE THE EURO RAIL / PYLON VIOLATION</b>		
<b>Mea on 11/22/2023</b>	<b>FINED: \$200</b>	
<b>JOSTLE, STRIKE OR HOOK WHEELS</b>		
<b>MCCOWN, JESSICA M</b> DTN on 11/25/2023	<b>OSTRANDER, OH</b> FINED: \$300	<b>YOB 1991</b>
<b>NO VACCINATION / COGGINS / HEALTH CERTIFICATE</b>		
<b>MERRIMAN, AARON E</b> Nfld on 11/26/2023	<b>NORTHFIELD, OH</b> FINED: \$100	<b>YOB 1978</b>
<b>INSIDE THE EURO RAIL / PYLON VIOLATION</b>		
<b>MILLER, BRETT A</b> DTN on 11/25/2023	<b>BLACKLICK, OH</b> FINED: \$200 HORSE PLACED 5	<b>YOB 1973</b>
<b>INSIDE THE EURO RAIL / PYLON VIOLATION</b>		
<b>MILLER, JACOB H</b> Nfld on 11/22/2023	<b>SALESVILLE, OH</b> FINED: \$300	<b>YOB 1982</b>
<b>LATE TO THE LASIX/ DETENTION BARN</b>		
<b>MONTI, ANDREW</b> Mea on 11/1/2023	<b>DEPEW, NY</b> FINED: \$200	<b>YOB 1994</b>
<b>INSIDE THE EURO RAIL / PYLON VIOLATION</b>		
<b>MYERS, HUNTER R</b> Mea on 11/10/2023	<b>CHAGRIN FALLS, OH</b> FINED: \$200 HORSE PLACED 6	<b>YOB 1998</b>
<b>CHANGING COURSE/CAUSING INTERFERENCE</b>		
<b>NELSON, JOSEPH O</b> PRc on 11/27/2023	<b>TEMPLE, ME</b> FINED: \$100	<b>YOB 1970</b>
<b>LATE TO THE LASIX/ DETENTION BARN</b>		
<b>NOBLE, KOLTIN D</b> Mea on 11/24/2023	<b>XENIA, OH</b> FINED: \$200	<b>YOB 2004</b>

**JOSTLE, STRIKE OR HOOK WHEELS**

<b>PAGE, CHRIS L</b> DTN on 11/25/2023	<b>DELAWARE, OH</b> FINED: \$200 HORSE PLACED 3	<b>YOB 1983</b>
<b>IMPEDING THE PROGRESS OF ANOTHER HORSE</b> DTN on 11/28/2023	FINED: \$100	
<b>INSIDE THE EURO RAIL / PYLON VIOLATION</b>		
<b>PORTER, JAMES TRAE</b> DD on 11/29/2023	<b>SMYRNA, DE</b> FINED: \$300 HORSE PLACED 2	<b>YOB 2001</b>
<b>CHANGING COURSE/CAUSING INTERFERENCE</b>		
<b>SIEGELMAN, AUSTIN T</b> YR on 11/20/2023	<b>KINGSTON, PA</b> FINED: \$100	<b>YOB 1992</b>
<b>FAILURE TO COME UP/STAY IN POSITION</b>		
<b>SWARTZENTRUBER, ANTHONY D</b> DTN on 11/29/2023	<b>MONTGOMERY, IN</b> FINED: \$100	<b>YOB 1991</b>
<b>LATE DRIVER CHANGE</b>		
<b>TOLLEY, ELIZABETH</b> Nfld on 5/28/2023	<b>ROMULUS, MI</b> FINED: \$500	<b>YOB 1979</b>
<b>DECLARING HORSE IN CLAIMING RACE WITHOUT PROPER CLAIMING AUTHORIZATION/REGISTRATION CERTIFICATE ON FILE</b>		
<b>WALTERS, JUSTIN T</b> Mea on 11/3/2023	<b>WASHINGTON, PA</b> FINED: \$200	<b>YOB 2003</b>
<b>JOSTLE, STRIKE OR HOOK WHEELS</b>		
<b>WIDGER, SAMUEL D</b> DTN on 11/29/2023	<b>BEECHER, IL</b> FINED: \$100	<b>YOB 1963</b>
<b>INSIDE THE EURO RAIL / PYLON VIOLATION</b>		