

CALIFORNIA HORSE RACING BOARD
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CAL-EXPO HARNESS ASSOCIATION

TO THE CALIFORNIA HORSE RACING BOARD
HONORABLE ARNOLD SCHWARZENEGGER, GOVERNOR

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HONORABLE DAVID ISRAEL, VICE CHAIRMAN
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Proceedings of the Board of Stewards for the period of Monday, March 09, 2009 through Sunday, March 15, 2009. Steward Will Meyers was the Reporting and Duty Steward for the enclosed period.

Monday

03/09/09 (1) **Entries for Thursday**
Ninety eight (98) horses are entered in Thursday's twelve (12) race card.
No Cal-Bred races were used.

03/09/09 (2) **Dark Day**

Tuesday

03/10/09 (1) **Changes for Thursday – Entries for Friday**
Numerous driver changes were recorded for Thursday's program. No scratches were submitted. Friday's fifteen (15) race program drew one hundred seventeen (117) entries.

03/10/09 (2) **Dark Day**

Wednesday

03/11/09 (1) **Changes for Friday – Entries for Saturday**
A number of driver changes were taken for Friday. No scratches were submitted. Saturday's fifteen (15) race card drew one hundred eleven (111) horses. No Cal-Bred races were used.

03/11/09 (2) **Ruiz Hearings – Disqualifications – Cases SW-0001; SW-0004; SW-0005**

A hearing was conducted concerning three positive test findings on horses trained by Matias Ruiz. The horses were “Avid Sportsman”, “Sandra Hotspur” and “Bob Lee”. Mr. Ruiz is at least part owner in all three horses and was present at today’s hearing to represent all interests. All other owners were properly notified and opted not to show at the hearing. All horses tested positive for the Class III drug “Heptaminol”. “Avid Sportsman” raced in the 14th Race on December 19, 2008, finishing first (1st). “Sandra Hotspur” raced in the 10th Race on December 27, 2008, finishing sixth (6th). “Bob Lee” finished fourth (4th) in the 9th Race on December 27, 2008.

Senior Special Investigator Martin Snezek presented all relevant evidence, which was accepted into the record without objection. Mr. Ruiz was given the opportunity to review the evidence and give testimony. Mr. Ruiz accepted the laboratory findings and understood rulings would be issued disqualifying the horses. Mr. Ruiz indicated that the purse account with the paymaster had sufficient funds to cover the rulings. Rulings to follow.

03/11/09 (3) **Dark Day**

Thursday

03/12/09 (1) **Changes for Saturday**

Show wagering was cancelled for Saturday’s 2nd Race per Executive Director Kirk Breed. A few driver changes were noted. No scratches were submitted.

03/12/09 (2) **Qualifiers**

Six (6) qualifiers were held tonight. Thirty three (33) of thirty five (35) horses made the grade.

03/12/09 (3) **Good Racing**

This evening’s program was conducted without incident.

03/12/09 (4) **Program Changes - Drivers**

Driver Gilbert Herrera was off for personal reasons. Replaced as follows:

- 1st Race – Richard Wojcio
- 2nd Race – Lemoyne Svendsen
- 3rd Race – Lemoyne Svendsen
- 5th Race – Richard Wojcio
- 7th Race – Jim Lackey
- 8th Race – Lemoyne Svendsen
- 12th Race – Richard Wojcio

03/12/09 (5) **Program Changes – Declarations**

1st Race Declaration - #1 “Pleiades Bluegrass” – Trainer Gilbert Herrera

Refund: \$35

Injured – Dr. Robert Goodbary

3rd Race Declaration - #1 “Cute Move” – Trainer Dario Solares

Refund: \$850

Lame at the Gate – Dr. Henry Cook

#7 “Trajan” – Trainer Etienne Desomer
 Refund: \$62 Injured – Dr. Robert Goodbary
 5th Race Declaration - #8 “Artisan – Trainer Vickie Desomer
 Refund: \$8 Injured – Dr. Robert Goodbary

03/12/09 (6) **Attendance and Handle**

| | |
|------------------------------|------------------|
| Attendance | 236 |
| Live Handle (On Track) | \$34,796 |
| Handle (In State) | \$300,139 |
| <u>Handle (Out of State)</u> | <u>\$247,689</u> |
| Total Handle | \$582,624 |

Friday

03/13/09 (1) **Horse Disqualifications – [Ref: 03/11/09 (2)]**

Ruling #29

Acting upon a report from University of California, Davis, an official laboratory for the California Horse Racing Board, that the post race sample #CE-10531, taken from the horse “Avid Sportsman”, the first place finisher in the Fourteenth Race on December 19, 2008, at Cal-Expo, tested positive for the prohibited drug “Heptaminol” (Class III), it is ordered that “Avid Sportsman” be disqualified from all purse monies earned in said race, in accordance with California Horse Racing Board Rule #1859.5 (Disqualification Upon Positive Test Finding).

It is further ordered that the owner of “Avid Sportsman” (Matias Ruiz) return all purse monies (\$997.50) to the paymaster of purses at Cal-Expo for redistribution in accordance with California Horse Racing Board Rule #1760 (Purse Award or Prize to be Held).

It is further ordered that Driver Lemoyne Svendsen (\$52.50) return all purse monies to the paymaster of purses at Cal-Expo for redistribution in accordance with California Horse Racing Board Rule #1760 (Purse Award or Prize to be Held).

Revised Order of Finish

1st “Yes I’ll Fly”
 2nd “Piper”
 3rd “Hoosier Rambo”
 4th “Sebastian”
 5th “Another Wish”

All records shall be changed to reflect this ruling, in accordance with California Horse Racing Board Rule #1956 (Race Declared Official), this ruling shall not affect the pari-mutual payoffs.

Ruling #30

Acting upon a report from University of California, Davis, an official laboratory for the California Horse Racing Board, that the post race sample #CE-10590, taken from the horse "Bob Lee", the fourth place finisher in the Ninth Race on December 27, 2008, at Cal-Expo, tested positive for the prohibited drug "Heptaminol" (Class III), it is ordered that "Bob Lee" be disqualified from all purse monies earned in said race, in accordance with California Horse Racing Board Rule #1859.5 (Disqualification Upon Positive Test Finding).

It is further ordered that the owner of "Bob Lee" (Matias Ruiz and Robin Branca) return all purse monies (\$340.00) to the paymaster of purses at Cal-Expo for redistribution in accordance with California Horse Racing Board Rule #1760 (Purse Award or Prize to be Held).

It is further ordered that Driver Lemoyne Svendsen (\$20.00) return all purse monies to the paymaster of purses at Cal-Expo for redistribution in accordance with California Horse Racing Board Rule #1760 (Purse Award or Prize to be Held).

Revised Order of Finish

- 1st "Shock And Awe"*
- 2nd "Laci's Town"*
- 3rd "Deep Red"*
- 4th "Money Market"*
- 5th "Cam's Accord"*

All records shall be changed to reflect this ruling, in accordance with California Horse Racing Board Rule #1956 (Race Declared Official), this ruling shall not affect the pari-mutual payoffs.

Ruling #31

Acting upon a report from University of California, Davis, an official laboratory for the California Horse Racing Board, that the post race sample #CE-10592, taken from the horse "Sandra Hotspur", the sixth place finisher in the Tenth Race on December 27, 2008, at Cal-Expo, tested positive for the prohibited drug "Heptaminol" (Class III), it is ordered that "Sandra Hotspur" be disqualified from all purse monies earned in said race, in accordance with California Horse Racing Board Rule #1859.5 (Disqualification Upon Positive Test Finding).

Revised Order of Finish

- 1st "Special Season"*
- 2nd "Apache Red"*
- 3rd "Algebra"*
- 4th "Jane The Brain"*
- 5th "Flo Nice And Easy"*

All records shall be changed to reflect this ruling, in accordance with California Horse Racing Board Rule #1956 (Race Declared Official), this ruling shall not affect the pari-mutual payoffs.

The above rulings were issued to memorialize disqualifications of the three horses following Wednesday's hearings.

03/13/09 (2) **Robley Johnson Hearing – Case # 09SW-0022**

A hearing was conducted today concerning a high Phenylbutazone reading level of 6.36 ug/ml on the horse "Red Star Engineer", who raced in the first race on February 13, 2009.

Robley Johnson was the trainer of record and testified on his own behalf.

Mr. Johnson stated that he had given "Bute" paste two (2) days out and that his veterinarian gave the horse Bute paste 26 to 28 hours out.

This is Johnson's second Class VI violation inside the 365 day parameter. Disposition to follow.

03/13/09 (3) **Second Race – Inquiry/Disqualification**

#5 "Girlie Tough", driven by Luke Plano, went off stride in the stretch and finish. Driver Plano was unable to take up and lose ground to the field. #5 was disqualified and placed fifth (5th) for the violation.

03/13/09 (4) **Seventh Race – Recall**

As the horses were turning to the gate for the 7th Race, #4 "Steady As A Rock" (Jason Ricco), made a break in the path of #5 "Quick On My Feet" (Chris Hernandez) and the two hooked wheels, unseating both drivers. #4 was scratched by the stewards for erratic behavior, and #5 went on to run second (2nd) in the race.

03/13/09 (5) **Thirteenth Race – Inquiry/No Change**

#2 "Speedy Feldy" (James Kennedy) went off stride at the wire, finishing third (3rd). After reviewing the tapes and the photo finish, it was determined the breaking rule was complied with and no horses were 'lapped on' at the finish. No change.

03/13/09 (6) **Program Changes**

7th Race Declaration - #4 "Steady As A Rock" – Trainer Dario Solares

Refund: \$5,437 Caused Recall – Stewards

10th Race Declaration - #3 "Twin B Kennedy" – Trainer Frank Petrelli

Refund: \$35 Injured – Dr. Robert Goodbary

14th Race Declaration - #9 "Marinodotcomattack" – Trainer Larry Alterman

Refund: \$39 Injured – Dr. Robert Goodbary

03/13/09 (7) **Attendance and Handle**

| | |
|------------------------------|------------------|
| Attendance | 399 |
| Live Handle (On Track) | \$60,256 |
| Handle (In State) | \$560,686 |
| <u>Handle (Out of State)</u> | <u>\$353,832</u> |
| Total Handle | \$974,774 |

Saturday

03/14/09 (1)

**Matias Ruiz Settlement and Disposition - Cases 09SW-0001;
09SW-0004; 09SW-0005****Ruling # 32**

Trainer Matias Ruiz, who started “Avid Sportsman”, “Bob Lee” and “Sandra Hotspur” at Cal Expo Harness Association, Cal Expo and having entered into a signed stipulated agreement with the California Horse Racing Board is fined Seven Thousand Five Hundred (\$7,500) Dollars, which payment shall be stayed pending completion of probation. Further, commencing April 01, 2009, respondent’s trainer’s license shall be suspended for a period of Ninety (90) Days through and including June 29, 2009, with respondent placed on probation for a One Year Period beginning June 30, 2009, and ending June 29, 2010, subject to the following terms and conditions:

- (A) *During the period of probation, Matias Ruiz must not be in violation of CHRB rules and regulations, sections 1843, 1843.6 and 1887 regarding Class 1, Class 2, or Class 3 substances.*
- (B) *If the respondent violates a condition of his probation, the above-referenced stay of the fined Seven Thousand Five Hundred (\$7,500) Dollar fine shall be lifted, and the fine shall be imposed after notice and hearing.*

“Avid Sportsman”, “Bob Lee” and “Sandra Hotspur” tested positive for the Class III drug Heptaminol.

The above ruling was issued in accordance with the provisions of a stipulated agreement entered into between the CHRB and Trainer Matias Ruiz.

03/14/09 (2)

Ladouceur Rulings**Ruling # 33**

Driver Claude Ladouceur, who drove “Dirty Dog” in the Third Race on Saturday, March 07, 2009, is hereby Suspended Three (3) Racing Days commencing on Thursday, March 19, 2009, through Saturday, March 21, 2009 for violation of California Horse Racing Board Rule #1721 (B) (Driving Rules – Jostle, Strike or Interfere with Another Horse).

Ruling # 34

Driver Claude Ladouceur, who drove “Dirty Dog” in the Third Race on Saturday, March 7, 2009, is hereby fined the sum of One Hundred Dollars (\$100) for violation Of California Horse Racing Board Rule # 1721 (F) (Driving Rules – Take Up Abruptly in Front of Horses Past the Quarter, So as to Cause Confusion and Interference Among Trailing Horses).

The above rulings were issued after Mr. Ladouceur met with the stewards to review his drive aboard “Dirty Dog” in last Saturday’s 3rd Race. Ladouceur was candid in stating he was embarrassed that he drove so poorly. He accepted both penalties without hesitation and promised to do a better job in the future. Ladouceur made the lead in the first turn and then slowed his

horse, causing confusion to trailing horses. Then in the stretch, he changed course causing a rival to alter course to avoid an accident. "Dirty Dog" faded to last in the stretch, so no disqualifications were necessary.

03/14/09 (3) **Wiseman Ruling**

Ruling # 35

Driver Steve Wiseman, who drove #1 "Flirtiscape" in the Fourth Race on Friday, March 13, 2009, is hereby fined the sum of One Hundred Dollars (\$100) for violation of California Horse Racing Board Rule # 1721 (L) (Driving Rules – Drive or Cause to be Driven any Unreasonably Slow Quarters or Fractions).

The above ruling was issued after Wiseman was contacted by the stewards and accepted the penalty. Wiseman slowed his mount in the second quarter of this open filly and mare division to 30 3/5, which is very slow for the category.

03/14/09 (4) **Svensden Ruling**

Ruling # 36

Driver Lemoyne Svensden, who drove "Gimme Hope" in the Seventh Race on Friday, March 13, 2009, is hereby fined the sum of One Hundred (\$100) Dollars for violation of California Horse Racing Board Rule #1721(E) (Driving Rules – Crowded a Horse – Forced a Hole – Approaching the 1/4 Pole).

The above ruling was issued after Svensden was contacted by the stewards and accepted responsibility. Svensden tried to back his horse into a tight spot causing Driver Rocky Stidham to steady his horse #2 "Pedal Pad" near the first quarter.

03/14/09 (5) **Tenth Race – Inquiry/Disqualification**

The stewards posted the inquiry sign to review possible interference in the final turn. The review involved first (1st) place finisher #1 "Leadmeastray" with Driver Steve Wiseman and third (3rd) place finisher #2 "Jessalil Peace" with Luke Plano driving.

After talking with the drivers and a thorough review of all angles, it was determined that interference did occur. As the horses are in mid-turn, Plano pulls #2 to the outside with a clear path to the lead. As #2 attempts to pass #1, Wiseman pulls #1 into #2's path, causing #2 to move three wide and forcing Plano to check his mount and costing him forward progress. #2 finishes third (3rd), beaten less than 1/2 length for second. In an unanimous vote, the stewards felt #2 was cost a chance at a better placing. #1 was disqualified from first (1st) to third (3rd) for the interference.

03/14/09 (6) **Program Changes**

4th Race Declaration - #2 "Hard On The Heart" – Trainer Tom Wine II
Refund: \$14 Injured – Dr. Robert Goodbary

5th Race Declaration - #2 "Vapor Maker" – Trainer Gilbert Garcia-Herrera
Refund: \$2,491 Injured – Dr. Henry Cook

10th Race Declaration - #5 "Big Million" – Trainer Frank Petrelli
 Refund: \$22 Injured – Dr. Robert Goodbary
 #8 "Exit Hanover" – Trainer Rick Plano
 Refund: \$23 Injured – Dr. Robert Goodbary
 15th Race Declaration - #6 "Top Prize" – Trainer Don Ratchford
 Refund: \$70 Sick – Dr. Robert Goodbary

03/14/09 (7) **Attendance and Handle**

| | |
|------------------------------|------------------|
| Attendance | 478 |
| Live Handle (On Track) | \$47,586 |
| Handle (In State) | \$530,303 |
| <u>Handle (Out of State)</u> | <u>\$372,083</u> |
| Total Handle | \$949,972 |

RULINGS ISSUED THIS WEEK

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It is further ordered that the owner of "Avid Sportsman" (Matias Ruiz) return all purse monies (\$997.50) to the paymaster of purses at Cal-Expo for redistribution in accordance with California Horse Racing Board Rule #1760 (Purse Award or Prize to be Held).

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- “Avid Sportsman”, “Bob Lee” and “Sandra Hotspur” tested positive for the Class III drug Heptaminol.
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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

| <u>Date</u> | <u>Race</u> | <u>No.</u> | <u>Horse</u> | <u>Trainer</u> | <u>Reason</u> | <u>Vet</u> | <u>Refund</u> |
|-------------|-------------|------------|--------------------|----------------|---------------|------------|---------------|
| 12-Mar | 1 | 1 | PLEIADES BLUEGRASS | HERRERA | Injured | Goodbary | \$35.00 |
| | 3 | 1 | CUTE MOVE | SOLARES | Lame | Cook | \$850.00 |
| | 3 | 7 | TRAJAN | DESOMER | Injured | Goodbary | \$62.00 |
| | 5 | 8 | ARTISAN | DESOMER | Injured | Goodbary | \$8.00 |
| 13-Mar | 10 | 3 | TWIN B KENNEDY | PETRELLI | Injured | Goodbary | \$35.00 |
| | 14 | 9 | MARINODOTCOMATTACK | ALTERMAN | Injured | Goodbary | \$39.00 |
| 14-Mar | 4 | 2 | HARD ON THE HEART | WINE II | Injured | Goodbary | \$14.00 |
| | 5 | 2 | VAPOR MAKER | HERRERA | Injured | Cook | \$2,491.00 |
| | 10 | 5 | BIG MILLION | PETRELLI | Injured | Goodbary | \$22.00 |
| | 10 | 8 | EXIT HANOVER | PLANO | Injured | Goodbary | \$23.00 |
| | 15 | 6 | TOP PRIZE | RATCHFORD | Sick | Goodbary | \$70.00 |

WEEKLY HANDLE SUMMARY FOR SATELLITE FACILITIES

| | | |
|-----------------|----|------------|
| Bakersfield | \$ | 16,436.30 |
| Bay Meadows | \$ | - |
| Eureka | \$ | - |
| Fresno | \$ | 7,461.80 |
| Fresno Club One | \$ | 3,422.30 |
| Golden Gate | \$ | 59,686.00 |
| Monterey | \$ | 9,038.30 |
| Pleasanton | \$ | 34,047.10 |
| Sacramento | \$ | 118,792.05 |
| San Jose | \$ | 46,275.30 |
| San Mateo | \$ | 76,851.90 |
| Santa Rosa | \$ | 11,898.10 |
| Stockton | \$ | 31,826.60 |
| Tulare | \$ | 13.00 |
| Turlock | \$ | 28.60 |
| Vallejo | \$ | 23,229.70 |
| Racing Fairs | \$ | - |
| So. California | \$ | - |
| Out of State | \$ | 973,604.21 |

**CAL-EXPO RACING ASSOCIATION
SUMMARY
2009**

| | Mon 03/09 | Tues 03/10 | Wed 03/11 | Thurs 03/12 | Fri 03/13 | Sat 03/14 | Total Week | Total Meet |
|--------------------------|----------------------|-----------------------|----------------------|------------------------|----------------------|----------------------|-----------------------|-------------------|
| Accidents | D | D | D | 0 | 0 | 0 | 0 | 1 |
| Cal-Bred Races | A | A | A | 0 | 0 | 0 | 0 | 0 |
| Claims | R | R | R | 0 | 0 | 1 | 1 | 20 |
| Disqualifications | K | K | K | 0 | 1 | 1 | 2 | 23 |
| Inquiries | D | D | D | 0 | 2 | 1 | 3 | 42 |
| Refunds | A | A | A | 4 | 3 | 4 | 11 | 96 |
| Rulings | Y | Y | Y | 0 | 3 | 5 | 8 | 36 |

Stewards Attendance: Stewards Meyers, McLaren and Oke were in attendance.

All drivers submitted to a breathalyzer test.

Will Meyers, Steward

Brent McLaren, Steward

Michael W. "Wayne" Oke, Steward