

**BEFORE THE HORSE RACING BOARD**

**STATE OF CALIFORNIA**

In the Matter of :  
Appeal from Official Ruling # 47, Capitol  
Racing, Cal Expo, dated March 17, 2005:

RICHARD C. PLANO,

Appellant.

Case No. SAC 05-013

OAH Case No. N-2005050353

**ORDER REJECTING PROPOSED DECISION  
AND REFERRING CASE BACK TO ADMINISTRATIVE LAW JUDGE FOR  
DECISION CONSISTENT WITH THIS ORDER  
(Gov. Code, § 11517(c)(2)(D).)**

Attached is a copy of the proposed decision/order in the above-titled matter submitted to the California Horse Racing Board ("Board") under provisions of Government Code section 11517. You are advised that the Board considered the proposed decision/order at its November 3, 2005, meeting and rejected the proposed order of dismissal and, as authorized by Government Code section 11517, subdivision (c)(2)(D), referred the case back to the same administrative law judge, Denny R. Davis, if reasonably available, otherwise to another administrative law judge, to take additional evidence if necessary, and to decide the appeal on the merits. The Board found Code of Civil Procedure section 12a to be applicable to this proceeding, and concluded that Appellant's Monday, March 21, 2005, appeal of the Stewards' March 17, 2005, ruling was timely filed. The administrative judge is directed to decide the appeal consistent with this order.

This order shall become effective on November 3, 2005.

IT IS SO ORDERED ON November 3, 2005.

BY ORDER OF THE CALIFORNIA HORSE  
RACING BOARD

John Harris, Chairman

Ingrid Fermin  
Executive Director