

**BEFORE THE CALIFORNIA HORSE RACING BOARD**

**STATE OF CALIFORNIA**

**In the Matter of the Accusation Against:**

**PABLO FERNANDEZ-MACIAS  
Respondent**

Case No. 18GG0118  
OAH No. 2019020887

**DECISION**

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

The Decision shall become effective on November 25, 2019.

IT IS SO ORDERED ON November 21, 2019.

CALIFORNIA HORSE RACING BOARD  
Gregory L. Ferraro, DVM, Chairman



Rick Baedeker  
Executive Director

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

**In the Matter of the Accusation Against:**

**PABLO FERNANDEZ-MACIAS, Respondent**

**Valet License No. 326569**

**Agency Case No. 18GG0118**

**OAH No. 2019020887**

**PROPOSED DECISION**

Administrative Law Judge Diane Schneider, State of California, Office of Administrative Hearings, heard this matter on September 27, 2019, in Oakland, California.

Michael Purcell, Deputy Attorney General, represented Rick Baedeker, Executive Director of the California Horse Racing Board.

No appearance was made by or on behalf of respondent.

The record closed and the matter was submitted for decision on September 27, 2019.

## **FACTUAL FINDINGS**

### **Procedural History**

1. Respondent Pablo Fernandez-Macias was properly served with the Accusation and Notice of Hearing on the Accusation, pursuant to Government Code sections 11505 and 11509. Inasmuch as no appearance was made by or on behalf of respondent, this hearing proceeded by default pursuant to Government Code section 11520.

2. Complainant Rick Baedeker issued the Accusation in his official capacity as Executive Director of the California Horse Racing Board (Board).

3. Although the date on which the Board initially issued a Valet license to respondent Pablo Fernandez-Macias was not established, on June 10, 2018, following the resolution of an unrelated complaint, the Board permitted respondent Pablo Fernandez-Macias to hold Valet license 326569. The license was in full force and effect at the times of the acts set forth below and will expire in August 2020, unless renewed.

### **Possession of Electrical Shocking Devices**

4. Noe Longoria is an Investigator for the Board. Longoria has worked in law enforcement, in various capacities, since 1974. As a Board Investigator, Longoria seeks to ensure that licensees follow applicable laws and regulations.

5. On September 6, 2018, there was a horse race, also called a "regular meeting," at Golden Gate Fields. Longoria was assigned to work at Golden Gate Fields. He made contact with respondent, along with another investigator, at 11:32 a.m., in

the Horseman's Parking Lot at Golden Gate Fields. According to Longoria, respondent is an exercise rider who "runs horses on the track."

6. Initially, Longoria made contact with respondent to investigate whether respondent might be under the influence of drugs. Upon searching respondent's car, Longoria found two homemade electronic buzzing devices.<sup>1</sup> Respondent admitted that the devices were his. Longoria brought the devices to hearing and explained that the devices are used to send electrical shocks to the horses by way of a nine-volt battery. These electrical shocking devices are illegal.

## **LEGAL CONCLUSIONS**

### **Cause for Discipline (possession of mechanical stimulating device)**

1. Business and Professions Code section 19461 provides, in pertinent part, that the Board may revoke or suspend a Valet license for violating any regulation adopted by the Board. California Code of Regulations, title 4, section 1890, subdivision (c), prohibits any person from possessing "on the premises during any recognized meeting any electrical stimulating device or shocking device commonly known as a battery, or any mechanical stimulating device, or any other appliance that might affect the speed or actions of a horse." Respondent's possession of two electronic stimulation devices at a regular meeting, as set forth in Factual Findings 5 and 6, violates California Code of Regulations, title 4, section 1890, subdivision (c). Cause for

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<sup>1</sup> Longoria was authorized to inspect respondent's property and personal effects pursuant to California Code of Regulations, title 4, section 1929.

discipline of respondent's Valet license exists pursuant to Business and Professions Code section 19461.

### **Disciplinary Determination**

2. California Code of Regulations, title 4, section 1891.1, subdivision (b), provides that if the Board finds that a licensee violated the above-described regulation, the licensee shall have his or her license revoked. This regulation makes it clear that the appropriate discipline for respondent's misconduct is revocation of his Valet license. Revocation, therefore, shall be ordered. Respondent's failure to appear at hearing or otherwise present any evidence of rehabilitation or mitigation was also considered in making this Order.

### **ORDER**

Valet license 326569, issued to respondent Pablo Fernandez-Macias is revoked.

DATE: October 28, 2019

DocuSigned by:  
*Diane Schneider*  
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**DIANE SCHNEIDER**  
Administrative Law Judge  
Office of Administrative Hearings