

BEFORE THE HORSE RACING BOARD

STATE OF CALIFORNIA

In the Matter of the Complaint Against:

JERRY PUERTAS
CHRB License #326552
Respondent

CHRB Case No. 18GG0125

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 three thousand (\$3,000.00) fine and setting the thirty (30) days of suspension.

IT IS SO ORDERED ON January 25, 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: NOVEMBER 29, 2018

IN THE MATTER OF:

CALIFORNIA HORSE RACING BOARD

vs.

TRAINER JERRY ROBERT PUERTAS

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CASE # 18GG0125

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 November 24, 2018.

Present at the hearing was the respondent Trainer **Jerry Robert Puertas** representing himself. Also present was California Horse Racing Board investigator **Michael Alford** who presented the case on behalf of the California Horse Racing Board. **Dr. Steven Boyer D.V.M.** testified on behalf of the respondent. 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.

BACKGROUND

Jerry Robert Puertas (hereinafter **Puertas**) was the Trainer of record for the horse "**One Son Of A Chief**" who started in the ninth race at Golden Gate Fields on September 30, 2018.

Respondent **Jerry Robert Puertas** was charged in complaint 18GG0125, 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) & (g) (Authorized Medication – Clenbuterol in excess of 140 picograms per milliliter) and 1877 (Trainer or Owner to Insure Condition of Horse).

The Complaint against **Puertas** states in part: The official urine sample #GG31679 taken on September 30, 2018 at Golden Gate Fields was reported by **Scott Stanley**, PHD of UC Davis Laboratories to contain **Clenbuterol** (204 pg/ml). The sample was obtained from the horse "**One Son Of A Chief**" which ran in the ninth race at Golden Gate Fields finishing second. The Trainer of record is **Jerry Robert Puertas**. **Clenbuterol** is a class 3 drug with a penalty category B.

EXHIBITS

- 1 – Signed Form – Questions for Licensees not represented by counsel at a hearing before the Board of Stewards.
- 2 – Complaint packet for Trainer **Jerry Robert Puertas**.
- 3 – Data packet from University of California, Davis Equine Analytical Laboratory, for Urine Sample #GG31679 taken from the horse "**One Son Of A Chief**".

FINDINGS OF FACT

I

On September 30, 2018 "**One Son Of A Chief**" ran in and finished 2ND in the ninth race at Golden Gate Fields.

II

The Trainer of record for "**One Son Of A Chief**" was **Jerry Robert Puertas**, License number #326552 expiring 01/2021.

III

Following the running of the ninth race "**One Son Of A Chief**" was taken to the Test Barn at Golden Gate Fields and Urine Sample #GG31679 was obtained from the horse. The Urine Sample was subsequently sent to the University of California, Davis Equine Analytical Chemistry Laboratory for analysis.

IV

On October 10, 2018 **Dr. Scott Stanley**, Chief Chemist for the U.C. Davis Equine Analytical Chemistry Laboratory, notified the board that sample #GG31679 tested positive for the substance **Clenbuterol** at a level of 204 picograms per milliliter.

V

Clenbuterol is listed as a class 3 prohibited substance when found at a level above 140 picograms per milliliter.

VI

On October 18, 2018 Board Investigator **Mike Alford** was notified by Board Headquarters in Sacramento, California of the test results from Urine Sample #GG31679.

VII

“**One Son Of A Chief**” was prescribed **Clenbuterol** on September 18, 2018 by Doctor **Steven Boyer, DVM**.

VIII

Dr. Boyer testified that he prescribed **Clenbuterol** to the horse “**One Son Of A Chief**” on September 18, 2018 with the instruction to administer twice daily and the admonishment that the dissipation time for that drug is fifteen days from the last dose.

IX

Dr. Boyer further testified that running the horse “**One Son Of A Chief**” on September 30, 2018 after administering the Drug on September 18, 2018 would have obviously resulted in a medication positive.

X

Trainer **Puertas** seemed unsure of the dates the **Clenbuterol** was prescribed and given to the horse. He ultimately stated the date was correct and felt he or his help at the barn made the mistake in the medication given to “**One Son Of A Chief**”.

CALIFORNIA HORSE RACING BOARD RULES
California Code of Regulations, Title 4, Division 4

ALLEGED RULE VIOLATIONS BY TRAINER JERRY ROBERT PUERTAS:

1843 (a & d) – Medication, Drugs and Other Substances

1843.1 (b) – Prohibited Drug Substances

1844 (e & g) – 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

Jerry Robert Puertas has not had any medication violations. **Mr. Puertas** has only been a Licensed Trainer since April 26, 2018 - Neutral.

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

Clenbuterol has the potential to enhance a Horses performance at a level above the permitted level of 140 picograms per milliliter and is presumed to do so. Aggravating.

3) Legal Availability of the Drug.

Clenbuterol is Legally Available – Neutral.

Continued

- 4) Was there reason to believe the responsible party knew of the administration of the drug or Intentional administration of the drug.
Clenbuterol was prescribed to the horse "**One Son Of A Chief**" and Trainer **Puertas** knew of the administration. Aggravating.
- 5) Steps by the Trainer to safeguard the horse.
Trainer **Puertas** had no video surveillance.
Trainer **Puertas** started the horse before the recommended withdrawal time.
Trainer **Puertas** kept his medication in the office. 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
Total purse \$18,000 not significant. Neutral.
- 8) Was the Horse receiving treatment with the Drug.
Yes, - Aggravating.
- 9) Suspicious Wagering
No Evidence of unusual wagering – Neutral.
- 10) Was The Trainer Acting Under The Advice Of A Licensed Vet.
Yes the horse was prescribed **Clenbuterol**. But the Trainer and/or help gave the **Clenbuterol** inside the recommended withdrawal time of 15 days – Aggravating.

As the factual findings indicate, the respondent trained a horse that tested positive for **Clenbuterol** in excess of 140 pg/ml which is prohibited by the California Horse Racing Board Rules and Regulations.

"**One Son Of A Chief**" was given a prescription of **Clenbuterol** on September 18, 2018 by Licensed Veterinarian **Steven Boyer**. Trainer **Jerry Puertas** was the trainer of record for "**One Son Of A Chief**" and responsible for his care and custody. Trainer **Puertas** entered and raced "**One Son Of A Chief**" on September 30, 2018 in the ninth race at Golden Gate Fields. On October 10, 2018 **Scott Stanley P.H.D.** of U.C. Davis Equine Analytical Chemistry Laboratory reported that Urine Sample #GG31679 taken from "**One Son Of A Chief**" was found to contain 204 pg/ml of **Clenbuterol**.

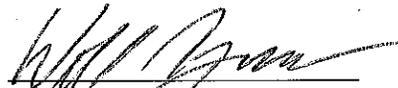
"**One Son Of A Chief**" was found in Case number 18GG0144 to have tested positive for **Clenbuterol** on September 30, 2018 at Golden Gate Fields and Ruling #30 disqualifying "**One Son Of A Chief**" from all purse monies was issued on November 29, 2018 by the Golden Gate Fields Stewards.

Proposed Decision

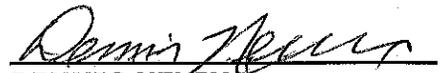
Trainer **Jerry Robert Puertas**, who started the horse "**One Son Of A Chief**", second place finisher in the ninth race at Golden Gate Fields on September 30, 2018 is hereby suspended Thirty (30) days and fined the sum of Three Thousand Dollars (\$3,000.00) pursuant to California Horse Racing Board 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) 1844.1(b) Prohibited Medication and 1844 (e) & (g) (Authorized Medication, in excess of permitted level – **Clenbuterol** 204 pg/ml).

During the term of suspension all licenses and license privileges of **Jerry Robert Puertas** 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


JOHN HERBUVEAUX, STEWARD


DENNIS NEVIN, STEWARD

DEC 18 AM 9:05

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