



NSA Official Notices
Friday, February 9, 2024

**IN THE MATTER OF THE APPEAL OF LESLIE YOUNG
FROM A STEWARDS' RULING PRIOR TO THE
2023 AIKEN FALL RACES**

This matter comes before the Hearing, Review, and Appeals Committee of the National Steeplechase Association (NSA) on an appeal, filed by licensed trainer Leslie Young, of a ruling made by the Stewards at the Aiken Fall Races on November 18, 2023 and from a subsequent decision, published December 5, 2023, by the Stewards Advisory Committee of NSA which upheld the prior Stewards' ruling of November 18, 2023.

Background

At around 11:30 AM on November 17, 2023 Rug Howard who was to act as the Presiding Steward at the following day's Aiken Fall Races and Annie Pezzano who was to act as the Safety Steward at the same race meeting went to the stabling area on a tip that something nefarious was happening at the stalls assigned to trainer Leslie Young. Upon arrival, there was no one there. Mr. Howard directed Ms. Pezzano to search the tack stall looking for a nebulizer or similar device. No such device was found but they observed the presence of a number of dose syringes which appeared to contain a product called "Tenda." The syringes were photographed but not confiscated.

Howard returned to the stalls at 1:30 PM and observed Roddy Mckenzie using a Halo Machine to administer "Salt Therapy" to one of the horses in Mrs. Young's stalls. Mckenzie was directed to desist with the treatment and leave the grounds immediately. The horse in question was not identified. There was no attempt to determine what substance was being administered to the horse.

On November 18, 2023, the day of the Aiken Fall Races the Stewards convened a hearing with Mrs. Young and charged her with violation of NSA Rules of Racing 6.3B, 9.2A, 9.2B, and 11.1 and they imposed, as a penalty for those infractions fines totaling \$4,000.

The matter was referred to the Stewards' Advisory Committee which upheld the ruling and the fines. Mrs. Young, through her attorney Andrew Mollica, appealed the ruling to this Committee.

Findings of Fact

1. On November 17, 2023, in the early morning, four horses trained by Leslie F. Young arrived at the Aiken Race Course in anticipation of running in the Aiken Fall Races to be held on the following day.

2. The horses were placed in stalls assigned to Mrs. Young by the Race Committee.
3. Later that morning Rug Howard, the Presiding Steward for the meet was made aware of the possibility that a horse or horses trained by Mrs. Young may have been being treated with a device known as a Halo Machine
4. At 11:30AM Mr. Howard along with Safety Steward Annie Pezzano went to the stalls assigned to Mrs. Young to investigate but found no one present.
5. Mr. Howard instructed Ms. Pezzano to enter the tack stall assigned to Mrs. Young to look for a Halo Machine or nebulizer.
6. Ms. Pezzano did not find either of those devices.
7. While in the tack stall Ms. Pezzano observed an open shopping bag containing a number of unopened plastic “dose syringes”.
8. Mr. Howard and Ms Pezzano observed that the dose syringes were labeled as containing a product called “Tenda.”
9. Tenda is a product labeled to prevent bleeding and other respiratory issues.
10. Mr. Howard photographed the contents of the bag in the presence of Ms. Pezzano but did not confiscate the tubes.
11. Howard and Pezzano went to lunch and, when they returned to the grounds, Mr. Howard observed an unlicensed person named Roddy Mckenzie treating one of Mrs. Young’s horses with a Halo Machine.
12. A Halo Machine is used to allow a horse to inhale vaporized salt in order to clear mucus from its airway.
13. Mr. Mckenzie was instructed to cease the treatment, which he did. He packed up his equipment and left the grounds.
14. Mrs. Young was called before the Stewards on the morning of November 18, 2023 (race day) and charged with violation of Rules 6.3B (Trainer Responsibility), 9.2 (Forbidden Practices), and 11.1 (Improper Acts).
15. None of the horses was scratched, however, after deliberation; Mrs. Young was fined \$2,000 for having the syringes on the grounds and an additional \$2,000 for having a Halo Machine on the grounds.

Discussion

This is a matter which highlights several knotty dilemmas which are not clearly addressed or elucidated by the Rules of Racing.

The first dilemma involves the wording of Rule 9.2 A which reads “No person, other than a veterinarian described in rule 5.15, 5.16 or 5.17 shall have in his possession on the Association Grounds any hypodermic needle or syringe capable of being used for the injection of any substance to a horse.”

There is no evidence in this matter to suggest that the dose syringes found in Mrs. Young’s tack stall were suitable for the “injection of any substance into a horse.” Dose syringes such as those pictured in Mr. Howard’s photographs are solely for oral administration. Counsel for NSA produced testimony from its Equine Medical Director to prove that a notice had been posted prohibiting the use of dose syringes on race day and also prohibiting their presence on the Association Grounds.

In fact, the notice published on June 11, 2020 stated the following:

“No oral administration of any medication or substance (such as oral electrolytes or lubricants) is permitted on race day prior to a horse running. (The use of a dose syringe, other than by the

attending veterinarian, is prohibited). Horses may be treated post-race by the attending veterinarian. Also, horsemen may self-treat horses after the final race of the day.”

Our reading of that language suggests that dose syringes are permitted on the Association Grounds but may not be used by anyone other than a veterinarian until after the last race of the day.

The next issue in which the Rules of Racing are less than clear involves terms and timing.

Testimony was elicited for the proposition that the term “race day” refers to the period from twenty four hours prior to the first post time at the meet until the finish of the last race on the day of the meet. So that a horse that is treated at 1:30PM on the day before the day of the race meet is being treated within 24 hours of its race even if post time for that horse’s race is 4:00PM. However, in the Definition section of the Rules of Racing a ”Day” is defined as “a 24 hour period beginning at 12:01pm and ending at 12:00 midnight. Further a ”Steeplechase Racing Day” is defined as “a day on which one or more steeplechase races are conducted at a recognized meeting within the United States.”

In the notice dated June 11, 2020 the paragraph cited above is followed by the following paragraph: “The following are prohibited on race day: electro-shock or shockwave therapy; Nebulizer or puffer treatment; Transdermal patches.” This would seem to indicate that inhalation therapy is only banned on “race day.”

However, Rule of Racing 9.2B states, “No person shall have in his possession on Association Grounds, nor shall any person use, appliances, electrical, mechanical or otherwise of such a nature as could affect the speed or racing condition of a horse.” The question then turns to the definition of the term Association Grounds and more specifically when the “race course” becomes the “Association Grounds” for purposes of these rules. The Rules of Racing are silent on this important question merely defining Association Grounds as “all real property utilized by the Association in the conduct of its race meeting.” While, clearly, the stable area is Association Grounds on Race Day the rules are silent on days other than Race Day.

Conclusions of Law

1. Dose syringes used for oral administration of medications and supplements are not covered by Rule 9.2A which refers to hypodermic needles and syringes capable of being used for the injection of any substance into a horse.
2. The notice published by NSA on June 11, 2020, while “intended” to ban possession of dose syringes, actually authorizes their possession for “self treatment” by horsemen after the last race of the day.
3. “Race Day” under the NSA Rules of Racing begins at 12:01AM on the Steeplechase Race Day as defined in those Rules and ends at 12:00 midnight on the same day.
4. The definition of Association Grounds in the Rules of Racing is invalid for vagueness as to any day that is not a Steeplechase Race Day as defined by those Rules.
5. Under the Rules and Notices, as written, on the day before the Steeplechase Race Day, it is permissible to treat a horse using a device which might be banned from use on race day.
6. While the actions of the appellant may have been perceived by others as violations of the Rules of Racing, a close reading of those rules, as currently written, fails to convince the Committee that the Appellant violated the letter of the rules by which we are bound.

Order

AND NOW, THEREFORE, This 9th day of February, 2024 it is the ORDER of the Hearing, Review, and Appeals Committee that the Ruling of the NSA Stewards at the Aiken Fall Races and the related Decision of the NSA Stewards' Advisory Committee be OVERTURNED and VACATED with a recommendation to the Stewards; Advisory Committee that it address Rules issues raised in this appeal.

By The Committee:

Richard D Abbott, Chairman
Cuyler H. Walker, Member
Albert J.A. Young, Member