

BEFORE THE HORSE RACING BOARD

STATE OF CALIFORNIA

In the Matter of the Appeal of the Board of
Stewards Official Ruling #172, Los Angeles
Turf Club, Inc., Dated May 1, 2014

Case No. SAC 14-0020

EDWIN MALDONADO
CHRB License #304542
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 is hereby remanded to the Board of Stewards to issue a ruling and order imposing a three (3) day riding suspension.

IT IS SO ORDERED ON September 24, 2014.

CALIFORNIA HORSE RACING BOARD
Chuck Winner, Chairman



Rick Baedeker
Executive Director

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Club Inc., dated May 1, 2104

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Edwin Maldonado
CHRB License # 304542
Appellant

PROPOSED DECISION

This Appeal was heard by Steffan Imhoff, an Appellate Judge/ Hearing Officer designated under Rule 1414 by the California Horse Racing Board (CHRB), at Del Mar Race Track, Del Mar, California, Executive Offices Upstairs Conference Room and at the Stewards' Del Mar office on July 25, 2014.

Philip Miyazaki, Special Investigator represented the CHRB.

Rick Amieva, Special Investigator for CHRB was present.

Attorney Roger Licht, Beverly Hills, California represented the Appellant.

Mr. Maldonado was present and testified on his own behalf.

Steward Scott Chaney testified for CHRB.

Steward Kim Sawyer and Steward Luis Jauregui were also present.

The Proceeding was transcribed by Michelle E. Derieg from Weinstein Court Reporters Company.

The Appeal was submitted for decision on July 25, 2014

PROCEDURAL BACKGROUND

This Appeal concern Appellant's conduct near the break during the running of the 9th race at Santa Anita on April 27, 2014. Maldonado, rode the Filly, Cleverly Beverly in a \$20,000 maiden claiming race for thoroughbred Fillies and Mares 3 years old and upward. The race was run at six furlongs on the Santa Anita dirt track. Shortly after the beginning, his mount veered inward making contact with the horses to his inside. Because the incidence occurred near the beginning of the race and didn't affect the order of finish there was no inquiry or disqualification (DQ). According to the official charts Cleverly Beverly came into the stretch 3 wide and finished second best. The race was won by Shared Image and ridden by Jockey Kayla Stra. In response to the Court's questions, Steward Chaney stated that they rarely have an inquiry or a disqualification based on an incident that happened at the start of the race. This is because Rule 1699 (C) requires that for the Stewards to take action a horse must lose the opportunity for a better placing. This is seldom determinable from misdeeds that occur near the beginning of a race. The only notation in the charts that might be relevant to our enquiry "STRACCIATELLA No.3 came in and bumped a rival early".

Based on what the Stewards observed of Maldonado's ride, he was ordered to come in for a film review the following day.

FILM REVIEW

The film review was conducted on April 28, 2014. After the review, the Stewards issued the following order (LATS #172).

Jockey EDWIN MALDONADO, who rode CLEVERLY BEVERLY in the ninth race at Santa Anita Park on April 27, 2014, is suspended for THREE (3) racing days (May 10, 15, and 16, 2014) for crossing over without sufficient clearance leaving the starting gate and causing interference. This constitutes a violation of

California Horse Racing Board Rule #1699 (Riding Rules- Careless Riding). Pursuant to California Horse Racing Board Rule #1766 (Designated Races), the term of suspension shall not prohibit participation in designated races.

This ruling was issued after the rider had viewed the ninth race from April 27, during which he was responsible for interference shortly after the start by allowing his mount to cross over without sufficient clearance. Mr. Maldonado admitted his mistake, but felt he had made an attempt to correct his mount after he realized that he was not clear of the field. Unfortunately, his reaction came too late to prevent interference.

It should be noted that the Record has a signed copy and an unsigned copy of the Official Ruling. We have previously cautioned the Stewards on the undesirability of placing an unsigned Order in the Record. We once again emphasize our displeasure with this practice.

Appellant, through counsel has filed a timely notice appealing Order LATS #172. The appeal has been designated SAC-14-0020. A request for stay of the proceedings by Appellant's counsel was denied by the Executive Director Rick Baedeker on May 5, 2014.

However, the suspension was stayed on May 6, 2014 by Judge James C. Chalfant of the Los Angeles County Superior Court pending the issuance of the decision by the CHRB (Case No. BS148391).

DISCUSSION

The evidence in this case consisted of the testimony of Steward Scott Chaney, the testimony of Maldonado and the DVD of the race. The parties agreed the incidence happened shortly after the break. Their testimony can be easily

summarized; according to Chaney Appellant's mount broke cleanly but then almost immediately went off course and interfered with the horses to his inside. Maldonado disagreed and testified that he kept a straight course and didn't interfere with the horses to his inside. The DVD supports the testimony of Steward Chaney.

We begin by observing Cleverly Beverly and each horse inside her at the start of the race. After the break, we have a bit of a rodeo. The horse Sofis Furia No. 1 ridden by Mario Gutierrez moves out and into Mom's Winner No. 2 ridden by Efrain Hernandez. Mom's winner is bumped three times. The horse Stracciatella No.3, ridden by Joe Steiner is also squeezed and pushed out by Sofis Furia. The horse Lady Lois No.4, ridden by Omar Figueroa broke slowly and was not involved in the bumping. The horse Swan Street Lady No. 5, ridden by Gunzalo Nicolas dropped back and then quickly made up the ground to pull next to Cleverly Beverly No. 6 horse ridden by Edwin Maldonado. The Appellant inexplicably was using a right-handed whip on his mount and predictably, she was moving away from the whip towards the inside horses. He continues to use his right-handed whips as he moves in and begins bumping Swan Street Lady. She was then pushed into Stracciatella and Sofis Furia. Maldonado made no apparent attempt to use the reins to keep his mount on a straight course. Maldonado should be well aware that the Stewards require that the jockeys use their reins as their primary means of controlling the direction of the racehorse.

B. Controlling Law

Riding Rules

The Stewards have general authority and supervision over all licenses, including licensed jockeys such as a Maldonado (Rule 1527). That authority includes the ability to impose a fine or suspension (Rule 1528). At issue in this appeal is Rule

1699, Riding Rules. Of particular interest in this case is **section d. and f** of Rule 1699.

Rule 1699

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 losses 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.

The question, as in most of the jockey suspension appeals is whether or not the DVD shows interference on the part of the Appellant. There is no question that in this case the DVD confirms that Maldonado failed to keep a straight course and interfered with other horses to his inside. We find therefore, that there is sufficient evidence to uphold the Stewards' finding that Maldonado violated the Riding Rules articulated in 1699 (D) and he is therefore subject to suspension as per Rule 1699 (F). The Appellant has failed to carry the burden to show otherwise.

ORDER

Official Ruling LATS # 172 (SAC 14-0020), dated April 28th, 2014, imposing a 3 day suspension on Appellant Edwin Maldonado License # 304542 for careless riding under rule 1699, in the 9th race at Santa Anita Race Track on April 27th, 2014 is hereby AFFIRMED.

Term of suspension shall not prohibit participation in designated races pursuant to CHRB Rule 1766 (Designated races).

The Stewards, the Executive Director, or the Chairman of the CHRB shall specify the days that this suspension shall be effective.

8-25-14

Dated



STEFFAN IMHOFF
Designated Appellate Judge/ Hearing Officer

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