

CALIFORNIA HORSE RACING BOARD  
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**CAL-EXPO HARNESS ASSOCIATION**  
**TO THE CALIFORNIA HORSE RACING BOARD**

**HONORABLE ARNOLD SCHWARZENEGGER, GOVERNOR**

**HONORABLE JOHN C. HARRIS, CHAIRMAN**  
**HONORABLE DAVID ISRAEL, VICE CHAIRMAN**  
**HONORABLE JOHN ANDREINI, MEMBER**  
**HONORABLE JESSE H. CHOPER, MEMBER**  
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**HONORABLE JERRY MOSS, MEMBER**  
**KIRK E. BREED, EXECUTIVE DIRECTOR**  
**RICHARD "BON" SMITH, ASSISTANT EXECUTIVE DIRECTOR**

Proceedings of the Board of Stewards for the period of Monday, March 23, 2009 through Sunday, March 29, 2009. Steward Michael W. "Wayne" Oke was the Reporting and Duty Steward for the enclosed period.

**Monday**

03/23/09 (1) **Entries & Draw for Thursday 03/26/09**

Entries were taken and a draw conducted for Thursday's card. At the 12:15 p.m. draw, eighty six (86) head were drawn to compete in eleven (11) races. Additionally, two (2) races were drawn for Friday's program.

03/23/09 (2) **Claiming Rule/Race Office**

The duty steward reminded the race office that CHRB Rule #1663 parts (b) and (b)(1) remain suspended until further notice.

03/23/09 (3) **Nerved Horses/Race Office**

The race office was reminded by the duty steward of the provisions of CHRB Rule #1850 and the addition of the language "The Posterior Digital Neurectomy was Performed Prior to October 01, 2008".

03/23/09 (4) **Dark Day**

**Tuesday**

03/24/09 (1) **Scratch Time for Thursday 03/26/09**

At scratch time for Friday's card there were nineteen (19) driver changes, one (1) trainer change and three (3) injured scratches.

03/24/09 (2) **Double Draw/Friday 03/27/09;Saturday 03/28/09**

Entries were taken and a double draw held for Friday and Saturday's card. At the draw for Friday's program one hundred seventeen (117) head were drawn to compete in fifteen (15) events. Scratch time is tomorrow at 9:00 a.m.

At the draw for Saturday's program one hundred seventeen (117) head were drawn to compete in fifteen (15) events. Scratch time is tomorrow at 9:00 a.m.

03/24/09 (3) **Dark Day**

**Wednesday**

03/25/09 (1) **Scratch Time for Friday 03/27/09**

At scratch time for Friday's program, there were seven (7) driver changes and two (2) trainer changes.

03/25/09 (2) **Scratch Time for Saturday 03/28/09**

At scratch time for Saturday's program there were thirty (30) driver changes and one (1) trainer change.

03/25/09 (3) **Dark Day**

**Thursday**

03/26/09 (1) **Qualifying Entries**

Entries were taken and qualifying sheet produced for qualifying races scheduled for 4:30 p.m. today. Today's qualifying program consists of thirty three (33) horses competing in five (5) races.

03/26/09 (2) **Trainer Edgar Clarke/Remand # 09SW-0029**

Trainer Edgar Clarke, having appealed California Horse Racing Board Ruling # CEHC – 0027 and having been granted a hearing under Complaint #09SW-0031

Trainer Edgar Clarke, having met with the Cal-Expo Board of Stewards and Senior Special Investigator Martin Snezek, has agreed to the following ruling:

**Ruling # 41**

*Having appeared in response to Remand #09SW-0031 Trainer Edgar Clarke is hereby fined the sum of One Hundred Dollars (\$100) for violation of California Horse Racing Board Rule #1530 (Cases Not Covered – Failing to Obey the Instructions of the Outrider – Towing a Horse During Warm Ups for the Qualifiers).*

03/26/09 (3) **Qualifying Races**

Qualifying was held today under the supervision of Stewards Meyers and McLaren. In these events, twenty seven (27) of thirty (30) participants were successful in their qualifying efforts.

03/26/09 (4) **First Race – Slow 2<sup>nd</sup> Quarter**

Driver Lou Pena was contacted by the stewards at the conclusion of Race #1 concerning the time in the 2<sup>nd</sup> quarter. Driver Pena, aboard #5 “Easter Call”, went the 1<sup>st</sup> quarter in a time of 29<sup>3</sup> and a second quarter of 33 seconds. Driver Pena will meet with the stewards tomorrow. More to follow.

03/26/09 (5) **Tenth Race – Incident Approaching the 3/4 Mile Marker**

Driver Frank Petrelli was contacted at the conclusion of Race #10 and ordered to film review to discuss an incident at the 3/4 mile marker when #1 “Trishie Mae” (Troyce Thomas) and #1A “Britts” (Frank Petrelli) were observed to be in close quarters. More to follow.

03/26/09 (6) **Eleventh Race – Inquiry/Disqualification**

The inquiry sign was lit at the conclusion to investigate an incident which occurred between the 1/2 mile marker and the 3/4 mile marker, first reported by Starter/Patrol Judge Bill Vallandingham.

The incident involved #2 “Charmer” (Paul Welence) and #1 “Spicy Hall” (Jason Ricco) who were in close quarter past the 1/2 mile marker.

After viewing films and speaking with the drivers involved, the stewards unanimously concluded that #2, the original third (3<sup>rd</sup>) place finisher, forced #1 three wide and cost #1 a chance at a better placing. Provisional Driver Paul Welence was ordered to film review. More to follow.

Original order of finish: 8-5-2-9-4-10-7-3-1-6

Official order of finish: 8-5-9-4-10-7-3-1-2-6

03/26/09 (7) **Program Changes**

3<sup>rd</sup> Race Declaration - #8 “Haggin Oaks” – Trainer James Kennedy

Refund: \$50                      Injured – Dr. Robert Goodbary

5<sup>th</sup> Race Declaration - #1 “Ms KMC” – Trainer Lou Pena

Refund: \$78                      Injured – Dr. Robert Goodbary

#2 “Little Dynamite” – Trainer Gretchen Smith

Refund: \$247                      Injured – Dr. Robert Goodbary

6<sup>th</sup> Race Declaration - #1 “The Situation” – Trainer Gilbert Herrera

Refund: \$117                      Injured – Dr. Robert Goodbary

03/26/09 (8) **Attendance and Handle**

Attendance	219
Live Handle (On Track)	\$39,196
Handle (In State)	\$300,627
Handle (Out of State)	<u>\$231,520</u>
Total Handle	\$571,343

**Friday**03/27/09 (1) **Lou Pena Hearing (Case #09SW-0024)**

An informal hearing was held this afternoon for Trainer Lou Pena whose horse “Phipps” won the eighth race on February 27, 2009. U.C. Davis

Laboratories reported this horse returned with a high Flunixin reading of 105 ng/ml. The threshold limit for Flunixin is 50 ng/ml.

California Horse Racing Board Supervising Investigator Greg Fabbri presented the case. Dr. Robert Goodbary assisted in this hearing as a Veterinary Medicine Expert. Trainer Pena did not request a split sample in this matter.

Trainer Pena could not offer a viable explanation in this matter, thus the stewards issued the following ruling:

**Ruling # 44**

*Trainer Lou Pena, who started the horse “Phipps” in the Eighth Race at Cal Expo on February 27, 2009, is hereby fined the sum of One Thousand (\$1,000) Dollars pursuant to California Horse Racing Board Rule #1887 (Trainer to Insure Condition of Horse) for violation of California Horse Racing Board Rule #1843 (D) (Medications, Drugs and Other Substances – Flunixin (105 ng/ml) in excess of permitted level) Class IV that carries a Class C penalty.*

03/27/09 (2) **Driver Lou Pena/Film Review**

Driver Lou Pena appeared as requested to review his drive in the first race on Thursday. Pena, driving #5 “Easter Call”, the eventual race winner, went the first quarter mile in 29<sup>3</sup> and the half in 102<sup>3</sup>, a 33 second quarter. The stewards felt this was too slow for this class of horse.

Pena cited the headwind in the second quarter as a mitigating factor. However the second quarter times in the subsequent events did not substantiate this assertion.

Following some discussion, the stewards issued the following ruling with Mr. Pena’s agreement:

**Ruling # 43**

*Driver Lou Pena, who drove #5 “Easter Call” in the First Race on Thursday, March 26, 2009, is hereby fined the sum of One Hundred Dollars (\$100) for violation of California Horse Racing Board Rule # 1721 (L) (Driving Rules – Drive or Cause to be Driven any Unreasonably Slow Quarters or Fractions).*

03/27/09 (3) **Provisional Driver Paul Welence/Film Review**

Provisional Driver Paul Welence appeared as requested to review his drive on #2 “Charmer” in the eleventh race on Thursday, March 26, 2009.

After reviewing films and discussing the Board of Stewards’ logic in disqualifying his horse, Driver Welence stated that he understood the basis of the Board of Stewards’ decision and concurred. Driver Welence promised to be more cautious in the future.

The following ruling was issued:

**Ruling # 42**

*Provisional Driver Paul Welence, who drove "Charmer" in the Eleventh Race on Thursday, March 26, 2009, is hereby suspended Three (3)\* Racing Days commencing on Thursday, April 02, 2009, through Saturday, April 04, 2009 for violation of California Horse Racing Board Rule #1721(F) (Driving Rules – Carry a Horse Out). This incident occurred after the 1/2 mile marker.*

03/27/09 (4) **Driver Frank Petrelli/Film Review**

Driver Frank Petrelli appeared as requested to review his drive on #1A "Britts" in Thursday's tenth race.

In this race, as the field approached the 3/4 mile marker, Petrelli's horse ran up on #1 "Trishie Mae" (Troyce Thomas).

After some 'animated' discussion and film review, Petrelli (who has driven infrequently lately) allowed that he could have done a better job of controlling his horse.

The Board of Stewards unanimously decided that a stern warning was in order. However, Petrelli was advised that any reoccurrence of this situation would result in more severe sanctions.

03/27/09 (5) **Second Race – 1/4 Mile Marker Incident**

The stewards lit the inquiry sign at the conclusion of Race #2 to investigate an incident at the 1/4 mile marker when Driver Lackey, driving #4 "Reno Rose", after making the top, slowed the pace significantly. This action caused confusion among the trailing horses and resulted in two of these horses breaking stride.

As #4 finished last in the five horse field, there was no change in the order of finish. Driver Lackey was ordered to film Review.

03/27/09 (6) **Third Race – Claim**

# 3 "Satire" was claimed by Jason Ricco from David Siegel Three Thousand Seven Hundred Fifty (\$3,750) Dollars. The new trainer will be Jason Ricco.

03/27/09 (7) **Program Changes**

7<sup>th</sup> Race Declaration - #1 "Artilda" – Trainer Vickie Desomer  
Refund: \$0                      Injured – Dr. Robert Goodbary

03/27/09 (8) **Attendance and Handle**

Attendance	364
Live Handle (On Track)	\$48,851
Handle (In State)	\$586,828
Handle (Out of State)	<u>\$339,107</u>
Total Handle	\$974,786

**Saturday**

03/28/09 (1)

**James Lackey/Film Review**

Driver James Lackey appeared as requested to review his drive in Friday's 2<sup>nd</sup> Race.

Lackey, aboard #4 "Reno Rose", was parked to the 1/4 mile marker. Immediately upon making the front, Lackey slowed the pace substantially, causing confusion among the trailing horses. Lackey's concern was with the actions of others in the race, while not maybe the best advised, were certainly within the rules.

Lackey, after having his say, agreed with the steward's decision. Thus the following ruling was issued:

**Ruling # 45**

*Driver James Lackey, who drove # 4 "Reno Rose" in the Second Race on Friday, March 27, 2009 is hereby fined the sum of Two Hundred (\$200) Dollars for violation of California Horse Racing Board Rule # 1721 (F) (Driving Rules – Taking Up in Front of Other Horses Causing Confusion Among the Trailing Horses).*

03/28/09 (2)

**Fifth Race – Starting Violation**

At the conclusion of Race #5 Starter Bill Vallandingham contacted the stewards concerning #2 "Dani California" (Tim Maier) being 'off the gate' at the start. The stewards in turn, contacted Driver Maier, who could offer no viable explanation for the situation. More to follow.

03/28/09 (3)

**Seventh Race – Claim**

# 4 "SA Sunset" was claimed by G & S Wensalo from Brian Solden for Three Thousand (\$3,000) Dollars. The new trainer will be Raul Escobedo.

03/28/09 (4)

**Thirteenth Race – Possible Interference**

The stewards contacted drivers Steve Wiseman (#5 "Twin B. Kennedy) and James Kennedy (#6 "Big Hi Ho") concerning an incident at the 1/2 mile marker when it appeared that #6 ran up on the wheel of #5. After reviewing film and speaking to the drivers concerned, the stewards placed #6 behind #5 in the official order of finish. Driver James Kennedy was ordered to film review.

Original order of finish: 7-2-1-4-6-5

Official order of finish: 7-2-1-4-5-6

03/28/09 (5)

**Program Changes**

2<sup>nd</sup> Race Declaration - #5 "Precious Potato" – Trainer Frank Petrelli

Refund: \$93                      Injured – Dr. Robert Goodbary

8<sup>th</sup> Race Declaration - #5 "Mighty Fella" – Trainer Jason Ricco

Refund: \$0                      Injured – Dr. Robert Goodbary

8<sup>th</sup> Race Program Correction - #10 "Dynamite Express"

Should Read – "Trainer Gretchen Smith"

13<sup>th</sup> Race Declaration - #3 "Pirate Hall" – Trainer Chris Hernandez

Refund: \$356                      Injured – Dr. Robert Goodbary

03/28/09 (6)	<b><u>Attendance and Handle</u></b>	
	Attendance	511
	Live Handle (On Track)	\$62,140
	Handle (In State)	\$487,268
	Handle (Out of State)	<u>\$617,692</u>
	Total Handle	\$1,167,100

**RULINGS ISSUED THIS WEEK**

- 03/26/09      40      Ruling CHRB #0027, Issued February 26, 2009 against Trainer Edgar Clarke, is hereby set aside.
- 03/26/09      41      Having appeared in response to Remand #09SW-0031 Trainer Edgar Clarke is hereby fined the sum of One Hundred Dollars (\$100) for violation of California Horse Racing Board Rule #1530 (Cases Not Covered – Failing to Obey the Instructions of the Outrider – Towing a Horse During Warm Ups for the Qualifiers).
- 03/27/09      42      Provisional Driver Paul Welence, who drove “Charmer” in the Eleventh Race on Thursday, March 26, 2009, is hereby suspended Three (3)\* Racing Days commencing on Thursday, April 02, 2009, through Saturday, April 04, 2009 for violation of California Horse Racing Board Rule #1721(F) (Driving Rules – Carry a Horse Out). This incident occurred after the 1/2 mile marker.
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## W E E K L Y S U M M A R Y

**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.

### VETERINARIAN RECOMMENDED SCRATCHES

<u>Date</u>	<u>Race</u>	<u>No.</u>	<u>Horse</u>	<u>Trainer</u>	<u>Reason</u>	<u>Vet</u>	<u>Refund</u>
26-Mar	3	8	HAGGIN OAKS	KENNEDY	Injured	Goodbary	\$50.00
	5	1	MS KMC	PENA	Injured	Goodbary	\$78.00
	5	2	LITTLE DYNAMITE	SMITH	Injured	Goodbary	\$247.00
	6	1	THE SITUATION	HERRERA	Injured	Goodbary	\$117.00
27-Mar	7	1	ARTILDA	DESOMER	Injured	Goodbary	\$0.00
28-Mar	2	5	PRECIOUS POTATO	PETRELLI	Injured	Goodbary	\$93.00
	8	5	MIGHTY FELLA	RICCO	Injured	Goodbary	\$0.00
	13	3	PIRATE HALL	HERNANDEZ	Injured	Goodbary	\$356.00

### WEEKLY HANDLE SUMMARY FOR SATELLITE FACILITIES

Bakersfield	\$	10,598.10
Bay Meadows	\$	-
Eureka	\$	-
Fresno	\$	7,533.60
Fresno Club One	\$	1,918.50
Golden Gate	\$	60,130.70
Monterey	\$	11,620.90
Pleasanton	\$	39,136.80
Sacramento	\$	128,095.30
San Jose	\$	47,868.40
San Mateo	\$	65,463.00
Santa Rosa	\$	8,642.50
Stockton	\$	32,933.10
Tulare	\$	2.00
Turlock	\$	28.20
Vallejo	\$	27,029.90
Racing Fairs	\$	-
So. California	\$	-
Out of State	\$	885,318.34

# CAL-EXPO HARNESS ASSOCIATION

## SUMMARY

2009

	<b>Mon 03/23</b>	<b>Tues 03/24</b>	<b>Wed 03/25</b>	<b>Thurs 03/26</b>	<b>Fri 03/27</b>	<b>Sat 03/28</b>	<b>Total Week</b>	<b>Total Meet</b>
<b>Accidents</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Cal-Bred Races</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Claims</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>22</b>
<b>Disqualifications</b>	<b>K</b>	<b>K</b>	<b>K</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>26</b>
<b>Inquiries</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>46</b>
<b>Refunds</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>4</b>	<b>0</b>	<b>2</b>	<b>6</b>	<b>106</b>
<b>Rulings</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>6</b>	<b>45</b>

**Stewards Attendance: Stewards Oke, Meyers and McLaren were in attendance.**

**All drivers submitted to a breath analyzer test.**

\_\_\_\_\_  
**Michael W. "Wayne" Oke, Steward**

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**Will Meyers, Steward**

\_\_\_\_\_  
**Brent McLaren, Steward**