



The Jockey Club

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October 17, 2017

Mr. Russell C. Redding
Secretary of Agriculture
Pennsylvania Department of Agriculture
2301 North Cameron Street
Harrisburg, Pennsylvania 17110

Dear Mr. Redding,

I am writing with regard to your letter to me of September 26, 2017.

As the breed registry for Thoroughbreds in North America, The Jockey Club has a deep appreciation for Pennsylvania's horse racing and breeding industries. According to The Jockey Club Fact Book, in 2016 Pennsylvania was the sixth largest producer of Thoroughbred foals in the United States and distributed more than \$100 million in purses.

The Jockey Club, a not-for-profit organization in operation since 1894, has long pursued its mission as an organization dedicated to the improvement of Thoroughbred breeding and racing. As such it has long taken an active role in working toward the betterment of the racing industry. Considering this, one can clearly understand The Jockey Club's interest in matters affecting the safety and integrity of racing in Pennsylvania.

Representatives of The Jockey Club and other industry organizations recently reached out to Pennsylvania's State Horse Racing Commission (SHRC) but did not receive a response, so I appreciate your opening this dialogue.

As for my remarks at the Round Table Conference in Saratoga Springs in August, I stand by them and I deny that I spread misinformation. Further, contrary to your contention otherwise, I did not confuse the actions of the SHRC with those of the veterinarians and horsemen involved in the Murray Rojas matter.

In my view, the Rojas trial provided ample support for the conclusion that, during the time in question, there were indeed "regulators asleep on the job" and that there was a "corrupted and ineffectual testing system."

Please consider the following:

- During her testimony under oath, trainer Stephanie Beattie estimated that 95% to 98% of trainers at Penn National had their veterinarians provide race-day medications to horses in violation of the rules, adding, "It was a known practice." [Testimony of Stephanie Beattie in *U.S. v. Rojas* of June 26, 2017, page 23.]

- Beattie testified that she had violated Pennsylvania's medication rules a "majority of the times" amounting to "thousands" of violations. [Testimony of Stephanie Beattie, page 43.]

That any trainer might testify as Beattie did is alarming. However, it becomes downright incendiary when the person testifying about such pervasive cheating was both the president of Pennsylvania's Horsemen's Benevolent & Protective Association and the second in command (first regional vice president) of the National Horsemen's Benevolent & Protective Association at the time in question.

- Ms. Beattie's testimony was supported by veterinarian Fernando Motta who testified under oath that at Penn National administering race-day medications to horses (other than Lasix) was "the procedure" and was "what everyone was expected to do." [Testimony of Fernando Motta in *U.S. v. Rojas* of June 23 & 26, 2017, page 18.] Further, he testified that most, if not all, trainers were doing the same thing as Rojas. [Testimony of Fernando Motta, pages 134-5.]
- Dr. Motta also testified that he improperly administered medications on race days perhaps "thousands" of times. [Testimony of Fernando Motta, page 101.]
- Dr. Mary Robinson, then acting director and now director of the Pennsylvania Equine Toxicology Research Laboratory (PETRL) testified at the Rojas trial that the PETRL:
 - Did not have tests for a number of the drug treatments given to horses on race day [testimony of Mary Robinson in *U.S. v. Rojas* of June 27, 2017, page 11],
 - Was not testing for every drug every day [testimony of Mary Robinson, page 40], and
 - Acting under its "standard operating procedure 151," PETRL would mix urine samples from two horses before screening for various drugs. She added that the mixing of samples would corrupt an individual sample by diluting any prohibited substance in an individual sample [testimony of Mary Robinson, pages 17, 18 and 25].

The above referenced testimony — that 95% to 98% of trainers were cheating on a daily basis, that Ms. Beattie and Dr. Motta were both able to impermissibly drug horses on race days a "thousand times," that PETRL did not have tests for numerous regulated drugs, that they were regularly not testing for all regulated drugs, and that they were deliberately diluting and corrupting certain testing samples — provides ample evidence in support of my conclusions that there were "regulators asleep on the job" and that there was a "corrupted and ineffectual testing system."

I still do not understand how Ms. Beattie was somehow able to maintain her Pennsylvania trainer's license despite her "thousands" of violations. Thankfully, her license is currently suspended, not as a result of all of those violations but, rather, for having a court judgment against her for failing to pay race-related expenses to Neil's Turf Supply. [SHRC Ruling No. 17237PN.]

In your letter, you also challenged my reference to the actions and inactions of Tom Chuckas, Pennsylvania's current director of Thoroughbred Racing, by stating that I was "implying some connection between [him] . . . and conduct which took place years previously."

I did no such thing, and so, in this instance, it is you who is spreading "misinformation."

I called out Mr. Chuckas for failing to explain to the public about how the pervasive cheating testified to at the Rojas trial got past the SHRC. From my perspective, the current head of the organization in question should be the person to speak to the public regarding such important matters.

Additionally, for the record, there was no official public response from the SHRC to the outcry resulting from the SHRC's arbitrary decision to break all racing precedent and declare two winners for the 2016 Parx Oaks when there was no dead heat.

However, I am not sure that it is appreciated how badly the SHRC's decision in the Parx Oaks matter damages the racing industry (since you failed to reference it in your letter).

This decision will have lasting, negative downstream effects on virtually all facets of the horse racing industry. Bettors will likely not be sure who actually won a race when there are two "winners" but no dead heat. Stallion/mare owners may not be able to accurately assess the quality and racing history of breeding stock related to the Parx Oaks "winners," and buyers at horse sales years later will likely not know about how a foal's parent achieved first place "black type" status without truly winning a race.

Leaving these matters behind, The Jockey Club recognizes and applauds the SHRC's recent decision to implement horse-positive regulations and penalties, especially since it is the first state to do so. Declaring a horse ineligible to race after it tests positive for a Class 1 or Class 2 drug anywhere in the country should certainly be a deterrent to potential cheaters.

Likewise, the recent adoption of the Racing Medication and Testing Consortium's model rule for Multiple Medication Violation penalties is also heartening.

Further, news reports from yesterday indicate that Pennsylvania is in the process of undertaking multiple, possibly significant integrity-related investigations. To the extent that this is the case, I believe that such actions are another step in the right direction.

One area that could certainly use more focus by the SHRC is to more widely and transparently announce its current medication rules. Our staff has been reviewing Pennsylvania's current medication use regulations and we have found them to be presented on a piecemeal and likely contradictory basis. Other states make their medication regulations publicly available in a centralized and up-to-date manner. We encourage Pennsylvania to do the same.

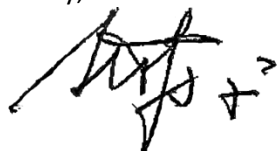
Taking a broader perspective, I also believe that there is much further to go in terms of ensuring the integrity of our nation's races and protecting our racing athletes. We learned many disturbing things through the Rojas matter, and I believe that these are emblematic of the numerous shortcomings of the anti-doping programs in this nation's many racing jurisdictions.

Recognizing the many problems with the current state-by-state anti-doping regulatory scheme, members of Congress recently introduced the Horseracing Integrity Act of 2017 (H.R. 2651). When enacted, it would provide the horse racing industry with a single set of uniform drug testing rules and enforcement protocols that would be brought into effect and managed by an independent, not-for-profit anti-doping organization created specifically for that task.

Until such time as H.R. 2651 becomes law, we are hopeful that, with your involvement, the SHRC will continue its recent activities toward implementing integrity-related initiatives and that they will be accomplished in a

manner that enhances the safety and welfare of horses and riders in accordance with the best practices the industry has to offer.

Sincerely,

A handwritten signature in black ink, appearing to read "Stuart S. Janney III". The signature is stylized with a large, sweeping initial "S" and a distinct "J" and "I" at the end.

Stuart S. Janney III
Chairman

Attachments

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG DIVISION

UNITED STATES OF AMERICA : CASE NO.
:
v. :
:
:
MURRAY ROJAS : 1:15-CR-00169

TRANSCRIPT OF PROCEEDINGS
JURY TRIAL
TESTIMONY OF STEPHANIE BEATTIE

Held before the HONORABLE SYLVIA H. RAMBO
June 27, 2017, commencing at 1:54 p.m.
Courtroom No. 1, Federal Building, Harrisburg, Pennsylvania

APPEARANCES:

WILLIAM A. BEHE, ESQUIRE
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For the United States

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Allentown, PA 18101
For the Defendant

Proceedings recorded by machine shorthand; transcript
produced by computer aided transcription.

Wendy C. Yinger, RMR, CRR
Official Court Reporter
wendy_yinger@pamd.uscourts.gov

1 Q. What were some of the drugs that you wanted or that these
2 vets gave to your horses on race day?

3 A. On race day, Kentucky Red, Estro, Amicar, and sometimes --
4 I can't remember the name of it, but they did something to help
5 with the horse's breathing. We call it blocking the throat,
6 but I'm not sure what they called it anymore.

7 Q. Are you familiar with the drug Robinol?

8 A. Yes.

9 Q. Did you ever have that administered to your horses?

10 A. I did not use that very much, but I'm not saying I never
11 did, but I used it here and there, but not as much as like
12 Kentucky Red or Amicar.

13 Q. Would you describe your profession as competitive?

14 A. Very.

15 Q. Can you tell us whether or not other trainers were doing
16 what you were doing, that is asking for drugs to be given to
17 their horses on race day?

18 A. Almost everybody, 95 percent of them, 98 percent of the
19 people. It was just a known -- everybody did it. It was a
20 known practice.

21 Q. Did you ever try and find out what another trainer might
22 be giving to see if that would be something that would help you
23 out?

24 A. You didn't ask other trainers, and they wouldn't give you
25 the information because you didn't want -- you wanted to win.

1 A. That's all I recall, sir. I'm not sure -- I don't
2 remember every name of every -- like I said when I talked to
3 you about blocking the throat, I don't know what the name of
4 that drug was, so I can't tell you the name of it.

5 Q. How many times did you do this to your horses, Ms.
6 Beattie?

7 A. What's that?

8 Q. Give medications to horses on race day? How many times
9 since becoming a trainer 20 years ago and today, have you done
10 this?

11 A. Many times. Majority of the times.

12 Q. The majority of the times?

13 A. Um-hum.

14 Q. Majority of the times means that you have raced, I mean,
15 easily thousands of times; correct?

16 A. Yes.

17 Q. Tens of thousands of times?

18 A. I don't know if tens of thousands.

19 Q. Typically, are you -- do you race every race day?

20 A. No, not anymore.

21 Q. But it is thousands?

22 A. I would think so, yes.

23 Q. And on each of these, you gave medication within 24 hours
24 of race day?

25 A. Majority of the times, yes, sir.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG DIVISION

UNITED STATES OF AMERICA : CASE NO.
:
v. :
:
:
MURRAY ROJAS : 1:15-CR-00169

TRANSCRIPT OF PROCEEDINGS
JURY TRIAL
TESTIMONY OF FERNANDO E. MOTTA

Held before the HONORABLE SYLVIA H. RAMBO
June 23, 2017, commencing at 3:45 p.m., and
June 26, 2017, commencing at 9:39 a.m.
Courtroom No. 1, Federal Building, Harrisburg, Pennsylvania

APPEARANCES:

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Proceedings recorded by machine shorthand; transcript
produced by computer aided transcription.

Wendy C. Yinger, RMR, CRR
Official Court Reporter
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1 horses that might be running that night that I was going to
2 have to treat with Lasix. Sometimes we would get those
3 overnights the day before -- a lot of times, get them the day
4 before, obviously, so we start the process like a day before,
5 sometimes two days before.

6 Q. Now you just testified that a point in time came where the
7 only thing you were permitted to give on race day was Lasix,
8 correct?

9 A. Correct.

10 Q. Did you abide by that rule or did there come a point in
11 time when you started administering other drugs to horses on
12 race day?

13 A. No, we would give other things on race day besides Lasix.

14 Q. How did you know to do that? I should say, why did you
15 start doing that?

16 A. Well, when I started, I mean, that was the way things were
17 done.

18 Q. What do you mean by that?

19 A. When I came to work at the racetrack, that was the, that
20 was the procedure, that was the process. That's what everybody
21 was expected to do. When I came to the practice I came into,
22 that's the way things were done.

23 Q. All right. Well, let's see if we can fine tune that.

24 When you come to the practice, you said Dr. Brophy was pretty
25 much running everything; correct?

1 Q. And that involves what?

2 A. Testifying here to information.

3 Q. I want you to look at the jury, please, and tell them, is
4 everything that you've testified here today the truth, the
5 whole truth, and nothing but the truth?

6 A. Yes.

7 Q. So help you God?

8 A. So help me God.

9 MR. BEHE: Your witness.

10 THE COURT: Cross.

11 MR. BEHE: Your Honor before we begin with the cross,
12 could we start the other witness first?

13 (FERNANDO MOTTA, GOVERNMENT'S WITNESS, stepped off
14 the stand at 11:39 a.m.)

15 (FERNANDO MOTTA, GOVERNMENT'S WITNESS, resumed the
16 stand, and testimony continued at 1:55 p.m.)

17 **CROSS EXAMINATION**

18 BY MR. GOLDMAN:

19 Q. Mr. Motta, what was the criminal charge you pled guilty
20 to?

21 A. Misbranding misdemeanor, misbranding.

22 Q. You didn't plead guilty to wire fraud, did you?

23 A. No.

24 Q. Could you estimate for us at the present time the number
25 of trainers that you improperly administered substances to the

1 horses on race day? Can you quantify that for us?

2 A. It would be an estimate.

3 Q. Yes?

4 A. I don't know, somewhere in the vicinity of 15, 20 maybe.

5 Q. How many times?

6 A. How many times what?

7 Q. Did you administer race day medications to trainers?

8 A. Multiple times.

9 Q. Quantify it, please?

10 A. I'm not sure -- I'm not following your question.

11 Q. How many times did you do it?

12 A. On each or --

13 Q. All together?

14 A. Total?

15 Q. Yes.

16 A. Maybe thousands.

17 Q. Thousands?

18 A. Yes.

19 Q. And they let you plead to a misdemeanor offense?

20 A. (No response.)

21 Q. It was a good deal, wasn't it?

22 A. (No response.)

23 Q. It was a good deal, wasn't it?

24 A. I'm not sure yet because I'm not done with everything yet.

25 Q. You violated your oath as a veterinarian?

1 THE COURT: Rephrase your question.

2 BY MR. GOLDMAN:

3 Q. Was it your intent, your intent, only you know your
4 intent, was it your intent to do this to win purses?

5 A. No.

6 Q. The vet treatment sheets. When we were looking at this
7 morning for all these races, we were looking at the client
8 order forms. And we'll go over these briefly. But when we're
9 talking about Murray, by and large, most of these was Clotol,
10 ACTH, and Lasix for the great majority, wasn't it?

11 A. Yes.

12 Q. And I notice, but no one ever asked you any questions, all
13 these other, you know, vets that are listed, ranging from 18 to
14 25 vets on the same sheet, many of them are asking for the same
15 thing; correct?

16 A. The vets or trainers?

17 Q. Many of the trainers?

18 A. Yes.

19 Q. And when you gave the treatments to those other trainers
20 on that list, those are all horses on race day; correct?

21 A. Yes.

22 Q. Over the years, you came to realize that this was pretty
23 widespread at Penn National?

24 A. Yes.

25 Q. Most of the trainers were doing it, if not all?

1 A. Yes.

2 Q. And there's no advantage for one trainer over another if
3 they're all giving the same race day treatments, correct?

4 MR. BEHE: Objection. It's not up to him to
5 speculate why one trainer or another would want something done.

6 THE COURT: I'm going to permit the question. I'm
7 going to permit the question.

8 MR. GOLDMAN: Yeah.

9 THE WITNESS: I'm sorry, what was the question?

10 BY MR. GOLDMAN:

11 Q. If all the trainers at Penn National are all giving race
12 day treatment and the type of drugs that, you know, common,
13 these are the common ones that the trainers are using; right?

14 A. Okay.

15 Q. Right?

16 A. Yes.

17 Q. None of these are the magic bullet?

18 A. If there is such a thing.

19 Q. Right. There isn't one, is there?

20 A. No.

21 Q. Right. These were all people caring about their horses
22 and doing something to try to help their horses, correct?

23 A. Yes.

24 Q. That's the way you felt about it, too; right?

25 A. Yes.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG DIVISION

UNITED STATES OF AMERICA : CASE NO.
:
v. :
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MURRAY ROJAS : 1:15-CR-00169

TRANSCRIPT OF PROCEEDINGS
JURY TRIAL
TESTIMONY OF MARY ROBINSON

Held before the HONORABLE SYLVIA H. RAMBO
June 26, 2017, commencing at 11:46 a.m.
Courtroom No. 1, Federal Building, Harrisburg, Pennsylvania

APPEARANCES:

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1 the horses were actually screened for at the time of the exam?

2 MR. GOLDMAN: Actually administered, alleged to be
3 administered, or what?

4 BY MR. BEHE:

5 Q. When you reviewed the indictment and the information, were
6 you provided information concerning what drugs were alleged to
7 have been given to horses on race day?

8 A. I was.

9 Q. After determining that there was no test for that whole
10 list of drugs, what did you do next?

11 A. I looked to see which drugs there would have been a test
12 for.

13 Q. And what did you find out?

14 A. I found four.

15 Q. Which were?

16 A. DMSO; Kentucky Red, which is also known as Carbazochrome;
17 Glycopyrrolate, which is also known as Robinol; and
18 Phenylbutazone.

19 Q. Now once you determined that there were tests for those,
20 what did you do with regards to trying to find out whether
21 those drugs were screened for, for any given race on any given
22 day?

23 MR. GOLDMAN: I object to this, Your Honor. This
24 calls for expert testimony.

25 MR. BEHE: It doesn't. She's reviewing --

1 MR. GOLDMAN: Objection, Your Honor. This is getting
2 into -- I'm sorry, but this is getting into expert testimony.

3 THE COURT: It is not. She's testifying to what the
4 records reflect. Overruled.

5 MR. GOLDMAN: These records haven't been provided to
6 me, Your Honor.

7 THE COURT: I'm overruling your objection.

8 BY MR. BEHE:

9 Q. Could you start over again, please? I want the jury to
10 understand this.

11 A. Sure. According to our standard operating procedure 151,
12 and we evaluated the archived version, which is the relevant
13 version for the time period in question, the urine -- and also,
14 according to the laboratory records themselves on the page that
15 describes the test in question, it states that the urine
16 samples are mixed one to one, which means that the first and
17 second samples that arrived would be mixed together, the third
18 and fourth were mixed together, the fifth and sixth were then
19 mixed together and analyzed, to save costs essentially.

20 Q. So you would mix urine samples from different horses
21 together?

22 A. That's correct.

23 THE COURT: Not that she would.

24 BY MR. BEHE:

25 Q. Yeah, this is the procedure that was done?

1 A. This is the procedure that was done, yes.

2 Q. And the reason again was?

3 A. My understanding is to save costs because you have to use
4 less of the kit for the first pass look at these samples.

5 Q. What does the mixing of the substances together do?

6 A. Well, if you are mixing them 50/50, then that would
7 decrease the concentration.

8 MR. GOLDMAN: Objection.

9 THE COURT: Sustained.

10 BY MR. BEHE:

11 Q. What test --

12 MR. GOLDMAN: Move for mistrial.

13 THE COURT: Go ahead.

14 BY MR. BEHE:

15 Q. What test was used for determining if Glycopyrrolate was
16 present at the time frame that we're talking about?

17 A. It's from a company called Neogen, and it's called an
18 enzyme-linked immuno assay test. It comes as a kit with
19 instructions for how to perform it. It's designed specifically
20 for testing in animal samples for drug testing, including
21 horses.

22 Q. And was this the test that was used during this timeframe?

23 A. Yes, it was.

24 Q. And does the test tell you how this kit is to work, how
25 it's to be performed during this timeframe?

1 mixture, how do you do that? Do you know?

2 A. You take one milliliter of urine from one of the horse
3 cups.

4 Q. Right.

5 A. Use a different pipet, take another milliliter from
6 another horse sample. You put both of them in the same tube.

7 They are then used to run the screening test. If that test
8 shows that there is a suspect for that particular well, then
9 both samples are reanalyzed independently with the same test.

10 And then that will determine which of the samples is suspected
11 to contain the drug or sometimes both may contain the drug.

12 Q. What was the importance of telling us about the one to one
13 mixture? I missed it then.

14 A. The importance is that it decreases the sensitivity of the
15 test.

16 Q. Okay. The horsemen know that if their horse comes in
17 first place, their horses will be tested; is that correct?

18 A. Yes.

19 Q. And the horsemen know that, in addition to that, that even
20 if they don't place first, there is the potential of the horses
21 being tested; correct?

22 A. Yes.

23 Q. Do you know why the former director Uboh left PETRL?

24 A. He didn't leave, he was let go.

25 Q. Why was he let go?

1 were asked with regards to the should have been detected and
2 the screening process. Could you explain that, please, because
3 I believe you said that there's tests for hundreds of them, but
4 then there's also rotating screens or things of that sort;
5 correct?

6 A. Correct. The tests that were run on a day-to-day basis
7 changed. And so the same drugs were not tested for every day.
8 Depended on which tests they performed on any given day. They
9 just did not have the capability of performing all of the tests
10 on every sample.

11 Q. So if the test existed, that doesn't mean that it was used
12 on a date that a sample came in for races?

13 MR. GOLDMAN: Objection, leading.

14 MR. BEHE: I'll withdraw it, and I have no other
15 questions for Dr. Robinson.

16 MR. GOLDMAN: I have nothing else -- oh, excuse me.

17 **RECROSS EXAMINATION**

18 BY MR. GOLDMAN:

19 Q. You didn't actually take a look at the records that we've
20 taken a look at during the course of this trial? They were not
21 supplied to you, correct?

22 A. I don't know what was supplied to you.

23 Q. You didn't look at the vet posting books, you didn't look
24 at the vet invoices, etc.; correct?

25 A. I did not look at the posting books or the invoices.

The Pennsylvania Horse Racing Commission

Ruling Number: 17237PN

Ruling Date: 09/06/2017

HAVING BEEN DULY NOTIFIED TO APPEAR AT A STEWARDS' HEARING CONCERNING A JUDGEMENT ENTERED AGAINST YOU BY THE DISTRICT JUSTICE, DAUPHIN COUNTY, PENNSYLVANIA IN FAVOR OF NEIL'S TURF SUPPLY FOR RACE RELATED EXPENSES. HAVING FAILED TO APPEAR, YOU ARE HEREBY SUSPENDED SEPTEMBER 16, 2017, IN VIOLATION OF PA. CODE, TITLE 58, SECTION 163.11. When a licensed owner or trainer or their licensed employes, or other persons licensed to engage in racing, shall suffer a final judgement rendered against him in a court of competent jurisdiction within the Commonwealth of Pennsylvania, which judgement is based wholly on an indebtedness incurred by the person for supplies, equipment, or services furnished in connection with horse racing, the Stewards, Commission, or both, may issue an order to the licensee advising the licensee that a hearing will be scheduled at which time the licensee shall show cause as to why his license shall not be suspended until the Commission or Stewards is furnished proof that the judgement in question has been satisfied. DURING THIS SUSPENSION, STEPHANIE BEATTIE IS DENIED ACCESS TO ALL GROUNDS UNDER THE JURISDICTION OF PENNSYLVANIA STATE HORSE RACING COMMISSSION. PLEASE NOTE THAT YOU HAVE THE RIGHT TO APPEAL THIS DECISION IN WRITING TO THE PA HORSE RACING COMMISSION WITHIN 48 HOURS FOR RULINGS THAT INVOLVE ENTRIES, QUALIFICATONS, WEIGHTS, CONDITIONS OR THE LENGTH OR RUNNING OF A RACE AND TEN (10) DAYS FOR ALL OTHER INFRACTIONS, AFTER NOTICE OF THE DECISION AS SET FORTH IN 58 PA. CODE, SECTION 163.481. APPEALS MUST BE PERFECTED AS REQUIRED IN 58 PA. CODE, SECTION 165.214.

Close