

BEFORE THE HORSE RACING BOARD

STATE OF CALIFORNIA

In the Matter of the Complaint Against:

RAMIRO ZUAZO
CHRB License #286656
Respondent

CHRB Case No. 18LA0017

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 three thousand (\$3,000.00) fine and setting the sixty (60) days of suspension.

IT IS SO ORDERED ON April 19, 2018.

CALIFORNIA HORSE RACING BOARD
Madeline Auerbach, Vice-Chairman



Rick Baedeker
Executive Director

State of California

CALIFORNIA HORSE RACING BOARD

**PROPOSED DECISION
of the
BOARD OF STEWARDS**

Los Alamitos Race Course

Date: March 14, 2018

In the Matter of the Complaint Against:

Name

Respondent: Ramiro Zuazo

Case# 18LA0017

INTRODUCTION

This matter was heard before the Board of Stewards, Tom Ward, David Nuesch, and James Dreyer, in the Los Alamitos Stewards' Office March 10, 2018.

Present at the hearing were Investigator Dennis Drulius and The Board of Stewards. Court Reporter Michelle Derieg transcribed the proceedings.

PROCEDURAL BACKGROUND

Trainer Ramiro Zuazowas the trainer of record for the horse "Sagita," who started in the seventh race at Los Alamitos Race Course on January 14, 2018. On January 28, 2018, Sacramento Headquarters faxed information to Supervising Investigator Tom Blake at Los Alamitos Race Course that "Sagita" (Blood Sample #LA39723) tested positive for the class III prohibited drug Clenbuterol after finishing first in the seventh race on January 14, 2018. Trainer Zuazo was notified of the positive on January 26, 2018 and a barn inspection found no other violations. On January 28, 2018 trainer Zuazo completed the forms for the split sample testing.

On February 8, 2018, investigators received a denial of split sample test #LA39723 memorandum from Sacramento stating the laboratory chosen by trainer Zuazo had not received the payment for completion of the testing within the five (5) working days after the receipt of the CHRB-56 form as required by Rule 1859.25(3).

FINDINGS OF FACT

I.

At all times herein mentioned, Respondent was licensed by the California Horse Racing Board in the license category of "trainer."

II.

Respondent was the trainer of record for the horse "Sagita" when it raced in the seventh race on January 14, 2018 at Los Alamitos Race Course. "Sagita" finished first in the aforementioned race.

III.

A post-race blood sample (labeled sample #LA39723) was taken from "Sagita" following the running of the race in accordance with California Horse Racing Board Rule #1858 (Test Sample Required) and was sent to Kenneth L. Maddy Equine Analytical Chemistry Lab of the California Horse Racing Board. This is the official testing lab of the California Horse Racing Board.

IV.

At all times herein mentioned, the chain of custody of blood sample #LA39723 from "Sagita" was uninterrupted.

V.

After analyzing the sample, Maddy Laboratory reported a finding of the prohibited drug, Clenbuterol, in the sample, a class III substance.

VI.

On January 26, 2018, Respondent was notified.

APPLICABLE RULES

CHRB rule violations listed in the complaint

- Rule 1887 (Trainer or Owner to Insure Condition of Horse)
- Rule 1843 (a, b & d) (Medication, Drugs and Other Substances)
- Rule 1843.1 (b) (Prohibited Drug Substances)
- Rule 1844 (e)6 (Authorized Medication)
- Rule 1859.5 (Disqualification Upon Positive Test Finding)

DISCUSSION

Trainer Ramiro Zuazo failed to appear for his hearing on March 10, 2018. Consequently this discussion will be based solely on the statements he gave when presented with the charges he was facing after he was notified on January 26, 2018 by the Board Investigators.

As in most of these Clenbuterol positives this was another example of a ship-in horse. "Sagita" shipped into Los Alamitos on January 13, 2018, one day prior to his scheduled race. The horse was shipped back to the ranch on January 14, 2018 following the race.

Trainer Zuazo stated that all of his dealings concerning "Sagita" had been done through Francisco Ramirez whom Zuazo thought was the owner. In reality Francisco Ramirez does not hold a license issued by the California Horse Racing Board. The actual owner of "Sagita" is Jose Dominguez whom Zuazo met for the first time on January 28, 2018 when both individuals met with the investigators. Here is another example of how far removed trainer Zuazo was from any of the actual dealings of "Sagita".

Nobody seems to know how "Sagita" could have gotten the Clenbuterol but the fact remains he did test positive for it.

According to California Horse Racing Board Rule #1887 (Trainer or Owner to Insure Condition of Horse), trainer Zuazo is the absolute insurer for the condition of "Sagita" and must be held accountable for the Clenbuterol positive.

This Board of Stewards is of the opinion that trainer Zuazo did not administer the Clenbuterol to "Sagita", however, he must be held accountable for his reckless behavior and callous disregard for Rule #1877.

The inquiry will now go to the penalty phase as outlined by California Horse Racing Board Rule #1843.3 (Penalties for Medication Violations), which allows for aggravating and mitigating factors that would permit deviation from the penalties outlined in the text of that rule.

This is a Class III violation with a Class "B" penalty.

A review of the aggravating and mitigating factors is now required:

- (1) *Past Medication Record of the Licensee*: Since 2017 Zuazo has had one high Bute in a workout and a Dexamethazone/Trichlormethiazide violation. Aggravating.
- (2) *The Potential of the Drug to Influence a Horse's Performance*: Clenbuterol can enhance a horse's performance. Aggravating.
- (3) *The Legal Availability of the Drug*: Clenbuterol is available from any veterinarian; however, in Quarter Horses it is a zero tolerance drug. Aggravating.
- (4) *Whether There is Reason to Believe the Responsible Party Knew of the Administration of the Drug or Intentionally Administered the Drug*: As previously noted trainer Zuazo failed to appear for his hearing. Consequently there is no testimony to support or deny the supposition that he had knowledge of the administration of Clenbuterol to "Sagita". Since the horse was shipped to Zuazo the day prior to the race this Board of Stewards is of the opinion he was probably unaware "Sagita" had received Clenbuterol. Zuazo being the trainer must still be held accountable. Aggravating.
- (5) *Steps Taken by the Trainer to Safeguard the Horse*: This is an aggravating factor as Zuazo did not have constant control of the horse.
- (6) *Steps Taken by the Owner to Safeguard Against Subsequent Medication Violations, Including but not Limited to, the Transfer of the Horse(s) to an Unaffiliated Trainer*: There is no evidence on this factor and is therefore neutral.
- (7) *Probability of Environmental Contamination or Inadvertent Exposure Due to Human Drug Use or Other Factors*: This is a neutral factor as there is no evidence of such.
- (8) *Purse of the Race*: The purse was \$10,350 which is not excessive and therefore mitigating.
- (9) *Whether the Drug Found to Be Present in the Official Sample was one for which the Horse was Receiving Treatment as Determined through the Process Described in Rule #1842 (Veterinary Report)*: Veterinary reports do not indicated the horse having been prescribed Clenbuterol. Aggravating
- (10) *Whether there was any Suspicious Wagering Pattern on the Race*: Mitigating as there was no evidence of any unusual wagering pattern.
- (11) *Whether the Licensed trainer was Acting under the Advice of a Licensed Veterinarian*: There is no evidence of any veterinarians advice for approval of this drug to be administered to "Sagita". Aggravating.

A review of the factors reveals that there are more aggravating factors than neutral and mitigating ones.

CONCLUSION

Following a formal hearing, this Board of Stewards concludes the class III prohibited drug Clenbuterol was found in blood sample #LA39723 taken from the horse "Sagita," the first place finisher in the seventh race at Los Alamitos Race Course on January 14, 2018. This finding requires the disqualification of "Sagita" in accordance with California Horse Racing Board Rule #1859.5.

This Board of Stewards took judicial notice of the penalty guidelines as defined in California Horse Racing Board Rule #1843.3 (Penalties for Medication Violations). Clenbuterol is a class III drug that falls in the class "B" penalty.

PROPOSED DECISION

Given all of the foregoing, this Board of Stewards makes the following recommendation in this matter:

State of California
CALIFORNIA HORSE RACING BOARD

* * *

TRAINER RAMIRO ZUAZO WHO STARTED THE HORSE "SAGITA" IN THE SEVENTH RACE ON JANUARY 14, 2018 AT LOS ALAMITOS RACE COURSE IS FINED THREE THOUSAND DOLLARS (\$3,000.00)* AND SUSPENDED SIXTY (60) DAYS) PURSUANT TO CALIFORNIA HORSE RACING BOARD RULE #1887 (TRAINER OR OWNER TO INSURE CONDITION OF HORSE) AND RULE #1859.5 (DISQUALIFICATION UPON POSITIVE TEST) FOR VIOLATION OF CALIFORNIA HORSE RACING BOARD RULES #1843 (a, b & d) (MEDICATION, DRUGS AND OTHER SUBSTANCES) (CLENBUTEROL - CLASS III) #1843.1 (b) (PROHIBITED DRUG SUBSTANCES), AND 1844(e)(6)(AUTHORIZED MEDICATION).

DURING THE TERM OF SUSPENSION ALL LICENSES AND LICENSE PRIVILEGES OF RAMIRO ZUAZO ARE SUSPENDED AND PURSUANT TO CALIFORNIA HORSE RACING BOARD RULE #1528 (JURISDICTION OF STEWARDS TO SUSPEND OR FINE) RAMIRO ZUAZO IS DENIED ACCESS TO ALL PREMISES IN THIS JURISDICTION.

*California Horse Racing Board Rule #1532 states that all fines shall be paid to the paymaster of purses within seven (7) days of imposition [-----] or the license of the person upon whom the fine was imposed shall be suspended.

Lic# 286656 – 11/2020

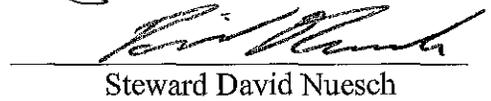
Case# 18LA0017

PROPOSED DECISION

Given all of the foregoing, this Board of Stewards makes the following recommendation in this matter:

Dated 03/16/18 by this Board of Stewards:


Steward James Dreyer


Steward David Nuesch


Steward Tom Ward

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