

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, March 24, 2014 through Sunday, March 30, 2014. Steward William Meyers was the Reporting and Duty Steward for the enclosed period.

Monday

03/24/14 (1) **Entries for Friday and Saturday – The Draw for Friday**

Entries were taken for Friday and Saturday. The draw for Friday had one hundred five (105) horses separated into fourteen (14) races. The fourth and sixth races are California Sire Stakes. Six (6), three (3) year old pacing fillies vie in the fourth race, while six (6), three (3) year old trotters compete in the sixth. Both purses are ten thousand (\$10,000.00) dollars.

03/24/14 (2) **Dark Day**

Tuesday

03/25/14 (1) **Scratches for Friday – The Draw for Saturday**

Minimal driver changes were taken for Friday's card. No scratches were submitted. Saturday's draw was completed early with one hundred one (101) horses scheduled to compete in fourteen (14) races. The second race is a three (3) year old Pacing Sire Stake for colts and geldings. Five (5) sophomore pacers will vie for the ten thousand (\$10,000.00) dollars pot.

03/25/14 (2) **Dark Day**

Wednesday

03/26/14 (1) **Scratches for Saturday**

Two (2) scratches and numerous driver changes were taken for Saturday.

03/26/14 (2) **Dark Day**

Thursday

03/27/14 (1) **Nevarez Hearing – Case # 13SW0071**

Owner Frank Nevarez was charged with violation of CHRB Rule #1877 - checks for placing a stop payment on a check issued to Trainer Pierre Girard in the amount of seven thousand two hundred thirty four (\$7,234.00) dollars for services rendered. This hearing was originally scheduled for March 13, 2014 and was continued to March 27, 2014 (today) at the behest of Owner Nevarez who claimed illness and a need to prepare. Mr. Nevarez was told on March 11th, 2014 that no other continuances would be granted (Ref: 03/13/14 (1)).

Mr. Nevarez submitted a request at 3:47PM on Wednesday, March 26th (yesterday) to Investigator Duane Tadlock requesting another continuance. The Stewards received the document from Investigator Tadlock this morning while preparing for the hearing. Mr. Nevarez was contacted telephonically and agreed to proceed with the hearing. Investigator Tadlock and the Stewards agreed to allow Mr. Nevarez to testify by speakerphone.

The hearing was conducted by Steward Grant Baker with Stewards Will Meyers and Wayne Oke. Investigator Duane Tadlock presented the case which was recorded by Wendy Frazier of Frazier Reporting. Mr. Nevarez was given his rights and sworn in by Steward Baker. Mr. Nevarez testified that he felt his horses were not properly cared for by Pierre Girard. Mr. Nevarez based his assumption on what he was told by others and never saw the horses in question. Mr. Nevarez stated that he paid the check so Girard would release the horses. Investigator Tadlock testified that the case was originally taken to the District Attorneys office for criminal prosecution. He was told it was a good case criminally but they referred it back to the Board since the administrative rules covered the case.

Rule 1877 states in full:

1877. Checks

No licensee shall write, issue, make or present any check in payment for any license fee, fine, nomination or entry fee of other fees, or for any service or supplies when such licensee knows or should reasonably know that the said check will be refused for payment by the bank upon which it is written, or that the account upon which the check is written does not contain sufficient funds for payment of the said check, or that the check is written on a closed account or a non-existent account. The fact that such a check is returned to the payee by the bank as refused is a ground for suspension pending satisfactory redemption of the returned check.

Mr. Nevarez took it upon himself to put a stop payment on the check with no legal consultation or CHRB advice concerning his horses. The above quoted rule and all testimony and evidence submitted, will be considered and a decision rendered shortly.

03/27/14 (2) **Dark Day**

Friday03/28/14 (1) **Isbell Ruling****RULING # 30**

TRAINER **KAREN ISBELL**, WHO WAS SCHEDULED TO RACE “**BOO COO BLUSH**” IN THE TWELFTH RACE ON MARCH 21, 2014, IS HEREBY FINED THE SUM OF TWO HUNDRED **(\$200.00)*** DOLLARS FOR VIOLATION OF CALIFORNIA HORSE RACING BOARD RULE #**1629** (PENALTY FOR LATE DECLARATION) PURSUANT TO CALIFORNIA HORSE RACING BOARD RULE #**1501** (WORKER’S COMPENSATION INSURANCE REQUIRED).

The above ruling was issued when Trainer Isbell was unable to show proof of a current insurance policy.

03/28/14 (2) **Vallandingham Ruling (Ref: 03/22/14 (3))****RULING # 31**

DRIVER **GENE VALLANDINGHAM**, WHO DROVE “**BAR BACK**” IN THE SECOND RACE ON SATURDAY MARCH 22, 2014, IS HEREBY FINED TWO HUNDRED **(\$200.00)*** DOLLARS FOR VIOLATION OF CALIFORNIA HORSE RACING BOARD RULE #**1721 (K)** (DRIVING RULES – CARELESS DRIVING – GAINED AN UNFAIR ADVANTAGE BY GOING INSIDE ONE OR MORE PYLONS IN ORDER TO PASS ANOTHER COMPETITOR IN THE STRETCH – RESULTING IN A DISQUALIFICATION).

The above ruling was issued after Vallandingham accepted responsibility and admitted to going inside two pylons to pass a competitor. Steward Baker felt one hundred (\$100.00) dollars was a sufficient penalty.

03/28/14 (3) **Svendsen Ruling (Ref: 03/22/14 (5))****RULING # 32**

DRIVER **LEMOYNE SVENDSEN**, WHO DROVE “**SPLIT TICKET**” IN THE EIGHTH RACE ON SATURDAY MARCH 22, 2014 IS HEREBY FINED THE SUM OF ONE HUNDRED **(\$100.00)*** DOLLARS FOR VIOLATION OF CALIFORNIA HORSE RACING BOARD RULE # **1721 (K)** (DRIVING RULES – CARELESS DRIVING – RACED INSIDE PYLONS IN THE STRETCH RESULTING IN A DISQUALIFICATION).

The above ruling was issued after Svendsen admitted to losing his compass and violating the Cal Expo pylon rule by going inside two (2) pylons and being lapped on a competitor at the finish.

03/28/14 (4) **Wenceslao Hearing Case#: 14SW0009**

A hearing was conducted today concerning a reported positive from Maddy Laboratories U.C. David for the diuretic drug Carbazochrome. The horse “Try This” finished first in the fourth race on December 28, 2013 and was trained by

Sal Wenceslao, who is part owner with his wife Georgette Wenceslao. Present at the hearing were the Board of Stewards Will Meyers, Grant Baker, and Wayne Oke. Mr. Baker presided. Mr. Wenceslao and Driver/Owner Williams Hernandez testified for the defense and the case was presented by Investigator Duane Tadlock and Transcribed by Wendy Frazier of Frazier Reporting. Also present was CHRB Veterinarian Clifford Zucco for testimony. Mr. Wenceslao was given his rights and wished to go forward with the hearing sans counsel. Mr. Wenceslao was offered the opportunity for a split sample test on January 15, 2014 which he refused. The complaint and all documents substantiating the finding were accepted into the record with no objection. Both Wenceslao and Hernandez testified the finding was a mystery and they had never had Carbazochrome in the shed row. Dr. Zucco explained the diuretic effect and the quick metabolism and detection rate indicating probable race day administration. All evidence and relevant testimony were deemed submitted and the record closed.

03/28/14 (5) **Tote Letter (Ref: 03/08/14 (6))**

The letter of explanation from Sportech requested on March 8th has finally reached the Stewards hands and is attached to these minutes. Two (2) racing days a week and the hub moving to New Jersey are the best explanations for the delay.

03/28/14 (6) **No More Ship Ins on Race Day**

Due to recent transgressions concerning the shipping of horses, earlier approvals allowing race day ship ins of horses from local farms has been rescinded for the remainder of the meet in accordance with CHRB Rule 1588 (J). Announcements were made and the qualifying, condition and overnight sheets carry the message.

03/28/14 (7) **Program Changes**

7th Race Declarations: #2 "Cigarchompin Mona" – Trainer George Anthrop
Injured – Clifford Zucco DVM
#4 "Windy City Paige" – Trainer Richard Dunneback
Total Refund:\$390.00 Injured – Clifford Zucco DVM
9th Race Declaration: #2 "Castle Oaks" – Trainer Tim Maier
Refund:\$66.80 Injured – Clifford Zucco DVM
9th Race Driver Change: #5 "Cammi Place" – Driver Tim Maier for
Daniel Maier
10th Race Declaration: #8 "Red Star Penny" – Trainer Salvador Wenceslao
Refund:\$2.80 Sold and shipped – Stewards
11th Race Declaration: #7 "Try This" – Trainer Salvador Wenceslao
Refund:\$191.30 Injured – Clifford Zucco DVM

03/28/14 (8) **Attendance and Handle**

Attendance	189
Live Handle (On Track)	\$47,982
Handle (In State)	\$310,885
Handle (Out of State)	\$373,602
Total Handle	\$732,469

Saturday03/29/14 (1) Nevarez Ruling (Ref: 03/27/14 (1))**RULING # 33**

FOLLOWING A TELEPHONIC HEARING HELD AT CAL EXPO CA (SACRAMENTO, CA) ON THURSDAY MARCH 27, 2014 OWNER **FRANK NEVAREZ**, IS HEREBY ORDERED TO PAY TRAINER PIERRE GIRARD THE AMOUNT OF SEVEN THOUSAND TWO HUNDRED THIRTY FOUR **(\$7,234.00)*** DOLLARS. OWNER NEVAREZ IMMEDIATELY PLACED A STOP PAYMENT ORDER ON A PERSONEL CHECK ISSUED TO TRAINER GIRARD FOR THAT SAME AMOUNT ON NOVEMBER 7, 2013. THIS PAYMENT SHALL BE MADE TO PIERRE GIRARD BY FRIDAY APRIL 4, 2014 AT 5:00PM (PST). FAILURE TO COMPLY WITH THIS ORDER SHALL RESULT IN THE LICENSE SUSPENSION OF **FRANK NEVAREZ**.

OWNER **FRANK NEVAREZ** IS HEREBY FOUND TO BE IN VIOLATION OF CALIFORNIA HORSE RACING BOARD RULE # **1877** (CHECKS).

The above ruling was issued following deliberation concerning Thursday's hearing. The Stewards were unanimous in giving Mr. Nevarez until next Friday April 4, 2014 to make good on the check or face suspension. Steward Baker felt a penalty of a fifteen (15) day suspension and a five hundred (\$500.00) fine should also be imposed. The majority felt that rule 1877 does not address further penalty other than redemption of the returned check.

03/29/14 (2) Wenceslao Ruling**RULING # 35**

TRAINER **SALVADOR WENCESLAO**, WHO WAS SCHEDULED TO START "**RED STAR PENNY**" IN THE TENTH RACE ON MARCH 28, 2014, IS HEREBY FINED THE SUM OF TWO HUNDRED **(\$200.00)*** DOLLARS FOR VIOLATION OF CALIFORNIA HORSE RACING BOARD RULE #**1629** (PENALTY FOR LATE DECLARATION – HORSE SOLD AND SHIPPED BY OWNER) WHICH RESULTED IN A LATE SCRATCH.

The above ruling was issued after Wenceslao appeared and explained that his owner sold the horse and shipped him after he had entered the horse. Mr. Wenceslao accepted responsibility for causing the late scratch.

03/29/14 (3) Wenceslao Ruling – Case#: 14SW0009 (Ref: 03/28/14 (4))**RULING #34**

TRAINER **SALVADOR WENCESLAO**, WHO STARTED THE HORSE "**TRY THIS**" FIRST PLACE FINISHER IN THE FOURTH RACE AT CAL-EXPO ON MARCH 28, 2014, IS FINED THE SUM OF ONE THOUSAND **(\$1,000.00)*** DOLLARS PURSUANT TO CALIFORNIA HORSE RACING BOARD RULE #**1887** (TRAINER TO INSURE CONDITION OF HORSE) FOR VIOLATION OF

CHRB RULE #1843 (a) & (b) (MEDICATION, DRUGS AND OTHER SUBSTANCES: UNAPPROVED MEDICATION; CARBAZOCHROME [CLASS 4]).

The above ruling was issued following due deliberation over yesterdays hearing. The Stewards could find no legitimate reason for Carbazochrome to be in the system of "Try This" on December 28, 2013, in test sample #CE21619. CHRB Rule 1843.5 was not included as 1843 covered the violation.

03/29/14 (4) **No Show Wagering**

Watch and Wager LLC received approval from Executive Director Rick Baedeker to cancel show wagering on tonight's second and third races due to prohibiting favorites. The information was listed in the program.

03/29/14 (5) **Track Condition**

The track was listed sloppy for tonight's fourteen race card. Qualifying races were not carded due to inclement weather.

03/29/14 (6) **Fifth Race Inquiry – Disqualification**

#4 "Ride Sally" (Luke Plano) went offstride in deep stretch and through the wire finishing second. #5 "Professor Ray J" (Gene Vallandingham) finished third "lapped on" the hindquarters of #4. The Stewards placed #4 third for violation of the breaking rule.

Original order of finish: 2-4-5-6-3-1

Official order of finish: 2-5-4-6-3-1

03/29/14 (7) **Sixth Race Late Scratches – Show Wagering Cancelled**

Two (2) late scratches reduced the field to four (4) wagering interests, prompting the Stewards to cancel show wagering in accordance with CHRB Rule 1954 (Pari-mutuel pools).

03/29/14 (8) **Program Changes**

4th Race Driver Change: #6 "Hellogottagobuhbye" – Driver Tim Maier for Daniel Maier

6th Race Declarations: #3 "Early Boy" – Trainer Gene Vallandingham
Injured – Clifford Zucco DVM

#5 "Tour Guide" – Trainer Vickie Desomer

Total Refund:\$146.20 Injured – Clifford Zucco DVM

9th Race Declaration: #9 "Eternal Overdrive" – Trainer Tim Brown

Refund:\$83.50 Track Condition – Stewards

11th Race Declaration: #2 "Laredos Goose" – Trainer James Kennedy

Refund:\$585.20 Track Condition – Stewards

12th Race Declaration: #1 "Hoosier Bogo" – Trainer George Reider

Refund:\$443.80 Injured – Clifford Zucco DVM

14th Race Declarations: #5 "Bullet Tooth Tony" – Trainer Mike Jarvis

Track Condition – Stewards

#7 "L S Orchardwinner"- (Dario Solares Listed)

Trainer Lester Smith

TotalRefund:\$475.90 Wrong Trainer Listed – Program Error – Stewards

03/29/14 (9)	<u>Attendance and Handle</u>	
Attendance	285	
Live Handle (On Track)	\$46,466	
Handle (In State)	\$301,990	
<u>Handle (Out of State)</u>	<u>\$371,378</u>	
Total Handle	\$719,834	

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

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 RECOMMENDED SCRATCHES

Date	Race	No.	Horse	Trainer	Reason	Vet	Refund
28-Mar	7	2	CIGARCHOMPIN MONA	GEORGE ANTHROP	Injured	Zucco	\$ 95.00
28-Mar	7	4	WINDY CITY PAIGE	RICHARD DUNNEBACK	Injured	Zucco	\$ 95.00
28-Mar	9	2	CASTLE OAKS	TIM MAIER	Injured	Zucco	\$ 66.80
28-Mar	10	8	RED STAR PENNY	SALVADOR WENCESLAO	Soldanddshipped	Stewards	\$ 2.80
28-Mar	11	7	TRY THIS	SALVADOR WENCESLAO	Injured	Zucco	\$191.30
29-Mar	6	3	EARLY BOY	GENE VALLANDINGHAM	Injured	Zucco	\$ 73.10
29-Mar	6	5	TOUR GUIDE	VICKIE DESOMER	Injured	Zucco	\$ 73.10
29-Mar	9	9	ETERNAL OVERDRIVE	TIM BROWN	Track Condition	Stewards	\$ 83.50
29-Mar	11	2	LAREDOS GOOSE	JAMES KENNEDY	Track Condition	Stewards	\$585.20
29-Mar	12	1	HOOSIER BOGO	GEORGE REIDER	Injured	Zucco	\$443.80
29-Mar	14	5	BULLET TOOTH TONY	MIKE JARVIS	Track Condition	Zucco	\$237.95
29-Mar	14	7	L S ORCHARDWINNER	(DARIO SOARLES LISTED) TRAINER LESTER SMITH	Program Error	Stewards	\$237.95

WEEKLY HANDLE SUMMARY FOR SATELLITE FACILITIES

Bakersfield	\$	-
Fresno	\$ 2,615.00	
Fresno Club One	\$ 743.20	
Golden Gate	\$ 23,236.50	
Monterey	\$ 3,371.40	
Pleasanton	\$ 13,130.40	
Sacramento	\$ 78,292.90	
San Jose	\$ 17,361.30	
San Mateo	\$ 29,747.50	
Santa Rosa	\$ 7,431.90	
Stockton	\$ 9,554.90	
Tulare	\$	-
Turlock	\$	-
Vallejo	\$ 12,678.20	
No. California	\$	-
So. California	\$179,318.50	
Out of State	\$	-

WATCH AND WAGER LLC – CAL EXPO

SUMMARY

2014

	Mon 03/24	Tues 03/25	Wed 03/26	Thurs 03/27	Fri 03/28	Sat 03/29	Total Week	Total Meet
Accidents	D	D	D	D	0	0	0	2
Cal-Bred Races	A	A	A	A	2	2	4	29
Claims	R	R	R	R	0	0	0	19
Disqualifications	K	K	K	K	0	1	1	16
Inquiries	D	D	D	D	0	1	1	44
Refunds	A	A	A	A	5	7	12	124
Rulings	Y	Y	Y	Y	3	3	6	35

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

Will Meyers, Steward

Grant Baker, Steward

Michael W. "Wayne" Oke, Steward