

CALIFORNIA HORSE RACING BOARD
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CAL-EXPO HARNESS ASSOCIATION
TO THE CALIFORNIA HORSE RACING BOARD
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Proceedings of the Board of Stewards for the period of Monday, May 2, 2011 through Sunday, May 8, 2011. Steward Michael W. "Wayne" Oke was the Reporting and Duty Steward for the enclosed period.

Monday

- 05/02/11 (1) **Entries for Thursday, Friday, and Saturday's Cards**
 The race office was open this morning, accepting entries for the week's racing.
 At 12:15 p.m. a draw was conducted for Thursday's card. The draw resulted in a ten (10) race card with sixty nine (69) head scheduled to compete.
 Scratch time is Tuesday at 9:00 a.m.

- 05/02/11 (2) **Dark Day**

Tuesday

- 05/03/11 (1) **Scratch Time for Thursday's Card**
 At scratch time for Thursday's card there were eight driver corrections and no other changes.
- 05/03/11 (2) **Draw for Friday and Saturday's Cards**
 At 10:45 a.m. a draw was held for Friday's card with one hundred eighteen (118) head drawn to compete in fifteen (15) pari-mutuel events.
 Additionally, an 'Early Non-Betting' race was drawn with five (5) head competing in a California Sire Stake Event for 3 Year Old Trotting Fillies. Immediately following, a draw was conducted for Saturday's fourteen (14) race pari-mutuel card with one hundred twelve (112) head scheduled to compete. Additionally, two (2) 'Early Non-Betting' races for California Sired 3 Year Old Trotters and Pacers were drawn.
 Scratch time is Wednesday at 9:00 a.m. for both cards.

05/03/11 (3) **Dark Day**

Wednesday

05/04/11 (1) **Scratch Time for Friday and Saturday's Cards**

At scratch time for Friday's card there were multiple driver corrections and three (3) injured scratches.

For Saturday's card there were multiple driver corrections and one (1) equipment change.

05/04/11 (2) **California Sire Stakes**

Another round of California Sire Stake Events is scheduled for the coming weekend on Friday events for Three year Old Filly Trotters and Pacers.

In the case of the 3 Year Old Filly Pacers, there were eleven (11) entries necessitating an elimination in order to reduce the field to ten (10), as required by California Sire Stake Rules, with the final scheduled for Friday May 13, 2011.

On Saturday evening, the events for 3 Year Old Colt Trotters and Pacers are both carded as 'Early Non-Betting' events.

Thursday

05/05/11 (1) **Meeting at CHHA Office Concerning Towing/Ponying**

The safety steward attended a meeting at the California Harness Horsemen's Association offices concerning the practice of towing/ponying of horses on the main track.

Present at the meeting were CHHA Executive Director Alan Horowitz, CHHA Directors Bob Johnson, Rick Plano, Rocky Stidham and Denise Maier, along with Trainer Jim Lackey and CHRB Safety Steward Wayne Oke. Cal Expo management was unable to attend due to previous commitments.

After a very candid and revealing exchange, and with the endorsement of CHRB Executive Director Breed and Cal Expo Director of Racing Dave Elliott, the following Cal Expo House Rule was enacted:

Ponying or towing of horses will not be allowed on the main track between the hours 8:30 a.m. and 11:00 a.m. on any day. The outriders will be responsible for assisting with this rule and report violations to the Board of Stewards.

05/05/11 (2) **Formal Hearing Re: CHRB Complaint #11SW-0022/Ralph Silvestri III**

This case is a financial responsibility complaint, filed by Robert Odette, former owner of "Expo Tack".

The case revolved around 'non payment' and 'NSF' and 'stopped payment' checks.

The hearing was scheduled to start at 4:00 p.m.

At 4:30 p.m. the respondent had not appeared and there had been no contact with the Board of Stewards.

The hearing was opened, the complaint was introduced on the record, and the Board of Stewards memorialized their intent to suspend Silvestri III for 'failure to appear'. The hearing was adjourned. (More to follow).

Additionally, Silvestri III had two (2) drives scheduled on Thursday's card. He was removed from those drives and the following ruling issued:

Ruling # 45

Driver Ralph Silvestri III, who was scheduled to drive "Still Stylin" (First Race) and "Santa Rosalia" (Eighth Race) on May 5, 2011 at Cal Expo, is hereby fined One Hundred (\$100) Dollars for failure to fulfill his driving engagements in two (2) races; A violation of California Horse Racing Board Rule #1872 (Failure to Fulfill Jockey (Driver) Agreement).

05/05/11 (3) **Fifth Race – Inquiry/Disqualification**

At the conclusion of Race #5, the stewards flashed the 'inquiry sign' to investigate an incident mid stretch when #7 "Sweet Treats" (Tim Maier, 4th) was observed in close quarters with #5 "Persuade Me" (Lemoyne Svendsen, 6th).

After reviewing film and speaking with the drivers involved, the Board of Stewards unanimously concluded the #7 had 'impeded' #5, costing #5 'a chance at a better placing'.

Thus, #7 was disqualified and placed sixth (6th) behind #5 in the official order of finish.

Original order of finish: 6-3-4-7-2-5-1

Official order of finish: 6-3-4-2-5-7-1

Driver Tim Maier, by telephone with the Board of Stewards, acknowledged his culpability in the incident and the follow ruling was issued:

Ruling # 46

Driver Tim Maier, who drove #7 "Sweet Treats" in the Fifth Race on Thursday, May 05, 2011 is hereby fined the sum of Two Hundred (\$200) Dollars for violation of California Horse Racing Board Rule # 1721 (J) (Driving Rules – Change Course After Selecting a Position in the Homestretch, or Bear In or Out In Such a Manner as to Interfere With Another Horse or Cause Him to Change Stride or Break). Incident occurred mid stretch – resulting in a disqualification.

05/05/11 (4) **Ninth Race – Inquiry/No Change**

The 'inquiry' sign was lit to examine an incident past the 3/4 mile marker when third (3rd) place finisher #8 "Indelible" (Quentin Schneider) was observed 'inside the pylons'.

After reviewing film, the Board of Stewards unanimously concluded there was not a violation of the pylon rule as #8 did not gain an advantage, thus no change.

After telephone contact with Driver Quentin Schneider, the stewards issued the following ruling:

Ruling # 47

Driver Quentin Schneider, who drove "Indelible" in the Ninth Race on Thursday, May 05, 2011, is hereby fined the sum of Fifty Dollars (\$50) for

violation of California Horse Racing Board Rule #1721 (K) (Driving Rules – Careless Driving – Raced Inside a Pylon After the 3/4 Mile Marker).

05/05/11 (5) **Program Changes**

1st Race Driver Change - #3 “Still Sylin”

Frank Petrelli for programmed Driver Ralph Silvestri III

8th Race Driver Change - #4 “Santa Rosalia”

Tony Succarotte for programmed Driver Ralph Silvestri III

05/05/11 (6) **Attendance and Handle**

| | |
|------------------------|-----------|
| Attendance | 165 |
| Live Handle (On Track) | \$38,252 |
| Handle (In State) | \$314,331 |
| Handle (Out of State) | \$236,838 |
| Total Handle | \$589,421 |

Friday

05/06/11 (1) **Formal Hearing – CHRB Complaint #11SW-0020/Amanda Fraser**

A formal hearing was convened to adjudicate the aforementioned complaint involving Flunixin overages on the same horse seven (7) days apart.

Present at the hearing were the Cal Expo Board of Stewards Baker, Meyers and Oke, CHRB Lead Investigator Carol Nolan, CHRB Official Veterinarian Dr. Robert Goodbary, Respondent Amanda Frazer and CHHA Board Member and Horsemen’s Representative Rocky Stidham. The proceedings were recorded by Yvonne Fenner of Wendy Frasier Reporting.

The record was opened, exhibits introduced and testimony was taken. The matter was deemed submitted and the decision of the Board of Stewards will follow.

It should also be noted that Dr. Lane Schlader contacted the Board of Stewards by telephone and provided a contact number where he could be reached if necessary.

05/06/11 (2) **Visit by Potential Owner/Trainer/Driver**

Prospective Licensee Jean Levesque visited with the Board of Stewards in order to ‘pave the way’ for a move to Cal-Expo from the East Coast.

Levesque appears to have his ‘ducks in a row’ and was assured his transition to racing at Cal-Expo should be smooth.

05/06/11 (3) **Silvestri III Appears**

Licensee Ralph Silvestri III appeared in the steward’s office, attempting to explain his absence yesterday, citing illness, encountered during his flight from Florida to Sacramento, but could offer no viable explanation for his failure to communicate these facts to the Board of Stewards.

Silvestri III was informed that the Board of Stewards were in the process of suspending him for his ‘failure to appear’ and that suspension would remain in effect until his financial obligations were satisfied in their entirety.

Silvestri III stated he was prepared to satisfy these obligations immediately and was counseled to do so. He was also informed by the Board of Stewards that he would be eligible to participate upon notification to the Board of Stewards that these obligations had been satisfied.

The Board of Stewards was notified prior to the evening's 1st Race to the effect that these obligations had been satisfied.

Additionally, Silvestri III was excused from his single drive on this evening's card, owing to his continuing health problems.

05/06/11 (4) **Third Race – Inquiry/Disqualification**

The inquiry sign was lit to evaluate an incident past the 3/4 mile marker when #3 “King Carver” (Luke Plano), the eventual race winner, briefly ‘broke stride’, causing #4 “Matty Rose” (Rick Plano), the eventual second (2nd) place finisher, to take ‘evasive action’.

After reviewing film, the Board of Stewards, in a unanimous opinion, felt that #3 had compromised the chances of #4, achieving a better placing. The #4 was disqualified and placed second (2nd) behind #4.

Original order of finish: 3-4-7-2-6-5-1

Official order of finish: 4-3-7-2-6-5-1

05/06/11 (5) **Eighth Race – Break Down**

In the 8th Race #2 “Tootin Lady”, trained by Frank Petrelli, ‘went wrong’ in deep stretch, while still finishing third (3rd).

On orders of Official Veterinarian Dr. Henry Cook, the horse was moved to the stable area by the horse ambulance.

After arriving at her stall, the horse was examined by State Veterinarian Dr. Robert Goodbary and found to have sustained a badly ‘bowed tendon’. Blood samples were taken for analysis. Dr. Goodbary characterized the injury as ‘career ending’, but stated she should recover and could be a ‘broodmare’ prospect. More to follow.

05/06/11 (6) **Tenth Race – Inquiry/No Change**

The inquiry sign was lit to examine a situation at the finish when #2 “Bronte” (James Kennedy) and #6 “Bronte Ana Boy” (Luke Plano) were observed to be in very close quarters.

After reviewing film, the Board of Stewards noted no rule violations, thus no change.

It is noteworthy that #2 and #6 finished in a ‘dead heat’ for place.

05/06/11 (7) **Eleventh Race – Inquiry/No Change**

The inquiry sign was lit to review the actions of #9 “Red Star Popeye” (James Kennedy), the eventual fourth (4th) place finisher.

#9 broke stride after the 1/4 mile marker. The stewards determined that #9 ‘complied’ with the breaking rule, thus no change.

05/06/11 (8) **Twelfth Race – No Photo Finish**

At the conclusion of Race #12, the Board of Stewards was informed by Photo Finish Operator Vicki Colby that there was not a photo finish available due to an operator error.

It was revealed that in the process of training a ‘backup’ photo operator, Vicki Colby and the Licensee failed to activate the cameras for the finish of Race 12.

The Board of Stewards, after reviewing video, was able to determine the correct order of finish.

After verification with Official Charter Marty Bridges, the order of finish was declared ‘official’.

All relevant information was turned over to Investigator Carol Nolan for evaluation of any further action.

05/06/11 (9) **Program Changes**

1st Race Declaration - #4 “Lil Hope” – Trainer Tim Maier

Refund: \$433 Injured – Dr. Robert Goodbary

5th Race Declaration - #6 “Red Star Diamond” – Trainer Brian Gray

Refund: \$174 Injured – Dr. Robert Goodbary

11th Race Driver Change - #2 “Nathan Taves”

Frank Petrelli for programmed Driver Ralph Silvestri III

05/06/11 (10) **Attendance and Handle**

| | |
|------------------------|-----------|
| Attendance | 338 |
| Live Handle (On Track) | \$44,765 |
| Handle (In State) | \$417,813 |
| Handle (Out of State) | \$375,586 |
| Total Handle | \$838,164 |

Saturday

05/07/11 (1) **Fraser Decision – CHRB Case #11SW-020**

After deliberation in the aforementioned Complaint #11SW-0020, the stewards unanimously issued the following ruling:

Ruling # 49

Trainer Amanda Fraser, who started the horse “Lillybrookecruiser” in the Fourth Race at Cal Expo on March 5, 2011, is hereby fined the sum of Five Hundred (\$500) Dollars pursuant to California Horse Racing Board Rule #1887(A) (Trainer to Insure Condition of Horse) for violation of California Horse Racing Board Rule #1843(A) (D) (Medications, Drugs and Other Substances) and 1844(C) (2) (Authorized Medication – Flunixin - 67 ng/ml in excess of permitted level - Class IV).

05/07/11 (2) **Silvestri III Resolution**

After much deliberation, the Board of Stewards issued the following ruling. A ruling unique in the fact that it suspends and subsequently reinstates the licensee so as to reflect the actions of the stewards on consecutive days.

Ruling # 48

Owner/Trainer/Driver Ralph Silvestri III, having now appeared and satisfied issued relating to California Horse Racing Board Complaint #11SW-0022 (Rule #1876 (A) Financial Responsibility and Rule #1877 Checks); Ruling #44 issued by Cal-Expo Harness Association Board of

Stewards, dated May 06, 2011, suspending Licensee Ralph Silvestri III, is also set aside on May 06, 2011, restoring him to good standing.

- 05/07/11 (3) **First Race – Inquiry/Change**
 The inquiry sign was posted to examine the actions of #6 “Vinnys Dance” (Rick Plano), the eventual second (2nd) place finisher, during the stretch drive.
 After reviewing film, the stewards determined that #6 was in violation of the breaking rule, thus was disqualified and placed fifth (5th).

 Original order of finish: 1-6-4-3-2-5
 Official order of finish: 1-4-3-2-6-5
- 05/07/11 (4) **Sixth Race – Whipping Rule Violation**
 At the conclusion of Race #6, the Board of Stewards contacted Driver James Covemaker (#2, “BJ’s Stiff”) concerning his use of the whip during the race.
 Driver Covemaker acknowledged his violation of the ‘house whipping rule’. (More to follow).
- 05/07/11 (5) **Tote Board Problems**
 The ongoing Tote problems flared up again after Race #8 and continued through the remainder of the card.
 At all times, the correct information was available on the video monitors.
- 05/07/11 (6) **Driver Injured**
 Driver Tim Maier contacted the stewards following Race #12, informing them that he had suffered an upper body injury earlier in the program, requesting to be excused from his drives in Race #13 and 14.
 The stewards granted the request and Driver Maier was replaced by his son, Jason.
- 05/07/11 (7) **Program Changes**
 2nd Early Race Declaration - #1 “Millions” – Trainer Vickie Desomer
 Non Betting Injured – Dr. Robert Goodbary
 5th Race Declaration - #3 “Cinnamon” – Trainer Rick Cisco
 Refund: \$161 Injured – Dr. Robert Goodbary
 9th Race Program Correction - #3 “Gee Up”
 Trainer should read “Vickie Desomer”
 13th Race Driver Change - #5 “Culture Shift”
 Jason Maier for programmed Driver Tim Maier
 14th Race Driver Change - #2 “Little Kiera”
 Jason Maier for programmed Driver Tim Maier
- 05/07/11 (8) **Attendance and Handle**
- | | |
|------------------------------|------------------|
| Attendance | 361 |
| Live Handle (On Track) | \$52,655 |
| Handle (In State) | \$376,541 |
| <u>Handle (Out of State)</u> | <u>\$326,935</u> |
| Total Handle | \$756,131 |

RULINGS ISSUED THIS WEEK

- 05/05/11 43 Provisional Driver Karen Isbell, who drove “Cheyne’s Train” in the Sixth Race on April 29, 2011 at Cal Expo, California, is hereby fined the sum of One Hundred Dollars (\$100) for violation of California Horse Racing Board Rule #1731 (E) (Driver Infractions – Cross Over Before Start).
- 05/06/11 44 Owner/Trainer/Driver Ralph Silvestri III, having failed to respond to written notice to appear before the Board of Stewards at Cal-Expo on or before May 05, 2011, is hereby suspended for violation of California Horse Racing Board Rule #1547 (Failure to Appear) to answer charges alleging violation of California Horse Racing Board Rules #1876(A) (Financial Responsibility), and 1877 (Checks).
- During the term of suspension all licenses and license privileges of Ralph Silvestri III are suspended and pursuant to California Horse Racing Board Rule # 1528 (Jurisdiction of Stewards), subject is denied access to all premises in this jurisdiction.
- 05/06/11 45 Driver Ralph Silvestri III, who was scheduled to drive “Still Stylin” (First Race) and “Santa Rosalia” (Eighth Race) on May 5, 2011 at Cal Expo, is hereby fined One Hundred (\$100) Dollars for failure to fulfill his driving engagements in two (2) races; A violation of California Horse Racing Board Rule #1872 (Failure to Fulfill Jockey (Driver) Agreement).
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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> |
|-------------|-------------|------------|------------------|----------------|---------------|------------|---------------|
| 6-May | 1 | 4 | LIL HOPE | MAIER | Injured | Goodbary | \$433.00 |
| | 5 | 6 | RED STAR DIAMOND | GRAY | Injured | Goodbary | \$174.00 |
| 7-May | 2 NB | 1 | MILLIONS | DESOMER | Injured | Goodbary | \$0.00 |
| | 5 | 3 | CINNAMON | CISCO | Injured | Goodbary | \$161.00 |

WEEKLY HANDLE SUMMARY FOR SATELLITE FACILITIES

| | | |
|-----------------|----|------------|
| Bakersfield | \$ | 7,946.20 |
| Fresno | \$ | 4,178.20 |
| Fresno Club One | \$ | 4,051.90 |
| Golden Gate | \$ | 42,377.60 |
| Monterey | \$ | 9,401.40 |
| Pleasanton | \$ | 22,658.30 |
| Sacramento | \$ | 107,865.90 |
| San Jose | \$ | 32,707.40 |
| San Mateo | \$ | 53,070.90 |
| Santa Rosa | \$ | 7,197.10 |
| Stockton | \$ | 18,058.20 |
| Tulare | \$ | - |
| Turlock | \$ | - |
| Vallejo | \$ | 11,873.80 |
| So. California | \$ | 413,073.80 |
| Out of State | \$ | 939,359.35 |

CAL-EXPO HARNESS ASSOCIATION

SUMMARY

2011

| | Mon 05/02 | Tues 05/03 | Wed 05/04 | Thurs 05/05 | Fri 05/06 | Sat 05/07 | Total Week | Total Meet |
|--------------------------|----------------------|-----------------------|----------------------|------------------------|----------------------|----------------------|-----------------------|-----------------------|
| Accidents | D | D | D | 0 | 0 | 0 | 0 | 2 |
| Cal-Bred Races | A | A | A | 0 | 2 | 2 | 4 | 8 |
| Claims | R | R | R | 1 | 1 | 0 | 2 | 29 |
| Disqualifications | K | K | K | 1 | 1 | 1 | 3 | 32 |
| Inquiries | D | D | D | 2 | 4 | 3 | 9 | 85 |
| Refunds | A | A | A | 0 | 2 | 1 | 3 | 181 |
| Rulings | Y | Y | Y | 1 | 4 | 2 | 7 | 49 |

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

All drivers submitted to a breath analyzer test.

Michael W. "Wayne" Oke, Steward

Grant Baker, Steward

Will Meyers, Steward