

BEFORE THE CALIFORNIA HORSE RACING BOARD

STATE OF CALIFORNIA

In the Matter of:
FITNESS FOR LICENSURE

JAMES WOOTEN
Appellant

Case No. SAC 16-0020

DECISION

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

The Decision shall become effective on September 23, 2016.

IT IS SO ORDERED ON September 22, 2016.

CALIFORNIA HORSE RACING BOARD
Chuck Winner, Chairman



Rick Baedeker
Executive Director

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STATE OF CALIFORNIA

In the Matter of:)	
FITNESS FOR LICENSURE)	
)	
)	
JAMES WOOTEN,)	Case No. SAC 16-0020
Appellant)	
_____)	

PROPOSED DECISION

This matter was heard on June 1, 2016 by C. Scott Chaney, a Hearing Officer designated under California Horse Racing Board rule 1414 (Appointment of Referee) at California Horse Racing Board headquarters in Sacramento, California.

The Appellant, formerly licensed jockey James Wooten, (hereinafter “Appellant” or “Mr. Wooten”), did not appear.

The California Horse Racing Board (hereinafter “CHRB” or “Respondent”) was represented by CHRB Staff Attorney Phil Laird.

The proceedings were recorded by court reporter Wendy Frazier.

PROCEDURAL BACKGROUND

On or about March 3, 2016, Wooten applied for and was refused a CHRB license in the category of “jockey—TB”. That refusal was based on several factors: a lengthy criminal history, confrontational behavior in the licensing office itself, that he was suspended in Idaho, and underreporting/misrepresenting his criminal history on his CHRB license application. The CHRB investigative staff determined that the decision with respect to whether Mr. Wooten be relicensed should be made through a fitness for license hearing as described in a Stewards’ ruling against Wooten and also recommended that any further consideration of licensing include fingerprint analysis as well as full reporting of his entire criminal history. Mr. Wooten requested the aforementioned fitness for license hearing in order to explain why he should be granted a CHRB license. Both parties were noticed and the hearing was scheduled for June 1, 2016. On that day, the hearing was called to order at approximately 3:00 pm in accordance with the notice supplied to all parties. Appellant failed to appear. The CHRB submitted documentary evidence relevant to the matter and requested that Mr. Wooten not be granted a license. The record was closed and the matter deemed submitted that same afternoon.

LIST OF EXHIBITS

CHRB Exhibit #1 – Notice of Hearing, Certified Mail Receipt and Signed Acknowledgment Receipt.

CHRB Exhibit #2 – Notice of Refusal of License and Report of Investigation.

CHRB Exhibit #3 – Oregon Racing Commission Reinstatement Order.

CHRB Exhibit #4 – Board of Stewards' Ruling; Complaint Packet; Report of Investigation; and Oregon Racing Commission Final Order Denying License Reinstatement.

CHRB Exhibit #5 – CHRB Proposed Rule 1489.2. Criteria to Evaluate Rehabilitation of a Person When Considering Denial, Suspension, or Revocation of an Occupational License.

CHRB Exhibit #6 (renumbered) – CHRB Proposed Rule 1489. Grounds for Denial or Refusal of License.

FACTUAL FINDINGS

I

Jockey James Wooten has been licensed as a jockey in California since at least 1987. His license expired in December 2013.

II

Since 1993, Mr. Wooten has had a long criminal history in at least four states for a list of crimes which included but is not limited to: assault with a deadly weapon, multiple DUIs, trespassing, theft, disorderly conduct, hit and run, and possession of a stolen vehicle.

III

Appellant also has a lengthy history of violations with Racing Commissions including the California Horse Racing Board. The last incident appears in the CHRB Investigator's Report when Appellant applied for a license and was denied in March 2016.

IV

Appellant requested a fitness for license hearing pursuant to that denial and was properly noticed via certified mail of the hearing date.

V

At the appointed hearing time, Appellant failed to appear for the hearing he requested.

APPLICABLE LAWS AND REGULATIONS

California Horse Racing Board Rule 1489 (Grounds for Denial or Refusal of License).

The Board, in addition to any other valid reason, may refuse to issue a license or deny a license to any person:

(a) Who has been convicted of a crime punishable by imprisonment in a California state prison or a federal prison, or who has been convicted of a crime involving moral turpitude.

.....

(g) Who has committed an act involving moral turpitude, or intemperate acts which have exposed others to danger...

....

(h) Who has unlawfully engaged in or who has been convicted of possession, use or sale of any narcotic, dangerous drug, or marijuana.

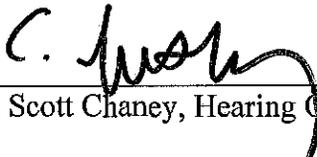
DISCUSSION OF ISSUES

Given the fact that Appellant failed to appear for the hearing he requested, there was no oral testimony at this hearing. The CHRHB relied solely on documentary evidence. In Mr. Wooten's case, that documentary evidence was only a small snapshot of his extensive history with the criminal justice system and racing commissions. He has been suspended in at least three racing jurisdictions over the past few years and although it appears that the Oregon Racing Commission has reinstated him with many conditions, given his history, the fact that he engaged in disorderly conduct when applying for a license in California and that he failed to appear for his own hearing indicates that he should not hold a license in California at this time.

CONCLUSION/PROPOSED DECISION

Given the foregoing, I recommend that Mr. Wooten not be licensed at this time. It is further recommended that Mr. Wooten not be permitted to apply for a California Horse Racing Board license for a period of at least five years. Lastly, I further recommend that Mr. Wooten participate in a fitness for license hearing before being permitted to apply for a CHRHB license.

DATED: August 31, 2016.



C. Scott Chaney, Hearing Officer

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