

BEFORE THE HORSE RACING BOARD

STATE OF CALIFORNIA

In the Matter of:

**Appeal of the Board of Stewards Official
Ruling #50, Hollywood Park Racing
Association, dated December 21, 2007**

Case No. SAC 07-0096

**TYLER BAZE
Appellant**

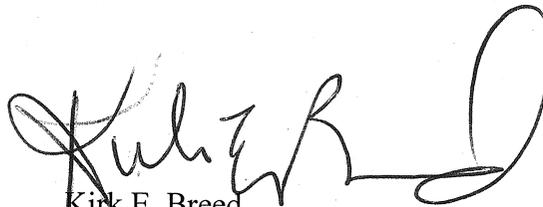
DECISION

The attached Proposed Decision is hereby adopted by the California Horse Racing Board as its Decision in the above-entitled matter.

The Decision shall become effective on May 21, 2008.

IT IS SO ORDERED ON May 20, 2008.

CALIFORNIA HORSE RACING BOARD
Richard B. Shapiro, Chairman



Kirk E. Breed
Executive Director

**BEFORE THE
CALIFORNIA HORSE RACING BOARD
STATE OF CALIFORNIA**

**In the Matter of the Appeal of Stewards)
Official Ruling No. 50, Hollywood Park)
Racing Association, dated Dec. 21, 2007)**

Case No. SAC 07-0096

TYLER BAZE)

Appellant.)
_____)

PROPOSED DECISION

This appeal was heard by attorney Steffan Imhoff, an Appellate Judge designated under Rule 1414 by the California Horse Racing Board , at Arcadia California, March 1, 2007.

Rick Ameiva, Special Investigator represented the California Horse Racing Board.

Attorney Bing Bush represented Appellant Tyler Baze.

The appeal was submitted for decision on March 1, 2008

PROCEDURAL BACKGROUND

On Sunday December 16, 2007 Appellant Baze rode "All Done Up" in the 10th race at Hollywood Park Race Track. The contest was a Maiden Claiming Race for two year old thoroughbred fillies run at six and one half furlongs on the all weather track. The Stewards found that Appellant's mount, "All Done Up", interfered with Patrick Valenzuela's horse, "Dancing Mica" in the stretch, resulting in a disqualification from 3rd position to 10th position. Appellant in this appeal disputes the propriety of that disqualification.

On December 20, 2006 Mr. Baze met with the Hollywood Park Stewards for a Film Review/Hearing concerning his ride the previous day on "All Done Up". After reviewing the film of the race, and considering Appellant's argument concerning his effort to the control his mount, the Stewards ruled that Appellant's ride constituted careless riding as defined and prohibited by rule 1699. Therefore on December 21, 2007 the Board of Stewards, Darrel McHargue, Randy Winick and Martin Hamilton issued official ruling # 50 which stated that:

Jockey TYLER BAZE, who rode "ALL DONE UP" in the tenth race at Hollywood Park on Sunday, December 16, 2007 is suspended THREE (3) racing days (December 28, 29, and 30, 2007) for failure to make a proper effort to maintain a straight course in the stretch, causing interference resulting in the disqualification of his mount from 3rd to 10th, a violation of California Horse Racing Board Rule # 1699 (d) and (f) (Riding Rules-Careless Riding)

The terms of suspension shall not prohibit participation in designated races in California.

Appellant, through counsel has filed a timely notice appealing Order HARTH # 50. The suspension was stayed by the Los Angeles Superior Court Until February 28, 2008 or until a resolution of this appeal, whichever came first.

The hearing on appeal of Order #50 was conducted in Arcadia, California on March 1, 2008. This Appeal to the CHRB is authorized by Rule 1761. Appellant has the burden of proof on appeal under Rule 1764. The focus of the hearing was whether or not the films of the race showed careless riding as defined by Rule 1699.

Under the provisions of Business and Professions Code Section 19517, the CHRB may only 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 on appeal consisted of the testimony of Appellant Tyler Baze, the testimony of Steward Martin Hamilton and the film of the race. Mr. Baze vehemently denied any wrong doing. From his point of view Patrick came off the rail in the stretch so Baze's filly, although in tight, came through on the rail, slightly brushing the rail and ducking out. He immediately straightened his young mount's stride.

Mr. Hamilton, who with Mr. McHargue had over 40 years riding experience, had a somewhat different view on appellant's ride. In his opinion appellant allowed his mount to drift out where he interfered with and bumped "Dancing Mica" causing Mr. Valenzuela to steady his filly who in turn causes "Mud Sweet'n Tears" to steady. Mr. Hamilton stated that in the opinion of the Stewards Tyler's reactions to his horse coming out were far too slow.

B) *Controlling Law*

The Stewards have general authority and supervision over all licensees, including licensed jockeys such as Mr. Baze. (Rule 1527) That authority includes their ability to impose a fine or suspension. (Rule 1528)

At issue in this appeal is Rule 1699 - Riding Rules.

During the running of the race;

- (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 with loses 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.

C) *Appellant's Contention*

Appellant is a skillful and experienced rider from a legendary riding family. He contends that he neither interfered with Patrick Valenzuela's mount nor did he ride carelessly under rule 1699. On the contrary he did the best anyone could have with an inexperienced young horse coming through tight quarters on the rail.

As in most rule 1699 suspensions the film speaks for itself. The film clearly shows that appellant's contention that he did not interfere with "Dancing Mica" is not well taken. "All Done Up" comes off the rail near the eighth pole, ducks out and bumps "Dancing Mica" causing that filly to bump "Mud Sweet'n Tears".

However, the allegation of careless riding is a much closer case. Appellant argues that he could not possibly have responded quicker to his filly's misbehavior while the Stewards contend that his reactions were far too slow. We

find the truth to reside somewhere between those positions. The film shows that appellant, within two or three strides from the time his filly comes out, was making a strong, and ultimately successful effort, to get her straightened out. It also shows that those efforts were not successful until after he had interfered with two rivals. We find therefore that while the evidence is sufficient to support a 1699 violation because appellant is less culpable than in the average 1699 the suspension should be reduced to two days. There is therefore substantial evidence to support the Stewards Decision to suspend Appellant for careless riding. *Shapiro v. San Diego City Council*, (2002) 96 CA4th 904,912. Appellant has met his burden of proof to show by a preponderance of the evidence that the Stewards Decision should be modified. (Rule 1764)

ORDER

Official Ruling #.50, Hollywood Park Racing Association, dated December 21, 2007 imposing a 3 day suspension on Appellant, Lic. # 264912-10 for careless riding under Rule 1699, in the 10th race at Hollywood Park on December 16, 2007 is hereby AFFIRMED in part and modified in part to reduce the sentence to two days.

The Stewards shall specify the 2 days that the suspension will be effective.

DATED: 4-21-08



STEFFAN IMHOFF
Designated Appellate Judge