

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



**REPORT OF THE BOARD OF STEWARDS
OAK TREE RACING ASSOCIATION
Santa Anita Park**

To the California Horse Racing Board

Honorable Arnold Schwarzenegger, Governor
Honorable Richard B. Shapiro, Chairman
Honorable John C Harris, Vice Chairman
Honorable John W. Amerman, Member
Honorable John Andreini, Member
Honorable Jesse H. Choper, Member
Honorable Marie G. Moretti, Member
Honorable Jerry Moss, Member
Ingrid J. Fermin, Executive Director
Richard "Bon Smith", Assistant Executive Director

For the period: Wednesday, October 17, 2007, through Sunday, October 21, 2007.

WEDNESDAY

10/17/07¹ **EARLY DECLARATIONS**

- 4th #9 CASPIANO (Vet – sick)
Refund: \$1,450.90
- 7th #6 RAPID TRANSACTION (Vet – sick)
Refund: \$998.00
- 8th #5 TERRAJAZZ (Vet – injured)
Refund: see entry 10/17/07¹¹

10/17/07² **OFFICIAL OUT**

Steward John Herbuveaux will be absent today and possibly tomorrow for personal reasons. His position will be filled by Luis Jauregui.

10/17/07³ **FILM REVIEW**

Jockey Jose Valdivia, Jr. was in the office to review tapes of the fourth race from Sunday, in which his horse was a contributor to interference in the stretch. After review and discussion, it was determined that Jose did enough to prevent a sanction by the Stewards. He was cautioned to anchor his horses before switching his whip.

10/17/07⁴ **RULING****OTTS #019**

Trainer ROGER STEIN who started the horse "Charming Dot", second place finisher in the seventh race at Hollywood Park Race Track on June 29, 2007, is fined the sum of FOUR HUNDRED DOLLARS (\$400.00)* pursuant to California Horse Racing Board rule #1887 (Trainer to Insure Condition of Horse) for violation of California Horse Racing Board rule #1843 (A & D) (Medication, Drugs and Other Substances – Phenylbutazone in excess of permitted level 13.30 mcg/ml).

This ruling was issued after Mr. Stein was in the office and offered no explanation for a 13.3 mcg/ml finding of Bute in his horse Charming Dot, the second place finisher in the seventh race at Hollywood Park on June 29, 2007. The trainer was at a loss to explain the results as the horse received a normal pre-race administration some thirty-three hours prior to race time.

10/17/07⁵ **WARNING**

Trainer Roger Stein was counseled and warned regarding a complaint filed for failing to note a first time gelding. He stated that he informed the racing office staff not once, but three times that the horse had been gelded and actually reported the fact that the horse was still listed as a colt in the Racing Form. He said he assumed that all was in order.

10/17/07⁶ **RULING****OTTS #016**

Trainer MARIO OLIVAREZ is fined the sum of ONE HUNDRED DOLLARS (\$100.00)* for violation of California Horse Racing Board rules #1481 (Occupational Licenses and Fees – working out of license category).

This ruling was issued after Mr. Olivarez acknowledged that he did work a horse without a proper license during the Los Angeles County Fair.

10/17/07⁷**RULING****OTTS #017**

Exercise rider ERIK KRUG, having failed to appear before the Board of Stewards to answer charges alleging violation of California Horse Racing Board rule #1489 (h) (engaged in the use of drugs), #1874 (Disorderly Conduct), #1902 (Conduct Detrimental to Horse Racing), and #1930 (Obedience to Security Officers), is suspended for violation of California Horse Racing Board rule #1547 (Failure to Appear).

This ruling was issued after Mr. Krug failed to appear to address several charges filed against him. We understand that he may still be incarcerated.

10/17/07⁸**RULING****OTTS #018**

Trainer SERGIO FISCAL is fined the sum of THREE HUNDRED DOLLARS (\$300.00)* for violation of California Horse Racing Board rules #1629 (Penalty for Late Declaration – Lasix) on Sunday, October 14, 2007.

This ruling was issued after the trainer accepted his penalty for failure to have his horse treated with Lasix in a timely manner.

10/17/07⁹**JOCKEY OBJECTION AND DISQUALIFICATION**

The objection was posted after the fourth race as Tyler Baze (6th, #2 Ready Say Go) lodged a claim of foul against Alex Solis (3rd, #3 Catch That Thief) for interference nearing the ¼ pole.

After speaking with the riders involved, taking into account reports from the Patrol Judges and reviewing tapes of the incident the Stewards voted to disqualify Catch That Thief from third to sixth position. Tapes show the horse coming in to take the path of Ready Set Go and force Baze to take up for several strides. The incident, in the Stewards' opinion, cost Baze and his mount a better placing.

10/17/07¹⁰**JOCKEY OBJECTION – NO CHANGE**

The objection sign was posted after the sixth race as Joseph Talamo (6th, #12 Zayed) lodged a claim of foul against Martin Pedroza (2nd, #10 Manhattan Express) and Isaias Enriquez (4th, #8 High Command) for interference near the finish. Talamo felt he suffered interference from both sides and had to take up as a result.

After speaking with the riders involved, taking into account reports from the Patrol Judges the Stewards voted unanimously to dismiss the claims of foul. Tapes show that #10 Manhattan Express was not involved as it maintained a straight path. Additionally, while High Command did drift out slightly, Talamo's mount drifted in, contributing to its own problem.

10/17/07¹¹**REFUND**

A refund was ordered in the eighth race as #1 Foxy Lady flipped just prior to leaving the Receiving Barn and injured herself. Official Veterinarian Connor recommended the scratch, with the resulting refund amounting to \$32,447.70

10/17/07¹²**LOTS OF TIES**

It was a most unusual afternoon as there were three dead heats during the card. The first took place in the third race, the first leg of a multimillion-dollar Pick Six, when #4 Smoocher and #5 Oceanus hit the wire together. The next occurred in the sixth event, when #10 Manhattan Express and #11 McNasty finished in a "heater" for second. The final tie came in the nitecap, as #2 Lady Aptitude and #3 Warren's Player finished on even terms for fourth money.

10/17/07¹³**DAILY ATTENDANCE & HANDLE**

On track	4,384	1,640,731.90
Inter-track	12,522	4,288,248.30
Out of state	n/a	4,376,459.94
Total	16,906	10,305,440.14

THURSDAY10/18/07¹**EARLY DECLARATIONS**

1st #3 HEAVEN TONIGHT (Vet – injured)
Refund: \$1,489.00

5th #1 PREMIER ISSUE (Vet – injured)
Refund: \$1,572.10

7th #3 REALLY INDIAN (Vet – injured)
Refund: \$1,009.80

10/18/07² **FILM REVIEW**

Alex Solis and Martin Garcia were in the office to review races from Wednesday, in which their mounts were responsible for interference. After a review of the video, it was determined that both riders made the efforts expected and therefore were not sanctioned.

10/18/07³ **PINEDA HEARING**

Valet David Pineda was in the office this morning to address a complaint filed against him for violation of California Horse Racing Board rules #1902 (Conduct Detrimental to Horse Racing), and #1874 (2) (4) (Disorderly Conduct) in that he was accused of groping a female acquaintance while on duty at the Los Angeles County Fair.

The victim, Maria Bracamontes, testified that she was on the grandstand apron following the ninth race when Pineda, whom she has known for a number of years, walked by and grabbed her buttocks. She said she asked him what he was doing and got no response. Ms. Bracamontes said the incident was extremely embarrassing and even though Pineda has attempted to apologize, she wants nothing to do with him.

Pineda testified that he and Ms. Bracamontes had dated for a short period some years ago, but he had not seen her for a couple of years. He said on the day in question he was walking back to the Jockeys' Room and tried to scare her by pinching her on the rear end. He said there were no sexual overtones to his actions and had he known that it would have come to a complaint he never would have approached her.

Decision to follow.

| 10/18/07⁴ All matters during the course of the racing program were routine.

10/18/07⁵ **DAILY ATTENDANCE & HANDLE**

On track	3,878	1,173,299.00
Inter-track	9,731	2,721,028.30
Out of state	n/a	3,696,851.63
Total	13,609	7,591,178.93

FRIDAY10/19/07¹ **CAL-BRED REPORT**

Today's fourth race was written for California bred maidens, three year olds and upward, racing one mile on the turf and eight horses competed.

10/19/07²**JOHNSON RULING (CASE #07SA150)****OTTS #020**

Groom DAVID R. JOHNSON is fined the sum of ONE HUNDRED DOLLARS (\$100.00)* and placed on probation through January, 2011 for violation of California Horse Racing Board rules #1489 (H) (Grounds for Denial or Refusal of License) and #1890 (Possession of Contraband) at Hollywood Park on September 24, 2007.

Further, as a condition of continued licensure, subject must be evaluated by The Winners Foundation, adhere to any recommendations they set forth and sign a testing agreement with the California Horse Racing Board.

The above ruling was issued after Johnson appeared in response to a complaint and pled guilty as charged. He stated he was smoking marijuana in his tack room at Hollywood Park. David will do what ever is necessary to keep his license in good standing, which accounts for the referral to The Winners Foundation and the testing agreement called for in the ruling.

10/19/07³**BAFFERT RULING (CASE #07SA154)****OTTS #021**

Trainer BOB BAFFERT is fined the sum of THREE HUNDRED DOLLARS (\$300.00)* pursuant to California Horse Racing Board rule #1629 (Penalty for Late Declaration) for failure to have the horse Stormy Woods treated with Lasix in a timely fashion necessitating a late scratch on Saturday October 13, 2007; a violation of California Horse Racing Board rule #1845 (Authorized Bleeder Medication).

The above ruling was issued after Bob contacted the Stewards by phone and waived his right to the formal hearing scheduled for October 31, 2007. He stated the problem arose from a communication snafu after he attempted to get a track condition scratch on the new all weather surface. While the scratch request was being considered by the Stewards the lasix deadline came and went. The track condition scratch request became moot when Stormy Woods had to be declared because no Lasix was administered. Baffert accepted responsibility and the above penalty imposed.

10/19/07⁴**PINEDA RULING (CASE #07PM020)**

OTTS #022

Valet DAVID PINEDA is fined the sum of FIVE HUNDRED DOLLARS (\$500.00)* for violation of California Horse Racing Board rule #1874 (2) – (4) (Disorderly Conduct – Inappropriate Behavior) at Fairplex on September 21, 2007.

The above ruling was released following yesterday's informal hearing and lengthy deliberation by the Stewards.

10/19/07⁵**EARLY DECLARATIONS**

8th #5 COLD PRINCE – tr. Gabriele Gross (Vet – injured. Dr. Connor)
Refund: \$799.94

10/19/07⁶**PROBLEM FREE**

The afternoon's eight-race program was conducted without noteworthy incident.

10/19/07⁷**DAILY ATTENDANCE & HANDLE**

On track	4,984	1,125,170.50
Inter-track	10,747	2,724,445.00
Out of state	n/a	3,929,955.49
Total	15,731	7,779,570.99

SATURDAY10/20/07¹**CAL-BRED REPORT**

Two California bred races appeared in today's program. The third race was written for maidens, three years old and upward racing six furlongs for a claiming price of \$40,000, with ten horses parading post ward. The seventh featured two-year-old maidens at 6½ furlongs and twelve freshmen competed.

10/20/07²**EARLY DECLARATIONS**

1st #7 BROTHER PEGASUS, - tr. Sam Semkin (Vet - sick. Dr. Bailey)
Refund: \$482.00

3rd #3 DISTORTED GLAMOUR, - tr. Bob Baffert (Vet – injured. Dr. Bailey)
Refund: \$559.90

4th #6 FRISK HER, – tr. Kristen Mulhall (Vet – medicated. Dr. Connor)
Refund: \$302.00

10th #9 GOLDEN ROYAL, tr. Jeff Metz (Vet – medicated. Dr. Connor)
Refund: \$428.10

10/20/07³ **FINANCIAL SETTLED (CASE #07SA149)**

A financial complaint filed against owner Luis Jimenez by veterinarian Skip Park in the amount of \$116.00 was settled prior to hearing when Mr. Jimenez paid the balance.

10/20/07⁴ **FILM REVIEW**

Jockey Saul Arias viewed the tapes of the fifth race in which his mount broke out at the start. Saul was admonished to react sooner and stronger to correct his mounts in the future or face sanctions.

10/20/07⁵ **HOLLYWOOD PARK SANCTIONS**

OTTS #023

Groom RIDER PEREZ is fined the sum of FIFTY DOLLARS (\$50.00) for violation of California Horse Racing Board rule #1874 (Disorderly Conduct – Intoxication).

OTTS #024

Hot walker HOLMER LIMON is fined the sum of FIFTY DOLLARS (\$50.00) for violation of California Horse Racing Board rule #1874 (Disorderly Conduct – Fighting).

OTTS #025

Groom EDWIN QUEVEDO is fined the sum of FIFTY DOLLARS (\$50.00) for violation of California Horse Racing Board rule #1874 (Disorderly Conduct – Fighting).

OTTS #026

Hot walker CARLOS LEIRA is fined the sum of TWENTY-FIVE DOLLARS (\$25.00) for violation of California Horse Racing Board rule #1922 (Identification Required).

OTTS #027

Hot walker MARIO GUTIERREZ is fined the sum of TWENTY-FIVE DOLLARS (\$25.00) for violation of stable area regulations – unauthorized vending. California Horse Racing Board rule #1530 (Cases Not Covered by Rules and Regulations).

OTTS #028

Exercise Rider ALFONSO VALENTE is fined the sum of FIFTY DOLLARS (\$50.00) for violation of association track policy – on track before training hours. California Horse Racing Board rule #1530 (Cases Not Covered by Rules and Regulations).

OTTS #031

Exercise Rider CARLOS BELTRAN is fined the sum of TWENTY-FIVE DOLLARS (\$25.00) for violation of California Horse Racing Board rule #1922 (Identification Required).

The above rulings were issued when Hollywood Park security officers cited the subjects for various infractions. They waived their right to appear before the Stewards and accepted the penalty imposed.

10/20/07⁶

STEWARDS INQUIRY, THIRD RACE – NO CHANGE

The Stewards lit the inquiry lamp to evaluate an incident at the 3/8 involving Liz's Pirate (9th, Victor Espinoza) and #6 Oakland Avenue (10th, Martin Garcia). The place horse, #7 Crimson Cowboy ridden by David Flores was initially considered part of the incident but his involvement was quickly dismissed. After a thorough review the Stewards affirmed the original order of finish.

Tapes showed that Liz's Pirate was racing along the rail to the inside of #6 Oakland Avenue approaching the 3/8's turn. Both horses attempted to fit in a hole inside of #7 Crimson Cowboy, but there was only room for one. Liz's Pirate checked along the rail as a result of the tight squeeze. Both Espinoza and Garcia will view the replays with the Stewards in the morning.

10/20/07⁷

DAILY ATTENDANCE & HANDLE

On track	10,726	2,447,656.70
Inter-track	20,012	5,589,720.70
Out of state	n/a	5,968,602.75
Total	30,738	14,005,980.15

Deleted: ¶
¶
¶

SUNDAY

10/21/07¹

CAL-BRED REPORT

For the five-day race week five races written exclusively for horses bred in California appeared in the official program.

10/21/07² **FINANCIAL DISMISSED (CASE #07SA153)**

A complaint against trainer Santiago Medina filed by San Luis Rey Downs Training Center alleging \$5,968 owed in past due stall rent was resolved when the parties signed a payment agreement.

10/21/07³ **NO SHOWS (CASES #07SA147 AND #07SA148)**

OTTS #029

Owner CARL L. LACKEY, having failed to respond to written notice to appear before the Board of Stewards at Oak Tree at Santa Anita on or before October 20, 2007, is hereby suspended for violation of California Horse Racing Board rule #1547 (Failure to Appear) pending an appearance at a hearing before the Board of Stewards to answer charges alleging violation of California Horse Racing Board rule #1876 (Financial Responsibility).

During the term of this suspension, all licenses and license privileges of Carl L. Lackey are suspended and pursuant to California Horse Racing Board rule #1528 (Jurisdiction of Stewards), subject is denied access to all premises in this jurisdiction.

OTTS #030

Owner ELIO A. AMATO, having failed to respond to written notice to appear before the Board of Stewards at Oak Tree at Santa Anita on or before October 20, 2007, is hereby suspended for violation of California Horse Racing Board rule #1547 (Failure to Appear) pending an appearance at a hearing before the Board of Stewards to answer charges alleging violation of California Horse Racing Board rule #1876 (Financial Responsibility).

During the term of this suspension, all licenses and license privileges of Elio A. Amato are suspended and pursuant to California Horse Racing Board rule #1528 (Jurisdiction of Stewards), subject is denied access to all premises in this jurisdiction.

The above rulings were issued after the subjects ignored notices to appear to address complaints filed by veterinarian Skip Park alleging a balance due for services rendered. Lackey is \$621 in arrears and Amato is said to owe \$282.

10/21/07⁴ GIL HEARING (CASE #07DM003)

An informal hearing was held for Pony Person Juan Gil who was cited for violation of California Horse Racing Board rule #1890 (Possession of Contraband). Gil was found to have a needle less syringe full of ground ace promazine tablets. Gil said he was going to administer the tablets to his pony.

The incident took place at Hollywood Park on July 15, 2007. Gil was sent a notice to appear for a hearing at Del Mar on August 24, 2007. He failed to appear and was subsequently suspended for his non-appearance.

On July 15, a security guard at Hollywood Park noticed the syringe in Gil's back pocket and reported it to California Horse Racing Board Senior Investigator Frank Fink who conducted the investigation. Gil admitted to the charges but pled ignorance concerning the syringe stating he thought it was all right to use since no needle was attached.

Fink confiscated the syringe along with the tablets Gil ground up and sent the evidence to the Maddy lab in Davis for analysis. The lab declined to analyze the evidence so we took Gil's word that the substance was ace promazine. After due deliberation the Stewards issued the following ruling:

OTTS #032

Pony Person JUAN E. GIL is suspended thirty (30) days retroactive from August 24, 2007 through September 22, 2007 for violation of California Horse Racing Board rule #1890 (Possession of Contraband – syringe) on July 15, 2007.

10/21/07⁵ LATE DECLARATION RULINGS**OTTS #033**

Trainer KRISTIN MULHALL is fined the sum of 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 #1843 (Medication, Drugs and Other Substances) necessitating a late declaration out of the fourth race on Saturday, October 20, 2007.

OTTS #034

Trainer JEFF METZ is fined the sum of 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 #1843 (Medication, Drugs and

Other Substances) necessitating a late declaration out of the tenth race on Saturday, October 20, 2007.

The above rulings were issued after subjects contacted the Stewards by phone and waived their right to a hearing.

Mulhall's horse was scratched because it was mistakenly administered a bronchodilator which should have been given to the horse in the adjacent stall.

The veterinarian for Metz performed a diagnostic block on the horse prior to entry. The horse was then entered one day too soon and needed another day for the substance to clear the system.

Both horses were placed on the veterinarian's list for 10 days.

10/21/07⁶

FILM REVIEW

Jockeys Victor Espinoza and Martin Garcia viewed the tapes of yesterday's third race with the Stewards. It appeared Garcia went up into a spot approaching the far turn where a wiser man would have trod more carefully.

Martin was warned to position his mounts by the ½ when approaching the far turn to prevent such traffic jams from happening.

10/21/07⁷

EARLY DECLARATIONS

1st #4 A STARE AND ME, - tr. Marcelo Polanco (Vet - unsound. Dr. Connor)
Refund: \$454.00

3rd #1 ROCKINANROLLIN, - tr. Mike Puype (Vet – injured. Dr. Guillen)
Refund: \$668.40

5th #6 POLO BENDER, – tr. Mark Glatt (Stewards – Re-Enter)
Refund: \$1,705.90

10th #9 GOLD BEACH EXPRESS, – tr. James Hanson (Vet–sick. Dr. Connor)
Refund: \$577.20

10/21/07⁸

STEWARDS INQUIRY, OBJECTION, 10TH RACE – NO CHANGE

The Stewards posted the inquiry sign and also entertained three separate jockey objections for three incidents occurring from the 1/4 to the wire. After a thorough review the Stewards affirmed the original order of finish. The incidents in chronological order were:

A) Around the far turn, both #14 Serious Angle (9th, Martin Garcia) and #12 American Dragon (11th, Alex Jimenez) took exception when #5 Rancho Vista

(7th, Isaias Enriquez) swung wide entering the stretch. Tapes showed that Enriquez's mount did swing out in search of racing room but in the Stewards' opinion that action did not cost the two rivals an opportunity at a better placing.

B) Approaching the wire Joe Talamo, the jockey aboard the winner #4 Just Bill Jim, lodged an objection against the show horse, #10 Lethal Dose ridden by Joel Rosario, alleging interference. There was a blanket photo finish between three horses; if Talamo had known he out-finished Rosario the objection would not have been filed. Tapes showed that #10 did come out and impede Just Bill Jim who then bumped #6 Beau's Message (2nd, Saul Arias) but since the latter two overcame the interference and out-finished Lethal Dose the objection was dismissed.

C) In the final incident just yards from the finish #6 Beau's Message (2nd, Saul Arias) lodged a claim of foul against the winner #4 Just Bill Jim for a separate incidence of contact between the two. The tapes showed that it was actually Beau's Message who initiated contact so the objection was disallowed.

Jockeys Isaias Enriquez, Saul Arias and Joel Rosario will view the tapes of the race with the Stewards on Wednesday morning.

10/21/07⁹

DAILY ATTENDANCE & HANDLE

On track	9,424	2,215,909.40
Inter-track	17,934	4,757,724.70
Out of state	n/a	5,013,994.95
Total	27,358	11,987,629.05

ATTENDANCE REPORT - The full Board of Stewards was in session from Friday Oct. 19 through Sunday Oct. 21 during this reporting period for both morning business and the afternoon program. On Wednesday Oct 17 and Thursday Oct 18, John Herbuveaux was absent and Luis Jauregui substituted.

.

Week of 10/15/07 – 10/21/07

Horses on Vet List	19
Horses off Vet List	11
Shock Wave Therapy	28
Deceased	1

SUMMARY

	Wed. 10/17	Thurs. 10/18	Fri. 10/19	Sat. 10/20	Sun. 10/21		Week	Meet
Inquiries	2	0	0	1	1		3	16
Disqualifications	1	0	0	0	0		1	5
Rulings	4	0	3	7	5		19	34
Refunds	3	3	1	4	4		15	54
Accidents	0	0	0	0	0		0	2
Claims	3	1	4	3	7		18	64
Cal-Bred Races	1	1	1	2	0		5	28

Respectfully submitted,

John Herbuveaux, Steward

Martin Hamilton, Steward

Tom Ward, Steward