

CALIFORNIA HORSE RACING BOARD  
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## CAL-EXPO HARNESS ASSOCIATION

TO THE CALIFORNIA HORSE RACING BOARD  
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KIRK E. BREED, EXECUTIVE DIRECTOR  
RICHARD "BON" SMITH, ASSISTANT EXECUTIVE DIRECTOR

Proceedings of the Board of Stewards for the period of Monday, December 15, 2008 through Sunday, December 21, 2008. Steward Grant Baker was the Reporting and Duty Steward for the enclosed period.

### Monday

- 12/15/08 (1) **Entries for December 18<sup>th</sup>**  
The racing office was open today accepting entries for Thursday, December 18<sup>th</sup>. Thirteen (13) races were drawn. One hundred nine (109) horses are scheduled to start.
- 12/15/08 (2) **Surprise Announcement**  
At roughly 11:30 a.m. today California Horse Racing Board Chairman Richard Shapiro announced his resignation. This surprise announcement was heard via the audio webcast on the California Horse Racing Board website. Mr. Shapiro was appointed to the California Horse Racing Board October 14, 2004. With his resignation, harness racing loses a knowledgeable advocate, based on his past experience in the standardbred industry. This Board of Stewards thanks him for his hard work and wishes him well in his future endeavors.
- 12/15/08 (3) **Dark Day**

**Tuesday****12/16/08 (1) Scratch Time and Entries**

All changes off the overnight were made this morning in the racing office. One (1) scratch and eleven (11) driver changes were activated at the 9:00 a.m. deadline.

Entries were taken this morning for the races on Friday, December 19, 2008. Fifteen (15) races were drawn. One hundred twenty one (121) horses are scheduled to start.

**12/16/08 (2) Dark Day****Wednesday****12/17/08 (1) Racing Office Open**

Scratch time for Friday, December 19<sup>th</sup> took place this morning in the racing office. No scratches took place, but twenty four (24) driver changes were activated at the 9:00 a.m. deadline.

Fourteen (14) races were filled this morning in the racing office. Ninety six (96) horses are scheduled to start.

**12/17/08 (2) CHRB vs. Don Fowler, Jr. (Case No. 08SW-0102)**

A hearing was held today after Owner Bridget Desomer filed a complaint against Owner/Association Employee Don Fowler for alleged violation of California Horse Racing Board Rule #1876 (Financial Responsibility). Ms. Desomer alleges that Mr. Fowler owes her \$2,803.50 for "out of pocket" expenses concerning the horse "Blue Canyon". Mr. Fowler was half owner of "Blue Canyon" from February 15, 2008 to July 14, 2008. He is also the cook in the Cal Expo Drivers Room and operates the Cal Expo track kitchen located on the backside.

Don Fowler has filed a counter complaint (Case No. 08SW-0119) against Bridget Desomer for 'food bills', sale of horse and veterinarian bills. Mr. Fowler filed this complaint two (2) days ago on December 15, 2008. Ms. Desomer requested and was granted a continuance on this second complaint (Case No. 08SW-0119) as she requested time to adequately prepare a defense in the matter.

After listening to oral arguments in the 'first case' (Case No. 08SW-0102), the hearing was adjourned. The two (2) hearings involving Bridget Desomer and Don Fowler will be combined and heard by the same current Board of Stewards on January 13, 2009 at 10:00 a.m.

Both California Horse Racing Board Supervising Investigator Greg Fabbri and Court Reporter Wendy Frazier (Frazier Reporters) were present for today's hearing.

12/17/08 (3) **CHRB vs. Sherry Kirk (Case No. 08SW-0096)**

A financial responsibility (CHRB Rule #1876) complaint was filed by Trainer Tom Wine II against Owner Sherry Kirk for training bills involving the horses “Air Ivy” and “Photo Delight”. This complaint packet was prepared and presented by California Horse Racing Board Supervising Investigator Greg Fabbri. These proceedings were transcribed by Wendy Frazier (Frazier Reporters).

Trainer Wine claimed that Owner Kirk owes him \$4,780 for horse training during the months of May, June and July of 2008. After presentation of documents by both parties, this somewhat contentious hearing ended. A ‘financial complaint agreement’ was signed by Owner Kirk and Trainer Wine where Ms. Kirk agrees to make monthly payments. Ms. Kirk agrees to pay a total of \$2,000 to Mr. Wine.

12/17/08 (4) **Tim Clevenger Remand Hearing (Case No. 08SW-0116)**

California Horse Racing Board Executive Director Kirk Breed issued an “Order of Remand” ordering the stewards to conduct a transcribed hearing for Trainer Tim Clevenger. Trainer Clevenger was appealing Cal Expo Ruling #46 (November 26, 2008) in which he was fined Three Hundred (\$300) Dollars for three (3) late declarations on November 22, 2008 [Ref: 11/21/08 (1) & 11/26/08 (5)]. This case was presented by California Horse Racing Board Senior Special Investigator Martin Snezek and transcribed by Wendy Frazier (Frazier Reporters). Both Investigator Snezek and Trainer Clevenger submitted documents that were entered into evidence.

The stewards will deliberate over all testimony and documentation that was presented before them. A ‘Statement of Decision’ will be issued on this matter in the near future.

12/17/08 (5) **Meeting at Headquarters**

Cal Expo stewards met this afternoon with California Horse Racing Board Executive Director Kirk Breed and Assistant Executive Director Richard ‘Bon’ Smith. The stewards updated Mr. Breed and Mr. Smith as to current events this meet at Cal Expo.

Potential rule changes involving safety for both horse and driver were discussed.

**Thursday**

12/18/08 (1) **Qualifying Races**

Three (3) qualifying races were held prior to tonight’s fifteen (15) race pari-mutual card. Of the fifteen (15) participants, fourteen (14) made the grade.

12/18/08 (2) **Meadowlands Cancels**

Seven (7) quality simulcast imports from the Meadowlands (New Jersey) were cancelled tonight due to severe weather on the east coast.

12/18/08 (3) **Fourth Race – Inquiry**

The stewards posted the inquiry sign after observing possible interference at the start.

Eighth place finisher #2 “Mr Friendly” (James Lackey) and #3 “Just A Local Chip” (Rick Plano), both made breaks before the start.

The stewards watched race replays during the inquiry in order to see if #2 “Mr Friendly” interfered with #3 “Just A Local Chip” by either causing him to ‘break’ or preventing him from reaching the starting gate.

After watching the start numerous times, the stewards unanimously ruled to make ‘no change’ in the order of finish.

12/18/08 (4) **Program Changes**

1<sup>st</sup> Race Declaration - #5 “Man Slaughter” – Trainer Tom Wine II  
 Refund: \$191                      Injured – Robert Goodbary, D.V.M.  
 5<sup>th</sup> Race Declaration - #8 “Dancincheektocheek” – Trainer Edgar Clarke  
 Refund: \$13                        Injured – Robert Goodbary, D.V.M.  
 7<sup>th</sup> Race Declaration - #2 “Look Left N” – Trainer Tim Clevenger  
 Refund: \$207                      Injured – Robert Goodbary, D.V.M.  
 8<sup>th</sup> Race Driver Change - #7 J. Ricco for F. Petrelli  
 Driver not eligible

12/18/08 (5) **Attendance and Handle**

Attendance	209
Live Handle (On Track)	\$32,365
Handle (In State)	\$295,237
Handle (Out of State)	<u>\$205,421</u>
Total Handle	\$533,223

**Friday**12/19/08 (1) **Frank Petrelli Ruling****Ruling # 53**

*Trainer Frank Petrelli is fined the sum of Fifty (\$50) Dollars for failure to name an eligible driver for “Pedal On The Right” in the Eighth Race on December 18, 2008 at Cal Expo, California. A violation of California Horse Racing Board Rule #1894 (Duties of Trainer).*

The ruling above was issued after Cal Expo stewards ordered a late driver change. Trainer Petrelli named himself to drive “Pedal On The Right” on entry day December 15<sup>th</sup>. He informed the stewards on ‘race night’ (December 18<sup>th</sup>) that he was part owner of another horse in the race (“C Easter Sunrize”) and would be unable to drive “Pedal On The Right”.

- 12/19/08 (2) **Racing Oddity**  
 A rare occurrence took place tonight as there was a three (3) way dead heat for fourth position in the sixth race. #1 “Foxy Lady De Vie” (Lemoyne Svendsen), #2 “Owen’s Philly Girl” (James Kennedy) and #3 “Quasimodo Normand” (Pierre Girard) finished on even terms in this superfecta event.
- 12/19/08 (3) **Smooth Card**  
 Tonight’s fifteen (15) race card went smoothly as it was free of steward’s inquires and/or driver objections.
- 12/19/08 (4) **Program Changes**  
 1<sup>st</sup> Race Declaration - #4 “Stand Up And Shout” – Trainer Robert Ritchie  
 Refund: \$74 Sick – Robert Goodbary, D.V.M.  
 5<sup>th</sup> Race Driver Change - #6 “Trishie Mae”  
 J. Kennedy for K. Lindsey (Program department error)  
 7<sup>th</sup> Race Driver Change - #7 “Doubleblackdiamond”  
 T. Maier for J. Ricco (Personal business)  
 8<sup>th</sup> Race Declaration - #2 “M L Jackhammer” – Trainer Tim Maier  
 Refund: \$183 Injured – Robert Goodbary, D.V.M.  
 9<sup>th</sup> Race Declaration - #5 “Relinquishment” – Trainer Rick Plano  
 Refund: \$1,798 Injured – Henry Cook, D.V.M.  
 11<sup>th</sup> Race Declaration - #5 “Reckless Heart” – Trainer Frank Petrelli  
 Refund: \$25 Injured – Robert Goodbary, D.V.M.  
 11<sup>th</sup> Race Driver Change - #6 “Silver Rocket”  
 S. Wiseman for G. Vallandingham (Sick)  
 11<sup>th</sup> Race Driver Change - #7 “Big Hi Ho”  
 J. Kennedy for K. Lindsey (Program department error)  
 14<sup>th</sup> Race Driver Change - #7 “Sebastian”  
 L. Plano for G. Vallandingham (Sick)  
 15<sup>th</sup> Race Driver Change - #5 “Photo Delight”  
 J. Kennedy for K. Lindsey (Program department error)
- 12/19/08 (5) **Attendance and Handle**
- |                        |                  |
|------------------------|------------------|
| Attendance             | 342              |
| Live Handle (On Track) | \$46,405         |
| Handle (In State)      | \$374,011        |
| Handle (Out of State)  | <u>\$449,303</u> |
| Total Handle           | \$869,719        |

**Saturday**

12/20/08 (1)

**Field Size Controversy**

Racing Secretary Fred Kuebler carded two (2) ten (10) horse fields for the races held this evening after being told by Cal Expo Stewards to use only one (1) ten (10) horse field for this evening's card. The stewards were attending to their scheduled hearings during the draw and issued their order before the draw on Wednesday, December 17<sup>th</sup>.

The field sizes at Cal Expo were reduced to nine (9) [Ref: 10/30/08 (6)], starting with the 'draw' on November 3, 2008. A one (1) race exemption was made for the last race only when the new Super Hi-5 wager was implemented on November 26<sup>th</sup>.

This incident (failing to follow the steward's orders regarding entries) was handed over to California Horse Racing Board investigators here at Cal-Expo, in order to be researched.

12/20/08 (2)

**Steve Wiseman Film Review**

Driver Steve Wiseman appeared in the steward's office to review his drive aboard #3 "Charter Ridge" in last night's (December 19<sup>th</sup>) fifth race. Race replays show Driver Wiseman 'take back' and 'allow a hole' along the pylons for rival and eventual winner, #5 "Hollis Park Place" (Rick Plano).

Driver Wiseman was issued a verbal warning for a similar incident two weeks ago.

The stewards issued the following ruling:

**Ruling # 54**

*Driver Steve Wiseman, who drove "Charter Ridge" in the Fifth Race on Friday, December 19, 2008, is hereby fined the sum of Two Hundred (\$200) Dollars for violation of California Horse Racing Board Rule #1721 (H) (Driving Rules – Allow a Hole).*

12/20/08 (3)

**Jason Ricco Ruling****Ruling # 55**

*Driver Jason Ricco is fined the sum of One Hundred (\$100) Dollars for failure to fulfill his driving engagement on "Doubleblackdiamond" in the Seventh Race December 19, 2008 at Cal Expo, California. A violation of California Horse Racing Board Rule # 1872 (Failure to Fulfill Jockey (Driver) Agreement).*

Driver Jason Ricco took off for personal reasons after agreeing to a penalty for doing so. Ricco was also sanctioned last week [Ref: 12/12/08 (5)] for not showing up to drive another horse.

12/20/08 (4) **Wagering Fields Reduced**

Acting upon a request from Cal Expo Director of Racing David Elliott, the California Horse Racing Board granted permission to eliminate wagering in fields in four consecutive races this evening.

- A) Race Two (2) (California Sires Stakes Pace – Three year old fillies) had five (5) starters with ‘no show wagering’.
- B) Race Three (3) (California Sires Stakes Trot – Three year olds) had six (6) starters with no place or show wagering.
- C) Race Four (4) (California Sires Stakes Pace – Three year olds) had six starters with no show wagering.
- D) Race Five (5) (California Sires Stakes Trot – Three year old fillies) had six (6) starters with no place or show wagering.

12/20/08 (5) **Fourth Race – Inquiry/Minor Placing**

The stewards posted the inquiry sign after viewing an incident at the 3/4 mile (prior to entering the stretch) marker. At this juncture fifth place finisher #2 “Check Raisin” (Steve Hyman) goes on a ‘break’ in front of the sixth place finisher #3 “Shoot The Works” (James Kennedy), forcing that rival to alter course and also go on a ‘break’. After film review and a patrol judge report, #2 “Check Raisin” was disqualified and placed sixth (last) for ‘interference while on a break’.

Original order of finish: 5-1-6-4-2-3

Official order of finish: 5-1-6-4-3-2

12/20/08 (6) **Program Changes**

5<sup>th</sup> Race Driver Change - #4 “Little Tracer”

S. Wiseman for G. Vallandingham (Sick)

10<sup>th</sup> Race Driver Change - #7 “Leadmeastray”

S. Wiseman for G. Vallandingham (Sick)

12<sup>th</sup> Race Driver Change - #6 “Bob Lee”

J. Kennedy for K. Lindsey (Program department error)

14<sup>th</sup> Race Declaration - #3 “Hidden Dragon” – Trainer Tim Maier

Refund: \$59

Injured – Robert Goodbary, D.V.M.

12/20/08 (7) **Attendance and Handle**

Attendance	353
Live Handle (On Track)	\$46,613
Handle (In State)	\$396,853
Handle (Out of State)	<u>\$277,906</u>
Total Handle	\$694,372

RULINGS ISSUED THIS WEEK

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**W E E K L Y S U M M A R Y****ATTENDANCE  
REPORT -**

The full Board of Stewards was in session each day during this reporting period for both morning business and the afternoon racing program.

**VETERINARIAN RECOMMENDED SCRATCHES**

Date	Race	No.	Horse	Trainer	Reason	Vet	Refund
18-Dec	1	5	MAN SLAUGHTER	WINE II	Injured	Goodbary	\$191.00
	5	8	DANCINCHEEKTOCHEEK	CLARKE	Injured	Goodbary	\$13.00
	7	2	LOOK LEFT N	CLEVENGER	Injured	Goodbary	\$207.00
19-Dec	1	4	STAND UP AND SHOUT	RITCHIE	Sick	Goodbary	\$74.00
	8	2	M L JACKHAMMER	MAIER	Injured	Goodbary	\$183.00
	9	5	RELINQUISHMENT	PLANO	Injured	Cook	\$1,798.00
	11	5	RECKLESS HART	PETRELLI	Injured	Goodbary	\$25.00
20-Dec	14	3	HIDDEN DRAGON	MAIER	Injured	Goodbary	\$59.00

**WEEKLY HANDLE SUMMARY FOR SATELLITE FACILITIES**

Bakersfield	\$	10,367.40
Bay Meadows	\$	-
Eureka	\$	-
Fresno	\$	4,297.20
Fresno Club One	\$	1,822.00
Golden Gate	\$	58,741.00
Monterey	\$	10,715.10
Pleasanton	\$	41,731.60
Sacramento	\$	118,404.60
San Jose	\$	45,514.10
San Mateo	\$	69,804.30
Santa Rosa	\$	18,444.50
Stockton	\$	27,865.40
Tulare	\$	-
Turlock	\$	-
Vallejo	\$	22,505.40
Racing Fairs	\$	-
Out of State	\$	932,629.68

**CAL-EXPO HARNESS ASSOCIATION  
SUMMARY  
2008**

	<b>Mon 12/15</b>	<b>Tues 12/16</b>	<b>Wed 12/17</b>	<b>Thurs 12/18</b>	<b>Fri 12/19</b>	<b>Sat 12/20</b>	<b>Total Week</b>	<b>Total Meet</b>
<b>Accidents</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Cal-Bred Races</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>21</b>
<b>Claims</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>28</b>
<b>Disqualifications</b>	<b>K</b>	<b>K</b>	<b>K</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>19</b>
<b>Inquiries</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>49</b>
<b>Refunds</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>8</b>	<b>158</b>
<b>Rulings</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>55</b>

**Stewards Attendance: Stewards Baker, McLaren and Oke, were in attendance.**

**All drivers submitted to a breath analyzer test.**

\_\_\_\_\_  
**Grant Baker, Steward**

\_\_\_\_\_  
**Brent McLaren, Steward**

\_\_\_\_\_  
**Michael W. "Wayne" Oke, Steward**