

CALIFORNIA HORSE RACING BOARD
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CAL-EXPO HARNESS ASSOCIATION

TO THE CALIFORNIA HORSE RACING BOARD

HONORABLE ARNOLD SCHWARZENEGGER, GOVERNOR

**HONORABLE JOHN C. HARRIS, VICE CHAIRMAN
HONORABLE JOHN ANDREINI, MEMBER
HONORABLE JESSE H. CHOPER, MEMBER
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HONORABLE DAVID ISRAEL, MEMBER
HONORABLE JERRY MOSS, MEMBER
KIRK E. BREED, EXECUTIVE DIRECTOR
RICHARD "BON" SMITH, ASSISTANT EXECUTIVE DIRECTOR**

Proceedings of the Board of Stewards for the period of Monday, February 02, 2009 through Sunday, February 08, 2009. Steward Brent McLaren was the Reporting and Duty Steward for the enclosed period.

Monday

02/02/09 (1) **Entries and Draw**

We had eighty eight (88) entries to fill eleven (11) races for Thursday and we drew two (2) races for Friday.

02/02/09 (2) **Dark Day**

Tuesday

02/03/09 (1) **Scratch Time**

9:00 a.m. was scratch time. We had thirteen (13) driver corrections with no other changes.

02/03/09 (2) **Entries and Draw**

We had a good card for Friday, one hundred twenty six (126) entries to fill fifteen (15) races. Then we drew ten (10) races for Saturday.

02/03/09 (3) **Dark Day**

Wednesday

02/04/09 (1) **Scratch Time**

With a 9:00 a.m. scratch time, we had twelve (12) driver corrections and one (1) early scratch.

- 02/04/09 (2) **Entries and Draw**
 There were one hundred ten (110) entries to fill fourteen (14) races for Saturday night's races, of which ten (10) were drawn Tuesday and four (4) were drawn Wednesday.
- 02/04/09 (3) **Tim Clevenger Hearing – Case No: 09SW-0009**
 We waited until 10:30 a.m. for the first California Horse Racing Board hearing against Licensee Tim Clevenger, for failure to pay trailer rent in the Horsemen Trailer Park, owned by Cal Expo. The amount of \$2,420 is owed. Mr. Clevenger did not appear, so we opened the hearing. Chief Investigator Greg Fabbri presented the case for the California Horse Racing Board and testimony was taken. Steward's decision to follow.
- 02/04/09 (4) **Tim Clevenger Hearing – Case No: 08SW-0125**
 Next was the second hearing, again concerning Tim Clevenger who did not appear. This was another financial concerning a bill owed by Mr. Clevenger to Shannon Machovec for turning out horses for the amount of \$357.20. Again, the hearing was opened. Chief Investigator Martin Snezek presented the case for the California Horse Racing Board and testimony was taken. Steward's decision to follow.
- 02/04/09 (5) **Sabrina Shaw Hearing – Case No: 08SW-0126**
 This hearing involved California Horse Racing Board Licensee Sabrina Shaw who owed Shannon Machovec for turning out a horse, with an unpaid bill of \$137.80. Ms. Shaw did not appear so the hearing was opened. Chief Investigator Martin Snezek presented the case for the California Horse Racing Board and testimony was taken. Steward's decision to follow.
- 02/04/09 (6) **Sabrina Shaw Hearing – Case No: 08SW-0127**
 Once again, a complaint against California Horse Racing Board Licensee Sabrina Shaw, who did not appear. This involved an altercation with California Horse Racing Board Licensee Sherry Kirk within the restricted area of Cal Expo. The hearing was opened. Chief Investigator Martin Snezek presented the case for the California Horse Racing Board and testimony was taken. Steward's decision to follow.
- 02/04/09 (7) **Sherry Kirk Hearing – Case No: 08SW-0128**
 This was a complaint against Owner Sherry Kirk for an altercation with Owner Sabrina Shaw while within the restricted area of Cal Expo.
- Ms. Kirk did show up, while Ms. Shaw did not. The hearing was opened. Chief Investigator Martin Snezek presented the case for the California Horse Racing Board and testimony was taken. Steward's decision to follow.
- 02/04/09 (8) **Dark Day**

Thursday

02/05/09 (1)

Scratch Time

We had fourteen (14) driver corrections, one (1) owner correction and one (1) heading change for Saturday.

02/05/09 (2)

Qualifiers

We drew fifteen (15) qualifiers with thirty one (31) entries for Thursday night at 4:00 p.m.

We had twenty six (26) of thirty (30) horses make qualifying standards.

02/05/09 (3)

Claims

Race #7 - #6 "Art's Clown" was claimed by Owen Eiler Jr. for Three Thousand (\$3,000) Dollars. The new trainer will be Frank Petrelli.

02/05/09 (4)

Track Condition

The track went from good to sloppy after the fourth race, with rain, and getting worse as the night went on.

02/05/09 (5)

Delay

We had a delay of Race #7. The drivers refused to go on the track because of the track condition. There was a 45 minute delay. We tried to contact somebody in management, but were unable to do so. Joe Nefsky was supposed to be on duty for Management, but wasn't. Safety Steward Wayne Oke and Steward Grant Baker went to the paddock to discuss the problem with Rocky Stidham and the horseman. Situations like this should always have a member of management involved. After some time, the track crew was able to get the track to where it was felt to be safe enough to resume racing. Once again, I must comment, in this situation where racing is in doubt, or anything involving the plant itself, management should always have someone there to make decisions along with the stewards.

Racing resumed and the night proceeded without a problem.

02/05/09 (6)

Program Changes

There were no program changes tonight.

02/05/09 (7)

Attendance and Handle

Attendance	218
Live Handle (On Track)	\$38,315
Handle (In State)	\$309,306
Handle (Out of State)	<u>\$197,437</u>
Total Handle	\$545,058

Friday

02/06/09 (1)

Fifth Race - Tote Problem

The tote board would not accept the signal from the console in the steward's stand. The official signal and prices had to be relayed via the TV's. It was straightened out after the race.

02/06/09 (2) **Ninth Race – Inquiry**

The stewards hung the inquiry sign first concerning #5 “I Was The One”, driven by Gilbert Garcia-Herrera) for a possible pylon violation. After review of the incident, the inquiry then involved possible interference between #5 and #2 “Star Time Kid”, driven by Rick Plano in the stretch.

After discussion by the stewards, first place finisher #5 “I Was The One” was placed third for interference to #2 in the stretch.

Original order of finish: 5-7-2-4-3-9-8-6-1

Official order of finish: 7-2-5-4-3-9-8-6-1

02/06/09 (3) **Program Changes**

8th Race Declaration - #7 “Big Hi Ho” – Trainer Earl Kennedy

Refund: \$219 Injured – Dr. Robert Goodbary

14th Race Declaration - #9 “Flo Nice And Easy” – Trainer Robert Ritchie

Refund: \$32 Injured – Dr. Robert Goodbary

02/06/09 (4) **Attendance and Handle**

Attendance	327
Live Handle (On Track)	\$58,180
Handle (In State)	\$568,891
Handle (Out of State)	<u>\$350,320</u>
Total Handle	\$969,391

Saturday02/07/09 (1) **Driver Review – Gilbert Herrera**

Driver Gilbert Herrera came into the steward’s office to review the 9th Race on February 06, 2009 concerning interference between #5 “I Was The One”, driven by Gilbert Herrera and #2 “Star Time Kid”, in the stretch. After discussion, Mr. Herrera agreed with the stewards and their decision and the placing.

Steward’s decision to follow.

02/07/09 (2) **Driver Review – Troyce Thomas**

Driver Troyce Thomas followed, concerning the 15th Race on February 06, 2009. Mr. Thomas’ horse #5 “Kings Whisper”, bore out off the rail before the 3/4 pole, letting horses up inside of him. He explained that the horse was hard to drive and he couldn’t keep the horse on the rail. After discussion, the stewards put the horse on the steward’s list to qualify.

02/07/09 (3) **Tim Clevenger Ruling (Case No. 08SW-0125)**

Re: CHRB Complaint #08SW-0125

Having failed to appear at a formal hearing convened to hear evidence in the aforementioned complaint, and having presented no defense to the complaint filed against you by the California Horse Racing Board, the Cal Expo Stewards issue the following ruling:

Ruling # 17

Licensee Tim Clevenger, having been found in violation of California Horse Racing Board Rule #1876, is hereby ordered to pay the sum of Three Hundred Fifty Seven (\$357) Dollars to the Second Chance Racing Stable (Shannon Machovec).

Said payment to be made on or before the close of business on February 13, 2009.

Failure to pay will result in the suspension of your racing license in California.

The ruling above was issued following deliberation of a formal hearing held on February 04, 2009 [Ref: 02/04/09 (4)].

02/07/09 (4) **Tim Clevenger Ruling (Case No. 08SW-0009)**
Re: CHRB Complaint #09SW-0009

Having failed to appear at a formal hearing convened to hear evidence in the aforementioned complaint, and having presented no defense to the complaint filed against you by the California Horse Racing Board, the Cal Expo Stewards issue the following ruling:

Ruling # 18

Licensee Tim Clevenger, having been found in violation of California Horse Racing Board Rule #1876, is hereby ordered to pay the sum of Two Thousand Four Hundred Twenty (\$2,420) Dollars to the California Exposition and State Fair (Rent – Horseman's Trailer Park).

Said payment to be made on or before the close of business on February 13, 2009.

Failure to pay will result in the suspension of your racing license in California.

The ruling above was issued following deliberation of a formal hearing held on February 04, 2009 [Ref: 02/04/09 (3)].

02/07/09 (5) **Sabrina Shaw Ruling (Case No: 08SW-0126)**
Re: CHRB Complaint #08SW-0126

Having failed to appear at a formal hearing convened to hear evidence in the aforementioned complaint, and having presented no defense to the complaint filed against you by the California Horse Racing Board, the Cal Expo Stewards issued the following ruling:

Ruling # 19

Licensee Sabrina Shaw, having been found in violation of California Horse Racing Board Rule #1876, is hereby ordered to pay the sum of One Hundred Thirty Seven Dollars and Eighty Cents (\$137.80) to the Second Chance Racing Stable (Shannon Machovec).

Said payment to be made on or before the close of business on February 13, 2009.

Failure to pay will result in the suspension of your racing license in California.

The ruling above was issued following deliberation of a formal hearing held on February 04, 2009 [Ref: 02/04/09 (5)].

02/07/09 (6) **Sabrina Shaw Ruling (Case No: 08SW-0127)**

Ruling # 20

Licensee Sabrina Shaw, who was involved in an altercation on Friday November 21, 2008, is hereby fined the sum of Two Hundred Dollars (\$200) for violation of California Horse Racing Board Rule # 1874 (Disorderly Conduct).

The ruling above was issued following deliberation of a formal hearing held on February 04, 2009 [Ref: 02/04/09 (6)].

02/07/09 (7) **Sherry Kirk Ruling (Case No: 08SW-0128)**

Ruling #21

Owner Sherry Kirk, who was involved in an altercation on Friday November 21, 2008, is hereby fined the sum of One Hundred Dollars (\$100) for violation of California Horse Racing Board Rule # 1874 (Disorderly Conduct).

The ruling above was issued following deliberation of a formal hearing held on February 04, 2009 [Ref: 02/04/09 (7)].

02/07/09 (8) **Thirteenth Race – Inquiry**

The stewards hung the inquiry sign concerning #3 “British Spirit”, driven by Rocky Stidham for a possible violation of the breaking rule. After review, the stewards placed the horse from fifth (5th) to sixth (6th).

Original order of finish: 1-4-2-5-3-7-6

Official order of finish: 1-4-2-5-7-3-6

02/07/09 (9) **Program Changes**

8th Race Declaration - #9 “Jen U Win BB” – Trainer Frank Petrelli
 Refund: \$9 Injured – Dr. Robert Goodbary

13th Race Program Correction – the purse of the race programmed was \$2300, but should have been \$2400. It was corrected

02/07/09 (10) **Attendance and Handle**

Attendance	462
Live Handle (On Track)	\$55,633
Handle (In State)	\$515,113
Handle (Out of State)	<u>\$328,078</u>
Total Handle	\$898,824

RULINGS ISSUED THIS WEEK

02/07/09 17 Re: CHRB Complaint #08SW-0125

Having failed to appear at a formal hearing convened to hear evidence in the aforementioned complaint, and having presented no defense to the complaint filed against you by the California Horse Racing Board, the Cal Expo Stewards issue the following ruling:

Ruling # 17

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Said payment to be made on or before the close of business on February 13, 2009.

Failure to pay will result in the suspension of your racing license in California.

02/07/09 18 Re: CHRB Complaint #09SW-0009

Having failed to appear at a formal hearing convened to hear evidence in the aforementioned complaint, and having presented no defense to the complaint filed against you by the California Horse Racing Board, the Cal Expo Stewards issue the following ruling:

Ruling # 18

Licensee Tim Clevenger, having been found in violation of California Horse Racing Board Rule #1876, is hereby ordered to pay the sum of Two Thousand Four Hundred Twenty (\$2,420) Dollars to the California Exposition and State Fair (Rent – Horseman's Trailer Park).

Said payment to be made on or before the close of business on February 13, 2009.

Failure to pay will result in the suspension of your racing license in California.

RULINGS ISSUED THIS WEEK

02/07/09 19 Re: CHRB Complaint #08SW-0126

Having failed to appear at a formal hearing convened to hear evidence in the aforementioned complaint, and having presented no defense to the complaint filed against you by the California Horse Racing Board, the Cal Expo Stewards issued the following ruling:

Ruling # 19

Licensee Sabrina Shaw, having been found in violation of California Horse Racing Board Rule #1876, is hereby ordered to pay the sum of One Hundred Thirty Seven Dollars and Eighty Cents (\$137.80) to the Second Chance Racing Stable (Shannon Machovec).

Said payment to be made on or before the close of business on February 13, 2009.

Failure to pay will result in the suspension of your racing license in California.

02/07/09 20 Licensee Sabrina Shaw, who was involved in an altercation on Friday November 21, 2008, is hereby fined the sum of Two Hundred Dollars (\$200) for violation of California Horse Racing Board Rule # 1874 (Disorderly Conduct).

02/07/09 21 Owner Sherry Kirk, who was involved in an altercation on Friday November 21, 2008, is hereby fined the sum of One Hundred Dollars (\$100) for violation of California Horse Racing Board Rule # 1874 (Disorderly Conduct).

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

<u>Date</u>	<u>Race</u>	<u>No.</u>	<u>Horse</u>	<u>Trainer</u>	<u>Reason</u>	<u>Vet</u>	<u>Refund</u>
6-Feb	8	7	BIG HI HO	KENNEDY	Injured	Goodbary	\$219.00
	14	9	FLO NICE AND EASY	RITCHIE	Injured	Goodbary	\$32.00
7-Feb	8	9	JEN U WIN BB	PETRELLI	Injured	Goodbary	\$9.00

WEEKLY HANDLE SUMMARY FOR SATELLITE FACILITIES

Bakersfield	\$	9,869.60
Bay Meadows	\$	-
Eureka	\$	-
Fresno	\$	10,308.20
Fresno Club One	\$	2,234.90
Golden Gate	\$	64,336.60
Monterey	\$	10,473.00
Pleasanton	\$	32,100.60
Sacramento	\$	115,722.10
San Jose	\$	58,085.10
San Mateo	\$	70,868.20
Santa Rosa	\$	15,613.50
Stockton	\$	25,558.10
Tulare	\$	-
Turlock	\$	-
Vallejo	\$	25,109.00
Racing Fairs	\$	-
So. California	\$	-
Out of State	\$	875,834.49

**CAL-EXPO HARNESS ASSOCIATION
SUMMARY
2009**

	Mon 02/02	Tues 02/03	Wed 02/04	Thurs 02/05	Fri 02/06	Sat 02/07	Total Week	Total Meet
Accidents	D	D	D	0	0	0	0	0
Cal-Bred Races	A	A	A	0	0	0	0	0
Claims	R	R	R	1	0	0	1	10
Disqualifications	K	K	K	0	1	1	2	14
Inquiries	D	D	D	0	1	1	2	25
Refunds	A	A	A	0	2	1	3	54
Rulings	Y	Y	Y	0	0	5	5	21

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

All drivers submitted to a breath analyzer test.

Brent McLaren, Steward

Michael W. "Wayne" Oke, Steward

Grant Baker, Steward