

CALIFORNIA HORSE RACING BOARD

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www.chrb.ca.gov



**REPORT OF THE BOARD OF STEWARDS
 LOS ALAMITOS RACE COURSE**

TO THE CALIFORNIA HORSE RACING BOARD

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 JACQUELINE WAGNER, ASSISTANT EXECUTIVE DIRECTOR
 ROBERT B. MILLER, CHIEF COUNSEL

Report of the Board of Stewards for the week of December 18, 2014 through December 21, 2014.

WEDNESDAY

12/17/14¹

STEWARD DUTIES

Scott Chaney was present for morning duties, entries and scratches.

THURSDAY

12/18/14¹

STEWARD SUBSTITUTION

Steward Luis Jauregui filled in for Tom Ward who was tending to personal matters.

12/18/14²

SOLIS, HARDGROVE CONTINUED HEARINGS CASES 14DM058, 14DM059 reference 12-14-14 (2)

These two cases filed by the CHRB for owner Samy Free Universe for an alleged breach of contract signed by owner Samy Universe and trainer Walther Solis. Veterinarian Nicola Hardgrove was accused of not being forthright to the owner about her procedures when treating the owner's horse "HOLLYWOOD PRODUCER". Due to the continuation of this hearing Mr. Universe could only be available by telephone, to which he agreed. Present for the hearing were Mr. Solis, Veterinarian Nicola Hardgrove and Mr. Universe by telephone. After testimony was given, it was the decision of this BOS, that this was not a financial issue pursuant to CHRB rule #1876 (Financial Responsibility). The complaint was filed as a breach of contract, which is not covered by a CHRB rule. Mr. Universe stated he didn't expect to receive any money, his main concern was to bring this conflict between the trainer and owner to the attention of the BOS. He was told he accomplished that mission. The two cases filed were dismissed.

12/18/14³

CASES WITHDRAWN 14LT028, 14LT024

The two financial cases filed on behalf of KC Horse Transport against Michael Foley and Fog City Stable were withdrawn after confirmation that the financial obligations were paid in full.

12/18/14⁴

VISSCHER HEARING CASE 14LT027

This complaint was filed by the CHRB pursuant to rule #1865 (Altering of Sex of Horse) against trainer Patricia Visscher. Ms. Visscher explained she acquired the horse "TRITON SEEKER" as a gelding and has trained it for more than three months. She also stated she forgot to check the registration certificate filed in the racing office to see if the foal papers had been changed. Mitigating circumstances included the facts that the horse was a first time starter and the horse was a gelding before its recorded workouts, which aids handicappers while analyzing a race. A ruling will be issued tomorrow.

12/18/14⁵**DECLARATIONS, CHANGES AND REFUNDS**

1 st Race	No Changes
2 nd Race	#5 Warren's Gussie (Tr. J. Gutierrez) T. Pereira replaced A. Quinonez (travel)
3 rd Race	No Changes
4 th Race	No Changes
5 th Race	#3 Smart Ellis (Tr. R. Mandella) claimed by Tr. G. Papapadromu #5 Odeon (Tr. J. Shirreffs) claimed by Tr. C. O'Callaghan #6 Dreamy Kid (Tr. N. Drysdale) claimed by Tr. B. Hess, Jr.
6 th Race	No Changes
7 th Race	#3 Tiz But A Dream (Tr. R. Baltas) claimed by Tr. E. Freeman
8 th Race	No Changes

12/18/14⁶**ATTENDANCE AND HANDLE**

On Track Attendance: 1,122	On Track Handle: 140,406.70
Off Track Attendance: 3,256	Off Track Handle: 370,570.70
Total: 4,378	Out of State: 1,502,864.68
	Total: 2,013,842.08

Advanced Deposit Wagering (ADW): \$2,981,421.00

FRIDAY12/19/14¹**VISSCHER RULING reference 12-18-14(4)**

After the Stewards' decision as to the level of penalty the following ruling was issued:

RULING # 009

Trainer Patricia Visscher, who started the horse "Triton Seeker" in the fourth race at Los Alamitos Race Course on December 6th, 2014, is fined seven hundred fifty dollars (\$750.00) for violation of California Horse Racing Board rule #1865(d)(Altering of Sex of Horse).

12/19/14²**MCCARTHY RULING reference 12-14-14 (4)**

The following ruling was issued after a decision was made post hearing:

RULING # 010

Michael McCarthy, trainer of the horse "Longstocking", which was entered to start in the sixth race at Del Mar Thoroughbred Club on November 15th, 2014, is fined five hundred dollars (\$500.00) pursuant to California Horse Racing Board rules #1629 (Penalty for Late Declaration) and #1887 (Trainer to Insure Condition of Horse) for violation of California Horse Racing Board rule #1843.5 (Medication, Drugs, and Other Substances permitted after entry in a race).

12/19/14³**FALLON RULING**

The following ruling was issued after Brad Pegram, agent for Mr. Fallon was informed of the penalty. Mr. Pegram said he assumed Mr. Fallon would see an overnight and know he had a mount.

RULING # 011

Jockey, Kieren Fallon, is fined two hundred dollars (\$200.00) for failure to fulfill his riding engagement in the first race at Los Alamitos Race Course on December 14th, 2014. This constitutes a violation of California Horse Racing Board rule #1872 (Failure to Fulfill Jockey Agreement).

12/19/14⁴**PEREZ RULING**

The following ruling was issued after a meeting with Mr. Perez. He acknowledged his mistake, stating the horse was being unruly, but after a review of the incident it was apparent the horse was not acting up until Mr. Perez used his whip. The following ruling was issued:

RULING # 012

Jockey Fernando Perez is fined three hundred dollars (\$300.00) for violation of California Horse Racing Board rule #1688 (Use of Whips—using whip in post parade) while riding "Brackendale" prior to the first race at Los Alamitos Race Track on December 19th, 2014.

12/19/14⁵**KITCHINGMAN FORMAL HEARING CASE 14DM063**

A formal complaint was filed by the CHRB against trainer Adam Kitchingman for alleged violation of CHRB rules #1844 (Authorized Medication), #1887 (Trainer to Insure Condition of Horse), and #1843 (Medication, Drugs and Other Substances). Mr. Kitchingman's runner "Sheza Dish" who ran on October 25th, 2014, had a Phenylbutazone level of 2.48 ug/ml in post race test sample SA16933. Mr. Kitchingman was available by telephone for the hearing. The facts pertaining to the case were documented by court reporter Michelle Dereig and Investigator Jim Hamilton represented the CHRB. Mr. Kitchingman stated his groom fed the bute. He has now assigned his assistant trainer to distribute the barn medication. Interestingly enough, Mr. Kitchingman's practicing veterinarian, Dr. Ryan Carpenter, had previously warned Mr. Kitchingman about feeding too much bute. Mr. Kitchingman received a Phenylbutazone warning in August 2014; therefore he received the following penalty:

RULING # 013

Trainer Adam Kitchingman is fined two hundred and fifty dollars (\$250.00) pursuant to California Horse Racing Board rule #1877 (Trainer to Insure Condition of Horse), for violation of California Horse Racing Board rules #1843 (Medication, Drugs and Other Substances), and #1844 (Authorized Medication—Phenylbutazone in excess of the permitted level—2.48 ug/ml in the post-race blood sample of his runner "Sheza Dish", which finished second in the second race at Santa Anita Park on October 25th, 2014).

12/19/14⁶**DECLARATIONS, CHANGES AND REFUNDS**

1 st Race	#3 Warren's Fantasy (Tr. K. Nettles) ambulance removed post race.
2 nd Race	#2 Salista (Tr. P. Eurton) claimed by Tr. A. Sherman #3 Norastone (Tr. M. McCarthy) claimed by Tr. K. Mulhall
3 rd Race	#5 Spring for It (Tr. L. Mora) Veterinarian-sick-Dr. Grande #6 Sooner Than Later (Tr. P. Aguirre) DNF-Walked off. Refund\$644.00
4 th Race	No Changes
5 th Race	No Changes
6 th Race	No Changes
7 th Race	No Changes
8 th Race	No Changes

12/19/14⁷**ATTENDANCE AND HANDLE**

On Track Attendance: 1,208	On Track Handle: \$ 174,780.00
Off Track Attendance: 3,673	Off Track Handle: \$ 430,020.40
Total: 4,881	Out of State: \$1,854,649.18
	Total: \$2,459,449.58

Advanced Deposit Wagering (ADW): \$3,637,864.00

SATURDAY12/20/14¹**PYFER FITNESS FOR LICENSE HEARING CASE 14SA238**

The CHRB filed a complaint against Assistant Starter Roger Pyfer pertaining to CHRB rule #1489 (a) (g) (Grounds for Denial or Refusal of License). Mr. Pyfer was arrested by Pomona PD for felony (spousal abuse) 273.5 (a) PC. Mr. Pyfer pled guilty to a reduced charge (misdemeanor) 273.5 (a) PC (spousal abuse). The proceedings were documented by court reporter Michelle Dereig and Investigator Jim Hamilton represented the CHRB. Mr. Pyfer is currently on a summary probation for the misdemeanor spousal abuse, as well as attending anger management classes and classes for a DUI which occurred prior to the abuse conviction. He stated he has to pay \$1,100.00 in fines and \$130.00 a week for the classes he is required to attend. Mr Hamilton stated that Starter Jay Slender confirmed he is currently working on the starting gate and is a good hand. Decision to follow.

12/20/14²**CANANI INFORMAL HEARING CASE 14LT019**

This complaint filed by the CHRB for owner Josephine Goldberg against trainer Julio Canani involved CHRB rule #1876 (Financial Responsibility). Mr. Canani was available along with his attorney Roger Licht and groom Miguel Delgado was a witness for Mr. Canani. Ms. Goldberg did not have counsel, but owner Phil Daniels appeared as her witness. The controversy arose as Ms. Goldberg believes she had a verbal agreement with Mr. Canani whereby there would be no training fees for the month of November and Mr. Canani would receive 50% of the horses "ONLY JOSIE KNOWS" and "SPOILEDANDENTITLED" earnings. Ms. Goldberg wanted to remove her two horses from Mr. Canani's

care, paid him the daily rate charged and then filed this case believing she is owed the money in return. Decision to follow.

12/20/14³**JOCKEY OBJECTION FIFTH RACE 1 1/16 NO CHANGE**

Following the running of the race jockey Elvis Trujillo aboard #6 Prime Issue (2nd) lodged a claim of foul against #5 Baccelo (BRZ) (T. Pereira 1st) for a possible infraction approaching the wire. After a review of the videos, a report from the Patrol Judges and conversation with both jockeys, it was a unanimous decision to let the original order of finish stand. In the Stewards' opinion the video angles did not substantiate Mr. Trujillo's claim of foul; the slight contact made between the two horses was at the wire and did not affect the order of finish.

12/20/14⁴**DECLARATIONS, CHANGES AND REFUNDS**

1 st Race	No Changes
2 nd Race	#1 Warren's Casper (Tr. J. Gutierrez) Veterinarian-sick-Dr. Grande #2 Runaway Wildcat (Tr. L. Ruiz) F. Valdez replaced A. Quinonez (transportation) #5 Craving Carats (Tr. P. Miller) claimed by Tr. C. O'Callaghan Refund \$3,799.00
3 rd Race	#3 Charmstealer (Tr. V. Aguayo) V. Bednar replaced M. Linares (no call)
4 th Race	#6 Fort Cady (Tr. S. Knapp) J. Talamo replaced A. Quinonez (transportation)
5 th Race	#3 Big Kick (Tr. M. Machowsky) Veterinarian-sick-Dr. Grande Refund \$2,192.00
6 th Race	No Changes
7 th Race	#1 Popalicious (Tr. E. Truman) claimed by Tr. C. Dominguez
8 th Race	No Changes
9 th Race	#3 Exponentially (Tr. M. Ingebritson) C. Charlton replaced V. Bednar (office error)

12/20/14⁵**ATTENDANCE AND HANDLE**

On Track Attendance: 2,479	On Track Handle: \$ 343,865.60
<u>Off Track Attendance: 5,450</u>	Off Track Handle: \$ 731,362.90
Total: 7,929	<u>Out of State: \$3,170,889.18</u>
	Total: \$4,246,117.68

Advanced Deposit Wagering (ADW): \$5,993,417.00

SUNDAY12/21/14¹**ROUTINE MORNING**

The regular morning issues were attended to. No hearings were scheduled due to the last day of the Winter Thoroughbred Meet at Los Alamitos.

12/21/14²**CANANI CASE 14LT019 DECISION reference 12-20-14 (2)**

This BOS dismissed the case filed against Mr. Canani by the CHRB for owner Josie Goldberg. There was insufficient evidence that an oral agreement was in place between the two parties involved concerning the bill for the month of November. Obviously there was no written contract or agreement.

12/21/14³**GOOD RACING**

The afternoon card was conducted without any reportable mishaps. Any changes that occurred are listed below.

12/21/14⁴**DECLARATIONS, CHANGES AND REFUNDS**

1 st Race	#4 Preordained (Tr. J. Metz) Veterinarian-injured-Dr. Grande Refund \$792.00
2 nd Race	#2 Cacau (Tr. G. Papaprodromu) Veterinarian-unsound post parade-Dr. Stead #9 Mason B (Tr. L. Ruiz) Veterinarian-flipped in paddock-Dr. Stead Refund \$9,918.00
3 rd Race	#2 Speckles (Tr. S. Knapp) J. Talamo replaced A. Quinonez (transportation)
4 th Race	No Changes
5 th Race	#11 Jean Edward (Tr. K. Walsh) M. Pedroza replaced A. Quinonez (transportation)
6 th Race	#8 Shun (Tr. L. Mora) claimed by Tr. B. Hess, Jr.

7th Race No Changes
 8th Race #1 Reno Rebel (Tr. A. Sherman) claimed by Tr. P. Miller
 #3 Celebrity Status (Tr. D. Warren) Veterinarian-injured-Dr. Grande
 #9 Bobo (Tr. K. Walsh) W. Antongeorgi replaced A. Quinonez (transportation)
 Refund \$3,994.00
 9th Race #12 Wine Country Wanda (Tr. C. Treece) Veterinarian-sick-Dr. Grande

12/21/14⁵**ATTENDANCE AND HANDLE**

On Track Attendance: 2,026

Off Track Attendance: 5,501

Total: 7,527

On Track Handle: \$ 345,135.60

Off Track Handle: \$ 888,206.50

Out of State: \$3,617,310.38

Total: \$4,850,651.88

WEEKLY SUMMARY

ATTENDANCE REPORT – Except as noted, the full Board of Stewards was in session each day during this reporting period for both morning business and the afternoon racing program.

SUMMARY

	Thur 12/18	Fri 12/19	Sat 12/20	Sun 12/21	Week	Meet
Inquiries	0	0	1	0	1	3
Disqualifications	0	0	0	0	0	1
Rulings	0	5	0	0	5	13
Refunds	0	1	2	4	7	46
Accidents	0	0	0	0	0	3
Claims	4	2	2	2	10	17
Cal-Bred Races	1	2	1	1	5	15
Voided Claims	0	0	0	0	0	2

Respectfully submitted,

 Kim Sawyer, Steward

 Scott Chaney, Steward

 Tom Ward, Steward