BEFORE THE CALIFORNIA HORSE RACING BOARD

OF THE STATE OF CALIFORNIA

In the Matter of:

APPEAL OF THE BOARD OF STEWARDS
OFFICIAL RULING #019, DEL MAR
DATED 8/29/2026

ANTONIO FRESU
CHRB LICENSE 407256
APPELLANT

Case No. SAC 26-0012

DECISION

The attached Proposed Decision is adopted by the California Horse Racing Board in the above-entitled matter.

This Decision is hereby remanded to the Board of Stewards to issue a ruling and order imposing a three (3) day riding suspension.

IT IS SO ORDERED ON November 19, 2026.

Gregory L. Ferraro, DVM, Chairman
California Horse Racing Board

Dr. Gregory Ferraro, DVM
Digitally signed by Dr. Gregory Ferraro, DVM
Date: 2026.11.19 14:34:38 -08'00'

Scott Chaney, Executive Director
California Horse Racing Board

Chaney, Scott
Digitally signed by Chaney, Scott
Date: 2026.11.19 15:37:01 -08'00'

BEFORE THE

CALIFORNIA HORSE RACING BOARD

STATE OF CALIFORNIA

IN THE MATTER OF: APPEAL OF THE BOARD OF STEWARDS OFFICIAL RULING #019, DEL MAR DATED 8/29/26 ANTONIO FRESU CHRB LICENSE 407256 APPELLANT	Case No.: SAC 26-012 **Hearing date:** **September 16, 2026** **1PM** **Los Alamitos Race Track**

PROPOSED DECISION

This matter was heard on September 16, 2026, by John Tyre, Esq, a Hearing Officer designated by the California Hore Racing Board, in person at Los Alamitos, race-course in Orange County, CA. On September 16, 2026, the parties conducted a hearing in person and on "Teams" which consisted of oral and video testimony and evidence.

Appellant, was present, and was represented by Attorney, Bing Bush.

Also present were:

Luis Jauregui, Steward

Kim Sawyer, Steward

Stuart Baker, Steward (through Teams video)

Jose Flores, Investigator

Michelle Perieg, Court Reporter

Bing Bush, Counsel for Mr. Fresu (through Teams video)

Jacquelyn Loyd, Counsel for CHRB

John Tyre, Attorney at Law, designated hearing officer

PROCEDURAL BACKGROUND

Mr. Fresu is a CHRB licensed jockey (497256). On August 28, 2026 in the eighth race at Del Mar Race-Track he is alleged to have committed a violation of rule 1699 (careless riding). Mr. Fresu was riding the number 3 horse in the 8th race at Del Mar. During that race, he entered the stretch against the rail and during the stretch run he angled out because he saw a path between 2 horses. As he angled out, that path closed and he bumped into the outside horse who closed the path. That horse was bumped twice and Mr. Fresu was able to guide his horse through that hole and eventually won the race.

Mr. Fresu was called in by the stewards the next day and given an opportunity to explain his actions during the race. As a result of the incident, Mr. Fresu was issued a 3 day suspension which he appealed. We are here to consider any evidence at this hearing.

Evidence Produced

1. Appellant Antonio Fresu testified on his own behalf over "Teams" video.
2. Luis Jauregui testified in person.
3. Stipulation that submitted paperwork for this hearing that was given to both parties prior to the hearing may be used as evidence.
4. Kim Sawyer, Steward, testified in person.
5. Stuart Baker, Steward, testified by way of Teams" video.
6. Video of the incident was submitted during the hearing including multiple views of the race including the stretch run.

Hearing Proceedings

At the hearing, there was oral testimony given by Mr. Fresu. Mr. Fresu indicated that he is a veteran jockey who has ridden all over the world. That this was the second time he had ridden this horse (#3 **Big Blast**) and that his actions were not dangerous under rule 1699 and that at the time he entered into the stretch and started to move on his horse, he

believed there was ample room to access an opening between the two horses in front of him. As he moved on his horse (#3 **Big Blast**), the hole shut down because the horses on the outside moved to their left closing the hole. He was left with no opening but since his young horse was already moving. He made contact with the outside horse opening a hole that allowed him to finish the race.

Mr. Fresu' statement of the incident:

"**YEAH. I'M ON THE INSIDE HERE, AND I'M TRYING TO FIGURE OUT WHERE TO GO, AND THE HORSE IN FRONT OF ME KIND OF LIKE WENT IN AND A LITTLE BIT OUT. SO AT THAT TIME WHEN HE CAME OUT, HE KIND OF LIKE CLOSED A LITTLE BIT OF ROOM FOR ME AND FOR MY HORSE AND I TRY TO MOVE OUT TOUCHING THE HORSE FROM MY OUTSIDE AND THEN MY FILLY, SHE GOT UNBALANCED AND SHE BOUNCED BACK ON THAT HORSE.**"

Following Mr. Fresu's account of the incident, the CHRB called Mr. Luis Jauregui, a Steward who was on duty, the day of the race. He indicated that Mr. Fresu's riding in his opinion was careless because the contact, which he believed was initiated by Mr. Fresu was dangerous to the horse he bumped. He believes that knocking a horse off-stride during a race at that speed can seriously harm a horse. Mr. Jauregui also points out, while watching the video, Mr. Fresu is using his right hand on the reigns to move his horse out into the outside horse. This shows that he was not trying to correct his horse prior to the

contact but was trying to create a path for his horse which had plenty of energy left (indicated by his winning the race) at that time to take command of the race. Mr. Jauregui's final statement was:

"**THERE'S NOT ENOUGH SPACE FOR MR. FRESU TO --THE ONLY OPTION IS TO BUMP HIMSELF OUT TO CREATE A PATH. BY DOING THE BUMPING HE DID, IT WAS CARELESS RIDING. YOU CANNOT BUMP INTO A HORSE FOR NO REASON. AND THIS REASON HE DID IT, TO CREATE SPACE SO HE CAN HAVE A RUNNING LANE**."

The next witness called was Steward, Kim Sawyer. She testified in person and indicated that she had watched the race that day and Mr. Fresu's actions were in violation of CHRB rule 1699 for the following reason:

"I AGREE HE WAS RIDING COMPETITIVELY. I DON'T AGREE THERE WAS EVER A HOLE. AND THE FACT THAT HE MADE HIS OWN SPACE COMES UNDER CARELESS RIDING, IN MY OPINION."

Grant Baker was called next to testify for the CHRB being another of the Stewards assigned to watch races at Del Mar on that date. He was asked questions about the riding of Mr. Fresu on that particular day in that particular race and he was in agreement that Mr. Fresu created his own hole to come through, to win the race. Had he not bumped the outside horse severely, twice, he would not have been able to create the hold and finish

the race first. The tactic Mr. Fresu used was dangerous and in violation of rule 1699 of the CHRB.

Viewed, in light of the new Amended, discretion based version of rule 1699 which governs Jockeys actions during a race. Mr. Bush, after the hearing submitted a brief which summarizes the ability under Business and Professions Code 19517(a) which allows a hearing officer the ability to overturn a Stewards ruling if he finds any of 3 factors present:

A. Mistaken interpretation of the law.

B. New Evidence of a convincing nature

C. The best interests of racing would be served by overturning their decision.

Mr. Bush also indicated that in light of the fewer racing days that a punishment of 3 days was too excessive. Any decision should be tempered based upon the new rules and the fewer days. One or two days would be fairer than the three issued.

POINTS AND AUTHORITIES

§ 1699. Riding Rules.

Currentness

Rule 1699 Jockeys Riding Rules

During the running of the race:

a. A leading horse is entitled to any part of the course but when another horse is attempting to pass in a clear opening, the leading horse shall not cross over so as to compel the passing horse to shorten its stride.

b. A horse shall not interfere with any other horse. Interference is defined as bumping, impeding, forcing in or out or otherwise causing any other horse to lose stride, ground, momentum or position.

c. A horse which interferes with another as defined in subsection a or b may be disqualified and placed behind the horse so interfered with if or last, in the opinion of the Stewards, the horse interfered with was not at fault and the interference occurs in a part of the race where the horse interfered with loses the opportunity to place where it might reasonably be expected to finish.

d. Jockeys shall not ride carelessly, or willfully, so as to permit their mount to interfere with any other horse.

e. Jockeys shall not strike or strike at another horse or jockey so as to impede, interfere with, intimidate, or injure.

f. If a jockey rides in a manner contrary to this rule, the mount may be disqualified and the jockey may be suspended or otherwise disciplined by the Stewards.

B&P 19517. (a) The board, upon due consideration, may overrule any steward's decision other than a decision to disqualify a horse due to a foul or a riding or a driving infraction in a race, if a preponderance of the evidence indicates any of the following:

- (1) The steward mistakenly interpreted the law.
- (2) New evidence of a convincing nature is produced.
- (3) The best interests of racing and the state may be better served.

(b) However, any decision pertaining to the finish of a race, as used for purposes of parimutuel fund distribution to winning ticketholders, may not be overruled. Furthermore, any decision pertaining to the distribution of purses may be changed only if a claim is made in writing to the board by one of the involved owners or trainers, and a preponderance of the evidence clearly indicates to the board that one or more of the grounds for protest, as outlined in regulations adopted by the board, has been substantiated. The chairperson of the board may issue a stay of execution pending appeal from a steward's decision if the facts justify the action.

CONSIDERATION OF THE EVIDENCE

Mr. Fresu is an experienced jockey. He has ridden thousands of races all over the world. He knows when a horse is tired and he knows when it has a lot of energy "left in the tank". In this race, he entered into the stretch with a horse who has a lot left to give and all of a sudden, the jockey and horse have nowhere to go. Mr. Fresu does what he has to do to not only let the horse run but to allow himself the ability find somewhere for the horse to go. I have tried to watch other similar races to get a feeling of what is appropriate in this case. Other states seem to be a little more relaxed in their oversite of bumping incidents. Last week in New York, the top two-year old in the country USS Valor bumped the horse next to him in order to o create an opening that he could run through The stewards did nothing. In California, it appears that stewards are more concerned with the safety of the horses and jockeys so a serious bumping to create an opening that may be dangerous to a horse and jockey is considered a violation of CHRB 1699. I am not here to consider other States rules but I think some sort of equality should be considered so that jockeys know what is expected of them. I again have looked at the videos a number of times, all angles and see how this ride could be considered dangerous by the stewards. I do not think the stewards misinterpreted the law under section (a) of 19517(a) B&P nor was there new evidence presented of a convincing nature that would convince a hearing officer the need to do something different that was already adjudged

by the stewards. Therefore, I am considering whether section (c), “in the best interest of racing”. Since the month prior, Mr. Fresu had another riding incident that was looked at and considered a violation of 1699 CHRB, I cannot say he has a clean record for the past 60 days. Though this riding incident is not, in my opinion as bad as the one, the month prior, I must consider this one in light of the other one, therefore:

DECISION

The decision of the Stewards to issue a three day suspension is hereby affirmed.

Dated:10/8/2026

_____JT_____

John Tyre

CHRB hearing officer