



**REPORT OF THE BOARD OF STEWARDS
DEL MAR THOROUGHBRED CLUB**

To the California Horse Racing Board

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RICK BAEDEKER, EXECUTIVE DIRECTOR
JACQUELINE WAGNER, ASSISTANT EXECUTIVE DIRECTOR
ROBERT B. MILLER, CHIEF COUNSEL CHRB

For the period: Thursday, July 16, 2015, through Monday, September 7, 2015.

* * * * *

WEEK5- Sunday, August 9, 2015 through Saturday, August 15, 2015.

SUNDAY
8/09/15¹

A.M. DECLARATIONS

2nd race #1 Chasing Kings (Vet-injured) refund of \$870.08
5th race #11 Carlos Dangerous (Also eligible)
#12 Tribal Zen (Also eligible) refund of \$2,020.30
7th race #9 Treasuring (Vet-sick) refund of \$2,662.24
8th race #1 Tried and True (Stakes) refund of \$1,966.12
9th race #13 Lexie Arleen (Also eligible) refund of \$1,245.08

8/09/15²

VIDEO REVIEW

Jockey Joe Talamo was in the office this morning to review the eighth race from Saturday, as his horse, #3 Fanticola, broke in at the start. While the incident was not worthy of a suspension, the rider was cautioned to make a stronger effort to prevent interference.

Jockey Tiago Pereira was in the office to review the second race from the Saturday card as his mount drifted in during the stretch run, resulting in a disqualification. After review, it was determined that even though Mr. Pereira's number came down, his actions could not be construed as "careless riding" as he only came in two to three "furrows". Therefore, a warning was issued.

Jockey Rafael Bejarano came to the office to review the start of the sixth race as there was a multiple horse incident at the break. Blame could not be attributed to one horse and therefore the rider left with an admonishment to make a stronger effort in the future.

Jockey Santiago Rodriguez came to the office to review the sixth race from yesterday due to his mount being involved in an incident at the start. As with jockey Bejarano, he was not totally responsible for the problem, but was cautioned to react more quickly to prevent interference.

The final jockey involved in the sixth race incident, Fernando Perez, was in the office to review the start. As noted with jockeys Bejarano and Gonzalez, one rider was not solely to blame and therefore Mr. Perez was issued a warning.

8/09/15³

RULING

Jockey AARON GRYDER is fined THREE HUNDRED DOLLARS (\$300.00)* for violation of 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), during the first race at Del Mar Race Track on August 8, 2015.

This ruling was issued after the jockey fell on his sword regarding his second violation of the newly implemented “riding crop” rule.

8/09/15⁴

CLAIM VOIDED

The claim of the horse “Poppy Bolly” from the ninth race by Rosemary Trela was voided as the horse suffered a suspensory injury to its right hind leg. The horse was returned to the barn of trainer Jack Carava, where it was ultimately euthanized due to the extent of the injury.

8/09/15⁵

DAILY ATTENDANCE & HANDLE

On track	13,974	\$2,047,739.40
Off Track	7,717	\$4,939,945.40
Out –of-State	N/A	\$6,607,622.21
Total	21,691	\$13,595,307.01

WEDNESDAY

8/12/15¹

A. M. DECLARATIONS

- 1st race #6 Mint Julep Taffy (Vet-injured) see 8-12-15⁴
- 5th race #5 Collect the Debt (Vet-sick)
- 8th race #11 Nuke Laloosh (Also eligible) refund of \$1,337.72

8/12/15²

RULING

Exercise rider GABRIEL PLANCHARD is fined FIFTY DOLLARS (\$50.00)* for violation of California Horse Racing Board rule #1930 (Obedience to Security Officers and Public Safety Officers -backtracking in contradiction of track safety rules).

This ruling was issued after Mr. Planchard offered no excuse for backtracking in front of the starting gate during morning hours.

8/12/15³

CRUZ HEARING

Rudy, stable foreman for trainer Phil D'Amato, was in the office this morning in response to a complaint filed by the Board for his part in a disturbance which occurred on the racetrack a Santa Anita Park on June 13, 2015, following the running of the fifth race. Mr. Cruz has been charged with violation of CHRB rules #1874 (Disorderly Conduct) and #1902 (Conduct Detrimental to Horse Racing) which alleged that he verbally accosted and threatened jockey Martin Garcia as he felt that Garcia's riding tactics compromised the chances of a D'Amato-trained horse in the Grade 1 Shoemaker Mile. Jockey Martin Garcia was the first to testify. He said that immediately after he unsaddled his horse, Mr. Cruz proceeded to berate him for the ride and stating to Garcia that he was going to "kick your (profanity)". Garcia said he walked away but was followed by Cruz and the owner of the D'Amato horse, where he was threatened again.

Rafael Hernandez, who was Garcia's valet for that particular race, corroborated Garcia's statements.

Area Manager Michael Jacobellis, who was positioned in the Winner's Circle for the race, testified that he was approached by Mr. Castaneda, who informed him that his rider was being accosted by Cruz. As Mr. Jacobellis approached Cruz, he heard him unleash a verbal barrage at Garcia in both English and Spanish. He said that Garcia did pause and responded to Cruz in Spanish. Jacobellis intervened and told both to cease the dispute. Garcia complied, but Cruz kept up the insults. By this time both men were in the tunnel on the way back to the walking ring and Cruz once again cursed Garcia. Jacobellis called for back up and the situation was diffused when reinforcements arrived. Jacobellis ended his testimony by saying that he gave Cruz three admonishments to cease his ranting but Cruz did not comply.

Mr. Cruz testified that the problem with Garcia started after his boss, Mr. D'Amato stopped using the rider on his horses. He assumed that Garcia felt that he had something to do with his termination from the D'Amato barn.

Exercise rider Jose Dominguez, who was an eyewitness to the event, said the dialog was mutual but he did not hear any physical threats.

Finally, Groom Charles Mazzaleno, a D'Amato employee, said that Cruz was a "bit excited" following the race, but to him it was just a normal day.

We will digest the testimony and render a decision shortly.

8/12/15⁴

REFUND

A refund was ordered in the first race as #2 One Putt Par became fractious in the gate and got both legs over the stall doors of the starting gate. The horse was declared on the recommendation of Racing Veterinarian Stead, with the refund amounting to \$93,842.11.

8/12/15⁵

DAILY ATTENDANCE & HANDLE

On track	10,241	\$1,335,900.40
Off Track	3,895	\$1,764,781.50
Out -of-State	0	\$4,183,844.94
Total	14,136	\$7,284,526.84

THURSDAY8/13/15¹**A. M. DECLARATIONS**

1st race #7 Twosome (Vet-sick) refund of \$2,631.54
 2nd race #5 Little Emma (Vet-sick) refund of \$2,880.30
 3rd race #12 She's On the Line (Also eligible)
 #14 I'm a Drama Mama (Also eligible) see 8-13-15⁴
 4th race #3 Two Six Wins (Vet-unsound) refund of \$932.06
 5th race #2 Pica (Vet-sick) refund of \$1872.83
 8th race #14 True Déjà Vu (Also eligible) refund of \$557.00

8/13/15²**RULING**

Jockey BRICE BLANC is fined THREE HUNDRED DOLLARS (\$300.00)* for violation of 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), during the second race at Del Mar Race Track on August 12, 2015.

The preceding ruling was issued after Mr. Banc offered no acceptable excuse for too many strikes of the whip in succession. He said he was just trying a bit too hard.

8/13/15³**VIDEO REVIEW**

Jockey Alonso Quinonez was in the office this morning to review the Fourth race from Wednesday, during which he permitted his mount to drift out during the stretch run. The horse he interfered with ended up winning the race so a disqualification was not a concern. Mr. Quinonez apologized and said he would be more alert in the future.

8/13/15⁴**REFUND**

A refund was ordered in the third race as #2 Balboa Tradition flipped during the loading procedure and was declared on the recommendation of Racing Veterinarian Stead. The refund amounted to \$64,189.25.

8/13/15⁵**CLAIM VOIDED**

A claim from the second race by Jaime Gomez for the horse Summer Veil was voided as the horse was observed to be off in the right foreleg during its time in the Receiving Barn. The horse was returned to the barn of trainer Adam Kitchingman.

8/13/15⁶**DAILY ATTENDANCE & HANDLE**

On track	8,085	\$1,220,113.60
Off Track	4,623	\$2,204,771.60
Out –of-State	N/A	\$4,428,229.98
Total	12,708	\$7,853,115.18

FRIDAY
8/14/15¹

A. M. DECLARATIONS

4 th race	#1 Cee the Preacher (Vet-sick) #3 Dano's dream (Vet-sick)	refund of \$2,039.84
5 th race	#5 Lily Kal (Vet-sick)	refund of \$1,647.26
6 th race	#7 One More Roll (Vet-sick)	refund of \$176.00

8/14/15²

DESORMEAUX HEARING

Jockey Kent Desormeaux was in the office this morning for a formal hearing into a complaint filed by the Board alleging violation of California Horse Racing Board rules #1874 (Disorderly Conduct, #1872 (Failure to Fulfill Jockey Agreement) and #1902 (Conduct Detrimental to Horse Racing). The allegations stemmed from the fact that he was given two breathalyzer tests on July 29, 2015, resulting in readings of 0.047 and 0.041. He was then taken off of his remaining mounts that day.

Present at the hearing were the Board of Stewards (Chaney, Sawyer and Ward); Staff Counsel Phillip Laird representing the Board; attorneys Roger Licht and Andrew Leventhal, representing the charged party, Kent Desormeaux, who was also in attendance. Also attending were Safety Steward Luis Jauregui and Daily Racing Form correspondent Steve Anderson. The case was recorded by Michelle Deirig.

Board investigator James Hamilton, who was present when the test was administered, testified as to the procedures which were followed. He stated that his observation of Mr. Desormeaux gave no indication that the rider was under the influence of alcohol. He further testified that the second test was given only after Mr. Desormeaux told he and his associate, Kevin Kitishima, that he felt that the machine was broken. Investigator Phillip Miyazaki testified as to the calibration of the breathalyzer machine which was used, the Alco-Sensor IV. Supervising Investigator Rick Amieva testified as to his role in the matter and his familiarity with the machine and the accompanying manual. He also testified that Mr. Desormeaux was on a testing agreement with the Board at the time the test was administered. Additionally, all three investigators testified regarding their collaborative experience in law enforcement experience regarding the administration of breathalyzer tests.

The defense contended that their client was "not under the influence" as his results were under 0.05, the figure which would render someone susceptible to arrest for public intoxication. The lawyers also contended that the investigators violated a section of Title 17 of California Code of Regulations, which dictates that the subject must be kept under observation for fifteen minutes prior to the administration of the test. There was no testimony as to how many minutes Mr. Desormeaux was under observation before the initial breath sample was collected.

Mr. Laird attempted to put Mr. Desormeaux on the stand but his counsels adamantly objected, citing 5th Amendment protection. Therefore, Mr. Desormeaux did not testify.

In closing arguments, Mr. Laird said that the issue was twofold – safety and integrity of the sport. He said that any amount of alcohol in a rider's system compromises both facets and that the acceptable level should be 0.00%. As such, he requested a fine of \$5000.00, a sixty day suspension, probation and continuation of Mr. Desormeaux's testing agreement with the Board.

The defense closed by saying that a reading of 0.04 does not mean a jockey cannot ride as that level would not render the individual “under the influence”. They also contended that the test was not administered properly.

We have taken the matter under submission and will issue a decision shortly.

8/14/15³

STEWARDS' INQUIRY – NO CHANGE

The inquiry sign was posted after the eighth race as the Stewards reviewed an incident at the finish between the first and second place finishers, #2 Prince Valiant (1st, M. Pedroza) and #3 Southern Loyalty (2nd, K. Desormeaux). The live observation showed Mr. Desormeaux checking at the the finish line, then his mount stumbled just past the wire after appearing to clip the heels of the winner.

After speaking with the riders involved, taking into account reports from the Patrol Judges and reviewing video of the stretch run, the Stewards unanimously voted to make no change to the original order of finish. We were in agreement that the incident took place at a point in the race where finish positions were not compromised. Additionally, Stewards Sawyer and Ward were of the opinion that there was not sufficient room for Desormeaux to come through on the rail.

8/14/15⁴

DAILY ATTENDANCE & HANDLE

On track	17,626	\$1,683,717.40
Off Track	4,919	\$2,859,865.00
Out –of-State	N/A	\$5,790,238.98
Total	22,545	\$10,333,821.38

SATURDAY

8/15/15¹

A. M. DECLARATIONS

3rd race #2 American League (Vet-injured) refund of \$870.52

4th race #11 American Blend (Also eligible)
 #12 Accellerant (Also eligible)
 #13 Titled Nobility (Also eligible)
 #14 Black N Beauty (Also eligible refund of \$1,626.90)

10th race #13 Boat Drinks (Also eligible refund of \$460.10)

8/15/15²

RULING

Pursuant to California Horse Racing Board rule #1530 (Cases Not Covered by Rules and Regulations), Jockey Agent CRAIG STEPHEN is fined THREE HUNDRED DOLLARS (\$300.00)* for failure to handle his business in a proper manner (failure to honor call - second offense).

This ruling was issued as Mr. Stephen offered no acceptable excuse for failing to honor a 'call' given to trainer Steve Miyadi.

8/15/15³

MEDICATION HEARING

Trainer William Spawr testified by telephone regarding a complaint filed against him for a double medication found in the post -race sample obtained from his horse “Lucky Student”, the second place finisher in the sixth race at Santa Anita on May 16, 2015. The sample was found to contain Phenylbutazone and Flunixin, with an overage of Flunixin as well (36.1 ng).

Mr. Spawr explained that the horse received both medications from the same veterinarian, Dr. Ryan Carpenter, but the Flunixin was supposed to have been given to a horse scheduled to race two days later.

A decision is pending.

8/15/15⁴

RIDER EXCUSED

Corey Nakatani was excused from his final three mounts of the day due to injuries suffered in a paddock accident prior to the seventh race. He was aboard #10 Run for Retts while leaving the walking ring for the track when she bucked and dislodged him. The rider landed on his right side and experienced pain but thought he just had the wind knocked out of him. Following the running of the race, which he won, his pain increased and he could not complete his remaining engagements. Replacement riders were named.

8/15/15⁵

VOIDED CLAIMS

There were two claims voided during the course of the afternoon program. The first took place following the fourth race as the claim deposited by trainer Peter Miller for #9 All Squared Away was voided as the horse was found to be “off” in the right foreleg during its time in the Detention Barn. The horse was returned to the barn of trainer Kenneth Nettles.

A claim was also voided after the fifth race as trainer Steve Miyadi's claim for #11 Ultimate Luck had to be nullified as the horse was sore in the right foreleg. The horse went back to the barn of trainer Doug O'Neill.

8/15/15⁶

DAILY ATTENDANCE & HANDLE

On track	20,757	\$2,655,486.40
Off Track	8,554	\$5,163,353.30
Out –of-State	N/A	\$7,848,149.28
Total	29,311	\$15,666,988.98

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 8-2-15 TO 8-8-15

Horses on Vet List	23
Horses off Vet List	17
Shock Wave Therapy	25
Deceased	2

Medication

0

SUMMARY

	Sun 8/9	Wed 8/12	Thurs 8/13	Fri 8/14	Sat 8/15	Week	Meet
Accidents	0	0	0	0	0	0	1
Cal-Bred Races	1	1	1	2	1	6	33
Claims	5	1	7	3	7	23	161
Disqualifications	0	0	0	0	0	0	2
Inquiries	0	0	0	1	0	1	10
Refunds	5	3	6	3	3	20	124
Rulings	1	1	1	0	1	4	43
Voided Claims	1	0	1	0	2	4	15

Respectfully submitted,

Tom Ward, Steward

C. Scott Chaney, Steward

Kim Sawyer, Steward

Luis Jauregui, Safety Steward

JOCKEY/DRIVER ACCIDENT REPORT

Business and Professions Code Section 19481.3(e) provides that the stewards shall investigate and prepare a report regarding all on-track accidents involving jockeys that occur during the performance of the jockeys' duties. The investigation shall commence no later than the next live racing day and shall be completed expeditiously. Board Rule 1536, Stewards' Minutes, includes drivers in this requirement. **Upon completion of the report, it shall immediately be sent by facsimile or electronic mail to the Jockeys' Guild or California Harness Horsemen's Association (CHHA); the jockey/driver or his representative; the racing association; the horse owner; and the trainer of the horse the jockey/driver was riding/driving at the time of the accident.**

Name of jockey/driver & CHRB License No.: Corey Nakatani #112150

Name of horse owner & CHRB License No.: Tommy Town Thoroughbreds LLC #258024

Name of trainer & CHRB License No.: Steven Myadi #074727

Name of horse & Tattoo No.: McHottie #Q08178

Race No.: 7TH RACE

Date/time/location of accident: 8/15/2015 – 5:13 P.M. –DEL MAR RACE TRACK

DESCRIPTION OF ACCIDENT

Include circumstances of accident, likely causes and the extent of injury to jockey/driver, if any. Complete one Jockey/Driver Accident Report for each jockey/driver involved in an accident. A copy of each report shall be attached to the stewards' minutes in accordance with Rule 1536, Stewards' Minutes.

Jockey Corey Nakatani was thrown off his mount in the paddock prior to the 7th race and he was taken to first aid after the running of the race to be examined. The Track Physician recommended that Mr. Nakatani have his ribs x-rayed.

Jockey/Driver condition: Pain in rib area.

Horse condition: No injuries reported. _____

Luis Jauregui

Prepared by:

Signature:

8/16/2015
Date report completed: