

**BEFORE THE HORSE RACING BOARD**

**STATE OF CALIFORNIA**

In the Matter of the Complaint Against:

**ELOY NAVARRO**  
**CHRB License #279721**  
**Respondent**

CHRB Case #15SW0043

**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 sixty (60) days of suspension.

IT IS SO ORDERED ON March 29, 2016.

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 Eloy Navarro  
California Horse Racing Board  
License Number 279721

Case NO. 15SW0043

**PROPOSED DECISION**

This matter was heard on February 11, 2016 by the Board of Stewards consisting of Will Meyers, John Herbuveaux and Dennis Nevin at Golden Gate Fields Racetrack, Albany, California.

The respondent, Eloy Gerado Navarro (hereinafter Navarro) was present and represented himself.

The California Horse Racing Board filed the complaint and was represented by Philip J. Laird, Staff Counsel (hereinafter Laird) and Investigator, Joe Mulligan. Investigator Kevin Kitashima testified on behalf of the California Horse Racing Board. The proceedings were recorded by Christine Niccoli, Certified Shorthand Reporter (C.S.R.).

**PROCEDURAL BACKGROUND**

The respondent, Eloy Gerado Navarro was charged in complaint 15SW0043, by Investigator Joe Mulligan on behalf of the California Horse Racing Board (hereinafter CHRB) on October 15, 2016. Navarro was charged with alleged violations of CHRB rules #1843 (a) (d) (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

Complaint package #15SW0043 which included the notice of hearing for the trainer and owners of the horse "Dont Walk Peacefully", 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, Iowa State Confirmation Test Report, CHRB license histories for Trainer Eloy Gerado Navarro, Owner Ugo De La Torre (lessee), veterinary confidential reports for "Dont Walk Peacefully", and the Cal-Expo program page.

## **RESPONDENT'S EXHIBITS**

- A. Copy of CHRB rule #1888-(Defense to Trainer Insurer Rule)

### **FINDINGS OF FACT**

#### **I**

The trainer of record on July 24, 2015 for "Dont Walk Peacefully" was Eloy Navarro who was properly licensed with CHRB.

#### **II**

The owner of record on July 24, 2015 for "Dont Walk Peacefully" was Ugo De La Torre (Lessee) who was properly licensed with the CHRB.

#### **III**

Armando Cervantes was the groom and signed for the test on July 24, 2015 for the quarter horse "Dont Walk Peacefully". Mr. Cervantes was properly licensed by the CHRB.

#### **IV**

The horse "Dont Walk Peacefully" started in the third race at California Exposition and State Fair and finished second on July 24, 2015.

#### **V**

Following the running of the third race on July 24, 2015 the horse "Dont Walk Peacefully" was taken to the test barn at California Exposition and State Fair and urine sample #F13121 was obtained from the horse. Urine sample F13121 was sent for analysis to U C Davis Equine Analytical Chemistry Laboratory, the official laboratory for the CHRB.

#### **VI**

Test sample F13121 taken on July 24, 2015 from the quarter horse "Dont Walk Peacefully" was reported to have 148 picograms of Clenbuterol in its system by Scott Stanley of the University of California Davis Maddy Laboratories.

**VII**

The split sample was taken to Iowa State University College of Veterinary Medicine and the presence of Clenbuterol was confirmed. Iowa State University reported 149 picograms per milliliter.

**VIII**

Clenbuterol is listed as 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.

**IX**

Pursuant to Board approval on May 21, 2015 the threshold level for Clenbuterol in Quarter Horses which have competed in a Board sanctioned race at Los Alamitos or any CARF Racetracks is zero.

**X**

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

**XI**

A hearing for Trainer Eloy Navarro was scheduled for January 15, 2016 at which time Mr. Navarro asked for a continuance in order to secure representation. Mr. Navarro's hearing was continued until February 11, 2016

**XII**

A hearing concerning the possible disqualification of Dont Walk Peacefully was held on January 15, 2016. Trainer Navarro did not stay for the hearing and Owner Ugo De La Torre did not appear after being properly noticed.

**XIII**

The horse "Dont Walk Peacefully" was disqualified following the hearing on January 15, 2016 per Pacific Racing Association ruling #9 issued on January 16, 2016 in accordance with CHRB rule #1859.5 (Disqualification Upon Positive Test Finding).

**XIV**

A hearing was conducted on February 11, 2016 for Trainer Navarro who appeared without counsel and wished to proceed on his own.

**XV**

Navarro testified that he did not give "Dont Walk Peacefully" Clenbuterol.

**XVI**

Navarro testified that owner Ugo De La Torre had not been near "Dont Walk Peacefully" at the ranch in Hemet where Navarro trains his Quarter Horses, nor at the racetrack (Cal-Expo) when the horse was there to race.

**XVII**

Navarro testified that he and groom Armando Cervantes were the only persons attendant on the horse "Dont Walk Peacefully" and that he trusted that Cervantes did not have access to or give Clenbuterol to said horse.

**XVIII**

Neither De La Torre or Cervantes testified or issued any written statements.

**XIX**

Navarro introduced California Horse Racing Board rule #1888 (Defense to Trainer Insurer Rule) as part of his defense, stating that he did everything he could to protect his horses but gave no specifics to back up his contention.

**XX**

Navarro trains his Quarter Horses out of a ranch in Hemet and his thoroughbreds at Galway Downs. The ranch has no security such as an approved auxiliary stabling facility like as Galway Downs.

**XXI**

"Dont Walk Peacefully" and his other Quarter Horses were transported to Cal-Expo arriving at 5 A.M. on July 23, 2015 the day prior to racing. The horses were left unattended when Navarro and Cervantes were at the hotel.

**XXII**

Navarro stated that the test could have been mixed up with another horses but had no basis for the statement other than another trainer who had a positive for Clenbuterol had a horse in "Dont Walk Peacefully's" race.

**XXIII**

A review of the laboratory report showed the chain of custody of urine sample #F13121 to be unbroken.

## XXIV

Phillip Laird on behalf of the California Horse Racing Board recommended a \$3,000.00 fine and sixty day suspension.

### APPLICATION 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

Sample #F13121 taken from the Quarter Horse "Dont Walk Peacefully" was found by Maddy Laboratories to have 148 picograms per milliliter of Clenbuterol which was verified by Iowa State University Laboratories. A hearing was held January 15, 2016 and Pacific Racing Association ruling disqualifying #9 "Dont Walk Peacefully" was issued on January 16, 2016 in accordance with California Horse Racing Board rule #1859.5 (Disqualification Upon Positive Test Finding). The laboratory findings were uncontested by the respondents.

The remaining issue is whether Mr. Navarro should be penalized.

California Horse Racing Board rule #1887 places the responsibility on the trainer to insure his horses race without prohibited substances in their system.

Mr. Navarro has been a trainer in California since 2004. Since being licensed as a trainer Mr. Navarro has had five medication violations including a Clenbuterol violation in 2006. Navarro has had two violations for possession of syringes and needles. Navarro's last major violation in California was in September of 2012.

Navarro testified that his record has been clean for over three years and this fact should be a mitigating circumstance. The Stewards disagree citing his overall record as stated above.

Navarro testified that owner Ugo De La Torre had no contact with the horse in the weeks leading up to the race in question.

Navarro had stated to investigators Blake and Kitashima that he trains five Quarter Horses at a ranch in Hemet, California located at 7<sup>th</sup> Street and Sanderson. Navarro also related to them that the horse "Dont Walk Peacefully" was transported with three other horses to Cal-Expo by groom Armando Cervantes and himself. The horses arrived at Cal-Expo on July 23, 2015 at approximately five A.M.

Navarro failed to present any evidence that he made every effort to protect the horses in his care.

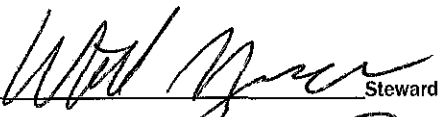
### **PROPOSED DECISION**


Trainer Eloy Navarro who started the horse "Dont Walk Peacefully", second place finisher in the third race at the California Exposition and State Fair on July 24, 2015 is hereby suspended sixty days and fined the sum of Five Thousand Dollars (\$5,000.00) 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; Prohibited Substance Clenbuterol (Class 3)) and #1843.1 (a) (Prohibited Medication).

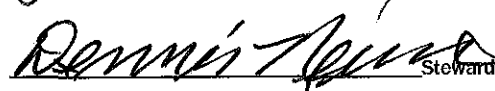
During the term of the suspension, all licenses and license privileges of **Eloy Navarro** are suspended and pursuant to California Horse Racing Board rule #1528 (Jurisdiction of Stewards) subject is denied access to all premises in this jurisdiction.

\*Rule #1532-Fine shall be paid to the Paymaster within seven calendar days from the date of this ruling or license of the person upon whom the fine has been imposed shall be suspended.

CASE: 15SW0043

  
Steward

  
Steward

  
Steward