

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



ALAMEDA COUNTY FAIR
4501 Pleasanton Avenue
Pleasanton, California 94566

To the California Horse Racing Board

Honorable Edmund G. Brown Jr. Governor
Honorable Keith Brackpool, Chairman
Honorable David Israel, Vice-Chairman
Honorable Jesse H. Choper, Member
Honorable Bo Derek, Member
Honorable John C. Harris, Member
Honorable Jerome S. Moss, Member
Honorable Richard A. Rosenberg, Member
Kirk E. Breed, Executive Director

Report for the period Wednesday, July 6, 2011 through Sunday, July 10, 2011.

Wednesday

07-06-11

LYLE BRUCE TOWELL HEARING (Case No.: 11SW0173)

A formal hearing was held today for owner, pony rider and trainer L. BRUCE TOWELL. Mr. Towell has been charged with alleged violation of California Horse Racing Board rule 1874 (Disorderly Conduct), CHRB rule 1902 (Conduct Detrimental to Horse Racing, CHRB rule 1902.5 (Animal Welfare), CHRB rule 1930 (Obedience to Security Officers and Public Safety Officers). The complaint also lists 248(b) PC (Assault & Battery) and 148(A)(1) PC (Resisting Arrest) as alleged violations. The penal code violations were deleted before the hearing started.

Present at today's hearing were Bruce Towell and his witnesses, Olen Stacey and Mr. Towell's mother, Beverly Lunn. Mr. Towell requested that J. C. Sylvester, Sonny McPherson and Mary McPherson testify telephonically. This request was objected to by California Deputy Attorney General David Pai who represented the California Horse Racing Board in this matter. The fifty seven (57) page complaint packet in this case was prepared by CHRB Investigators Carol Ann Nolan and Barbara Chimero who were present at today's hearing. Robert Goodbary, D.V.M., testified as a private veterinarian witness for the CHRB. Today's proceedings were transcribed by Christine Niccoli (Niccoli Reporting). The complaint in this case reads as follows:

Owner, Pony Rider and Trainer, Lyle Bruce Towell, left his horse unattended, tied up, in the sun without shade or water for four (4) hours. On the same date, Lyle Bruce Towell was disrespectful, disobeyed a lawful order, was threatening, abusive and demonstrated abusive behavior towards a CHRB investigator and was arrested for physically assaulting and fighting with a CHRB investigator.

Mr. Towell testified that his pony was used twice during the morning in question (June 17, 2011). He also stated this pony was given hay and water during the course of the morning. Testimony from all parties present addressed the Animal Welfare (1902.05) charge.

The other portion of the hearing addressed an alleged assault and fight with CHRB Investigator Carol Nolan. Mr. Towell was upset that the pony he used was allegedly unsaddled and led back into a stall without his permission.

The stewards will review all testimony and documents that were submitted during this three (3) hour hearing before rendering a decision. More to follow.

Thursday
07-07-111

BRUCE DILLENBECK HEARING (Case No.: 11GG149)

Trainer Bruce Dillenbeck appeared in the stewards' office to attend an informal hearing today at Pleasanton. U. C. Davis laboratories reported the presence of the prohibited drug methocarbamol (Robaxin) in the Dillenbeck trained DEVIL'S ISSUE, who finished third in the third race on April 29, 2011 at Golden Gate Fields. CHRB Investigator Barbara Chimero prepared the complaint packet for this case and was present at today's hearing.

Trainer Dillenbeck told the stewards that he doesn't use methocarbamol. Investigator Chimero testified that at a 'barn search' conducted of Dillenbeck's stable she did not find the presence of the drug in question. Trainer Dillenbeck stated that "either the lab made a mistake or somebody got to the horse." During the hearing, CHRB Medical Director Rick Arthur was contacted via telephone in order to clarify a clerical error stated in the official complaint.

Dillenbeck is at a loss to explain how methocarbamol got into the system of DEVIL'S ISSUE. This matter will be deliberated on and a decision will be rendered soon. More to follow.

07-07-112

DECLARATIONS – REFUNDS

3rd race:	#2	PERSONALITY KID (Tr. Vann Belvoir)	sick Fitness Veterinarian Sara Sporer REFUND: \$ 120.00
	#4	MINISTERFROMMIAMI (Tr. David Thomas)	sick CHRB Veterinarian Don Dooley REFUND: \$1,122.29
	#6	BAG'S OF FUN (Tr. Leroy Krum)	sick Fitness Veterinarian Sara Sporer REFUND: \$ 764.40

07-07-113

CHAIRMAN VISITS

California Horse Racing Board Chairman Keith Brackpool paid a visit to the judges' stand today at Pleasanton. Alameda County Fair CEO/Director of Racing Rick Pickering and Director of Operations Jeanne Wasserman escorted Mr. Brackpool upstairs during the races. Numerous racing matters were discussed.

07-07-114

WAGERING POOL CANCELLED

Today's third race, which was originally programmed with seven (7) betting interests, was whittled down to a four (4) horse field with the activation of three

(3) late scratches. The show pool was cancelled and refunded after the third scratch which totaled \$241.09.

07-07-115

OBJECTION – Fourth Race – NO CHANGE

Following the running of this race, apprentice jockey Jesus Velazquez, who rode fourth place finisher #2 SWIM SUIT MODEL, lodged a claim of foul against second place finisher #5 MY SECRET HONEY (William Antongeorgi, III) for alleged interference at the 5/16 mile marker.

While racing in tight quarters #2 SWIM SUIT MODEL and apprentice Velazquez attempted to split horses at the 5/16 pole. This attempt initiates contact (two or three bumps) with #5 MY SECRET HONEY. After reviewing race replays the stewards determined jockey William Antongeorgi, III, was not at fault for this contact as he kept a straight course.

In a unanimous decision no change was made in the order of finish. Apprentice Velazquez was ordered to film review with the stewards.

07-07-116

ATTENDANCE & HANDLE

ACF	4,202	\$ 335,435.80
NCOT	2,340	\$ 651,307.10
SCOT		\$ 321,996.50
Out of State		\$ 886,204.96
TOTAL	6,542	\$2,194,944.36

Friday

07-08-111

MARY ELLEN DIAZ HEARING (Case 11GG175)

ASHLEY GARCIA HEARING (Case 11LA0187)

Two (2) complaints were combined as one (1) hearing today at Pleasanton. Both owner Ashley Garcia and trainer Mary Diaz allege that CHRB rule 1876 (Financial Responsibility) has been violated in a business relationship gone sour in the spring of this year. Ms. Garcia and Ms. Diaz both appeared today. Owner Garcia claims she lent trainer Diaz fifteen hundred dollars (\$1,500) for the purpose of obtaining worker's compensation insurance at Los Alamitos. Ms. Garcia also claims she purchased tack for Ms. Diaz in the amount of \$904.76. Ashley Garcia is seeking a total of \$2,404.76 in this matter.

Trainer Mary Diaz filed her complaint five (5) days before Ashley Garcia filed her counter complaint. Diaz claims Ms. Garcia owes her \$2,151.00 for training services. Both parties presented documents. The stewards felt there was not sufficient evidence to make a conclusive decision.

Both of these complaints were dismissed pending adjudication in small claims court.

07-08-112

JESUS VELAZQUEZ FILM REVIEW (Refer: 07-07-115)

Apprentice jockey Jesus Velazquez appeared in the stewards' office along with interpreter Miguel Delgadillo. In yesterday's (June 7) fourth race, apprentice Velazquez lodged an objection against a horse that he actually initiated contact with. Velazquez rode fourth place finisher #2 SWIM SUIT MODEL in this race. The stewards went over proper protocol (coming to telephone after dismounting) following the filing of an objection and also reviewed several angles of race

replays with this apprentice jockey.

07-08-113

RULING NO. 12 – TOWELL (Refer: 07-06-111)

Owner/Trainer/Pony Person LYLE BRUCE TOWELL is suspended thirty (30) days, July 12, 2011 through August 10, 2011, and placed on probation through the term of his license (9-30-2011) for violation of California Horse Racing Board rules #1874 (Disorderly Conduct – threatening and abusive behavior toward an investigator) and #1930 (Obedience to Security Officers and Public Safety Officers – resisting arrest) on June 17, 2011 at the San Joaquin County Fair (Stockton).

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

Owner, pony rider and trainer Lyle Bruce Towell was informed by telephone today of the ruling above. The stewards had a split vote in this case. Steward Herbuveaux (30 day suspension, 15 days stayed), Steward McHargue (30 day suspension) and Steward Baker (45 day suspension). All stewards voted for putting Bruce Towell on probation for the term of his license. An alleged animal welfare violation (CHRB rule 1902.5) in this case was dismissed as there was very little, if any, proof of horse abuse.

07-08-114

RULING NO. 13 – DILLENBECK (Refer: 07-07-111)

Trainer BRUCE DILLENBECK, who started the horse DEVIL'S ISSUE, third place finisher in the third race at Golden Gate Fields on April 29, 2011, is fined the sum of one thousand dollars (\$1,000.00) pursuant to California Horse Racing Board rule #1843 (a) & (b) (Medication, Drugs and Other Substances: Prohibited Substance – Methocarbamol [Class 4] – second offense).

Trainer Bruce Dillenbeck was contacted by the stewards this morning and informed of the penalty in the ruling above. Earlier this year (March 10, 2011; Ruling #34) Golden Gate Fields stewards issued a one thousand dollar (\$1,000.00) sanction against trainer Dillenbeck for a high bute test result (10.16 ug/ml) that was obtained for one of his trainees. That previous penalty was an aggravating factor in this matter.

07-08-115

DECLARATIONS – REFUNDS

5th race:	#4	ANGEL'S LAW (Tr. Sherrie Monroe) unsound Fitness Veterinarian Sara Sporer REFUND: \$6,253.06
8th race:	#4	INDIAN WELLS (Tr. Bill McLean) sick Fitness Veterinarian Sara Sporer REFUND: \$ 789.60

07-08-116

TOTE PROBLEMS

Pleasanton stewards and placing judges experienced tote difficulties for the first five (5) races on today's card. We were unable to 'stop wagering' for the first five (5) races on today's eight (8) race card. Sportech Tote Technician Jamie Swayze was present in the judges' stand for a good portion of the day and was in radio (walkie talkie) contact with the tote department on the first level of the grandstand in order for the stewards to be assured that 'stop wagering' orders

were activated. The stewards have requested a letter of explanation regarding this matter from representatives of Sportech. More to follow.

07-08-117

ATTENDANCE & HANDLE

ACF	3,403	\$ 273,248.30
NCOT	2,698	\$ 705,647.30
SCOT		\$ 183,548.70
<u>Out of State</u>		<u>\$ 648,146.10</u>
TOTAL	6,101	\$1,810,590.40

Saturday

07-09-111

CHRISTINE CHANLEY & ROXANNE SMITH HEARING (Case No.: 11GG176)

Trainer Terri Eaton filed a complaint against owners CHRISTINE CHANLEY and ROXANNE SMITH for alleged violation of California Horse Racing Board rule #1876 (Financial Responsibility). Ms. Eaton is seeking payment of \$8,979.00 for horse training services that took place between April to June 2011. CHRHB Investigator Barbara Chimero prepared the complaint packet in this matter. Both Christine Chanley and Roxanne Smith failed to appear at today's informal hearing. More to follow.

07-09-112

RULING NO. 14 – BEATO

Jockey INOEL BEATO is fined the sum of fifty dollars (\$50.00) for violation of California Horse Racing Board rule #1680 (Jockeys and Drivers to Report) on Friday, July 8, 2011.

Jockey Inoel Beato appeared with interpreter/valet Augustine Meza today in the stewards' office. Beato reported late to the jockey's room before he rode #3 TWIST MY KAZOO in yesterday's second race. Jockey Beato was issued the ruling above.

07-09-113

INQUIRY / OBJECTION – Second Race / Jack Robinson Handicap – DISQUALIFICATION

The stewards posted the inquiry sign in this race in order to view two (2) separate incidents. There was also a jockey's objection in this race. Jockey Juan Arriaga, who rode second place finisher #5 BUD CHEEKS, claimed foul against first place finisher #2 SHABLAZIN (Abel Ramirez) for alleged interference in the final eighty (80) yards of this four hundred forty (440) yard quarter horse race.

In the first incident #5 BUD CHEEKS breaks in making contact with fourth place finisher #4 FEATURE JESSNCASH (Carlos Villalobos) and fifth place finisher #3 YOUBCHASENME (Luis Lira). The stewards felt this incident was minor and did not warrant a disqualification.

Eighty (80) yards before there was a second incident for the stewards to review. #2 SHABLAZIN (Abel Ramirez) drifts out into the path of #5 BUD CHEEKS forcing that rival to steady sharply. BUD CHEEKS was beaten a ½ length margin for the 'win' in this race.

In a unanimous decision #2 SHABLAZIN was disqualified and placed second. Jockey Abel Ramirez was ordered to film review.

Original order of finish: (2) – 5 – 1 – 4 – 3 – 6

Official order of finish: 5 – (2) – 1 – 4 – 3 – 6

07-09-114

DECLARATIONS – REFUNDS

6th race: #3 STEAMBOAT ANNIE (Tr. Jerry Hollendorfer) sick
 Fitness Veterinarian Sara Sporer REFUND: \$1,080.70

7th race: #7 UNBRIDLED BLAZE (Tr. Ramon Gonzalez) injured
 Fitness Veterinarian Sara Sporer REFUND: \$ 35.20

9th race: #3 LIL RED JET (Tr. Len Kasmerski) sick
 Fitness Veterinarian Sara Sporer REFUND: \$ 98.30

07-09-115

JOCKEY CHANGE

9th race - #6 Pablo Flores for William Antongeorgi, III (sick)

07-09-116

ATTENDANCE & HANDLE

ACF	5,602	\$ 441,889.80
NCOT	3,791	\$1,244,928.30
SCOT		\$ 447,982.10
<u>Out of State</u>		<u>\$ 446,348.19</u>
TOTAL	9,393	\$2,581,148.39

Sunday

07-10-111

RULING NO. 15 – CHANLEY (Case No.: 11GG176) (Refer: 07-09-111)

RULING NO. 16 – SMITH (Case No.: 11GG176) (Refer: 07-09-111)

Owner CHRISTINE M. CHANLEY, having failed to respond to written notice to appear before the Board of Stewards at the Alameda County Fair (Pleasanton) on or before Saturday, July 9, 2011, to answer charges of alleged violation of California Horse Racing Board rule #1876 (Financial Responsibility), is hereby suspended pending appearance before the Board of Stewards for violation of California Horse Racing Board rule #1547 (Failure to Appear).

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

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Owner ROXANNE F. SMITH, having failed to respond to written notice to appear before the Board of Stewards at the Alameda County Fair (Pleasanton) on or before Saturday, July 9, 2011, to answer charges of alleged violation of California Horse Racing Board rule #1876 (Financial Responsibility), is hereby suspended pending appearance before the Board of Stewards for violation of California Horse Racing Board rule #1547 (Failure to Appear).

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

The rulings above were issued after owners Christine Chanley and Roxanne Smith failed to appear at an informal hearing scheduled yesterday (June 9) at Pleasanton. Trainer Terri Eaton was present yesterday as she filed the complaint

against these two (2) owners for alleged violation of CHRB rule #1876 (Financial Responsibility).

07-10-112

ABEL RAMIREZ HEARING - RULING NO. 17 (Refer: 07-09-113)

Trainer Miguel Gonzalez appeared today on behalf of jockey Abel Ramirez. Jockey Ramirez was aboard #2 SHABLAZIN who finished first but was disqualified and placed second in yesterday's (June 9) second race (38th Running Jack Robinson Handicap). Jockey Ramirez has returned to his home base of Los Alamitos and was not present today.

Film review showed jockey Ramirez correct his mount's errant path only after second place finisher, #5 BUD CHEEKS, was interfered with. The stewards unanimously determined the following ruling was in order.

Jockey ABEL RAMIREZ, who rode SHABLAZIN in the second race at the Alameda County Fair (Pleasanton) on Saturday, July 9, 2011, is suspended three (3) racing days (July 17, 20 and 21, 2011) for failure to make the proper effort to maintain a straight course and causing interference resulting in the disqualification of his mount from first to second; a violation of California Horse Racing Board Rule #1699 (d) & (f) (Riding Rules – careless riding).

The term of this suspension shall not prohibit participation in designated races in California.

07-10-113

RULING NO. 18 – LAURA FRANKLIN (Refer: 06-26-113)

In the matter of:

Financial Complaint #11GG161 San Francisco Equine v. Owner Laura Franklin

A hearing having been held, it is now determined that Owner LAURA FRANKLIN is indebted to San Francisco Equine in the amount of \$9,728.47 which represents all charges for services rendered in the twenty four months prior to the filing of this complaint on May 23, 2011.

Laura Franklin is hereby directed to satisfy the obligation to San Francisco Equine, either by payment in full or, if acceptable to both parties, by payment agreement, no later than August 15, 2011. Should any Board of Stewards be formally notified by San Francisco Equine that Ms. Franklin failed to resolve this financial obligation by August 15, 2011, she will be deemed to be in violation of California Horse Racing Board rule #1876 (Financial Responsibility) which shall result in the suspension of her California Horse Racing Board license privileges.

The ruling above was issued after steward deliberation was held following a hearing conducted on July 26, 2011. Kim Kuhlmann, D.V.M, representing San Francisco Equine, and Jim Franklin, representing his wife and respondent (Case # 11GG161) Laura Franklin were both contacted by telephone.

07-10-114

HECTOR ROMERO MEETING

Jockey Hector Romero appeared in the stewards' office as ordered today. Romero is currently riding under a provisional jockey license issued by the California Horse Racing Board. Romero provided a urine sample as ordered last week and again yesterday at our request. Last week's sample was 'negative' following testing at Quest Diagnostic Laboratories. Preliminary testing of

yesterday's sample has also indicated no presence of drugs or alcohol. Romero's compliance with the terms of his conditional license were discussed.

07-10-115 **INQUIRY / OBJECTION – Second Race – DISQUALIFICATION**

The stewards posted the inquiry sign to review two (2) incidents. In the first incident, eighth place finisher #1 BARJF LUCKYTICKET (Carlos Villalobos) bolted inward while breaking from the four hundred forty (440) yard chute area losing all chance at the start. There was 'no change' for this incident.

In the second incident, first place finisher #7 RED ROOSTER (Luis Lira) veers inward continuously in the final two hundred (200) yards. This action forced sixth place finisher #6 DASHN BOBI MCGEE (Anthony Ayala) to 'take up' sharply and lose an opportunity to finisher where she might reasonably have been expected. There was also a jockey objection lodged by third place finisher #4 BABY SISTER and jockey Luis Langarica against first place finisher #2 BARJF LUCKYTICKET. In a unanimous decision the stewards disqualified #2 BARJF LUCKYTICKET and placed him sixth. Jockey Luis Lira was ordered to film review on Thursday, July 14 (opening day) at Sacramento.

Original Order of Finish: (7) – 2 – 4 – 3 – 5 – 6 – 8 – 1
Official Order of Finish: 2 – 4 – 3 – 5 – 6 – (7) – 8 – 1

07-10-116 **INQUIRY – Fourth Race – NO CHANGE**

The stewards posted the inquiry sign following this race after viewing an incident shortly after the start of this one mile and seventy yard race. Seventh place finisher, #1a RED COATS R COMIN (Cristobal Herrera), broke from post nine (9) in this nine (9) horse field. Shortly after the start #1a RED COATS R COMIN veers inward and bumps third place finisher #8 ROYAL MANGO (Russell Baze). This action caused inside rival #7, fourth place finisher CABLE DANCER (Diego Sanchez), to clip heels and bobble quickly. #7 CABLE DANCER finished in front of the offending horse #1a RED COATS R COMIN, therefore, 'no change' was made in the order of finish. Jockey Cristobal Herrera was ordered to film review with the stewards.

07-10-117 **DECLARATIONS – REFUNDS**

8th race: #5 TERRI'S TRYST (Tr. Rhoda March) loose in post parade
Fitness Veterinarian Sara Sporer REFUND: \$11,457.06
10th race: #4 NOTJONNY (Tr. Sergio Ledezma) sick
Fitness Veterinarian Sara Sporer REFUND: \$ 990.80

07-10-118 **JOCKEY CHANGE**

2nd race: #5 J. Wooten for F. Rubio (sick)

07-10-119 **ATTENDANCE & HANDLE**

ACF	5,421	\$ 497,267.80
NCOT	3,224	\$1,035,252.10
SCOT		\$ 518,504.20
Out of State		\$ 854,065.67
TOTAL	8,645	\$2,905,089.77

W E E K L Y S U M M A R Y

ATTENDANCE REPORT - The full Board of Stewards was in attendance each racing day during this reporting period for both morning business and the afternoon racing program.

VETERINARIAN RECOMMENDED SCRATCHES

Date	Race	No.	Horse	Trainer	Reason	Vet	Refund
7-Jul	3	2	PERSONALITY KID	Belvoir	sick	Sporer	120.00
		4	MINISTERFROMMIAMI	Thomas	sick	Sporer	1,122.29
		6	BAG'S OF FUN	Krum	sick	Sporer	764.40
8-Jul	5	4	ANGEL'S LAW	Monroeun	sound	Sporer	6,253.06
	8	4	INDIAN WELLS	McLean	sick	Sporer	789.60
9-Jul	6	3	STEAMBOAT ANNIE	Hollendorfer	sick	Sporer	1,080.70
	7	7	UNBRIDLED BLAZE	Gonzalez	injured	Sporer	35.20
	9	3	LIL RED JET	Kasmerski	sick	Sporer	98.30
10-Jul	10	4	NOTJONNY	Ledezma	sick	Sporer	990.80

VETERINARY REPORT

Euthanized / Died 07-07-11 Excessive Wager (Tr. S. Sherman) left rear MI III fracture with fetlock luxation; Tapeta, training (GGF)
07-07-11 Neutral (Tr. A. Rogers) died in stall after training – Pleasanton

Veterinarian's List There were twelve (12) horses placed on the Vet's List:
Sick: 7
Injured: 2
Unsound: 3
There were fifteen (15) horses removed from the Vet's List:
Sick: 12
Injured: 0
Unsound: 3

WEEKLY ATTENDANCE & HANDLE SUMMARY FOR SATELLITE FACILITIES

Anderson	78	\$21,374.80
Bakersfield	343	\$79,253.50
Fresno	277	\$76,488.30
Fresno Club One	66	\$35,107.90
Golden Gate	2896	\$846,426.80
Monterey	311	\$105,769.10
Sacramento	1072	\$366,299.40
San Jose	1460	\$402,120.60
San Mateo	2202	\$1,005,467.80
Santa Rosa	752	\$159,768.70
Stockton	818	\$194,326.70
Tulare	182	\$55,653.40
Turlock	347	\$92,171.20
Vallejo	656	\$196,906.60
So. California		\$1,472,031.50
Out of State		\$2,831,087.22

	<u>7/7</u>	<u>7/8</u>	<u>7/9</u>	<u>7/10</u>	<u>Week</u>	<u>Meet</u>
ACCIDENTS	0	0	0	0	0	1
CAL-BRED RACES	0	0	0	0	0	0
CLAIMS	4	2	1	1	8	22
DISQUALIFICATIONS	0	0	1	1	2	4
INQUIRIES/OBJECTIONS	1	0	1	2	4	10
REFUNDS	3	2	3	2	10	41
RULINGS	0	2	1	4	7	18

Respectfully submitted,

Grant Baker, Steward

Darrel McHargue, Steward

John B. Herbuveaux, Steward

GB/BOS:kjk
S:kjk