

BEFORE THE HORSE RACING BOARD

STATE OF CALIFORNIA

In the Matter of the Appeal from the Board
of Stewards Official Ruling #004, Del Mar
Thoroughbred Club, dated July 17, 2016

Case No. SAC 16-0032

TYLER BAZE
CHRB License #264912
Appellant

DECISION

The attached Proposed Decision is hereby adopted by the California Horse Racing Board as its Decision in the above-entitled matter.

The Decision shall become effective on September 23, 2016

IT IS SO ORDERED ON September 22, 2016.

CALIFORNIA HORSE RACING BOARD
Chuck Winner, Chairman



Rick Baedeker
Executive Director

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TYLER BAZE

CHRB License #264912

Appellant

PROPOSED DECISION

This appeal was heard by Steffan Imhoff, a Hearing Officer/Appellate Judge designated under Rule 1414 by the California Horse Racing Board (CHRB), at Del Mar Race Track, Del Mar, California, Executive Offices Upstairs Conference Room, on August 6, 2016.

William Westermann, Chief Investigator, represented the CHRB.

Attorney Bing Bush, Del Mar, California, represented the Appellant.

Mr. Baze was present, and testified on his own behalf.

Steward Scott Chaney testified for the CHRB.

Steward Ward Baker also testified for the CHRB.

Steward Kim Sawyer submitted a written statement in opposition to the CHRB.

Also present was Safety Steward Luis Jauregui.

The proceedings were transcribed by Michelle Derieg, Hearing Reporter, for Weinstein Court Reporters.

PROCEDURAL BACKGROUND

This Appeal concerns Appellant Tyler Baze's race riding during the running of the 7th race at Del Mar Race Track on July 16, 2016. Baze rode the number 8 horse, HORSE GREEDY, a 3 year old colt, in an optional allowance for 3 year old thoroughbreds run at a mile and a sixteenth on the Jimmy Durante turf course. According to the official Eqibase charts, "HORSE GREEDY" vied three deep then stalked outside, bid four wide on the second turn and into the stretch, came out from the left handed whip in mid-stretch and was edged for the show between foes late.

INQUIRY

Based on the dustup at the eighth pole the stewards conducted an inquiry into the running of the race. They apparently concluded (the record is silent) that HORSE GREEDY interfered with CHEWY ROUND TOWN because they disqualified HORSE GREEDY from fourth and placed him eleventh behind that foe. That decision was unanimous. In addition Mr. Baze was invited to join the stewards the following day for a film review of the race.

JOCKEY FILM REVIEW

The film review was conducted on July 17, 2016. Tyler Baze came in to review a disqualification of his mount in the seventh race yesterday (ref 07-16-162). Mr. Baze in the stretch run drifted out causing two horses to steady, he did use his left handed crop twice. In a majority decision the following ruling was issued, Steward Sawyer felt Mr. Baze's actions were not careless riding.

DEL MAR ORDER 004

Jockey **TYLER BAZE**, who rode HORSE GREEDY in the seventh race at Del Mar Race Track on July 16, 2016, is suspended for THREE (3) racing days (July 23, 24, and 27, 2016) for failure to maintain a straight course and causing interference resulting in a disqualification from fourth to eleventh place. 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.

The Record on Appeal contains two copies of the Order. One copy is unsigned. The second copy is signed by all three Stewards. This Court has suggested in the past, and suggests once again, that in order to avoid distracting procedural issues on appeal the record should contain a copy of the Suspension Order signed by the Stewards that agree with that decision.

In any event, Appellant, through counsel, has filed a timely notice appealing Order SAC 16-0032.

Appellant, through counsel, has also filed a timely request for a stay of the suspension pending a decision by the CHRB. A stay was granted by CHRB Chairman Chuck Winner and CHRB Executive Director Rick Baedeker on July 19, 2016.

The hearing on appeal of Jockey Tyler Baze's suspension was originally scheduled for August 4, 2016 but was continued to August 6, 2016. On that date the hearing was conducted by Hearing Officer/Appellate Judge Steffan Imhoff at the Del Mar Race Track, Executive Offices Upstairs Conference Room.

The Board presented the testimony of Stewards Grant Baker and Scott Chaney as well as the investigative file and the DVD of the race. Appellant testified in his own behalf.

In addition, at the court's request, Steward Kim Sawyer submitted a written statement outlining her opposition to Baze's suspension.

This Appeal to the CHRB is authorized by Rule 1761. Appellant has the burden of proof on appeal under Rule 1764. The focus of the hearing was whether or not the DVD of the race showed careless riding, as defined by Rule 1699.

Under the provisions of Business and Professions Code Section 19517, the CHRB may overrule a Stewards' Decision if a preponderance of the evidence shows either that the Stewards mistakenly interpreted the law, new evidence of a convincing nature is produced or the best interest of racing may be better served.

i) SUMMARY OF EVIDENCE

A) TESTIMONY OF TYLER BAZE

Tyler is a member of the legendary Baze horse racing clan and has been involved with race horses since he was a small child. He began professional race riding as a jockey at 16 and has ridden continuously for the past 17 years. It is estimated that he has ridden in over 22,000 races. In the last year while riding in 1300 to 1400 races he has never been suspended for careless riding.

Turning to the facts at hand; HORSE GREEDY was a green horse. Baze had ridden him in his previous race and found him to be an immature colt who had trouble going in a straight line. In the race at Del Mar on the 16th he was still running in a spotty manner and was hard to control down the back stretch. It only got worse past the quarter pole and turning in to the stretch. At the eighth pole his mount started to lean in toward the rail horse. At that point he had to stop the drift to the inside. Baze switched the crop to his left hand and hit his horse twice and also switched the reins to his right hand to try and straighten him out. Unfortunately HORSE GREEDY reacts greenly to this correction and angles out making contact with the outside horse. Baze immediately switches back to an inside reign and a right handed stick to try and get his horse straightened out.

Appellant felt that he did the best he could with a quirky, green horse and did not ride carelessly.

B) TESTIMONY OF STEWARDS BAKER AND CHANEY

The testimony of stewards Baker and Chaney was similar and consistent. They both expressed admiration for jockey Tyler Baze and an appreciation for his character and talent. Nevertheless they both felt that in this race, where Mr Baze rode HORSE GREEDY in the 7th race on July 16, 2016, at the Del Mar race track, he violated rule 1699-Careless Riding.

The case hinges on the second strike. The Stewards agree that around the eighth pole appellant's mount was drifting in towards the rail horse and his action needed to be corrected. They further agree that the first strike with the left handed whip was appropriate to steady his course. However, after that first strike, when his mount veers starboard it was incorrect to apply a second left handed strike, and careless riding to do so.

C) WRITTEN TESTIMONY OF STEWARD KIM SAWYER'S DISSENT

Dissenting opinion of the days handed out to Tyler Baze on July 17, 2016 for his ride in the seventh race on July 16, 2016 are as follows.

I believed Mr. Baze's testimony in the informal hearing that his horse was racing green to be true, first time going long, first time on the turf. When his horse drifted out, I believed his second strike of the crop was on the upward motion when the drift needed to be corrected and he was unable to change this motion until he completed strike. The drift was then corrected with changing the crop into the other hand. I also believe the horse on the outside of the spread, #12 (Victor Espinoza), was invoked in the incident, in my opinion that (#12) horse stepped in to make contact with the horse to his inside which tipped him and tightened the formation even farther.

Yes Tyler did drift out involving himself in an incident, but in my opinion it was not careless riding. I applied some blame on the horse and he was not the only factor in the incident.

ii) CONTROLLING LAW

The Stewards have general authority and supervision over all licensees, including licensed jockeys such as Mr. Baze (Rule 1527). That authority includes their ability to impose a fine or suspension (Rule 1528).

At issue in this appeal is Rule 1699, Riding Rules.

During the running of the race:

- a. A leading horse is entitled to any part of the course but when another horse is attempting to pass in a clear opening the leading horse shall not cross over so as to compel the passing horse to shorten its stride.
- b. A horse shall not interfere with or cause any other horse to lose stride, ground or position in a part of the race where the horse loses the opportunity to place where it might be reasonably expected to finish.
- c. A horse which interferes with another and thereby causes any other horse to lose stride, ground or position, when such horse is not at fault and when such interference occurs in a part of the race where the horse interfered with loses the opportunity to place where it might, in the opinion of the Stewards, be reasonably expected to finish, may be disqualified and placed behind the horse so interfered with.
- d. Jockeys shall not ride carelessly, or willfully, so as to permit their mount to interfere with or impede any other horse.
- e. Jockeys shall not willfully strike or strike another horse or jockey so as to impede, interfere with intimidate, or injure.
- f. If a jockey rides in a manner contrary to this rule, the mount may be disqualified and the jockey may be suspended or otherwise disciplined by the Stewards.

iii) DISCUSSION

The Court finds the testimony of Steward Sawyer, as supported by the DVD of the race, to be compelling. The pivotal second strike apparently came within a second of the first strike. The whip was already in a downward motion. To require Mr. Baze to evaluate the situation, consider his options and stop a strike in

progress requires something beyond due vigilance even for a jockey of Tyler's talents.

We also agree with the evidence that his mount was green and difficult to ride and assign a good part of the blame on the horse. In addition we further agree, and again the DVD supports the notion that a portion of the blame can be shared by jockey Victor Espinoza.

iv) CONCLUSION

Appellant's sole contention is that he did not ride carelessly in the race at issue in violation of Rule 1699. We agree with that contention.

There is sufficient evidence to find that the appellant did not violate CHRB rule 1699-Careless Riding in the race in question.

Appellant has met his burden of proof to show by a preponderance of the evidence that the Stewards Decision should be reversed (Rule 1764). There is not substantial evidence to support the Stewards majority Decision to suspend Appellant for careless riding, *Green Trees Enterprises Inc. V Palm Springs Estates Inc. (1967) 66 Cal 2d 782, 784-785.*

ORDER

Official Ruling DMTD 004, SAC 16-0032 dated July 17, 2016, imposing a 3 day suspension on Appellant Tyler Baze, License #264912 for careless riding under Rule 1699, in the 7th race at Del Mar Race Track on July 16, 2016 is hereby REVERSED.

09/07/2016

Dated



STEFFAN IMHOFF
Designated Appellate Judge

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