



*State of New Jersey*

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OAL Docket No. RAC 01797-22  
Agency Ref. No. NJRC-4-H-22-MD

JUDITH A. NASON  
*Executive Director*

THOMAS CANCELLIERE,

Petitioner,

v.

Final Decision

NEW JERSEY RACING COMMISSION,

Respondent.

On May 15, 2021, "Ruthless Hanover," trained by Thomas Cancelliere ("Petitioner"), won the 10th race at the Meadowlands Racetrack. The horse's post-race sample tested positive for Aminocaproic Acid ("Amicar"), which is a Class 4 drug that is used to help blood clot. Split sample testing confirmed the positive.

The Board of Judges conducted a hearing and determined Petitioner violated N.J.A.C. 13:71-23.1, 23.6, 23.7 and 23.8. The judges fined Petitioner \$1,000, disqualified the horse, ordered loss of purse and imposed ½ Multiple Medication Violation ("MMV") point. See Ruling No. 22MDH4 (Exhibit J-7).

Petitioner appealed and the matter was transmitted to the Office of Administrative Law as a contested case. The Administrative Law Judge ("ALJ") affirmed the findings of violation and the \$1,000 fine, disqualification of the horse and loss of purse. Initial Decision at 5 and 8. However, the ALJ failed to consider the imposition of the ½ MMV point.



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The evidence submitted to the ALJ, which included Ruling No. 22MDH4 (Exhibit J-7) and the testimony of Presiding Judge Tom Salerno, clearly identified that the Commission fined Petitioner \$1,000, disqualified the horse, ordered loss of purse and imposed ½ MMV point. See Hearing Transcript at 98-25 to 99-3; 101-1 to -4.

Nevertheless, the initial decision does not address the imposition of the ½ MMV point or include it in the recitation of the penalties the Commission imposed. See Initial Decision at 5 and 8.

N.J.A.C. 13:71-23.7(c) incorporates by reference the section of the RCI's Model Rule ARCI-025-020(b)(13) which applies to MMV points. MMV points accumulate and can result in an additional suspension on repeat offenders if enough points are accumulated. As a result, MMV points are an important tool in deterring future positives.

The Commission adopts the ALJ's findings of fact and conclusions with the following two modifications. First, the Commission finds that the appropriate penalty should include the imposition of ½ MMV point as ordered by the Board of Judges in Ruling No. 22MDH4. The record and factual findings in the initial decision support the modification to include the penalty of ½ MMV point. The Commission orders a \$1,000 fine, disqualification of the horse, loss of purse and the imposition of ½ MMV point.

Second, the Commission does not adopt the ALJ's finding that Truesdail Laboratories did not test for Amicar as it is not supported by the evidence in the record. Initial Decision at 4. The ALJ acknowledged that neither party offered testimony by anyone at Truesdail Laboratories. Id. at 3.

NEW JERSEY RACING COMMISSION

By Judith A. Nason  
Judith A. Nason, Executive Director

Dated February 13, 2024