STATE OF DELAWARE
DEPARTMENT OF AGRICULTURE
DELAWARE THOROUGHBRED RACING COMMISSION
777 DELAWARE PARK BLVD, WILMINGTON, DE 19804
AGRICULTURE.DELAWARE.GOV
(302) 994-2521 EXT. 7247 **OFFICE OF THE STEWARDS** FAX: (302) 994-3567

Stewards Ruling 89B-2022

Ruling Date: 8/23/2022 Licensee: Gary Contessa DOB: 10/13/1957
Violation Date: 5/28/2022 License Type: Trainer RCI ID: 2143559

Ruling Type/Description: Medication/Drug Violation-Animal

DTRC Rules Cited: 15.1 All, 15.1.3.1.1, 15.3.1, 15.3.2, 15.18, 15.19, 7.3.1, 7.3.6, 3.3 All and 3.4 All.

Fine: $500 Fine Due Date: 8/30/2022

Suspension: No

Narrative:

Acting on a report from Industrial Laboratories, Inc., the official testing laboratory for the Delaware Thoroughbred Racing Commission, that urine sample E464132 had exceeded the level of detection for "Sotalol", a violation of D.T.R.C. Rule 15.1 All, 15.1.3.1.1, 15.3.1, 15.3.2 and 15.18. The Stewards at Delaware Park determined that urine sample E464132 was obtained from "Tappin for Glory", first (1) place finisher of the second (2) race on May 28, 2022. The trainer of record for "Tappin for Glory" was Gary Contessa.

Trainer Contessa was notified of the results of the test on "Tappin for Glory".

Trainer Contessa availed his right to a split sample. Split Sample E464132 was sent to UIC Analytical Forensic Testing Laboratory in Chicago IL. On August 10, 2022, UIC reported that Sotalol was detected in sample E464132. Trainer Contessa requested a hearing in this matter. Trainer Contessa "Waived" his right to Legal Counsel for this hearing. A hearing was held before the Board of Stewards on August 19, 2022. Trainer Contessa did not dispute the positive test result, but rather provide evidence as to the potential cause. Trainer Contessa provided information that he was prescribed Sotalol and has been on this medication for 5 years by his physician. Trainer Contessa mixes his horses feed tubs every day by hand. After receiving all of Trainer Contessa's evidence and testimony, the Board of Stewards do believe the possibility of enviromental contamination as mitigating factors in this matter. However, there are aggravating factors in this matter as well: 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. D.T.R.C. Rule 7.3.1 and 7.3.6.

Sotalol was reported at the level of detection in urine by the Primary Laboratory, Industrial Laboratories in sample E464132. The split sample Laboratory UIC Analytical Forensic Testing Laboratory reported that Sotalol was detected in sample E464132. A violation of D.T.R.C. Rule 15.1 All, 15.1.3.1.1, 15.3.1, 15.3.2 and 15.18.

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

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Gary Contessa was the trainer of record for "Tappin for Glory" on May 28,2022, at the time "Sotalol" was found in the urine sample provided by "Tappin for Glory" following the second race.

The report from Industrial Laboratories, the primary laboratory of the D.T.R.C. indicated "Sotalol" had been detected in the urine of "Tappin for Glory".

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 Trainer Contessa in Violation of D.T.R.C. Rules 15.1 All, 15.1.3.1.1, 15.3.1, 15.3.2 and 15.18 for exceeding the level of detection in urine of "Sotalol" in "Tappin for Glory" in the second (2) race on May 28, 2022. "Sotalol" is a Class "3" Drug with a Class "B" penalty which has been established by the Uniform Classification Guideline for Foreign Substances and Recommended Penalties Model Rule which has been adopted by the D.T.R.C. in Rule 15.18.

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

Trainer Contessa is fined $500; (Aggravating Factor)

The 15-day suspension recommend by the ARCI Model Rules for Trainer Contessa has been "Waived" due to (Mitigating Circumstances).

"Tappin for Glory" is disqualified from First place for the purpose of receiving purse money. Owner Bell Gable Stable LLC (Nick Beaver). is ORDERED to return the purse money earned by " Tappin for Glory" in that race to the Horseman's Bookkeeper, the purse money is to be redistributed as followed (Aggravating Factor):

1. #2 Yabba Dabba Dude
2. #3 Gilded Warrior
3. #1 Classy Solution
4. #4 Mega Millions
5. #5 Vegas Life.

Under D.T.R.C. Rule 15.19, points are assigned to medication violations and Mr. Contessa is being assigned four (4) penalty points for the Sotalol violation.

This ruling does not affect the pari-mutuel payoffs.

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Amendment A: 8/25/2022

Owner Nick Beaver (Bell Gable Stable LLC), having filed an appeal concerning his horse (Tappin for Glory) who was Disqualified from Race 2 on May 28, 2022, at Delaware Park. Tappin for Glory was Disqualified from purse money in that race. Owner Nick Beaver's appeal will be heard by the Delaware Thoroughbred Racing Commission. Refer to DTRC Rules 3.4, 19.2.1, 19.2.2. all.

Amendment B: November 5, 2022

Owner Nick Beaver, having been duly notified and appeared at a Delaware Thoroughbred Racing Commission appeal hearing on November 1, 2022. After considering all testimony and evidence the racing Commission "REVERSED" Stewards Ruling 89-2022. By "ORDER" OF THE Racing Commission Trainer Gary Contessa will retain the 4 MMV points assigned by the Stewards in Ruling 89-2022. Owner Nick Beaver of Bell Gable Stable LLC will retain first place moneys earned during the second race by Tappin for Glory on May 28, 2022.

1. #6 Tappin for Glory
2. #2 Yabba Dabba Dude
3. #3 Gilded Warrior
4. #1 Classy Solution
5. #4 Mega Millions
6. #5 Vegas Life

Joelyn Rigione Robert Colton William Troilo

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