

California Horse Racing Board

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**REPORT OF THE BOARD OF STEWARDS
 DEL MAR SUMMER MEET**

Del Mar Thoroughbred Club

TO THE CALIFORNIA HORSE RACING BOARD

Honorable Gregory L. Ferraro DVM, Chairman
 Honorable Oscar Gonzales, Vice Chairman
 Honorable Dennis V. Alfieri, Member
 Honorable Damascus Castellanos, Member
 Honorable Wendy Mitchell, Member
 Honorable Alex Solis, Member
 C. Scott Chaney, Executive Director
 Cynthia Alameda, Assistant Executive Director
 Darrel McHargue, Chief Steward

Report for the Week of Thursday, August 20, 2020 through Sunday, August 23, 2020

THURSDAY ENTRY DAY

08/20/20¹

Entries for Sunday August 23, 2020 were taken in the backside racing office today. One hundred and four (104) horses are scheduled to face Starter Jay Slender. The feature race on the card will be the Grade 2 Del Mar Mile (\$150,000 Guaranteed). It has a solid field of eleven (11) participants. Steward Luis Jauregui was on duty.

FRIDAY

08/21/20¹

OFFICIAL CHANGE

Paddock Judge Karen Denovel is off this week due to personal reasons. Regular finish line Patrol Judge Ed Reese will 'double up' this Friday, Saturday and Sunday supervising the saddling of the horses in the paddock and then reporting the happenings of 'the race' after climbing to his patrol tower above the racetrack.

08/21/20²

STEWARD CHANGE

Steward Grant Baker returns today to start his Del Mar assignment and work the remaining three (3) weeks of this meet. Steward Ron Church now returns to his original Safety Steward assignment. Safety Steward David Nuesch now returns to his original Los Alamitos Quarter Horse Safety Steward assignment.

08/21/20³

MARIO GUTIERREZ APPEAL HEARING (REF: LOS ALAMITOS THOROUGHBRED MINUTES JULY 3, 2020(3)(Ruling LATL#11)

Stewards Luis Jauregui and Kim Sawyer spent a good amount of their morning participating in a jockey appeal hearing. Both Mr. Jauregui and Ms. Sawyer were Stewards at the Los Alamitos Thoroughbred meet on June 28, 2020. Jockey Gutierrez rode Bram's Choice in the eighth race on this day. He received a three (3) day suspension for careless riding in this event. At one point or another several people either participated or viewed today's hearing. This hearing was

conducted online using the 'Microsoft Teams' format due to the current Covid-19 situation. Individuals participating and/or viewing this hearing were:

1. Patrick Kane (Hearing Officer)
2. Mario Gutierrez (Jockey)
3. Bing Bush (Attorney)
4. Darrel McHargue (CHRB Chief Steward)
5. Kim Sawyer (CHRB Steward)
6. Luis Jauregui (CHRB Steward)
7. Michelle Derieg (Court Reporter)

Numerous replays of the July 28, 2020 race were shown. Witnesses were examined and cross-examined. Additionally several exhibits were marked as evidence and entered on the record. More to follow.

08/21/20⁴

FIRST RACE INQUIRY/DISQUALIFICATION

Following the running of this 1 1/16th mile turf event the Stewards immediately posted the Inquiry sign in order to investigate an incident in the final furlong. This incident involved three (3) horses.

- A. #2 Clearly Gone-Brice Blanc-1st Place
- B. #1 Miss Flawless (FR)-Jose Valdivia Jr.- Original 3rd Place
- C. #7 Quinnie-Flavien Prat- 6th (Last) Place

Film review of this race shows #1 Miss Flawless (FR) narrowly leading the field at the 1/16th pole. #2 Clearly Gone is closing well and 'splits' horses at this point. While doing so #2 Clearly Gold brushes #7 Quinnie while entering a tight opening. #1 Miss Flawless (FR) floated in about a horse width in the final furlong. #7 Quinnie clipped heels and nearly fell before going on to a sixth place finish.

Steward Baker (dissent) felt the actions of #2 Clearly Gone were the primary reason for the heel clipping and voted to disqualify this horse and place her sixth. The majority ruled that third place finisher #1 Miss Flawless (FR) was responsible for the heel clipping incident. After receiving a patrol judge report and speaking to all three (3) jockeys involved #1 Miss Flawless (FR) was disqualified and placed sixth (last).

Jockeys Blanc and Valdivia were ordered to film review with the Stewards tomorrow August 22, 2020.

ORIGINAL ORDER OF FINISH	2-5-1-6-4-7
OFFICIAL ORDER OF FINISH	2-5-6-4-7-1

08/21/20⁵

CLAIMING ISSUE

There was an issue with a claim in today's seventh race. Trainer Andrew Lerner claimed fifth place finisher #3 Hudson River Park from Trainer Doug O'Neill: Due to a yet to be determined reason, the Sal Gonzalez trained #7 Drink to That (9th Place) was tagged and sent to the receiving barn and subsequent that sent to Andrew Lerner's barn. Hudson River Park was eventually taken to Trainer Lerner's barn after examination by State Veterinarian Nolton Pattio. The Stewards unanimously deemed this \$20,000.00 claim valid. Trainer Lerner was not happy about the chain of events and wanted the claim voided. The Stewards went to their office after the races (7:00 p.m.) and referred to the CHRB rule book.

08/21/20⁶

DECLARATIONS, CHANGES AND REFUNDS

- 1st Race Declaration #3 Kittyhawk Lass (Hector Palma) Sick - Nolton Pattio V.M.D.
Refund: \$1,865.87
#1 Miss Flawless (FR) (Tr. V. Cerin) claimed J. Sierra, trainer

6th Race #5 Hurley (Tr. B. Wright) claimed, E. Truman, trainer
 #7 Quinnie (Tr. C. Gaines) claimed, V, Cerin, trainer M. Ortiz
 #1 Papa Turf (Tr. P. Miller) claimed K. Mulhall, trainer
 #10 Adens Dream (Tr. A. Kitchingman) claimed, J. Wong, trainer
 #11 Fire When Ready (Tr. R. B. Hess, Jr) claimed, S. Knapp -**Voided**-Unsound
 #12 Rickey B. (Tr. M. Ortiz Sr.) claimed, L. Ruiz

7th Race #3 Hudson River Park (Tr. D. O'Neill) claimed, A. Lerner, trainer

08/21/20⁷

DAILY ATTENDANCE & HANDLE

On track	142	\$131,477.96
SCOTWinc	1,079	\$2,272,673.85
Out of state + ADW	N/A	\$9,395,779.71
Total	1,221	\$11,799,931.52

SATURDAY

08/22/20¹

RUBEN FUENTES FILM REVIEW

Jockey Ruben Fuentes appeared in the Steward's office to review his ride in yesterday's (August 21) seventh race. Jockey Fuentes was aboard #4 Kazansky who finished third in this one (1) mile main track event. Film review this morning shows Jockey Fuentes use his riding crop five (5) consecutive times without giving his horse a chance to respond. The Stewards were of the unanimous opinion that this constituted a violation of CHRB Rule #1688 (Use of Riding Crop). This is his second violation in the last 60 days.

DMTD RULING #051

Jockey RUBEN FUENTES is fined TWO HUNDRED DOLLARS (\$200.00)* for violation of California Horse Racing Board rule #1688 (b)(6) (Use of Riding Crop – more than three times in succession without giving the horse a chance to respond – second violation within the past 60 day period) during the seventh race at Del Mar Race Track on August 21, 2020.

08/22/20²

JOSE VALDIVIA JR. & BRICE BLANC FILM REVIEW (REF: 08/21/20(4))

Jockeys Jose Valdivia Jr. and Brice Blanc appeared in the Steward's office together to review yesterday's (August 21) first race. In this race Jockey Valdivia was aboard #1 Miss Flawless (FR) (Finished 3rd-DQ'd placed 6th) and Jockey Blanc was aboard first place finisher #2 Clearly Gone. In this race there was a 'heel clipping incident' when sixth (last) place #7 Quinnie (Flavien Prat) nearly fell.

Jockey Blanc (#2 Clearly Gone) entered a tight opening between horses inside the 1/16th marker. #1 Miss Flawless (FR) who was leading at the time, drifted in slightly. There were different opinions between the Stewards as to who initiated the contact. There was also a disagreement between these two (2) reins men during the course of this informal hearing. After a fairly lengthy deliberation the following decisions were made.

Decision - BRICE BLANC

Steward Baker voted for a five (5) day suspension feeling his ride was careless. The majority voted for no penalty. Jockey Blanc was issued a three (3) day suspension (DMTC ruling #044) on August 14, 2020.

Decision - Jose Valdivia Jr.

Steward Baker voted for a 'warning' for this ride. Stewards Jauregui and Sawyer determined that the following ruling should be issued for careless riding. Jockey Valdivia Jr. was issued a three (3) day suspension (DMTD ruling #026) on July 26, 2020.

DMTD RULING #052

Jockey JOSE VALDIVIA, JR. who rode MISS FLAWLESS (FR) in the first race at Del Mar Race Track on Friday, August 21, 2020 is suspended for FOUR (4) racing days

(August 29, 30, 31 & September 4, 2020) for failure to maintain a straight course in the stretch and causing interference resulting in a disqualification of his mount from third to sixth, a violation of California Horse Racing Board rule #1699 (Riding Rules- Careless Riding – Second Offense in Sixty (60) Days).

08/22/20³

SARAH BIRCH RULING (CASE #20SA0179)

While CHRB Enforcement was conducting an investigation it was discovered that Veterinarian Sarah Birch billed for a horse treatment on September 17, 2019 and did not fill out a CHRB Veterinarian Confidential after doing so (REF: 8/16/20 (3)). The medication that was administered was Lasix. The following ruling was issued in what was a unanimous decision. This was the third ruling issued to her in the last 365 days.

DMTD RULING #053

Veterinarian SARAH BIRCH, is fined THREE HUNDRED DOLLARS (\$300.00)* for violation of California Horse Racing Board rule #1842 (Veterinarian Report – failure to provide) on September 17, 2019 at Santa Anita Park.

08/22/20⁴

FIRST RACE INQUIRY/ DISQUALIFICATION

The Stewards posted the Inquiry sign after the running of the first race which was contested at 5 ½ furlongs on the main track. The main focus was on fourth place finisher #6 Peachtree Road (Mike Smith) and seventh (last) place finisher #5 Shanghai Groove (Tiago Pereira). Approaching the 4 ½ furlong pole #6 Peachtree Road ducks into the path of #5 Shanghai Groove forcing that rival to clip heels and lose any chance for a decent placing. In a unanimous decision the Stewards disqualified #6 Peachtree Road and placed him seventh (last). Jockey Mike Smith was ordered to film review with the Stewards.

ORIGINAL ORDER OF FINISH 2-7-4-6-1-3-5
OFFICIAL ORDER OF FINISH 2-7-4-1-3-5-6

08/22/20⁵

DECLARATIONS, CHANGES & REFUNDS

2nd Race Declaration #4 Loud Loud Music (Tr. S. Miyadi) Sick - Dana Stead
 Refund: \$2,211.23

2nd Race #1 Square Peggy (Tr. J. Sierra) claimed, Q. Howey, trainer
 #2 Li'l Grazen (Tr. P. Miller) claimed, M. Ortiz, trainer

6th Race #2 Baby Gronk (Tr. B. Spawr) claimed, J. Metz, trainer
 #5 Bam Bam Again (Tr. J. Periban) claimed, S. Miyadi, trainer
 #7 Fratelli (Tr. M. Glatt) claimed, P. Miller, trainer
 #10 Square Deal (Tr. S. Callaghan) claimed, S. Specht, trainer
 #12 Shinny (Tr. D. O'Neill) claimed, E. Moger, trainer, **VOIDED** - Unsound

08/22/20⁶

DAILY ATTENDANCE & HANDLE

On track	328	\$286,436.45
SCOTWinc	1,561	\$3,292,009.22
Out of state + ADW	N/A	\$20,912,762.85
Total	1,889	24,491,208.52

SUNDAY
 08/23/20¹

GREG HENDRICKS INFORMAL HEARING/RULING

Exercise Rider Gregory Hendricks appeared in our office this morning to address a violation notice that was issued to him on August 19, 2020. Mr. Hendricks was galloping a horse on that morning while wearing a set of 'earbuds' and listening to music. Safety Steward David Nuesch had the 'Violation Notice' issued. Safety Steward Nuesch warned Mr. Hendricks last spring, telling him that he needs to pay attention to the track warning siren should it ever be activated in the case of a loose horse.

Exercise Rider Hendricks was very respectful and honest in our hearing and told us he didn't think Safety Steward Nuesch was working here at Del Mar this summer. Therefore he thought he would enjoy some more music while galloping horses for Trainer Simon Callaghan. In a unanimous decision the Stewards issued the following ruling.

DMTC RULING #054

Exercise Rider GREGORY HENDRICKS, is fined FIFTY DOLLARS (\$50.00)* for violation of California Horse Racing Board rule #1530 (Causes Not Covered by Rules and Regulations, galloping with ear buds in) at Del Mar Racetrack on August 8, 2020.

08/23/20²

CATHLEEN GARNER INFORMAL HEARING (CITATION #13932)

Exercise Rider Cathleen Garner appeared in the Steward's office after Safety Steward David Nuesch informed DMTC backside security that Ms. Garner was working a horse with the emergency warning lights and siren on. The alleged incident occurred on August 19, 2020. Ms. Garner testified that she did not hear the siren nor see the warning lights. Safety Steward Nuesch testified via telephone on his morning off. Decision to follow.

08/23/20³

MIKE SMITH INFORMAL HEARING/RULING (REF:08/22/20(4))

Jockey Mike Smith appeared in our office this morning for an informal hearing. The Stewards wanted review the first race yesterday August 22. Jockey Smith was aboard #6 Peachtree Road who finished fourth and was disqualified and placed seventh for interference after the opening furlong. Film review shows #6 Peachtree Road breaking in front in this 5 ½ furlong main track event. This horse then drops back to third position. #6 Peachtree Road then drops in suddenly causing original seventh (last) place finisher #5 Shanghai Grove to clip heels and stumble badly.

Jockey Smith told the Stewards he did not know the whereabouts of Jockey Pereira at the time of the incident. The Stewards discussed whether Jockey Pereira played a role in this incident by possibly 'hanging' in a bad spot. After reviewing all camera angles the Stewards, in a majority vote, ruled that this was a careless ride by Jockey Smith. Steward Jauregui dissented, placing blame on the horse following a lead change.

DMTD RULING #055

Jockey MIKE SMITH who rode PEACHTREE ROAD in the first race at Del Mar Race Track on Saturday, August 22, 2020 is suspended for THREE (3) racing days (August 30, 31 & September 4, 2020) for altering course without sufficient clearance in the back stretch and causing interference resulting in a disqualification of his mount from fourth to seventh, a violation of California Horse Racing Board rule #1699 (Riding Rules-Careless Riding).

08/23/20⁴

SALVADOR SANTIAGO INFORMAL HEARING

Exercise Rider Salvador Santiago appeared in the Stewards office this morning accompanied by Assistant Trainer Leandro Mora. These gentlemen are employed by Trainer Doug O'Neill. Mr. Santiago was issued a citation by DMTC backside security on August 16th. Outrider Cindy Ellet observed Mr. Santiago galloping on the rail following an official workout. This exercise rider has been licensed for about 20 years and has a 'clean' record. Exercise Rider Santiago said he was just finishing his workout when he was 'galloping out' after a workout when he was observed by Ms. Ellet. In a unanimous decision the Stewards issued a 'warning' to Mr. Santiago.

08/23/20⁵

JOSE ALBERTO MONTES COMPLAINT (CASE NO. 20SR0035)

The complaint in this hearing reads as follows.

In June of 2020 information had been received by San Luis Rey Downs Security that Jose Montes was seen with a bottle of alcohol on a morning at the training facility. Montes was contacted on the morning of 6/25/ 2020 after the morning training session and exhibited symptoms of having recently drank an alcoholic beverage. Through a translator, Montes

admitted to having drank two shots of tequila upon waking that morning and before going to work.

CHRB Supervising Investigator (Southern California) Kevin Kitashima appeared at today's hearing. Groom Montes appeared telephonically from San Luis Rey Downs. He was assisted with Spanish to English translation by Trainer Philoman Alvarado. Decision to follow.

08/23/20⁶

DR. SABINE BUERCHLER COMPLAINT (CASE NO:20SA0179)

CHRB Investigator Angelica Merz filed a complaint against Veterinarian Sabine Buerchler for alleged violation of CHRB Rule #1842 (Veterinarian Report). Sabine Buerchler DVM appeared in our office this morning. Testimony this morning revealed that this veterinarian administered an Adequan treatment to a horse back in October 2019. Veterinarian Buerchler told the Stewards she simply forgot to fill out the proper paperwork. Decision to follow.

08/23/20⁷

ESWAN FLORES INFORMAL HEARING

Jockey Eswan Flores appeared in the Steward's office to review his ride aboard #11 Frasard (GB) who finished third in the fifth race yesterday August 22. Approaching the far (3/8ths pole) turn, in this one (1) mile turf event, #11 Frasard (GB) shifts out in front of fifth place finisher #6 Johan Zoffani (IRE) (Tiago Pereira) forcing that rival to steady. Jockey Flores accepted responsibility for this sub-par ride. In a unanimous decision a 'warning' was issued.

08/23/20⁸

DEL MAR TURF TIMING

Del Mar under hand timing the turf races here on August 16, 2020. Inconsistencies in race times provided by the new Equibase GPS System led to this decision. DMTC President/Chief Operating Officer Josh Rubinstein has sent us a letter regarding this situation. That letter is attached to this week's minutes.

08/23/20⁹

GOOD RACING

Today's eleven (11) race card went well, as it was free of Steward's inquiries and/or jockey objections.

08/23/20¹⁰

DECLARATIONS, CHANGES and REFUNDS

1st Race #4 Miss Important (Tr. Q. Howey) claimed, Q. Howey, trainer (**VOIDED**-Unsound)
#5 Dehydration (Tr. R. B. Hess, Jr.) claimed, J. Metz, trainer
4th Race #4 Midnight Jamboree (Tr. B. Spawr) claimed, D. O'Neill, trainer
5th Race Declaration #5 Sicilia (GB) Tr. N. Drysdale -Sick- Laurie Bohannon DVM
REFUND: \$2,165.80
6th Race #3 Mayan Warrior (Tr. S. Knapp) claimed, J. Mullins, trainer
7th Race Declaration #5 Southern King (Tr. P. Miller) Sick-Nolton Pattio VMD
REFUND: \$16,971.58
7th Race #8 Hootie (Tr. D. O'Neill) claimed, R.B. Hess Jr., trainer-**VOIDED**-Unsound
#10 Swamp Souffle (Tr. S. Knapp) claimed, B. Spawr, trainer
9th Race Declaration #1 The Black Album (FR) (Tr. P. Miller) Stakes-Stewards
REFUND: \$2,193.14

08/23/20¹¹

DAILY ATTENDANCE & HANDLE

On track	154	\$203,022.30
SCOTWinc	1,167	\$3,102,085.32
Out of state + ADW	N/A	\$12,445,132.32
Total	1,321	\$15,750,239.94

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 REPORT – WEEK OF 8/17/20 TO 8/23/20

Horses on Vet List	11
Horses off Vet List	8
Shock Wave Therapy	5
Fatalities	0
Medication	0
Claims Voided	4

SUMMARY

	No Racing	No Racing	Fri 8/21	Sat 8/22	Sun 8/23	Week	Meet
Accidents			0	0	0	0	0
Cal-Bred Races			4	1	1	6	51
Claims			7	6	4	17	80
Disqualifications			1	1	0	2	10
Inquiries			1	1	0	2	16
Refunds			1	1	3	5	151
Rulings			0	3	2	5	55
Voided Claims			1	1	2	4	7

Respectfully submitted,

Grant Baker, Steward

Kim Sawyer, Steward

Luis Jauregui, Steward

Ron Church, Safety Steward

Del Mar Thoroughbred Club

August 23, 2020

Ms. Kim Sawyer, Mr. Grant Baker, Mr. Luis Jauregui
Board of Stewards
California Horse Racing Board c/o DMTC
2260 Jimmy Durante Blvd.
Del Mar, CA 92014

Dear Ms. Sawyer, Mr. Baker and Mr. Jauregui,

I write to follow up on our conversation regarding the Del Mar Thoroughbred Club's (DMTC) 2020 summer meet race times, produced by the Equibase GPS System. Due to the discovery of some inconsistencies with respect to the GPS survey and our historical survey relating to the turf course, DMTC will be utilizing hand timing for turf races for the remainder of the 2020 summer meet. For reference, we began utilizing hand timing of turf races as our official time on August 16, 2020. Prior to our 2020 November fall race meet, we will work with the Equibase GPS team to rectify the situation.

Timing produced by the Equibase GPS System for dirt races has proven to be highly accurate and will continue to be provided. Also, the GPS system will continue to provide the full running order for both dirt and turf races.

Please contact me if you have any questions or comments.

Sincerely,

Josh Rubinstein
President & Chief Operating Officer
Del Mar Thoroughbred Club

c.c Tom Robbins
Jason Wilson,