

BEFORE THE HORSE RACING BOARD

STATE OF CALIFORNIA

In the Matter of the Complaint Against:

SAMUEL GALEOTE
CHRB License #314352
Respondent

CHRB Case #16GG0044

DECISION

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

The Decision is hereby remanded to the Board of Stewards to issue a ruling and order for payment of the five thousand dollar (\$5,000.00) fine and setting the one hundred and eighty (180) days of suspension.

IT IS SO ORDERED ON June 20, 2016.

CALIFORNIA HORSE RACING BOARD
Chuck Winner, Chairman



Rick Baedeker
Executive Director

State of California

CALIFORNIA HORSE RACING BOARD

**PROPOSED DECISION
of the
BOARD OF STEWARDS**

Pacific Racing Association
Golden Gate Fields

DATED MAY 20, 2016

IN THE MATTER OF:

California Horse Racing Board

Vs.

Samuel Galeote

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CASE #16GG0044

INTRODUCTION

This matter came for hearing before a Board of Stewards at Golden Gate Fields consisting of Mr. John Herbuveaux, Mr. Darrel McHargue and Mr. Dennis Nevin on May 5, 2016.

Present at the hearing was the Respondent, Owner Samuel Galeote, along with his brother Candido Galeote. Samuel Galeote waived his right to be represented by counsel. Also present were California Horse Racing Board Staff Counsel Philip Laird who presented the case on behalf of the Board and CHRB Investigator Louis Quezada. The proceedings were recorded by Christine Niccoli, C.S.R.. Ms. Claudia Dominguez acted as interpreter when needed.

At the hearing the parties were allowed to introduce relevant exhibits, produce witnesses for examination and cross-examination and offer argument. Documentary evidence was submitted, oral testimony was heard, the hearing was then closed and the matter deemed submitted.

BACKGROUND

Respondent Samuel Galeote (hereinafter Galeote) was charged in complaint #16GG0044, filed by Quezada on behalf of the Board, with alleged violation of Board rules #1843 (a) (b) & (d) (Medication, Drugs and Other Substances), #1843.1(a) (Prohibited Drug Substances), #1844(a) and (e)(6) (Authorized Medication), #1859.5 (Disqualification Upon Positive Test Finding), #1887(a) (Trainer to Insure Condition of Horse) and #1902 (c) (Conduct Detrimental to Horse Racing) pursuant to the California Code of Regulations, Title 4, Division 4 .

The complaint filed against Galeote states in part:

“Owner Samuel Galeote medicated the horse Sparkin One, who is owned by his brother Candido Galeote, with Clenbuterol three days prior to the horse racing at the San Joaquin County Fairgrounds. The horse were (*sic*) never under the care of a licensed trainer with Samuel and Candido taking the horse directly to the track from a private ranch. Both owners bypassed the need for the horse to be stabled at a CHRB Auxiliary track at least 24 hours prior to racing. Sparkin One tested positive for Clenbuterol in an official urine test at a level of 427 pg/ml.”

EXHIBITS

CHRB EXHIBITS:

- 1 Complaint Packet for Owner Samuel Galeote (Case # 16GG0044)
- 2 Questions For Licensees Not Represented By Counsel At a Hearing Before The Board Of Stewards
- 3 Transcript from the Miguel Gonzalez/Candido Galeote Hearing (Case #15GG0018 & 15GG0126)
- 4 Transcript from the Miguel Gonzalez/Samuel Galeote Hearing (Case #15GG0017 & 15GG0125)
- 5 Copy of Candido/Gonzalez Complaint Packet (Case #15GG0126)
- 6 Data Packet from University of California, Davis Equine Analytical Laboratory, for urine sample #F13645 taken from the horse Sparkin One

FINDINGS OF FACT

I

On September 12, 2015 the quarter horse Sparkin One ran in and finished second in the third race at the San Joaquin County Fair in Stockton.

II

The trainer of record for Sparking One was Miguel Gonzalez. The owner of record for Sparkin One was Candido Galeote, the brother of Samuel Galeote.

III

At all relevant times herein Gonzalez was licensed by the Board as a trainer; license #283245- 09/2016.

IV

At all relevant times herein Galeote was licensed by the Board as an owner; license #314352-08/2016.

V

Following the running of the third race the horse Sparkin One was taken to the test barn at the San Joaquin County Fair and urine sample #F13645 was obtained from the horse. The urine sample was subsequently sent to the University of Davis Maddy Analytical Laboratories for analysis.

VI

On September 18, 2015 Dr. Scott Stanley, Chief Chemist for the Maddy Laboratories, notified the Board that sample #F13645 tested positive for the prohibited substance Clenbuterol at a level of 427 picograms per milliliter.

VII

Clenbuterol is listed as a Class 3 prohibited substance when found at any level in a post race urine sample taken from a Quarter Horse who has competed in a Board sanctioned race.

VIII

Pursuant to Board rules and regulations the threshold level for Clenbuterol in Quarter Horses which have competed in a Board sanctioned race is zero.

IX

For thoroughbreds competing in a Board sanctioned race the allowable limit for Clenbuterol in a post race urine sample is 140 picograms per milliliter.

X

A finding of a Class 3 prohibited substance in a post race test sample taken from a horse in a Board sanctioned race requires the disqualification of such horse from all purse monies earned in that race pursuant to Board rule #1859.5 and for such horse to be deemed unplaced.

XI

On September 24, 2015 Board Investigator Louis Quezada was notified by Board headquarters in Sacramento, California of the test results from urine sample #F13645 and Quezada opened an investigation.

XII

Sparkin One was shipped to the San Joaquin County Fair in Stockton from a ranch in Morgan Hill, California by Candido Galeote.

XIII

Three days prior to the race in Stockton the horse Sparkin One was administered Clenbuterol by Galeote at the ranch in Morgan Hill.

XIV

Galeote obtained the Clenbuterol on the internet and administered the substance because the horse had flu like symptoms for approximately one to two weeks prior to the race.

XV

Galeote administered 3cc's of Clenbuterol orally to Sparkin One in the days leading up to the race in Stockton.

XVI

There was conflicting testimony concerning the number of times (between one and four) that the Clenbuterol was administered to Sparkin One.

XVII

Galeote did not consider scratching Sparkin One from the race in Stockton on September 12, 2015 even though he had administered Clenbuterol to the horse three days before the race.

XVIII

At no time did Galeote inform Gonzalez that Clenbuterol had been administered to Sparkin One three days prior to the race.

XIX

Galeote admitted that he was actually training Sparkin One at the ranch in Morgan Hill.

XX

Gonzalez acknowledged that he was the trainer of record for Sparkin One but that he did not actually train the horse.

XXI

Gonzalez admitted he was letting Galeote use his name as a trainer while Galeote was actually in charge of the care, the training and the custody of the horse prior to the race in Stockton.

XXII

Gonzalez did not see the horse before the race until it appeared in the paddock shortly before post time.

XXIII

Gonzalez was to receive 10% of the purse money if the horse won the race.

XXIV

Gonzalez did not specifically ask Galeote if the horse had been administered any medications prior to the race but rather relied on a conversation months before with Galeote and Galeote's brother, Candido, in which Gonzalez stated he did not want to have any problems with their horses.

XXV

Gonzalez acknowledged that he had, in the past, entered into a similar arrangement with another owner to lend his name as a trainer when Gonzalez did not actually have that horse under his care or in his custody which led to a previous suspension.

CALIFORNIA HORSE RACING BOARD RULES California Code of Regulations, Title 4, Division 4

Alleged rule violations by Owner Samuel Galeote:

1843 (a) (b) & (d)	Medication Drugs and other Substances
1843.1 (a)	Prohibited Drug Substances
1844 (a)	Authorized Medications
1844 (e) (6)	Authorized Medications - Clenbuterol
1859.5	Disqualification Upon Positive Test Finding
1887 (a)	Trainer to Insure Condition of Horse
1902 (c)	Conduct Detrimental to Horse Racing

DISCUSSION

It has already been determined in a previous hearing that the horse Sparkin One tested positive for the presence of Clenbuterol. The data packet from the University of California, Davis Maddy Laboratory (CHRB Exhibit 6) indicates that urine sample #F13645 showed the presence of Clenbuterol at a level of 427 pg/ml. CHRB rules and regulations do not allow for any Clenbuterol to be present in a post race urine sample taken from a quarter horse.

The data packet from the Maddy Laboratory was uncontested by the Respondent and the only conclusion this Board of Stewards could reach was that Sparkin One competed in and ran second in the third race at Stockton with the class 3 prohibited substance Clenbuterol in its system. This violated Board rules regarding racing with prohibited Class 1, 2 or 3 substances and required the horse to be disqualified pursuant to Board rule #1859.5 (Disqualification Upon Positive Test Finding). The disqualification of Sparkin One was effected by the stewards on December 11, 2015 in Pacific Racing Association ruling #48. The ruling required that all monies earned by owner Candido Galeote, trainer Miguel Gonzalez and jockey Salvador Ibarra be returned to the Paymaster of Purses for redistribution and that Sparkin One be deemed unplaced in that race.

The next matter for the stewards to consider is the culpability of Galeote, and determine what penalty, if any, should be imposed for his actions leading up to the positive test finding. Galeote did not deny his part in the scenario as it played out and was cooperative with investigator Quezada in getting to the truth of the matter.

Galeote trained Sparkin One at a ranch in Morgan Hill and did nothing to prevent the horse from competing in the race at Stockton on September 12, even after treating Sparkin One with Clenbuterol three days before the race. Galeote either didn't know or didn't care that racing with Clenbuterol in the horse's system was a violation of Board rules.

Galeote was charged with alleged violation of numerous Board rules and we will consider them here. Board rules #1843 (a) (b) & (d) (Medication Drugs and Other Substances), #1843.1(a) (Prohibited Drug Substances), and #1844 (a) and (e) (6) (Authorized Drug Substances) all deal with the fact that Sparkin One showed the presence of Clenbuterol in a post race test sample at a level of 427 pg/ml. Since Galeote had administered the Clenbuterol prior to the race he is guilty of violating those rules whether he knew it was a violation to race a horse with Clenbuterol in its system or was ignorant of that fact. Board rule #1510 (Knowledge of Rules) points out, "...Every licensee is presumed to know the rules."

Another rule Galeote is cited with violating is Board rule #1887 (a) (Trainer to Insure Condition of Horse). This rule holds the trainer responsible for the condition of a horse entered in a race regardless of the acts of third parties. The rule goes on to say that the trainer will be liable for a positive test finding in a post race test sample but also states in pertinent part "...In addition, the owner of the horse, foreman in charge of the horse, groom, and any other person shown to have had the care or attendance of the horse, may be fined, his/her license suspended, revoked, or be ruled off." Galeote's actions place him in violation of this provision.

The complaint against Galeote also cites a violation of Board rule #1902 (c) (Conduct Detrimental to Horse Racing). Paragraph (c) states that no licensee shall engage in any conduct which by its nature is detrimental to the best interests of horse racing including "...solicitation of or aiding and abetting any other person to participate in any act or conduct prohibited by this division." The fact that Galeote administered the Clenbuterol and then conspired with Gonzalez to subvert Gonzalez' duties as a trainer place these actions, which resulted in a positive test finding for Clenbuterol, in this category.

The complaint also cites rule #1859.5 (Disqualification Upon Positive Test Finding). This rule is not one a licensee can violate but merely sets forth the procedures by which a horse must be disqualified if the stewards determine that a post race test sample taken from that horse showed the presence of a prohibited substance classified as a level 1, 2, or 3 drug substance. In this instance that disqualification has already taken place as noted earlier.

Mitigating circumstances include respondent's license history with the Board which, at the outset of these hearings over Clenbuterol positives, indicated that he had been licensed since 2010 and had no prior medication rule violations. The purse of the race was \$8000 which is not a large sum and there was no suspicious wagering pattern detected.

Aggravating factors include Clenbuterol's potential to influence a horse's racing performance. The medication will, at minimum, impact a horse's respiratory system in a positive way and may also act as a steroid by building muscle mass which would allow a horse to perform at a higher level. The drug is legal to obtain through a veterinarian but in this instance it was obtained over the internet by the respondent without any involvement by a veterinarian. Galeote took no action to safeguard the horse or to prevent the horse from running.

Galeote has already been deemed a responsible party for a positive Clenbuterol test when a horse he owned, Bowyer, showed the presence of the substance following the running of the second race at the San Joaquin County Fair, in Stockton, on September 11, 2015. For that violation he was suspended sixty days and fined \$5000.00

Although the penalty guidelines for a Category B penalty contained in rule #1843.3 (Penalties for Medication Violations) do not list a fine or suspension for the owner of a horse that tested positive for a second violation beyond the loss of the purse and some restrictions regarding the horse involved in the positive test, in this instance Galeote was not acting solely as an owner. In the vacuum left by Gonzalez' dereliction of duty Galeote was acting as a trainer and it only seems fitting that he should be treated as a trainer for a second Class 3 offense.

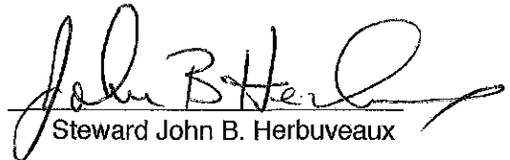
RECOMMENDATION

Recommendations were made by the Executive Director of the California Horse Racing Board through Board Counsel Philip Laird with respect to the penalties the Board felt the respondent should receive. The Board recommended a One Hundred Eighty (180) Day suspension and a Five Thousand Dollar (\$5000.00) fine for a second offense.

PROPOSED DECISION

Owner Samuel G. Galeote, who had the care and attendance of the the horse Sparkin One, second place finisher in the third race at the San Joaquin County Fair (Stockton) on September 12, 2015, is hereby suspended One Hundred and Eighty (180) Days and fined the sum of Five Thousand Dollars (\$5000.00) pursuant to California Horse Racing Board rule #1887(a) (Trainer to Insure Condition of Horse) for violation of California Horse Racing Board rules #1843 (a) (b) & (d) (Medication, Drugs and Other Substances; Prohibited Substance - Clenbuterol [Class 3] - Second Offense), #1843.1 (Prohibited Medication), #1844 (a) and (e) (6) (Authorized Medication) and #1902 (c) (Conduct Detrimental to Horse Racing).

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


Steward John B. Herbuveaux


Steward Dennis Nevin


Steward Darrel McHargue

Dated: May 20, 2016

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