

CALIFORNIA HORSE RACING BOARD
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PACIFIC RACING ASSOCIATION

A Magna Entertainment Facility
Golden Gate Fields
Albany, California

Report of the Board of Stewards
To the California Horse Racing Board

Honorable Arnold Schwarzenegger, Governor

Honorable John C. Harris, Chairman
Honorable David Israel, Vice Chairman
Honorable John Andreini, Member
Honorable Jesse H. Choper, Member
Honorable Bo Derek, Member
Honorable Jerry Moss, Member
Kirk E. Breed, Executive Director
Richard "Bon" Smith, Assistant Executive Director

Report for the period Wednesday, June 3, 2009 through Sunday, June 7, 2009.

Wednesday

06-03-09¹ **DARK DAY HEARINGS**

Although Wednesday racing has been discontinued for the balance of the meeting, previously scheduled hearings will still be conducted.

Two separate hearings on complaints filed against owner **ARNOLD SCHERPENBORG** were on calendar for this morning. The first case (#09GG203) was filed by **San Francisco Equine** to collect on a small claims court judgment in the amount of \$1823.00. The second complaint (#09GG134) was brought by Scherpenborg's former trainer **STEVE SHERMAN**, who alleged \$2329.50, is owed on a past due training bill.

Present, besides the Board of Stewards, were the claimants Dr. Kim Kuhlman for San Francisco Equine and Steve Sherman along with CHRB Senior Investigator Gabe Palomar who processed the complaints. Mr. Scherpenborg, without objection, attended telephonically from southern California.

In the San Francisco Equine case, Scherpenborg felt the number of injections given by the practice was excessive and that his trainer, Steve Sherman, had not kept him informed of the on-going treatments. The stewards informed Scherpenborg that the time to argue the facts of the case was in civil court, not at the present session. He was given until June 10, 2009 to either remit payment in full to San Francisco Equine or submit evidence that the judgment was under appeal in civil court.

In the second hearing trainer **STEVE SHERMAN** pressed for payment on a training bill. During testimony it was discovered that Scherpenborg's horse had come to Steve from his father, **Art Sherman**, who trains a stable in southern California. Scherpenborg

submitted some documents indicating he remitted various checks to Sherman Racing Stable but there was some confusion as to whether the checks were sent to Steve Sherman or Art Sherman. The stewards gave the parties until June 10, 2009 to work out the details of who got what checks and when.

06-03-09² **RULING NO. 95 – VACHON** (Case #09GG088)

Owner **JOSEPH GUY VACHON**, having failed to respond to written notice to appear before the Board of Stewards at Golden Gate Fields on or before Sunday, May 31, 2009, to answer charges of alleged violation of California Horse Racing Board rule #1876 (Financial Responsibility), is hereby suspended pending appearance before the Board of Stewards for violation of CHRB rule #1547 (Failure to Appear).

During the term of suspension, all licenses and license privileges of JOSEPH GUY VACHON are suspended and pursuant to California Horse Racing Board rule #1528 (Jurisdiction of Stewards), subject is denied access to all premises in this jurisdiction.

The above ruling was issued after Vachon refused to appear at a hearing to address a complaint filed by former trainer **Tony Diaz** alleging \$7,440 is owed on a past due training bill.

Last week Vachon went to the stewards' office at Hollywood Park and surrendered his CHRB license stating that he wouldn't need it any longer.

Thursday

06-04-09¹ **EARLY DECLARATION – REFUND**

2nd race: #3 JULIA M (Tr. Keith Craigmyle) injured
 Examining Veterinarian Diane Isbell REFUND: \$ 172.00

06-04-09² **CASS HEARING** (Case #09GG202)

An informal hearing was convened for owner **ROBERT CASS** who was the subject of a complaint filed by trainer **STEVE SHERMAN** alleging that Cass owes \$2,544 on a past due training bill. As the hearing progressed it became evident that the parties were not going to be able to reach an amicable settlement so the matter was continued until 9:30 a.m. tomorrow when a court reporter could be present.

06-04-09³ **LATE SCRATCH – First Race – REFUND**

#2 HEROISM, trained by Greg Gilchrist, was scratched by the stewards as the field was warming up on the recommendation of track veterinarian Heather Kerr, D.V.M. after she diagnosed the horse as off in the right front. On Vet's List. The refund amounted to \$21,187.00.

06-04-09⁴ **ATTENDANCE & HANDLE**

GGF	1,743	\$ 412,708.10
NCOT	2,569	\$ 804,502.00
SCOT		\$ 487,012.90
<u>Out of State</u>		<u>\$1,316,900.61</u>
TOTAL	4,312	\$3,021,123.61

Friday

06-05-09¹ **RULING NO. 96- CLIFFORD**

In the matter of:

Owner **LINDA J. CLIFFORD** (Trustee for **DeHaven Children Trust**)

Owner LINDA J. CLIFFORD (Trustee for DeHaven Children Trust), having now resolved the outstanding financial obligation to trainer John Martin, is hereby restored to good standing and Pacific Racing Association ruling #24, dated January 29, 2009, suspending Ms. Clifford for violation of California Horse Racing Board rule #1547 (Failure to Appear) is set aside.

The above ruling was issued after we received confirmation from trainer **John Martin** that he had accepted a settlement payment with the **DeHaven Family Trust** and withdrawn his financial complaint.

06-05-09² **RULING NO. 97 – CONTRERAS**

Jockey **JOSE CONTRERAS** is fined the sum of fifty dollars (\$50.00) for reporting late to the paddock for the eighth race on Thursday, June 4, 2009; a violation of California Horse Racing Board rule #1530 (Cases Not Covered by Rules and Regulations).

The above ruling was issued after Jose met with the stewards and apologized. He was reading the Form in the jock's room, became too engrossed and was unfashionably late.

06-05-09³ **CASS HEARING** (Refer 06-04-09²)

A formal hearing was convened for owner **ROBERT CASS** who allegedly owes trainer **STEVE SHERMAN** a past training bill. At the beginning of the hearing Cass, who was testifying telephonically from southern California, stated that on the advice of his attorney he mailed the full amount due in the complaint to Mr. Sherman yesterday afternoon.

Cass was told that the check must arrive by June 13, 2009 or his license privileges would be suspended for violation of CHRB rule #1876 (Financial Responsibility).

06-05-09⁴ **ALBA HEARING** (Case #09GG201)

A formal hearing was conducted for groom **ADRIAN ALBA**, who was charged in a complaint with alleged violation of California Horse Racing Board rules #1874 (Disorderly Conduct), #1902 (Conduct Detrimental to Horse Racing) and #1530 (Cases Not Covered by Rules and Regulations) on April 30, 2009.

Present at the hearing were the stewards, CHRB senior investigator Charles Smith, who presented the case, Alba and his interpreter Robert Cochran. Winners Foundation counselor **Armando Calero** testified.

Alba pled guilty to being drunk and disorderly in the barn area on April 30, 2009 and admitted he has a continuing problem with alcohol. In the past four (4) years Alba has had numerous bouts with alcohol abuse which have resulted in fines, suspensions and an extended stay in an in-house rehabilitation center.

The stewards will take the matter under submission and render a decision tomorrow.

06-05-09⁵ **EARLY DECLARATIONS – REFUNDS**

2 nd race: #2 WOLFGANG	(Tr. William Spawr)	sick
Examining Veterinarian Diane Isbell		REFUND: \$ 450.20
3 rd race: #4 SIREN LURE	(Tr. Steve Sherman)	injured
Examining Veterinarian Diane Isbell		REFUND: \$ 470.00

06-05-09⁶ **LATE SCRATCHES – REFUNDS**

Three late scratches were activated by the stewards during the afternoon's eight race

card either during the warm up or the loading process when Dr. Kerr diagnosed the horses as unsound. All horses were placed on the Vet's List.

4th race – #2 YARQUS (GB), trained by William Mahorney, was off in the right front. The refund was \$4,770.20.

7th race - #3 TUCKER'S TUNE, trained by Bob Grudziewski, was lame in the right front. The refund was \$7,071.70.

8th race - #2 PROUD GARRISON, trained by Keith Bennett, was unsound on the left front. The refund was \$74,839.20.

06-05-09⁷ **ATTENDANCE & HANDLE**

GGF	2,086	\$	417,403.10
NCOT	3,437	\$	966,325.70
SCOT		\$	260,676.20
Out of State		\$	1,246,004.00
TOTAL	5,523	\$	2,890,409.00

Saturday

06-06-09¹ **DECLARATIONS – REFUNDS**

4 th race:	#7 SIR IRISH KNIGHT	(Tr. Genaro Vallejo)	sick
	Examining Veterinarian Diane Isbell		REFUND: \$ 368.30
5 th race:	#2 GRAP	(Tr. Steve Miyadi)	sick
	Examining Veterinarian Diane Isbell		REFUND: \$ 908.40
8 th race:	#5 WHATEVER WHENEVER	(Tr. Peter Miller)	sick
	Examining Veterinarian Diane Isbell		REFUND: \$ 145.10

06-06-09² **RULING NO. 98 – ALBA**

Groom **ADRIAN E. ALBA** is suspended ninety (90) days, June 10, 2009 through September 7, 2009, and placed on probation for the term of his license (March 31, 2010) for violation of California Horse Racing Board rule #1874 (Disorderly Conduct – Intoxication – alcohol) on April 30, 2009.

Prior to re-instatement of his license privileges, Mr. Alba must show proof of completion of an in-house rehabilitation program acceptable to the Board of Stewards. As conditions of his probation, Mr. Alba must abide by the terms of a signed testing agreement with the California Horse Racing Board and demonstrate a continued program of sobriety. Failure to comply with the terms of probation may result in the suspension of Mr. Alba's license privileges.

During the term of this suspension, all licenses and license privileges of **ADRIAN E. ALBA** are suspended and pursuant to California Horse Racing Board rule #1528 (Jurisdiction of Stewards) subject is denied access to all premises within this jurisdiction.

The above ruling was issued following yesterday's formal hearing. Alba has had at least four punishable offenses in recent years attributable to alcohol abuse and has already attended a 30 day in-house rehabilitation program which apparently didn't take. Our hopes go with him in his latest attempt at sobriety.

06-06-09³ **WELL RUN**

The afternoon's ten race program including the Belmont simulcast was conducted without noteworthy incident.

06-06-09⁴ **ATTENDANCE & HANDLE**

GGF	5,101	\$1,293,458.80
NCOT	9,751	\$3,051,431.20
SCOT		\$1,000,568.20
<u>Out of State</u>		<u>\$1,898,006.31</u>
TOTAL	14,852	\$7,243,464.51

Sunday06-07-09¹ **CAL-BRED REPORT**

For the four day race week none of the races written exclusively for horses bred or sired in California secured sufficient entries for inclusion in an afternoon program and all were cancelled.

06-07-09² **LENZINI HEARING** (Case 09GG105)

A formal hearing was conducted for trainer **MIKE LENZINI** who was the subject of a complaint when the horse MEAN JOLENE, winner of the fifth race on March 11, 2009, showed the presence of Methocarbamol in a post race urine sample.

This Board of Stewards had previously fined Lenzini \$2,500 for the infraction after an informal hearing but when Lenzini wished to appeal that decision the matter was remanded for the purpose of creating a record needed to process the appeal.

Present at the hearing, besides Lenzini, were CHRB investigative staff members Anne Glasscock and Barbara Chimero. Drs. Rick Arthur, Scott Stanley, Joan Hurley and Ken Allison gave testimony.

Lenzini did not dispute the test findings but felt he received erroneous information regarding the recommended withdrawal time for Methocarbamol and should therefore not be held responsible for the test results.

The stewards took the matter under submission and will render a decision in the near future.

06-07-09³ **RULING NO. 99 – LUBOW** (Case #09GG200)

Owner **JOHN W. LUBOW**, having failed to respond to written notice to appear before the Board of Stewards at Golden Gate Fields on or before Saturday, June 6, 2009, to answer charges alleging violation of California Horse Racing Board ruling #1876 (Financial Responsibility), is hereby suspended pending appearance before the Board of Stewards for violation of CHRB rule #1547 (Failure to Appear).

During the term of suspension, all licenses and license privileges of JOHN W. LUBOW are suspended and pursuant to California Horse Racing Board rule #1528 (Jurisdiction of Stewards), subject is denied access to all premises in this jurisdiction.

The above ruling was issued after LUBOW contacted the stewards a few weeks ago, acknowledged the debt and promised to work to resolve the matter. Since that time Lubow has been incommunicado.

06-07-09⁴ **EARLY DECLARATIONS – REFUNDS**

5th race: #9 MY SILVER RANSOME (Tr. Joseph Brook) sick

Examining Veterinarian Diane Isbell

REFUND: \$ 123.00

7th race: #5 LORI ANNE (Tr. Sergio Ledezma)
Examining Veterinarian Diane Isbell

sick
REFUND: \$ 800.70

06-07-09⁵ **STEWARDS' INQUIRY / TRAINER OBJECTION – First Race- NO CHANGE**

The stewards posted the inquiry sign to evaluate an incident near the 5/16 which saw #3 SOCIAL SATIRE (7th, Mike James) steady inside #2 KALOOKAN BOSS (3rd, David Lopez). **Eric Sauvan**, trainer of SOCIAL SATIRE, also lodged an objection.

After a thorough review the stewards took no action. Tapes showed that SOCIAL SATIRE had ample room inside of KALOOKAN BOSS around the far turn. SOCIAL SATIRE failed to negotiate that turn causing James to steady his mount.

06-07-09⁶ **STEWARDS' INQUIRY – Sixth Race – NO CHANGE**

The stewards posted the inquiry sign to review contact at the 1/8 between the winner, #2 PRINCETON WIND ridden by Anisete Leon and the place horse, #5 BOLLY with David Lopez in the saddle. After reviewing the tapes the stewards affirmed the original order of finish. Tapes showed minor, mutual contact between the two horses which had no bearing on the final outcome.

06-07-09⁷ **ATTENDANCE & HANDLE**

GGF	6,470	\$ 771,085.30
NCOT	3,115	\$1,047,016.40
SCOT		\$ 845,837.20
Out of State		\$1,468,684.66
TOTAL	9,585	\$4,132,623.56

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

ATTENDANCE REPORT – The full Board of Stewards was in attendance each racing day during this reporting period for both morning business and the afternoon racing program.

VETERINARIAN RECOMMENDED SCRATCHES

Date	Race	No.	Horse	Trainer	Reason	Vet	Refund
4-Jun	1	2	HEROISM	Gilchrist	unsound	Kerr	\$21,187.00
	2	3	JULIA M	Craigmyle	injured	Isbell	\$172.00
5-Jun	2	2	WOLFGANG	Spawr	sick	Isbell	\$450.20
	3	4	SIREN LURE	Sherman	injured	Isbell	\$470.00
	4	2	YARQUS (GB)	Mahorney	unsound	Kerr	\$4,770.20
6-Jun	7	3	TUCKER'S TUNE	Grudziewski	unsound	Kerr	\$7,071.70
	8	2	PROUD GARRISON	Bennett	unsound	Kerr	\$74,839.20
	4	7	SIR IRISH KNIGHT	Vallejo	sick	Isbell	\$368.30
	5	2	GRAP	Miyadi	sick	Isbell	\$908.40
7-Jun	8	5	WHATEVER WHENEVER	Miller	sick	Isbell	\$145.10
	5	9	MY SILVER RANSOME	Brook	sick	Isbell	\$123.00
	7	5	LORI ANNE	Ledezma	sick	Isbell	\$800.70

VETERINARY REPORT

Euthanized / Died

- None Reported -

Veterinarian's List

There were seventeen (17) horses placed on the vet's list:

- Sick: 6
- Injured: 2
- Unsound: 9
- Bled: 0
- Medication: 0

There were ten (10) horses removed from the vet's list:

- Sick: 3
- Injured: 2
- Unsound: 4
- Bled: 0
- Medication: 1

Shockwave Therapy: There was one (1) shockwave therapy treatment reported.

WEEKLY ATTENDANCE & HANDLE SUMMARY FOR SATELLITE FACILITIES

Anderson	246	\$	56,784.00
Bakersfield	736	\$	170,227.30
Eureka	136	\$	38,474.60
Fresno	770	\$	197,308.00
Fresno Club One	145	\$	69,582.40
Monterey	557	\$	160,957.40
Pleasanton	2514	\$	844,285.00
Sacramento	2351	\$	680,542.10
San Jose	2321	\$	720,323.30
San Mateo	3784	\$	1,556,299.60
Santa Rosa	1472	\$	304,379.40
Stockton	1539	\$	403,161.50
Tulare	401	\$	97,550.20
Turlock	849	\$	214,099.20
Vallejo	1051	\$	355,301.30
So. California		\$	2,594,095.10
Out of State		\$	5,930,595.58

	3-Jun	4-Jun	5-Jun	6-Jun	7-Jun	WEEK	Meet
ACCIDENTS	D	0	0	0	0	0	7
CAL-BRED RACES	A	0	0	0	0	0	8
CLAIMS	R	0	4	3	3	10	208
DISQUALIFICATIONS	K	0	0	0	0	0	14
INQUIRIES/OBJECTIONS		0	0	0	2	2	39
REFUNDS		2	5	3	2	12	318
RULINGS	1	0	2	1	1	5	99

Respectfully submitted,

John B. Herbuveaux, Steward

Darrel McHargue, Steward

Dennis Nevin, Steward