

MITIGATING AND AGGRAVATING FACTORS

Mitigating factors must be considered - Aggravating factors may be considered

MITIGATING FACTORS

Conditions or circumstances which do not excuse or justify wrongful conduct, but are considered out of mercy or fairness in deciding or reducing the penalty. Factors can include:

- No intent to commit the violation
- No previous discipline
- Character reputation
- Youth
- Inexperience
- Violation occurred while under duress
- Intoxication
- Reduced capacity due to mental defect
- Cooperation with investigation
- Admission of error
- Sincere remorse
- Remedial action taken
- Non-central role
- Little or no financial gain
- Violation not serious
- No injury to any person or animal
- No effect on a race or purse

For violation of drug rules, mitigating circumstances might include how many times a trainer has been sanctioned, legal availability of the drug in question, trainer's record of administering the drug, steps taken by trainer to safeguard horses in general, possibility of accidental contamination, and if a trainer was acting on the advice of a licensed veterinarian.

AGGRAVATING FACTORS

Conditions or circumstances which permit the harshest penalty to be imposed but do not permit a penalty to be imposed greater than that allowed under the law or rule. Factors can include:

- Intentional conduct
- Previous discipline
- Age
- Experience
- Intoxication
- Central role
- Financial gain
- Serious violation
- Injury to a person or animal
- Effect on race or purse