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7 **BEFORE THE CALIFORNIA HORSE RACING BOARD**
8 **STATE OF CALIFORNIA**

9
10 In the Matter of:) Case No. **24DM0029**
11 Fitness for Licensure of:)
12)
13) PROPOSED DECISION
14)
15 **NORBERTO ARROYO, JR.**)
16 **CHRB License No. #288131 (Expired),**) Hearing Date: June 25, 2025
17) Time: 10:00 a.m.
18 **Jockey.**)
19)
20)
21)

22 PROPOSED DECISION

23 This matter was heard on June 25, 2025 by Shauna Weeks Avrith, a Hearing Officer
24 designated under California Horse Racing Board (“CHRB”) rule 1414 (Appointment of Referee)
25 remotely via Microsoft Teams audio and videoconference.

26 Jockey Norberto Arroyo, Jr. (hereinafter “Arroyo”) appeared and was represented by
27 counsel Bing Bush, Jr.

28 The CHRB was represented by Deputy Attorney General Ina Rechdouni.

The proceedings were recorded by court reporter Michelle E. Derieg of Weinstein Court
Reporters, LLC.

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PROCEDURAL BACKGROUND

On September 13, 2024, the CHRB refused to issue a jockey license to Norberto Arroyo, Jr. on the grounds that (1) he had been convicted of a crime punishable by imprisonment in the State or Federal prison, or had been convicted of a crime involving moral turpitude; and (2) he was under suspension, set down, ruled off, or otherwise barred from participating in racing occupation by a competent racing jurisdiction. Arroyo requested a hearing regarding his fitness for licensure.

LIST OF ADMITTED EXHIBITS

A. CHRB EXHIBITS

- CHRB Exhibit 1: Application for License
- CHRB Exhibit 2: CHRB Investigative Report dated August 10, 2024
- CHRB Exhibit 3: Notice of Refusal of License dated September 13, 2024
- CHRB Exhibit 4: California Dept. of Justice Bureau of Criminal Information and Analysis Report dated September 5, 2024 re Arroyo California Criminal History
- CHRB Exhibit 5: California Dept. of Justice Bureau of Criminal Information and Analysis Report dated October 24, 2024 re Arroyo FBI Criminal History
- CHRB Exhibit 6: CHRB Supplemental Investigative Report dated November 1, 2024
- CHRB Exhibit 7: Arcadia Police Department Case Journal and Status report and Complaint dated January 31, 2018 re *People v. Arroyo*, Los Angeles County California Superior Court Case No. GA102797
- CHRB Exhibit 8: Arcadia Police Department Incident Report dated December 20, 2017

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B. ARROYO EXHIBITS

- Arroyo Exhibit 4¹: Letter dated May 7, 2023 from D. Bolanos, Parol Agent 1
- Arroyo Exhibit 5: Domestic Violence Course Certificate of Completion dated December 11, 2023
- Arroyo Exhibit 6: ABC Traffic Programs statement of completion of AB541 program on May 29, 2025 as condition of 2006 DUI conviction
- Arroyo Exhibit 8: Letter from Richard A. Williams, M.D., F.A.C.O.G. dated May 3, 2025
- Arroyo Exhibit 9: Employment Verification Letter from Bang Trani, Viet Huong Restaurant
- Arroyo Exhibit 10: Letter from Attorney Crystal Yazgulian dated June 2, 2025
- Arroyo Exhibit 11: Affidavit of Crystal Yazgulian dated June 6, 2025
- Arroyo Exhibit 12: Letter from Rev. Fr. Jose J. Martinez dated October 14, 2024
- Arroyo Exhibit 13: Affidavit of Father Jose J. Martinez dated June 4, 2025
- Arroyo Exhibit 14: Letter from Fr. Joachim Lepcha, Immaculate Conception Church, dated October 10, 2024
- Arroyo Exhibit 15: List of Church Retreats

LIST OF WITNESSES

1. Norberto Arroyo, Jr.
2. Cal. Dept. of Corrections Parole Agent David Bolanos
3. August Tran (Arroyo Employer, Owner and Manager of Viet Huong Restaurant)
4. Fr. Jose Martinez, Associate Pastor, St. Joseph Church in Pomona
5. CHRB Investigator Octavio Vergara

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¹ Arroyo Exhibits 1-3 are duplicates of CHRB Exhibits 1-3. Arroyo Exhibit 7 was withdrawn.

1 (1) The nature and severity of the act(s) and/or offense(s), including its relation to
2 horse racing or pari-mutuel wagering and the protection of the public;

3 (2) The total criminal record, including evidence of any act(s) and/or offense(s)
4 committed subsequent to the act(s) or offense(s) under consideration as grounds
5 for denial, suspension or revocation which also could be considered grounds for
6 denial, suspension, or revocation under Business and Professions Code sections
7 480 or 490;

8 (3) The time that has elapsed since commission of the act(s) or offense(s)

9 (4) The extent to which the person seeking licensure or the licensee has complied
10 with any terms of parole, probation, restitution or any other sanctions lawfully
11 imposed against the person or licensee

12 (5) The credibility of the person seeking licensure or the licensee, and his or her
13 acceptance of responsibility and remorse for the conduct.

14 (6) Evidence, if any, of rehabilitation submitted by the person seeking licensure
15 or by the licensee. If the evidence of rehabilitation consists of written statements
16 by third parties in support of the person seeking licensure or the licensee, the
17 written statements shall include a description of their relationship to the person or
18 licensee, a description of the length of time their relationship has existed, a
19 description of the rehabilitative efforts of the person seeking licensure or the
20 licensee and should contain the following sentence at the end: "I declare under
21 penalty of perjury, under the laws of the State of California, that the foregoing is
22 true and correct." The written statement should be signed by the third party
23 making the statement and dated.

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25 **CHRB Rule 1493 Refusal Without Prejudice**

26 A refusal to issue a license (as distinguished from a denial of a license) to an
27 applicant by the Board at any race meeting is without prejudice, and the applicant
28 who has been refused for reasons other than license certification testing may

1 reapply for a license at any subsequent or other race meeting. In all cases an
2 applicant may appeal such refusal to the Board for hearing upon his or her
3 qualifications and fitness for the license.
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5 FACTUAL FINDINGS

6 I.

7 Arroyo is a jockey who held CHRB license number 288131 which expired in July, 2022.
8 (CHRB Ex. 1.)

9 II.

10 On April 29, 2024, Arroyo completed a CHRB Application for License. (CHRB Ex. 1.)

11 III.

12 Arroyo’s license application discloses that he was convicted of two domestic violence
13 offenses, in 2018 and 2019, for which he represented he was sentenced to two years and one year,
14 respectively. Arroyo described the 2019 conviction as “domestic NO-Violence.” (CHRB Ex. 1).
15 In fact, Arroyo received a four year prison sentence for domestic violence in 2018, and a two year
16 prison sentence for domestic violence and attempting to prevent a crime witness or victim from
17 making a report to law enforcement in 2019. (CHRB Ex. 4.)

18 IV.

19 In his licensing interview with CHRB Investigator Vergara, Arroyo described the 2018
20 incident as a sort of “mutual combat” event, during which he and his fiancé were drunk and
21 fighting, stating “we both did it.” (CHRB Ex. 2.) At the hearing, Arroyo implied that his fiancé
22 had started the fight, but acknowledged he was “the one that caused the harm.” (Arroyo
23 Testimony.) An Arcadia Police Department Incident Report describes Arroyo’s fiancé as having
24 significant injuries to her face. Both eye lids were discolored black/purple and were swollen with
25 dried blood around them. Arroyo’s fiancé also had numerous lacerations/abrasions on her face and
26 arms. She stated that Arroyo had grabbed her by the hair, threw her on the ground, then slammed
27 her head on the wooden floor several times, then punched her in the face several times. Arroyo’s
28 fiancé left the house and returned, after which Arroyo again grabbed her by the hair, threw her on

1 the floor and punched her in the face. Arroyo’s fiancé was taken to Arcadia Methodist Hospital for
2 treatment. (CHRB Ex. 8.)

3 V.

4 Both in his licensing interview with CHRB Investigator Vergara and at the hearing, Arroyo
5 denied any responsibility for the 2019 domestic violence incident, accusing the victim of lying.
6 (CHRB Ex. 2; Arroyo Testimony.)

7 VI.

8 Arroyo’s license application and FBI criminal history report reflect a history of violent
9 behavior and drug and alcohol use. (CHRB Exs. 1-2, 5.) Arroyo was incarcerated in New York in
10 2003 for felony assault with a deadly weapon or dangerous instrument, and in 2006 for felony
11 possession of cocaine. Arroyo’s criminal history also includes misdemeanor convictions for assault
12 and for driving under the influence of alcohol or drugs. (*Id.*)

13 VII.

14 Arroyo did not serve the entire four year sentence imposed as a result of his 2019
15 conviction. He was released from prison on November 25, 2022. (Testimony of Arroyo and
16 Arroyo Ex. 4.) He was discharged from parole on November 27, 2023. (Arroyo Ex. 4.)

17 VIII.

18 Following his release from prison in November, 2022, Arroyo complied with all conditions
19 of his parole, maintaining stable residence and employment, completing and voluntarily repeating a
20 20 hour substance abuse program, completing a 52 week Batterer’s Program; monthly urinalysis
21 tests were clean for drugs and alcohol. He was described by his parole agent as a “model parolee.”
22 (Arroyo Exs. 4-6, 9-11); Testimony of Parole Agent David Bolanos.)

23 IX.

24 Arroyo also became heavily involved in Catholic church activities following his release
25 from prison. He attends mass daily and has participated in a number of church-sponsored retreats.
26 (Testimony of Arroyo; Testimony of Fr. Jose Martinez; Arroyo Exs. 12-15.)

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1 X.

2 Arroyo obtained his jockey's license in Puerto Rico in May, 2025 and has returned to racing
3 there. (Testimony of Arroyo.)

4 DISCUSSION OF ISSUES

5 The CHRB properly refused to issue a jockey license to Arroyo. The evidence of Arroyo's
6 past criminal conduct is not disputed and reflects a decades-long propensity for violence. Rule
7 1489(a)(1) provides that the CHRB may refuse to issue a license to any person "[w]ho has been
8 convicted of a crime punishable by imprisonment in a California state prison . . . or who has been
9 convicted of a crime involving moral turpitude." Both Arroyo's 2018 and 2019 felony convictions
10 for domestic violence resulted in his imprisonment, and constitute crimes of moral turpitude. *See*
11 *Donley v. Davi*, 180 Cal.App. 4th 447 (2009) (willful infliction of corporal injury resulting in
12 traumatic condition upon spouse or cohabitant is a crime of moral turpitude supporting denial of
13 professional license). Furthermore, these convictions – as well as his convictions in New York –
14 evidence a "present or potential unfitness to perform the functions authorized by [a jockey's]
15 license . . . in a manner consistent with the public health, safety or welfare," within the meaning of
16 Rule 1489(b).² As the CHRB argued at the hearing, Arroyo's record spans decades and
17 demonstrates an inability to control his temper resulting in violence, and poses a potential risk to
18 public safety. Arroyo's criminal record would also have supported refusal to issue a license
19 pursuant to Rule 1489(a)(2) (felony convictions from other states) and (a)(7) (commission of acts
20 involving moral turpitude, or intemperate acts which exposed others to danger).³

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25 ² Arguably, the provisions of Rule 1489(b) do not even apply in this context, given that the CHRB was not
26 considering the "denial, suspension or revocation of a license." Instead, the CHRB had refused to issue a
27 license to Arroyo. *See* Rule 1489(a) ("The Board . . . may refuse to issue a license *or* deny a license to any
28 person . . .") Unlike the denial of a license, a refusal to issue a license is without prejudice, meaning that
Arroyo is free to reapply at "any subsequent or other race meeting" pursuant to Rule 1493.

³ The CHRB refused to license Arroyo on the alternative ground that he was "under suspension, set down,
ruled off, or otherwise barred from participating in racing occupation by a competent racing jurisdiction."
(CHRB Ex. 3.) No evidence was presented at the hearing to support this allegation.

1 The question remaining is whether Arroyo has presented sufficient evidence of
2 rehabilitation to support a finding that he is presently fit to be licensed.⁴ Those criteria, as
3 considered in the context of this matter, are as follows:

4 1. The nature and severity of the offenses, including their relation to horse racing or pari-
5 mutuel wagering and the protection of the public. As noted above, Arroyo’s convictions for
6 domestic violence – particularly the one resulting from the incident in Arcadia in 2018 – are quite
7 serious. *See Donley, supra*, 180 Cal.App. 4th at 459 (domestic violence demonstrates a “readiness
8 to do evil” because it constitutes willful injury to “a person of the opposite sex in a special
9 relationship for which society rationally demands, and the victim may reasonably expect, stability
10 and safety, and in which the victim, for these reasons among others, may be especially vulnerable. .
11 . It is the assailant’s awareness of this special relationship and willful abuse of such relationship by
12 the use of violence that demonstrates moral turpitude.” (Citation omitted.)

13 2. The total criminal record. Arroyo’s criminal record shows a pattern of arrests and
14 convictions for violent behavior that, as he himself admitted, likely started in the 1990’s when he
15 was a minor. (*See* CHR B Ex. 1 at p. 2 (Arroyo’s handwritten account of prior arrests and
16 convictions).) That behavior continued through the date of his second domestic violence conviction
17 in 2019.

18 3. Time elapsed since commission of the offense. Arroyo’s most recent conviction was in
19 2019; no evidence was presented that he has committed any violent offense since he was released
20 from prison in November, 2022.

21 4. The extent to which Arroyo has complied with terms of parole or probation: Arroyo
22 complied fully with all terms of probation; by his parole agent’s account, his conduct was
23 exemplary.

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26 ⁴ As with Rule 1489(b), the language of Rule 1489.2 does not require the CHR B to consider rehabilitation
27 factors in *refusing* – as opposed to denying, suspending or revoking – a license. *See* Rule 1489.2(a) (“When
28 considering the *denial* . . . or the suspension or revocation of licensure . . . on the grounds that the person has
committed an act or been convicted of a crime, the Board will evaluate the rehabilitation of such person and
his or her eligibility for licensure . . .” (Emphasis added.) Nevertheless, the factors enumerated in Rule
1489.2 are relevant to refusal to license and are appropriate to consider in this case.

1 5. Arroyo’s credibility, and his acceptance of responsibility and remorse for the conduct:
2 Arroyo obviously has accepted responsibility for his past abuse of alcohol and drugs, and, by his
3 account, has remained sober since 2019. However, he appears unwilling to acknowledge the
4 seriousness of his conduct resulting in the domestic violence convictions. As noted above, Arroyo
5 initially described his beating of his fiancé as a fight in which she was an active participant (“we
6 both did it”). Later, he acknowledged that he had caused her harm, but implied that she had started
7 the argument that led to him pounding her head repeatedly into the floor. Arroyo refused to take
8 any responsibility whatsoever for his 2019 conviction, claiming the victim had lied. Furthermore,
9 when counsel for the CHRB stated during closing argument that Arroyo had refused to take
10 responsibility for his conduct, he began berating her on the record, accusing her repeatedly of lying.
11 This inappropriate outburst hardly instills confidence that Arroyo can be trusted not to lose his
12 temper going forward.

13 6. Evidence of rehabilitation: Arroyo presented strong evidence of rehabilitation with
14 respect to substance abuse. His parole officer David Bolanos’s testimony was notable: he described
15 Arroyo as having a “true commitment to rehabilitation,” and stated that Arroyo was discharged
16 from parole early due to his commendable conduct. Mr. Bolanos testified that Arroyo demonstrated
17 a commitment to recovery, was always available at Mr. Bolanos’s request, and provided all
18 requested information, such as proof of employment and completion of rehabilitation programs.

19 Arroyo’s employer, Mr. Tran, described him as a reliable employee with a strong work ethic
20 who was welcoming to customers and got along well with his fellow employees. Other employers
21 – Dr. Williams and attorney Crystal Yazgulian – likewise described Arroyo as a good and congenial
22 employee. (Arroyo Exs. 8, 10-11.) Father Jose Martinez described Arroyo as attending mass daily
23 and as very committed to his faith.

24 It is undisputed that Arroyo’s conduct since his release from prison in November 2022 has
25 been excellent. His sobriety and his commitment to his faith both seem to have served him well.
26 However, his refusal to take complete responsibility for the severe beating he gave his fiancé, and
27 his characterization of his second domestic violence victim – as well as CHRB counsel – as liars, is
28 troubling. In the opinion of this Hearing Officer, the seriousness of these offenses, coupled with his

1 apparent lack of true remorse for his conduct, outweighs the evidence of rehabilitation he presented
2 at the hearing and supports the CHRB's refusal to issue a jockey license to him. Racing authorities
3 in Puerto Rico have reached a different conclusion and have licensed Arroyo as a jockey. Time will
4 tell whether Arroyo is able to maintain his sobriety and control his temper after returning to riding.

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CONCLUSION / PROPOSED DECISION

For all of the foregoing reasons, it is the recommendation of the Hearing Officer that the CHRB's refusal to issue a jockey license to Arroyo be affirmed; that Arroyo be prohibited from reapplying for his jockey license for one year, and that a fitness hearing be held at which he be required to present further evidence of rehabilitation before a jockey license is issued to him.

DATED: August 7, 2025

By Shauna Weeks Avrith
Shauna Weeks Avrith
Hearing Officer