BEFORE THE CALIFORNIA HORSE RACING BOARD

STATE OF CALIFORNIA

In the Matter of:
FITNESS FOR LICENSURE

TREA CLEAVES
Appellant

Case No. SAC 16-0021

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 August 29, 2016.

IT IS SO ORDERED ON August 25, 2016.

CALIFORNIA HORSE RACING BOARD
Chuck Winner, Chairman

Rick Baedeker
Executive Director

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In the Matter of: FITNESS FOR LICENSURE	)	
	)	Case No. SAC 16-0021
TREA CLEAVES, Appellant	)	

PROPOSED DECISION

This matter was heard on June 1, 2016 by C. Scott Chaney, a Hearing Officer designated under California Horse Racing Board rule 1414 (Appointment of Referee) at California Horse Racing Board headquarters in Sacramento, California.

The Appellant, formerly licensed owner and groom Trea Cleaves, (hereinafter "Appellant" or "Ms. Cleaves"), represented herself.

The California Horse Racing Board (hereinafter "CHRB") was represented by CHRB Staff Attorney Phil Laird.

The proceedings were recorded by court reporter Wendy Frazier.

PROCEDURAL BACKGROUND

On September 10, 2015, Cleaves applied for and was refused a CHRB license in the category of "groom—TB". That refusal was based on five misdemeanor animal cruelty guilty pleas from allegations in April 2008. Ms. Cleaves appealed that decision which is the purpose of this hearing. Both parties were noticed and the hearing was scheduled for June 1, 2016. On that day, the hearing was called to order at approximately 2:00 pm in accordance with the notice supplied to all parties. The CHRB submitted documentary evidence relevant to the matter, while the Appellant presented her own testimony, as well as documentary and photographic evidence. The record was closed and the matter deemed submitted that same afternoon.

LIST OF EXHIBITS

CHRB Exhibit #1 – Notice of Refusal of License; Application for License; Riverside Superior Court Criminal Report.

CHRB Exhibit #2 – CHRB Proposed Rule 1489.2. Criteria to Evaluate Rehabilitation of a Person When Considering Denial, Suspension, or Revocation of an Occupational License.

CHRB Exhibit #3 – CHRB Proposed Rule 1489. Grounds for Denial or Refusal of License.

FACTUAL FINDINGS

I

Appellant formerly held a CHRB groom's license which expired in 2006 and an owner's license which expired in 2011.

II

In May 2011, Appellant and her husband pled guilty to five counts of misdemeanor animal cruelty in Riverside County as part of a plea arrangement in place of a trial on more significant charges. These allegations stemmed from the care of horses her and her husband owned most of which were former racehorses.

III

The punishment for the convictions was restitution to Animal Control Services, but no fine or jail time. She was prohibited from owning or possessing horses. Lastly, she was placed on probation for 3 years ending in May 2014.

IV

Appellant presented written evidence and oral testimony at hearing attempting to discredit the Animal Control case as well as show the superlative care that she provided her animals. This did not appear to a matter of intentional cruelty, rather a lack of ability and resources to properly care for the horses she had rescued.

APPLICABLE LAWS AND REGULATIONS

California Horse Racing Board Rule 1489 (Grounds for Denial or Refusal of License).

The Board, in addition to any other valid reason, may refuse to issue a license or deny a license to any person:

(a) Who has been convicted of a crime punishable by imprisonment in a California state prison or a federal prison, or who has been convicted of a crime involving moral turpitude.

.....

(g) Who has committed an act involving moral turpitude, or intemperate acts which have exposed others to danger...

...

DISCUSSION OF ISSUES

In this matter, the CHRB chose not to present evidence other than the convictions from 2011 and in fact did not take a strong position as to whether or not Appellant should be granted a license. Ms. Cleaves did present a lot of evidence often irrelevant and repetitive at times but passionate nevertheless. She showed many pictures of horses in her care and gave a lengthy explanation of her history with horses and horse racing. She believed that the Riverside Animal Control personnel had a vendetta against her and her husband. Testimony seemed to suggest that this was not a case of intentional neglect or active cruelty but almost the opposite where a former licensee collected more horses for which she could adequately care. On the other hand, an animal cruelty conviction is serious even at the misdemeanor level; and further participation in the horse racing business should be viewed with scrutiny and skepticism. At the end of the day, however, this matter is one of a judgment based on the evidence at hearing as well as demeanor of witnesses. On balance, given the convictions and the fact that probation has now ended, I believe that a CHRB license with serious restrictions may be appropriate.

CONCLUSION/PROPOSED DECISION

Given all of the foregoing, I recommend that Ms. Cleaves be eligible for a CHRB license only in the categories of stable employee or groom. She should be specifically prohibited from applying for or granted a CHRB in license in any other category without an additional fitness for license hearing. Such a hearing should not be permitted until Appellant has held the aforementioned licenses without incident for a period of three years.

DATED: August 14, 2016.

C. Scott Chaney, Hearing Officer

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