

**CALIFORNIA HORSE RACING BOARD
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**CAL-EXPO HARNESS ASSOCIATION
TO THE CALIFORNIA HORSE RACING BOARD**

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Proceedings of the Board of Stewards for the period of Monday, September 28, 2009 through Sunday, October 04, 2009. Steward Grant Baker was the Reporting and Duty Steward for the enclosed period.

Monday

09/28/09 (1) **Entry Day**

The racing office was open today, accepting entries for Thursday, October 1st. Eleven (11) races were drawn by 1:30 p.m. Seventy eight (78) horses are scheduled to go postward.

09/28/09 (2) **Dark Day**

Tuesday

09/29/09 (1) **Scratch Time/Double Entry Day**

Scratch time for Thursday, October 1 took place this morning in the racing office. One (1) scratch and fourteen (14) driver changes took place at the 9:00 a.m. deadline.

The racing office was open today, accepting entries for Friday, October 2 and Saturday, October 3. Fourteen (14) races were filled for Friday, October 2. One hundred and six (106) horses are scheduled to start.

Fourteen (14) races also filled for Saturday October 3. One hundred and seven (107) horses are scheduled to start.

09/29/09 (2) **Dark Day**

Wednesday

09/30/09 (1)

Scratch Time

Scratch time was held this morning for both Friday ,October 2 and Saturday, October 3.

Fourteen (14) driver changes and one (1) scratch were activated for Friday, October 2. Twenty three (23) driver changes took place for the races on Saturday, October 3.

09/30/09 (2)

Dark Day**Thursday**

10/01/09 (1)

Qualifying Races

Six (6) qualifying races were contested this afternoon starting at 4:00 p.m. Of the forty three (43) participants, thirty four (34) made the grade.

There was an equine fatality in the first qualifying race. The George Luster trained "Cam Diaz" came to a stop and died with 3/16 of a mile to the finish. The nine (9) year old was removed from the racetrack by equine ambulance. Driver George Luster was not injured. California Horse Racing Board Veterinarian Robert Goodbary reported that "Cam Diaz" suffered an acute mass hemorrhaging of the lungs.

10/01/09 (2)

Frank Petrelli Ruling**Ruling # 01**

Trainer Frank Petrelli, who started "KD Rowdy One" in the Third Race on July 17, 2009, is fined the sum of Seven Hundred and Fifty (\$750) Dollars pursuant to California Horse Racing Board Rule #1887 (Trainer to Insure Condition of Horse) for violation of California Horse Racing Board Rule #1843 (D) (Medications, Drugs and Other Substances – Prohibited Substance – Dexamethasone - Class IV).

The ruling above was issued after the stewards deliberated following a hearing [Ref: 09/26/09 (1)] held at Cal Expo last week. Frank Petrelli was informed of the sanction this afternoon via telephone.

10/01/09 (3)

Smooth Card

Tonight's eleven (11) race card went well as it was free of steward's inquiries and/or driver objections.

10/01/09 (4)

Program Changes

1st Race Program Correction - #2 "One Hot Tamale"

Program should read: "Owner - Wayne E. Knittel"

1st Race Program Correction - #3 "Lymer"

Program should read: "regular lasix"

4th Race Program Correction - #6 "Dancing Barry"

Program should read: "Owner - Wayne E. Knittel"

10/01/09 (5)	<u>Attendance and Handle</u>	
	Attendance	245
	Live Handle (On Track)	\$38,214
	Handle (In State)	\$290,506
	Handle (Out of State)	<u>\$235,973</u>
	Total Handle	\$564,693

Friday10/02/09 (1) **Tom Wine Informal Hearing (Case No: 09SW-0116)**

Trainer Tom Wine appeared and waived his right to a formal hearing in a matter involving a high bute blood sample that was obtained from the Wine trained "Dynamite Express". This horse won the ninth race on June 20, 2009 here at Cal Expo. U. C. Davis Laboratories reported an initial high bute reading of 5.41 ug/ml. Trainer Wine requested a 'split sample' from Truesdail Laboratories (Tustin, CA) and their analysis showed a concentration of 5.5 micrograms per milliliter.

Supervising Investigator Greg Fabbri and California Horse Racing Board Veterinarian Robert Goodbary were also present today. This is Trainer Wine's second high bute offense within a one (1) year period. His last bute violation was November 28, 2008. Trainer Wine could not give a plausible reason for the overage in this matter. The stewards issued the following ruling:

Ruling # 02

Trainer Tom Wine II, who started the horse "Dynamite Express" in the Ninth Race at Cal Expo on June 20, 2009, is hereby fined the sum of One Thousand (\$1,000) Dollars pursuant to California Horse Racing Board Rule #1887 (Trainer to Insure Condition of Horse) for violation of California Horse Racing Board Rule #1843 (D) (Medications, Drugs and Other Substances – Phenylbutazone (5.41 ug/ml) in Excess of Permitted Level – 2nd Offense in 365 Day Period) Class IV that carries a Class C penalty.

10/02/09 (2) **Thirteenth Race – Inquiry**

The stewards posted the inquiry sign after viewing fourth place finisher #6 "Anns Nestegg" (Luke Plano) go on an extended break (roughly 20 strides) approximately 1/8 of a mile before the finish.

After reviewing race replays, the majority of the stewards (Baker dissent) ruled that #6 "Anns Nestegg" and Driver Luke Plano complied with California Horse Racing Board Rule #1722 (Breaking) by losing sufficient ground. No change was made in the order of finish.

10/02/09 (3) **Program Changes**

5th Race Program Correction - #6 "Machilera"

Should read 'races with hoppers'

7th Race Declaration - #7 "Air Ivy" – Trainer William Smith

Refund: \$92 Stewards – Trainer not insured

10th Race Declaration - #1 "Fearless Sahbra" – Trainer Brian Solden

Refund: \$259 Injured – Henry Cook, D.V.M.
 14th Race Declaration - #1 “Fox Valley Carley” – Trainer Ralph Silvestri III
 Refund: \$47 Injured – Robert Goodbary, D.V.M.

10/02/09 (4) **Attendance and Handle**
 Attendance 390
 Live Handle (On Track) \$51,321
 Handle (In State) \$458,424
 Handle (Out of State) \$281,732
 Total Handle \$791,477

Saturday

10/03/09 (1) **Brian Pharies Complaint (Case No: 08SW-0014)**

A formal hearing was held today in the steward’s office as the California Horse Racing Board filed a complaint against Owner/Driver/Trainer Brian Pharies for alleged violation of California Horse Racing Board Rules #1489 (A) and #1900 (Grounds for Suspension or Revocation).

Present at the hearing was Grant Baker (chair), Will Meyers and Wayne Oke. Also present were Brian Pharies, Court Reporter Yvonne Fenner (Frazier Reporting) and Supervising Special Investigator II Martin Snezek, who presented a twenty five (25) page complaint packet on the record and entered it into evidence.

According to evidence and testimony at the hearing, Brian Pharies’ mother (name unknown) received Social Security Widows benefits from about 1992 until her death on or about September 1, 2004. The Social Security Administration was not notified of her death and checks were deposited into her bank account until about June 2007. The approximate total value of these checks (2004 to 2007) was \$26,901.80.

In a plea agreement filed in United States District Court (Central District – California) Pharies pled guilty to two (2) felony violations of United Stages Code Section 18:641.F (Theft of Government Property). Pharies admitted forging his mother’s signature on seven (7) personal checks. Brian Pharies received three (3) years formal federal probation in this matter and agreed (hearing testimony) to pay \$100 a month until full restitution is made. During stewards questioning, Pharies testified that he worked as a parking lot attendant at Los Alamitos beginning in 2000 and was terminated for alleged theft in 2007. Pharies stated he disagreed with the facts of the incident that were presented by Los Alamitos management.

Brian Pharies was very candid and appeared truthful in front of the stewards. He was not represented by counsel. Supervising Special Investigator II Snezek recommended all of Mr. Pharies’ licenses be suspended, pursuant to California Horse Racing Board Rules #1489(A) and #1900. Pharies is currently working at a horse farm in Southern California. He made a passionate plea for leniency in this matter.

Decision to follow.

10/03/09 (2) **New Trainer Arrives**

Larry Hastings came into the steward's office with the purpose of obtaining a California Horse Racing Board trainer's license. Hastings arrived here with eight (8) horses from a racetrack in Grand Prairie, Alberta (CAN).

10/03/09 (3) **Chris Hernandez Hearing (Case No: 09SW-0138)**

An informal hearing was held today in the Cal Expo Steward's office. The California Horse Racing Board filed a complaint against Trainer Chris Hernandez for alleged violation of California Horse Racing Board Rule #1843 (Medication, Drugs & Other Substances), #1844(C) (Authorized Medication) and #1887 (Trainer to Insure Condition of Horse).

The Hernandez trained "Flo Nice And Easy" finished first in the fourth race on July 17, 2009. The U.C. Davis lab reported the blood sample of that horse to contain a Phenylbutazone level of 8.70 ug/ml. Trainer Hernandez did not exercise his right to obtain a split sample.

The complaint was presented at the hearing by Supervising Investigator Greg Fabbri. California Horse Racing Board Veterinarian Robert Goodbary was present to provide opinion and advice.

Trainer Hernandez's last N.S.A.I.D. (Non-Steroidal Anti-Inflammatory Drug) violation was in March 2007. Hernandez was not certain as to the reason for the drug overage. The stewards issued the following ruling in this matter:

Ruling # 03

Trainer Chris Hernandez, who started the horse "Flo Nice And Easy" in the Fourth Race at Cal Expo on July 17, 2009, is hereby fined the sum of Five Hundred (\$500) Dollars pursuant to California Horse Racing Board Rule #1887 (Trainer to Insure Condition of Horse) for violation of California Horse Racing Board Rule #1843 (D) (Medications, Drugs and Other Substances Phenylbutazone (8.70 ug/ml) in Excess of Permitted Level) Class IV that carries a Class C penalty.

10/03/09 (4) **First Race – Inquiry**

The stewards posted the inquiry sign after they observed first place finisher #5 "Ailene's Prince" (Rick Plano) make a break shortly after the start. After the 'break' "Ailene's Prince" loses sufficient ground in the unanimous opinion of the stewards. No change was made in the order of finish.

10/03/09 (5) **Fourth Race – Inquiry**

The stewards posted the inquiry sign after viewing second place finisher #3 "JD's Awesome AI" (Lemoyne Svendsen) race inside one (1) pylon at the 3/4 marker. The stewards unanimously voted that Cal Expo pylon rules were not violated as far as any disqualification was concerned. No change was made in the order of finish.

Driver Lemoyne Svendsen was ordered to film review next week.

10/03/09 (6)

Eighth Race – Inquiry

The stewards posted the inquiry sign after observing fourth place finisher #10 “Adora” (Jason Ricco) make a brief ‘break’ in mid-stretch. The stewards unanimously considered this a minor incident and made no change in the order of finish.

10/03/09 (7)

Twelfth Race – Inquiry/Disqualification

The stewards posted the inquiry sign after viewing third place finisher #2 “Badger Warrior” (Lemoyne Svendsen) go on a break in the final twenty (20) yards. At the finish line, fourth place finisher #1 “Cash Allowance” (Troyce Thomas) was ‘lapped on’ the hind quarters of #2 “Badger Warrior” as he was on a break at the finish line.

For this violation, the stewards enforced California Horse Racing Board Rule #1723 (Lapped-on Break) and disqualified. #2 “Badger Warrior” from third to fourth.

Original order of finish: 5-7-2-1-3-8-6-4

Official order of finish: 5-7-1-2-3-8-6-4

10/03/09 (8)

Fourteenth Race – Inquiry/Disqualification

The stewards posted the inquiry sign following this race to review a break made by #2 “Mighty Kicker” (Richard Wojcio) who was offstride for approximately the final 1/8 of a mile.

In this race, the stewards unanimously ruled to disqualify #2 “Mighty Kicker” from sixth to seventh place for violation of California Horse Racing Board Rule #1722 (Breaking) for failure to lose ground while on a break.

Original order of finish: 7-5-8-4-3-2-1-6

Official order of finish: 7-5-8-4-3-1-2-6

10/03/09 (9)

Program Changes

7th Race Driver Change - #3 “Spring Bloomers”

T. Succarotte for programmed driver R. Stidham (no show)

9th Race Declaration - #1 “Columbia Court” – Trainer Gilbert Garcia-Herrera

Refund: \$198 Injured – Robert Goodbary, D.V.M.

13th Race Driver Change - #5 “Carl Lewis N”

J. Maier for programmed driver E. Desomer (sick)

10/03/09 (10)

Attendance and Handle

Attendance	461
Live Handle (On Track)	\$51,870
Handle (In State)	\$463,729
Handle (Out of State)	<u>\$250,866</u>
Total Handle	\$766,465

RULINGS ISSUED THIS WEEK

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- 10/02/09 02 Trainer Tom Wine II, who started the horse “Dynamite Express” in the Ninth Race at Cal Expo on June 20, 2009, is hereby fined the sum of One Thousand (\$1,000) Dollars pursuant to California Horse Racing Board Rule #1887 (Trainer to Insure Condition of Horse) for violation of California Horse Racing Board Rule #1843 (D) (Medications, Drugs and Other Substances – Phenylbutazone (5.41 ug/ml) in Excess of Permitted Level – 2nd Offense in 365 Day Period) Class IV that carries a Class C penalty.
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W E E K L Y S U M M A R Y

ATTENDANCE REPORT - The full Board of Stewards was in session each 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
2-Oct	10	1	FEARLESS SAHBRA	SOLDEN	Injured	Cook	\$259.00
	14	1	FOX VALLEY CARLEY	SILVESTRI III	Injured	Goodbary	\$47.00
3-Oct	9	1	COLUMBIA COURT	HERRERA	Injured	Goodbary	\$198.00

WEEKLY HANDLE SUMMARY FOR SATELLITE FACILITIES

Bakersfield	\$	7,077.90
Fresno	\$	6,960.10
Fresno Club One	\$	3,973.00
Golden Gate	\$	59,204.50
Monterey	\$	9,720.70
Pleasanton	\$	23,862.20
Sacramento	\$	118,494.50
San Jose	\$	37,148.90
San Mateo	\$	64,530.20
Santa Rosa	\$	11,707.00
Stockton	\$	18,919.00
Vallejo	\$	26,682.10
So. California	\$	546,457.10

**CAL-EXPO HARNESS ASSOCIATION
SUMMARY**

2009

	Mon 09/28	Tues 09/29	Wed 09/30	Thurs 10/01	Fri 10/02	Sat 10/03	Total Week	Total Meet
Accidents	D	D	D	0	0	0	0	0
Cal-Bred Races	A	A	A	0	0	0	0	0
Claims	R	R	R	0	2	0	2	2
Disqualifications	K	K	K	0	0	2	2	3
Inquiries	D	D	D	0	1	5	6	8
Refunds	A	A	A	0	4	1	5	11
Rulings	Y	Y	Y	1	1	1	3	3

Stewards Attendance: Stewards Baker, Meyers and Oke, were in attendance.

All drivers submitted to a breath analyzer test.

Grant Baker, Steward

Will Meyers, Steward

Michael W. "Wayne" Oke, Steward