

BEFORE THE HORSE RACING BOARD

STATE OF CALIFORNIA

In the Matter of the Complaint Against:

KENT MOLINARO
CHRB License #093891
Respondent

CHRB Case No. 15GG0074

DECISION

The attached Proposed Decision by the Board of Stewards is adopted, with the following modification:

1. The proposed fine of one thousand (\$1,000.00) is adopted.
2. The license of Respondent is suspended for thirty (30) days, stayed; and Respondent is placed on probation for a period of one (1) year. During the period of probation, Respondent must not incur a Class I, II or III medication violation. If Respondent incurs a Class I, II or III violation, the above referenced thirty (30) days of suspension, stayed, shall be lifted and imposed after notice and hearing.

The Decision is hereby remanded to the Board of Stewards to issue a ruling and order for payment of the fine and setting the thirty (30) days suspension, stayed, and placing the Respondent on probation for one (1) year.

IT IS SO ORDERED ON December 17, 2015.

CALIFORNIA HORSE RACING BOARD
Chuck Winner, Chairman



Rick Baedeker
Executive Director

**BEFORE THE CALIFORNIA HORSE RACING BOARD
OF THE STATE OF CALIFORNIA**

In the Matter of:

Complaint against Kent Molinaro
California Horse Racing Board
License Number 093891

Case No. 15GG0074

PROPOSED DECISION

This matter was heard on October 23, 2015 by the Board of Stewards consisting of Darrel McHargue, John Herbureaux and Dennis Nevin at Golden Gate Fields Racetrack, Albany, California.

The respondent, Kent Robert Molinaro was present and was represented by Attorney Brian J. Pitnick.

The California Horse Racing Board filed the complaint and was represented by Philip J. Laird, Staff Counsel (hereinafter Laird) and Investigator, Duane A. Tadlock.

The proceedings were recorded by Christine Niccoli, Certified Shorthand Reporter (C.S.R.).

PROCEDURAL BACKGROUND

The respondent, Kent Robert Molinaro (hereinafter Molinaro) was charged in complaint #15GG0074, by Investigator Duane Tadlock on behalf of the California Horse Racing Board (hereinafter CHRB) on September 30, 2015. Molinaro was charged in 15GG0074 with alleged violations of CHRB rules #1843 (a) (c) (Medications, Drugs and Other Substance), #1859.5 (Disqualification Upon Positive Test Finding), 1843.1 (a) (Prohibited Drug Substances) and #1887 (Trainer to Insure Condition of Horse) of the California Code of Regulations, Title 4, Division 4.

LIST OF EXHIBITS

Complaint/CHRB Exhibits

1. Complaint package #15GG0074 which included the notice of hearing for the trainer and owners of the horse Tiz Point, Governing Procedure For Disciplinary Hearing Before Board of Stewards or Hearing Officer Non-revocation Enforcement Proceedings Alleging class 1,2, or 3 Drug Positive Violations, positive test notifications, The investigative report, University of Davis laboratory test report, CHRB license histories for Kent R. Molinaro, Walnut View Farms, Inc., owners Robert J. Molinaro, Carol E. Molinaro and Kent R. Molinaro, veterinary confidential reports for Tiz Point, Oaktree at Pleasanton program page, Mr. Molinaro's work list, Pacific Racing Association ruling #19 issued on November 22, 2014 and information on the drug Meprobamate.

RESPONDENT'S EXHIBITS

A. Rene Amescua ruling No. 31 issued at Pacific Racing Association on February 23, 2014 for a Meprobamate and OH-Carisprodol drug positive.

B. Paul Aguirre proposed decision by the Board of Stewards that was adopted by the California Horse Racing Board regarding a Carisprodol/Meprobamate drug positive.

FINDINGS OF FACT

Facts of the violation.

I

All parties stipulated to the following findings of fact regarding the positive test results

II

The trainer of record for TIZ POINT was Kent Molinaro who was properly licensed with the CHRB.

III

The horse TIZ POINT started in the sixth race at the Alameda County Fair and finished first on June 21, 2015.

IV

Following the running of the sixth race on June 21, 2015 the horse TIZ POINT was taken to the test barn at the Alameda County Fair and urine sample #F13339 was obtained from the horse. Urine sample F13339 was sent for analysis to U C Davis Equine Analytical Chemistry Laboratory, the official laboratory for the CHRB.

V

On July 1, 2015, the UC Davis Laboratory reported to the CHRB that urine sample F13339 contained Meprobamate and OH-Carisprodol a Metabolite of Carisprodol* concentration level of 55 ng/ml.

VI

The owners of TIZ POINT, Walnut View Farm, Inc., Kent R. Molinaro, Robert J. Molinaro and Carol E. Molinaro were properly notified of the positive drug test on July 4, 2015 and of this hearing.

VII

Kent R. Molinaro represented both Robert J. Molinaro and Carol E. Molinaro regarding the possible disqualification of the horse TIZ POINT.

VIII

The drug Carisoprodol which is muscle relaxant was prescribed for the horse TIZ POINT due to chronic back and body soreness by Molinaro's veterinarian Dr. Steve Boyer. The medication was administered by Molinaro or his foreman.

IX

Testimony was presented that Molinaro followed the guideline recommendations of Dr. Boyer for the administration of and withdrawal time for the drug Carisoprodol.

X

The drug Carisoprodol is classified as a class IV that can metabolize in the horse's system and be excreted as a class II substance.

XI

Mr. Molinaro was unaware of the risk of using the medication due to the way it metabolizes in the horse's system.

XII

The Executive Director of the California Horse Racing Board recommended a \$3,000.00 fine and thirty day suspension which is in accordance with the recommended penalty guidelines absent mitigating circumstances in the rules and regulations.

XIII

Trainer Rene Amescua in ruling #31 issued on February 23, 2014 was fined one thousand five hundred dollars and was suspended thirty days with fifteen days stayed for a Meprobamate and OH-Carisoprodol drug positive.

XIV

Trainer Paul Aguirre in case no. Sac 13-0032 was fined five hundred and suspended fifteen days for a Meprobamate and Carisoprodol drug positive.

*Subject to CHRB regulations Meprobamate and OH-Carisoprodol is considered to be a prohibited drug substance, class II and penalty class B violation.

APPLICABLE RULES AND REGULATIONS

CHRB violations listed in the complaint.

Rule 1843. (a) & (d)	Medication, Drugs and Other Substances.
Rule 1843.	Category "B" Penalties.
Rule 1843.1 (a)	Prohibited Drug Substances.
Rule 1859.5	Disqualification Upon Positive Test Finding.
Rule 1887	Trainer to Insure Condition of Horse.
Rule 1843.3	Penalties for Medication Violations

DISCUSSION OF ISSUES

In this case there was no dispute as to the horse racing with a Class II prohibited substance in its system, which pursuant to rule 1859.5, a disqualification is required. Ruling No. 7 was issued by this Board on October 25, 2015 at Pacific Racing Association which disqualified the horse TIZ POINT from the race.

The only remaining issue to be determined is whether Mr. Molinaro should be penalized.

CHRB rule #1887 clearly places the responsibility on the trainer when a horse races, it races without prohibited substance in its system regardless of the acts of a third party. In this case the trainer was acting on the advice of his veterinarian who prescribed the medication for the horse and a misadministration of the drug resulted in the horse racing before the drug had cleared its system. Mr. Molinaro who has been licensed for more than thirty years has only one class IV medication violation on his CHRB license history record.

Otherwise his record is clear of any medication violations. Two trainers, Rene Amescua and Paul Aguirre had Carisoprodol/Meprobamate drug positives for which they received sanctions issued by the CHRB Board. Mr. Amescua received a thirty day suspension, a one thousand five hundred dollar fine and placed on probation for one year. Fifteen days of the thirty day suspension were stayed provided Mr. Amescua did not violate CHRB Rules and Regulations #1843 or 1843.6 regarding class 1,2 or 3 drug substances during the term of probation.

Mr. Aguirre received a five hundred dollars fine and fifteen day suspension for his positive test results.

After considering CHRB rule 1843.3 (Penalties for Medication Violation) there are more mitigating than aggregating facts therefore a mitigated penalty is in order.

CONCLUSION/PROPOSED DECISION

Trainer Kent R. Molinaro, who started the horse TIZ POINT in the sixth race at the Alameda County Fair on June 21, 2015, is fined one thousand dollars (\$1,000.00) suspended thirty (30) days and placed on probation for one year from the date of issuance of the ruling pursuant to California Horse Racing Board rule #1887 (a) (Trainer to Insure Condition of Horse) for violation of CHRB rule 1843 (a) (d) Medication Drugs and Other Substances: Meprobamate and OH-Carisoprodol (Class 2).

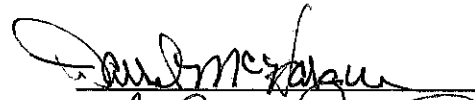
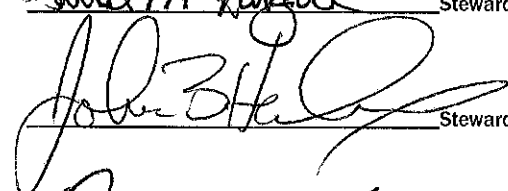
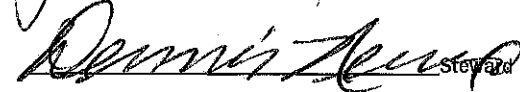
For good cause fifteen (15) days of the suspension are stayed providing Mr. Molinaro is not in violation of CHRB Rules and Regulations #1843, #1843.6 and #1887 regarding class 1, 2, or 3 drug substances during the term of probation. If the respondent violates a condition of his probation, the above referended fifteen (15) days stayed in the suspension shall be lifted and remaining 15 days shall be imposed after notice and hearing.

During the term of suspension, all licenses and license privileges of Kent. R. Molinaro are suspended and pursuant to California Horse Racing Board rule #1528 (Jurisdiction of Steward to Suspend or Fine). Mr. Molinaro is denied access to all premises in this jurisdiction.

*Rule #1532 – fine shall be paid to the Paymaster within seven calendar days from the date of this ruling, or the person upon whom the fine is imposed shall be suspended.

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