

CALIFORNIA HORSE RACING BOARD
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WATCH AND WAGER LLC – CAL EXPO
TO THE CALIFORNIA HORSE RACING BOARD
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ROBERT B. MILLER, CHIEF COUNSEL CHRB

Proceedings of the Board of Stewards for the period of Monday, January 26, 2015 through Sunday, February 1, 2015. Steward Michael W. "Wayne" Oke was the Reporting and Duty Steward for the enclosed period.

Monday

01/26/15 (1) **Dark Day**

Tuesday

01/27/15 (1) **Entries for Friday (01/30) and Saturday (01/31)**

The racing office was open this morning accepting entries for Friday and Saturday's cards. At the draw for Friday's card one hundred fifteen (115) head were drawn to compete in fourteen (14) wagering events, additionally an early not wagering California Sire Stake event with two (2) participants. Also, included in the regular fourteen (14) race program are a California Sire Stake for three (3) year old fillies with six (6) entrants and a California Sire Stake for four (4) year old trotters with seven (7) entrants. All California Sire Stake events compete for a purse of ten thousand dollars (\$10,000.00).

01/27/15 (2) **Regular Weekly Office Duties**

The normal weekly office duties, processing of trainer changes, finalization of claims, updating of Stewards list and driver, trainer and owner concerns were addressed.

01/27/15 (3) **Driver In**

Driver George Luster came to the Stewards office requesting an opportunity to review the video of the second race on Sunday, 01/25/15 during which his entrant was disqualified and placed fifth for interference during the stretch drive. Driver Luster, who had been ordered to film review with the Board of Stewards on Friday, 01/30/15, requested this special consideration because he has a tendency

to “lose his cool” in these more formal situations. After an approximately thirty (30) minute review of the video of the subject race, Driver Luster reluctantly conceded that the Stewards had reason to issue the disqualification. Driver Luster was informed he could meet with the full Board of Stewards on Friday if he wished. An offer which was declined, additionally Driver Luster was notified that sanctions were routinely issued in these situations and he would be informed of any penalty issued. (More to follow)

01/27/15 (4) **Dark Day**

Wednesday

01/28/15 (1) **Scratch Time for Friday 01/30/15**

At scratch time for Friday’s card there were numerous driver corrections, three (3) injured scratches and one (1) sick scratch.

01/28/15 (2) **Draw for Saturday 01/31/15**

At the draw for Saturday’s card one hundred nineteen (119) head were drawn to compete in fourteen (14) races. Included in these events was a California Sire Stake event for three (3) year olds colts and geldings. With six (6) scheduled to start. Scratch time is tomorrow (Thursday) at 9:00AM.

01/28/15 (3) **Dark Day**

Thursday

01/29/15 (1) **Scratch Time for Saturday 01/31/15**

At scratch time for Saturday’s card there was one (1) injured scratch and one (1) Stewards scratch (race office error/ wrong class).

01/29/15 (2) **Dark Day**

Friday

01/30/15 (1) **Hearing Re: Financial Complaint Grollnek vs Jarvis Complaint**

A hearing was convened in the Stewards’ office relative to the above referred complaint. This complaint involved a situation involving Owner Steven Grollnek and Trainer/Driver Mike Jarvis. In attendance were Complainant Grollnek, Respondent Jarvis, the Cal-Expo Board of Stewards Baker, Meyers and Oke, Mrs. Jarvis and Ronald Wells (Jarvis’ Principal Owner and brother-in-law). The dispute revolves around an original complaint filed by Grollnek in the amount of approximately twenty one thousand dollars (\$21,000.00) which apparently had been negotiated down to an amount of five thousand dollars (\$5,000.00) although this arrangement was never memorialized and the Stewards were not involved.

According to his own assertion Jarvis made an initial payment of two thousand dollars (\$2,000.00) and failed to make the subsequent payments. Jarvis attempted to enter a response to the complaint, but was advised this would have to be filed as a separate complaint. The Board of Stewards were of the unanimous opinion that in light of the fact that Jarvis acknowledged the debt and further legitimized same by making the initial payment, the balance owed should be paid to Complainant Grollnek on or before 02/15/15. A payment agreement was signed reflecting this result. Jarvis was advised that failure to comply with this agreement would result in an immediate suspension of his licensing privileges.

01/30/15 (2) **Summary Suspension/ Licensee Cynthia Ann Rios**

The Board of Stewards were approached by Supervising Investigator Dan Dailey requesting a summary suspension be issued against Licensee Cynthia Ann Rios effective immediately. The request was based on the fact that Ms. Rios had been charged with “felony child endangerment” by civil authorities. The request was granted and the following ruling was issued.

RULING # 24

OWNER **CYNTHIA ANN RIOS**, PURSUANT TO CHRB RULE # **1529** (REFERRAL TO THE BOARD), IS HEREBY SUMMARILY SUSPENDED AND THE MATTER REFERRED TO THE CALIFORNIA HORSE RACING BOARD, PENDING FURTHER ORDER OF THE BOARD, TO ANSWER CHARGES ALLEGING VIOLATION OF CHRB RULE **#1489 (G)** (GROUNDS FOR DENIAL OR REFUSAL OF LICENSE), AND **#1530** (CASES NOT COVERED BY RULES REGULATIONS).

DURING THE TERM OF THIS SUSPENSION, ALL LICENSES AND LICENSE PRIVILEGES OF **CYNTHIA ANN RIOS** ARE SUSPENDED AND PURSUANT TO CALIFORNIA HORSE RACING RULE **#1528** (JURISDICTION OF STEWARDS), SUBJECT IS DENIED ACCESS TO ALL PREMISES IN THIS JURISDICTION.

01/30/15 (3) **Luster Ruling [Ref: 01/27/15 (3)]**

The Board of Stewards, after being updated by the Duty Steward relative to the Tuesday’s meeting unanimously issued the following ruling.

RULING # 22

DRIVER **GEORGE LUSTER**, WHO DROVE “**MARION MISS JULIE**” IN THE SECOND RACE ON SUNDAY JANUARY 25, 2015, IS HEREBY FINED THE SUM OF TWO HUNDRED (**\$200.00**)* DOLLARS FOR VIOLATION OF CALIFORNIA HORSE RACING BOARD RULE **#1721 (J)** (DRIVING RULES – CHANGE COURSE AFTER SELECTING A POSITION IN THE HOMESTRETCH, OR BEAR IN OR OUT IN SUCH A MANNER AS TO INTERFERE WITH ANOTHER HORSE OR CAUSE HIM TO CHANGE STRIDE OR BREAK). INCIDENT OCCURRED IN THE STRETCH – RESULTING IN A DISQUALIFICATION.

01/30/15 (4) **First Race/ Cancel Place and Show Wagering**

Three (3) late scratching from this originally programmed six (6) horse field, two (2) injured and one (1) sick scratch resulted in the elimination of place and show wagering this event per CHRB Rule 1954.

01/30/15 (5) **Fourth Race Inquiry/ No Change**

The inquiry sign was posted to review the actions of #1 “Empty Gesture” (Tim Maier) the original fourth place finisher at the ¾ mile marker. After reviewing video the Stewards unanimously concluded that #1 who broke stride at this point in the race complied with breaking rule thus no change.

01/30/15 (6) **Fifth Race Late Scratch**

As the field was preparing to go to the starting gate the Stewards, acting on the advice of Official Veterinarian Eduardo De La Cruz scratched #2 “Sand Vixen” ‘lame.’ “Sand Vixen” will be placed on the veterinarian list and be required to re-qualify when deemed able by State Veterinarian Clifford Zucco.

01/30/15 (7) **Program Changes**

1st Race Declarations: #2 “Emmaroseofhangtown” – Trainer Steve Wiseman

Injured – Clifford Zucco DVM

#4 “Smash” – Trainer James Wilkinson

Sick – Clifford Zucco DVM

#5 “Avila Beach” – Trainer Bob Johnson

Total Refunds:\$584.87

Injured – Clifford Zucco DVM

6th Race Declaration: #3 “Last Romance” – Trainer Daniel Gassien

Refund: \$87.40

Injured – Clifford Zucco

DVM

01/30/15 (5) **Attendance and Handle**

Attendance 182

Live Handle (On Track) \$60,105

Handle (In State) \$278,436

Handle (Out of State) \$505,589

Total Handle \$844,130

Saturday01/31/15 (1) **Qualifying Races**

Qualifying races were conducted this evening with fourteen (14) of fifteen (15) participants successful in their qualifying effort.

01/31/15 (2) **Eighth Race Late Scratch/ Ineligible Horse**

Prior to the evening’s seventh race the Stewards were requested to confirm the eligibility of #6 “AJ’s Little One” in the evening’s eighth race. After reviewing the available information and contacting race Secretary Robin Schadt it was determined the horse was not eligible and a scratch was necessary. It was further determined that Trainer Pierre Girard had entered the horse correctly and the error occurred in the race office.

01/31/15 (3) **Ninth Race Late Scratch**

While the horses were parading prior to the ninth race the Stewards were contacted by Official Veterinarian Dr. Eduardo De La Cruz recommending the scratching of #5 “Barona Grizzly” due to lameness. The Stewards acted on Dr. De La Cruz’s recommendation and the horse was placed on the vet’s list.

01/31/15 (4) **Follow-up to Jose Gomez-Lepe Hearing [Ref: 01/23/15 (1)]**

Owner Jose Gomez-Lepe appeared in the Stewards office to review the Stewards decision relative to the CHRB Case#: 15SW0002 which was heard on January 23rd. Gomez-Lepe was provided a copy of the resultant ruling (which is documented below). Gomez-Lepe took time to review the ruling and after was very upset and argumentative relative to the specifics of the ruling. The Stewards attempted to explain the ruling and also attempted to explain the opportunity

afforded by the presence of the Winners Foundation and their offer to provide “in house” rehabilitation. Gomez-Lepe was not placated and departed the office a very unhappy individual. Prior to his departure the Stewards attempted to explain the licensee’s options going forward. The following ruling was issued.

RULING #23

OWNER **JOSE GOMEZ-LEPE**, IS HEREBY SUSPENDED FOR SIXTY (60) DAYS COMMENCING FEBRUARY 2, 2015 THROUGH APRIL 2, 2015 FOR VIOLATION OF CALIFORNIA HORSE RACING BOARD RULE #1874 (DISORDERLEY CONDUCT – UNDER THE INFLUENCE OF AMPHETAMINE AND METHAMPHETAMINE) FOR FAILURE TO PASS A URINE TEST CONDUCTED ON JANUARY 2, 2015 AT CAL EXPO HARNESS (SACRAMENTO, CA) AND CALIFORNIA HORSE RACING BOARD RULE #1890 (POSSESSION OF CONTRABAND – INJECTIBLE VITAMINS AND SYRINGES).

FURTHER **JOSE GOMEZ-LEPE** IS ORDERED TO UNDERGO AND COMPLETE AN IN-HOUSE REHABILITATION PROGRAM THAT IS SATISFACTORY TO THE STEWARDS.

AS A CONDITION FOR CONTINUED LICENSURE **JOSE GOMEZ-LEPE** MUST BE ON A TEST AGREEMENT WITH THE CALIFORNIA HORSE RACING BOARD FOR THE TERM OF HIS LICENSE (JUNE 30, 2015).

JOSE GOMEZ-LEPE IS PLACED ON PROBATION FOR THE TERM OF HIS LICENSE AND SHALL ADHERE TO THE RECOMMENDATIONS OF THE WINNERS FOUNDATION FOR A PERIOD OF SIX (6) MONTHS (APRIL 3, 2015 THROUGH OCTOBER 3, 2015).

DURING THE TERM OF SUSPENSION ALL LICENSES AND LICENSE PRIVILEGES OF **JOSE GOMEZ-LEPE** SHALL REMAIN SUSPENDED AND PURSUANT TO CALIFORNIA HORSE RACING BOARD RULE #1528 (JURISDICTION OF STEWARDS), SUBJECT IS DENIED ACCESS TO ALL PREMISES IN THIS JURISDICTION.

01/31/15 (5) **Program Changes**

3 rd Race Declaration: #9 “Serious Art” – Trainer Mike Jarvis	
Refund:\$55.80	Injured – Clifford Zucco DVM
8 th Race Declaration: #6 “AJ’s Little One” – Trainer Pierre Girard	
Refund:\$462.94	N/E – Stewards
9 th Race Declarations: #5 “Barona Grizzly” – Trainer Richard Schneider	
	Lame – Clifford Zucco DVM
#9 “Prana” – Trainer James Guagliardo	
Total Refunds:\$8,724.82	Injured – Clifford Zucco DVM
12 th Race Declaration: #9 “Judgemental” – Trainer Richard Dunneback	
Refund:\$96.70	Injured – Clifford Zucco DVM

01/31/15 (6) **Attendance and Handle**

Attendance	232
Live Handle (On Track)	\$49,293
Handle (In State)	\$294,530
Handle (Out of State)	\$343,823

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

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

VETERINARIAN RECOMMENDED SCRATCHES

Date	Race	No.	Horse	Trainer	Reason	Vet	Refund
30-Jan	1	2	EMMAROSEOFHANGTOWN	WISEMAN	Injured	Zucco	\$ 194.96
30-Jan	1	4	SMASH	WILKINSON	Sick	Zucco	\$ 194.96
30-Jan	1	5	AVILA BEACH	JOHNSON	Injured	Zucco	\$ 194.96
30-Jan	6	3	LAST ROMANCE	GASSIEN	Injured	Zucco	\$ 87.40
31-Jan	3	9	SERIOUS ART	JARVIS	Injured	Zucco	\$ 55.80
31-Jan	8	6	AJ'S LITTLE ONE	GIRARD	N/E	Stewards	\$ 462.94
31-Jan	9	5	BARONA GRIZZLY	SCHNEIDER	Lame	Zucco	\$4,362.41
31-Jan	9	9	PRANA	GUAGLIARDO	Injured	Zucco	\$4,362.41
31-Jan	12	9	JUDGEMENTAL	DUNNEBACK	Injured	Zucco	\$ 96.70

WEEKLY HANDLE SUMMARY FOR SATELLITE FACILITIES

Bay Meadows

Eureka

Fresno \$ 2,657.40

Fresno Club One \$ 1,497.10

Golden Gate \$ 21,335.40

Monterey \$ 4,852.00

Pleasanton \$ 9,785.90

Sacramento \$ 94,812.90

San Jose \$ 14,499.40

San Mateo \$ 26,334.50

Santa Rosa \$ 5,532.50

Stockton \$ 6,473.50

Tulare \$ -

Turlock \$ -

Vallejo \$ 13,502.00

No. California \$ -

So. California \$ 2,534.60

Out of State \$ -

WATCH AND WAGER LLC – CAL EXPO

SUMMARY

2015

	Mon 01/26	Tues 01/27	Wed 01/28	Thurs 01/29	Fri 01/30	Sat 01/31	Sun 02/01	Total Week	Total Meet
Accidents	D	D	D	D	0	0	D	0	7
Cal-Bred Races	A	A	A	A	3	1	A	4	5
Claims	R	R	R	R	3	1	R	4	19
Disqualifications	K	K	K	K	0	0	K	0	7
Inquiries	D	D	D	D	0	1	D	1	13
Refunds	A	A	A	A	4	5	A	9	48
Rulings	Y	Y	Y	Y	1	2	Y	3	24

Stewards Attendance: Stewards Oke, Meyers and Baker were in attendance.

Michael W. "Wayne" Oke, Steward

Will Meyers, Steward

Grant Baker, Steward