

BEFORE THE CALIFORNIA HORSE RACING BOARD

STATE OF CALIFORNIA

In the Matter of the Complaints/Accusations
against:

WILLIAM MOREY,
TRAINER

MIGUEL DELGADO
ASSISTANT TRAINER

Case No. 19SA0135

Case No. 19SA0136

STATEMENT OF DECISION

PROCEDURAL BACKGROUND

On April 15, 2019 the California Horse Racing Board (hereinafter "CHRB" or "Complainant") filed a complaint against trainer William Morey alleging violations of CHRB Rule #1629 (Penalty for Late Declaration), 1843.5(i) (Medication, Drugs and Other Substances Permitted After Entry in a Race) and 1887(a) (Trainer or Owner to Insure Condition of Horse). The CHRB complaint alleged that trainer William Morey and assistant trainer Miguel Delgado administered a substance containing an alkalinizing agent called "Blood Buffer Formula II" to the horses "Tick Tock" and "Gate Speed" via dosage syringe by mouth on the day of the race March 29, 2019.

The cases filed against trainer William Morey (case #19SA0135) and assistant trainer Miguel Delgado (case #19SA0136) were combined in order to prevent all the witnesses having to testify twice and also due to the realization that all the facts stem from the same incident. Both parties requested that the cases be consolidated for judicial economy.

This matter was heard on May 2, 2019, June 3, 2019 and June 17, 2019, by the Board of Stewards including Kim Sawyer, Grant Baker and Luis Jauregui at Santa Anita Park in Arcadia, CA. The first day commenced on May 2, 2019. The second day was commenced on June 3, 2019. The third and final day of testimony was commenced on June 17, 2019. On all three days we took documentary testimony and heard oral testimony. There was also a surveillance video that was viewed. All documents and the video were appropriately marked and entered into evidence. The record was closed at the conclusion of the hearing.

Present at the previously mentioned hearings were Respondent, licensed trainer William Morey (hereinafter "Respondent 1" or "Morey") who was represented by Attorney Darrell Vienna, and Respondent, assistant trainer Miguel Delgado (hereinafter "Respondent 2" or "Delgado") who was not represented by an attorney. Delgado did utilize translators Rosalinda Barraza (June 3, 2019) and Maria Guadalupe Meza (June 17, 2019).

Representing the California Horse Racing Board was General Counsel Robert Brodnik. The proceedings were recorded by Court Reporter Michelle Derieg.

Witnesses appearing on behalf of the California Horse Racing Board were CHRB Investigator Greg Icamen, Santa Anita Surveillance Director Cory Martinez, CHRB Equine Medical Director Rick Arthur, and Equine Analytical Chemist Dr. Benjamin Moeller, who testified via telephone.

Witnesses appearing on behalf of the Respondent were CEO of Vita Royal Products Linsey McLean, and Chemist Richard Sams. They both testified via telephone.

Observing the hearing were Sharyn Jolly with the CHRB, Dr. Robert O'Neil, Stronach Group – Director of Equine Health and Safety, CNN Correspondent Nick Watt, CNN Producer Sonya Hamasaki, and CNN Producer Jason Kravarik.

LISTS OF EXHIBITS

CHRB Exhibit A: Zip Drive (Santa Anita- Bill Morey Barn)

CHRB Exhibit B: 10 Questions Non- Represented By Counsel – Miguel Delgado

CHRB Exhibit C: Picture of White Bucket, March 29, 2019

CHRB Exhibit D: Picture of Dose Syringe in Bucket, March 29, 2019

CHRB Exhibit E: Picture of Blood Buffer Formula II Box

CHRB Exhibit F: Picture of Box Vita Royal, Blood Buffer Formula tII

CHRB Exhibit G: Delgado Complaint (Case No. 19SA0136)

Respondent's Exhibit 1- UC Davis Report- Dr. Ben Moeller Final Report

Respondent's Exhibit 2- Copy of City of Arcadia Water PH

Respondent's Exhibit 3(a)- Fact sheet from Feed Supplement called "Race Ready GT"

Respondent's Exhibits 3(b)- Fact Sheet from product called "Triple Crown Complete"

Respondent's Exhibit 4- CHRB TC02 penalties

Respondent's Exhibit 5- Copy of Federal Regulations for definitions of a Feed Supplement.

Respondent's Exhibit 10- Summary of the Blood Buffer Study

Respondent's Exhibit 13- Morey Complaint (Case No. 19SA0135)

FINDINGS OF FACT

I

At all times herein mentioned, both Respondents were licensed by the CHRB, William Morey in the category of trainer (since 1993) and Miguel Delgado in the category of assistant trainer (since 2007).

II

Morey was issued a Notice to Appear by the CHRB to answer to alleged violation of CHRB Rules 1629 (Penalty for Late Declaration) 1887 (Trainer and Owner to Insure Condition of Horse), 1843.5 (Medication, Drugs and Other Substances Permitted After Entry in a Race). Delgado was issued a Notice to Appear by the CHRB to answer alleged violation of CHRB rules 1629 (Penalty for Late Declaration) and 1843.5 (Medication, Drugs and Other Substances Permitted After Entry in a Race).

III

Morey and Delgado appeared in person for all three hearing days. Morey was represented by counsel, Delgado was not. Delgado answered the CHRB Non-represented Hearing Questionnaire and agreed to go forward without representation.

IV

On March 29, 2019 Morey had three horses entered to race at Santa Anita Park. In the first race, TICK TOCK, in the fifth race, GATE SPEED and in the sixth race, LORD GUINNESS.

V

On the morning of March 29, 2019 while monitoring the Third Party Lasix Team, Santa Anita Video Security Officer Cory Martinez noticed two Morey stable workers enter the stall of the runner TICK TOCK after it received its lasix administration.

VI

One of the stable workers, later identified as Miguel Delgado, was carrying a white bucket. After the stable workers left the stall Corey Martinez (video room) noticed there was white foam coming out the side of the mouth of the horse TICK TOCK. CHRB Veterinarian Tim Grande was notified by Martinez and in return he notified the CHRB Investigators of the incident.

VII

Dr. Grande informed the Investigators Morey had two more horses entered to race, GATE SPEED (fifth race) and LORD GUINNESS (sixth race).

VIII

The CHRB investigative team set up surveillance outside Morey's barn. After Gate Speed (fifth race) received its administration of lasix, the "team" was notified via Corey Martinez (video camera) that the same two stable workers entered the stall of the runner Gate Speed.

VIII

Upon arrival to the stall of GATE SPEED the Investigators confiscated the white bucket, three syringes, one empty, two full and the empty box that the supplement originated in. The label on the box read "Vita Royal, Products Inc. Blood Buffer, Formula 2 (Alternative Buffers)".

Directions:

Mix one packet with 8oz. canola oil. Dose between 1/2 and one whole portion, 30 minutes after a grain meal, a maximum of 4 hours before strenuous exercise. Do not use on an empty stomach.

X

After notification that two of the three Morey runners had been administered a foreign substance on race day, the Stewards scratched all three from the race card.

XI

On March 29, 2019 Delgado was interviewed at the Morey barn after the evidence was confiscated by CHRB Investigator Greg Icamen and Safety Steward Ron Church.

XII

On March 30, 2019 Morey was interviewed by CHRB Investigator Greg Icamen in the Investigators office at Santa Anita.

XIII

On April 5, 2019 the evidence seized from the Morey barn was delivered to the Evidence Custodian Sergio Chavez located in the Receiving Barn. It was sent to the University of California, Davis Laboratory that same day.

XIV

The results of the seized evidence that were analyzed by UC Davis were issued on April 11, 2019 and mailed to Investigator Greg Icamen. No prohibited drug substances were detected from the five items analyzed.

XV

Assistant Professor Benjamin Moeller of the K.L. Maddy Equine Analytical Chemistry Laboratory reviewed the test results and made the following comment; "The

basic pH and elemental composition of the submitted materials is supportive evidence that they are alkalinizing agents”.

XVI

May 2, 2019 a formal hearing was opened and then continued after co-counsel for Morey, Carlos Fisco objected to CHRB General Counsel Robert Brodnik representing the CHRB. The hearing was continued until June 3, 2019 as briefs had to be submitted before a decision could be made concerning the objection.

XVII

June 3, 2019 the formal hearing commenced, Mr. Vienna informed the Board of Stewards Mr. Fisco was no longer co-counsel for Morey. Due to time constraints a continuance was necessary to complete the hearing.

XVIII

June 17, 2019 the formal hearing was opened, testimony was heard, the entry of exhibits was confirmed and the hearing was closed. Decision to follow.

APPLICABLE RULES AND REGULATIONS

CHRB rule violations listed in the complaint.

California Horse Racing Board rule 1629. Penalty for Late Declaration.

No person other than the stewards may declare a horse out of any overnight race after the "scratch time" designated for such race by the stewards, and the starting of such horse is obligatory. Any person responsible for the failure of any horse to start in a race when the starting of such horse is obligatory may be disciplined by the stewards.

California Horse Racing Board rule 1843.5 (i) Medication, Drugs and Other Substances Permitted After Entry in a Race.

a) In this rule a horse is deemed "entered" in a race 48 hours before post time of the running of the race. (b) Water and feed, including hay, grain, and feed supplements that do not contain prohibited drugs may be provided to the horse up until post time. (c) Drugs, medications or any other substances shall not be administered by any means to a horse within 48 hours of the post time of the race in which the horse is entered except: (1) Topical medications, (such as antiseptics, ointments, salves, leg rubs, leg paints, hoof dressings, liniments and antiphlogistics) which do not contain anesthetics or other prohibited drugs. (d) Any drug, medication or any other substance found in a test sample taken from a horse which is not authorized under this rule shall be deemed a prohibited drug substance. (e) Any of the following substances may be administered by injection until 24 hours of the post time of the race in which the horse is entered: (1) Injectable Vitamins; (2) Electrolyte Solutions; (3) Amino Acid Solutions; (4) Tetanus Antitoxin or Tetanus Toxoid, if the horse has sustained a wound. (f) Approved anti-ulcer medications may be administered until 24 hours before the post time of the race in which the horse is entered. A list of approved anti-ulcer medications, and route of administration, shall be posted at each racetrack in the office of the official veterinarian. (g) One of the following

non-steroidal anti-inflammatory medications may be administered until 24 hours before the post time of the race in which the horse is entered under Rule 1844 of this division: (1) Phenylbutazone; (2) Flunixin; (3) Ketoprofen. (h) In addition to the substances named in subsection (c)(1) , any of the following substances may be administered under Rule 1845 of this division within 24 hours of the post time of the race in which the horse is entered: (1) Furosemide; (2) Other Authorized Bleeder Medication. (i) Drugs, medications or any other substances may not be administered to a horse by injection, via nasogastric tube (stomach tubing) or any other means after the horse is entered to race, except under these regulations.

California Horse Racing Board rule 1887(a). Trainer to Insure Condition of Horse

a) The trainer is the absolute insurer of and responsible for the condition of the horses entered in a race, regardless of the acts of third parties, except as otherwise provided in this article. If the chemical or other analysis of urine or blood test samples or other tests, prove positive showing the presence of any prohibited drug substance defined in Rule 1843.1 of this division, the trainer of the horse may be fined, his/her license suspended or revoked, or be ruled off. In addition, the owner of the horse, foreman in charge of the horse, groom, and any other person shown to have had the care or attendance of the horse, may be fined, his/her license suspended, revoked, or be ruled off. The owner of a ship-in horse is the joint-absolute insurer of and is equally responsible for the condition of the horse entered in a race. (b) A ship-in horse is defined as any horse entered to race that has not been in the care of a Board-licensed trainer for seven consecutive calendar days prior to the day of the race for which it is entered. (c) Notwithstanding the above, if the Board or its agents fail to notify a trainer or the owner of a ship-in horse of a potential positive test within 21 calendar days from the date the sample was taken, the trainer or the owner of a ship-in horse shall not be deemed responsible under this rule unless it is shown by the preponderance of the evidence that the trainer or the owner of a ship-in horse administered the drug or other prohibited substance defined in Rule 1843.1 of this division, caused the administration or had knowledge of the administration.

ANALYSIS

Cory Martinez has worked as a 'surveillance technician' for Santa Anita Park for about three (3) years. He was working in that capacity on March 29, 2019. On day two (2) (June 3, 2019) of a three (3) day hearing Martinez testified he had previously noticed happenings at Trainer William Morey's barn.

William Morey's Assistant Trainer Miguel Delgado entered the horse Gate Speeds' stall at approximately 10:57 a.m. on March 29, 2019 on the day in which Gate Speed was scheduled to race at approximately 3:00 p.m. (5th Race). This was about ten (10) minutes after Lasix Veterinarian Nolton Pattio VMD had dispensed Lasix to Gate Speed and subsequently left his stall. Video Surveillance technician Martinez testified that he "had noticed this pattern before in previous days. He (Miguel Delgado) would walk into the stall about ten minutes after Lasix was given and the vets had left, and he would be either carrying like a plastic bag that you couldn't see through or, in this case,

he had changed to a white bucket.” He (Martinez) testified that while performing his duties he noticed white foam on the lips of the horse Tick Tock.

Trainer Delgado admitted through interpreter Rosalinda Barraza, he had given three (3) full dose syringes to another horse ‘Tick Tock’ who was scheduled to start at 1:00 p.m. (Race 1) Delgado admitted the only reason he only gave one (1) dosage syringe to ‘Gate Speed’ was because he heard the voices of CHRB personnel when they entered the shedrow.

Under questioning on day 3 (June 17, 2019) of this hearing, Assistant Trainer Delgado was asked why a white bucket (CHRB Exhibit #3) was covered with straw. He responded, “because your not supposed to give horses anything that (sic) day of the race”. Delgado was then asked who the other employee was that walked into the stall with him. He responded, “the groom”. The Stewards then asked what was the groom doing? Delgado, “he was watching that nobody would come by”.

The California Horse Racing Board (CHRB) issued a ‘Memorandum’ to all Veterinarians, Trainers, Owners and Barn Personnel on September 4, 2013 (Respondent Exhibit R-13). The subject line on the memorandum reads ‘WATER ONLY ON RACE DAY’. Paragraph two (2) of the memorandum reads as follow: The Rule is simple: **WATER ONLY**. Mixing prohibited products with water is not permitted, and if this is done, the horse will be scratched.

On February 28, 2019 the California Horse Racing Board (CHRB) sent Trainer William Morey an ‘Official Notification’. The first sentence of this letter reads as follows: *Your horse Cooney (TC429143) tested at or above 36.0 mmls/ml below 37.0 mmls/ml of TC02 (Total Carbon Dioxide) on February 22, 2019 at Santa Anita Park.* The notification goes on to state *“For your protection the CHRB recommends you voluntarily place Cooney in the Detention Barn in its next start.*

Trainer William Morey testified at the hearing. He said “he really doesn’t know if Blood Buffer #2 enhances performance”. He says he uses it to “prevent ulcers and tying up”. CHRB General Counsel Robert Brodnik asked Trainer Morey if he typically uses a blood buffer for the training and running of his horses. Morey responded, “No”. He was then asked if Blood Buffer was used with the horses ‘Tick Tock’, Gate Speed and ‘Lord Guinesses’. Morey responded, “Maybe”. “We use it with some of the horses, so they may eat it”. Morey stated in the four (4) years that Assistant Trainer Delgado worked for him he had never seen him administer this product (Blood Buffer) through a dose syringe. Morey said his barn gives supplements in the mouth on non-race days. Trainer Morey said he was at lunch when the horse ‘Tick Tock’ was treated with a dose syringe on race day. When asked how he would explain what happened on this day Morey said it was a mistake.

CHRB Investigator Grey Icamen provided a three (3) page investigative report for this case. When Assistant Trainer Delgado was questioned by Investigator Icamen he asked Delgado who instructed him to give the supplements to the runners that were

entered to race that day, Delgado answered "My boss". On March 30, 2019 Trainer Morey was questioned by Investigator Icamen. Morey denied he knew Assistant Trainer Delgado was dispensing the supplement via dosage syringe into the mouth of the horse. These two (2) separate interviews create a dilemma for the Stewards to decipher what the day to day operations of Morey's barn are and were and more importantly whose testimony is to be believed. Most trainers know of the routine procedures at their barn, it appears Morey does not. Trainer Morey did not provide sufficient proof that he was naive as to what was taking place with regard to his Assistant Delgado, who had been a four (4) year employee of Moreys. Some hearing testimony indicated that Blood Buffer #1 contains Sodium Bi-Carbonate and Blood Buffer #2 does not. Neither product is legal to administer via dose syringe on race day.

On February 10, 2018 Trainer Eric Kruljac negotiated a Formal 'Settlement Agreement' with the CHRB for a horse with a TC02 level over 37.0 millimoles per liter was discovered in one of his trainees. The penalty that Trainer Kruljac negotiated with the California horse Racing Board was a Thirty (30) day penalty (15 days stayed) and a \$3,000 fine. Trainer Kruljac agreed to this penalty.

Mr. Morey's attorney, Darrel Vienna, argued that Trainer Morey should not be a sacrificial lamb in this case. The Stewards considered the following questions while deliberating:

1. What weight should the Stewards give to the 'modus operandi' of Mr. Morey's training regime?
2. What weight should be given to conflicting testimony between witnesses in this hearing?
3. What weight should be determined as to the actions of Mr. Morey's employees on March 29, 2019?
4. How credible was Mr. Morey's testimony with regards to his accountability and compliance of CHRB Rules #1629, #1843.5 (i) and #1887 (A)?
5. Finally what was the intent of the alleged dose syringe administration in this matter?

There was strong testimony that when the Morey horses were administered said substance, it was not palatable for the horse. Hence dipping the dose syringe in a salty substance to make it more appetizing. The Morey theory of using a hand full of feed combined with the dry "Blood Buffer" would make it more desirable, this conjecture is far from believable.

The Stewards believe that an unfair advantage was being obtained by Trainer William Morey. This is assuming of course that other trainers that were competing against 'Tick Tock' and 'Gate Speed' by not also illegally treating their horses via dose syringe on race day. Under examination of Trainer Morey's lawyer Darrel Vienna, Dr. Ben Moeller (UC Davis) testified that there was "supportive evidence" that 'Blood

Buffer' is an alkalizing agent. The Stewards had a very difficult time making sense of Mr. Morey's testimony, where he states that he was surprised that Assistant Trainer Delgado administered with a dose syringe on race day.

People that wager money on horse racing expect the same thing that gambler's in other sports look forward to. That there is a 'level playing field'. They expect regulators to have their officials monitoring all forms of cheating so that they can have confidence that the fastest horses are winning races and not the horses that are being illegally treated with substances on the morning that they are scheduled to race.

MITIGATING/AGGRAVATING FACTORS

1. *Licensee past record – Aggravating.* Trainer Morey was fined \$1,200 for failure to start 4 horses at Golden Gate Fields in a matter that was related to this case. Trainer Morey received a warning letter earlier in the year from the CHRB.
2. *Potential of the drug to influence a horse's performance – Aggravating.* Whatever the level of alkalizing agents and basic ph of the materials given to these horse's there is potential.
3. *Legal availability of the drug. Aggravating.* Substances were ordered online.
4. *Administration of the drug, was it intentional? Aggravating.* The administration of Blood Buffer Formula 2 was intentional.
5. *Steps taken by the trainer to safeguard the horse Aggravating.* There were no steps taken to safeguard the horse.
6. *Steps taken by an owner to safeguard against subsequent medication violations. Not Applicable.* There was no evidence that the Owner's knew about the treatment procedures.
7. *Contaminations or other factors. Not Applicable.* No testimony or arguments given.
8. *Purse of the race – Not Applicable.* Tick Tock (\$21,000) – Gate Speed (\$55,000) – Neither horse participated in a race.

9. *Treatment according to Rule #1842 – Not Applicable.* Private veterinarians for Trainer William Morey had nothing to do with treating these horses.
10. *Suspicious Wagering – Not Applicable.* These horses never raced.
11. *Advice of a licensed veterinarian – Not Applicable.* No testimony given regarding such.

CONCLUSION

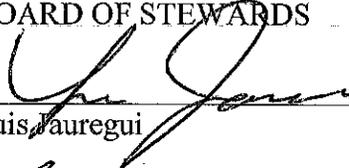
The Stewards unanimously determined by a preponderance of the evidence, Trainer William Morey twice (2) violated California Horse Racing Board Rule #1843.5 (i) (Medication, Drugs and other Substances) and Rule #1887 (A) (Trainer or Owner to Insure Condition of Horse).

ORDER

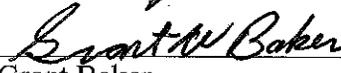
Cause exists to find William E. Morey in violation of California Horse Racing Board Rules #1843.5 (i) (Medication, Drugs and Other Substances) and Rule #1887 (A) (Trainer or Owner to Insure Condition of Horse), wherefore the following ruling was issued:

DATE: July 31, 2019

BOARD OF STEWARDS



Luis Jauregui



Grant Baker



Kim Sawyer

Official Ruling
of the
Board of Stewards

LOS ALAMITOS SUMMER THOROUGHBRED MEET
(Association)

June 29, 2019
(Date)

LATL #01

Trainer WILLIAM MOREY, who had entered the horses “TICK TOCK” and “GATE SPEED” to start in the first and fifth race at Santa Anita Park on March 29, 2019, is suspended for FORTY FIVE (45) days from June 30, 2019 to August 13, 2019 pursuant to California Horse Racing Board rule #1887 (Trainer to Insure Condition of Horse) for violations of California Horse Racing Board rules #1629 (Penalty For Late Declaration) and #1843.5 (Medication, Drug, and Other Substances Permitted After Entry in a Race – oral administration of “Blood Buffer” on race day).

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

BOARD OF STEWARDS

Luis Jauregui

Kim Sawyer

Grant Baker

State of California
CALIFORNIA HORSE RACING BOARD

Official Ruling
of the
Board of Stewards

LOS ALAMITOS SUMMER THOROUGHBRED MEET
(Association)

June 29, 2019
(Date)

LATL #02

Assistant Trainer MIGUEL DELGADO who treated the horses “TICK TOCK” and “GATE SPEED” on March 29, 2019 at Santa Anita Park, is suspended for THIRTY (30) days from June 30, 2019 to July 29, 2019 for violations of California Horse Racing Board rules #1629 (Penalty For Late Declaration) and #1843.5 (Medication, Drug, and Other Substances Permitted After Entry in a Race – oral administration of “Blood Buffer” on race day).

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

BOARD OF STEWARDS

Luis Jauregui

Kim Sawyer

Grant Baker