

May 18, 2021

David O'Rourke
Executive Director, New York Racing Association
Via e-mail: DOORourke@nyrainc.com

Dear Mr. O'Rourke and Board Members:

Thank you for suspending trainer Bob Baffert pending the adjudication process in Kentucky. We are writing today to ask how NYRA will handle this situation if the second of the two samples taken from Medina Spirit tests positive for betamethasone and the Kentucky Horse Racing Commission rules that Baffert is in violation of medication regulations.

We are concerned by potential conflicts of interest among some members of the board who appear to have or have had business ties to Baffert. As you may know, the California Horse Racing Board came under fire in 2019 when it was disclosed that some board members had hired Baffert and later chose to conceal a positive drug test for the Baffert-trained Triple Crown-winner Justify.

Board member [Timothy Mara](#) is a [partner](#) with Starlight Racing which [lists Baffert](#) as a trainer. Starlight is part-owner of the Baffert-trained [Charlatan](#) who was found to have lidocaine in his system after winning a division of the Arkansas Derby last year. Starlight was also part-owner of [Justify](#) when he raced in 2018.

Board member [Georgeanna Nugent](#) is a [partner](#) of [StarLadies Racing](#), which is part of Starlight Racing.

Board member [Joseph Appelbaum](#) is co-founder of Off the Hook, a breeding, racing, and sales company. [Off the Hook was the consignor](#) for Du Jour, who is [trained by Baffert and partly-owned by his wife Jill Baffert](#). DuJour [sold](#) for \$280,000.

Board member [C. Steven Duncker](#) was the breeder of [Mental Giant](#), who sold for \$275,000 and was trained by Baffert. It's in the breeder's interest to preserve the reputation of the trainer, as well as a horse's innate talent.

There may be connections of concern among other board members as well. How will you ensure that these potential conflicts of interest don't compromise—or even appear to compromise—your actions in this case?

As you know, Baffert has been responsible for four drug violations in the last 12 months alone and for 30 in the years before that. He has blamed everything from poppy seeds to cough medicine to lidocaine patches, but ultimately, he is responsible. Regulations are not simply meant to keep racing fair, but to protect horses. Drugging is abuse—and anyone who abuses a horse must not be allowed to race in New York.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Kathy Guillermo". The script is fluid and cursive.

Kathy Guillermo, PETA
Senior Vice President

A handwritten signature in black ink that reads "Edita Birnkrant". The script is fluid and cursive.

Edita Birnkrant
Executive Director, NYCLASS