

BEFORE THE HORSE RACING BOARD

STATE OF CALIFORNIA

In the Matter of:

**Appeal of the Board of Stewards Official
Ruling #213, Los Alamitos Quarter Horse
Racing Assn., dated September 23, 2007**

Case No. SAC 07-0073

**URLIC CARYLE "RICK" BERRY
Appellant**

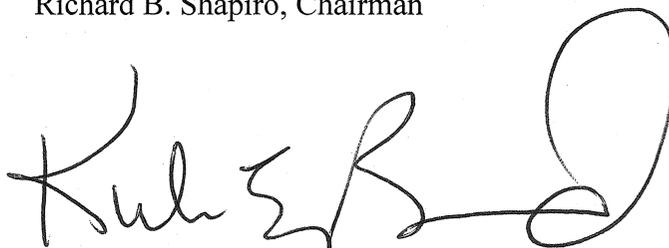
DECISION

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

A handwritten signature in black ink, appearing to read "Kirk E. Breed". The signature is stylized with a large, looping initial "K" and a long, sweeping underline.

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. 213, Los Alamitos)
Quarter Horse Racing Assn, dated)
September 23, 2007)

URLIC CARYLE "RICK" BERRY)

Appellant.)
_____)**

Case No. SAC 07-0073

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PROPOSED DECISION

This appeal was heard by attorney Steffan Imhoff, an Appellate Judge designated under Rule 1414 by the California Horse Racing Board, at Los Alamitos, California, on April 12, 2008

Michael Kilpack, Senior Investigator, represented the CHRB

No Appearance by Appellant

PROCEDURAL BACKGROUND

On February 2, 2007 a CHRB complaint was filed alleging that appellant violated CHRB rules 1530 (Cases not covered by other rules and regulations) and 1902 (Conduct detrimental to horse racing). The complaint further alleged that appellant moved a horse from Los Alamitos Race Track to a ranch in Riverside, and that same afternoon to San Luis Rey Downs during a state wide equine herpes quarantine at all licensed race tracks and auxiliary stabling locations

A Board of Stewards Hearing on the complaint was held on September 7, 2007. Appellant did not participate in the hearing but was represented by attorney Steve Schwartz. After testimony and argument the Stewards sustained the complaint and in a written opinion ordered appellant to pay a \$2000 fine, be suspended for 20 days and during the suspension be banned from all licensed racing facilities in California.

Appellant's attorney obtained a stay of these proceedings from the Los Angeles County Superior Court in an order dated August 28, 2007 although the order was apparently filed on September 28, 2004. It is also unclear why a case taking place in

Orange, Riverside and San Diego Counties was pending in Los Angeles County. In any event after obtaining this stay, in a letter dated January 22, 2008 Mr. Schwartz withdrew from the case and stated that appellant would be representing himself.

In his withdrawal letter counsel stated that Mr. Berry's address was 11250 Dale Street, Apt. 89, Garden Grove, CA 92481. It should be noted that a certified letter was sent to that address informing Mr. Berry that his appellate hearing would be held at 2PM on April 12, 2008 at Los Alamitos Race Track. However neither appellant nor anyone representing him appeared at the designated time and place for that hearing. Present at the hearing was Appellate Judge Steffan Imhoff, Senior Investigator Michael Kilpack and reporter Barbara Weinstein. The Court waited until 3:30PM but Appellant never appeared and never telephoned.

Appellant has the burden of proof on appeal under Rule 1764. His failure to appear requires us to dismiss the appeal and order that the original penalty be imposed.

ORDER

Official Ruling # 213, Los Alamitos Quarter Horse Racing Assn. dated September 23, 2007, imposing a 20 day suspension and \$2000 fine on Appellant Urlie Caryle "Rick" Barry, (Lic. # 096567-11/2007) for violating CHRB Rules 1902 and 1530 is hereby AFFIRMED. His appeal of that ruling is ordered DISMISSED.

The Stewards shall specify the days that the suspension and the denial of access to racing premises will be effective. The fine shall be ordered to be paid to the paymaster within the statutory dates.

DATED: 4-23-08



STEFFAN IMHOFF
Designated Appellate Judge