

**BEFORE THE CALIFORNIA HORSE RACING BOARD**

**STATE OF CALIFORNIA**

In the Matter of:

Appeal of the Board of Stewards Official  
Ruling #16, Hollywood Park Racing  
Association, dated May 20, 2010

Case No. SAC 10-0032

CHRISTIAN SANTIAGO REYES  
CHRB License #302068  
Appellant

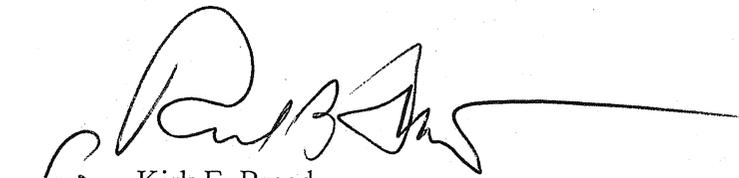
**DECISION**

The attached Proposed Decision is hereby adopted by the California Horse Racing Board as its Decision in the above-entitled matter.

The Decision shall become effective on September 28, 2010.

IT IS SO ORDERED ON September 23, 2010.

CALIFORNIA HORSE RACING BOARD  
Keith Brackpool, Chairman

  
Kirk E. Breed  
Executive Director

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STATE OF CALIFORNIA**

**In the Matter of the Appeal of Stewards )  
Official Ruling Number 16, Hollywood )  
Park Racing Assoc. dated May 20, 2010 )**

**Case No. SAC 10-0032**

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CHRB License # 302068 )  
Appellant. )**

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**PROPOSED DECISION**

This appeal was heard by attorney Steffan Imhoff, an Appellate Judge designated under Rule 1414 by the California Horse Racing Board (CHRB), at Del Mar, California, at the Del Mar Race Track Executive Offices on August 7, 2010.

Bill Westermann, Supervising Investigator, represented the CHRB

Attorney Bing Bush represented the Appellant, Christian Santiago Reyes.

Mr. Santiago-Reyes was present and testified on his own behalf.

Steward Scott Chaney testified for the CHRB.

The proceedings were transcribed by Barbara Weinstein, Hearing Reporter.

Alexandra Decanter acted as Court Clerk.

Safety Steward Luis Jauregui was present and ran the films.

Daniel Trigueros translated for Appellant.

The appeal was submitted for decision on August 7, 2010.

**PROCEDURAL BACKGROUND**

This Appeal concerns Appellant's race riding during the running of the 4<sup>th</sup> race at Hollywood Park Race Track on May 19, 2010. The race was a Maiden Allowance

Contest for two year old thoroughbreds, California bred or sired, at four and one half furlongs on the all weather track. Santiago Reyes rode the number 5 horse, Drink At Buster's, to victory over eight rivals.

Because the Stewards detected potential careless riding by Appellant in the fourth race he was called in for a Film Review/Hearing which took place on May 20, 2010. According to the Stewards' notes, "---Mr. Santiago Reyes was---required to review his ride in the fourth race yesterday in which he angled his mount out and attempted to split horses during the stretch run. Unfortunately, his mount drifted further than he intended, which caused a chain reaction involving several horses. In our opinion, while the initial contact could partly be attributed to the horse to his outside, he was far too late in correcting his horse's drift."

Therefore, the Stewards issued the following ruling:

Jockey, **CHRISTIAN SANTIAGO REYES**, is suspended for **THREE (3) RACING DAYS (May 26, 27, and 28, 2010)** for failure to make the proper effort to maintain a straight course in the stretch and causing interference while riding "Drink At Buster's" in the fourth race at Hollywood Park on May 19, 2010. This constitutes a violation of California Horse Racing Board rule #1699 (Riding Rules – Careless Riding).

The ruling was unanimous and was signed by Stewards Chaney, Ward and Sawyer and dated May 20, 2010.

Appellant, through counsel has filed a timely notice appealing Order HRT#16. The suspension has been stayed by the Los Angeles County Superior Court.

The hearing on appeal of Order HRT#16 was conducted in Del Mar, California on August 7, 2010 at the Del Mar Race Track Executive Offices.

This Appeal to the CHRB is authorized by Rule 1761.

Appellant has the burden of proof on appeal under Rule 1764.

The focus of the hearing was whether or not the films of the race showed careless riding, in the 4<sup>th</sup> race, as defined by Rule 1699.

Under the provisions of Business and Professions Code Section 19517, the CHRB may only overrule a Stewards' Decision if a preponderance of the evidence shows either that the Stewards mistakenly interpreted the law, new evidence of a convincing nature is produced or the best interest of racing may be better served.

## DISCUSSION

### A) *Summary of Evidence*

Appellant testified and was the only witness offered on his behalf. Mr. Santiago Reyes conceded that his horse drifts out during the stretch run. However, he testified that he did everything he could to keep his young, intimidated, head strong mount on a straight course. He argued that he used his reins to try and keep his horse from drifting out.

Steward Scott Chaney testified for the CHRB. He felt that the first contact was the mutual fault of the mount outside of Appellant drifting in slightly and Appellant's mount drifting out slightly. But after that initial contact Drink At Buster's drifts way out causing the mount to his outside to be knocked off stride and causing a chain reaction with three horses on the outside were all moderately effected. Significantly, the Stewards did not think Appellant made sufficient use of his reins to try and keep his mount on a straight course until after the interference occurred.

The films of the race, in particular the head on, support the testimony of Steward Chaney. At the head of the stretch five horses are lined up in a row. On the rail is the #1 horse, Offlee Wild Boys ridden by Tyler Baze. To his outside is #2, Mr. Gennaro, ridden by Silvio Amador. Next to Mr. Gennaro is #3 Julio Garcia's mount, On a Hi. To On a Hi's outside is #6, Merlin Z, ridden by Martin Pedroza. On the far outside is #7, Arta B Tappin with David Flores in the irons.

Jockey Santiago Reyes, on Drink At Buster's, #5, is just behind, and in between, Offlee Wild Boys and Mr. Gennaro, waiting for an opening. When a hole opens up Appellant goes through it splitting Offlee Wild Boys and Mr Gennaro. At that point the slight mutual contact between Mr Gennaro and Drink At Buster's takes place. After the initial contact Appellant's mount moves way off the rail, knocking Mr Gennaro off stride and forcing him to the outside which results in further contact with the three colts next to him. The films do not show Santiago Reyes using his reins to correct his mount until after he interferes with Mr Genarro.

B) *Controlling Law*

The Stewards have general authority and supervision over all licensees, including licensed jockeys such a Mr. Santiago Reyes (Rule 1527). That authority includes their ability to impose a fine or suspension (Rule 1528).

At issue in this appeal is Rule 1699 - Riding Rules.

During the running of the race;

- (a) A leading horse is entitled to any part of the course but when another horse is attempting to pass in a clear opening the leading horse shall not cross over so as to compel the passing horse to shorten its stride.
- (b) A horse shall not interfere with or cause any other horse to lose stride, ground or position in a part of the race where the horse loses the opportunity to place where it might be reasonably expected to finish.
- (c) A horse which interferes with another and thereby causes any other horse to lose stride, ground or position, when such horse is not at fault and when such interference occurs in a part of the race where the horse interfered with loses the opportunity to place where it might, in the opinion of the Stewards, be reasonably expected to finish, may be disqualified and placed behind the horse so interfered with.
- (d) Jockeys shall not ride carelessly, or willfully, so as to permit their mount to interfere with or impede any other horse.**
- (e) Jockeys shall not willfully strike or strike another horse or jockey so as to impede, interfere with intimidate, or injure.
- (f) If a jockey rides in a manner contrary to this rule, the mount may be disqualified and the jockey may be suspended or otherwise disciplined by the Stewards (emphasis added).

C) *Appellant's Contentions*

Appellant's contention is that he made every reasonable effort to keep his mount on a straight course and avoid interfering with his rivals and that he did not ride carelessly under Rule 1699. That defense is disproved by the film which clearly show that Appellant's effort to keep a straight course was too little too late. There is therefore substantial evidence to support the Stewards Decision to suspend Appellant for careless riding. *Shapiro v. San Diego City Council*, (2002) 96 CA4th 904,912.

Appellant has failed to meet his burden of proof to show by a preponderance of the evidence that the Stewards Decision should be reversed (Rule 1764). The decision of the Steward's is supported by substantial evidence.

**ORDER**

Official Ruling # HARTH 016, dated May 20, 2010, imposing a 3(three) day suspension on Appellant Christian Santiago Reyes, Lic. # 302068 for careless riding under Rule 1699, in the 4<sup>th</sup> race at Hollywood Park Race Track on May 19, 2010 is hereby AFFIRMED.

The Stewards shall specify the days that the suspension will be effective.

DATED: 8-31-2010

  
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STEFFAN IMHOFF  
Designated Appellate Judge