

CALIFORNIA HORSE RACING BOARD
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REPORT OF THE BOARD OF STEWARDS

Del Mar Thoroughbred Club

To the California Horse Racing Board

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RICHARD "BON" SMITH, ASSIST. EXECUTIVE DIRECTOR

Report of the Board of Stewards for the week of Wednesday August 19, 2009 through Sunday August 23, 2009.

TUESDAY
AUGUST 18, 2009

1 **WARNINGS ISSUED**

Trainers Carla Gaines and Felix Gonzalez were issued warnings for having their horses arrive late to the Receiving Barn. Complaints had been filed against both, but as has been the case recently, a warning was given for the first violation.

WEDNESDAY
AUGUST 19, 2009

1 **EXERCISE RIDER WARNING**

Exercise rider Jose Ariel Beca was in the office in response to a complaint from morning outriders regarding his demeanor on the race track. They said he ignored their orders and was abusive when directing comments to them. Beca said that he did not remember a confrontation between himself and the morning crew and thought he had always treated them with respect. He was admonished and told that another complaint would result in a sanction.

2 **TRAINERS WARNED**

Trainers Richard Mandella and Hector Palma received warning for their tardiness in bringing horses late to the Receiving Barn.

3 VIDEO REVIEW

Tyler Baze was in the office to review the first race from 8-16, in which his mount was disqualified for interference during the stretch run. After a review, it was determined that while the interference was significant, the fault lay with Tyler's horse, not the rider. He did not have time to correct his mount before the contact was made.

4 FINANCIAL SETTLED

Trainer Gus Headley was in the office this morning to drop off \$200.00 as a compromised settlement in a complaint filed against him by Pony rider Martin Hernandez. In what must have been a form of protest, Headley dropped off 20 ten dollar quarter rolls. The coins were taken to the pari-mutuel department, where they were counted and found to be accurate as far as the amount.

5 PHOTO FINISH OPERATOR AWOL

The first race this afternoon was run without benefit of the photo finish camera as, just after the start, it was learned that the operator, Larry Cude, was not at his post. Fortunately, the race was run without incident and margins at the wire were significant. Mr. Cude was contacted after the race by Placing Judge Bob Moreno and he indicated that he thought today was Tuesday. He was at his post for the second race. More to come.

6 STEWARDS' INQUIRY AND DISQUALIFICATION

The Stewards posted the inquiry sign following the third race to review two incidents, one taking place in the far turn and the other in the stretch. The initial incident involved #1 Barney Bass, ridden by Joel Rosario. Observation indicated that Rosario took up sharply while on the inside of a three horse spread. Video review and testimony from Rosario made it clear the problem was strictly the fault of Joel's horse. The stretch incident involved the second place finisher, #7 Shelter Island (A. Quinonez), the fifth place horse, #5 Factotum (K. Kaenel), and the sixth horse, #3 Pacific Halo (M Garcia). 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 disqualify Shelter Island from second to sixth position. Video showed that Quinonez angled his mount to the outside without sufficient clearance, bumping and taking the path of Factotum and causing that horse's rider to take up sharply. Factotum caught the heel of Shelter Island and stumbled sharply. Additionally, the contact between Factotum and Shelter Island shifted out to Pacific Halo, which was forced off of its path by the outside movement of the second place horse. It was the Stewards' opinion that both horses suffered interference and were cost the opportunity for a better placing.

7 DECLARATIONS, CHANGES, AND REFUNDS

- 4th race - #2 Lanai (Vet-unsound)
 #5 Madaglia d'Amour (Vet-injured) refund of \$1,501.30
- 5th race - #10 Sweet Yvett (Vet-injured) refund of \$345.10
- 8th race - #7 Tropic Storm (Vet-sick)
 #12 Majestic Diamond (AE) refund of \$1,516.90
- 9th race - #10 Amore Di Elayna (Vet-injured)
 #12 Sherry's Topper (Vet-sick) refund of \$2,718.50

8 ATTENDANCE AND HANDLE

Total Refund: \$6,081.80	Del Mar on Track 13,520	Off Track	\$2,696,980.50
No Minus Pool	<u>Off Track 6,728</u>	Out of State	\$4,014,246.10
	Total Attendance 20,248	<u>Del Mar Total</u>	<u>\$1,751,202.00</u>
		Total	\$8,462,428.60

THURSDAY
AUGUST 20,2009

1 REDUCTION IN APPRENTICE ALLOWANCE

Apprentice jockey Christian Santiago Reyes rode the fortieth winner of his career in the seventh race yesterday afternoon. Consequently, he will now ride with a five pound apprentice allowance until the one year anniversary of his fifth career win – May 8, 2010. Rule #1619(c) is the applicable rule in this instance.

2 JOCKEY ALONSO QUINONEZ RULING #28

Jockey ALONSO QUINONEZ, who rode “SHELTER ISLAND” in the third race at Del Mar Thoroughbred Club on August 19, 2009, is suspended for FIVE RACING DAYS (5) (August 27, 28, 29, 30 September 2, 2009) for altering course without sufficient clearance in the stretch and causing interference, resulting in the disqualification of his mount from second to sixth.

This constitutes a violation of California Horse Racing Board rule # 1699 (d) (Riding Rules – Careless Riding).

Terms of suspension shall not prohibit participation in designated races pursuant to California Horse Racing Board rule # 1766 (Designated Races).

This ruling was issued after Quinonez had viewed the third race from yesterday in which his mount was disqualified for interference in the stretch (Ref. 8-19-09-7) Mr. Quinonez acknowledged his mistake, and was apologetic for his actions.

Ironically enough, we received a call from his attorney asking about an appeal before the ink on the ruling was dry.

3 JOCKEY VICTOR ESPINOZA RULING #29

Jockey Victor Espinoza is fined THREE HUNDRED DOLLARS (\$300)* for violation of California Horse Racing Board rule #1688 (Use of Whips-causing welts or breaks in the skin) during the running of the fourth race at Del Mar Thoroughbred Club on August 2, 2009.

This ruling was issued after the rider was in the office responding to a complaint alleging that he welted the horse “Bubbley Blonde”, his mount in the fourth race on August 2, 2009. A majority vote felt that Espinoza’s actions warranted a sanction while the minority -Ward dissenting- was of the opinion that evidence presented in the form of digital photographs and video was not sufficient for a fine.

4 WARNINGS ISSUED

Trainers Jack Carava, John Ivory and Richard Mandella were given warnings for their charges being late to the Receiving Barn.

5 APPRENTICE VIDEO REVIEW

Apprentice jockey Christian Santiago Reyes viewed the fourth race from Wednesday for educational purposes as he was counseled regarding his tendency to let his horses wander during the stretch run.

6 MATIAS RULING #30

Jockey RODRIGO MATIAS, having appeared before the Board of Stewards, is reinstated and LAQL ruling 78 issued on May 9, 2009 is set aside. Furthermore, Mr. Matias is suspended for four months (the last day of suspension to be September 9, 2009) pursuant to California Horse Racing Board rule 1900 (Grounds for Suspension or Revocation) for violation of California Horse Racing Board rule 1489 (h) (Grounds for Denial or Refusal of License). In addition to a fitness for license hearing at Golden Gate Fields before license restoration, it is also recommended that: Mr. Matias be required to show evidence of a residential rehabilitation program, contract with the Winners' Foundation, sign a testing agreement with the California Horse Racing Board, and his license be considered probationary for its term.

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

This ruling was issued to finalize a case against Matias for testing positive for cocaine at Los Alamitos this past May. Matias spent ninety days in a residential rehabilitation facility and has been working a Winners Foundation program of recovery. He was given credit for three months of time served but it was felt that more time in his recovery phase is needed.

7 ROUTINE DAY

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

8 DECLARATIONS, CHANGES, AND REFUNDS

5th race - #6 U City High (Vet-sick) refund of \$2,242.30

6th race - #5 Fishin With T Ball (Vet-injured) refund of \$3,027.66

7th race - #1a Its in God's Hands (AE)
#9 Trail Mix (AE) refund of \$2,607.96

9 ATTENDANCE AND HANDLE

Total Refund: \$7,877.92	Del Mar on Track	9,537	Off Track	\$2,640,025.80
No Minus Pool	Off Track	<u>6,792</u>	Out of State	\$3,851,627.92
	Total Attendance	16,329	<u>Del Mar Total</u>	<u>\$1,323,224.10</u>
			Total	\$7,814,877.82

FRIDAY

AUGUST 21, 2009

1 ESPINOZA RULING

Jockey VICTOR ESPINOZA, who rode "DEPUTY JUDY RN" in the eighth race at Del Mar Thoroughbred Club on August 20, 2009, is suspended for THREE RACING DAYS (3) (August

28, 29, and 30, 2009) for altering course without sufficient clearance leaving the gate and causing interference. This constitutes a violation of California Horse Racing Board rule # 1699 (d) (Riding Rules – Careless Riding).

Terms of suspension shall not prohibit participation in designated races pursuant to California Horse Racing Board rule # 1766 (Designated Races).

The foregoing ruling was issued after the rider had viewed video of the eighth race from Thursday, in which his mount was responsible for interference shortly after the start. The incident occurred when Espinoza, breaking from the #10 post position, angled his horse in without sufficient clearance and caused Pedro Arambula’s mount, #8 Warren’s Hot Tide, to clip heels and stumble sharply.

Victor said that his mount did not react to the contact and he felt Arambula’s mount stumbled on its own. Arambula was contacted in the Jockeys’ room and testified that his mount did stumble after it clipped the heels of Espinoza’s mount.

2 CUDE IN

Photo finish operator Larry Cude was in the office this morning to discuss his failure to be at his post for the first race this past Wednesday. He did not know what caused him to have the memory lapse and was extremely apologetic for his actions. Larry did submit to a urine test when requested by Board investigators, the results of which are pending.

3 JOCKEY OBJECTION – NO CHANGE

The objection sign was posted after the fifth race as Victor Espinoza (8th, #6 Nitro Active) lodged a claim of foul against Tyler Baze(5th, #2 Acclamation) for interference entering the stretch. After speaking with the riders involved, taking into account reports from the Patrol Judges and reviewing video of the “incident”, the Stewards quickly dismissed the objection as the contact between the two was light and had no influence on the original placings.

4 DECLARATIONS, CHANGES, AND REFUNDS

5th race - #1 Shediak (Vet-sick) refund of \$1,449.99

6th race - #4 Cool Spool (Vet-injured)
#13 Warren’s High Gear (AE)
#14 Bonita Birdie (AE) refund of \$965.91

7th race - #10 Lady Schnapps (Vet-sick)
#13 Rule the Storm (AE) refund of \$1,311.39

8th race - #13 Cornish Rose (Vet-injured) refund of \$2,123.59

9th race - #13 Juicy Lucy (AE) refund of \$79.20

5 ATTENDANCE AND HANDLE

Total Refund: \$5,930.08	Del Mar on Track 14,251	Off Track	\$3,191,676.10
No Minus Pool	<u>Off Track 7,335</u>	Out of State	\$6,308,644.57
	Total Attendance 21,586	<u>Del Mar Total</u>	<u>\$2,036,070.20</u>
		Total	\$11,536,390.87

SATURDAY
AUGUST 22,2009

1 DEL MAR HEARING

Executive Vice President Craig Fravel and General Manager Joe Harper appeared in the office in response to a complaint filed against Del Mar Thoroughbred Club for violation of California Horse Racing Board rule #1468(c), alleging that the association did not have the proper communication system in place for morning workouts. The complaint came about as on July 19, 2009, a horse trained by Peter Miller broke down on the main track during training hours. There was no radio communication between the clockers and the horse ambulance attendant, causing a delay in the horse ambulance arriving at the scene. Additionally, the warning system alerting to a horse down on the track was not operational.

Mr. Fravel acknowledged that there was no radio communication, but said that the phone system was working. He also said that the clockers had plugged the alarm cord into the wrong jack, causing the system to not operate. A veterinarian on site for the NTRA National Safety Alliance accreditation inspection timed the response time at five minutes. The normal time is four minutes.

It should be noted that there were no witnesses appearing on behalf of the Board to verify statements contained in the complaint. Consequently, the complaint package was hearsay. A decision will be rendered shortly.

2 TRAINER NEIL DRYSDALE RULING

Trainer NEIL DRYSDALE is fined THREE HUNDRED DOLLARS (\$300.00)* for violation of California Horse Racing Board rule # 1845 (Authorized Bleeder Medication) on August 21, 2009. This ruling was issued after the trainer failed to register his French import, Ciel Rouge, as a bleeder in accordance with the rules.

3 OWNER MARK TATCH RULING

Owner MARK TATCH, having failed to appear before the Board of Stewards to answer a complaint alleging violation of California Horse Racing Board rules #1874 (Disorderly Conduct) and #1902 (Conduct Detrimental to Racing), 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 TATCH are suspended and pursuant to California Horse Racing Board rule #1528(Jurisdiction of Stewards to Fine or Suspend), MR. TATCH is denied access to all premises in this jurisdiction. The foregoing ruling was issued after Mr. Tatch failed to appear to answer allegations of violation of California Horse Racing Board rules #1874 (Disorderly Conduct) and #1902(Conduct Detrimental to Horse Racing).

4 WARNINGS ISSUED

Trainers Bruce Headley and Mike Pender were issued warnings regarding their horses arriving late to the Receiving Barn.

5 CHANGE IN PHOTO FINISH PERSONNEL

Photo Finish technician Larry Cude has been relieved of his duties by his employer, Plusmic USA, and will seek help for his problems. Bill O'Brien, President and CEO of Plusmic, and Jim Anderson, the Southern California Operations Manager of the company are to be congratulated for being pro-active in this matter. Jim will re-locate to Del Mar for a time in order to train a replacement for Mr. Cude.

6 REFUND

A refund was ordered in the tenth race as #1 R. Bee Ess unseated jockey Tyler Baze while behind the starting gate and ran off. The refund amounted to \$261,702.06.

7 DECLARATIONS, CHANGES, AND REFUNDS

5th race - #1a Brother Louie (AE) refund of \$115.56

7th race - #3 Toro Trippi (Vet-injured)
#4 Ashore (Vet-sick) refund of \$1,253.24

10th race – #1a Raise the River (AE)
#12 Raymanjohnsonjr (AE)
#13 Materazzi (AE) no refund

8 ATTENDANCE AND HANDLE

Total Refund: \$263,126.46	Del Mar on Track 30,982	Off Track	\$5,304,794.60
No Minus Pool	<u>Off Track 11,384</u>	Out of State	\$8,624,668.76
	Total Attendance 42,366	<u>Del Mar Total</u>	<u>\$3,186,311.20</u>
		Total	\$17,115,774.56

SUNDAY

AUGUST 23, 2009

1 RIDER EXCUSED

Jockey Tyler Baze was excused from his mounts today as he suffered a fractured finger in an accident at the starting gate yesterday.(Refer 8-22-09) Replacements were named.

2 RULING

Trainer BOB BAFFERT is fined ONE HUNDRED DOLLARS (\$100)* for violation of California Horse Racing Board rules #1852(Reporting to Receiving Barn) and #1894(Duties of Trainer) with his horse RICHARD’S KID in the eighth race at Del Mar Thoroughbred Club on August 5, 2009. This ruling was issued after Mr. Baffert’s assistant, Jim Barnes, called regarding the horse Richard’s Kid being late to the Receiving Barn. He said they had no excuse, as he tries to instruct the stable help on the importance of being on time.

3 VIDEO REVIEW

Garrett Gomez and Corey Nakatani were in the office this morning to review races from previous days. Neither incident gave rise to a sanction but both were cautioned to be more alert.

4 JOCKEY OBJECTION – NO CHANGE

The objection sign was posted after the second race as Martin Pedroza (6th, #7 Oscar the Mayor) lodged a claim of foul against Joel Rosario (4th, #1 Nericon King) for interference in the far turn. After speaking with the riders involved, taking into account reports from the Patrol Judges and reviewing various video angles, the Stewards unanimously voted to make no change in the placings. Video review failed to substantiate Pedroza’s contention that he suffered interference at the hands of Rosario and his mount.

5 REFUND

A refund was ordered in the third race as #6 Harmony's Hope flipped in the saddling enclosure and was declared on the recommendation of Racing Veterinarian Bailey. Jockey Michael Baze was not injured. There was a refund of \$12,478.22 due to the scratch.

6 DECLARATIONS, CHANGES, AND REFUNDS

2nd race - #1a Majestic Diamond (AE) no refund-part of entry

6th race - #1 Flash the Silver (Vet-injured)
 #2 Dixie Hawks (Vet-sick) refund of \$1,082.40

8th race - #5 Bel Air Sizzle (Stakes) refund of \$3,845.78

9th race - #11 Collalto (AE)
 #12 Sovereign Lord (AE) refund of \$475.40

10th race - #13 Saint Chocolate (AE)
 #14 El Rifle (AE) refund of \$444.60

7 ATTENDANCE AND HANDLE

Total Refund: \$18,326.40	Del Mar on Track	14,904	Off Track	\$5,216,919.20
No Minus Pool	Off Track	<u>10, 292</u>	Out of State	\$6,511,847.31
	Total Attendance	25,196	<u>Del Mar Total</u>	<u>\$2,293,751.50</u>
			Total	\$14,022,518.01

CALIFORNIA HORSE RACING BOARD
SUMMARY

	Wed 8-19	Thurs 8-20	Fri 8-21	Sat 8-22	Sun 8-23	Week Total	Meet Total
Accidents	0	0	0	1	0	1	3
Cal-Bred Races	0	2	1	1	2	6	35
Claims	0	3	1	8	4	16	107
Inquires	1	0	0	0	0	1	12
Objections	0	0	1	0	1	2	5
Disqualifications	1	0	0	0	0	1	5
Refunds	4	3	5	4	6	22	168
Rulings	3	3	1	2	1	10	34

Respectfully submitted,

Tom Ward (Steward)

C. Scott Chaney (Steward)

Ingrid Fermin (Steward)