

CALIFORNIA HORSE RACING BOARD
1010 HURLEY WAY, SUITE 300
SACRAMENTO, CA 95825



**REPORT OF THE BOARD OF STEWARDS
DEL MAR THOROUGHBRED CLUB
TO THE CALIFORNIA HORSE RACING BOARD**

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HONORABLE RICHARD B. SHAPIRO, CHAIRMAN
HONORABLE JOHN C. HARRIS, VICE CHAIRMAN
HONORABLE JOHN ANDREINI, MEMBER
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HONORABLE JEROME S. MOSS, MEMBER
KIRK BREED, EXECUTIVE DIRECTOR
RICHARD "BON" SMITH, ASSISTANT EXECUTIVE DIRECTOR

Report of the Board of Stewards for the week of Wednesday, July 23, 2008 through Monday, July 28, 2008. Steward Tom Ward was the Reporting Steward for the enclosed period.

WEDNESDAY
07/23/2008

1 TRAINER GARY STUTE RULING

DMTD #5

Trainer GARY STUTE is fined THREE HUNDRED DOLLARS (\$300.00)* for violation of California Horse Racing Board Rule #1874 (Disorderly Conduct – Abusive behavior toward the Racing Veterinarian) at Hollywood Park on July 5, 2008.

This ruling was issued after the trainer was in the office responding to a complaint filed by investigators for his actions in the saddling paddock prior to the fifth race at Hollywood Park on July 5, 2008. Stute took out his frustrations on Veterinarian Jill Bailey in the form of a verbal tirade after she recommended his horse Magical Victory be scratched. The horse had flipped during the saddling procedure and was not in a condition to run.

Stute was very contrite, stating he had had a series of setbacks in the days leading up to the incident and he chose the wrong person on which to vent his displeasure. He has since apologized to the doctor and assured the Stewards that such an incident will not happen again.

2 TRAINER JUAN GARCIA RULING

DMTD #6

Trainer JUAN GARCIA is fined FIVE HUNDRED DOLLARS (\$500.00)* for failure to properly report the gelding of the horse “SUR BRIO” that ran in the fourth race at Hollywood Park Race Track on June 29, 2008. This constitutes a violation of California Horse Racing Board Rule #1865 (Altering of Sex of Horse).

This ruling was issued after Mr. Garcia’s son, Victor, came to the office in response to the complaint filed against his father for failing to report the gelding of the horse Sur Brio, which ran in the 4th race at Hollywood Park on June 29, 2008. The barn had no excuse for the error and accepted the consequences.

3 REFUND

A refund was ordered in the first race after Official Veterinarian Tim Connor reported that security observed the assistant trainer for Walther Solis using a dose syringe to flush out the mouth of #4 “Crystal Got Even”, prior to the horse coming over for the first race. The bottle used was confiscated. Dr. Connor could smell both peppermint and camphor in the preparation, thus prompting the scratch. The refund amounted to \$13,212.26

4 REFUND

The Stewards ordered a refund in the second race as Racing Veterinarian Jill Bailey reported that #4 Makasi was off in the hind quarters during warm up and recommended that the horse be declared. The refund from the scratch totaled \$63,300.22.

5 ACCIDENT/INQUIRY/NO CHANGE

The inquiry sign was posted after the fifth race as the Stewards reviewed the circumstances which resulted in apprentice jockey Jose Campos, aboard #4 No Ka Oi, being unseated as the field approached the seven furlong pole. After taking into account reports from the Patrol Judges and reviewing tapes of the incident the Stewards unanimously voted to make no change in the placings. Tapes show that No Ka Oi drifted in when approaching the turn, ultimately clipping the heels of #3 Marqz Melody and stumbling sharply. Campos lost his balance and fell. He was examined in first aid, then transported to Scripps Hospital for observation.

6 PROGRAM CHANGES /A. M. DECLARATIONS

2nd race - #6 Chu Shy Shy (Vet-sick) refund of \$392.00

4th race – Bubsy (Vet-sick) refund of \$1,170.02

5th race - #1 Dulce Maria (Vet-injured) refund of \$1,793.86

7 ATTENDANCE AND HANDLE

Total Refund: \$79,496.36	Del Mar on Track	9,989	Off Track	\$2,711,946.70
No Minus Pool	<u>Off Track</u>	<u>6,622</u>	Out of State	\$4,760,882.14
	Total Attendance	16,611	<u>Del Mar Total</u>	<u>\$1,394,057.20</u>
			Total	\$8,866,886.04

THURSDAY
07/24/2008

1 OWNER JEFFERY DEHAVEN RULING

DMTD #7

Owner JEFFREY DEHAVEN having satisfied his financial obligations, is restored to good standing. PRTG ruling #075, issued at Golden Gate Fields on February 22, 2002, for failure to appear, is set aside.

This ruling was issued after Mr. DeHaven came to the office and provided documentation which substantiated that he had taken care of the financial obligations which caused his suspension several years ago. DeHaven, who is embroiled in a financial dispute with his former trainer, Nick Canani, said that legal steps are being taken to resolve the matter. We certainly hope so, as it is a tangled mess with many layers of issues.

2 TRAINER WALTHER SOLIS RULING

DMTD #8

Trainer WALTHER SOLIS is fined three hundred dollars (\$300.00)* pursuant to California Horse Racing Board Rule #1629 (Penalty for Late Declaration), for medicating "CRYSTAL GOT EVEN", necessitating the late declaration from the first race on Wednesday, July 23, 2008, at Del Mar Thoroughbred Club. July 23, 2008, at Del Mar Thoroughbred Club.

The foregoing ruling was issued after Solis acknowledged the mistake in his barn which led to the late declaration of his horse "Crystal Got Even" from the first race yesterday afternoon (Ref.7-23-08 #3).

3 RIDER EXCUSED

Jockey Ramon Guce was excused from his mount in the third race today as he was caught in a massive traffic jam on the I-5 freeway at Camp Pendleton. The freeway was the scene of an accident in the early morning and was closed for over five hours. A replacement rider was named.

4 REFUND

A refund was ordered in the eighth race as #7 "Tuner" flipped in the paddock and was declared on the advice of Racing Veterinarian Jill Bailey. The refund from the scratch amounted to \$51,381.53.

5 PROGRAM CHANGES /A.M. DECLARATIONS

3rd race – #1 Steppin Out Rose (Stewards-medicated) refund of \$7,2449.60

7th race - #10 Whilly (Vet-injured)

#11 Xela (missed flight from Kentucky) refund of \$3,563.40

6 ATTENDANCE AND HANDLE

Total Refund: \$62,992.83	Del Mar on Track 9,600	Off Track \$2,983,096.70
No Minus Pool	<u>Off Track 6,910</u>	Out of State \$5,570,166.28
	Total Attendance 16,510	<u>Del Mar Total \$1,438,178.40</u>
		Total \$9,991,441.38

FRIDAY

07/25/2008

1 TRAINER R. B. HESS, JR. RULING

DMTD #9

Trainer R.B. HESS JR. is fined FIVE HUNDRED DOLLARS (\$500.00)* for violation of California Horse Racing Board Rule #1629 (Penalty for Late Declaration), for medicating an entered horse, necessitating the late declaration of STEPPIN OUT ROSE from the third race on Thursday, July 24, 2008, at Del Mar Thoroughbred Club.

The preceding ruling was issued after Mr. Hess accepted responsibility for his horse receiving Clenbuterol after being entered. He said it was simply a mistake on the part of the horse's groom. The fine was increased as it was his second offense in the past twelve months.

2 TRAINER JOSE JIMINEZ RULING

DMTD #10

Trainer JOSE JIMENEZ is fined three hundred dollars (\$300.00)* pursuant to California Horse Racing Board rule 1629 (Penalty for Late Declaration) for violation of California Horse Racing Board rule 1581.1 (Entries), necessitating the late declaration of WINS THE PRIZE from the first race on Saturday, July 26, 2008 at Del Mar Race Track.

This ruling was issued after Mr. Jiminez pleaded guilty to having his horse "Wins The Prize" entered at Los Alamitos this evening and at Del Mar tomorrow. The trainer said he had an emergency in his family and did not realize that his partner had entered the horse at Los Alamitos. He intended to run the horse at this venue.

3 REFUND

A refund was ordered in the fifth race as #4 “Jet Set Lass” got a front leg over the stall doors of the starting gate and was declared after examination by Racing Veterinarian Jill Bailey. She reported that the horse suffered an injury to a tendon. The refund from the scratch amounted to \$103,373.94.

4 PROGRAM CHANGES / A. M. DECLARATION

3rd race - #4 Sherry’s Reddy (Vet-injured) refund of \$2,561.90

5 ATTENDANCE AND HANDLE

Total Refund \$106,153.44	Del Mar on Track 16,324	Off Track	\$3,412,105.10
No Minus Pool	<u>Off Track 7,502</u>	Out of State	\$6,654,546.68
	Total Attendance 23,826	<u>Del Mar Total</u>	<u>\$2,183,759.80</u>
		Total	\$12,250,411.58

SATURDAY
07/26/2008

1 TRAINER CHRISTOPHER BEAU GREELEY RULING

DMTD # 11

Trainer CHRISTOPHER BEAU GREELY, who started the horse “Rather Be Lucky” in the third race at Santa Anita Park on January 21, 2008, having entered into a stipulated agreement with the California Horse Racing Board, is suspended for thirty days (August 1, 2008 through August 30, 2008) and fined THREE THOUSAND DOLLARS (\$3,000.00) pursuant to California Horse Racing Board rule #1887 (Trainer to Insure Condition of Horse) for violation of California Horse Racing Board rule #1843 (a) and (d) (Medication, Drugs and other Substances – Meprobamate and Hydroxycarisoprodol, Class 2).

Pursuant to the terms of the stipulated agreement, all thirty days of the suspension are stayed provided that Respondent be placed on probation for a period of one year from the date of this ruling and not have any violations for Class 1, 2, or 3 drug substances.

This ruling was issued to affect a stipulated agreement between Mr. Greeley and the California Horse Racing Board. Greeley’s horse “Rather Be Lucky” tested positive for the Class 2 drugs Meprobamate and Hydroxycarisoprodol after finishing first in the third race at Santa Anita Park on January 21, 2008.

2 RULING HOLLYWOOD PARK IS FINED

DMTD #12

HOLLYWOOD PARK is fined five thousand dollars (\$5,000.00)* for violation of California Horse Racing Board rule 1472 (Rail Construction and Track Specifications) for failing to install a portion of the inner rail prior to the running of the fourth race on the turf course on July 5, 2008 at Hollywood Park.

This ruling was issued after the management team at that venue stipulated to the facts set forth in the complaint and requested that the Stewards proceed without their being in attendance. An oversight by the turf crew led to the section of rail not being replaced prior to the race.
 (See attached copy of letter)

3 COMPLAINT SETTLED

A complaint filed by groom Rosa Castillo against trainer Stacy Young was settled as Ms. Young agreed to pay the amount mentioned in the complaint. Ms. Castillo will have the money by this coming Wednesday.

4 COMPLAINT SETTLED

A complaint filed by Trainer Uri Rafaeli against a former client, Nicole Shinton in the amount of \$4,186.00 was settled for the very compromised amount of \$330.00 plus 25% of what Ms. Shinton's horse earns in its next two starts. The verbal agreement between the two was ambiguous from the outset and "went south" when Ms. Shinton expressed her desire to move the horse to another trainer.

5 REFUND

A refund was ordered in the second race as #4 "Yield to the Storm" got loose, ran into the inside rail during the post parade and injured itself. Racing Veterinarian Jill Bailey examined the horse and recommended that the gelding be scratched. The refund from the declaration amounted to \$27,679.08.

6 LATE DECLARATION / NO REFUND

#1a Seattle Avenue was a late declaration from the fourth race as it unseated jockey Martin Garcia and ran off. There was no refund as the horse was coupled in the wagering with its entry mate, #1 "Stormy Racer".

7 REFUND

The Stewards ordered a refund in the tenth race as #3 "Geauxforthedeaux" was off in the right foreleg during warm up and was declared on the recommendation of Racing Veterinarian Jill Bailey. There was a refund of \$219,198.34 as a result of the scratch.

8 PROGRAM CHANGES /A.M. DECLARATION

1st race - #1 Wins The Prize (Stewards-ran at Los Al 7-25) refund of \$440.00

9 ATTENDANCE AND HANDLE

Total Refund: \$247,065.42	Del Mar on Track	32,291	Off Track	\$6,460,117.50
No Minus Pool	<u>Off Track</u>	<u>13,291</u>	Out of State	\$10,534,421.26
	Total Attendance	45,331	<u>Del Mar Total</u>	<u>\$3,537,140.30</u>
			Total	\$20,531,679.06

SUNDAY
07/27/2008

1 BACKSTRETCH RULINGS (13-28)

Del Mar stable area security issued sixteen parking citations recently and the Stewards issued rulings to memorialize the violations.

2 RULING #29

DMTD#29

Based upon a report from the University of California, Davis Laboratories, an official laboratory for the California Horse Racing Board, that urine sample #DM00865, obtained from the horse DUNMORE, the fifth place finisher in the second race at Del Mar Race Track on July 22, 2007, contained the prohibited drug Guanabenz (Class 2), it is ordered that DUNMORE be disqualified from all purse monies earned in said race, in accordance with California Horse Racing Board rule #1859.5 (Disqualification Upon Positive Test Finding).

It is further ordered that the purse money earned in said race (\$535.00) be returned by owners Jerry Heflin and James Driver (dba Heflin Driver Racing LLC) to the Paymaster of Purses at Del Mar Race Track by August 27, 2008, for redistribution in accordance with the revised order of finish.

The revised order of finish is as follows:

5th Domoron Domoron

All records are ordered changed to reflect this ruling. In accordance with California Horse Racing Board rule #1956 (Race Declared Official), neither the pari-mutuel payoff nor the distribution of any pari-mutuel pool shall be affected.

This ruling was issued in response to a report from the University of California which stated that the horse DUNMORE, the fifth place finisher in the second race at Del Mar on July 22, 2007, tested positive for the Class 2 drug Guanabenz. The owners were noticed regarding the hearing but chose not to attend.

3 RULING #30

DMTD #30

Based upon a report from the University of California, Davis Laboratories, an official laboratory for the California Horse Racing Board, that urine sample #DM00795, obtained from the horse PEACE PLEDGE, the third place finisher in the sixth race at Del Mar Race Track on July 18, 2007, contained the prohibited drug Guanabenz (Class 2), it is ordered that PEACE PLEDGE be disqualified from all purse monies earned in said race, in accordance with California Horse Racing Board rule #1859.5 (Disqualification Upon Positive Test Finding).

It is further ordered that the purse money earned in said race (\$2,040.00) be returned by owners Jerry Heflin and James Driver (dba Heflin Driver Racing LLC) (\$1734.00), trainer Cody Autry (\$204.00), and jockey Michael Baze (\$102.00) to the Paymaster of Purses at Del Mar Race Track by August 27, 2008, for redistribution in accordance with the revised order of finish.

The revised order of finish is as follows:

3rd Naughtylihottie
4th Wild Sissy
5th Bit of Folly

All records are ordered changed to reflect this ruling. In accordance with California Horse Racing Board rule #1956 (Race Declared Official), neither the pari-mutuel payoff nor the distribution of any pari-mutuel pool shall be affected.

The preceding ruling was issued in conjunction with a report from Maddy Laboratories at U. C. Davis, which stated that the test taken from the horse PEACE PLEDGE, the third place finisher in the sixth race at Del Mar on July 18, 2007, contained the Class 2 drug Guanabenz. Once again, the horse's connections were noticed, but did not attend.

4 JOCKEY JOE TALAMO RULING

DMTD #31

Jockey JOSEPH TALAMO, who rode "HOPEHOPEHOPE" in the ninth race at Del Mar Thoroughbred Club on Saturday, July 26, 2008 is suspended for three (3) racing days (August 3rd, 4th, and 6th, 2008) for altering course without sufficient clearance and causing interference, which is a violation of California Horse Racing Board Rule # 1699 (Riding Rules – Careless Riding). The terms of this suspension shall not prohibit participation in designated races in California.

This ruling was issued after the rider viewed video of the ninth race from July 26, in which his mount, #HOPEHOPEHOPE was responsible for interference on the backstretch. The rider made no excuses, stating that he did not realize that the eventual winner, #2 Storm Mesa, had moved up on his inside and was in a position to clip heels.

5 JOCKEY LUIS CONTRERAS RULING

DMTD # 32

Jockey LUIS CONTRERAS is suspended for three (3) racing days (August 3rd, 4th and 6th 2008) for failure to make the proper effort to maintain a straight course in the stretch, causing interference while riding IDLE NO MORE in the eighth race on July 26, 2008. This constitutes a violation of California Horse Racing Board Rule # 1699(Riding Rules – careless riding). Terms of suspension shall not prohibit participation in designated races.

This ruling was issued after the rider had viewed the eighth race from July 27, in which his mount was responsible for interference in the stretch. Contreras made no excuse for his ride, stating that he could have made a much stronger effort to correct his mount.

6 POSSIBLE WHIP VIOLATION

Jockey Garrett Gomez, aboard #2 Eissoai in the third race, was observed striking the filly on the left side of the head after the finish. The horse had been lugging in dramatically during the entire race,

ultimately clipping heels and stumbling at mid-stretch. She continued her antics following the conclusion of the one mile and one sixteenth event. The rider will be interviewed tomorrow.

7 PROGRAM CHANGES / A. M. Declarations

1st race - #3 Masterly (Vet-unsound) refund of \$4,326.96

7th race - #8 El Martillo (Vet-sick) refund of \$4,239.34

9th race - #12 Kessum Memories (Vet-sick) refund of \$1,833.00

8 ATTENDANCE AND HANDLE

Total Refund: \$10,510.90	Del Mar on Track	17,758	Off Track	\$6,306,744.60
No Minus Pool	<u>Off Track</u>	<u>13,161</u>	Out of State	\$10,604,664.24
	Total Attendance	30,919	<u>Del Mar Total</u>	<u>\$3,356,163.80</u>
			Total	\$20,267,572.64

MONDAY

07/28/2008

1 GOMEZ HEARING

The Stewards conducted a twenty-minute hearing with the rider regarding possible misuse of the whip after the finish of the third race yesterday afternoon. In attendance were the Board of Stewards, summer interns Cassandra Price and Matt Carter, and Jay Privman of the Daily Racing Form. Gomez was not represented by counsel.

After an extensive review of the video from all angles and listening to the rider's explanation of his actions, the Stewards unanimously voted to exonerate Gomez. The video speaks for itself; the filly lugged in terribly the entire race and at one point at mid-stretch, despite the efforts of the rider, came in to clip the heels of a competing horse and stumble. Garrett explained that he did everything possible to control the filly but nothing worked. The more he pulled, the worse it became. On the backstretch he threw several crosses, trying to get her attention. In the far turn he tried to neck rein the horse as he thought she might be used to such tactics since she was bred, and had raced, in Brazil. During the stretch run he had both hands on the outside rein to no avail. He said that after the race he was still concerned for his safety but since he was totally drained of energy he finally resorted to one slap on the left side of the bit to get the filly's attention.

Official Veterinarian Tim Connor examined the fill immediately following the race and again the next morning, finding no visible marks on either occasion.

2 All matters during the course of the racing program were routine.

3 PROGRAM CHANGES /A.M. DECLARATIONS

3rd race - #2 Ramsgate (Vet-sick) refund of \$3,569.90

5th race - #8 Hy Temp (Stewards-enter back) refund of \$2,296.30

7th race - #5 Wood Be Willing (Vet-unsound)

#6 Fast and Furious (Vet-injured) refund of \$2,785.50

8th race - #3 Perestroika (Vet-injured) refund of \$214.60

4 ATTENDANCE / HANDLE

Total Refund: \$9,066.30	Del Mar on Track 7,631	Off Track	\$2,635,762.90
No Minus Pool	<u>Off Track</u> 5,796	Out of State	\$4,157,910.50
	Total Attendance 13,427	<u>Del Mar Total</u>	<u>\$1,321,525.40</u>
		Total	\$8,115,198.80

CALIFORNIA HORSE RACING BOARD

SUMMARY

	Wed 7- 23	Thurs 7- 24	Fri 7- 25	Sat 7- 26	Sun 7- 27	Mon 7- 28	Week Total	Meet Total
Accidents	1	0	0	0	0	0	1	2
Cal-Bred Races	2	1	2	1	0	1	7	19
Claims	2	6	1	5	8	7	29	56
Inquiries	1	0	0	0	0	0	1	5
Objections	0	0	0	0	0	0	0	3
Disqualifications	0	0	0	0	0	0	0	1
Refunds	4	3	2	3	3	4	19	62
Rulings	2	2	2	2	20	0	28	32

Respectfully submitted,

C. Scott Chaney (Steward)

Tom Ward (Steward)

Randy Winick (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 their 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 Jockey's Guild or California Harness Horsemen's Association; the jockey/driver or his representative; the racing association; the 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.: Jose Campos 293544

Name of horse owner & CHRB License No.: Michael Miller 252187

Name of Trainer & CHRB License No.: Steve Knapp 269902

Name of horse & Tattoo No.: No Ka Oi 0343381

Date/time/location of accident: July 23, 2008 /4:30 pm/ Del Mar

DESCRIPTION OF ACCIDENT

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

A furlong after the break on the turf course (1 mile) #4 No Ka Oi, ridden by apprentice jockey Jose Campos, clipped heels and unseated him. Mr. Campos was transported to first aid for evaluation. Mr. Campos was then transferred to La Jolla Scripps Hospital for precautionary x-rays. He was cleared to ride the following day.

Signature of Steward

7/24/08
Date report Completed

COPY

Hollywood Park

Mr. Kirk Breed
Executive Director
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825

Board of Stewards
California Horse Racing Board
C/o Del Mar Thoroughbred Club
P.O. Box 700
Del Mar, CA 92014

Gentlemen:

This is in response to the complaint under CHRB case number 08HP066 and related notice to appear.

Mr. Leibau and I will unavoidably be out of town on July 23. We respectfully request that you go forward without us. We do hereby stipulate that the facts as set forth on the first page of the complaint referenced are correct. We have taken the necessary steps to assure that such an occurrence (incomplete rail settings on the turf course) will not take place in the future.

We appreciate your consideration.

Very truly yours,
Eual G. Wyatt, Jr.
Vice President, General Manager

EGW:slr

Stewards:
Scott Chaney
Tom Ward
Randy Winick