

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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Report of the Board of Stewards for the week of Wednesday August 26, 2009 through Sunday August 30, 2009.

WEDNESDAY,
AUGUST 26, 2009

1 DUTY STEWARD:

Tom Ward will serve as Duty Steward this week, supervising entries and declarations.

2 LATE TO RECEIVING BARN WARNING:

Trainer Mike Puype met with the Stewards about his violations for being tardy to the Receiving Barn. Mr. Puype is in a section of the barn area that lacks a clear public address system, and had not been notified of his three violations in a timely fashion so he could adjust his employee's departure time. The Stewards considered it as one violation – warning.

3 FILM REVIEW:

Jockey Kayla Stra met with the Stewards to review the tenth race from Sunday. She was cautioned to be more alert when moving into a hole between horses.

4 HORSE AMBULANCE:

Following the running of the first race, #2 Ready Steady Gone (2nd, Jockey Joe Talamo) pulled up after the finish and was returned to the barn of Doug O'Neill (claimed) via horse ambulance. The Official Veterinarian reported that Ready Steady Gone had a soft tissue injury that was not life-threatening.

5 FIFTH RACE – STEWARD INQUIRY – NO CHANGE

The Stewards posted the Inquiry sign to review the start of the fifth race, at one mile. The Stewards were concerned that #4 Raiding Party (Jockey David Flores) had lunged just prior to the break, and possibly gained an advantage at the start. #3 Rocket Kitty (Jockey Joel Rosario) had also appeared to be fractious in the gate, attempted to rear, and was contained by the Assistant Starter. After reviewing the tapes, and speaking with Starter Brinson, the stewards determined that neither incident warranted non-starter status.

6 DECLARATIONS, CHANGES AND REFUNDS:

- 1st Race #2- Ready Steady Gone – Claimed – Doug O’Neill, trainer
- 2nd Race #1- Riviera Cocktail – Garrett Gomez, ill. Joe Talamo, replacement.
Refund: \$61.00
- 3rd Race Refund: \$128.00
- 4th Race #1- Eleventh Hour – Injured, Dr. Bailey.
#10- Stevie’s Afleet – Claimed – John Sadler, trainer
#11-Atta Lora – Steward- Also Eligible
#12- Ruby Slippers – Steward – Also Eligible
Refund: \$1,862.90
- 5th Race #3- Rocket Kitty – Claimed – Jack Carava, trainer
#4- Raiding Party (IRE) – Claimed – Mike Mitchell, trainer
Refund: \$22.00
- 6th Race #11- Tonka T. Injured, Dr. Bailey
Refund: \$458.00
- 7th Race #6- Tactical Talent – Claimed – Gary Stute
#11- Scibelli – Cory Nakatani, ill – Victor Espinoza, replacement
Refund: \$843.20
- 8th Race #3- Becrux – Steward – Entered Back
#7- Prussian – Sick, Dr. Bailey
#8- Knockout Artist – Steward – Also Eligible
Refund: \$5,332.24
- 9th Race Refund: \$65.70
- 10th Race Refund: \$134.60

7 ATTENDANCE AND HANDLE

| | | |
|--------------------------|--------------------------------|-------------------------------------|
| Total Refund: \$8,773.04 | Del Mar on Track 11,663 | Off Track \$2,966,989.50 |
| No Minus Pool | Off Track 7,108 | Out of State \$5,518,187.51 |
| | <u>Total Attendance 18,771</u> | <u>Del Mar Total \$1,777,427.10</u> |
| | | Total \$10,262,604.11 |

8 COMPLAINT AGAINST DEL MAR THOROUGHBRED CLUB:

On August 22nd, the Board of Stewards conducted a hearing regarding Complaint # 09DM056 alleging that Del Mar Thoroughbred Club had violated CHRB rule # 1468 © (Ambulance Service – A means of communication shall be provided by the association between a place of observation of the race course and the place where the required ambulances and their attendants are posted for prompt response in the event of accident to any person or horse).

CHRB Investigator Jim Hamilton submitted a lengthy report indicating that the normal response time for breakdown incidents is four minutes. There were four Outriders on the track on July 18th, the telephones were working and the response time for this incident was estimated to be five minutes. The horse ambulance driver, Dennis Flowers, was properly positioned on the 3/8ths pole: the tractor/trailer horse ambulance was in close proximity to that location, and Mr. Flowers was overseeing the horse traffic on the track. The ambulance moved toward the incident quickly. Most of the time delay occurred when the horse became frightened of the horse ambulance, and became uncontrollable to the surrounding handlers. DMTC could not be responsible for the horse's behavior.

As Mr. Fravel mentioned during the hearing, "time stands still" when there is an accident, and it must have seemed like considerable time had passed prior to the incident being resolved and closed. It was, however, the unanimous decision of the Stewards that although the timing and procedures were not perfect, there had not been a clear violation of the rules and the circumstances did not warrant a sanction for DMTC. Case dismissed.

THURSDAY

AUGUST 27, 2009

1 TRAINER MIKE HARRINGTON:

Complaint # 09DM074 was issued against trainer Mike Harrington for an overage of Phenybutazone (5.67 ug) on his horse "Magic Yodler" which ran in the 3rd race at Del Mar on August 1, 2009. Since Mr. Harrington had not had a "bute" overage in the past three years, he was issued a warning as per # 1843.3 (Penalties for Medication Violations – Category C).

2 TRAINER PETER MILLER- RULING # 35

Peter Miller was fined today for a security violation, which Mr. Miller admitted was 'partially' deserved. He did dispute total responsibility for one of the water violations since he is sharing a wash-rack with trainer Roger Stein. The following ruling was issued:

RULING # 35

Pursuant to California Horse Racing Board rule #1530(Cases not Covered by Rules and Regulations), trainer Peter Miller is fined One Hundred Dollars(\$100)* for violation of Del Mar Thoroughbred Club water conservation policy.

3 DECLARATIONS, CHANGES AND REFUNDS

- | | |
|----------------------|--|
| 1 st Race | #3- Skipper's Honor – Unsound – As per Dr. Jill Bailey Refund: \$1,501.40 |
| 2 nd Race | #2 – Californiarockstar – Sick – As per Dr. Barrie Grant Refund: \$771.20 |
| 3 rd Race | # 3- Tap Tap A Win – Claimed – Doug O'Neill, trainer #9- Only Be Cause – Claimed – Mike Harrington, trainer Refund: \$102.00 |

- 4th Race Refund: \$141.10
- 5th Race #1- Meggie's Legacy – Unsound – as per Dr. Barrie Grant
Refund: \$1,324.00
- 7th Race \$4.00
- 8th Race #3- Jelly Cat – Felipe Valdez, ill – Julien Couton, Replacement
Refund: \$31.40

4 ATTENDANCE AND HANDLE

| | | |
|--------------------------|-------------------------|-------------------------------------|
| Total Refund: \$3,875.10 | Del Mar on Track 9,427 | Off Track \$3,207,403.10 |
| No Minus Pool | <u>Off Track 8,047</u> | Out of State \$6,718,898.02 |
| | Total Attendance 17,474 | <u>Del Mar Total \$1,707,390.30</u> |
| | | Total \$11,633,601.42 |

FRIDAY

AUGUST 28, 2009

1 PARKING VIOLATIONS # 36-61

Numerous routine parking violations have been cited since the beginning of the race meet, the recipients were issued rulings.

2 JOCKEY REVIEW:

Jockey Jordan Springer reviewed yesterday's third race with the Stewards. She was cautioned to be more alert when leaving the gate.

Jockey Brice Blanc reviewed the sixth race from yesterday. Mr. Blanc had come through a "small hole" with a fast closing horse. He was cautioned.

3 DECLARATIONS, CHANGES AND REFUNDS:

1st Race #3-Scofield Barracks – Sick, as per Dr. Jill Bailey
#6- Defense King – Claimed – Doug O'Neill, trainer
Refund: \$1,184.50

2nd Race #1-Pure Confection – Injured, as per Dr. Jill Bailey
Refund: \$895.32

3rd Race Refund: \$696.64

4th Race #4- Guiltybyassociation – Sick, as per Dr. Barrie Grant
#14- Saarface – Steward – Also Eligible
Refund: \$2,011.11

5th Race # 8 –Brother Man – Steward – Ran off in morning
#5- Raingear – Claimed – Gary Yniguez, trainer
#9-My Friend Luis – Injured, as per Dr. Jill Bailey
Refund: \$8,359.41

6th Race #1- Hot n' Lacey – Sick, as per Dr. Barrie Grant

#7- Hotrod Kelly – claimed – Jack Carava, trainer
#8 – Rollerskates – Sick, As per Dr. Jill Bailey
Refund: \$2,578.86

7th Race #12- Tallahsocean – Injured, as per Dr. Jill Bailey
Refund: \$2,082.11

8th Race Refund: \$786.00

9th Race #1- Danceuponthestars- Sick, as per Dr. Barrie Grant
#9- Diplo – Steward- Horse ID – wrong markings
Refund: \$6,360.08

4 ATTENDANCE AND HANDLE

| | | | | |
|---------------------------|------------------|--------|----------------------|-----------------------|
| Total Refund: \$24,954.03 | Del Mar on Track | 13,343 | Off Track | \$2,857,507.52 |
| No Minus Pool | Off Track | 6,783 | Out of State | \$5,568,063.91 |
| | Total Attendance | 20,126 | <u>Del Mar Total</u> | <u>\$1,737,893.60</u> |
| | | | Total | \$10,163,465.03 |

SATURDAY

AUGUST 29, 2009

1 JOCKEY REVIEW:

Jockey Jordan Springer, accompanied by Jockey David Flores, met with the Stewards this morning. Ms. Springer rode #2 Engine Sixty Nine (2nd by a nose) in yesterday's fifth race and the Stewards were concerned that she did not exert her best effort through the stretch. Engine Sixty Nine had been racing on the lead, with a clear lead through the stretch, but Ms. Springer did not use her whip or appear to actively urge her mount. Ms. Springer indicated that she felt that her horse was tiring, and thought that she could win the race without further urging. She admitted that she miscalculated the pace of the closing horses and "messed up". The Stewards do not feel that Ms. Springer had any nefarious motives, but clearly the owner, trainer and fans were denied a potential win because of her lack of effort. Ms. Springer may also have been tiring herself as she has not had the opportunity to ride many horses at this meet.

Official Veterinarian Jill Bailey rechecked Engine Sixty Nine this morning and verified that the horse was racing sound. The Stewards also reviewed a previous race of Ms. Springer's to verify that she does use a whip properly and can "draw and switch" with ease.

Ms. Springer has won eighty races, with a total of eleven hundred and fifty rides. Most of her rides have been in the Midwest. After discussion, a majority decision was reached (Steward Ward dissenting as he felt that a warning would suffice) and the following ruling was issued:

RULING # 63

Jockey Jordan Springer is suspended for ten (10) racing days (September 5, 6, 7, 9; September 30; October 1, 2, 3, 4, and 7, 2009) for violation of California Horse Racing Board rule #1884 (Unsatisfactory Rides) while riding Engine Sixty Nine in the fifth race at Del Mar Thoroughbred Club on August 28, 2009.

Term of suspension shall not prohibit participation in designated races.

2 LATE TO RECEIVING BARN:

Trainer Mike Mitchell was counseled to have his horses to the Receiving Barn in a timely manner. He has not had any previous violations.

3 DECLARATIONS, CHANGES AND REFUNDS:

- 1st Race #1-Too Much Heat – Claimed – Jerry Hollendorfer, trainer
#2- Quiet Lightning – Claimed – Jorge Periban, trainer
Refund: \$139.28
- 2nd Race #8- Mission Viejo Halo – Steward – Also eligible
Refund: \$950.10
- 3rd Race #3- Sainly Spirit – Claimed – Bill Spawr, trainer
#4- Lunch Money – Claimed – Doug O’Neill, trainer
#7- Dave’s Revenge – Claimed – Jerry Hollendorfer, trainer
Refund: \$90.20
- 4th Race #6- Steppin Out Rose – Claimed – Chris Hartman, trainer
Refund: \$265.50
- 5th Race #6- Linda Ward – Steward – Recommendation of Dr. Barrie Grant
#8- Eclipse Syrah – Sick – As per Dr. Jill Bailey
#14-Terrify – Steward – Also Eligible
Refund: \$28,038.47
- 6th Race #13- Sleep Tight - Steward – Also Eligible
#14- Wickednwackynggrid – Steward- Also Eligible
Refund: \$865.81
- 7th Race #9- Wayman – Injured – As per Dr. Barrie Grant
#11- My Friend Bernie – Steward – Recommendation of Dr. Barrie Grant
Refund: \$23,445.17
- 8th Race #10- Temple City – Steward – Stake
Refund: \$1,879.10
- 9th Race #6- Marvel Girl – Sick – As per Dr. Jill Bailey
Refund: \$358.96

4 ATTENDANCE AND HANDLE

| | | |
|---------------------------|-------------------------|-------------------------------------|
| Total Refund: \$56,167.19 | Del Mar on Track 23,982 | Off Track \$5,668,622.50 |
| No Minus Pool | Off Track <u>11,414</u> | Out of State \$9,382,195.32 |
| | Total Attendance 35,396 | <u>Del Mar Total \$2,738,898.00</u> |
| | | Total \$17,789,715.72 |

SUNDAY
AUGUST 30, 2009

1 PROTEST HEARING FOR CASE # 09DM077

A hearing was conducted this morning to address the issue of improper weight carried by the winner of the sixth race on August 6, 2009. Present for today’s hearing were: trainer Frank Monteleone (winner, Craig’s Storm), trainer Gerard Piccioni (2nd, So Behold), Assistant Racing Secretary Rick Hammerle, Executive Vice President Craig Fravel, CHRB Investigator Rick Amieva, Safety Steward Luis Jauregui, the full Board of Stewards, and the proceeding was recorded by Court Reporter Barbara Weinstein.

On August 7th, the Stewards had been informed that Craig’s Storm had carried two pounds less than the conditions of the race required, each of the trainers that had horses in the race were informed of the error. Trainer Piccioni initiated the protest heard today, as per CHRB rule # 1755 (e) (Grounds for Protest – an unfair advantage was gained in violation of the rules).

Mr. Piccioni argued that Craig’s Storm had carried less than the required weight from the paddock, while warming up for the race, through the race, and won by one length. Mr. Monteleone argued that (d) “The weight carried by a horse was improper, by reason of fraud or willful misconduct” was a more appropriate application of the rule. The BOS agreed that there was no apparent fraud or misconduct involved in the circumstance. The decision before the BOS is whether Craig’s Storm gained an unfair advantage by carrying two pounds less than he should have.

During the hearing there was extensive discussion about the trainer’s responsibility in naming or verifying the weight at time of entry. Although it is their responsibility, neither trainer indicated that they routinely name and/or review their weights at time of entry.

Determination to follow.

2 JOCKEY REVIEWS.

Michael Baze reviewed the stretch run of the 2nd race yesterday, 5 furlongs on the turf. He was cautioned and reminded to “keep a straight path.”

Rafael Bejarano, who rode the winner of yesterdays Del Mar Mile reviewed the final yard of yesterday’s one mile race. He was cautioned to be more alert.

3 STEWARD SUBSTITUTION:

Safety Steward Luis Jauregui filled in for Steward Scott Chaney this afternoon. Mr. Chaney attended a funeral.

4 DECLARATIONS, CHANGES AND REFUNDS:

1st Race #4- Miss Peanut – Unsound. - As per Dr. Jill Bailey
Refund: \$2,706.56

2nd Race #3- Northern Soldier – Sick, as per Dr. Jill Bailey
Refund: \$2,682.93

3rd Race #3- Sarabella Mia – Injured – As per Dr. Barrie Grant
#1a-Screen Gem – Unsound – Unsound – As per Dr. Jill Bailey
Refund: \$1,602.29

6th Race Refund: \$43.00

7th Race Refund: \$572.00

8th Race #5- Racketeer – Steward – Stake

#12 – Quarter Moon – Steward – Also Eligible
 Refund: \$3,459.69

9th Race #4-Good Night Gyrene – Injured – As per Dr. Bailey
 #6- Martini Mixer – Injured – As per Dr. Jill Bailey
 Refund: \$4,788.84

10th Race #7- Party Mandate – Steward – No acceptable substitute jockey
 #13- Swiss Ski – Steward – Also Available
 Refund: \$1,508.93

5 ATTENDANCE AND HANDLE

| | | |
|---------------------------|-------------------------|-------------------------------------|
| Total Refund: \$17,364.24 | Del Mar on Track 13,031 | Off Track \$4,632,392.80 |
| No Minus Pool | <u>Off Track 10,061</u> | Out of State \$6,893,970.02 |
| | Total Attendance 23,092 | <u>Del Mar Total \$2,009,364.40</u> |
| | | Total \$13,535,727.22 |

**CALIFORNIA HORSE RACING BOARD
 SUMMARY**

| | Wed 8-26 | Thurs 8-27 | Fri 8-28 | Sat 8-29 | Sun 8-30 | Week Total | Meet Total |
|-------------------|-------------|---------------|-------------|-------------|-------------|---------------|---------------|
| Accidents | 0 | 0 | 0 | 0 | 0 | 0 | 3 |
| Cal-Bred Races | 1 | 3 | 2 | 1 | 1 | 8 | 43 |
| Claims | 6 | 2 | 3 | 6 | 1 | 18 | 132 |
| Inquires | 1 | 0 | 0 | 0 | 0 | 1 | 13 |
| Objections | 0 | 0 | 0 | 0 | 0 | 0 | 5 |
| Disqualifications | 0 | 0 | 0 | 0 | 0 | 0 | 5 |
| Refunds | 8 | 7 | 9 | 10 | 8 | 42 | 210 |
| Rulings | 0 | 27 | 1 | 1 | 1 | 30 | 63 |

Respectfully submitted,

Ingrid Fermin

Tom Ward (Steward)

C. Scott Chaney (Steward)