

CALIFORNIA HORSE RACING BOARD
1010 HURLEY WAY, SUITE 300
SACRAMENTO, CA 95825



**REPORT OF THE BOARD OF STEWARDS
OAK TREE RACING ASSOCIATION
Santa Anita Park**

To the California Horse Racing Board

Honorable Arnold Schwarzenegger, Governor
Honorable Richard B. Shapiro, Chairman
Honorable John C Harris, Vice Chairman
Honorable John Andreini, Member
Honorable Jesse H. Choper, Member
Honorable Bo Derek, Member
Honorable David Israel, Member
Honorable Jerry Moss, Member

Kirk E. Breed, Executive Director
Richard Bon Smith, Assistant Executive Director

For the period: Wednesday, October 08, 2008, through, Monday, October 13, 2008.

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WEDNESDAY

10/08/08¹

A.M. DECLARATIONS

6th Race #11 Dizzy Up the Girl (AE) no refund

10/08/08²

BREEDERS' CUP CALL

Trainer John Sadler and Jockey agent Scott McClellan were in the office this morning attempting to resolve a dispute over a call on Evita Argentina in the upcoming Breeders Cup Juvenile Filly race. McClellan explained that his rider, Alex Solis, had ridden the filly to a fourth place finish in the Del Mar Debutante and that subsequent conversations with Sadler's assistant, Larry Benavidez, led him to believe that he a solid "call" in the Breeders Cup event. He said that Benavidez went so far as to contact Solis and request that he drive to Hollywood Park last week in order to work the horse. He did, but later that same morning McClellan received a call from Larry to the effect that there had been no call given for the race. Sadler was adamant that there was never a call given and that the owner did not want to use Solis for the race.

Assistant trainer Benavidez was contacted and offered virtually the same scenario as his employer. He maintained that Solis was never asked to work the filly but did so after showing up at the barn the morning the work was scheduled. Very interesting and quite coincidental.

Alex Solis was interviewed and said that Larry came up to him at Santa Anita and asked that he come to Hollywood Park the next morning to work the horse.

At this point the Stewards are of the opinion that while Mr. Sadler may not have given a call to Mr. McClellan, his assistant did so. It would be a stretch of the imagination to think that Solis would drive to Hollywood Park and arrive at the Sadler barn at the time the filly was scheduled to work by happenstance. Solis has the call unless he and his agent are willing to relinquish rights to the mount.

10/08/08³

RULING

OTTS #013

Trainer DONALD WARREN is fined FIVE HUNDRED DOLLARS (\$500.00)* for failure to properly report the gelding of the horse "KAUAI" that ran in the ninth race at Fairplex Park on September 14, 2008. This is a violation California Horse Racing Board rule #1865 (Altering of Sex of Horse).

This ruling was issued in order to finalize the complaint against the trainer. Even though he was not a party to the gelding of the horse, he should have made an effort to learn the proper sex of the animal.

10/08/08⁴

REFUND

A refund was ordered in the fifth race as #3 Dollar Factor injured itself in the starting gate and was declared on the advice of Racing Veterinarian Jill Bailey. The refund amounted to \$30,817.36

10/08/08⁵

ACCIDENT / INQUIRY – NO CHANGE

The inquiry sign was posted after the eighth race in order to review the circumstances which resulted in jockey Kayla Stra, aboard #6 Half Wit, being unseated from her mount. After speaking with the Patrol Judges and reviewing tapes of the incident, the Stewards voted to make no change in the placings. Video was inconclusive as to the cause, but the likely scenario is that Ms. Stra's horse stepped out and caught the heels of #7 Cookieracha. The horse stumbled sharply, causing the rider to lose her balance and fall. Fortunately, she was not injured. Accident report attached.

10/08/08⁶

DAILY ATTENDANCE & HANDLE

On track	3,142	888,819.90
Inter-track	5,532	1,473,071.80
Out of state	n/a	3,421,011.16
Total	6,674	\$5,760,902.88

THURSDAY

10/09/08¹

A.M. DECLARATIONS

2nd Race #1 Tahoe Kid (Vet-injured) refund of \$1,112.00

4th Race #6 Our Anastacia (Vet – sick) refund of \$642.70

10/09/08²

COMPLAINT DISMISSED

The complaint filed by hot walker Juan Orantes against trainer Ted West was dismissed as the complainant failed to appear. Mary Ellen West, Ted's wife and bookkeeper, was prepared with cancelled checks in order to support their position that no monies were owed.

10/09/08³**RULING****OTTS #014**

Trainer MARCELO POLANCO is fined THREE HUNDRED DOLLARS (\$300.00)* for violation of California Horse Racing Board rule 1629 (Penalty for Late Declaration) which necessitated the late declaration of "Sailors Sunset" from the sixth race on Saturday, September 27, 2008 at Oak Tree Racing Association.

This ruling was issued after Polanco was in the office to explain why his horse was given corn oil prior to the race on September 27, 2008. He said that since the weather was very warm and his horse had a tendency to cough easily, he instructed the groom to rinse its mouth frequently. He assumed the groom would use only water, but his 15 year employee took it upon himself to use corn oil. The security person assigned to the horse observed the administration and alerted authorities.

While corn oil is an innocuous substance having no effect on the performance of the horse, it is still a clear violation of the rules if used on race day. In this case, unfortunately, the scratch denied the owner and trainer of a chance to start in a grade I race with Breeders' Cup implications.

10/09/08⁴**REFUND**

A refund was ordered in the sixth race as #4 Seattle Avenue, with Clinton Potts aboard, became very fractious when being led into the starting gate, flipped and unseated the rider. Racing Veterinarian Jill Bailey recommended the scratch, with the resulting refund totaling \$60,988.22.

10/09/08⁵**DAILY ATTENDANCE & HANDLE**

On track	3,206	815,009.90
Inter-track	5,348	1,378,465.70
Out of state	n/a	2,902,746.87
Total	8,554	\$2,193,475.60

FRIDAY10/10/08¹**A.M. DECLARATIONS**

4th Race #1 Kizzy's Chaos (Vet – sick) refund of \$8,703.51

6th Race #5 Vintage Dave (Vet – injured) refund of \$2,689.57

8th Race #4 Tiger George (Vet – unsound) refund of \$362.74

10/10/08²**RULING****OTTS #015**

Groom ALFREDO FLORES, having appeared to address his involvement in an altercation at Fairplex Park, and issued an official warning, is restored to good standing. OTTS ruling #10, issued at Oak Tree Racing Association on October 4, 2008, is set aside.

This ruling was issued after Flores came to the office to address a complaint filed against him for a physical altercation with exercise rider Jose Ferrer at Fairplex Park on September 12, 2008. Flores was originally due in on October 3, but said he had not

received notice. He explained that he left his tack room for a short period, leaving the door unlocked, and upon his return observed Ferrer in the room destroying a television and microwave. When he confronted Ferrer, that individual became combative and a one-sided fight ensued. Security reports indicated that Flores was not the instigator in the confrontation, but came out the winner. Since Flores has no blemishes on his record, it was the Stewards' decision to give him a warning.

10/10/08³**JOCKEY OBJECTION – NO CHANGE**

The objection sign was posted after the third race as jockey Martin Garcia (2nd, #3 Pretty Katherine) lodged a claim of foul against Joe Talamo (1st, #5 Wynning Ride) for interference on the backstretch. Garcia said that Talamo angled over near the 5/8 pole and completely shut him off.

After speaking with the riders involved, taking into account reports from the Patrol Judges, and reviewing tape of the "Incident", the Stewards quickly made the race "Official". Tapes showed that Talamo was clear when he crossed in front of Garcia and caused no interference. Garcia's objection bordered on frivolous.

10/10/08⁴**STEWARDS' INQUIRY – NO CHANGE**

The Stewards posted the inquiry sign after the fourth race to review interference which occurred near mid-stretch involving the first, third and fourth place finishers - #7 Shelter Island (M. Martinez), #3 Intermission (J. Rosario), and #8 Larrylarrylarry (J. Talamo). Observation indicated that Talamo took up while in between horses, possibly caused when the winner came out.

After discussion with the riders involved, taking into account reports from the Patrol Judges, and reviewing tapes of the stretch run, the Stewards unanimously voted to make no change in the placings. Tapes show that while Talamo did steady sharply, it was his horse which was responsible as it came in slightly to tip the winner in the hind quarters and cause that horse to come out. Additionally, Talamo's horse was fourth at the time of the incident, was dropping back, and ultimately finished in fourth position.

10/10/08⁵**DAILY ATTENDANCE & HANDLE**

On track	3,223	937,675.50
Inter-track	5,226	1,622,647.20
Out of state	n/a	2,881,819.34
Total	8,449	\$5,442,142.04

SATURDAY10/11/08¹**A. M. DECLARATIONS**

4th Race #7 Launch the Bull (Vet – sick) refund of \$1,944.20

8th Race #1 Sweeter Still (Stakes)
 #3 Porto Marmay (Stakes)
 #4 Set of Wings (Stakes) refund of \$2,874.70

10/11/08²**RIDER EXCUSED**

Osman Cedeno was excused from his only mount of the day as he had a previous commitment at the Big Fresno Fair. A replacement rider was named.

10/11/08³**RULINGS****OTTS #016**

Trainer HERBERT HO is fined FIFTY DOLLARS (\$50.00)* for violation of California Horse Racing Board Rule #1843 (Medication, Drugs and Other Substances – Failure to Submit Pre-race Medication Report) on September 24, 2008, at Oak Tree Racing Association.

OTTS #017

Trainer HERBERT HO, who started the horse “Happy Crafty” which finished third in the seventh race at Fairplex on September 5, 2008, is fined FIVE HUNDRED DOLLARS (\$500.00)* pursuant to California Horse Racing Board Rule #1887 (Trainer to Insure Condition of Horse) for violation of California Horse Racing Board rules #1843 (A) (D) (Medication, Drugs and Other Substances – Phenylbutazone in Excess of Permitted Level) and #1844 (1) (Authorized Medication).

The first ruling issued against Mr. Ho was issued after a complaint filed by Official Veterinarian Tim Connor, which stated that the trainer failed to report the administration of oral medication. Mr. Ho explained that his attending veterinarian was to report what was given but forgot to note it on his confidential. The second ruling was issued after a complaint was filed for an overage of Phenylbutazone. The trainer surmised that an employee fed the horse Bute and then it was given an injection by his attending veterinarian.

10/11/08⁴**RULING****OTTS #018**

Based upon a report from the University of California, Davis Laboratories, an official laboratory for the California Horse Racing Board, that the urine sample, #DM01868, obtained from the horse “SCAT THIEF”, third place finisher in the seventh race at Del Mar Race Course on August 3, 2008, contained the drug Procaine (Class III) in excess of the permitted level, it is ordered that “Scat Thief” be disqualified from said race, in accordance with California Horse Racing Board rule 1859.5 (Disqualification upon Positive Test Finding). It is further ordered that the purse money earned in said race be returned by owners J. Kirk and Judy Robison (\$5,192.00), trainer Mike Mitchell (\$612.00), and jockey Rafael Bejarano (\$316.00) to the Paymaster of Purses at Hollywood Park by November 11, 2008, for redistribution in accordance with the revised order of finish.

The revised order of finish is as follows:

3 rd	Wild Buddy
4 th	Hockey The General
5 th	Leesider

All records are ordered changed to reflect this ruling. Pursuant to California Horse Racing Board rule #1956 (Race Declared Official), neither the pari-mutuel payoff nor the distribution of any pari-mutuel pool shall be affected.

This ruling was issued in response to a report from the Maddy lab at the University of California, Davis, that the sample obtained from the horse SCAT THIEF, trained by Mike Mitchell, contained the Class III drug Procaine in amounts well above the allowable limit. Owner, trainer, and jockey were noticed regarding the hearing, but none were in attendance.

10/11/08⁵**REFUND**

A refund was ordered in the seventh race as #8 Hard Woman flipped during the saddling procedure and was declared on the advice of Racing Veterinarian Bailey. The refund totaled \$28,640.27.

10/11/08⁶**STEWARDS' INQUIRY – NO CHANGE**

The inquiry sign was posted after the seventh race as the Stewards reviewed video of the final sixteenth in which the winner, #4 O Bee Naki (A. Quinonez), drifted in to place the second place finisher, #1 To Phar (J. Rosario), in close quarters. Rosario also lodged a claim of foul.

After speaking with the riders involved, taking into account reports from the Patrol Judges and reviewing video of the stretch run, the Stewards unanimously voted to make no change in the placings. While Rosario did steady when the winner came in, it was obvious that his finish position was not affected by the incident.

10/11/08⁷**DAILY ATTENDANCE & HANDLE**

On track	12,287	2,158,716.00
Inter-track	8,666	2,689,269.10
Out of state	n/a	4,103,297.53
Total	20,953	\$8,951,282.63

SUNDAY10/12/08¹**A.M. DECLARATION**

7th Race #10 Rebellion (Stewards – enter back) refund of \$7,375.20

10/12/08²**RIDER EXCUSED**

Joel Rosario was excused from engagements this afternoon due to illness. Replacement riders were named.

10/12/08³**REFUND**

A refund was ordered in the ninth race as #1 Mischabel injured itself in the starting gate and was declared on the advice of Racing Veterinarian Jill Bailey. The refund amounted to \$28,039.20.

10/12/08⁴**DAILY ATTENDANCE & HANDLE**

On track	11,873	1,986,316.00
Inter-track	7,875	2,330,945.60
Out of state	n/a	3,636,702.93
Total	19,748	\$4,317,261.60

MONDAY10/13/08¹**A.M. DECLARATIONS**

4th Race #8 Steven's Being (Vet – injured) refund of \$715.23

5th Race #1 Beau Smoke (Vet –sick) refund of \$298.50

7th Race #9 Las Patronas Lady (Vet – sick) refund of \$295.50

10/13/08²**RIDER OFF**

Joel Rosario was still feeling the effects of the flu bug and was excused from his mounts once again. Replacement riders were named.

10/13/08³**UNUSUAL PICK 6 PAYOFFS**

A rare occurrence took place in the Pick Six this afternoon as no matter which horse won, the payoff was identical. Apparently, one person went “all” in the final leg and was the only player with a “live” ticket.

10/13/08⁴

ROUTINE PROGRAM

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

10/13/08⁵

DAILY ATTENDANCE & HANDLE

On track	6,309	1,351,085.40
Inter-track	5,402	1,604,726.70
Out of state	n/a	3,005,500.50
Total	11,711	\$5,961,312.60

WEEKLY SUMMARY

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.

Week of 10/06/08 – 10/12/08

Horses on Vet List	15
Horses off Vet List	06
Shock Wave Therapy	29
Deceased	2
Medication	0

SUMMARY

	Wed. 10/08	Thurs. 10/09	Fri. 10/10	Sat. 10/11	Sun. 10/12	Mon 10/13	Week	Meet
Inquiries	1	0	2	1	0	0	4	9
Disqualifications	0	0	0	0	0	0	0	2
Rulings	0	1	1	3	0	0	5	17
Refunds	1	3	3	3	2	3	15	59
Accidents	1	0	0	0	0	0	1	2
Claims	5	4	1	2	2	3	17	33
Cal-Bred Races	0	0	0	0	1	3	4	22

Respectfully submitted,

Tom Ward, Steward

C. Scott Chaney, Steward

Albert Christiansen, Steward

TW/dm