

CALIFORNIA HORSE RACING BOARD  
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**WATCH AND WAGER LLC – CAL EXPO**  
TO THE CALIFORNIA HORSE RACING BOARD

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ROBERT B. MILLER, CHIEF COUNSEL CHRB

Proceedings of the Board of Stewards for the period of Monday, March 9, 2015 through Sunday, March 15, 2015. Steward Michael W. "Wayne" Oke was the Reporting and Duty Steward for the enclosed period.

**Monday**

03/09/15 (1) **Dark Day**

**Tuesday**

03/10/15 (1) **Entries and Draw for Saturday (03/14/15) and Sunday (03/15/15)**

The race office was open this morning accepting entries for Saturday and Sunday's cards. At the 2:00PM drawing for Saturday's card there were one hundred seven (107) horses drawn to compete in fourteen (14) overnight events. Included in the fourteen (14) race card was a California Sire Stake for three (3) year old colts and geldings competing for a ten thousand (\$10,000.00) dollar purse. There are six (6) horses scheduled to go to post in this event.

03/10/15 (2) **Duties**

Routine weekly office duties.

03/10/15 (3) **Dark Day**

**Wednesday**

03/11/15 (1) **Scratch Time for Saturday's (03/14/15) Card**

At scratch time for Saturday's card there were numerous driver corrections and no other changes.

03/11/15 (2) **Draw for Sunday's (03/15/15) Card**

At the draw for Sunday's card ninety six (96) horses were drawn to compete in thirteen (13) races. Included in these races is a California Sire Stake for three (3) year old fillies competing for a purse of ten thousand (\$10,000.00) dollars. Programmed as the third race on the card. Additionally, a California Sire Stake for three (3) year old trotters (all genders) was programmed as an early non-wagering event with post time set for 4:30PM.

03/11/15 (3) **Dark Day****Thursday**03/12/15 (1) **Scratch Time for Sunday's (03/15/15)**

At scratch time for Sunday's program there were numerous driver corrections and one (1) injured scratch.

03/12/15 (2) **Dark Day****Friday**03/13/15 (1) **Formal Hearing CHRB Complaint: Case No. SAC14-0078 [Ref: 03/01/15 (3)]**

A formal hearing was held commencing at 8:00AM this morning. The hearing was a result of an order of remand issued by Executive Director Baedeker in response to an appeal of Ruling #20 dated November 16, 2014 issued by the Cal Expo Board of Stewards as a result of an informal hearing conducted into the matter on December 13, 2014. This hearing is a continuation of hearing originally opened on March 1<sup>st</sup> and continued due to time constraints.

In attendance were the Cal Expo Board of Stewards Baker, Meyers and Oke, CHRB Investigator Duane Tadlock, Cal Expo Track Veterinarian Eduardo De La Cruz, Cal Expo starter Ken Fowler, Safety Steward Tom McCarthy, Respondent Richard Dunneback along with Paul Welence (friend of the court). This hearing had been previously opened on March 1, 2015 and continued to this date due to a lack of time. Witnesses were sworn, testimony taken from De La Cruz, Fowler and McCarthy, exhibits entered and the matter was taken for deliberation. (More to follow)

03/13/15 (2) **Dark Day****Saturday**03/14/15 (1) **Film Review/ Eleventh Race/Driver Gerald Longo [Ref: 03/08/15 (8)]**

Driver Gerald Longo attended film review as requested in order to review his drive on #6 "Starry Skys" in the eleventh race on March 8<sup>th</sup>. At issue was Driver Longo's use of the whip at the ¼ mile marker and beyond when he was "parked" and unable to make the lead. Driver Longo took full responsibility for his actions and stated he "lost his composure" in the heat of the moment. The Stewards unanimously issued the following ruling:

### RULING # 39

DRIVER **GERALD LONGO**, WHO DROVE “**STARRY SKYS**” IN THE ELEVENTH RACE ON MARCH 8, 2015 IS HEREBY FINED THE SUM OF THREE HUNDRED **(\$300.00)\*** DOLLARS FOR VIOLATION OF CALIFORNIA HORSE RACING BOARD RULE #**1734** (WHIPPING – UNNECESSARY FORCE).

03/14/15 (2) **Qualifying Entries**

The race office was open this morning accepting entries for qualifiers to be contested this evening before the regular evening program. The resultant qualifying sheet showed nine (9) head competing in two (2) qualifying events.

03/14/15 (3) **Film Review/ Seventh Race/Recall [Ref: 03/08/15 (6)]**

In attendance at this review were Starter Ken Fowler and Outrider Billy Don Wainscott failing to attend was Driver Luke Plano. At issue was a “recall” in Sunday, March 8, 2015 seventh race and the ensuing problems. Starter Fowler after calling the recall closed the wings on the mobile starting gate creating a situation whereby Driver Plano was unable to “pull up” his horse until the 5/8 mile marker. Starter Fowler took total responsibility for the problems with the start. Additionally, at issue was the situation whereby the Stewards requested the outrider notify Driver Plano to take his horse to the Official Veterinarian (Dr. De La Cruz) in order to be assessed. Despite the outrider’s instructions Driver Plano failed to follow instructions. The Stewards will meet with Driver Plano to hear his explanation of events. (More to follow)

03/14/15 (4) **Licensee In**

Owner Beven Perriton appeared to explain his attitude and actions towards Safety Steward Tom McCarthy, after a request from McCarthy to produce his license. Also at issue was a question of whether Perriton was wearing an approved helmet while jogging a horse. Perriton displayed a very combative attitude and was very argumentative. It was explained to the Licensee that a more cooperative attitude would serve him much better in the future and failing that sanctions can and will be imposed.

03/14/15 (5) **Dunneback Ruling [Ref: 03/08/15 (1)]**

Richard Dunneback appeared in the office and was notified of the Stewards decision in two (2) outstanding cases. Dunneback accepted the following rulings without comment.

### RULING # 36

TRAINER **RICHARD DUNNEBACK**, WHO STARTED “**JUDGEMENTAL**” IN THE FIRST RACE ON JANUARY 17, 2015 AT CAL EXPO (SACRAMENTO, CA) IS FINED THE SUM OF FIVE HUNDRED **(\$500.00)\*** DOLLARS FOR VIOLATION OF CALIFORNIA HORSE RACING BOARD RULE #**1843** (MEDICATION, DRUGS AND SUBSTANCES), RULE #**1844** (AUTHORIZED MEDICATION – FLUNIXIN IN EXCESS OF PERMITTED LEVEL 42.1 NG/ML) PURSUANT TO CALIFORNIA HORSE RACING BOARD RULE #**1887** (TRAINER TO INSURE CONDITION OF HORSE).

**RULING # 37**

ACTING UPON AN ORDER OF REMAND FROM THE CALIFORNIA HORSE RACING BOARD (CASE NO. SAC14-0078) DATED DECMEBER 19, 2014 AND SUBSEQUENT TO A FORMAL HEARING HELD ON MARCH 13, 2015 AT CAL EXPO TRAINER **RICHARD DUNNEBACK** IS HEREBY FINED THE SUM OF THREE HUNDRED **(\$300.00)\*** DOLLARS FOR DISRESPECTFUL BEHAVIOR TOWARD A RACING OFFICIAL ON NOVEMBER 16, 2014. A VIOLATION OF CALIFORNIA HORSE RACING BOARD RULE **#1874** (DISORDERLY CONDUCT).

03/14/15 (6)

**Driver In**

Driver Luke Plano appeared as requested in order to address the situation that developed concerning the seventh race on Sunday, March 15<sup>th</sup>. At issue was the actions of Driver Plano subsequent to the recall. Driver Plano, according to information available was instructed to take his mount #1 "Silence Son" back to the Official Veterinarian Dr. De La Cruz. Driver Plano failed to follow the instruction stating he was told by the Outrider "forget it you're ok" a claim that is unsubstantiated. After some discussion the Stewards by majority (Stewards Oke dissenting) issued the following ruling.

Driver Plano was very vocal in expressing his dissatisfaction with the decision.

**RULING # 40**

DRIVER **LUKE PLANO**, WHO DROVE "**SILENCE SON**" IN THE SEVENTH RACE IS HEREBY FINED ONE HUNDRED **(\$100.00)\*** DOLLARS FOR VIOLATION OF CALIFORNIA HORSE RACING BOAD RULE **#1930** (OBEDIENCE TO SECURITY OFFICERS AND PUBLIC SAFETY OFFICERS – FAILED TO FOLLOW INSTRUCTIONS OF OUTRIDER AND STARTER) ON MARCH 8, 2015.

03/14/15 (7)

**Starter In [Ref: 03/08/15 (6) and 03/14/15 (3)]**

Starter Ken Fowler appeared as requested relative to the recall on Sunday, March 8<sup>th</sup>. As previously stated Starter Fowler took complete responsibility for the incident and accepted the following ruling:

**RULING # 41**

STARTER **KENNETH FOWLER**, IS HEREBY FINED ONE HUNDRED **(\$100.00)\*** DOLLARS FOR FAILURE TO HANDLE HIS BUSINESS IN A PROPER MANNER NECESSITATING A RECALL IN THE SEVENTH RACE ON SUNDAY, MARCH 8, 2015, A VIOLATION OF CALIFORNIA HORSE RACING BOAD RULE **##1530** (CASES NOT COVERED).

03/14/15 (8)

**Qualifying Races**

Two (2) qualifying races were conducted this afternoon with nine (9) horses successful in their qualifying effort.

03/14/15 (9)

**Saturday's Card**

Saturday's care was conducted with no notable occurrences.

03/14/15 (10) **Program Changes**

7<sup>th</sup> Race Declaration: #1 “Bettor In Than Out” – Trainer James Wilkinson  
 Refund:\$29.00 Injured – Clifford Zucco DVM  
 9<sup>th</sup> Race Declarations: #1 “Good Golly Dolly” – Trainer Bob Johnson  
 Injured – Clifford Zucco DVM  
 #3 “Lodi Nickolus” – Trainer George Luster  
 Total Refunds:\$22.20 Injured – Clifford Zucco DVM

03/14/15 (11) **Attendance and Handle**

Attendance	260
Live Handle (On Track)	\$55,987
Handle (In State)	\$353,738
Handle (Out of State)	\$547,357
	<u>\$957,082</u>

**Sunday**03/15/15 (1) **Driver In [Ref: 01/02/15 (3)]**

Driver Harold Herrera appeared in the Stewards office and was informed that as a result of a hearing conducted on March 13, 2015 the following ruling was being issued. Driver Herrera accepted the ruling and promised there would be no further incidents of this nature.

**RULING # 38**

TRAINER/OWNER/DRIVER **HAROLD HERRERA**, IS HEREBY FINED TWO HUNDRED (**\$200.00**)\* DOLLARS AND PLACED ON PROBATION FOR THE TERM OF ALL LICENSES FOR VIOLATION OF CALIFORNIA HORSE RACING BOARD RULE #1874 (DISORDERLY CONDUCT – BREATHALYZER- BLOOD ALCOHOL LEVEL 0.012 AND 0.009) ON JANUARY 2, 2015 AT CAL EXPO, CA.

03/15/15 (2) **Jackpot Pick 6 Payout**

The jackpot pick six (6) sequence concluded with the eighth race. Due to problems at the Sportech Hub the payouts were not posted until after the eleventh race. Sportech has been asked to provide a letter of explanation which will be provided at a later date.

03/15/15 (3) **Seventh Race/ Driver to Film Review**

At the conclusion of seventh race Driver Tim Maier #4 “Willey Bite” was ordered to film review. At issues was an incident at the ¼ mile marker. (More to follow)

03/15/15 (4) **Eleventh Race/ Driver to Film Review**

At the conclusion of eleventh race Driver David Siegel #9 “Real Attitude” was ordered to film review. At issue was Driver Siegel’s actions at the start. (More to follow)

03/15/15 (5) **Program Changes**

10<sup>th</sup> Race Declaration: #8 “Stretch Artist” – Trainer Nathalie Tremblay  
 Refund:\$9.40 Injured – Clifford Zucco DVM  
 11<sup>th</sup> Race Declaration: #7 “Oompa Loompa” – Trainer Bruce Clarke  
 Refund:\$16.90 Injured – Clifford Zucco DVM

12<sup>th</sup> Race Declaration: #6 "Boot Scootin Bow" – Trainer Mike Jarvis  
 Refund:\$36.00 Injured – Clifford Zucco DVM

03/15/15 (6)	<b><u>Attendance and Handle</u></b>	
	Attendance	168
	Live Handle (On Track)	\$40,339
	Handle (In State)	\$257,895
	<u>Handle (Out of State)</u>	<u>\$503,803</u>
		\$802,037

## W E E K L Y S U M M A R Y

**ATTENDANCE REPORT -** The full Board of Stewards were in session each day during this reporting period for both morning business and the afternoon racing program.

### **VETERINARIAN RECOMMENDED SCRATCHES**

<b>Date</b>	<b>Race No.</b>	<b>Horse</b>	<b>Trainer</b>	<b>Reason</b>	<b>Vet</b>	<b>Refund</b>
14-Mar	7	1 BETTOR IN THAN OUT	WILKINSON	Injured	Zucco	\$ 29.00
14-Mar	9	1 GOOD GOLLY DOLLY	JOHNSON	Injured	Zucco	\$ 11.10
14-Mar	9	3 LODI NICKOLUS	LUSTER	Injured	Zucco	\$ 11.10
15-Mar	10	8 STRETCH ARTIST	TREMBLAY	Injured	Zucco	\$ 9.40
15-Mar	11	7 OOMPA LOOMPA	CLARKE	Injured	Zucco	\$ 16.90
15-Mar	12	6 BOOT SCOOTIN BOW	JARVIS	Injured	Zucco	\$ 36.00

### **WEEKLY HANDLE SUMMARY FOR SATELLITE FACILITIES**

Bay Meadows	
Eureka	
Fresno	\$ 3,660.50
Fresno Club One	\$ 403.60
Golden Gate	\$ 24,291.50
Monterey	\$ 4,715.90
Pleasanton	\$ 12,288.20
Sacramento	\$ 79,222.20
San Jose	\$ 15,046.30
San Mateo	\$ 29,001.20
Santa Rosa	\$ 5,184.30
Stockton	\$ 7,982.80
Tulare	\$ -
Turlock	\$ -
No. California	\$ -
Out of State	\$ -

## WATCH AND WAGER LLC – CAL EXPO

### SUMMARY 2015

	<b>Mon 03/09</b>	<b>Tues 03/10</b>	<b>Wed 03/11</b>	<b>Thurs 03/12</b>	<b>Fri 03/13</b>	<b>Sat 03/14</b>	<b>Sun 03/15</b>	<b>Total Week</b>	<b>Total Meet</b>
<b>Accidents</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7</b>
<b>Cal-Bred Races</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>17</b>
<b>Claims</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>27</b>
<b>Disqualifications</b>	<b>K</b>	<b>K</b>	<b>K</b>	<b>K</b>	<b>K</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8</b>
<b>Inquiries</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>23</b>
<b>Refunds</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>3</b>	<b>3</b>	<b>6</b>	<b>84</b>
<b>Rulings</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>4</b>	<b>2</b>	<b>6</b>	<b>41</b>

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

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

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**Will Meyers, Steward**

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**Grant Baker, Steward**