

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 STATE'S HIGHEST 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 will be upheld, after the New York State Court of Appeals refused to hear the trainer's appeal.

Last fall, the New York State Supreme Court, Appellate Division, Third Department, denied an appeal by trainer Carmine Fusco. Mr. Fusco then sought leave to appeal before the New York State Court of Appeals, which refused to hear his case. Therefore, the original 5-year license ban will promptly go into effect.

The case 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.

"Mr. Fusco has no legitimate business in New York's horseracing industry," Racing and Wagering Chairman John D. Sabini said. "Mr. Fusco's actions amounted to cheating against his competitors, the betting public and most notably, endangering his horse's own welfare. The New York State Racing and Wagering Board does not tolerate disregard for the rules of racing and will continue to seek and punish those who cheat."

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 an 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 last year, 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 case was handled by Assistant Solicitor General Kathleen M. Arnold under the supervision of Solicitor General Barbara Underwood and Senior Counsel Peter H. Schiff.

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