

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA  
3 HARRISBURG DIVISION

4 UNITED STATES OF AMERICA : CASE NO.  
5 v. :  
6 MURRAY ROJAS : 1:15-CR-00169

7  
8 TRANSCRIPT OF PROCEEDINGS  
9 JURY TRIAL  
10 TESTIMONY OF STEPHANIE BEATTIE

11 Held before the HONORABLE SYLVIA H. RAMBO  
12 June 27, 2017, commencing at 1:54 p.m.  
13 Courtroom No. 1, Federal Building, Harrisburg, Pennsylvania

14 APPEARANCES:

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23 Proceedings recorded by machine shorthand; transcript  
produced by computer aided transcription.

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1 Q. What were some of the drugs that you wanted or that these  
2 vets gave to your horses on race day?

3 A. On race day, Kentucky Red, Estro, Amicar, and sometimes --  
4 I can't remember the name of it, but they did something to help  
5 with the horse's breathing. We call it blocking the throat,  
6 but I'm not sure what they called it anymore.

7 Q. Are you familiar with the drug Robinol?

8 A. Yes.

9 Q. Did you ever have that administered to your horses?

10 A. I did not use that very much, but I'm not saying I never  
11 did, but I used it here and there, but not as much as like  
12 Kentucky Red or Amicar.

13 Q. Would you describe your profession as competitive?

14 A. Very.

15 Q. Can you tell us whether or not other trainers were doing  
16 what you were doing, that is asking for drugs to be given to  
17 their horses on race day?

18 A. Almost everybody, 95 percent of them, 98 percent of the  
19 people. It was just a known -- everybody did it. It was a  
20 known practice.

21 Q. Did you ever try and find out what another trainer might  
22 be giving to see if that would be something that would help you  
23 out?

24 A. You didn't ask other trainers, and they wouldn't give you  
25 the information because you didn't want -- you wanted to win.

1 A. That's all I recall, sir. I'm not sure -- I don't  
2 remember every name of every -- like I said when I talked to  
3 you about blocking the throat, I don't know what the name of  
4 that drug was, so I can't tell you the name of it.

5 Q. How many times did you do this to your horses, Ms.  
6 Beattie?

7 A. What's that?

8 Q. Give medications to horses on race day? How many times  
9 since becoming a trainer 20 years ago and today, have you done  
10 this?

11 A. Many times. Majority of the times.

12 Q. The majority of the times?

13 A. Um-hum.

14 Q. Majority of the times means that you have raced, I mean,  
15 easily thousands of times; correct?

16 A. Yes.

17 Q. Tens of thousands of times?

18 A. I don't know if tens of thousands.

19 Q. Typically, are you -- do you race every race day?

20 A. No, not anymore.

21 Q. But it is thousands?

22 A. I would think so, yes.

23 Q. And on each of these, you gave medication within 24 hours  
24 of race day?

25 A. Majority of the times, yes, sir.

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8 TRANSCRIPT OF PROCEEDINGS  
9 JURY TRIAL  
10 TESTIMONY OF FERNANDO E. MOTTA

11 Held before the HONORABLE SYLVIA H. RAMBO  
12 June 23, 2017, commencing at 3:45 p.m., and  
13 June 26, 2017, commencing at 9:39 a.m.  
14 Courtroom No. 1, Federal Building, Harrisburg, Pennsylvania

15 APPEARANCES:

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1 horses that might be running that night that I was going to  
2 have to treat with Lasix. Sometimes we would get those  
3 overnights the day before -- a lot of times, get them the day  
4 before, obviously, so we start the process like a day before,  
5 sometimes two days before.

6 Q. Now you just testified that a point in time came where the  
7 only thing you were permitted to give on race day was Lasix,  
8 correct?

9 A. Correct.

10 Q. Did you abide by that rule or did there come a point in  
11 time when you started administering other drugs to horses on  
12 race day?

13 A. No, we would give other things on race day besides Lasix.

14 Q. How did you know to do that? I should say, why did you  
15 start doing that?

16 A. Well, when I started, I mean, that was the way things were  
17 done.

18 Q. What do you mean by that?

19 A. When I came to work at the racetrack, that was the, that  
20 was the procedure, that was the process. That's what everybody  
21 was expected to do. When I came to the practice I came into,  
22 that's the way things were done.

23 Q. All right. Well, let's see if we can fine tune that.  
24 When you come to the practice, you said Dr. Brophy was pretty  
25 much running everything; correct?

1 Q. And that involves what?

2 A. Testifying here to information.

3 Q. I want you to look at the jury, please, and tell them, is  
4 everything that you've testified here today the truth, the  
5 whole truth, and nothing but the truth?

6 A. Yes.

7 Q. So help you God?

8 A. So help me God.

9 MR. BEHE: Your witness.

10 THE COURT: Cross.

11 MR. BEHE: Your Honor before we begin with the cross,  
12 could we start the other witness first?

13 (FERNANDO MOTTA, GOVERNMENT'S WITNESS, stepped off  
14 the stand at 11:39 a.m.)

15 (FERNANDO MOTTA, GOVERNMENT'S WITNESS, resumed the  
16 stand, and testimony continued at 1:55 p.m.)

17 **CROSS EXAMINATION**

18 BY MR. GOLDMAN:

19 Q. Mr. Motta, what was the criminal charge you pled guilty  
20 to?

21 A. Misbranding misdemeanor, misbranding.

22 Q. You didn't plead guilty to wire fraud, did you?

23 A. No.

24 Q. Could you estimate for us at the present time the number  
25 of trainers that you improperly administered substances to the

1 horses on race day? Can you quantify that for us?

2 A. It would be an estimate.

3 Q. Yes?

4 A. I don't know, somewhere in the vicinity of 15, 20 maybe.

5 Q. How many times?

6 A. How many times what?

7 Q. Did you administer race day medications to trainers?

8 A. Multiple times.

9 Q. Quantify it, please?

10 A. I'm not sure -- I'm not following your question.

11 Q. How many times did you do it?

12 A. On each or --

13 Q. All together?

14 A. Total?

15 Q. Yes.

16 A. Maybe thousands.

17 Q. Thousands?

18 A. Yes.

19 Q. And they let you plead to a misdemeanor offense?

20 A. (No response.)

21 Q. It was a good deal, wasn't it?

22 A. (No response.)

23 Q. It was a good deal, wasn't it?

24 A. I'm not sure yet because I'm not done with everything yet.

25 Q. You violated your oath as a veterinarian?

1 THE COURT: Rephrase your question.

2 BY MR. GOLDMAN:

3 Q. Was it your intent, your intent, only you know your  
4 intent, was it your intent to do this to win purses?

5 A. No.

6 Q. The vet treatment sheets. When we were looking at this  
7 morning for all these races, we were looking at the client  
8 order forms. And we'll go over these briefly. But when we're  
9 talking about Murray, by and large, most of these was Clotol,  
10 ACTH, and Lasix for the great majority, wasn't it?

11 A. Yes.

12 Q. And I notice, but no one ever asked you any questions, all  
13 these other, you know, vets that are listed, ranging from 18 to  
14 25 vets on the same sheet, many of them are asking for the same  
15 thing; correct?

16 A. The vets or trainers?

17 Q. Many of the trainers?

18 A. Yes.

19 Q. And when you gave the treatments to those other trainers  
20 on that list, those are all horses on race day; correct?

21 A. Yes.

22 Q. Over the years, you came to realize that this was pretty  
23 widespread at Penn National?

24 A. Yes.

25 Q. Most of the trainers were doing it, if not all?

1 A. Yes.

2 Q. And there's no advantage for one trainer over another if  
3 they're all giving the same race day treatments, correct?

4 MR. BEHE: Objection. It's not up to him to  
5 speculate why one trainer or another would want something done.

6 THE COURT: I'm going to permit the question. I'm  
7 going to permit the question.

8 MR. GOLDMAN: Yeah.

9 THE WITNESS: I'm sorry, what was the question?

10 BY MR. GOLDMAN:

11 Q. If all the trainers at Penn National are all giving race  
12 day treatment and the type of drugs that, you know, common,  
13 these are the common ones that the trainers are using; right?

14 A. Okay.

15 Q. Right?

16 A. Yes.

17 Q. None of these are the magic bullet?

18 A. If there is such a thing.

19 Q. Right. There isn't one, is there?

20 A. No.

21 Q. Right. These were all people caring about their horses  
22 and doing something to try to help their horses, correct?

23 A. Yes.

24 Q. That's the way you felt about it, too; right?

25 A. Yes.

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8 TRANSCRIPT OF PROCEEDINGS  
9 JURY TRIAL  
10 TESTIMONY OF MARY ROBINSON

11 Held before the HONORABLE SYLVIA H. RAMBO  
12 June 26, 2017, commencing at 11:46 a.m.  
13 Courtroom No. 1, Federal Building, Harrisburg, Pennsylvania

14 APPEARANCES:

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1 the horses were actually screened for at the time of the exam?

2 MR. GOLDMAN: Actually administered, alleged to be  
3 administered, or what?

4 BY MR. BEHE:

5 Q. When you reviewed the indictment and the information, were  
6 you provided information concerning what drugs were alleged to  
7 have been given to horses on race day?

8 A. I was.

9 Q. After determining that there was no test for that whole  
10 list of drugs, what did you do next?

11 A. I looked to see which drugs there would have been a test  
12 for.

13 Q. And what did you find out?

14 A. I found four.

15 Q. Which were?

16 A. DMSO; Kentucky Red, which is also known as Carbazochrome;  
17 Glycopyrrolate, which is also known as Robinol; and  
18 Phenylbutazone.

19 Q. Now once you determined that there were tests for those,  
20 what did you do with regards to trying to find out whether  
21 those drugs were screened for, for any given race on any given  
22 day?

23 MR. GOLDMAN: I object to this, Your Honor. This  
24 calls for expert testimony.

25 MR. BEHE: It doesn't. She's reviewing --

1 MR. GOLDMAN: Objection, Your Honor. This is getting  
2 into -- I'm sorry, but this is getting into expert testimony.

3 THE COURT: It is not. She's testifying to what the  
4 records reflect. Overruled.

5 MR. GOLDMAN: These records haven't been provided to  
6 me, Your Honor.

7 THE COURT: I'm overruling your objection.

8 BY MR. BEHE:

9 Q. Could you start over again, please? I want the jury to  
10 understand this.

11 A. Sure. According to our standard operating procedure 151,  
12 and we evaluated the archived version, which is the relevant  
13 version for the time period in question, the urine -- and also,  
14 according to the laboratory records themselves on the page that  
15 describes the test in question, it states that the urine  
16 samples are mixed one to one, which means that the first and  
17 second samples that arrived would be mixed together, the third  
18 and fourth were mixed together, the fifth and sixth were then  
19 mixed together and analyzed, to save costs essentially.

20 Q. So you would mix urine samples from different horses  
21 together?

22 A. That's correct.

23 THE COURT: Not that she would.

24 BY MR. BEHE:

25 Q. Yeah, this is the procedure that was done?

1 A. This is the procedure that was done, yes.

2 Q. And the reason again was?

3 A. My understanding is to save costs because you have to use  
4 less of the kit for the first pass look at these samples.

5 Q. What does the mixing of the substances together do?

6 A. Well, if you are mixing them 50/50, then that would  
7 decrease the concentration.

8 MR. GOLDMAN: Objection.

9 THE COURT: Sustained.

10 BY MR. BEHE:

11 Q. What test --

12 MR. GOLDMAN: Move for mistrial.

13 THE COURT: Go ahead.

14 BY MR. BEHE:

15 Q. What test was used for determining if Glycopyrrolate was  
16 present at the time frame that we're talking about?

17 A. It's from a company called Neogen, and it's called an  
18 enzyme-linked immuno assay test. It comes as a kit with  
19 instructions for how to perform it. It's designed specifically  
20 for testing in animal samples for drug testing, including  
21 horses.

22 Q. And was this the test that was used during this timeframe?

23 A. Yes, it was.

24 Q. And does the test tell you how this kit is to work, how  
25 it's to be performed during this timeframe?

1 mixture, how do you do that? Do you know?

2 A. You take one milliliter of urine from one of the horse  
3 cups.

4 Q. Right.

5 A. Use a different pipet, take another milliliter from  
6 another horse sample. You put both of them in the same tube.

7 They are then used to run the screening test. If that test  
8 shows that there is a suspect for that particular well, then  
9 both samples are reanalyzed independently with the same test.

10 And then that will determine which of the samples is suspected  
11 to contain the drug or sometimes both may contain the drug.

12 Q. What was the importance of telling us about the one to one  
13 mixture? I missed it then.

14 A. The importance is that it decreases the sensitivity of the  
15 test.

16 Q. Okay. The horsemen know that if their horse comes in  
17 first place, their horses will be tested; is that correct?

18 A. Yes.

19 Q. And the horsemen know that, in addition to that, that even  
20 if they don't place first, there is the potential of the horses  
21 being tested; correct?

22 A. Yes.

23 Q. Do you know why the former director Uboh left PETRL?

24 A. He didn't leave, he was let go.

25 Q. Why was he let go?

1 were asked with regards to the should have been detected and  
2 the screening process. Could you explain that, please, because  
3 I believe you said that there's tests for hundreds of them, but  
4 then there's also rotating screens or things of that sort;  
5 correct?

6 A. Correct. The tests that were run on a day-to-day basis  
7 changed. And so the same drugs were not tested for every day.  
8 Depended on which tests they performed on any given day. They  
9 just did not have the capability of performing all of the tests  
10 on every sample.

11 Q. So if the test existed, that doesn't mean that it was used  
12 on a date that a sample came in for races?

13 MR. GOLDMAN: Objection, leading.

14 MR. BEHE: I'll withdraw it, and I have no other  
15 questions for Dr. Robinson.

16 MR. GOLDMAN: I have nothing else -- oh, excuse me.

17 **RE-CROSS EXAMINATION**

18 BY MR. GOLDMAN:

19 Q. You didn't actually take a look at the records that we've  
20 taken a look at during the course of this trial? They were not  
21 supplied to you, correct?

22 A. I don't know what was supplied to you.

23 Q. You didn't look at the vet posting books, you didn't look  
24 at the vet invoices, etc.; correct?

25 A. I did not look at the posting books or the invoices.

## The Pennsylvania Horse Racing Commission

**Ruling Number:** 17237PN

**Ruling Date:** 09/06/2017

HAVING BEEN DULY NOTIFIED TO APPEAR AT A STEWARDS' HEARING CONCERNING A JUDGEMENT ENTERED AGAINST YOU BY THE DISTRICT JUSTICE, DAUPHIN COUNTY, PENNSYLVANIA IN FAVOR OF NEIL'S TURF SUPPLY FOR RACE RELATED EXPENSES. HAVING FAILED TO APPEAR, YOU ARE HEREBY SUSPENDED SEPTEMBER 16, 2017, IN VIOLATION OF PA. CODE, TITLE 58, SECTION 163.11. When a licensed owner or trainer or their licensed employes, or other persons licensed to engage in racing, shall suffer a final judgement rendered against him in a court of competent jurisdiction within the Commonwealth of Pennsylvania, which judgement is based wholly on an indebtedness incurred by the person for supplies, equipment, or services furnished in connection with horse racing, the Stewards, Commission, or both, may issue an order to the licensee advising the licensee that a hearing will be scheduled at which time the licensee shall show cause as to why his license shall not be suspended until the Commission or Stewards is furnished proof that the judgement in question has been satisfied. DURING THIS SUSPENSION, STEPHANIE BEATTIE IS DENIED ACCESS TO ALL GROUNDS UNDER THE JURISDICTION OF PENNSYLVANIA STATE HORSE RACING COMMISSSION. PLEASE NOTE THAT YOU HAVE THE RIGHT TO APPEAL THIS DECISION IN WRITING TO THE PA HORSE RACING COMMISSION WITHIN 48 HOURS FOR RULINGS THAT INVOLVE ENTRIES, QUALIFICATONS, WEIGHTS, CONDITIONS OR THE LENGTH OR RUNNING OF A RACE AND TEN (10) DAYS FOR ALL OTHER INFRACTIONS, AFTER NOTICE OF THE DECISION AS SET FORTH IN 58 PA. CODE, SECTION 163.481. APPEALS MUST BE PERFECTED AS REQUIRED IN 58 PA. CODE, SECTION 165.214.

Close