

BEFORE THE HORSE RACING BOARD

STATE OF CALIFORNIA

In the Matter of the Complaint Against:

RONALD MALETTE
CHRB License #253840
Respondent

CHRB Case #17SW0004

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 fifteen hundred (\$1500.00) fine and setting the forty five (45) days of suspension.

IT IS SO ORDERED ON April 6, 2017.

CALIFORNIA HORSE RACING BOARD
Chuck Winner, Chairman



Rick Baedeker
Executive Director

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

Of the

BOARD OF STEWARDS

WATCH AND WAGER.COM, LLC
DATE

In the Matter of the Complaint:

CALIFORNIA HORSE RACING BOARD
vs
OWNER/TRAINER/DRIVER
RONALD MALETTE
253840-12/17

Case No. 17SW0004

In the Matter of Owner/Trainer/Driver Ronald Malette

The matter was heard on February 2, 2017 by California Horse Racing board of Stewards Renee Sheward, Peter Tommila and Wayne Oke at 1010 Hurley Way, Suite #300, Sacramento, CA 95825.

The Respondent was not represented by counsel.

The California Horse Racing Board (hereinafter) "CHRB" or Complaint was represented by Philip Laird Staff Council.

The proceedings were recorded by Juli Price Jackson of Wendy Frasier Reporting.

The complaint was filed on January 13, 2017 alleging violation of CHRB Rule 1843 (a) (d), 1887 (a) and 1890 (a).

There were no pre-hearing conferences or continuances.

- No motions were filed
- There were no stipulations entered into by any of the parties
- The hearing was called to order on February 2, 2017 at 11:00AM.
- The hearing was closed at the conclusion of the hearing (11:50AM) February 2, 2017

LIST OF EXHIBITS

CHRB Exhibits:

- #1 – Complaint package (44 pages)
- #2 – Questions for Licensees at a hearing before the Board of Stewards
- #3 – Letter from Dr. De La Cruz

Respondent Exhibits:

The Respondent placed no exhibits on the record.

LIST OF WITNESSES

CHRB Witnesses:

1. Investigator Carol Nolan

Respondent Witnesses:

The Respondent called no witnesses.

FINDINGS OF FACT

I.

Ronald Malette is licensed as an Owner (License#: 252987-12/17), Trainer (License#: 253840-12/17) and as a Driver (License#: 261293-12/17).

II.

Ronald Malette was the Trainer of record of the standardbred make "Inexpressiblebeauty" (Tattoo #: 5G079) on December 26, 2016.

III.

The Standardbred Mare "Inexpressiblebeauty" raced in the eleventh race at Watch & Wager/ Cal Expo on December 26, 2016.

IV.

"Inexpressiblebeauty" did not finish in the third race on December 26, 2016.

V.

Prior to "Inexpressiblebeauty" being vanned back to Trainer Malette's barn blood samples were taken and identified as Sample #: CE26683.

VI.

These samples were submitted to the Maddy Laboratory at U.C. Davis the official testing laboratory for the CHRB for testing.

VII.

On January 4, 2017 CHRB Executive Director Rick Baedeker and CHRB Equine Medical Director Rick Arthur D.V.M were notified that Sample#: CE26683 had revealed the presence of the prohibited substance "cobalt" at a level of 53ng/ml an amount which exceeds the allowable limits for that substance.

VIII.

According to CHRB Rule # 1843 (d) any test result showing a level in excess of 25ng/ml of cobalt is a violation.

IX.

“Cobalt” is categorized by the CHRB penalty categories listing by classification as a Class “3” drug with a penalty Class “B.”

X.

On January 7, 2017 Trainer Ronald Malette was notified by Investigator Carol Nolan of the “positive” drug test result.

XI.

On January 7, 2017 Trainer Ronald Malette declined the option for “split sample” testing.

XII.

As the horse “Inxpressiblebeauty” did not finish the third race on December 26, 2016 no disqualification was necessary.

APPLICIABLE RULES REGULATION

CHRB Rule #1843 (a), (d) Medications, Drugs and Other Substances

CHRB Rule #1887 (a) Trainer to Ensure the Condition of the Horse

CHRB Rule #1890 (a) Possession of Contraband

DISCUSSION OF ISSUES

Trainer Malette acknowledged administering a substance to the horse “Inxpressiblebeauty” which contained an excessive amount of cobalt. The substance was not prescribed by a CHRB Licensed Veterinarian (Aggravating).

Trainer Malette testified that he did not know the rule concerning medication to be prescribed by a CHRB Licensed Veterinarian.

With reference to CHRB Rule 1894 a participant is presumed to “know the rules.” (Aggravating) In his sworn testimony Respondent acknowledged having received a two (2) year suspension in the year 2010 for a TCO₂ positive in the State of Indiana. Additionally, Respondent was fined

five hundred (\$500.00) dollars and ordered "to return the purse" based on a "banamine overage" in the Common Wealth of Kentucky in 2016. (Aggravating)

"Cobalt" has been recognized as a performance enhancing substance.

Oral products containing cobalt are available without a prescription. Respondent acknowledged treating the horse with a product "Thyro-L" which had been prescribed by a KRC Licensed Veterinarian, but not by a CHRB Licensed Veterinarian. (Aggravating)

Respondent further stated that he had used the substance in Kentucky without any problems. (Neutral)

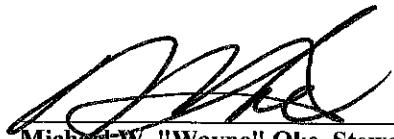
Respondent, further stated he treated the horse with a product labeled "Cal-Mag Co Gel" a product labeled "for use in cattle." (Aggravating) It was stated this product was obtained at a local feed store. (Neutral)

CONCLUSION/ PROPOSED DECISION

It is the unanimous conclusion of the Board of Stewards that Trainer Ronald Malette was solely responsible for the positive test finding on the Standardbred Mare "Inexpressiblebeauty" and recommends the following penalty:

- Trainer Ronald Malette be suspended for a period of forty five (45) days and fined a sum of fifteen hundred (\$1,500.00) dollars.
- Further, any request to transfer any horses owned in whole or in part by transfer Malette must be approved by the Watch & Wager/ Cal Expo Board of Stewards.

Respectfully submitted by this Board of Stewards:


Michael W. "Wayne" Oke, Steward


Renee Sheward, Steward


Peter Tommila, Steward

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