



STATE OF DELAWARE  
DEPARTMENT OF AGRICULTURE  
DELAWARE THOROUGHBRED RACING COMMISSION  
777 DELAWARE PARK BLVD, WILMINGTON, DE 19804  
AGRICULTURE.DELAWARE.GOV  
**OFFICE OF THE STEWARDS**

(302) 994-2521 EXT. 7247

FAX: (302) 994-3567

## **Stewards Ruling 16A-2021**

Ruling Date: 5/20/2021

Licensee: McLean Robertson

DOB: 04/10/1974

Violation Date: 10/5/2020

License Type: Trainer

RCI ID 1971302

Ruling Type/Description: Medication/Drug Violation-Animal

DTRC Rules Cited: 15.3.1.,15.18, 7.3.1, 7.3.6, 15.3.2, 15.19 and 3.4 All (Stewards Duties)

Fine: \$1000

Fine Due Date: 5/26/2021

### **Narrative:**

Acting on a report from Truesdail Laboratories, Inc. the official testing laboratory for the Delaware Thoroughbred Racing Commission in 2020, that blood sample 28771 had exceeded the threshold limit for "Dimethyl Sulfoxide" (DMSO) at (16 +/- 0.88 micrograms/ml) in blood a violation of D.T.R.C. Rule 15.3.1 and 15.18 which establishes a threshold of 10 micrograms/ml in blood. The Stewards at Delaware Park determined that blood sample 28771 was obtained from "Uno Tigress", first (1) place finisher of the first (1) race on October 5, 2020. The trainer of record for "Uno Tigress" was McLean Robertson.

Trainer McLean Robertson was notified of the results of the test on "Uno Tigress".

Trainer McLean Robertson availed his right to a split sample. The split sample was sent to Analytical Toxicology Lab in Ohio. Analytical Toxicology Lab on 11/30/2020 reported that sample 28771 confirmed "Dimethyl Sulfoxide" (DMSO) at a level of 11.26 +/- 0.05 micrograms/ml in blood. Mr. Robertson requested a hearing in this matter. On May 19, 2021, The Board of Stewards conducted a hearing. Mr. Robertson "WAIVED" his right to counsel. Stewards determined that Mr. Robertson could not provide the Stewards any mitigating factors in his case. The Board of Stewards at Delaware Park will enforce the penalty established by the Uniform Classification Guidelines for Foreign Substances and Recommended Penalties as approved by the Delaware Thoroughbred Racing Commission in D.T.R.C. Rule 15.18.

Based on the evidence available to them, the Stewards have determined the following:



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McLean Robertson was the trainer of record for "Uno Tigress" on October 5, 2020 at the time "Dimethyl Sulfoxide" (DMSO) was found in the blood sample provided by "Uno Tigress" following the first race.

"Dimethyl Sulfoxide" (DMSO) is an allowable controlled therapeutic medication in Delaware not to exceed a level of 10 micrograms/ml of blood.

The report from Truesdail Laboratories, the primary laboratory of the D.T.R.C. in 2020 indicated 16 +/- 0.88 micrograms/ml of "Dimethyl Sulfoxide" (DMSO) had been detected in the blood of "Uno Tigress".

Pursuant to D.T.R.C. Rule 7.3.1, 7.3.6 and 15.3.2. A registered Trainer shall bear primary responsibility for the proper care, health, training condition, safety and protection against administration of prohibited drugs or medication of horses in his charge.

The Stewards FIND Mr. Robertson in Violation of D.T.R.C. Rule 15.18 for testing in excess of the allowable limit of 10 micrograms/ml of blood for "Dimethyl Sulfoxide" (DMSO) in "Uno Tigress" in the first (1) race on October 5, 2020. "Dimethyl Sulfoxide" (DMSO) is a class "4" drug with a "C" penalty which has been established by the Uniform Classification Guideline for Foreign Substances and Recommended Penalties Model Rule.

Pursuant to the Guidelines noted above and the rules of the Delaware Thoroughbred Racing Commission, the Stewards hereby ORDER the following:

Trainer McLean Robertson is fined \$1000;

"Uno Tigress" is disqualified from first place for the purpose of receiving purse money. Owner Novogratz Racing Stables Inc (Joseph Novogratz) is ORDERED to return the purse money earned by "Uno Tigress" in that race to the Horseman's Bookkeeper, the purse money is to be redistributed as followed:



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1. #3 Bound for Broadway
2. #7 Lucetta's On
3. #6 Will It Be Love
4. #4 Three Coins
5. #2 Walk It Out Nanny

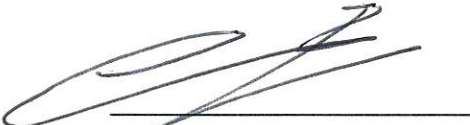
Under D.T.R.C. Rule 15.19, points are assigned to medication violations and Mr. Robertson is being assigned .05 penalty points for the Dimethyl Sulfoxide (DMSO) violation.

This ruling does not affect the pari-mutuel payoffs for this race.

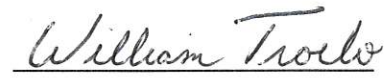
**Failure to pay the assessed fine by the due date may result in a suspension of license. Monetary fines not paid within the parameters of the official ruling are subject to penalty and interest charges at the rate of 1.5% per month compounded monthly.**

**Amendment:**

Trainer McLean Robertson, having filed an appeal and asking for a stay concerning his medication violation (\$1,000 fine and disqualification and loss of purse) of Ruling 16-2021, is hereby granted a stay of his fine and disqualification and loss of purse until such time as a decision is made by the Delaware Thoroughbred Racing Commission. Refer to DTRC Rules 3.4, 19.2.1, 19.2.2. all.

  
Eric Coatrieux

  
Robert Colton

  
William Troilo