

New York State
Racing and Wagering Board

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**NYS RACING & WAGERING BOARD'S 5-YEAR SUSPENSION OF HARNESS
TRAINER CARMINE FUSCO UPHELD BY NYS SUPREME COURT**

Fusco's horse "Chevie Pride" raced five times with three banned substances in its system

The New York State Racing and Wagering Board's 5-year license ban of a harness trainer who repeatedly violated the Board's rules regarding banned substances was upheld by the New York State Supreme Court, Appellate Division, Third Department.

The court's dismissal of trainer Carmine Fusco's appeal involves a matter that began in late 2006 when one of Fusco's horses, "Chevie Pride," tested positive for the drug clenbuterol at Yonkers Raceway. Fusco was initially suspended for 18 months and fined \$2,500. However, a subsequent review of the treating veterinarian's records found that "Chevie Pride" raced five times with three banned substances in its system.

"The days of trainers trying to skirt rules, putting equine health at risk and cheating the betting public are over," Racing and Wagering Chairman John D. Sabini said. "The Board applauds the court's decision, which affirms that individuals who repeatedly cheat should be appropriately penalized. This is another message that New York's racing industry will not tolerate those who violate the rules."

The drugs found in "Chevie Pride" are all typically used to treat various infirmities and can mask underlying health issues. Racing and Wagering Board rules prohibit the presence of these drugs in a horse within 72 hours of it racing:

- Clenbuterol is a respiratory dilator that, in higher doses, can stimulate the central nervous system.
- Methocarbamol (Robaxin) is a muscle relaxant and sedative to prevent cramps and spasms.
- Trichloromethiazide with Dexamethazone (Naquasone) is a combination of a diuretic (Trichloromethiazide) and anti-inflammatory (Dexamethazone) medicine.

Additionally, between 1999 and 2007, Fusco had a combined 8 drug infractions in New York, Massachusetts and Pennsylvania, including clenbuterol, ergonovine, possession of hypodermic needles and multiple blood gas (TCO2) violations.

In a decision written by Justice John A. Lahtinen, the unanimous appellate court found that “While the penalty is severe, (Fusco) has a history of horse drugging violations -- including eight prior violations -- and, under such circumstances, the penalty is ‘not so disproportionate to the offense as to be shocking to one's sense of fairness.’” The Appellate Division is the second highest court in New York state.

Chairman Sabini thanked Board Member and former Chair Daniel Hogan for his work on the Fusco matter. The case was handled by Assistant Solicitor General Kathleen M. Arnold under supervision of Solicitor General Barbara Underwood and Senior Counsel Peter H. Schiff.

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