

BEFORE THE HORSE RACING BOARD

STATE OF CALIFORNIA

In the Matter of the Complaint Against:

MANUEL BADILLA
Trainer, CHRB License #274907
Respondent

CHRB Case No. 19GG0099

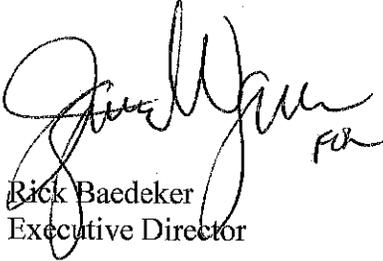
DECISION

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 July 18, 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**

Alameda County Fair

Dated: June 29, 2019

IN THE MATTER OF)	CASE #19GG0099
)	
CALIFORNIA HORSE RACING BOARD)	
vs)	
TRAINER MANUEL BADILLA)	

INTRODUCTION

This matter came for hearing on June 22, 2019 before the Board of Stewards, Mr. Will Meyers, Mr. Dennis Nevin and Chaired by Mr. Richard Lewis, at the Alameda County Fair.

Present at the Hearing was Manuel P. Badilla, Respondent, representing himself. Investigator Mike Alford presented the case of behalf of the California Horse Racing Board, Complainant. Christine Niccoli, C.S.R., recorded the proceedings.

Complainant and Respondent were allowed to introduce exhibits, produce witnesses and offer argument. Documentary evidence was submitted, testimony was heard after which the Hearing was closed, and the issue was deemed submitted.

Manuel Badilla (hereinafter Badilla) was the trainer of record for the horse "INDIAN DANCER" which ran in the second race on April 13, 2019 at Golden Gate Fields finishing third.

Respondent Badilla was charged for alleged violation of Board Rules 1843 (a) & (d) (Medication Drugs and other Substances), 1843.1(a) (Prohibited Drug Substances) and 1887(a) (Trainer or Owner to Insure Condition of Horse) in complaint 19GG0099, filed by Investigator Mike Alford on behalf of the California Horse Racing Board.

The Complaint against Badilla states in part:

The Official urine sample #GG33447 taken on April 13, 2019 at Golden Gate Fields reported by Dr. Ben Moeller, PHD of UC Davis Laboratories, was found to contain Gabapentin.

This sample was obtained from the horse "INDIAN DANCER" which ran in the 2nd race at Golden Gate Fields finishing 3rd. The Trainer of record is Manuel Badilla. Gabapentin in a horse's system at the time of testing is considered to be a Prohibited Drug Class 3,

Penalty Class B violation.

EXHIBITS

- 1 - Non-Represented Hearing Questionnaire - signed by Respondent
- 2 - Complaint #19GG0099 which includes, but not limited to, Positive Test Notification, Split Sample Confirmation Notice, Selection of Administrative Adjudication, Report of Investigation, Equine Analytical Chemistry Laboratory report, Chain of Custody report and License History of Trainer Manuel Badilla.

FINDINGS OF FACT

I

On April 13, 2019 the horse "INDIAN DANCER" ran in the second race at Golden Gate Fields finishing third.

II

The Trainer of Record for "INDIAN DANCER" on April 13, 2019 was Manuel Badilla. CHRB license 274907 expiring on 07/2021.

III

"INDIAN DANCER" was taken to the Test Barn at Golden Gate Fields following the running of the second race on April 13, 2019. Urine sample #GG33447 was obtained from the horse and following "chain of custody" protocols sample was sealed and signed for and then sent to the University of Davis Equine Analytical Chemistry Laboratory for analysis.

IV

On April 25, 2019 Ben Moeller, PHD, of the Davis Equine Analytical Laboratory notified the Board that the sample #GG33447 was found to contain the substance Gabapentin.

V

Gabapentin is considered to be a Class 3 prohibited drug when found in a "post-race" sample.

VI

On May 2, 2019 Board investigator Mike Alford was assigned a medication positive case associated with urine sample #GG33447 and served Trainer Badilla with "Positive Test Notification".

VII

Trainer Badilla requested a split sample analysis be performed and opted for the Texas Veterinary Medical Diagnostic Laboratory, a CHRB sanctioned facility. The request was made in a timely matter, within the 72 hours as stated on CHRB form 56.

VIII

On May 23, 2019 the Board received a "Positive Letter" from the Texas Veterinary Medical Diagnostic Laboratory confirming the presence of Gabapentin in sample #GG33447.

IX

On June 22, 2019 the Board of Stewards at the Alameda County Fair held a hearing disqualifying "INDIAN DANCER" from all purse monies due to violation of CHRB Rule 1859.5, Disqualification Upon Positive Test Finding.

X

Trainer Badilla testified that he has never used Gabapentin, nor does he know what it is or what it is used for. He has no idea how the aforementioned drug was in the system of the horse "INDIAN DANCER".

ALLEGED RULE VIOLATIONS**CALIFORNIA HORSE RACING RULES:**

- | | |
|----------------|---|
| 1843 (a) & (b) | Medication, Drugs and Other Substances |
| 1843.1 (a) | Prohibited Drug Substance |
| 1887 (a) | Trainer or Owner to Insure Condition of Horse |

DISCUSSION / CONCLUSION

In this case there was no dispute as to the horse "INDIAN DANCER" racing with a Class III prohibited substance in its system. Pursuant to CHRB Rule 1859.5, Disqualification Upon Positive Test Finding, Ruling No.10 was issued by the Board of Stewards at the Alameda County Fair on June 22, 2019.

The only remaining issue to be determined is whether Mr. Badilla should be penalized and to what extent.

California Horse Racing Board Rule #1843.3 (b) lists certain factors that should be considered in arriving at a penalty. Those factors are determined to be mitigating or aggravating.

1) Past Record

Manuel Badilla has had only one medication violation, a NSAID, since having his license upgraded to trainer as of 04/10/2015. - Mitigating

2) The potential of a Drug to Influence a Horse's performance

Gabapentin has the potential to influence the performance of a horse. - Aggravating

3) Legal Availability of the Drug

Gabapentin is Legally Available. - Neutral

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

5) The probability of environmental contamination or inadvertent exposure due to human drug factors.

No evidence was presented on this issue. -Neutral

6) Steps taken by Trainer to safeguard the horse.

Trainer Badilla does all his own oral medications. Medications are under lock and key. Grooms are in attendance during the day. - Mitigating

7) Purse of Race, \$11,000 -

Total Purse insignificant. - Neutral

8) Was the Horse receiving treatment with the drug? No. - Neutral

9) Suspicious Wagering?

No evidence to indicate any unusual pattern. - Neutral

10) Was Trainer acting under the advice of a License veterinarian? No. - Neutral

As the factual findings indicate the Respondent trained a horse which tested positive, in a post-race sample for Gabapentin (Class III), a prohibited drug by California Horse Racing Board rules. Manuel Badilla was the trainer of record and in accordance with California Horse Racing Rule 1887 (Trainer to Insure Condition of Horse) is responsible for the condition of the filly "INDIAN DANCER" who raced on April 13, 2019 in the second race at Golden Gate Fields. On April 25, 2019 Ben Moeller, P.H.D. of U.C. Davis Equine Analytical Chemistry Laboratory reported that sample #GG33447 taken from "INDIAN DANCER" showed the presence of Gabapentin. Texas Veterinary Medical Diagnostic Laboratory on May 23, 2019 confirmed that the split of sample #GG33447 contained Gabapentin. Ruling #10 issued at the Alameda County Fair by the Board of Stewards on June 22, 2019 disqualified "INDIAN DANCER" from the second race on April 13, 2019.

