

California Horse Racing Board

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**REPORT OF THE BOARD OF STEWARDS****Del Mar Fall Meet**

Del Mar Thoroughbred Club

TO THE CALIFORNIA HORSE RACING BOARD

Honorable Gregory L. Ferraro DVM, Chairman
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Cynthia Alameda, Assistant Executive Director
Darrel McHargue, Chief Steward

Report for the Week of Thursday, November 12, 2020 through Sunday, November 15, 2020

THURSDAY

11/12/20¹

BAFFERT FORMAL HEARING CASE 20DM0033

A formal hearing was held today via Microsoft Teams before the BOS at Del Mar Race Track. Present by "Teams" were, Counsel for Bob Baffert, W. Craig Robertson III, his witnesses were, Steven A. Barker, MS, PhD and groom William Alonzo. Representing the CHRB, Chief Counsel Robert Brodnik and his witness, CHRB Investigator Mike Barker. Michelle Derieg (Weinstein Court Reporters LLC) recorded today's proceedings.

The complaint reads as follows; *The Official blood sample #DM15986 taken on 7/25/20, was reported by Dr. Ben Moeller of the Maddy EACL at UC Davis to contain, Dextrorphan a metabolite of Dextromethorphan. This sample was taken from the horse "Merneith" which ran in the 4th race at Del Mar that day and finished 2nd. Dextrorphan a metabolite of Dextromethorphan, is a prohibited drug if detected in a horse's blood or urine when tested following a race. The trainer of record is Bob Baffert. A split sample was requested by Baffert, which confirmed the original violation. Dextrorphan, a metabolite of Dextromethorphan, is a Class 4 drug with a Penalty Category B.*

The alleged rule violations are, CHRB Rule #1843(a)(b)(d) (Medication, Drugs and Other Substances), Rule #1843.1(a) (Prohibited Drug Substances) and Rule #1887(a) (Trainer or Owner to Insure Condition of the Horse). Testimony was given, exhibits were entered into evidence and the hearing was closed. Decision to follow.

11/12/20²

STEWARD ON DUTY

Ron Church was the Steward available to oversee entries for Sunday and approve scratches and program changes for Friday.

FRIDAY
11/13/20¹

HEADLEY RULING ref 11-08-20 (1)

The following ruling was issued to Karen Headley who is substitute trainer for her father Bruce Headley. The BOS could not uncover mitigating circumstances to relieve her of the penalty listed in the ruling.

DFTD Ruling #017

Trainer KAREN HEADLEY, who entered the horse "TALLEMARK" in the first race on August 31, 2020 at Del Mar Race Track is fined ONE THOUSAND DOLLARS (\$1,000.00)* pursuant to California Horse Racing Board Rule #1629 (Penalty for Late Declaration) for violation of California Horse Racing Board Rule #1865 (e)(2) (Altering of Sex of Horse-True Sex not Reported) necessitating a late declaration.

11/13/20²

JOCKEY FILM REVIEW

Eswan Flores met with the BOS to discuss another crop violation Sunday. As he was previously warned, his next violation would ensure a suspension. The following ruling states the penalty.

DFTD Ruling #018

Jockey ESWAN FLORES, who rode MUCHA WOMAN in the third race at Del Mar Race Track on November 8, 2020 is suspended for THREE (3) racing days, (November 20, 21 and 22, 2020 for violation of California Horse Racing Board rule #1688 (b)(8) (Use of Riding Crop – more than six times – fourth offense in the last 60 days).

11/13/20³

DQ "TEAMS" HEARING CASE 19LT0063

The CHRB filed a complaint against owners Paul Aguirre, Ka Hung Keene Wong (dba Wong's Stable) and Jockey Agapito Delgadillo in accordance with CHRB rule 1859.5 (Disqualification Upon Positive Test Finding).

The complaint reads as follows; The Official urine sample #LA45510 taken on December 14, 2019, was reported by Dr. Ben Moeller of the Maddy EACL at UC Davis to contain, Gabapentin. The Sample was obtained from the horse "Smiling to Excess" who ran in the second race at Los Alamitos and finished second. The trainer of record is Paul Aguirre. A split sample was requested and the split sample confirmed the original finding of the drug substance Gabapentin in accordance with Rule 1859.25. The violation is a Class 3 drug with a penalty category B. The jockey was Agapito Delgadillo. Per CHRB rule 1859.5 the horse shall be disqualified and any purse money forfeited.

The respondents involved after having been notified did not attend the hearing. The hearing was conducted by Microsoft Teams. Court Reporter, Michelle Derieg recorded the proceedings and CHRB Investigator Greg Icamen presented the case. The complaint was read into the record, submitted into evidence and the hearing was closed. Decision to follow.

11/13/20⁴

INQUIRY/ NO/CHANGE/ FIFTH RACE 1-mile turf

Following the running of the race the inquiry sign was posted to review the start that involved #8 Hurley. After conversation with Starter Slender and a review of the replays, in a unanimous decision the horse was declared a starter as he whipped his head prior to or as the gates opened and the actions of the Assistant Starter were an effort to straighten the horse's head.

11/13/20⁵

DECLARATIONS, CHANGES AND REFUNDS

1 st Race	#7 Whidbey Prince (Tr. F. Lucarelli) Veterinarian-sick-Dr. Pattio Refund: \$452.17
2 nd Race	#1 Invincibella (GB) (Tr. H. Palma) claimed by Tr. P. Miller. Refund: \$73.87
3 rd Race	No Changes. Refund \$216.50
4 th Race	#1 Princess Tale (Tr. M. Glatt) Veterinarian-sick-Dr. Stead. Refund: \$1,597.40
5 th Race	#1 Lakerball (Tr. D. O'Neill) claimed by Tr. P. Miller #8 Hurley (Tr. E. Truman) claimed by Tr. R.B. Hess, Jr. Refund: \$74.00

6th Race #2 Mama's Kid (Tr. S. Gonzalez) claimed by Tr. J. Wong
 #6 Give Me a Hint (Tr. P. Miller) Veterinarian-injured-Dr. Pattio
 #7 Just Grace (Tr. P. Miller) claimed by Tr. P. Miller. Refund: \$9,640.05
 7th Race #2 Barristan The Bold (GB) Veterinarian-sick-Dr. Stead
 #3 Tartini (Tr. M. Glatt) Veterinarian-sick-Dr. Stead
 #10 Cleopatra's Strike (Tr. P. D'Amato) claimed by Tr. R.B. Hess, Jr.
 Refund: \$2,363.20
 8th Race #10 Best Lady (Tr. R. DeLeon) Veterinarian-sick-Dr. Pattio. Refund: \$757.17
 9th Race No Changes. Refund: \$1,538.60

11/13/20⁶

DAILY ATTENDANCE & HANDLE

On Track	129	\$91,921.90
SCOTWinc	1,394	\$1,993,234.31
Out of state + ADW	N/A	\$6,866,837.90
Total	1,523	\$8,951,994.11

SATURDAY

11/14/20¹

The CHRB filed a complaint against trainer Robert Hess, Jr. for violation of CHRB rules 1843(a)(b)(d), 1843.1(a) and 1887(a). Before the BOS, were Mr. Hess, CHRB Investigator Greg Icamen presented the case and Michelle Derieg (Weinstein Court Reporters LLC) recorded today's proceedings.

The complaint reads as follows; *The Official urine sample #DM16430 taken on 7/25/20, was reported by Dr. Ben Moeller of the Maddy EAACL at UC Davis to contain, Scopolamine. This sample was taken from the horse "Run Like Kona" which ran in the 7th race at Del Mar Thoroughbred Club and finished 2nd. The trainer of record is Robert Hess, Jr. A split sample was not requested by Hess per CHRB rule 1859.25. The violation is a Class 4 with a penalty Category "C".*

Testimony was given and the complaint was entered into the record. After deliberation, the Stewards issued an official warning as it was believed the results of the positive test was the product of contamination.

11/14/20²

DQ RULING ref 11-13-20 (3)

Following the hearing yesterday as referenced above the following ruling was issued.

DFTD Ruling #019

Acting upon a report from the University of California at Davis, Maddy Laboratories, the official testing laboratory for the California Horse Racing Board, that the post – race urine sample #LA45510 taken from the horse "Smiling to Excess" the second place finisher in the second race on December 14, 2019, contained the prohibited drug substance Gabapentin (Class 3), it is hereby ordered that "Smiling to Excess" be disqualified from all purse monies earned in said race and deemed unplaced in accordance with California Horse Racing Board rule #1859.5 (Disqualification Upon Positive Test Finding).

It is further ordered that all purse monies (\$6,000.00) earned or awarded Owner Ka Hung Keene Wong (dba Wong's Stable), (\$600.00) Trainer Paul Aguirre and (\$168.00) Jockey Agapito Delgadillo to be returned to the Paymaster of Purses at Los Alamitos Race Course on or before December 13, 2020, for redistribution pursuant to California Horse Racing Board rule #1760 (Purse Award or Prize to Be Withheld).

The revised order of finish is as follows:

- 1st Biddu Duke
- 2nd Acai
- 3rd Screen Gossip

- 4th Roses for Laura
- 5th Cat's Dessert

All records are ordered changed to reflect this ruling. In accordance with California Horse Racing Board rule # 1956 (Race Declared Official), this ruling shall not affect the pari-mutuel payoffs.

11/14/20³

JOCKEY FILM REVIEW

Ricky Gonzalez met with the Stewards to review the seventh race yesterday wherein he shifted inward in the stretch while marginally clear of a horse to his inside. Warning.

11/14/20⁴

Juan Hernandez and Umberto Rispoli along with Jockey Guild Representative Darrell Haire met with the Stewards to discuss their inability to fulfill their riding engagements in the second race on Sunday November 8, 2020. Three Jockeys who rode Breeder's Cup on Saturday were named to ride the first and second race at Del Mar on Sunday. Their agents were told before scratch time for Sunday, there would be a penalty if anyone missed their mounts due to hiccups in the return process. One jockey chose to remove himself before scratch time the other two wanted to take the chance that all would go according to plan. The above jockeys argued adamantly that it was not their fault because their negative Covid tests (required by Del Mar to ride) were late being issued. By the time they were cleared (negative results), replacement riders had already been announced. In a unanimous decision the two named jockeys received a penalty stated in the following rulings.

DFTD Ruling #020

Jockey JUAN HERNANDEZ is fined TWO HUNDRED DOLLARS (\$200.00)* for violation of California Horse Racing Board rules #1872 (Failure to Fulfill Jockey Agreement) and #1680 (a) Jockeys and Drivers to Report), causing a late rider change in the second race at Del Mar Race Track on November 8, 2020.

DFTD Ruling #021

Jockey UMBERTO RISPOLI is fined TWO HUNDRED DOLLARS (\$200.00)* for violation of California Horse Racing Board rules #1872 (Failure to Fulfill Jockey Agreement) and #1680 (a) Jockeys and Drivers to Report) causing a late rider change in the second race at Del Mar Race Track on November 8, 2020.

11/14/20⁵

Abel Cedillo met with the Stewards to review the use of his crop in the sixth race. All agreed he exceeded the six-strike limit with multiple strikes. As this was his first visit to the Stewards' office that would ensue a penalty, the majority believed the following increased penalty was appropriate, Steward Jauregui opted for a three-day suspension due to the over use of the crop.

DFTD Ruling #022

Jockey ABEL CEDILLO, is fined FIVE HUNDRED DOLLARS \$500.00* for violation of California Horse Racing Board rule #1688(b)(8) (Use of Riding Crop – more than six times – first offense in last 60 days), during the sixth race at Del Mar Race Track on November 13, 2020.

11/14/20⁶

GOOD RACING

The Saturday card was performed without notable incidents. Any changes made are listed below.

11/14/20⁷

DECLARATIONS, CHANGES AND REFUNDS

- 1st Race #7 Le Tub (Tr. D. O'Neill) Veterinarian-injured-Dr. Stead. Refund: \$23,330.38
- 2nd Race #1 Single Me Out (Tr. J. Cassidy) claimed by Tr. G. Stute
- #3 Alvaaro (Tr. R.B. Hess) claimed by Tr. R. Hanson. Refund: \$36.50
- 3rd Race #5 Let's Go Now (Tr. E.G. Harty) Stewards-entered back. Refund: \$1,326.22
- 4th Race #5 Honoring Major (Tr. R.B. Hess, Jr.) claimed by Tr. R. Hanson
- #7 Pubilius Syrus (Tr. M. Glatt) claimed by Tr. V. Cerin. Refund: \$76.50

5th Race No Changes. Refund: \$209.70
 6th Race #3 Divine Armor (Tr. J. Sadler) Veterinarian-injured-Dr. Pattio.
 Refund: \$2,769.21
 7th Race No Changes. Refund: \$287.00
 8th Race No Changes. Refund: \$284.52
 9th Race No Changes. Refund: \$1,154.13

11/14/20⁸

DAILY ATTENDANCE & HANDLE

On Track	146	\$123,329.40
SCOTWinc	2,150	\$2,800,509.12
Out of state + ADW	N/A	\$8,354,949.40
Total	2,296	\$11,278,787.92

SUNDAY

11/15/20¹

JOCKEY FILM REVIEW

Apprentice Jessica Pyfer joined the Stewards to review the fourth race yesterday in which she violated the crop rule. She stated she lost count; it was suggested when that happens quit using her crop. Her penalty is listed in the following ruling.

DFTD Ruling #023

Apprentice Jockey JESSICA PYFER, is fined TWO HUNDRED DOLLARS (\$200.00)* for violation of California Horse Racing Board rule #1688(b)(8) (Use of Riding Crop – more than six times – second offense in the last 60 days), during the fourth race at Del Mar Race Track on November 14, 2020.

11/15/20²

INQUIRY/ NO CHANGE/ EIGHTH RACE 7/8 dirt

Following the running of the race the inquiry sign was posted to review an incident approaching the 5/16 marker. Involved were #2 Spielberg (A. Cedillo 4th), #4 Coastal Kid (T. Baze 6th) and #5 Red Flag (V. Espinoza 1st). After a conversation with jockey Baze and a review of the replay, in a unanimous decision the original order of finish was made official. The available video was inconclusive as to why #4 who was in the middle, stumbled and lost its action, therefore there was no change to the original order of finish.

11/15/20³

DECLARATIONS, CHANGES AND REFUNDS

1st Race No Changes. Refund: \$0.00
 2nd Race No Changes. Refund: \$164.78
 3rd Race No Changes. Refund: \$397.28
 4th Race NO SHOW WAGERING
 #4 Munnings' Pilot (Tr. R. Baltas) Veterinarian-sick-Dr. Pattio
 #6 Tapitutum (Tr. B. Baffert) Veterinarian-unsound-Dr. Grande.
 Refund: \$2,827.82
 5th Race No Changes. Refund: \$66.37
 6th Race No Changes. Refund: \$114.62
 7th Race #7 Equal Measure (Tr. R.B. Hess, Jr.) Veterinarian-injured-Dr. Stead
 Refund: \$1,220.59
 8th Race No Changes. Refund: \$60.00
 9th Race No Changes. Refund: \$1,197.67

11/15/20⁴

DAILY ATTENDANCE & HANDLE

On Track	107	\$84,289.37
SCOTWinc	1,938	\$2,566,913.28
Out of state + ADW	N/A	\$8,395,294.16
Total	2,045	\$11,046,496.81

ATTENDANCE REPORT – The full Board of Stewards was in session each day during this reporting period for both morning business and the afternoon racing program.

VETERINARIAN REPORT – WEEK OF 11/09/20 TO 11/15/20

Horses on Vet List	14
Horses off Vet List	12
Shock Wave Therapy	4
Fatalities	0
Medication	0
Claims Voided	0

SUMMARY

	No Racing	No Racing	Fri 11/13	Sat 11/14	Sun 11/15	Week	Meet
Accidents			0	0	0	0	0
Cal-Bred Races			1	2	2	5	16
Claims			6	4	0	10	16
Disqualifications			0	0	0	0	0
Inquiries			1	0	1	2	2
Refunds			9	9	8	26	63
Rulings			2	4	1	7	23
Voided Claims			0	0	0	0	0

Respectfully submitted,

Kim Sawyer, Steward

Luis Jauregui, Steward

Ron Church, Steward

David Nuesch, Safety Steward