

**BEFORE THE HORSE RACING BOARD**

**STATE OF CALIFORNIA**

In the Matter of the Complaint Against:

**BRET H. LAYNE**  
**CHRB License #078190**  
Respondent

CHRB Case No. 18GG0136

**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 fine and setting the thirty (30) days of suspension.

IT IS SO ORDERED ON February 22, 2019.

CALIFORNIA HORSE RACING BOARD  
Chuck Winner, Chairman



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 6, 2019

IN THE MATTER OF:

CALIFORNIA HORSE RACING BOARD

vs.

TRAINER BRET H. LAYNE

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CASE #18GG0136

INTRODUCTION

This matter came for hearing before a Board of Stewards at Golden Gate Fields consisting of **Mr. Will Meyers, Mr. John Herbuveaux and Mr. Dennis Nevin** on December 28, 2018.

Present at the hearing was the respondent **Bret H. Layne** representing himself. Also present was California Horse Racing Board investigator **Michael Alford** and Staff Counsel **Rob Brodnik** who presented the case on behalf of the California Horse Racing Board. Professor **Ben Moeller, PHD** of U.C. Davis Laboratories testified by phone. The proceedings were recorded by **Christine Niccoli, C.S.R.**

At the hearing the parties were allowed to introduce exhibits, produce witnesses and offer argument. Documentary evidence was submitted, oral testimony was heard, the Hearing was then closed and the matter deemed submitted.

**Brett H. Layne** (Hereinafter **Layne**) was the Trainer of record for the Quarter Horse "**Walk It Man**" who started in the third race at The Big Fresno Fair on October 13, 2018.

Respondent **Brett H. Layne** was charged in complaint 18GG0136, filed by investigator **Michael Alford** (hereinafter **Alford**) on behalf of the California Horse Racing Board for alleged violation of Board Rules 1843 (a) & (d) (Medication Drugs and other Substances) 1843.1 (b) (Prohibitive Drug Substances) 1844 (e) & (6) (Authorized Medication – **Clenbuterol**) and 1877 (Trainer or Owner to Insure Condition of Horse).

The Complaint against **Layne** states in part: The official urine sample #F16703 taken on October 13, 2018 at The Big Fresno Fair was reported by **Ben Moeller, PHD** of UC Davis Laboratories to contain **Clenbuterol**. The sample was obtained from the Quarter Horse "**Walk It Man**" which ran in the third race at The Big Fresno Fair finishing first. The Trainer of record is **Bret H. Layne**. **Clenbuterol** is a class 3 drug with a penalty category B.

## EXHIBITS

- 1- Selection of Administrative Adjudication.
- 2- Signed Form- Questions for Licensees not represented by Counsel at a Hearing before the Board of Stewards.
- 3- Stipulated Agreement on Chain of Custody.
- 4- Complaint packet for Trainer **Bret H. Layne** Case 18GG0136

## FINDINGS OF FACT

### I

On October 13, 2018 "The Quarter Horse **Walk It Man**" ran in and won the third race at The Big Fresno Fair.

### II

The Trainer of record for "**Walk It Man**" was **Brett H. Layne**, License #078190 expiring 08/2020. The owner of "**Walk It Man**" was **Juan Guzman**, License #326209 expiring 06/2020

### III

Following the running of the third race "**Walk It Man**" was taken to the Test Barn at The Big Fresno Fair and Urine Sample #F16703 was obtained from the horse and sent to the University of California Davis Equine Analytical Chemistry Laboratory for analysis.

### IV

On October 25, 2018 **Ben Moeller**, PHD of the U. C. Davis Equine Analytical Chemistry Laboratory, notified the Board that sample #F16703 tested positive for the substance **Clenbuterol** at a level of 86 picograms per milliliter. Owner **Guzman** and Trainer **Layne** chose not to have the split sample tested.

### V

**Clenbuterol** is listed as a class 3 prohibited substance when found at any level in Quarter Horses.

### VI

On October 26, 2018 Board Investigator **Mike Alford** was notified by board headquarters in Sacramento California of the test results from Urine Sample #F16703.

### VII

"**Walk It Man**" was in the custody of Trainer **Layne** at his ranch for approximately three weeks prior to racing at The Big Fresno Fair.

### VIII

Owner **Guzman** was subpoenaed to appear by attorney **Brodnik** but failed to appear due to an illness in the family, according to **Brodnik**.

Continued

IX

Testimony from **Layne** indicated that "**Walk It Man**" was transported by owner **Juan Guzman** from his ranch to the Big Fresno Fair the day before the race which would have been October 12, 2018. This conflicts with owner **Guzman's** statement to investigator **Alford** that he picked up the horse on October 10, 2018 and took it to The Big Fresno Fair, three days before the race.

X

Owner **Juan Guzman** further related to investigator **Alford** that after arriving at The Big Fresno Fair he left the horse in the care of **Layne's** former assistant **Candelario Villamar** for two or three hours while he went to get shavings to bed the horse on.

XI

Trainer **Layne** testified that he took over training of "**Walk It Man**" on the recommendation of a friend and also that the horse had raced and won at Los Alamitos and tested clean.

XII

Trainer **Layne** testified he was at the barn with the two horses he started in the third race (**Walk It Man** and **Jazzing Nibbler**) all day the day of the race October 13, 2018.

XIII

Trainer **Layne** testified that he had no idea how the **Clenbuterol** showed in the postrace test since he medicates his horses or has a Veterinarian inject needed medications. He stated he doesn't use **Clenbuterol**.

**CALIFORNIA HORSE RACING BOARD RULES**

California Code of Regulations, Title 4, Division 4

**ALLEGED RULE VIOLATIONS BY TRAINER BRET H. LAYNE**

1843 (A & D) – Medication, Drugs and Other Substances

1843.1 (b) – Prohibited Drug Substances

1844 (e) (6) – Authorized Medication

1887 – Trainer or Owner to Insure Condition of Horse

**DISCUSSION & CONCLUSION**

California Horse Racing Board Rule #1843.3 (b) lists certain factors, either mitigating or aggravating, that should be considered in arriving at a penalty:

1) Past Record

**Brett Layne** has not had any recent medication violations. **Mr. Layne** has not had a medication violation since 2007 and never had a violation other than a NSAID violation since being licensed first in 1984. Mitigating.

Continued

2) The Potential of a Drug to Influence a Horse's Performance.

**Clenbuterol** has the potential to enhance a Horses performance. However **Ben Moeller** testified that 86 picograms per milliliter was a very low level. Aggravating.

3) Legal Availability of the Drug.

**Clenbuterol** is Legally Available – Neutral.

4) Was there reason to believe the responsible party knew of the administration of the drug or Intentional administration of the drug? No. Mitigating.

5) Steps by the Trainer to safeguard the horse.

Trainer **Layne** left the care and custody of "**Walk It Man**" to the owner **Juan Guzman** at least one day prior to racing. Aggravating.

6) The probability of environmental contamination or inadvertent exposure due to human drug use factors. No evidence was presented on this issue – Neutral.

7) Purse of the Race \$8,000.

Total purse not significant. Neutral.

8) Was the horse receiving treatment with the Drug?

No. Neutral.

9) Suspicious Wagering

No evidence of unusual wagering – Neutral.

10) Was the Trainer acting under the advice of a Licensed Vet? No. Neutral.

As the factual findings indicate the respondent trained a horse that tested positive for **Clenbuterol** at the level of 86 picograms per milliliter which is prohibited by the California Horse Racing Board Rules and Regulations. Trainer **Bret H. Layne** was the trainer of record for "**Walk It Man**" and responsible for his care and custody. Trainer **Layne** entered and raced "**Walk It Man**" on October 13, 2018 in the Third race at The Big Fresno Fair. On October 25, 2018 **Ben Moeller P.H.D.** of U.C. Davis Equine Analytical Chemistry Laboratory reported that Urine Sample F16703 taken from "**Walk It Man**" was found to contain 86 pg/ml of **Clenbuterol**.

Attorney **Rob Brodrik** stated that the California Horse Racing Board staff recommended a **thirty day suspension** and a **Three Thousand Dollar** fine be imposed as a penalty. The Stewards will consider all the evidence and testimony presented including Mr. Layne's license history with the California Horse Racing Board since 1984.

"**Walk It Man**" was found in Case number 18GG0148 to have tested positive for **Clenbuterol** and Ruling #2 disqualifying "**Walk It Man**" from all purse monies was issued on December 30, 2018 by the Golden Gate Fields Stewards.

**PROPOSED DECISION**

Trainer **Bret Layne** who started the horse "**Walk It Man**", first place finisher in the third race at The Big Fresno Fair on October 13, 2018 is hereby suspended Thirty (30) days and fined the sum of Three Thousand Dollars (\$3,000.00) 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) & (d) (Medications Drugs and other Substances) 1843.1 (b) Prohibited Drug Substances and 1844( e) (6) (Authorized Medication, in excess of permitted level – **Clenbuterol** 86 pg/ml).

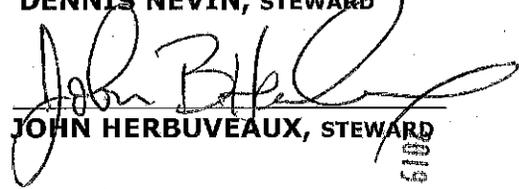
Further **Brett Layne** is placed on probation for one year from the date of this Ruling. For good cause Fifteen Hundred Dollars (\$1,500.00) of the Three Thousand Dollar (\$3000.00) fine is stayed provided **Brett Layne** has no class 1, 2 or 3 violations during the period of probation.

During the term of the suspension, all licenses and license privileges of **Bret Layne** are suspended and pursuant to California Horse Racing Board rule #1528 (Jurisdiction of Stewards) subject is denied access to all premises in this jurisdiction.

Respectfully submitted,

  
WILL MEYERS, STEWARD

  
DENNIS NEVIN, STEWARD

  
JOHN HERBUVEAUX, STEWARD

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