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CHRB NEWS RELEASE

APRIL 16, 2004

PAT VALENZEULA RECEIVES STAY OF SUSPENSION

SACRAMENTO, CA – Having been personally persuaded by information and testimony that the most recent troubles of Patrick Valenzuela were due to clinical depression, not substance abuse, and that Valenzuela's depression is being successfully treated, the chairman of the California Horse Racing Board on Friday issued a temporary stay of Valenzuela's suspension pending the jockey's appeal of the decision by the Santa Anita Park stewards to suspend him through December 31, 2004.

The temporary stay permits Valenzuela to enter racetrack enclosures on April 19 and resume riding on April 25 while his appeal goes first to the Office of Administrative Hearings to be heard by an administrative law judge (ALJ), and then to the seven racing commissioners, who will rule on the ALJ's recommendation. This administrative process could take two or three months.

In granting the stay, CHRB Chairman John Harris imposed the same conditions on Valenzuela's license that have been in place since December 14, 2001. On that date, Valenzuela signed a conditional license agreement with the CHRB listing 12 conditions principally relating to substance abuse, including requirements that he report to the CHRB office each race-day morning, at which time he could be tested, and that such tests be conducted at least eight times each month. Valenzuela signed a renewal of the agreement annually, most recently on December 31, 2003.

Harris also imposed "another layer" of supervision on Valenzuela, which deals with the 41-year-old jockey's newly diagnosed depression. Section 11 of the original agreement requires Valenzuela to "participate in a rehabilitation program as directed" by the CHRB. As an additional requirement of the stay, Harris ordered that the rehabilitation program include psychological counseling to be provided by practitioners suitable to both the CHRB and the Winners Foundation, which is an employee assistance program active in the California horse-racing industry.

"It's important to realize that Patrick has been tested hundreds of times and has not had a drug positive in four years," said Harris. "Still, clinical depression is a serious concern, and we need to know that Patrick is healthy both physically and mentally if he is riding horses. The conditions we have placed on his stay provide us with that needed assurance."

Valenzuela will receive individualized outpatient psychotherapy for ongoing treatment of depression without the use of medication. Bob Fletcher, executive director of the Winners Foundation, will oversee this aspect of the rehabilitation, which also includes other Winners Foundation programs.

Valenzuela has been receiving therapy from a psychotherapist, who asked not to be identified

due to the nature and sensitivity of the therapist-client relationship. That psychotherapist said in his opinion, “Patrick is both physically and mentally fit to resume riding.”

On January 22, 2004, Valenzuela telephoned the stewards to report that he had injured an ankle and could not ride that afternoon. A steward instructed him to come in for testing, to which he agreed. As the afternoon progressed and he did not show up at the CHRB office as instructed by the steward, investigators called his telephone numbers of record and left messages for him. Valenzuela did not appear nor return the calls. Still unable to reach him the next morning, the stewards issued a temporary suspension pending a formal hearing. That hearing took place March 28. The stewards suspended him April 2 for violating the conditions of his contract, or agreement, with the CHRB. Valenzuela then appealed the ruling and requested a stay from the CHRB.

Stays are within the purview of the CHRB chairman. In considering the request, Harris decided to meet with Valenzuela on April 13. Fletcher and the psychotherapist also attended that meeting in Arcadia, along with Mike Kilpack, the CHRB supervising investigator who oversees the drug tests and other conditions of Valenzuela’s riding contract. Additionally, CHRB Executive Director Roy Wood participated in the meeting by telephone from Sacramento.

At the meeting with Harris, Valenzuela repeated some of his earlier testimony to the stewards at the March 28 hearing concerning deeply personal matters that helped to bring on his depression – matters that he requested remain confidential. He said he was in such a state of depression on January 22 and the following week that he did not leave his house and did not answer the phone. Later, Valenzuela sought medical help and began seeing the psychotherapist.

“It is not uncommon for (recovering) alcoholic men, especially in their 40s and 50s, to face walls of depression,” explained the psychotherapist at the meeting. “It is unfortunate that Patrick has a history of substance abuse because people are lumping everything together. I understand why they are doing that. But the fact is, were it not for that, everyone would be standing up cheering and rooting for Patrick to overcome his depression and get back to riding.”

Fletcher, who has spent many hours counseling Valenzuela, said he would continue working with the jockey and the psychotherapist to help Valenzuela fulfill the conditions of the contract. He will keep the CHRB apprised of any developments in the program.

“That’s important because we (the CHRB) have to proceed with due diligence,” said Harris. “We’ve got to know in our hearts that we are doing the right thing.”

Harris noted that if the CHRB did not grant the stay, Valenzuela could have gone to court for injunctive relief. The judge might have granted a restraining order against the CHRB and might not have imposed any of the riding conditions established in the agreement with the CHRB.

“This way, the matter is being decided by people who understand horse racing, who are doing what’s best for Patrick and for the industry,” said Harris.

Valenzuela agreed to waive any medical or confidentiality rights that would hamper the CHRB or Winners Foundation in ascertaining his physical and mental fitness to perform under his license.

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