



**Western New York**

**Harness Horsemen's Association, Inc.**

WNYHHA WEB SITE: [www.wnyhha.com](http://www.wnyhha.com)

P.O. Box 730 • Batavia, New York 14021

**BUFFALO RACEWAY/BATAVIA DOWNS**

**JULY, 2008**

**BOARD OF DIRECTORS 2008-2009**

CATHERINE BARZYCKI  
 RONALD BEBACK, JR.  
 DR. RICHARD HALL  
 BARRY HOGAN  
 JAMES MCNEIGHT  
 JAMES MULCAHY  
 DONALD W. NILES  
 MICHAEL L. TORCELLO  
 BRUCE TUBIN

**OFFICERS**

President  
**BRUCE TUBIN**  
 Vice President  
**DONALD NILES**  
 Secretary  
**CATHERINE BARZYCKI**  
 Treasurer  
**JAMES MULCAHY**

**RESULTS OF 2008 BOARD OF DIRECTORS ELECTION**

**OWNER:**

**BARRY HOGAN            UNOPPOSED**

**TRAINER/DRIVER:**

**JAMES MCNEIGHT    UNOPPOSED**

**AT LARGE:**

**MARC SHUTTLEWORTH    34**

**MICHAEL L. TORCELLO    165**

The annual meeting of the Western New York Harness Horsemen's Association was held on Saturday, June 28. Up for grabs were 3 seats on the WNYHHA Board of Directors. Two directorships were unopposed resulting in new three year terms for Barry Hogan and James McNeight. In the contested At Large category, Michael L. Torcello defeated Marc Shuttleworth. Congratulations to Michael L., and thanks to Marc Shuttleworth for his involvement.

Special thanks goes out to Gene Neamon who served on the Board for 24 years. During that time Gene missed only one Board Meeting and was always a dedicated advocate for the rights of the Horsemen. In addition, Gene volunteered his time for many years serving on the Pension, Health Insurance and Welfare Committees. When Gene decided not to seek a new 3 year term, the Board lost a very dedicated and valuable member. We all wish him well.

In addition to the Election news, Board President Bruce Tubin reviewed in detail for our members in attendance the following:

- Buffalo Raceway meet to date statistics.
- Batavia Downs News.
- Reviews of our Pension and Health Insurance Programs.
- Information on this year's Horsemen's Picnic.
- New Racing and Wagering Board Rule Proposals.
- Current Contract Negotiations.

The floor was then open to questions and comments.

**The Batavia Downs backstretch will be open on Sunday, July 20 and Monday, July 21 from 8:00 AM until 5:00 PM for shipping of equipment and stall preparation only. Horses may enter the grounds beginning Tuesday, July 22 at which time the stable area will be open 24 hours per day.**

The following is a new Racing and Wagering Board proposal for Out of Competition Testing.

**Rule 4043.XX THOROUGHBRED**

**Rule 4120.XX HARNESS**

**Out of Competition Testing.**

(a) Any horse on the grounds of a racetrack under the jurisdiction of the board or stabled off track grounds is subject to testing without advance notice for blood doping, gene

doping, protein and peptide-based drugs, including toxins and venoms, and other drugs

and substances while under the care or control of a trainer or owner licensed by the Board.

(b) Horses to be tested shall be selected at the discretion of the State steward or judges or any designee of the Board.

(c) The State steward or judges or any designee of the Board may require any horse of a licensed trainer or owner to be brought to a track under the jurisdiction of the board for out of competition testing. The trainer is responsible to have the horse or horses available at the designated time and location.

(d) A Board veterinarian or any licensed veterinarian authorized by the State steward or judges or any designee of the Board may at any time take a urine or blood sample from a horse for out of competition testing.

(e) Prohibited substances are:

(1) blood doping agents including, but no limited to, erythropoietin (EPO), darbepoetin, Oxyglobin, Hemopure, Aranesp, or any substance that abnormally enhances the oxygenation of body tissues;

(2) gene doping agents or the nontherapeutic use of genes, genetic elements, and/or cells that have the capacity to enhance athletic performance or produce analgesia;

(3) protein and peptide-based drugs, including toxins and venoms.

(f) The presence of any substance at anytime described in subsections (1), (2) or (3) of subdivision (e) is a violation of this rule for which the horse may be declared ineligible to participate until the horse has tested negative for the identified substance, and for which the trainer shall be responsible pursuant to Board Rule XXXX.X [Thoroughbred or Harness Trainer Responsibility].

(g) The trainer, owner, and /or their designees and any licensed or franchised racing corporation shall cooperate with the Board and its representatives/designees by:

(1) assisting in the immediate location and identification of the horse selected for out of competition testing;

- (2) providing a stall or safe location to collect the samples;
- (3) assisting in properly procuring the samples; and
- (4) obeying any instruction necessary to accomplish the provisions of this rule.

The failure or refusal to cooperate in the above by any licensee or other person shall subject the licensee or person to penalties, including license suspension or revocation, the imposition of a fine and exclusion from tracks or facilities subject to the jurisdiction of the Board.

(h) In the absence of extraordinary mitigating circumstances, a minimum penalty of a ten (10) year suspension will be assessed for any violation of subdivision (f).

(i) An application to the Board for an occupational license shall be deemed to be constitute consent for access to any off-track premises on which horses owned and/or trained by the individual applicant are stabled. The applicant shall take any steps necessary to authorize access by Board representatives to such off-track premises.

The Racing and Wagering Board has requested comments on the new proposal. The following are the comments that I have submitted to the Board:

John Googas  
New York State Racing & Wagering Board  
One Broadway Center - Suite 600  
Schenectady, New York 12305-2553

RE: Out of Competition Testing

Dear Mr. Googas:

I am writing this letter as President and Administrative Director of the Western New York Harness Horsemen's Association. In that capacity, I represent over 800 Owners, Trainers, Drivers, and Grooms who participate at Buffalo Raceway and Batavia Downs. While I have long been a proponent of leveling the playing field thorough comprehensive drug testing, I do have certain problems with the proposed Out of Competition Drug Testing Rule.

1.) "Horses to be tested shall be selected at the discretion of the State Steward or Judges or ANY DESIGNEE OF THE BOARD." The inclusion in this section of "any designee of the board" is very troublesome. The wording is extremely vague and, in truth, why should someone other than the Board or one of its' Judges have the authority to order such testing. The opportunity for abuse, prejudice, unfounded anonymous tips, etc. seems obvious and unnecessary since we have very competent Judges throughout the State.

2.) In addition to blood doping, gene doping, protein-based drugs, including toxins and venoms, this proposed rule includes, "OTHER DRUGS AND SUBSTANCES." What does this mean for horses not scheduled to race who are being treated with any number of medications prohibited when racing, but perfectly allowable when out of competition. This rule definitely needs to be expanded to include such situations so as to avoid confusion, errors, unfounded penalties, etc., all to the detriment of innocent trainers.

3.) "The State Steward or Judges or any designee of the Board "MAY REQUIRE ANY HORSE OF A LICENSED TRAINER TO BE BROUGHT TO A TRACK UNDER THE JURISDICTION OF THE BOARD FOR OUT OF COMPETITION TESTING." This section must provide reasonable guidelines to eliminate abuse and extreme hardship. We cannot really expect a trainer to ship his or her horse from one end of the State to the other for a random blood test. There must be some proximity to the trainer and the closest licensed racetracks to avoid making this rule totally unworkable. In the alternative, perhaps the Board's representative could travel to the trainer's location. Obviously, this section must be much more clearly defined with basic fairness at the forefront.

While the thought behind this rule is extremely well intended, the above mentioned areas of concern hopefully will be addressed before final passage is instituted. I appreciate any consideration the Board might give to the above suggestions.

Very truly yours,

Bruce Tubin  
President and Administrative Director

# 2008 HORSEMEN'S PICNIC

LOCATION     DARIEN LAKE

DATE        TUESDAY, AUGUST 19

PRICE        \$20.00 per person

INCLUDED    ADMISSION  
                  PARKING  
                  ALL DAY RIDE WRIST BAND  
                  FOOD SERVED 2 – 5 P.M.  
                  BEVERAGES 1:30 – 5:30 P.M  
                  PRIVATE PICNIC AREA

TICKETS AVAILABLE BEGINNING TUESDAY, JULY 29 AT OUR BATAVIA OFFICE. WRISTBANDS WILL BE DISTRIBUTED AT THE TIME OF TICKET PURCHASE.

## MENU

HOT DOGS, HAMBURGERS, CHICKEN BREAST  
FRUIT SALAD, POTATO SALAD, MACARONI SALAD  
BEVERAGES - COKE, DIET COKE, SPRITE, ICE TEA  
UNLIMITED FROZEN DESSERTS