

BEFORE THE DELAWARE THOROUGHBRED RACING COMMISSION

IN THE MATTER OF :
DONALD EUGENE ROBERSON : 59-2013

DECISION ON APPEAL OF STEWARDS' RULING

NATURE OF THE PROCEEDINGS

This appeal is before the Delaware Thoroughbred Racing Commission (the "DTRC") pursuant to the provisions of DTRC Rule 19. Following a hearing before the Stewards on August 6, 2013, licensed trainer Donald Eugene Roberson was found in Stewards' Ruling 59-2013 to have violated DTRC Rules 2.5.1.12.1, 2.5.1.12.2, 2.5.1.17.1, and 15.1.1.3 for possession of hypodermic needles, hypodermic syringes and injectable medications on the grounds of Delaware Park. The Stewards suspended Mr. Roberson' license for a period of two years beginning Saturday, August 10, 2013 through and including Monday, August 10, 2015 and imposed a fine of \$2,500 and cost of testing of confiscated items of \$1,500. The Stewards also referred Mr. Roberson to the DTRC pursuant to Rule 3.4.1.16 for further consideration and action. Mr. Roberson filed a timely appeal of the ruling. Mr. Roberson appeared at a hearing before the DTRC on October 16, 2013 and was represented by legal counsel Alan Pincus. The DTRC was represented by Deputy Attorney General Andrew G. Kerber and the Stewards were represented by Deputy Attorney General Edward Black. Mr. Roberson acknowledged that he had committed the violations cited by the Stewards and argued only that the penalty consisting of a two year suspension with \$2,500 fine and \$1,500 testing costs as assessed by the Stewards was excessive.

DECISION

By a vote of 3 (Patterson, Stegemeier, Decker) to 1 (Levine), the DTRC affirms Stewards' Ruling 59-2013 and the suspension through August 10, 2015 with \$2,500 fine and \$1,500 testing costs. The appeal of Mr. Roberson is denied. No additional action is taken by the DTRC under Rule 3.4.1.16.

REASONS FOR DECISION

Mr. Roberson acknowledged he had committed the violations cited by the Stewards. Mr. Roberson introduced evidence that the penalties imposed during the past two years in other racing jurisdictions for violations of rules involving possession of hypodermics and illegal substances have typically involved suspensions of 30 to 60 days with a single one year suspension noted, plus small monetary fines. The State introduced evidence that in the only recent case before the DTRC involving possession of hypodermics and illegal substances the DTRC imposed a penalty of a two year suspension and \$2,500 fine, which is consistent with the penalty imposed on Mr. Roberson. The State argued that many of the penalties cited by Mr. Roberson were for violations of harness racing rules where the penalties can be smaller than typically imposed for violations of thoroughbred racing rules. The DTRC determined that the two-year suspension through August 10, 2015 with \$2,500 fine and \$1,500 testing costs imposed by the Stewards in Ruling number 59-2013 was appropriate and that no additional action need be taken by the DTRC under Rule 3.4.1.16..

ORDER

Having considered the evidence presented it is the decision of the DTRC that the Stewards' Ruling number 59-2013 is upheld and the appeal of Mr. Roberson is denied. No additional action is taken by the DTRC under Rule 3.4.1.16.

SO ORDERED this 13th day of NOVEMBER, 2013.

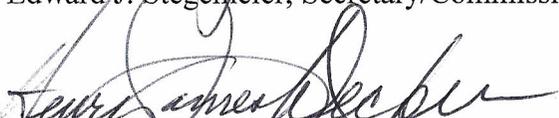
BY ORDER OF THE DELAWARE THOROUGHBRED RACING COMMISSION



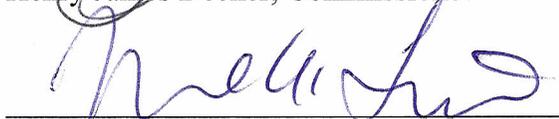
W. Duncan Patterson, Chairman



Edward J. Stegemeier, Secretary/Commissioner



Henry James Decker, Commissioner



Richard A. Levine, Esq., Commissioner