BEFORE THE HORSE RACING BOARD

STATE OF CALIFORNIA

In the Matter of the Appeal from the Board of Stewards Official Ruling #011, Los Alamitos Spring Thoroughbred Meet, dated April 28, 2016

Case No. SAC 16-0010

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 July 14, 2016.

CALIFORNIA HORSE RACING BOARD
Chuck Winner, Chairman

FOR

Rick Baedeker
Executive Director

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STATE OF CALIFORNIA

In the Matter of the Appeal of Stewards	)	
Official Ruling #011 Los Alamitos Spring	)	
Thoroughbred Meet dated April 28, 2016	)	**Case No. SAC 16-0010**
	)	
EDWIN MALDONADO	)	
CHRB License #304542	)	
Appellant	)	
	)	

PROPOSED DECISION

This appeal was heard by Steffan Imhoff, a Hearing Officer/Appellate Judge designated under Rule 1414 by the California Horse Racing Board (CHRB), at Santa Anita Race Track, Arcadia, California, at the Santa Anita Stewards' Office on May 19, 2016.

William Westermann, Chief Investigator represented the CHRB.

Attorney Bing Bush, Del Mar, California represented the Appellant.

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

Steward Scott Chaney testified for the CHRB.

Also present was Safety Steward Luis Jauregui

The proceedings were transcribed by Michelle Derieg, Hearing Reporter, for Weinstein Court Reporters.

The appeal was submitted for decision on May 19, 2016.

BACKGROUND

This Appeal concerns Appellant's conduct during the running of the 5th race at Los Alamitos Race Track on April 24, 2016. Maldonado rode the 5 year old mare "BIG BREAK" in an Optional Claiming race for thoroughbred fillies and mares three year old and up. The race was run on the dirt track at the distance of one mile. Approaching the Finish line appellant stood up in the saddle and stopped riding. "BIG BREAK" was caught right at the wire by the 6 year old chestnut mare "BACKINTHEACADEMY" ridden by Brayan Pena who nosed Maldonado out for 3rd place. Maldonado was called in by the Stewards for a film review on April 28, 2016.

FILM REVIEW

Jockey **EDWIN MALDINADO** came into the office to review his ride on the fifth race on Sunday during which he stopped riding before the finish. He was candid in explaining that he simply misjudged the finish and stood up before his horse reached the wire. This action clearly cost his horse a better placing (third) and he was therefore penalized in the following ruling;

ORDER

Jockey EDWIN MALDONADO who rode "BIG BREAK" in the fifth race at Los Alamitos Racing Association, is suspended for THREE (3) racing days (May 8, 12 and 13, 2016) for violation of California Horse Racing Board rule # 1692 (Requirements for Horse, Trainer and Jockey-Failure to ride his mount to the finish, costing him a better finish position) Pursuant to California Racing Board rule#1766 (Designated Races), the term of suspension shall not prohibit participation in designated races.

The ruling was unanimous. A copy of the Order signed by Stewards Chaney, Ward and Sawyer and dated April 28, 2016, was received in evidence.

APPEAL

Appellant, through counsel, has filed a timely notice appealing Order SAC # 16-0010. His request for a stay was denied by Executive Director Rick Baedeker.

However the suspension has been stayed by Judge Nathan Scott of the Orange County Superior Court pending the issuance of the decision by the CHRB on the appeal of SAC #16-0010.

The hearing on appeal of Jockey Edwin Maldonado's suspension was conducted by Hearing Officer/Appellate Judge Steffan Imhoff at the Santa Anita Race Track, Stewards Office on May 19, 2016

This Appeal to the CHRB is authorized by Rule 1761. Appellant has the burden of proof on appeal under Rule 1764.

Under the provisions of Business and Professions Code Section 19517, the CHRB may 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

The evidence being undisputed is easily summarized. Jockey Edwin Maldonado was riding the mare "BIG BREAK" in the fifth race, on April 24 2016 at Los Alamitos Race Track. Prior to the finish line, there is a green pole inside the inside rail. Maldonado mistook that pole for the finish line and stood up and stopped riding his mount.

Just at the finish line he got caught by a rival, "BACKINTHEACADEMY", and lost third place by a nose. These facts are confirmed by the tape of the race and were agreed upon in the testimony of appellant, the testimony of Steward Chaney, as well as appellant's attorney. Thus appellant has virtually conceded that his actions constituted a violation of Rule1692-Failure to ride his mount to the finish, costing him a better position. "Jockeys going to the post in any race shall race their mount to win, shall give their best efforts in the race to their mount and the public, and shall ride their mount out until the finish line is passed." There was no evidence offered that his failure to ride to the finish was intentional. Therefore we find that Maldonado violated Rule 1692 but did so unintentionally. The only question is whether the Stewards, under the circumstances, accessed the proper penalty.

1. **THE PENALTY:**

In this case the Stewards ordered a three day suspension. Steward Chaney was asked to explain how this penalty was calculated. He conceded that the three days that were ordered in this case were not automatic. The penalty for this violation could range from a warning with no suspension to a longer suspension of five to ten days or more. Of course, if the violation was intentional the suspension could have been substantially longer. In this case, Maldonado had in his favor that he had a long successful career as a jockey and had never misjudged a finish line in all of the thousands of races he had participated in. On the other hand, the Stewards correctly considered the betting public. Having lost a photo by a nose for third place there is no question, and we do find, that his negligent actions affected the order of finish. Those punters who wagered on his horse to show or used "BIG BREAK" in the third spot, of a trifecta lost money because of Maldonado's mistake. Under those circumstances, to protect the betting public, and to protect the integrity of the sport, a three day suspension in this case, was entirely appropriate.

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). There is substantial evidence to support the Stewards Decision to suspend Appellant for failure to ride to the finish.

ORDER

Official Ruling SAC #16-0010 dated April 28, 2016, imposing a three day suspension on Appellant Edwin Maldonado, License #304542 for failure to ride to the finish under Rule 1692, in the fifth race, on April 24, 2016; at Los Alamitos Race Track. Is hereby AFFIRMED.

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

6-10-16
Dated

STEFFAN IMHOFF
Designated Appellate Judge

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