

**BEFORE THE HORSE RACING BOARD**

**STATE OF CALIFORNIA**

In the Matter of the Complaint Against:

**JOSE B. PUENTES**  
**Trainer, CHRB License #301681**  
Respondent

CHRB Case No. 19BM0036

**DECISION**

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

The Decision is hereby remanded to the Board of Stewards to issue a ruling and order for payment of the five thousand dollars (\$5,000.00) fine and setting the ninety (90) days of suspension.

IT IS SO ORDERED ON March 26, 2020.

CALIFORNIA HORSE RACING BOARD  
Gregory L. Ferraro, DVM, Chairman



*FOR* Rick Baedeker  
Executive Director

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CALIFORNIA HORSE RACING BOARD



PROPOSED DECISION  
OF THE  
BOARD OF STEWARDS

PACIFIC RACING ASSOCIATION  
GOLDEN GATE FIELDS

DATED: January 27, 2020

IN THE MATTER OF COMPLAINT/ACCUSATION )  
AGAINST RESPONDENTS: )

Jose B. Puentes – Trainer )  
CHRB License # 301681- 04/2021 )

CASE #19BM0036

Victor M. Quintana – Owner )  
CHRB License # 301652- 12/2021 )

CASE # 19BM0043

Salvador N. Viramontes - Owner )  
CHRB License # 314557- 10/2019 )

CASE # 19BM0042

INTRODUCTION

This matter was heard on December 12, 2019 by Stewards **John Herbuveaux, Will Meyers and Dennis Nevin** at Golden Gate Fields in Albany, California.

Present at the hearing were respondents **Jose B. Puentes** and **Victor M. Quintana**. The California Horse Racing Board was represented by Supervising Investigator **Louis Quesada** and Investigator **Noe Longoria**. Also present were **Mrs. Quintana** and **Bill Patterson** the California Thoroughbred Trainers representative. Respondent **Salvador N. Viramontes** failed to appear for the hearing.

Neither respondent was represented by counsel and both agreed to a combined hearing to address the complaints. **CSR Christine Niccoli** transcribed the proceedings.

At the hearing the parties were allowed to introduce relevant exhibits, produce witnesses for examination and cross examination and offer argument.

Documentary evidence was submitted, oral testimony was heard, the hearing was then closed and the matter deemed submitted.

## PROCEDURAL BACKGROUND

The complaints filed alleged that "The Official Urine Sample #F17047" taken on August 10<sup>TH</sup>, 2019 at the Sonoma County Fair was reported to contain **Zilpaterol**. This sample was obtained from the Quarter horse "**Corona Spesial**" which ran in the 2<sup>ND</sup> race at the Sonoma County Fair finishing 3<sup>RD</sup>. **Zilpaterol** in a horse's system is a Class 2, Penalty Class B violation. A split sample was conducted per Trainer **Jose B. Puentes**' request which confirmed the presence of **Zilpaterol** in **Corona Spesial**'s urine.

During the course of the investigation, it was discovered that Trainer **Puentes** allowed several quarter horse owners to use his trainer's license approximately 30 times so that they could enter horses into races without **Puentes** actively training them. **Corona Spesial**'s owner, **Victor M. Quintana**, allowed Owner **Salvador Viramontes** to train and care for **Corona Spesial** for months leading up to this **Zilpaterol** medication positive case.

## LIST OF EXHIBITS

### CHRB

- 1 – Complaint packet for Trainer **Jose B. Puentes** (19BM0036).
- 2 – Complaint packet for Owner **Victor M. Quintana** (19BM0043).
- 3 – Complaint packet for Owner **Salvador N. Viramontes** (19BM0042).
- 4 – U.C. **Davis** data packet for Urine Sample #F17047.
- 5 – Split Sample (F17047) confirmation by **UIC Analytical Forensic Testing Laboratory**.
- 6 – Questions for licensee not represented by counsel – **Jose B. Puentes**.
- 7 – Questions for licensee not represented by counsel – **Victor M. Quintana**.

## FINDINGS OF FACT

### I

On August 10, 2019 **Corona Spesial** ran in the second race at the **Sonoma County Fair** and finished third.

### II

The Trainer of record for **Corona Spesial** was **Jose B. Puentes**.

### III

At all relevant times **Jose B. Puentes** was licensed by the California Horse Racing Board as a Trainer.

### IV

The Owner of record for **Corona Spesial** was **Victor M. Quintana**.

### V

At all relevant times **Victor M. Quintana** was licensed by the California Horse Racing Board as an Owner.

VI

Following the running of the second race at the **Sonoma County Fair** on August 10, 2019, **Corona Spesial** who finished third, was sent to the test barn and provided the Urine Sample #F17047 that was sent to the **UC Davis Analytical Laboratory** for analysis.

VII

On August 21, 2019 **Ben Moeller, PHD**, Assistant Professor at the **UC Davis Analytical Laboratory**, notified the **California Horse Racing Board** that Urine Sample #F17047 tested positive for the prohibited substance **Zilpaterol**.

VIII

**Zilpaterol** is listed by the **California Horse Racing Board** as a Class 2, Penalty C prohibited substance when detected at any level in a post-race urine sample.

IX

On August 23, 2019 Investigator **Quesada** received an E-mail memorandum from the California Horse Racing Board Split Sample Custodian **Deborah Dugally** informing him of the positive **Zilpaterol** detected in Urine Sample #F17047.

X

Investigator **Quesada** interviewed the three individuals involved, Owner **Quintana**, Trainer **Puentes** and Owner **Viramontes**.

XI

Owner **Quintana** testified that he hired **Mr. Viramontes** to train and care for **Corona Spesial**.

XII

Owner **Quintana** testified he requested **Viramontes** to arrange for a California Horse Racing Board Licensed Trainer to register **Corona Spesial** for the purpose of running on the California Fair Circuit.

XIII

**Mr. Puentes** testified that **Mr. Viramontes** contacted him about registering **Corona Spesial** as the Trainer of Record.

XIV

**Mr. Puentes** further testified he agreed and would be compensated for saddling **Corona Spesial** on race day.

XV

**Mr. Puentes** acknowledged he has never been the hands on trainer of **Corona Spesial**.

XVI

**Mr. Puentes** and **Mr. Quintana** both denied any knowledge of how **Corona Spesial** was exposed to **Zilpaterol**.

XVII

**Mr. Puentes** acknowledged he has made similar arrangements with other owners to register horses in his name, not train and just saddle them on race day.

XVIII

**Mr. Puentes** was granted the opportunity to have the Split Sample (F17047) sent to **UIC Analytical Forensic Testing Laboratory** for analysis.

XIX

**UIC Analytical Forensic Testing Laboratory** accepted, tested and confirmed the presence of **Zilpaterol** in Urine Sample #F17047.

XX

**Investigator Quesada** stated on the record the recommendation from the Executive Director was a ninety (90) day suspension and a five thousand dollar (\$5,000.00) fine for **Mr. Puentes**.

XXI

**Investigator Quesada** stated on the record the recommendation from the Executive Director was a forty-five (45) day suspension and a five thousand dollar (\$5,000.00) fine for **Mr. Quintana**.

**CALIFORNIA HORSE RACING BOARD RULES**  
California Code of Regulations, Title 4, Division 4

**ALLEGED RULE VIOLATIONS BY TRAINER JOSE B. PUENTES**

1843 (a, b & d) – Medication, Drugs and Other Substances

1843.1 (a) – Prohibited Drug Substances

1844 (a) – Authorized Medication

1887 (a) – Trainer or Owner to Insure Condition of Horse

**ALLEGED RULE VIOLATIONS BY OWNER VICTOR M. QUINTANA**

1843 (a, b & d) – Medication, Drugs and Other Substances

1843.1 (a) – Prohibited Drug Substances

1844 (a) – Authorized Medication

1887 (a) – Trainer or Owner to Insure Condition of Horse

**DISCUSSION & CONCLUSION-?**

The California Horse Racing Board proved to the satisfaction of this Board of Stewards that both **Mr. Puentes** and **Mr. Quintana** must be held accountable as they willingly entered into an arrangement whereby a third party (**Mr. Viramontes**) had complete control, care and custody of **Corona Spesial** at all times except on race day.

The ill-advised scenario led to a positive finding of **Zilpaterol** in urine sample #F17047 obtained from **Corona Spesial** following the second race on August 10, 2019 at the Sonoma County Fair.

In a prior hearing (Case #19BM0048) **Mr. Puentes** and **Mr. Quintana** appeared and offered no arguments regarding the complaint calling for the disqualification of **Corona Spesial** in accordance with California Horse Racing Board rule #1859.5 (Disqualification Upon Positive Test Finding).

Subsequent to that hearing this Board of Stewards issued Ruling #40 on December 13, 2019, disqualifying **Corona Spesial** from third place and deemed unplaced.

### Ruling # 40

Acting on a report from the University of California at Davis Maddy Laboratories, the official laboratory for the California Horse Racing Board, that the post-race urine sample # F17047, taken from horse **Corona Spesial**, third place finisher in the second race at the Sonoma County Fair (**Santa Rosa**) on August 10, 2019, contained the prohibited substance **Zilpaterol (Class 2)** it is hereby ordered that **Corona Spesial** be disqualified from all purse monies earned and deemed unplaced in accordance with California Horse Racing Board rule #1859.5 (Disqualification Upon Positive Test Finding).

It is further ordered that all purse monies Seven Hundred Eighty Dollars (\$780.00) earned or awarded to owner **Victor Quintana**, Trainer **Jose Puentes** and Jockey **Juan Espinoza** be returned to the Paymaster of Purses on or before January 10, 2019 for redistribution pursuant to California Horse Racing Board rule #1760 (Purse Award or Prize to be Withheld).

The revised order of finish is as follows:

3<sup>RD</sup> ANASTASIA BOND  
4<sup>TH</sup> ACTION SPORT  
5<sup>TH</sup> FM CORITAS LEAVING U

It should also be noted that a Ruling against **Mr. Salvador Viramontes**, whose California Horse Racing Board Owner's license expired on November 30, 2019, was issued on December 26, 2019. As **Mr. Viramontes'** California Horse Racing Board owners license was expired the Ruling against him deems him ineligible for relicensing pending a hearing before the Board of Stewards to answer charges alleging violation of California Horse Racing Board rules # 1843 (a, b & d), #1843.1 (a), #1844 (a, b & d), and #1887.

### Ruling # 51

Expired licensee owner **Salvador Viramontes**, having failed to respond to written notice to appear before the Board of Stewards at Golden Gate Fields on or before December 12, 2019, is hereby deemed ineligible for relicensing for violation of California Horse Racing Board rule #1547 (Failure to Appear) pending an appearance at a hearing before the Board of Stewards to answer charges alleging violation of California Horse Racing Board rules # 1843 (a) (b) & (d) (Medication, Drugs and Other Substances), #1843.1 (a) (Prohibited Drug Substances) # 1844 (a) (Authorized Medication) and #1887 (a) (Trainer or Owner to Insure Condition of Horse). During the term of ineligibility all licenses and license privileges of **Salvador Viramontes** are ineligible for relicensing and pursuant to California Horse Racing Board rule #1528 (Jurisdiction of Stewards), subject is denied access to all premises in this jurisdiction.

## DISCUSSION & CONCLUSION

California Horse Racing Board Rule #1843 (b) (Medications Drugs or Other Substances) lists certain factors, either mitigating or aggravating, that should be considered in arriving at a penalty.

- (1) **Licensee Past Record.** Mr. Puentas had a twenty five hundred (\$2500.00) fine for Dexamethasone issued on April 28, 2019 - Aggravating.

**Licensee Past Record:** Mr. Quintana has had no adverse Rulings against him - Mitigating.

- (2) **Potential of the Drug to Influence a Horse's Performance.** Zilpaterol has the potential to influence a horses performance – Aggravating.

- (3) **Legal Availability of the Drug.** Zilpaterol is legal but, its intended use is to add bulk to Beef Cattle – Aggravating.

- (4) **Administration of the Drug. Was it Intentional?** No evidence of intentional administration – Mitigating.

- (5) **Steps taken by the trainer to safeguard the horse.** Mr. Puentes was the Trainer in name only and had neither custody nor control of Corona Spesial except on race day - Aggravating.

Mr. Quintana is also negligent for arranging such a program training situation - Aggravating.

- (6) **Steps taken by an owner to safeguard against subsequent medication violations.** No evidence on this issue – Neutral.

- (7) **Contaminations or other factors.** No evidence of contamination – Aggravating.

- (8) **Purse of the Race.** Purse of race not significant – Neutral.

- (9) **Treatment According to Rule 1842.** Zilpaterol has no therapeutic value in Equine Medicine and was not being treated by a Veterinarian – Aggravating.

- (10) **Suspicious Wagering.** No evidence of unusual wagering - Neutral.

### Proposed Decision

Trainer **Jose B. Puentes** who started the horse “**Corona Spesial**”, third place finisher in the second race at the Sonoma County Fair on August 10, 2019 is hereby suspended Ninety (90) days and fined the sum of five thousand dollars (\$ 5,000.00)\* pursuant to California Horse Racing Board rule #1887 (Trainer or Owner to Insure Condition of Horse) for violation of California Horse Racing Board rules #1843 (a) (b) & (c) (Medication Drugs and Other Substances) #1843.1 (a) (Prohibited Drug Substances **Zilpaterol**- class 2) and #1844(a) (Authorized Medication).

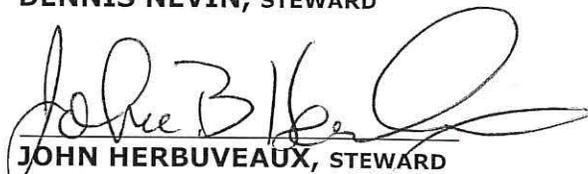
Owner **Victor M. Quintana** who's horse “**Corona Spesial**”, finished third in the second race at the Sonoma County Fair on August 10, 2019, is hereby suspended Ninety (90) days and fined the sum of five Thousand dollars (\$ 5,000.00)\* pursuant to California Horse Racing Board rule #1887 (Trainer or Owner to Insure Condition of Horse) for violation of California Horse Racing Board rules #1843 (a) (b) & (c) (Medication, Drugs and Other Substances), #1843.1 (a) (Prohibited Drug Substances- **Zilpaterol** – Class 2) and #1844 (a) (Authorized Medication).

Respectfully submitted,



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DENNIS NEVIN, STEWARD



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JOHN HERBUVEAUX, STEWARD



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WILL MEYERS, STEWARD

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