

BEFORE THE DELAWARE THOROUGHBRED RACING COMMISSION

IN THE MATTER OF :
HEATHER HOLLAHAN : 101-2013

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 October 17, 2013, licensed trainer Heather Hollahan was found in Stewards' Ruling 101-2013 to have violated DTRC Rules 7.3.1, 7.3.6, 7.3.9, 10.8.1, 10.8.1.3, 15.1, 15.1.1.1, 15.1.1.2, 15.1.2.2, 15.1.2.6, 15.1.2.7, 15.1.3.1, 15.1.3.1.1, 15.1.3.1.2, 15.1.3.1.3, 15.1.3.1.4, 15.3.1, 15.17, 15.17.1, 15.17.1.1, and 15.17.1.1.2 based upon the blood sample from the horse "Atlantis Moon" who finished first in the ninth race at Delaware Park on September 12, 2013 testing positive for testosterone in the amount of 362 picograms per milliliter of plasma. The Stewards suspended Ms. Hollahan's license for a period of seven days beginning on the first day of the 2014 Delaware Park racing season and imposed a fine of \$500. Ms. Hollahan filed a timely appeal of the ruling. Ms. Hollahan appeared at a hearing before the DTRC on November 13, 2013. The DTRC was represented by Deputy Attorney General Andrew G. Kerber and the Stewards were represented by Deputy Attorney General Edward Black. Ms. Hollahan's Notice of Appeal gave the following reason for the appeal: "We were unable to ascertain whether or not this filly had any medical abnormalities as we were awaiting split results. We need time to take her to New Bolton."

DECISION

By a vote of 4 to 0, the DTRC affirms Stewards' Ruling 101-2013 and the suspension for a period of seven days beginning on the first day of the 2014 Delaware Park racing season with \$500 fine. The appeal of Ms. Hollahan is denied.

REASONS FOR DECISION

Testimony from Commission Investigator Fran Swift indicated that under Commission Regulation 15.17.1.1 any test of over 100 picograms of testosterone per milliliter of plasma is a positive test in a filly and that the Certificate of Analysis submitted by the Commission's lab Dalare Associates indicated a level of 362 picograms of testosterone per milliliter of plasma in the blood sample taken on September 12, 2013. At the request of Ms. Hollahan and in accordance with the Commission's rules, a split sample of the blood taken on September 12, 2013 was sent to the lab at the University of California, Davis for testing. The University of California, Davis lab reported that the split sample indicated a level of 906 picograms of testosterone per milliliter of plasma. Dalare Associates also tested a blood sample from the horse "Atlantis Moon" taken on September 25, 2013 and this test indicated 1300 picograms of testosterone per milliliter of plasma. Dalare Associates later tested a blood sample from the horse "Atlantis Moon" taken on October 21, 2013 and this test indicated 25 picograms of testosterone per milliliter of plasma. Ms. Hollahan testified that she obtained the horse "Atlantis Moon" in a claiming race in early August 2013. Ms. Hollahan did not have "Atlantis Moon" tested for testosterone at the time she was claimed. Ms. Hollahan argued that she was concerned with the inconsistent test results and that standard deviations were not adhered to by the testing laboratories. Ms. Hollahan testified that she believed ARCI rules require blood samples to be frozen and her horse's samples were refrigerated rather than frozen. Commission Veterinarian Peters

testified that blood samples are put in a locked box that is placed in a locked refrigerator. Ms. Hollahan testified that she intended to take the horse “Atlantis Moon” to the New Bolton veterinary center for testing to determine if the positive test could be due to some medical irregularity with the horse, but was prevented from doing so when the horse was claimed by a new owner. The DTRC determined that in view of the positive test reports from Dalare Associates and the University of California, Davis, and in the absence of evidence of medical abnormalities that would explain the high testosterone level in the filly “Atlantis Moon,” the suspension for a period of seven days beginning on the first day of the 2014 Delaware Park racing season with \$500 fine imposed by the Stewards in Ruling number 101-2013 was appropriate and accordingly that the appeal is denied.

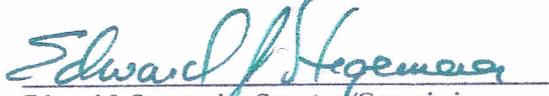
ORDER

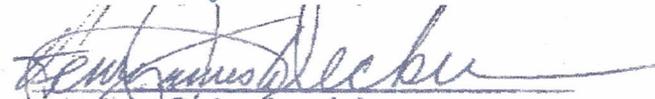
Having considered the evidence presented it is the decision of the DTRC that the Stewards' Ruling number 101-2013 is upheld and the appeal of Ms. Hollahan is denied.

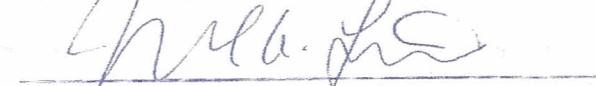
SO ORDERED this 13th day of NOVEMBER, 2013.

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

