



*State of New Jersey*

DEPARTMENT OF LAW AND PUBLIC SAFETY  
NEW JERSEY RACING COMMISSION  
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*Commissioners*

OAL Docket No. RAC 08874-21  
Agency Ref. No. NJRC-6-T-21-MP

SAFFIE A. JOSEPH, JR.,

Petitioner,

v.

Final Decision

NEW JERSEY RACING COMMISSION,

Respondent.

On May 29, 2021, the horse “Wind of Change,” trained by Saffie A. Joseph, Jr. (“Petitioner”), finished first in the 9<sup>th</sup> race at Monmouth Park. The horse’s post-race sample tested positive for Aminocaproic Acid (“Amicar”), which is a Drug Class 4, Penalty Class C medication used to help blood clot and is a prohibited drug in New Jersey at any level. Initial Decision at 12-13. Split sample testing confirmed the positive. Initial Decision at 9.

The Board of Stewards (“Stewards”) conducted a hearing and determined that Petitioner violated N.J.A.C. 13:70-1.15, N.J.A.C. 14A.6, and N.J.A.C. 14A.9(A)(4). The Stewards fined Petitioner \$1,000, disqualified the horse, ordered loss of purse, and imposed ½ Multiple Medication Violation (MMV) Point. See Ruling No. 21MON58 (Initial Decision, Exhibit J-7).

Petitioner appealed and the matter was transmitted to the Office of Administrative Law as a contested case. On May 20, 2024, the Administrative Law Judge (“ALJ”) issued an Initial Decision affirming the findings that Petitioner violated N.J.A.C. 13:70-14A.6 and 14A.9(A)(4), and the penalties imposed by the Stewards. Initial Decision at 14.



The evidence submitted to the ALJ, which included Ruling No. 21MON58 (Exhibit J-7), and the testimony of Chief Steward Stephen Pagano, clearly identified that the Stewards fined Petitioner \$1,000, disqualified the horse, ordered the loss of purse, and imposed ½ MMV point based upon the undisputed fact that Amicar was present in the horse's blood serum on the day of the race. Initial Decision at 3-4, 14.

The initial decision affirmed the penalties imposed by the Stewards for violations of N.J.A.C. 13:70-14A.6 and N.J.A.C. 13:70-14A.9(a)(4). However, as to the Stewards' finding that the post-race positive for Amicar also violated N.J.A.C. 13:70-1.15, the ALJ determined, "This regulation provides for the authority of the stewards to impose fines and/or other penalties as appropriate. The petitioner could not violate it." Initial Decision at 11, n.5.

N.J.A.C. 13:70-1.15 states, "The stewards may fine, suspend or rule off any person who in their opinion has acted to the detriment of racing or violated the rules." It is undisputed that the initial decision found Petitioner to have violated rules N.J.A.C. 13:70-14A-6 and N.J.A.C. 13:70-14A.9(a)(4) for administering Amicar. See Initial Decision at 14.

The Commission adopts the ALJ's findings of fact, conclusion and the imposed penalty, with the following modification: the Commission finds that Petitioner violated N.J.A.C. 13:70-1.15 by violating Commission rules N.J.A.C. 13:70-14A-6 and N.J.A.C. 13:70-14A.9(a)(4), and that the violation of such rules by Petitioner is to the detriment of racing. It is noted that the Commission has consistently interpreted N.J.A.C. 13:70-1.15 as authorizing the Stewards to impose penalties (fines, suspensions or ruling off) for conduct they view is detrimental to the sport.

NEW JERSEY RACING COMMISSION

By   
Tom Salerno, Assistant Director

Dated: August 9, 2024