

CALIFORNIA HORSE RACING BOARD

1010 HURLEY WAY, SUITE 300

SACRAMENTO, CA 95825

**REPORT OF THE BOARD OF STEWARDS****LOS ANGELES TURF CLUB, Inc.****Santa Anita Autumn Meet****To the California Horse Racing Board**

Honorable Edmund G. Brown Jr., Governor

Honorable Chuck Winner, Chairman

Honorable Madeline Auerbach, Member

Honorable Steve Beneto, Member

Honorable Jesse H. Choper, Member

Honorable George Krikorian, Member

Honorable Alex Solis, Member

Rick Baedeker, Executive Director

Jacqueline Wagner, Assistant Executive Director

Robert B. Miller, Chief Counsel CHRB

Darrel McHargue, Chief Steward

Week 5– Monday, October 24, 2016 – Sunday, October 30, 2016**MONDAY**

10/24/16

MIYADI FORMAL HEARING - CASE #16LT0027

The CHRB filed a complaint against trainer STEVEN MIYADI for an altercation with jockey/Commissioner ALEX SOLIS, possibly violating CHRB rules #1489 (Grounds for Denial or Refusal of License) #1530 (Cases Not Covered by Rules and Regulations) #1874 (Disorderly Conduct) and #1902 (Conduct Detrimental to Horse Racing). Before the Board of Stewards, KIM SAWYER, C. SCOTT CHANEY and TOM WARD, representing the CHRB, were Supervising Investigator PHIL MIYAZAKI and CHRB Staff Counsel PHILIP LAIRD. Also present were Respondent-trainer Steven Miyadi and his counsel DARRELL VIENNA. Sitting in as an observer was CHRB Chief Investigator BILL WESTERMANN. CHRB witnesses along with Investigator Phil Miyazaki, included jockey/Commissioner Alex Solis and jockey agent VICTOR LIPTON. Witnesses for the respondent were jockey agent J. R. PEGRAM and Santa Anita food server, ROSARIO YBARRO. Recording the proceedings was court reporter MICHELLE DERIEG. All testimony was heard, exhibits were submitted into evidence and the hearing was closed. Decision to follow.

WEDNESDAY

10/26/16

STEWARD ON DUTY

C. Scott Chaney was present to oversee any issues involving declarations and entries. Entries were taken for Saturday and declarations for Thursday.

THURSDAY10/27/16¹**JOCKEY FILM REVIEW**

VICTOR LEBRON met with the Stewards to explain his tardiness for the first race on Saturday. He stated he was working horses at San Luis Rey training facility and hit heavy traffic returning to Santa Anita. He did communicate via telephone during his travels prior to the first race, but he arrived thirty minutes late to the jockey quarters. He also failed to meet with the Stewards as directed Sunday morning. Ruling to follow.

GARY STEVENS met with the Stewards to review the second race last Sunday for a possible crop violation. After a review and discussion of the race, the BOS will investigate the crop history of Mr. Stevens and a decision will follow.

10/27/16²

JOCKEY GUTIERREZ FORMAL APPEAL HEARING

A jockey appeal hearing was held in the Stewards' office this morning. Hearing Officer PATRICK KANE presided over the hearing which was recorded by court reporter MICHELLE DERIEG. Representing the CHRB were Staff Counsel PHILIP LAIRD and Chief Investigator BILL WESTERMANN along with Stewards KIM SAWYER and DAVID NUESCH who were available to testify. Attorney ROGER LICHT, representing MARIO GUTIERREZ, was present along with Mr. Gutierrez and their expert witnesses ALONSO QUINONEZ and RAFAEL BEJARANO. A proposed decision will be presented within the next thirty days.

10/27/16³

GOOD RACING

The afternoon card of eight races was conducted without notable incident. Changes are listed below.

10/27/16⁴

DECLARATIONS, CHANGES and REFUNDS

1st race	No Changes; No Refund
2nd race	No Changes; No Refund
3rd race	No Changes; Refund \$21.00
4th race	No Changes; Refund \$126.00
5th race	No Changes; Refund \$2,151.66
6th race	#1 AUTUMN TWILIGHT (Tr. S. Miyadi) Veterinarian-injured-Dr. Grande Refund \$1,841.12
7th race	#8 FLAMINGO LANE (Tr. P. Miller) claimed by Tr. R. Baltas No Refund
8th race	No Changes; No Refund

10/27/16⁵

DAILY ATTENDANCE & HANDLE

On track	3,200	545,277.30
SCOTWinc	3,529	997,310.00
Out of state + ADW	N/A	3,225,040.87
Total	6,729	4,767,628.17

FRIDAY10/28/16¹

STEVENS RULING

The following ruling was issued after the hearing yesterday. (Ref: 10/27/16¹)

LATC #025

Jockey GARY STEVENS 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 offense in the last sixty days; last offense on October 2, 2016), during the second race at Santa Anita Park on October 23, 2016

10/28/16²

JOCKEY FILM REVIEW

FERNANDO PEREZ met with the Stewards to review the fifth race (1 1/8 turf) yesterday entering the club house turn. Mr. Perez, on the outside of a three horse spread, stepped in causing the horse on the fence to take up. After a review in a majority opinion the following ruling was issued. Steward SAWYER felt Mr. Perez made a minor effort to correct his horse after it stepped in and the incident was worthy of a warning.

LATC #026

Jockey FERNANDO PEREZ, who rode WHISTLE PRETTY in the fifth race at

Santa Anita Park on October 27, 2016, is suspended for THREE (3) racing days (November 3, 4, and 5, 2016) for crossing over without sufficient clearance and causing interference. This constitutes a violation of California Horse Racing Board rule #1699 (Riding Rules – careless riding). Pursuant to California Horse Racing Board rule #1766 (Designated Races), the term of suspension shall not prohibit participation in designated races in California.

10/28/16³**LEBRON RULING**

The following ruling was issued after the hearing yesterday. (Ref: 10/27/16¹)

LATC #027

Jockey VICTOR LEBRON is fined TWO HUNDRED FIFTY DOLLARS `(\$250.00) for violation of California Horse Racing Board rules #1680 (Jockeys and Drivers to Report – late to jockeys' room) and #1930 (Obedience to Security Officers and Public Safety Officers – failure to attend Stewards' hearing) on October 22, and 23, 2016 respectively, at Santa Anita Park.

10/28/16⁴**ALMANZA FILM REVIEW**

RITO ALMANZA joined the BOS to discuss the use of his crop on a horse that was well beaten for a better placing. After a review of the race and much discussion, the BOS felt Mr. Almanza used his crop after the horse was clearly out of the race and had obtained its maximum placing. The ruling will be issued tomorrow.

10/28/16⁵**POLANCO FORMAL HEARING - CASE #16LT025**

A complaint was filed against trainer MARCELO POLANCO for violation of CHRB rules #1843 (a)(d) (Medication, Drugs and Other Substances), #1844(c)(1) (Authorized Medication), #1887 (Trainer to Insure Condition of Horse) and #1843.1 (b) (Prohibited Drug Substances).

Present for the hearing before the BOS were CHRB Investigator JIM HAMILTON, trainer Marcelo Polanco and recording the proceeding court reporter MICHELLE DERIEG. Mr. Polanco's runner SMIL'N FROM ABOVE tested for Phenylbutazone at a level of 3.85 ug/ml. Mr. Polanco has had trouble with this horse in the past with an overage of the same medication. He has discussed the issue with his practicing veterinarian, Dr. BROKKEN and they have decided to not use Phenylbutazone on this horse in the future. Ruling to follow.

10/28/16⁶**MAURO HEARING - CASE 16SA0213**

A complaint was filed by Official Veterinarian WILL FARMER against practicing veterinarian APRIL MAURO for violation of CHRB rule #1842 (Veterinarian Report), late filing of her confidential report. She testified this is the first time she forgot to turn in her confidential on time. Warning.

10/28/16⁷**ACCIDENT – THIRD RACE (6 ½ furlongs – turf)**

After the finish of the race, #11 SMACK TALK (T. Baze, 2nd) fell near the 7/8 marker. For precautionary reasons, the horse was removed by ambulance and Jockey Baze went to First Aid for further evaluation. (Accident report attached)

10/28/16⁸**DECLARATIONS, CHANGES and REFUNDS**

1st race	No Changes; Refund \$195.00
2nd race	#2 DIXIE PISTOL (Tr. S. Callaghan) Veterinarian – sick - Dr. Grande Refund \$555.20
3rd race	#3 RPRETTYBOYFLOYD (Tr. J. Brocklebank) claimed by Tr. M. McCarthy Refund \$886.58
4th race	#3 LILLY'S FINALE (Tr. P. Miller) claimed by Tr. J. Sadler Refund \$7.00

5th race #9 LOVELY LINDA (Tr. E. G. Harty) Veterinarian – sick - Dr. Grande
Refund \$171.80

6th race #9 THREE ECLIPSE (Tr. R.B. Hess) F. Perez replaced K. Desormeaux
(refused to ride)
Refund \$76.75

7th race #1 MOYO HONEY (Tr. P. Gallagher) Veterinarian – sick - Dr. Stead
Refund \$711.36

8th race No Changes; No refund

10/28/16⁹**DAILY ATTENDANCE & HANDLE**

On track	2,718	601,763.40
SCOTWinc	3,894	1,267,554.40
Out of state + ADW	N/A	3,484,582.41
Total	6,612	5,353,900.21

SATURDAY10/29/16¹**CALLAGHAN HEARING**

Trainer SIMON CALLAGHAN met with the Stewards as directed to discuss a telephone conversation he had with the BOS following a Stewards' Inquiry on Thursday, October 20, 2016 (Ref: 10/20/16⁴). Mr. Callaghan's horse finished second in the race, but was not a factor in the incident being judged. Hoping for a disqualification which would move his horse into first place, he was very upset when the original order of finish was made official. After he called the racing office from a local airport, the racing office called the Stewards and asked if someone could return his call, which we did. As soon as we respectfully started to explain our decision regarding the Inquiry, Callaghan went into expletive filled abuse regarding our ability to do our job. This caused us to end the call and request a meeting. After having a week to regain his composure, Mr. Callaghan apologized for his offensive language used in the telephone conversation.

10/29/16²**PATTIO HEARING - CASE 16SA0214**

A complaint was filed by Official Veterinarian WILL FARMER against practicing veterinarian NOLTON PATTIO for violation of CHRB rule #1842 (Veterinarian Report) for a late filing of his confidential report. He testified he simply forgot to submit the one confidential, but assured everyone it will not happen again. Warning.

10/29/16³**GRAY RULING - CASE #16SA0101**

The following ruling was issued after Mr. GRAY failed to appear for a scheduled hearing.

LATC #028

Horse Transporter MARK KING GRAY, having failed to respond to a complaint alleging violation of California Horse Racing Board rule #1489 (Grounds for Denial or Refusal of License – resisting arrest, causing bodily injury to a police officer and battery against a police officer), 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 MARK KING GRAY are suspended and pursuant to California Horse Racing Board rule #1528 (Jurisdiction of Stewards to Suspend and Fine), MARK KING GRAY is denied access to all premises in this jurisdiction.

10/29/16⁴**ALMANZA RULING**

The following ruling was issued after the hearing held yesterday (Ref: 10/28/16⁴)

LATC #029

Jockey RITO ALMANZA is fined THREE HUNDRED DOLLARS (\$300.00) for violation of California Horse Racing Board rule #1688 (Use of Whips – when horse is clearly out of the race) during the third race at Santa Anita Park on October 27, 2016.

10/29/16⁵**HEADLEY FORMAL HEARING - CASE 16SA100**

A complaint was filed by the CHRB against trainer GUS HEADLEY for alleged violations of CHRB rules #1889 (Entry to Area Assigned to Trainer), #1596 (Transfer After Sale of Horse on the Grounds), #1874.3 (Disorderly Conduct, and #1629 (Penalty for Late Declaration). In attendance before the BOS were CHRB Investigator JIM HAMILTON, witness for the CHRB, trainer KAREN HEADLEY, respondent Gus Headley his father, BRUCE HEADLEY, and court reporter MICHELLE DERIEG was available to record the hearing. Gus Headley was fifteen minutes late for the hearing and after being seated, decided he did not want to proceed without an attorney. The hearing will be rescheduled for a later date.

10/29/16⁶**PEGRAM RULING**

The following ruling was issued after it was verified that Mr. PEGRAM, agent for KENT DESORMEAUX had given trainer NEIL DRYSDALE a call for a race and later chose to not honor the call.

LATC #030

Jockey Agent JAMES R. PEGRAM is fined TWO HUNDRED DOLLARS (\$200.00) pursuant to California Horse Racing Board rule #1530 (Cases Not Covered by Rules and Regulations – failure to conduct business in a proper manner; failure to honor a race call).

10/29/16⁷**POLANCO RULING**

The following ruling was issued after a decision was made following the hearing yesterday (Ref: 10/28/16⁵).

LATC #031

Trainer MARCELO POLANCO, who started the horse SMIL'N FROM ABOVE who finished first in the first race at Los Alamitos Race Course on September 10, 2016, is fined FIVE HUNDRED DOLLARS (\$500.00)* pursuant to California Horse Racing Board rule #1887 (Trainer to Insure Condition of Horse), and for violation of California Horse Racing Board rules #1843(a)(d) (Medication, Drugs and Other Substances), #1843.1 (Prohibited Drug Substances), and #1844(c)(1) (Authorized Medication- Phenylbutazone in excess of permitted level [3.85 ug/ml] Class 4 – second offense/365 days).

10/29/16⁸**AGUIRRE HEARING - CASE #16SA215**

The CHRB filed a complaint against trainer PAUL AGUIRRE for violation of CHRB rule #1866 (b)(1)(Veterinarian's List). Mr. Aguirre stated he had missed the 48 hour scratch time to withdraw from the eleven horse race. He then submitted a veterinarian "sick" scratch to declare from the race as requested by the owners of the horse. Without thinking, he worked the horse the same day it was scratched. He also stated he was unaware of the rule that has been in effect since July 2015. The following ruling was issued:

LATC #032

Trainer PAUL AGUIRRE, who worked out the horse ANTHONYSGOTGAME on September 24, 2016, (same day as placed on the Veterinarian's List), is fined FIVE HUNDRED DOLLARS (\$500.00) for violation of California Horse Racing Board rule #1866(b)(1) (Veterinarian's List – may not work out for 72 hours after being placed on list [sick]).

10/29/16⁹**INQUIRY - EIGHTH RACE - NO CHANGE - ONE MILE- turf**

Following the finish of the race the Inquiry sign was posted to review an incident near the 3/16 marker. Involved were #1 DANILOVNA (IRE) (F. Prat, 2nd) and #4 COVER SONG (K. Desormeaux, 1st). After a review of the angles available, talking to the Patrol Judges and both jockeys, in a unanimous decision the original order of finish was made official. Coming off the turn #1 outside of #4, stepped inward and initiated the contact between the two horses.

10/29/16¹⁰**VOIDED CLAIM**

After an examination of #10 WEIRDHAIRCUT SETH by Official Veterinarian TIM GRANDE the horse was declared unsound, placed on the Veterinarian's List and the claim was voided. The horse returned to the stable of R. B. HESS JR.

10/29/16¹¹**DECLARATIONS, CHANGES and REFUNDS**

1st race No Changes; Refund \$55.00
 2nd race No Changes; Refund \$6.00
 3rd race #2 FRUITY (IRE) (Tr. M. Chew) claimed by Tr. M. Glatt
 #3 SECRET THORN (Tr. D. Blacker) Veterinarian – sick - Dr. Grande
 #4 WONDERFUL LIE (Tr. D. Blacker) claimed by Tr. J. Hollendorfer
 #5 AREWEHAVINGFUNYET (Tr. R. Baltas) claimed by Tr. R. Diodoro
 Refund \$357.10
 4th race No Changes; Refund \$51.00
 5th race No Changes; Refund \$1,333.83
 6th race #3 H R EXPRESS (Tr. M. Shapoff) D. Lopez (injured) Steward-no jockey
 available
 #10 WEIRDHAIRCUT SETH (Tr. R.B. Hess) claimed by Tr. M. Glatt- **Void**
 Refund \$1,949.59
 7th race No Changes; Refund \$8.00
 8th race No Changes; Refund \$12.00
 9th race #6 LOUD STALKER (Tr. S. Miyadi) Veterinarian – sick - Dr. Grande
 Refund \$273.90

10/29/16¹²**DAILY ATTENDANCE & HANDLE**

On track	9,165	1,417,763.70
SCOTWinc	6,112	1,986,958.10
Out of state + ADW	N/A	6,086,062.82
Total	15,277	9,490,784.62

SUNDAY10/30/16¹**JOCKEY FILM REVIEW**

As directed, FLAVIEN PRAT along with Jockey Guild representative DARREL HAIRE and KENT DESORMEAUX met with the Stewards to review the Inquiry from the eighth race yesterday (Ref: 10/29/16⁹). Also joining the review was Safety Steward LUIS JAUREGUI's apprentice class sitting in order to hopefully absorb knowledge to benefit their future riding careers. After much discussion, Mr. Prat agreed to disagree that his horse initiated the contact; warning.

IGGY PUGLISI joined the BOS to review his crop usage in the sixth race yesterday. About two hundred yards out of the starting gate he slapped his mount five times on the shoulder with the crop, thus violating the rule. The ruling will be issued on Thursday, November 3, 2016.

10/30/16²**BREEDERS' CUP MEETING**

The BOS joined the Stewards' Breeders' Cup meeting along with Breeders' Cup Executives, representatives from the Santa Anita Security, Santa Anita and CHRB Veterinarian staff, CHRB Investigative staff, Racing office staff, race track maintenance and Santa Anita marketing departments. All pertinent matters and scenarios were discussed to make sure proper procedures would be achieved during the two days of Breeders' Cup races.

10/30/16³**FIRST RACE – STEWARDS’ REVIEW**

The Stewards called for a Stewards’ Review of the first race. In this one (1) mile turf race, second place finished #1 KONA DREAMS (Rafael Bejarano) shifts out and forces sixth place finisher #2 VAN CORTLANDT (Joseph Talamo) and eighth place finisher #8 PASSED BY PAUL (Jamie Theriot) to steady sharply. Both of these horses were well beaten. The Stewards did not post the Inquiry sign.

10/30/16⁴

.1st race

DECLARATIONS, CHANGES and REFUNDS

No Changes; Refund \$55.00

2nd race No Changes; Refund \$6.00

3rd race No Changes; Refund \$357.10

4th race #1 TRUST UR INTUITION (Tr. E. Truman) Steward - off turf

#7 MIZZEN GLORY (Tr. C. Sise) Veterinarian - unsound - Dr. Grande

#8 SUMMER LADY (Tr. S. Miyadi) Steward - off turf

#10 SEA SMOKE (Tr. R. Baltas) Steward - off turf

Refund \$51.00

5th race #2 NEXTDOORNEIGHBOR (Tr. P. Miller) claimed by Tr. S. Knapp

#6 FINALLYGOTABENTLEY (Tr. R. Trela) claimed by Tr. R. Diodoro

Refund \$1,333.83

6th race #1 UNINVITED (Tr. B. Baffert) Veterinarian – sick - Dr. Grande

#4 IS TREVOR CLEVER (Tr. P. Miller) Veterinarian- sick - Dr. Grande

Refund \$1,949.59

7th race #1 ROCKPORT KAT (Tr. R. Baltas) claimed by Tr. J. Sadler

Refund \$8.00

8th race No Changes; Refund \$12.00

9th race #1 BLUEGRASS BRONCO (Tr. D. Hofmans) claimed by Tr. D. O’Neill

#4 LOOK TWICE (Tr. C. Hartman) claimed by Tr. P. Miller

Refund \$273.90

10/30/16⁵**DAILY ATTENDANCE & HANDLE**

On track	5,356	967,940.10
SCOTWinc	5,072	1,530,127.50
Out of state + ADW	N/A	5,010,710.00
Total	10,428	7,508,777.60

VETERINARIAN REPORT - Week of:

Horses on Vet List 15

Horses off Vet List 10

Shock Wave Therapy 24

Deceased 3

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.

SUMMARY

	Thurs 10/27/16	Fri 10/28/16	Sat 10/29/16	Sun 10/30/16	Week	Meet
Accidents	0	1	0	0	1	1
Cal-Bred Races	0	0	3	1	4	24
Claims	1	3	3	5	12	65
Disqualifications	0	0	0	0	0	2
Inquiries	0	0	1	0	1	14
Refunds	4	7	9	9	29	102
Rulings	0	3	5	0	8	32
Voided Claims	0	0	1	0	1	2

Respectfully submitted,

Kim Sawyer, Steward

C. Scott Chaney, Steward

Grant W. Baker, Steward

Luis Jauregui, Safety Steward