

CALIFORNIA HORSE RACING BOARD

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**PACIFIC RACING ASSOCIATION**

A Magna Entertainment Facility

Golden Gate Fields

Albany, California

Report of the Board of Stewards

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
 Honorable Bo Derek, Member
 Honorable Jerry Moss, Member
 Kirk E. Breed, Executive Director
 Richard "Bon" Smith, Assistant Executive Director

Report for the period Thursday, February 26, 2009 through Sunday, March 1, 2009.

Thursday02-26-09¹**CAL-BRED REPORT**

Purse \$9,500. For California bred or California sired maidens, four years old and upward, claiming price \$12,500 at six furlongs. This race failed to fill and was cancelled.

02-26-09²**DECLARATIONS – REFUNDS**

6 th race: #4 MOSCATO	(Tr. Frank Lucarelli)	injured
	Examining Veterinarian Diane Isbell	REFUND: \$ 731.00
#5 EIGHT BELOW	(Tr. J. B. Josephson)	sick
	Examining Veterinarian Diane Isbell	REFUND: \$ 673.40

02-26-09³**CALVARIO COMPLAINTS and HEARINGS**

First hearing – CHRB Case #09GG063

The complaint alleges Mr. Calvario violated California Horse Racing Board rules 1482 (Employment of Unlicensed Person) and 1895 (Trainer's Duty to Insure Licensed Participation) when he employed groom **Angel Villalobos** at Alameda County Fairground. Mr. Calvario pled guilty to the charges.

Second hearing – CHRB Case #09GG058

The complaint alleges Mr. Calvario violated California Horse Racing Board rules 1496 (Financial Responsibility of Applicant), 1530 (Cases Not Covered), 1592 (Ineligible Horse to be Disqualified) and 1629 (Penalty for Late Declaration).

Mr. Calvario was cited after he submitted a N.S.F. check to the Paymaster of Purses to satisfy Pacific Racing Association's rulings #7 and #8, issued on January 10, 2009. Mr. Calvario pled guilty to submitting a non-sufficient funds check.

Third hearing – CHRB Case #09GG065

The complaint states, "Mr. Calvario violated CHRB rules 1405 (Punishment By the Board), 1484 (Evidence of Unfitness for License), 1528 (Jurisdiction of Stewards to Suspend or Fine), 1530 (Cases Not Covered) and 1899 (Offenses Requiring Suspension).

The complaint was generated after the investigative staff was notified by the San Mateo County Child Support Division that Mr. Calvario was delinquent in his child support payments.

The Racing Board was seeking the suspension of Mr. Calvario's horse racing licenses at the request of the Child Support Division based on Family Law Code 17520.

Prior to getting into the merits of the case, it was clear the complaint lacked the necessary supporting documents that were essential for the case to be heard by this Board.

The complaint was dismissed without prejudice so as to enable the investigative staff time to obtain the necessary documents and re-file the complaint if they are so inclined.

02-26-09 ⁴	ATTENDANCE & HANDLE		
	GGF	1,361	\$ 377,643.60
	NCOT	2,780	\$ 907,943.70
	SCOT		\$ 481,327.90
	Out of State		\$1,392,598.47
	TOTAL	4,141	\$3,159,513.67

Friday02-27-09¹ **CAL-BRED REPORT**

Purse \$9,500. For California bred or California sired maidens, fillies and mares, four years old and upward. This race was canceled after receiving only four entries.

02-27-09² **DECLARATIONS – REFUNDS**

1 st race:	#2 HECOULDDGOALLTHEWAY	(Tr. Gloria Haley)	Refund: \$106.00
	#3 SMOKE CATE	(Tr. Alex Sywak)	Refund: \$329.00
2 nd race:	#1 FROM ABOVE	(Tr. Frances Henderson)	Refund: \$ 78.00
	#5 NO BOUNDARIES	(Tr. Brian J. Pitnick)	Refund: \$151.00
4 th race:	#2 JAY JAY MOON	(Tr. Lloyd C. Mason)	Refund: \$ 75.00

The foregoing declarations were due to injuries and declared on the advice of Examining Veterinarian Diane Isbell. Dr. Isbell reported four of the declarations were due to horses having bruised hooves or were carrying heat in their hooves. In compliance with CHRB rule 1954 (Pari-mutuel Pools) the first and second races did not offer show wagering as the fields in both races were reduced to only four wagering interests. There wasn't any additional show refund in the first race; however, in the second race the additional show refund amounted to \$74.00.

6 th race:	#3 U R ALL THAT I AM	(Tr. Jerry Hollendorfer)	Refund: \$ 185.00
	#6 FUNNY LEXIE	(Tr. Greg James)	Refund: \$ 166.00
	#7 MISSION HIGH	(Tr. Greg Gilchrist)	Refund: \$2,236.50
	#8 BETACON	(Tr. Eric Jensen)	Refund: \$ 139.00

The four declarations listed above were declared for sickness on the advice of Examining Veterinarian Diane Isbell. No show wagering was offered in compliance with CHRB rule 1954 (Pari-mutuel Pools) as the field had been reduced to four wagering interests. The additional show pool refund amounted to \$125.90.

8th race: #1 CONDITIONER (Tr. Terri Eaton) flipped in post parade
Track Veterinarian Heather Kerr REFUND: \$5,391.14

02-27-09³ **RULING NO. 42 – RIVERA**

Exercise Rider **ARCADIO C. RIVERA** is suspended thirty (30) days, March 1, 2009 through March 30, 2009, and placed on probation for the term of his license (05-31-2011) for violation of California Horse Racing Board rule #1874 (Disorderly Conduct – Intoxication) on January 29, 2009.

As conditions of probation, Mr. Rivera must abide by the term of a contract with the Winners Foundation and comply with the terms of a testing agreement with the California Horse Racing Board. Failure to comply with the terms of his probation will be cause for action against Mr. Rivera's license privileges.

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

The ruling listed above was issued after Mr. Rivera, and Winners Foundation representative **Armando Colero**, met with the stewards and the terms and conditions of the ruling were fully explained. (Refer: 02-21-09²)

02-27-09⁴ **ATTENDANCE & HANDLE**

GGF	1,258	\$	356,570.70
NCOT	2,371	\$	830,791.80
SCOT		\$	439,260.90
Out of State		\$	1,206,191.48
TOTAL	3,629	\$	2,832,814.88

Saturday

02-28-09¹ **CAL-BRED REPORT**

Purse \$11,500. For California bred or California sired fillies and mares, four years old and upward, claiming price \$8,000 at six furlongs. The race was called off with two entries.

02-28-09² **DECLARATIONS – REFUNDS**

5th race: #4 SEEKING HONOR (Tr. Richard Miller) sick
Examining Veterinarian Diane Isbell REFUND: \$ 185.00

6th race: #8 GRAP (Tr. Steve Miyadi) Enter back
Stewards REFUND: \$ 156.10

02-28-09³ **OBJECTION – NO CHANGE – Fifth Race**

Following the running of the fifth race, the rider of #6 CONCINNITY (4th place), Jose Contreras, lodged an objection against second place finisher, #9 CUT ridden by jockey Saul Arias for alleged interference near the 5/16th pole.

After talking to the riders involved and reviewing the recorded views of the race the order of finish posted on the tote board was made official.

The recordings of the race show jockey Contreras check his mount while racing near the heels of #9; however, the angles of the recorded views failed to clearly show which horse was at fault.

02-28-09⁴ **ATTENDANCE & HANDLE**

GGF	2,320	\$ 699,012.30
NCOT	3,942	\$1,501,108.00
SCOT		\$ 817,063.10
<u>Out of State</u>		<u>\$1,843,048.74</u>
TOTAL	6,262	\$4,860,232.14

Sunday03-01-09¹ **CAL-BRED REPORT**

Purse \$12,500. For California bred or California sired fillies and mares, four years old and upward, claiming price \$10,000 at one mile. The race failed to fill and was called off.

03-01-09² **DECLARATIONS – REFUNDS**

4 th race:	#1 TOLNAI (Arg)	(Tr. Jerry Hollendorfer)	sick
	Examining Veterinarian Diane Isbell		NO REFUND /Entry
5 th race:	#7 TURKISH FOX	(Tr. Holly Evans)	sick
	Examining Veterinarian Diane Isbell		REFUND: \$ 419.00
6 th race:	#3 ANDREW'S TURN	(Tr. Bruce Dillenbeck)	enter back
	Stewards		REFUND: \$ 557.20
	#4 FJ'S APPEAL	(Tr. John F. Martin)	injured
	Examining Veterinarian Diane Isbell		REFUND: \$ 225.10
8 th race:	#2 JANE DOE	(Tr. Dean Pederson)	sick
	Examining Veterinarian Diane Isbell		REFUND: \$ 352.00
9 th race:	#1 MAGGIE'S PATCHES	(Tr. Clifford Delima)	sick
	Examining Veterinarian Diane Isbell		REFUND: \$ 695.00
	#8 SWEET HEAVEN	(Tr. Richard Miller)	sick
	Examining Veterinarian Diane Isbell		REFUND: \$ 80.00
	#9 TEKE SWEETHEART	(Tr. Dan Cabral)	wrong horse
	Horse Identifier/Stewards		REFUND: \$4,027.38

03-01-09³ **CALVARIO RULINGS No. 43 & 44**

#43 Trainer **MANUEL R. CALVARIO** is fined the sum of two hundred dollars (\$200.00) for violation of California Horse Racing Board rules #1482 (Employment of Unlicensed Person) and #1895 (Trainer's Duty to Insure Licensed Participation) on January 30, 2009.

#44 Trainer **MANUEL R. CALVARIO** is fined the sum of five hundred dollars (\$500.00) for violation of California Horse Racing Board rules #1532 (Payment of Fines) and #1877 (Checks) on January 21, 2009.

The foregoing rulings were issued after Mr. Calvario pled guilty to the charges at hearings held on February 26, 2009.

03-01-09⁴ **JOCKEY OBJECTION – NO CHANGE – First Race**

Jockey David Lopez, rider of second place finisher #1 BABA ZULA, lodged an objection against the winner #3 SWIFTETTE, ridden by Leslie Mawing, for alleged interference at the head of the stretch.

After talking to the riders involved and reviewing the tapes of the race, no change was made to the order of finish as the recordings of the race failed to support the objection.

03-01-09⁵ **JOCKEY OBJECTION – NO CHANGE – Third Race**

The rider of #8 MIKI’S KING, Omar Figueroa (2nd place), lodged a claim of foul against #4 DEVILOFAPRICE (1st place), ridden by Alfredo Miranda, following the running of the 3rd race for alleged interference near the eighth pole.

After discussion with the riders involved and reviewing the tapes of the race, the numbers as posted were made official.

The tapes show both horses contribute to mutual contact therefore no change was made in the order of finish.

03-01-09⁶ **INQUIRY – DISQUALIFICATION – Fifth Race**

The inquiry was lit once again for a stewards’ review of the start of the fifth race involving #2 MAC ONE (6th place, Omar Figueroa) and #3 WARREN’S FOREVER (8th place, Juan Ochoa).

After talking to the riders involved and reviewing the tapes of the start, #2 was disqualified from sixth and placed eighth.

The tapes show #2 breaks sharply to the outside and severely impedes #3 while taking that rival’s path and costing #3 any chance of better placing.

03-01-09⁷ **INQUIRY – DISQUALIFICATION – Seventh Race**

Following the running of the seventh race, the inquiry sign was re-lit for a review of the start involving #6 THELIFEOFTHEPARTY (3rd place, Adan Landeros) and #5 SHANNON’S WHISPER (6th place, Alex Bisono).

After discussions with the riders mentioned and reviewing the start of the race, by majority vote #6 was disqualified from third and placed sixth.

The tapes show #6 veers sharply to the inside and eliminates #5 as that rival breaks outward slightly. Steward Herbuveaux was of the opinion #5’s actions were a contributing factor and cast a dissenting vote.

03-01-09⁸ **LATE DECLARATION – Ninth Race**

After notification was received from Darryl Sparks, Horse Identifier, that the wrong horse was brought to the receiving barn for the ninth race, #9 TEKE SWEETHEART was declared. Early reports are the horse LITTLE SWOON was brought to the receiving barn instead of TEKE SWEETHEART. If that proves to be so, LITTLE SWOON is trained by a different trainer, Cliff Delima; whereas TEKE SWEETHEART is trained by **Dan Cabral**...more to follow.

03-01-09⁹ **ACCIDENT / INQUIRY – NO CHANGE – Ninth Race**

The inquiry was posted once again for a review of an accident at the start involving #6 RYAN’S JADE STAR, ridden by apprentice jockey Michael Martinez.

After a thorough review of the start of the ninth race, no change was made to the order of finish.

Tapes clearly show #6 stumble and unseat jockey Martinez as the field of horses was dispatched by the starter with no other horses involved.

03-01-09¹⁰ **ATTENDANCE & HANDLE**

GGF	2,928	\$ 596,965.80
NCOT	3,372	\$1,127,111.60
SCOT		\$ 750,518.50
Out of State		\$1,629,281.64
TOTAL	6,300	\$4,103,877.54

W E E K L Y S U M M A R Y

ATTENDANCE REPORT - The full Board of Stewards was in attendance each racing day during this reporting period for both morning business and the afternoon racing program. Steward Herbubeaux was duty steward on Wednesday overseeing scratches and entries.

VETERINARIAN RECOMMENDED SCRATCHES

Date	Race	No.	Horse	Trainer	Reason	Vet	Refund	
26-Feb	6	4	MOSCATO	Lucarelli	injured	Isbell	\$731.00	
		5	EIGHT BELOW	Josephson	sick	Isbell	\$673.40	
27-Feb	1	2	HECOULDGOALLTHEWAY	Haley	injured	Isbell	\$106.00	
		3	SMOKE CAT	Sywak	injured	Isbell	\$329.00	
		2	1	FROM ABOVE	Henderson	injured	Isbell	\$78.00
		5	NO BOUNDARIES	Pitnick	injured	Isbell	\$151.00	
		4	2	JAY JAY MOON	Mason	injured	Isbell	\$75.00
		6	3	U R ALL THAT I AM	Hollendorfer	sick	Isbell	\$185.00
		6	FUNNY LEXIE	James	sick	Isbell	\$166.00	
		7	MISSION HIGH	Gilchrist	sick	Isbell	\$2,236.50	
28-Feb	8	1	BETACON	Jensen	sick	Isbell	\$139.00	
		1	CONDITIONER	Eaton	injured in parade	Kerr	\$5,391.14	
28-Feb	5	4	SEEKING HONOR	Miller	sick	Isbell	\$185.00	
1-Mar	4	1	TOLNAI (Arg)	Hollendorfer	sick	Isbell	Part of Entry	
		5	7	TURKISH FOX	Evans	sick	Isbell	\$419.00
		6	4	FJ'S APPEAL	Martin	injured	Isbell	\$225.10
		8	2	JANE DOE	Pederson	sick	Isbell	\$352.00
		9	1	MAGGIE'S PATCHES	Delima	sick	Isbell	\$695.00
		8	SWEET HEAVEN	Miller	sick	Isbell	\$80.00	

VETERINARY REPORT

Euthanized / Died

- 02-23-09 More Than Gold (Tr. Genaro Vallejo) left front mid MC III fracture – Tapeta, training
- 02-25-09 I'm A Soft Touch (Tr. Lloyd Mason) possible fractured pelvis – Tapeta, training
- 02-26-09 Icee Stars (Tr. Mike Lenzini) neurological 3-4 weeks w/ secondary cellulitis

Veterinarian's List

There were twenty-one (21) horses placed on the vet's list:

- Sick: 11
- Injured: 8
- Unsound: 2
- Bled: 0

There were thirteen (13) horses removed from the vet's list:

- Sick: 8
- Injured: 2
- Unsound: 1
- Bled: 1
- Medication: 1

Shockwave Therapy: There were no shockwave therapy treatments reported.

WEEKLY ATTENDANCE & HANDLE SUMMARY FOR SATELLITE FACILITIES

Anderson	163	\$	56,495.90
Bakersfield	447	\$	149,414.00
Eureka	77	\$	33,142.20
Fresno	430	\$	146,683.90
Fresno Club One	116	\$	64,344.10
Monterey	380	\$	174,888.10
Pleasanton	1969	\$	676,600.50
Sacramento	1539	\$	485,181.90
San Jose	1885	\$	646,387.80
San Mateo	3824	\$	1,486,302.10
Santa Rosa	923	\$	245,824.70
Stockton	1147	\$	330,446.60
Tulare	279	\$	64,061.60
Turlock	505	\$	157,807.90
Vallejo	927	\$	307,283.70
So. California		\$	2,488,170.40
Out of State		\$	6,071,120.33

	26- Feb	27- Feb	28- Feb	1-Mar	WEEK	Meet
ACCIDENTS	0	0	0	1	1	4
CAL-BRED RACES	0	0	0	0	0	4
CLAIMS	4	5	2	2	13	91
DISQUALIFICATIONS	0	0	0	2	2	6
INQUIRIES/OBJECTIONS	0	0	1	4	5	18
REFUNDS	2	10	2	7	21	145
RULINGS	0	1	0	2	3	44

Respectfully submitted,

Darrel McHargue, Steward

Dennis Nevin, Steward

John B. Herbuveaux, Steward