

BEFORE THE HORSE RACING BOARD

STATE OF CALIFORNIA

In the Matter of the Complaint Against:

JOSE ALONSO
CHRB License #308502
Respondent

CHRB Case #14LA0216

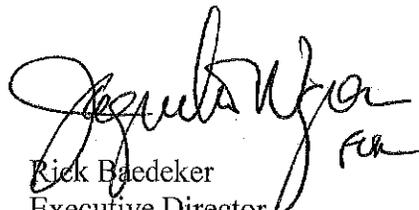
DECISION

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 ten thousand dollar (\$10,000.00) fine and setting the one (1) year suspension.

IT IS SO ORDERED ON November 20, 2014.

CALIFORNIA HORSE RACING BOARD
Chuck Winner, Chairman


Rick Baedeker
Executive Director

BEFORE THE CALIFORNIA HORSE RACING BOARD

STATE OF CALIFORNIA

In the Matter of the Complaint/Accusation
against:

JOSE ALONSO,
Respondent

License Type: Stable Agent
License No. 308502-02/2015

Case No. 14LA0216

PROPOSED DECISION

INTRODUCTION

This matter was heard on September 27, 2014 before the Board of Stewards, George Slender, Ruben Moreno, and James Dreyer, in the Los Alamitos Stewards' Office.

Present at the hearing was the Respondent, Stable Agent Jose Alonso, Investigator Kevin Kitashima, Supervising Investigator Tom Blake, Trainer Jorge Farias, Stewards George Slender, Ruben Moreno, James Dreyer, and Safety Steward Randy Winick. Court Reporter Michelle Derieg transcribed the proceedings.

PROCEDURAL BACKGROUND

Stable Agent Jose Alonso was the stable agent for the horse "Ima Fire Lover," when he started in the second race at Los Alamitos Race Course on August 16, 2014. On August 28, 2014, Sacramento Headquarters emailed information to Supervising Investigator Tom Blake at Los Alamitos Race Course that "Ima Fire Lover" (Urine Sample #LA26496) tested positive for the class III prohibited drug zilpaterol after finishing second in the second race on August 16, 2014. Stable Agent Alonso was notified of the positive by Trainer Jorge Farias on August 28, 2014.

LIST OF EXHIBITS

Complainant / State California Horse Racing Board Complaint #14LA0216

Respondent / Defendant No documents submitted

FINDINGS OF FACT

I.

At all times herein mentioned, Respondent was licensed by the California Horse Racing Board in the license category of "stable agent."

II.

Respondent was the stable agent for the horse "Ima Fire Lover" when it raced in the second race on August 16, 2014 at Los Alamitos Race Course. "Ima Fire Lover" finished second in the aforementioned race.

III.

A post-race urine sample (labeled sample #LA26496) was taken from "Ima Fire Lover" following the running of the race in accordance with California Horse Racing Board Rule #1858 (Test Sample Required) and was sent to Kenneth L. Maddy Equine Analytical Chemistry Lab of the California Horse Racing Board. This is the official testing lab of the California Horse Racing Board.

IV.

At all times herein mentioned, the chain of custody of urine sample #LA26496 from "Ima Fire Lover" was uninterrupted.

V.

After analyzing the sample, Maddy Laboratory reported a finding of the prohibited drug, zilpaterol, a class III substance, in the sample.

VI.

On August 28, 2014, Stable Agent Jose Alonso was notified by Trainer Jorge Farias that "Ima Fire Lover" had tested positive for zilpaterol.

APPLICABLE RULES

- California Horse Racing Board Rules:
 - 1887 (Trainer to Insure Condition of Horse)
 - 1843 (Medication, Drugs and Other Substances)
 - 1902 (Conduct Detrimental to Horse Racing)

DISCUSSION

This complaint is rather unique as the defendant is neither the trainer of record nor the owner of the horse. In a telephone interview with Owner George Villalobos, he stated that Stable Agent Jose Alonso was his trainer and that he did not even know who Jorge Farias was. Stable Agent Alonso handles every aspect of the conditioning and care of "Ima Fire Lover." Stable Agent Alonso stated that was true. Stable Agent Alonso testified that when he contacted Trainer Farias and asked if he would be willing to run "Ima Fire Lover" in his name, Farias accepted. Alonso said Farias never saw the horse until Jose hauled him into the track the day prior to the race.

Alonso testified that he purchased a "green liquid" from a "guy" he was casually acquainted with who sold feed supplements in the Corona area. "Ima Fire Lover" was a little skinny, and the "guy" said the "green liquid" would help bulk him up. Alonso was advised to cease giving the "green liquid" two weeks prior to starting "Ima Fire Lover" and everything should be okay. This should have been a warning that something illegal may have been in the solution. Alonso gave the horse one cubic centimeter in the morning and evening from June 1, 2014 through June 18, 2014, and "Ima Fire Lover" did appear to muscle up. The "green liquid" is not really the issue here as the Davis Lab tested it, and the result came back that it contained Clenbuterol. No Clenbuterol was detected in "Ima Fire Lover's" post-race test. It does suggest a rather reckless attitude, however.

Stable Agent Alonso stated he feeds Omolene 200, which he purchases from Leach Grain in Downey and America's Country Store in Norco. He brought in samples from the ranch, which were sent to Davis to be tested, and the results came back negative for any drugs. The problem with this is that Alonso brought the samples in himself so there is no way of confirming where the samples actually came from. Stable Agent Alonso testified that he was aware there had been problems with zilpaterol in feed in the past but was told it was okay to use now.

Alonso accepted total responsibility for the incident, stating he had control of "Ima Fire Lover" at all times except for the twenty-four hours he was at Los Alamitos to run.

Before arriving at a penalty, any mitigating and/or aggravating factors must be considered and discussed by this Board of Stewards. Mr. Alonso has no violations of any kind on his record. Rule #1887 (Trainer to Insure Condition of Horse) states in part that the trainer of the horse may be fined, his/her license suspended or revoked, or be ruled off. In addition, the owner of the horse, foreman in charge of the horse, groom, and any other person shown to have had the care or attendance of the horse may be fined, his/her license suspended or revoked, or be ruled off.

Now we must take into account the eleven questions outlined in California Horse Racing Board Rule #1843.3 (Penalties for Medication Violations) of mitigating and aggravating factors to arrive at a

penalty conclusion if appropriate.

- (1) *Past Medication Record of the Licensee:* Stable Agent Jose Alonso has no prior medication violations. **Mitigating.**
- (2) *The Potential of the Drug to Influence a Horse's Performance:* Zilpaterol has been shown in studies to have an anabolic (muscle growth) effect. It also may increase heart rate, muscle tremors, sweat profusion, tachycardia, and anxiety. **Aggravating.**
- (3) *The Legal Availability of the Drug:* This drug is available in feed as an additive in a product called Zilmax over the counter. It is not a controlled substance. **Mitigating.**
- (4) *Whether There is Reason to Believe the Responsible Party Knew of the Administration of the Drug or Intentionally Administered the Drug:* Stable Agent Jose Alonso admitted to purchasing a green liquid from a "guy" he knew sold muscle builders and supplements at the ranch. The label on the bottle read, "El Primo (feed supplement)." The sales guy told Alonso to cease giving the green liquid two weeks prior to starting and the horse should test clean. It is reasonable to believe that Stable Agent Alonso had to have suspected that something illegal was in the green liquid after he was warned to stop administering the green liquid two weeks out. Mr. Alonso brought the feed samples in himself, so there is no way of knowing where the samples were gathered. **Aggravating.**
- (5) *Steps Taken by the Trainer to Safeguard the Horse:* Does not apply. **Neutral.**
- (6) *Steps Taken by the Owner to Safeguard Against Subsequent Medication Violations, Including but not Limited to, the Transfer of the Horse(s) to an Unaffiliated Trainer:* The owner stables "Ima Fire Lover" at his ranch. This does not apply to Alonso as he is only the stable agent. **Neutral.**
- (7) *Probability of Environmental Contamination or Inadvertent Exposure Due to Human Drug Use or Other Factors:* Feed samples from the ranch were sent to Davis and tested negative for any drugs. The green liquid tested positive for Clenbuterol. **Neutral to aggravating.**
- (8) *Purse of the Race:* This race had a purse of \$8,800, which is rather small. **Neutral.**
- (9) *Whether the Drug Found to Be Present in the Official Sample was one for which the Horse was Receiving Treatment as Determined through the Process Described in Rule #1842 (Veterinary Report):* "Ima Fire Lover" was not prescribed zilpaterol, however, this drug is readily available over the counter. **Aggravating.**
- (10) *Whether there was any Suspicious Wagering Pattern on the Race:* Nothing out of the ordinary was detected in the wagering. **Mitigating.**
- (11) *Whether the Licensed Trainer was Acting under the Advice of a Licensed Veterinarian:* Does not apply. Jose Alonso is not the trainer. **Neutral.**

A review of the factors reveals that there are more mitigating and neutral factors than aggravating ones.

CONCLUSION

Following a formal hearing, this Board of Stewards concludes the class III prohibited drug zilpaterol was found in urine sample #LA26496 taken from the horse "Ima Fire Lover," the second place finisher in the second race at Los Alamitos Race Course on August 16, 2014. This finding requires the disqualification of "Ima Fire Lover" in accordance with California Horse Racing Board Rule #1859.5 (Disqualification Upon Positive Test Finding).

This Board of Stewards took judicial notice of the penalty guidelines as defined in California Horse Racing Board Rule #1843.3 (Penalties for Medication Violations). Zilpaterol is a class III drug that falls in the class "A" penalty.

PROPOSED DECISION

Given all of the foregoing, this Board of Stewards makes the following recommendation in this matter:

State of California
CALIFORNIA HORSE RACING BOARD

* * *

Stable Agent Jose Alonso is fined ten thousand dollars (\$10,000.00)* and suspended one (1) year pursuant to California Horse Racing Board Rule #1887 (Trainer to Insure Condition of Horse) for violation of California Horse Racing Board Rules #1843 (a,b,&d) (Medication, Drugs and Other Substances – Zilpaterol – Class III) and #1902 (Conduct Detrimental to Horse Racing).

During the term of suspension, all licenses and license privileges of Jose Alonso are suspended and pursuant to California Horse Racing Board Rule #1528 (Jurisdiction of Stewards to Suspend or Fine), Jose Alonso is denied access to all premises in this jurisdiction.

*California Horse Racing Board Rule #1532 states that all fines shall be paid to the paymaster of purses within seven (7) days of imposition [-----] or the license of the person upon whom the fine was imposed shall be suspended.

Lic# 308502-02/2015

Case# 14LA0216

DATED: October 31, 2014

By the Los Alamitos Board of Stewards:

Robert Nord

James Dwyer

George Glender

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