

BEFORE THE HORSE RACING BOARD

OF THE STATE OF CALIFORNIA

In the Matter of:

Appeal of the Board of Stewards Official
Ruling #8, Del Mar Thoroughbred Club,
dated July 26, 2009

Case No. SAC 09-0052

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 November 18, 2009.

IT IS SO ORDERED ON November 17, 2009.

CALIFORNIA HORSE RACING BOARD
John C. Harris, Chairman

A handwritten signature in black ink, appearing to read "Kirk E. Breed", written in a cursive style.

Kirk E. Breed
Executive Director

BEFORE THE
CALIFORNIA HORSE RACING BOARD
STATE OF CALIFORNIA

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In the Matter of the Appeal of Stewards)
Official Ruling Number 8, Del Mar)
Thoroughbred Club, dated July 26, 2009)
Case No. SAC 09-0052)
CHRISTIAN SANTIAGO-REYES)
CHRB License # 302068)
Appellant.)
_____)

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, on September 5, 2009

Rick Amieva, Special Investigator, represented the CHRB and acted as a translator for Mr. Santiago-Reyes.

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 DeKoster acted as Court Clerk.

The appeal was submitted for decision on September 19, 2009.

PROCEDURAL BACKGROUND

This Appeal concerns Appellant's race riding during the running of two races at the Del Mar race track on July 25, 2009.

5th RACE: On July 25, 2009, Appellant rode #6 Noblety, in the 5th race to a 9th place finish, in an Allowance Optional Claiming race run at one mile on the Del Mar turf course.

7th RACE: On July 25, 2009, Appellant rode the 2year old colt, #6 E.P.Bombay, in the 7th race to a 9th place finish in a 5 1/2 furlong maiden allowance race on the all weather track at the Del Mar race track.

Because the Stewards detected potential careless riding by Appellant in both the 5th and 7th race he was called in for a Film Review/Hearing which took place on July 26, 2009. According to the Stewards' notes, "Apprentice jockey CHRISTIAN SANTIAGO REYES met with the stewards to review two races from yesterday. Both races involved Mr. Santiago Reyes angling his horse inward going into the turn causing the horses to his inside to either check or take up sharply. In the first instance, Mr. Santiago Reyes claimed that the horse was running off with him and in the second instance, he blamed the horse to his outside for forcing him in. We didn't accept either of these explanations as valid,"

Therefore, the Stewards issued the following ruling:

Jockey Christian Santiago Reyes, who rode # 6 Noblety in the fifth race and # 6 E. P. Bombay in the seventh race at Del Mar Thoroughbred Club on July 25, 2009, is suspended for FIVE RACING DAYS (5) (August 2,5,6,7 and 8, 2009) for placing his horses in positions where there was insufficient clearance causing interference in the 7/8s and 3/8s turns respectively. This constitutes a violation of California Horse Racing Board rule # 1699(d) (Riding Rules – Careless Riding)

The ruling was unanimous and was signed by Stewards Chaney, Ward and Furmen and dated July 26, 2009.

Appellant, through counsel has filed a timely notice appealing Order DMTC # 8. The suspension has been stayed by the San Diego County Superior Court pending resolution of this appeal.

The hearing on appeal of Order #8 was conducted in Del Mar, California on September 5, 2009. 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 5th and 7th races, 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. His testimony offered little to expand on his statement at the film review. In the 5th race his horse was getting away from him. In the 7th an outside horse was forcing him in.

Steward Scott Chaney testified for the CHRB. In the first instance the Steward pointed out the Apprentice Jockey Santiago –Reyes had already been called in by the Stewards and received warnings because of careless riding. As to the races in question they both involved the Apprentice trying to pass on a turn, with insufficient clearance causing his rivals to the inside to take up to avoid clipping heels.

The films of the races support the testimony of Steward Chaney. The 5th race is particularly grievous. Coming into the turn at the 7/8th pole there are four hoses inside of Appellant's mount; #2, Blue Chagaal ridden by Tyler Baze,, #4Great Siege ridden by Victor Espinoza, #7,Dehere Again ridden by Aaron Gryder and #8 Fiary Trippi, ridden by Mike Smith. To his outside is #9, Wild Diplomat ridden by Joe Talamo. When the Apprentice tries to go thru an opening that isn't there all four horses to his inside are forced to check or take up sharply.

The problem in the 7th race takes place at the 3/8th pole. Again as Reyes-Santiago guides his mount to a dangerous spot on the turn, the horsed inside him, #5 Lunada Bay is forced to take up sharply and drop back several lengths.

B) *Controlling Law*

The Stewards have general authority and supervision over all licensees, including licensed jockeys such a Mr. Arroyo. (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.

C) *Appellant's Contentions*

Appellant's sole contention is that he did not ride carelessly in the two races at issue. That defense is easily rejected. The Apprentice started the day already have been warned by the Stewards several times about his careless riding. Then, in both the 5th and 7th race he continues to ride carelessly. 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. In fact the Stewards showed remarkable leniency in only suspending Appellant for five days when an eight day suspension, or more, would have been fully justified. Until young Mr. Reyes-Santiago learns the difference between aggressive riding and careless riding he is a danger on the track. He must realize he is living an apprentices dream in the finest jockey colony in America. "To dream that you serve as an apprentice foretells you will have a struggle to win a place among your companions." He can win that place by not putting his companions in harm's way with a careless ride.

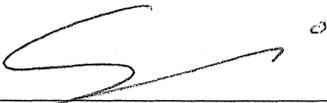
Appellant has failed to meet his burden of proof to show by a preponderance of the evidence that the Stewards Decision should be reversed (Rule 1764). The decision of the Steward's is supported by substantial evidence.

ORDER

Official Ruling #.8, Del Mar Thoroughbred Club, dated July 26, 2009
Imposing a 5 day suspension on Appellant Christian Santiago-Reyes, Lic. #
302068 for careless riding under Rule 1699, in the 5^h and 7th races at Del Mar on
July 25, 2009 is hereby AFFIRMED.

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

DATED: 10-12-09



STEFFAN IMHOFF
Designated Appellate Judge