

CALIFORNIA HORSE RACING BOARD
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REPORT OF THE BOARD OF STEWARDS

Del Mar Thoroughbred Club

To the California Horse Racing Board

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Report of the Board of Stewards for the week of Sunday July 25, 2010 through Saturday July 31, 2010.

SUNDAY, JULY 25, 2010

1 A.M. DECLARATION

6th race - #4 Acclamation (Stakes) refund of \$1,295.50

2 RIDER OFF

Tyler Baze, who was injured in a starting gate accident yesterday afternoon, was excused from his mounts. Preliminary reports indicated that he suffered facial injuries when his mount, #3 Night Justice, became extremely fractious just before being led into the gate. He is expected to be off for several weeks.

3 REYES HEARING

A hearing was held into complaint #10HP090 filed by the Board against jockey Christian Santiago Reyes for violation of California Horse Racing Board rules #1682 (Weighing Out) and #1684 (Items Included in Weight). Specifically, the complaint alleged that on June 6, 2010, while weighing out for the first race, Reyes was observed by Clerk of Scales Ruben Hernandez to have a bulge in the knee area of his riding pants. Hernandez felt the area around the knee and felt what appeared to him to be a one pound lead weight, leading Hernandez to believe that Reyes was attempting to beat the scales.

Present at the hearing were the Board of Stewards (Ward, Chaney, Sawyer); Associate Steward Luis Jauregui; the charged party, Christian Santiago Reyes; his counsel, Bing Bush, and certified

interpreter Daniel Tigueros. Presenting the case for the Board were Investigator James Hamilton and Supervising Investigator William Westermann. Barbara Weinstein recorded the proceedings. Clerk of Scales Ruben Hernandez was called as the State’s first witness. He testified that he has been a Clerk of Scales for five to six years. He explained the weighing out process, stating that riders step on the scales and either add or subtract weight as needed. There are two ways to add weight; either through weighted pads of from one to six pounds, or with lead weights, which weigh between one half and two pounds. The pads are placed on the back of the horse along with the saddle while lead weights are placed in pockets in the saddle. During the weighing out process for the first race, Reyes was two pounds light of the 118 lb. assignment when he first stepped on the scale. Mr. Hernandez asked him to step off and told his valet that he, Reyes, needed two additional pounds. When Reyes approached the scales for a second time, Hernandez observed a bulge in Reyes’ jockey pants in the left knee area. Hernandez felt the area and it appeared to him that the bulge was a one-pound lead weight. His assumption was based on the size, shape, and weight of the object. He then asked Reyes what was in the pants and was told “one”. He took this to mean a one-pound weight. Hernandez said that there was no doubt in his mind that lead was in the pants even though he did not ask Reyes to remove the object in his presence. He told Reyes to remove the object and return to the scales. The third time he checked, the weight was correct. Hernandez then allowed the saddle to be taken to the paddock. The horse, #1 Jenny Jenny Emily, ultimately finished last in a field of seven horses.

Under cross-examination, Hernandez testified that Assistant Clerk of Scales Charles McCaul was in close proximity to the scales and also observed the bulge. Counsel asked Hernandez why he did not demand that Reyes take the weight out of his pants and hand it to him. His response was that in hindsight he should have, but he was so shocked and upset that he never gave it a thought.

Reyes’ counsel asked if interviews were recorded. When told that they were, he requested a copy. The hearing was subsequently terminated and set over until August 8, so that counsel could have ample opportunity to review the documents.

4 RACING PROGRAM

All matters during the course of the racing program were routine.

5 ATTENDANCE AND HANDLE

Total Refund: \$1,321.60	Del Mar on Track 23,277	Off Track \$4,237,654.90
No Minus Pool	Off Track 9,984	Out of State \$7,144,778.13
	<u>Total Attendance 33,261</u>	<u>Del Mar Total \$2,349,220.70</u>
		Total \$13,731,653.73

WEDNESDAY, JULY 28, 2010

1 A. M. DECLARATIONS

- 1st race - #2 Seethe Girlgo (Vet-unsound) refund of \$1,629.86
- 2nd race - #7 Checkmark (Vet-unsound) refund of \$831.70
- 7th race - #4 A Lil Dumaani (Vet-sick) refund of \$1,189.22

2 VIDEO REVIEW

Joel Rosario and Rafael Bejarano were in the office this morning to review races from last Saturday, during which their mounts were responsible for interference. While Bejarano’s ride

was not such that “days” were warranted, Rosario’s ride deserved more scrutiny. After a discussion, the majority felt that a warning would suffice. Mr. Chaney thought a suspension was in order.

3 TRAINER IN FOR HEARING

Ben Cecil was in the office this morning to address a complaint which alleged violation of California Horse Racing Board rule #1843(A)(D) in that the test on his horse Hyades, the second place finisher in the tenth race at Hollywood Park on June 5, 2010, showed the presence of 12,458 ng/ml of Methocarbamol. There is no allowable level for the drug.

Mr. Cecil acknowledged that the horse received an injection of the drug from his veterinarian forty-eight hours before race time. Since he feeds Methocarbamol, he surmises that the problem occurred due to a mix up in feed tubs.

A decision will follow.

4 GUERRERO HEARING

Pony rider Jose Guerrero was in the office in response to a complaint filed against him for violation of California Horse Racing Board rule #1902.5 (Animal Welfare). Specifically, it alleged that he took his Quarter Horse “Dash For Bounty”, which he had been using as a pony horse, to the race track and worked it 3/8ths of a mile. The horse broke down at the conclusion of the work and had to be euthanized. Barbara Weinstein recorded the formal hearing.

Official Veterinarian Jill Bailey testified that the horse had some “issues” during the 2009 Del Mar meeting and she told Guerrero not to take the horse to the track until they were resolved. She said that he complied as a private veterinarian examined and treated the horse with successful results. The necropsy report indicated the horse suffered a fracture of the left scapula. She did not think that there was any misintent on Guerrero’s part, but rather a lack of knowledge of how to condition a racehorse.

Exercise rider Lorenzo Estrella, who rode the ill-fated horse, testified that Guerrero asked him to work the horse a slow 3/8ths, in 39 or 40 seconds. Estrella said he told Guerrero that he had not been on a horse for a while; therefore he was heavy and not quite fit. He was told that it would be alright as all that was needed was a slow work. He said the horse felt fine during the early part of the work, but started to bear out late in the work. The horse broke down and fell with him. He suffered a broken right wrist and thumb, and also is having shoulder issues.

Pony rider Jose Guerrero testified that he had been using the horse to pony in the mornings and that it was doing well; so well, in fact, that some people told him that he might have a race horse. At this point he started feeding and exercising the horse as if it were a “race horse”. He trained the horse for three months – with jogs and gallops – prior to the work. He asked his friend Francisco Flores for permission to use his saddle and towel. When he called in to the clockers, he gave them Francisco Flores’ name as the trainer. He claimed that he was unaware Quarter horses were not allowed on the grounds. He also said that Flores was not aware of the horse’s breed.

In closing, Guerrero said he felt extremely sorry for the horse, as it was never his intent to subject the horse to any physical injury. He has been excluded from Hollywood Park since the incident. A decision will be forthcoming shortly.

5 TRAINER BOB BAFFERT

Trainer BOB BAFFERT is fined two hundred dollars (\$200.00)* pursuant to California Horse Racing Board rule 1555 (Duties of Horseshoe Inspector) for violation of California Horse Racing

Board rule 1437 (Conditions of a Race Meeting – horse improperly shod for turf) before the running of the sixth race on July 23, 2010 at Del Mar Race Track.

This ruling was issued after the trainer accepted responsibility for failing to have two of his horse properly shod for the turf. Fortunately, Horseshoe Inspector Victor Tovar was able to grind off the toes on the hind shoes, thereby enabling the horse to start. Mr. Baffert said the horses were originally scheduled to run on the main track but the race did not fill. He said his help will get a lecture regarding the problem.

6 BREAKDOWN

The first breakdown of the meeting took place in the third race as #2 Conato suffered a fracture of the left hind pastern and pulled up near the 1/4 pole.

The horse was removed by the equine ambulance and it was reported that the horse was euthanized shortly thereafter by trainer Jeff Bonde’s attending veterinarian.

7 REFUND

A refund was ordered in the fifth race as #7 Warren’s Dove unseated the rider during the post parade and ran off, ultimately running into the outside rail. The refund from the scratch amounted to \$28,238.88.

8 ATTENDANCE AND HANDLE

Total Refund: \$31,899.76	Del Mar on Track 14,718	Off Track	\$2,245,720.10
No Minus Pool	<u>Off Track 5,779</u>	Out of State	\$4,372,987.32
	Total Attendance 20,497	<u>Del Mar Total</u>	<u>\$1,511,324.40</u>
		Total	\$8,130,031.82

THURSDAY, JULY 29, 2010

1 A. M. DECLARATIONS

1st race - #1 Lime Rock Revenge (Vet-unsound) refund of \$844.00

6th race - #4 Roar of Applause (Vet-sick) refund of \$1,986.42

7th race - #6 Five Star Silver (Vet-sick) refund of \$331.50

2 TRAINER RESPONDS

Trainer Jeff Metz was in the office this morning responding to a complaint, which alleged that he entered a horse for the May 28 racing program after the horse was shipped off of the grounds. The horse registered under his name, “Scilly”, was shipped to Nebraska on May 24 in order to finalize a sale, then subsequently entered the following day.

Metz said that he had discussed the race with jockey agent Marcos Figueroa, who is handling Jesus Velazquez’s book, but never instructed him to enter the horse. He assumed that when Figueroa did not hear from him, he decided to enter the horse on his own. He did acknowledge that he was trying to help Peter Pizzuro, a trainer from Arizona who was in the process of obtaining his own workers’ compensation insurance before renewing his trainer’s license. In short, Metz was program training for Pizzuro.

Jockey agent Marcos Figueroa was contacted and asked what he remembered about the situation. He said that Pizzuro was the one who contacted him about entering the horse, but did not know that the horse had already been shipped off of the grounds.

When Metz was asked about filing a scratch card for the horse as being “sick” he fell on the sword, stating that in the past, vets have accepted his explanation when horses have not been on the grounds of the association.

A decision is pending.

3 RE-INSTATEMENT HEARING

Hot walker Jarrett Catalan was in the office this morning seeking to be reinstated. He was suspended in May of 2007 for failing to appear at a hearing involving a backstretch altercation and being in possession of a marijuana pipe. Catalan was sixteen at the time. The young man said that he was running around with the wrong crowd but has turned his life around. He said he no longer drinks alcohol and does not use drugs. He said he has been clean for approximately two years. Catalan was told that before he could be re-licensed he would have to submit to a urine test. At that time he said he attended a party some two weeks ago where marijuana was being used and said he most likely would not test clean. He was instructed to return at such time as he would test clean.

4 REFUND

A refund was ordered in the fifth race as Official Veterinarian Jill Bailey called to report that #8 Winning Valentine, scheduled to race in the fifth event, had flipped while walking in the Receiving Barn and severely injured herself. The resulting refund amounted to \$9,646.34. It was later reported that the filly’ injuries were so severe that she died in the Receiving Barn.

5 ATTENDANCE AND HANDLE

Total Refund: \$12,808.80	Del Mar on Track 9,916	Off Track	\$2,065,610.30
No Minus Pool	<u>Off Track 5,634</u>	Out of State	\$3,794,320.94
	Total Attendance 15,550	<u>Del Mar Total</u>	<u>\$1,315,108.10</u>
		Total	\$7,175,039.34

FRIDAY, JULY 30, 2010

1 A. M. DECLARATIONS

- 2nd race - #9 Bradium (AE)
 - #11 Winter Camp (AE) refund of \$1,167.60
- 3rd race - #14 The Zapana (AE) refund of \$307.60
- 6th race - #10 Roxy (Vet-sick) refund of \$487.60
- 7th race - #1 Rendevous (Stakes)
 - #4 Princess Taylor (Stakes) refund of \$1,545.36

2 MINUS POOL

A minus pool occurred in the seventh race as #6 Temple City, the heavy favorite at 6/5, proved an easy winner. A total of \$15,049.44 had to be added in order to balance.

There were no other reportable incidents during the course of the racing program.

3 ATTENDANCE AND HANDLE

Total Refund: \$3,458.16	Del Mar on Track 16,556	Off Track	\$2,733,261.80
No Minus Pool	<u>Off Track 7,153</u>	Out of State	\$5,909,866.21
	Total Attendance 23,709	<u>Del Mar Total</u>	<u>\$1,832,167.40</u>
		Total	\$10,475,294.41

SATURDAY, July 31, 2010

1 A. M. DECLARATIONS

2nd race - #8 Benergy(Vet-injured) refund of \$2,305.30

5th race - #1 Turns My Head (Vet-sick) refund of \$1,158.20

6th race - #1 Tribalicious (Stakes) refund of \$579.70

8th race - #8 Richard's Kid (Stakes) refund of \$2,336.10

2 RULING #5

Trainer BENJAMIN CECIL, who started the horse "HYADES", the second place finisher in the tenth race at Hollywood Park on June 5, 2010, is fined SEVEN HUNDRED FIFTY DOLLARS (\$750.00)*pursuant to California Horse Racing Board rule #1887 (Trainer to Insure Condition of Horse) for violation of California Horse Racing Board rule #1843 (Medication, Drugs and Other Substances – Methocarbamol).

This ruling was issued to finalize the complaint against Cecil for a large amount of Methocarbamol found in a post race test of his horse "Hyades (ref. 7-28-10-3). The fine was increased from the minimum due to the amount of the drug found in the sample – over twelve thousand nanograms. However, a larger fine was not issued due to Mr. Cecil's compliance with medication rules. He has not had a violation in over five years.

3 RULING #6

Jockey COREY NAKATANI is fined FIFTY DOLLARS (\$50.00)* pursuant to California Horse Racing Board Rule #1530 (Cases Not Covered by Rules and Regulations-late to the paddock).

This ruling was issued after Mr. Nakatani pleaded guilty to being extremely late to the saddling paddock for the second race on Wednesday, July 28. Nakatani explained that he was 'indisposed' when the call for riders went out and got to the walking ring as soon as he could.

4 RULING # 7

Groom JEFFREY RUDD, having failed to appear before the Board of Stewards to answer a complaint alleging violation of California Horse Racing Board rule #1489 (Grounds for Denial or Refusal of License), is suspended for violation of California Horse Racing Board rule #1547 (Failure to Appear).

During the term of suspension, all licenses and license privileges of JEFFREY RUDD are suspended and pursuant to California Horse Racing Board rule #1528 (Jurisdiction of Stewards to Suspend or Fine), he is denied access to all premises in this jurisdiction.

The foregoing ruling was issued after Rudd failed to appear to address a complaint filed against him for violation of California Horse Racing Board rule #1489(a)(f) and (h). Rudd is currently on summary probation for possession of a controlled substance and therefore ineligible to hold a license.

5 VIDEO REVIEW

Jockey Joe Talamo was in the office this morning to review a race from the previous day in which he permitted his mount to drift during the stretch run. The rider acknowledged his mistake and promised a better effort in the future.

6 REFUND

A refund was ordered in the tenth race as #4 Dixie Saint flipped during the saddling procedure and injured itself. Racing Veterinarian Dana Stead recommended the scratch, with the resulting refund totaling \$9,386.04

7 ATTENDANCE AND HANDLE

Total Refund: \$15,765.34	Del Mar on Track	25,348	Off Track	\$4,791,554.20
No Minus Pool	Off Track	<u>10,826</u>	Out of State	\$8,307,278.96
	Total Attendance	36,174	<u>Del Mar Total</u>	<u>\$3,124,758.60</u>
			Total	\$16,223,591.76

**CALIFORNIA HORSE RACING BOARD
SUMMARY**

	Sun 7/25	Wed 7/28	Thurs 7/29	Fri 7/30	Sat 7/31	Week Total	Meet Total
Accidents	0	0	0	0	0	0	1
Cal-Bred Races	2	2	3	2	2	11	15
Claims	7	3	6	1	8	25	44
Inquires	0	0	0	0	0	0	1
Objections	0	0	0	0	0	0	2
Disqualifications	0	0	0	0	0	0	0
Refunds	1	4	4	4	5	18	44
Rulings	0	1	0	0	3	4	7

Respectfully submitted,

Tom Ward (Steward)

C. Scott Chaney (Steward)

Kim Sawyer (Steward)