

State of Texas
Texas Racing Commission

Official Ruling # LSP3046

of the

Board of Stewards

LONE STAR PARK AT GRAND PRAIRIE

OWNER-TRAINER	KEARL, JUDD	License #	91094
Ruling Date:	02/26/2015	Violation Date:	10/17/2014
Redistribute Purse:	Yes		

Rules Violated:

311.104	TRAINER/ABSOLUTE INSURER
319.3	DRUG POSITIVE OR PERMITTED MEDICATION VIOLATION
319.302	REASONABLE OVERSIGHT OF ANIMAL

Upon being duly notified, Owner/Trainer Judd Kearl was represented by his attorney John Mac Hayes in a formal hearing before the Sam Houston Race Park Board of Stewards on 02/20/15. Mr. Kearl testified telephonically.

The horse "Tempting Toro", trained by Judd Kearl, finished first in the eighth race at Lone Star Park on 10/17/14. Test sample #LS051248 collected from "Tempting Toro" tested positive for the class 4 medication Budesonide at the Texas Veterinary Medical Diagnostic Laboratory.

In his testimony, Judd Kearl belatedly challenged the selection process of approved split sample laboratories. Investigator Melvin Bell testified that he informed Mr. Kearl that three of the four laboratories were unable to meet the standards required to test for Budesonide. The University of Florida was the only approved laboratory able to analyze the Split Sample. Mr. Kearl indicated to Mr. Bell that he would waive split sample testing but failed to sign the Split Sample Waiver Form. Mr. Kearl made no indication of an intention to send the split sample during the forty eight hours following the notification of a positive and made no indication of an intention in the following ten day period allowed for split sample shipping. Therefore, Mr. Kearl's rights to a split sample are waived.

After consideration of all the evidence and testimony presented in the hearing the Sam Houston Race Park Board of Stewards hereby fines Judd Kearl five hundred (\$500) dollars and suspends his TxRC license for fifteen days (06/18/2015 through 07/02/2015) for the positive test indicated above.

Mitigating circumstances of eight positives being confirmed at the same time permit all to be considered first violations. However, the multiple violations warrant the suspensions being served in succession.

During the term of this suspension Mr. Kearl is denied access to all areas under the jurisdiction of the Texas Racing Commission. Entry of horses owned or trained by Mr. Kearl is denied pending sale or transfer to a party approved by the Board of Stewards.

The horse "Tempting Toro" is hereby disqualified and declared unplaced in the eighth race at Lone Star Park on 10/17/2014 with the purse to be redistributed as follows:

1. Moneys Jody Pop
2. Fasttimeswith Redoak
3. Marys Coronitas

By Order of the Board of Stewards

DAVID ROLLINSON

ANNE ALLEY

DENNIS SIDENER

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4. JB Mrs PYC
 5. Jessjinging
 6. Mr Jess Bliss
 7. Levian
 8. Highly Royal Beduino
 9. Papalote Sweet
- Unplaced: Tempting Toro.

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Supplement # 1

03/10/2015

Effective March 6, 2015, the Commission received the appeal, bond and fine in this case. Executive Director Trout has denied the request for a stay.