

CALIFORNIA HORSE RACING BOARD
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WATCH AND WAGER LLC – CAL EXPO

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Proceedings of the Board of Stewards for the period of Monday, November 5, 2012 through Sunday, November 11, 2012. Steward Grant Baker was the Reporting and Duty Steward for the enclosed period.

Monday

11/05/12 (1) **Entry Day/Track Condition [REF: 11/2/12(6), 11/3/12(2), 11/3/12(5)]**
The racing office was open today accepting entries for Friday, November 9 and Saturday, November 10. The Duty Steward inspected the racing surface and visually it appeared more in line with mid-fall, eighty degree, rainless Sacramento weather than on our opening weekend of racing when Cal Expo had an 'off track'.

11/05/12 (2) **Dark Day**

Tuesday

11/06/12 (1) **Double Draw Day**
The racing office was open today and races were drawn for Friday, November 9 and Saturday, November 10. Fifteen (15) races will be held on November 9. One hundred and twenty six (126) horses are scheduled to face starter Bill Vallandingham.
Fourteen (14) races will be held on November 10. One hundred and eight (108) horses are scheduled to start.

11/06/12 (2) **Dark Day**

Wednesday

11/07/12 (1) **Scratch Day**
Scratch time for Friday, November 9 and Saturday, November 10 was conducted this morning in the racing office. Nineteen (19) driver

changes/selections were made for November 9. One (1) scratch and sixteen (16) driver changes/selections were made for November 10. All changes were activated after today's 9:00am deadline.

11/07/12 (2) **Dark Day**

Thursday

11/08/12 (1) **Dark Day**

Friday

11/09/12 (1) **Track Maintenance Problem**

[REF: 11/2/12 (6), 11/3/12 (2), 11/3/12 (5), 11/5/12 (1)]

There was a thirty five (35) minute delay prior to the start of tonight's fifteen (15) race card. Concerns over the condition of the inside portion of the racetrack and various 'soft spots' led to the delay at which time Track Superintendent J.R. Williams and his crew added sand to the track to assure better footing.

Stewards Will Meyers and Wayne Oke, management personnel Chris Schick (General Manager), Ben Kenny (Assistant General Manager/CFO), Fred Kuebler (Director of Racing) and the majority of the driving colony conferred on the racetrack oval prior to the evening's card with the ultimate goal of having a safe and competitive night of racing. It was agreed upon that the mobile starting gate would move off the pylons to keep horses off the deep inside portion of the track.

'On track' announcements and TV graphics, provided by Pegasus Video, were ordered by the remaining steward in the judges' stand with the goal of keeping race fans informed of the circumstances behind the delay. Following the pre-race maintenance the stewards felt the track had improved.

The official track rating was designated as 'good'.

11/09/12 (2) **No Show Wagering**

Two (2) late scratches were activated prior to this evening's first race. The two (2) late scratches reduced this six (6) horse field to four (4) starters and the stewards subsequently cancelled show wagering. #2 "Franky Provolone" (Tim Maier) went on to win this race at odds of seven to one (7/1).

11/09/12 (3) **Tenth Race Inquiry – Non-Starter**

Due to concerns over the inside portion of the racetrack (deep/extreme bias) it was announced and graphically displayed that #10 "Dreamsofgrandeur" (Rocky Stidham) would score from the 'second tier' instead of post #10. A late scratch of #6 "Parham" (Robert Roesch) at 8:09pm did not change this action. However the race commenced with #10 "Dreamsofgrandeur" starting out of post #9. The inquiry sign was immediately posted and the stewards immediately spoke with Starter Bill Vallandingham. In an unanimous decision the stewards declared #10 "Dreamsofgrandeur" a non-starter and full refunds were ordered (\$7,341.90). This took place due to the fact that this horse started from the far outside post and not from behind #1 horse (Boot Scootin Bow) as announced at Cal-Expo and throughout the entire wagering network.

11/09/12 (4) **Luis M. Pena Ruling**

A telephonic hearing was held for Owner/Trainer/Driver Luis M. Pena on October 25, 2012 at CHRB headquarters in Sacramento, CA. The CHRB filed an 'accusation' (Case No.: 12SW0062) against Pena for alleged violation of CHRB Rule #1484 (Evidence of Unfitness for License). Present at that hearing were Stewards Will Meyers, Grant Baker and Wayne Oke. The case was presented by CHRB Northern California Supervising Investigator Dan Dailey. Pena asked for and was granted to have this hearing over the telephone. The Accusation read as follows:

Mr. Pena's Owner, Trainer and otherwise licenses in the State of New York are suspended for allegations of numerous violations of NY Racing and Wagering Board Law. The suspension was confirmed with Chief Investigator Joel Levinson as still in effect. As such, Mr. Pena is subject to CHRB Rule1484. A copy of the NY State ruling is included in the investigative report.

Pena did not have any witnesses or documents to present in this matter. After several days of deliberation the stewards unanimously voted to issue the following ruling:

RULING # 01

HAVING RECEIVED A NOTICE OF SUSPENSION AND HEARING BY THE NEW YORK STATE RACING AND WAGERING BOARD (MO 141-2012) – DATED MAY 24, 2012, OWNER/TRAINER/DRIVER **LUIS M. PENA** IS HEREBY SUSPENDED PURSUANT TO CALIFORNIA HORSE RACING BOARD RULE #**1484** (EVIDENCE OF UNFITNESS FOR LICENSE).

FURTHERMORE ALL LICENSES OF **LUIS M. PENA** SHALL REMAIN SUSPENDED PENDING PROOF OF ELIGIBILITY IN ACCORDANCE WITH THE RULES OF THE CALIFORNIA HORSE RACING BOARD IN A FITNESS FOR LICENSURE HEARING AT A TIME AND PLACE DETERMINED BY THE CALIFORNIA HORSE RACING BOARD.

DURING THE TERM OF SUSPENSION ALL LICENSE PRIVILEGES OF **LUIS M. PENA** ARE SUSPENDED AND PURSUANT TO CALIFORNIA HORSE RACING BOARD RULE #**1528** (JURISDICTION OF STEWARDS TO SUSPEND OR FINE) SUBJECT IS DENIED ACCESS TO ALL PREMISES IN THIS JURISDICTION.

11/09/12 (5) **Program Changes**

1st Race Declarations - #4 "Claudius Agustus" –Trainer Bob Johnson
Track Condition – Stewards

- #6 "Alpine Hawk" –Trainer Gordon Graham

Refund Total:\$4,115.09 Track Condition – Stewards

2nd Race Declaration - #6 "Precious Few" –Trainer George Luster

Refund:\$155 Track Condition – Stewards

4th Race Declarations - #3 "Youbetterbelieveit" – Trainer Bob Johnson

Track Condition – Stewards

- #4 "Nittany Linebacker" – Trainer James Wilkinson

11/10/12 (4) **Paul Welence Ruling**

Driver Paul Welence was contacted by the stewards following the eighth race on Friday, November 9. Welence sat behind sixth place finisher #8 “Heavy Pockets” and whipped this mare on handed before the 7/8 marker in this race. This is in violation of the ‘Cal-Expo Whipping Rule’ which says a driver must keep one line in each hand until the 7/8 marker. Driver Welence acknowledged his driver error. The following ruling was issued:

RULING # 02

DRIVER PAUL WELENCE, WHO DROVE “HEAVY POCKETS” IN THE EIGHTH RACE ON NOVEMBER 9, 2012, IS HEREBY FINED THE SUM OF FIFTY (\$50.00)* DOLLARS FOR VIOLATION OF CALIFORNIA HORSE RACING BOARD RULE #1530 (CASES NOT COVERED – VIOLATION OF ‘CAL-EXPO HOUSE WHIPPING RULE’ – (2) DRIVER MUST KEEP ONE LINE IN EACH HAND AT ALL TIMES DURING THE RACE EXCEPT WHEN THE HORSE AND DRIVER REACH THE 7/8 MILE MARKER DURING THE RACE).

11/10/12 (5) **Program Changes**

8th Race Declaration - #1 “OGS Si Bon” – Trainer should read Dario Solares
(Office error)

13th Race Driver Change - #2 “Bench Crisis”

Tim Maier for programmed Driver Evan Coblentz – (Stewards)

14th Race Declarations - #4 “Betty Elizabeth” – Trainer Lisa Caposio

Injured – Robert Goodbary, DVM

- #10 “Tymal Templar” – Trainer Steve Wiseman

Refund Total:106.74

Injured – Robert Goodbary, DVM

11/01/12 (6) **Attendance and Handle**

Attendance	286
Live Handle (On Track)	\$44,827
Handle (In State)	\$298,270
Handle (Out of State)	\$327,642
Total Handle	\$670,739

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>
9-Nov	9	2	KD ROWDY ONE	KEITH WILLEY	Injured	Goodbary	\$ 43.65
9-Nov	11	1	LITTLEHANNAHSUE	JAMES KENNEDY	Injured	Goodbary	\$ 21.00
10-Nov	14	4	BETTY ELIZABETH	LISA CAPOSIO	Injured	Goodbary	\$ 53.37
10-Nov	14	10	TYMAL TEMPLAR	STEVE WISEMAN	Injured	Goodbary	\$ 53.37

WEEKLY HANDLE SUMMARY FOR SATELLITE FACILITIES

Bakersfield	\$	2,355.80
Fresno	\$	2,365.20
Fresno Club One	\$	1,587.60
Golden Gate	\$	25,686.80
Monterey	\$	3,878.50
Pleasanton	\$	11,222.70
Sacramento	\$	79,890.10
San Jose	\$	14,881.00
San Mateo	\$	34,058.30
Santa Rosa	\$	6,293.20
Stockton	\$	8,820.10
Tulare	\$	3.00
Vallejo	\$	8,213.60
So. California	\$	230,643.30

CAL-EXPO HARNESS ASSOCIATION**SUMMARY 2012**

	Mon 11/05	Tues 11/06	Wed 11/07	Thurs 11/08	Fri 11/09	Sat 11/10	Total Week	Total Meet
Accidents	D	D	D	D	0	0	0	0
Cal-Bred Races	A	A	A	A	0	0	0	0
Claims	R	R	R	R	0	0	0	1
Disqualifications	K	K	K	K	0	1	1	2
Inquiries	D	D	D	D	1	1	2	4
Refunds	A	A	A	A	15	2	17	26
Rulings	Y	Y	Y	Y	1	1	2	2

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

All drivers submitted to a breath analyzer test.

Grant Baker, Steward

Will Meyers, Steward

Michael W. "Wayne" Oke, Steward