



REPORT OF THE BOARD OF STEWARDS

**DEL MAR SUMMER MEET
DEL MAR THOROUGHBRED CLUB**

To the California Horse Racing Board

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ROBERT B. MILLER, CHIEF COUNSEL CHRB
DARREL MCHARGUE, CHIEF STEWARD

WEEK 5 – Tuesday, August 9, 2016 through Sunday, August 14, 2016.

TUESDAY

08/09/16¹

SCRATCHES

Steward Kim Sawyer was present for scratches and changes to Wednesday's card.

WEDNESDAY

08/10/16¹

PERIBAN RULING

After considering the evidence from the Periban hearing Sunday, we issued the following ruling:

DMTD Ruling #037

Trainer JORGE PERIBAN, who started ANGEL'S JOURNEY in the fifth race at Santa Anita Race Track on April 10, 2016, is fined ONE THOUSAND DOLLARS (\$1,000.00)* for violation of California Horse Racing Board rule #1843(a)(d) (Medications, Drugs and Other Substances), #1887 (Trainer to Insure Condition of Horse), and #1844(c)(2) (Authorized Medication – Flunixin in excess of permitted level 93 ng/ml – second offense in 365 days).

08/10/16²

DECLARATIONS, CHANGES AND REFUNDS

1 st Race	#5 Pay the Fine – Claimed – J. Mullins, trainer
2 nd Race	No changes; Refund \$37.52
3 rd Race	No changes; Refund \$192.00
4 th Race	#1 Pedro Cerrano – Veterinarian scratch, sick – Dr. Grande #5 Dreamy Martini – Veterinarian scratch, sick – Dr. Grant Refund \$2,254.70
5 th Race	#7 Too Much Drama – Claimed – K. Mulhall, trainer Refund \$208.10
6 th Race	#2 Unlikely Story – Veterinarian scratch, sick – Dr. Grande #10 Muscavato – Stewards' scratch, also eligible Refund \$1,147.49
7 th Race	No changes; Refund \$152.00

8th Race #5 Hotsy Dotsy – Veterinarian scratch, unsound – Dr. Grant
Refund \$1,763.63

08/10/16³

DAILY ATTENDANCE & HANDLE

On track	8,337	\$935,749.00
Off Track	3,379	\$1,616,624.30
Out –of-State	N/A	\$3,823,131.13
Total	11,716	\$6,375,504.43

THURSDAY

08/11/16¹

FILM REVIEW

Jockey TYLER BAZE came to the office to review his use of the whip in the sixth race yesterday. After viewing the film, Mr. Baze acknowledged that he used his crop more than three times in succession without giving his horse the chance to respond and accepted the following ruling:

DMTD Ruling #041

Jockey TYLER BAZE is fined TWO HUNDRED DOLLARS (\$200.00)* for violation of the California Horse Racing Board rule #1688(B)(6) (Use of Riding Crop – more than three times in succession without giving the horse a chance to respond – second offense in the last sixty days; last offense on July 22, 2016), during the sixth race at Del Mar Race Track on August 10, 2016.

Jockey MARTIN PEDROZA came to the office to review his whip use in the seventh race yesterday. Films showed that Mr. Pedroza struck his horse in the mouth. He acknowledged the use but claimed that his horse getting out badly and that he was concerned for safety. We explained that unless there is some imminent danger, this use of the whip is contrary to our rules. We therefore issued the following ruling:

DMTD Ruling #042

Jockey MARTIN PEDROZA is fined TWO HUNDRED DOLLARS (\$200.00)* for violation of California Horse Racing Board rule #1688(1) (Use of Riding Crop – misuse of crop in the race), while riding CLEVER ROYAL in the seventh race at Del Mar Race Track on August 10, 2016.

08/11/16²

DRACO RULING

We issued the following ruling when owner DONALD DRAPEAU (dba Draco Racing) failed to appear for his scheduled hearing into a complaint (case number 16DM019) filed by Dr. John Araujo alleging unpaid veterinary bills. Dr. Araujo appeared at the appointed time and amended the bill for less than the original amount.

DMTD Ruling #039

Owner DONALD DRAPEAU (DBA DRACO RACING), having failed to respond to a complaint alleging violation of California Horse Racing Board rule #1876 (Financial Responsibility – \$1,974.50 to Dr. JOHN ARAUJO – veterinary services), is suspended for violations of California Horse Racing Board rule #1547 (Failure to appear).

During the term of suspension, all licenses and license privileges of DONALD DRAPEAU (DRACO RACING) are suspended and pursuant to California Horse Racing Board rule #1528 (Jurisdiction of Stewards to Suspend and Fine), DONALD DRAPEAU (DRACO RACING) is denied access to all premises in this jurisdiction.

08/11/16³

EURTON RULING

We issued the following ruling when Mr. Eurton submitted a scratch for a runner who was sold by his owners after the horse was entered (note an amended ruling was issued to rectify a clerical error):

DMTD Ruling #038

Trainer PETER EURTON is fined FOUR HUNDRED DOLLARS (\$400.00)* pursuant to California Horse Racing Board rule #1629 (Penalty for Late Declaration – did not want to run) in the fifth race on August 10, 2016, at Del Mar Race Track.

08/11/16⁴

GEROUX RULING

We issued the following ruling after being informed that jockey FLORENT GEROUX was dropping his appeal of suspension days he received two weeks ago:

DMTD Ruling #040

Jockey FLORENT GEROUX, having withdrawn his appeal of ruling DMTD #016 issued at Del Mar Race Track on July 24, 2016, is suspended for THREE (3) RACING DAYS (August 20,21and 24, 2016). All other terms of the original ruling shall remain in effect. Pursuant to California Horse Racing Board rule #1766 (Designated Races) the term of suspension shall not prohibit participation in designated races in California.

08/11/16⁵

DECLARATIONS, CHANGES AND REFUNDS

- 1st Race #5 Agronomy – Veterinarian scratch, sick – Dr. Stead
#3 Snappy Jack – Claimed – WE Morey, trainer
Refund \$2,774.97
- 2nd Race #6 Third Brigade – Claimed – R. Diodoro, trainer
Refund \$2.00
- 3rd Race #10 Da Jenuis – Stewards’ scratch, also eligible
Refund \$360.90
- 4th Race No changes; Refund \$196.00
- 5th Race #5 Out of Patience – Veterinarian scratch, sick – Dr. Grande
#7 Chris and Dave – Veterinarian scratch, sick – Dr. Grande
Refund \$4,457.66
- 6th Race #3 Summer Scorcher – broke down, pulled up, euthanized (see attached report). Refund \$62.80
- 7th Race #9 Trust Ur Intuition – Stewards’ scratch, also eligible
#10 Private Terrace – Stewards’ scratch, also eligible
Refund \$518.42
- 8th Race #9 Looks Pretty Lucky – Veterinarian scratch, injured – Dr. Stead
#7 Specimen – Rider change – T. Pereira for M. Garcia (administrative matter)
#10 Money Makin Mike – Rider change – M. Gutierrez for E. Maldonado (first call drew in). Refund \$322.04

08/11/16⁶

DAILY ATTENDANCE & HANDLE

On track	6,885	\$995,868.50
Off Track	4,295	\$1,937,708.00
Out –of-State	N/A	\$4,103,669.69
Total	11,180	\$7,037,246.19

FRIDAY

08/12/16¹

FILM REVIEW

Jockey MARTIN PEDROZA came to the office to review his ride in the sixth race yesterday. Specifically, video revealed that Mr. Pedroza’s mount broke out sharply and Mr. Pedroza was a little late in correcting that action. He explained that he lost his balance when the horse broke out and therefore was unable to gain control for several strides. We believed that he could have made a better effort and issued a warning.

Jockey ABEL LEZCANO came to the office to review his ride in the stretch run of the third race yesterday. He struck his horse twice left handed as he was drifting out. Although the interference was minimal with the horse to his outside, we nevertheless believed this was sloppy riding and not advisable. He agreed. Warning.

08/12/16²

GAINES HEARING

We held a formal hearing into case number 16SA168 which was a complaint filed by the CHRB against trainer CARLA GAINES alleging a phenylbutazone overage discovered in one of her runners (Texas Ryano on June 16, 2016). While Ms. Gaines had no definitive explanation for the positive, the amount was small enough that she received a warning for the infraction.

08/12/16³

GARCIA RULING

Jockey MARTIN GARCIA was issued the following ruling when he took off his mount yesterday because of an administrative issue:

DMTD Ruling #043

Jockey MARTIN GARCIA, who was scheduled to ride #7 SPECIMEN in the eighth race on August 11, 2016 at Del Mar Race Track is fined TWO HUNDRED DOLLARS (\$200.00)* for violation of California Horse Racing Board rule #1872 (Failure to Fulfill Jockey Agreement).

08/12/16⁴

DE LA FLOR REINSTATEMENT

We issued the following ruling after being directed to do so by the California Horse Racing Board. Despite the fact that Owner De La Flor was suspended for failure to appear, she is protected in bankruptcy and therefore we were directed to reinstate her license.

DMTD Ruling #044

Acting upon the direction of Robert B. Miller (Chief Counsel, California Horse Racing Board), the suspension of Owner FRANCESCA DE LA FLOR has been reversed. DMTD Ruling #027 (August 5, 2016) has now been set aside.

All license privileges of Owner FRANCESCA DE LA FLOR are now restored to good standing.

08/12/16⁵

DECLARATIONS, CHANGES AND REFUNDS

1 st Race	#1 Mother Flower – should be listed off Lasix #3 Journeytothestars – Veterinarian scratch, unsound – Dr. Stead #5 Correlation – Claimed – V. Belvoir, trainer Refund \$1,130.04
2 nd Race	#7 Crime Boss – Veterinarian scratch, sick – Dr. Stead Refund \$357.10
3 rd Race	#5 Ace Deuce – Veterinarian scratch, sick – Dr. Stead #1 Dive Down – Claimed – P. Lobo, trainer #3 Iancol – Claimed – G. Sherlock, trainer #4 A Colt Following – Claimed – R. Baltas, trainer #7 Hadfunlastnight – Claimed – A. Sherman, trainer #3 Iancol – Claim VOIDED – returns to M. Mudaris, trainer #4 A Colt Following – Claim VOIDED – returns to P. Miller, trainer #7 Hadfunlastnight – Claim VOIDED – returns to J. Carava, trainer #4 A Colt Following – pulled up, walked off #7 Hadfunlastnight – pulled post race, vanned off, euthanized. Refund \$331.94
4 th Race	#1 Shakeitupbetty – Claimed – D. Pederson, trainer #4 Sparkling Peg – Claimed – J. Martin, trainer #10 Alexita – Claimed – J. Hollendorfer, trainer
5 th Race	No changes

6th Race No changes
7th Race No changes
8th Race No changes; Refund \$5.20

08/12/16⁶

DAILY ATTENDANCE & HANDLE

On track	16,034	\$1,502,110.80
Off Track	5,087	\$2,735,038.50
Out –of-State	N/A	\$5,849,874.06
Total	21,121	\$10,087,023.36

SATURDAY

08/13/16¹

FILM REVIEW

Jockey RAFAEL BEJARANO came to the office to review his ride in the eighth race yesterday. His horse stepped out in the stretch into the path of another horse. While he was marginally clear at best, we explained that keeping a straight course is our expectation. He agreed.

Agent Derek Lawson came to the office as a representative for jockey FLAVIEN PRAT to discuss his ride in the seventh race yesterday. Video showed that he was somewhat aggressive in creating running room for his mount as the field turned into the stretch. We issued a warning and explained that this style was too aggressive for our preference.

08/13/16²

STUTE HEARING

Trainer GARY STUTE came to the office for a formal hearing into case number 16DM020 which alleged a high bute in one of his horses after a work for removal from the veterinarian's list ("Blooming Hannah" on July 17, 2016). Mr. Stute believed that the overage occurred because the horse was on a daily dose of bute and received a dose for the workout. The level and his record made him eligible for the warning which he received.

08/13/16³

ARROYO HEARING

We held an informal hearing into a case (16DM046) filed by the CHRB against jockey NORBERTO ARROYO JR alleging violation of CHRB Rule 1874 (Disorderly Conduct). This Board ordered Mr. Arroyo to submit to a drug test approximately three weeks ago. Those results revealed the presence of .02% BAL. The CHRB does not have a prescribed level that constitutes a violation; rather the rule vaguely states that being "under the influence" is prohibited while performing ones' duties. Mr. Arroyo stated he had no idea how this occurred because he hasn't had a drink in more than a year. Decision to follow.

08/13/16⁴

OBJECTION/NO CHANGE

Following the running of the first race, jockey Jose Verenzuela (third place finisher #2 Yes Yes Yes) claimed foul against the winner (#6 County Lineman, S. Gonzalez) for interference around the far turn. Verenzuela claimed that his rival pushed his way out to make running room. Video was unable to confirm this allegation, therefore after speaking with the riders and patrol judges, we unanimously voted to make no change to the original order of finish.

08/13/16⁵

INQUIRY/NO CHANGE

Following the running of the second race, we posted the inquiry sign to examine the start (the second place finisher also claimed foul). Specifically, we examined the start of the winner #2 Dixie Chick Rocks (D. VanDyke) who broke out sharply, interfering with the second place finisher #3, and to a lesser extent numbers 4 and 5. After speaking with the patrol judges and riders involved, we unanimously voted to make no change to the original order of finish. While #3 did suffer interference, we believed that it do not cost her the 4 lengths she was beaten for the win. The other horses did not suffer interference.

08/13/16⁶

OBJECTION/NO CHANGE

Following the running of the sixth race, the rider (N. Arroyo) aboard third place finisher #10 Dream It Do It claimed foul against the winner (#9 Look Twice, Santiago Gonzalez) for interference in the stretch. After speaking with the patrol judges and riders involved, we quickly posted the official sign confirming the original order of finish. It was our unanimous opinion that the winner was marginally clear and certainly did not cost the #10 the opportunity at a better placing.

08/13/16⁷

DECLARATIONS, CHANGES AND REFUNDS

- 1st Race #4 Malko (IRE) – Veterinarian scratch, sick – Dr. Grant
Refund \$3,291.07
- 2nd Race No changes
- 3rd Race #6 Brave Act – Claimed – D. Blacker, trainer
- 4th Race No changes; Refund \$16.00
- 5th Race No changes; Refund \$41.00
- 6th Race #14 Redneck Crazy – Stewards’ scratch, also eligible
#4 Curly Road – Claimed – M. Machowsky, trainer
#12 It’s Just Bob – Claimed – S. Gonzalez, trainer
Refund \$493.48
- 7th Race #11 T. Montana – Stewards’ scratch, also eligible
Refund \$539.70
- 8th Race No changes; Refund \$194.00
- 9th Race No changes; Refund \$248.00
- 10th Race #2 Kihei Sunset – Veterinarian’s scratch, injured – Dr. Stead
Refund \$5,042.48

08/13/16⁸

DAILY ATTENDANCE & HANDLE

On track	29,892	\$2,339,349.70
Off Track	7,862	\$4,423,470.90
Out –of-State	N/A	\$9,334,551.34
Total	37,754	\$16,097,371.94

SUNDAY

08/14/16¹

FILM REVIEW

Jockey SANTIAGO GONZALEZ came to the office as directed to review his ride in two races yesterday. In the sixth race, his mount crossed over shortly after the start and caused a rival to his inside to clip heels. Then in the stretch his mount was the subject of an objection. The third place finisher claimed foul against him for crossing in front of him near the eighth pole. While we believed he was clear of the rival we cautioned to keep a straight path. We also reviewed the first race after which a fellow rider also claimed foul against him for pushing his way out as the field turned into the stretch. Our analysis was that the objection was correct, but unfortunately the video only suggested that fact rather than confirming it. Mr. Gonzalez didn’t really seem to understand our disapproval of this aggressiveness but we asked that his valet go over the film with him in order to help him understand. For the first incident during which the horse clipped heels, we was issued the following ruling:

DMTD Ruling #049

Jockey SANTIAGO GONZALEZ, who rode LOOK TWICE in the sixth race at Del Mar Race Track on August 13, 2016, is suspended for THREE (3) racing days (August 20, 21 and 24, 2016) for crossing over without sufficient clearance and causing interference down the backstretch. This constitutes a violation of California Horse Racing Board rule #1699 (Riding Rules – careless riding).

Pursuant to California Horse Racing Board rule #1766 (Designated Races), the term of suspension shall not prohibit participation in designated races in California.

Jockey agent Tom Knust attended film review as jockey MARIO GUTIERREZ's representative in order to review his ride in the ninth race yesterday. In the stretch, his horse drifted in, partly into the path of a tiring rival before he corrected that action. Mr. Knust said that he should have kept his horse straighter but that his rival was never in danger. Warning.

Jockey STEWART ELLIOTT came to the office to review his ride in the third race yesterday. As the field neared the quarter pole, Mr. Elliott found himself with a good chance to win the race, but had a horse to his inside and several in front of him. He made the quick decision to angle toward the inner rail and in the process caused his rival to steady sharply. In retrospect he wishes he had chosen to angle to the outside but nevertheless thought he protected his fellow riders given the situation. We disagreed, believing that the move was a bit aggressive and careless. We therefore issued the following ruling:

DMTD Ruling #048

Jockey STEWART ELLIOTT, who rode UNUSUAL TASTE in the third race at Del Mar Race Track on August 13, 2016, is suspended for THREE (3) racing days (August 20, 21 and 24, 2016) for altering course without sufficient clearance and causing interference entering the stretch. This constitutes a violation of California Horse Racing Board rule #1699 (Riding Rules – Careless Riding).

Pursuant to California Horse Racing Board rule #1766 (Designated Races), the term of suspension shall not prohibit participation in designated races in California.

Jockey DRAYDEN VANDYKE came to the office to review his ride in the tenth race yesterday. In the stretch he made contact with the horse to his outside. Upon review, we determined that the contact was mutual and simply cautioned him to stay straighter in the future.

For a second day in a row, JAMIE THERIOT failed to attend film review at the appointed time as directed. We issued the following rulings and directed him to attend film review Wednesday:

DMTD Ruling #045

Jockey JAMIE THERIOT is fined FIFTY DOLLARS (\$50.00)* for violation of the California Horse Racing Board rule #1930 (Obedience to Security Officers and Public Safety Officers – failure to attend film review on August 13, 2016).

DMTD Ruling #047

Jockey JAMIE THERIOT is fined ONE HUNDRED DOLLARS (\$100.00)* for violation of the California Horse Racing Board rule #1930 (Obedience to Security Officers and Public Safety Officers – failure to attend film review on August 14, 2016 – Second offense).

08/14/16²

ARROYO RULING

After considering the Arroyo matter heard yesterday, we issued the following ruling:

DMTD Ruling #046

Jockey NORBERTO ARROYO JR. is placed on probation for the term of his license (July 31, 2019) for violation of California Horse Racing Board rule #1874 (Disorderly Conduct – Alcohol – Level 0.02). NORBERTO ARROYO JR. must abide by the terms of a testing agreement with the California Horse Racing Board, be evaluated by the Winner's Foundation and abide by the terms set forth by that organization. Failure to comply with the terms of probation will be grounds for actions against NORBERTO ARROYO'S license privileges.

08/14/16³

SECURITY VIOLATION

Morning Outriders directed exercise rider RIGOBERTO SEVILLA through a security violation to our office. Mr. Sevilla was accused of galloping too close to the inside rail and disrespecting/harassing the outrider. Mr. Sevilla explained the he was working the horse and that the morning outrider was the one that started the argument. We issued the following ruling:

DMTD Ruling #050

Exercise Rider RIGOBERTO G. SEVILLA is fined ONE HUNDRED DOLLARS (\$100.00)* for violation of the California Horse Racing Board rule #1930 (Obedience to Security Officers and Public Safety Officers – disrespect to an outrider).

08/14/16⁴

MUDARIS HEARING

We held a formal hearing into case number 16SA154 which was a complaint filed against trainer MIKE MUDARIS alleging a double NSAID administration (bute and banamine) as well as a dexamethasone overage in one of his runners. His explanation was that he must have mixed up feed tubs because his runner should never have had those medications. Present at the hearing were this Board, Mr. Mudaris, CHRB Investigator Jim Hamilton, and court reporter Michelle Derieg. We heard testimony and entered documentary evidence into the record and brought the hearing to a close. Ruling to follow.

08/14/16⁵

DECLARATIONS, CHANGES AND REFUNDS

- 1st Race #2 Spindle – Claimed – C. Hartman, trainer
- 2nd Race #4 Trust Ur Intuition – Claimed – E. Truman, trainer
Refund \$73.54
- 3rd Race #1 Coyote Fly – Claimed – M. Mudaris, trainer
#2 Dadtaughtmewell – Claimed – R. Hess, Jr., trainer
#4 I B Mike – Claimed – A. Kitchingman, trainer
#5 Overcomer – Claimed – J. Metz, trainer
#6 Prince Valiant – Claimed – A. Sherman, trainer
Refund \$159.62
- 4th Race #13 Defiantly -- Stewards’ scratch, also eligible
Refund \$1,395.82
- 5th Race #1 Melanistic – Claimed (box checked) – M. Chew, trainer
Refund \$76.54
- 6th Race #13 Da Jenius – Stewards’ scratch, also eligible
#14 Deep Consideration -- Stewards’ scratch, also eligible
Refund \$358.97
- 7th Race #11 Soul Singer – Stewards’ scratch, also eligible
#14 With Love -- Stewards’ scratch, also eligible
Refund \$2,168.95
- 8th Race No changes; Refund \$839.25
- 9th Race #8 Resistanceisfutile – Veterinarian scratch, unsound – Dr. Grant
Refund \$5,458.08

08/14/16⁶

DAILY ATTENDANCE & HANDLE

On track	6,952	1,468,485.30
Off Track	10,813	4,503,574.50
Out –of-State	N/A	8,272,495.47
Total	17,765	14,244,555.27

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 8/8/16 to 8/14/16

- Horses on Vet List 18
- Horses off Vet List 12
- Shock Wave Therapy 10
- Deceased 2

SUMMARY

	Wed 8/10	Thurs 7/11	Fri 7/12	Sat 7/13	Sun 7/14	Week	Meet
Accidents	0	0	0	0	0	0	1
Cal-Bred Races	1	3	1	2	3	10	39
Claims	2	2	5	3	8	20	134
Disqualifications	0	0	0	0	0	0	2
Inquiries	0	0	0	3	0	3	12
Refunds	7	8	4	8	8	35	150
Rulings	1	5	2	0	6	14	50
Voided Claims	0	0	3	0	0	3	16

Respectfully submitted,

C. Scott Chaney, Steward

Grant Baker, Steward

Kim Sawyer, Steward

Luis Jauregui, Safety Steward