

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

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RICHARD "BON" SMITH, ASSISTANT EXECUTIVE DIRECTOR**

Proceedings of the Board of Stewards for the period of Monday, March 29, 2010 through Sunday, April 04, 2010. Steward Michael W. "Wayne" Oke was the Reporting and Duty Steward for the enclosed period.

**Monday**

- 03/29/10 (1) **Entries and Draw for Thursday 04/01/10**  
Entries were taken and a draw conducted for Thursday's card.  
At the 1:00 p.m. draw eighty one (81) head were drawn to compete in eleven (11) races.  
Scratch time is tomorrow at 9:00 a.m.
- 03/29/10 (2) **CHHA Hall of Fame Inductions**  
The duty steward has the pleasure of attending the CHHA Hall of Fame induction ceremony on Sunday March 28, 2010.  
Among the inductees was Cal-Expo Race Secretary Fred Kuebler, a most deserving honor for a longtime harness racing official. Also inducted in the same ceremony was Trainer Bob Johnson.
- 03/29/10 (3) **Starting Formation Change**  
The duty steward was informed by Race Secretary Fred Kuebler that effective on Thursday April 01, 2010 the horses would 'score' ten (10) across as opposed to 'scoring' nine (9) across with the #10 horse in a 'trailing' position, a policy which had been implemented for the winter months.
- 03/29/10 (4) **DHA (Diamond Horse Alliance) Program Changes**  
The duty steward was updated by Race Secretary Fred Kuebler of changes being implemented in the DHA program in order to avoid a repeat of the circumstances which resulted in a voided claim on Thursday, March 25, 2010.

In a notice (which is recorded below) that was placed on all condition and overnight sheets. The horsemen were advised of the steps required to have a horse placed on a list of horses eligible to the DHA Bonus Program, as well as the deadline for such inclusion.

Additionally, it was stated that this program, as it is currently structured, will probably be discontinued at the conclusion of the current race meet.

ALL TRAINERS WILL HAVE **72 HOURS** TO TURN IN AN ACCURATE LIST OF **DHA** SIREN HORSES IN THEIR BARNS.

THESE HORSES WILL BE DOUBLE CHECKED TO MAKE SURE THEY WERE SIREN BY CALIFORNIA-IOWA-MINNESOTA-WISCONSIN OR ALBERTA SIREN.

A LIST OF ELIGIBLE **DHA** HORSES WILL THEN BE DRAWN UP AND **ONLY** THOSE ON THE LIST WILL BE ELIGIBLE FOR 50% ALLOWANCE IN CLAIMING PRICE.

IF YOU DO NOT TURN IN A LIST OF YOUR HORSES YOU WILL NOT BE ELIGIBLE FOR DHA ALLOWANCES.

**NO ONE IS EXEMPT FROM THIS POLICY!**

THIS PARTICULAR DHA PROGRAM WILL END ON JUNE 20, 2010.

03/29/10 (5) **Dark Day**

**Tuesday**

03/30/10 (1) **Scratch Time for Thursday's Card**

At scratch time for Thursday's card there were nineteen (19) driver corrections and no other changes.

03/30/10 (2) **Entries and Double Draw for Friday 04/02/10 & Saturday 04/03/10**

Entries were taken and a double draw conducted for Friday and Saturday's cards.

At the 12:30 p.m. draw one hundred twelve (112) head were drawn to compete in fifteen (15) events.

Immediately following, a draw was conducted for Saturday's card with one hundred twelve (112) drawn to compete in fifteen (15) races.

Scratch time for both cards is tomorrow at 9:00 a.m.

03/30/10 (3) **Dark Day**

**Wednesday**

03/31/10 (1)

**Scratch Time for Friday 04/02/10 and Saturday 04/03/10**

At scratch time for Friday's card there were fifteen (15) driver corrections and one (1) injured scratch.

At scratch time for Saturday's card there were thirty two (32) driver corrections and no other changes.

03/31/10 (2)

**Dark Day****Thursday**

04/01/10 (1)

**Qualifying Entries and Sheet**

Entries were taken and a qualifying sheet produced with forty (40) horses listed to participate in six (6) qualifying events with first post at 4:00 p.m.

04/01/10 (2)

**Film Review / Steve Wiseman**

Driver Steve Wiseman appeared in the steward's office (as requested) to review his drive on #7 "Hi Ho Serenade" in the 14<sup>th</sup> Race on Saturday, March 27, 2010. In the opinion of the Board of Stewards, at the head of the stretch Wiseman's mount pushed #6 "Heelwin" (James Kennedy) in order to gain racing room. The Board of Stewards warned Wiseman that he was dangerously close to a sanction. Wiseman stated he understood the steward's position and would be more careful in the future.

04/01/10 (3)

**Meeting – Re: Voided Claim on Thursday**

Race Secretary Fred Kuebler appeared in the steward's office, as requested, to address the circumstances involved in the voided claim on Thursday, March 25, 2010 as reiterated in the previous week's minutes.

Mr. Kuebler outlined new procedures already instituted to identify and deal with horses eligible for the DHA (Diamond Horse Alliance) claiming allowances.

Additionally, the Board of Stewards was informed by Mr. Kuebler that the program, in all probability, would be discontinued at the conclusion of the current meet.

The Board of Stewards was appreciative of the information provided by Mr. Kuebler and his staff and agreed that these changes should be effective in avoiding any further problems of this nature.

Prior to the conclusion of the meeting, Race Secretary Kuebler was informed that sanctions might follow.

04/01/10 (4)

**Qualifying Races**

Six (6) qualifying races were held with post at 4:30 p.m. under the supervision of Stewards Baker and Oke with thirty three (33) of thirty nine (39) participants successful in their qualifying efforts.

A notable incident occurred prior to qualifying Race #4, Provisional Driver Ralph Silvestri III was unseated from his mount "Rush County Smoke" who got loose and ran into the barn area. The stewards scratched "Rush County Smoke". Driver Silvestri was examined by the EMT's and cleared to drive on the pari-mutuel card (see attached accident report).

04/01/10 (5)

**Driver Illness**

Driver Luke Plano called in ill and asked to be excused from his driving commitments on tonight's card. This necessitated numerous driver changes which are documented elsewhere in this report.

- 04/01/10 (6) **Sixth Race – Horse Late to Post Parade**  
 #2 “Rare Wine”, trained by Rick Cisco, was noticeably late for the post parade for Race #6.  
 The Board of Stewards contacted Trainer Cisco in order to request him to come to the steward's office Friday to discuss the situation (more to follow).
- 04/01/10 (7) **Seventh Race – Horse Late to Post Parade**  
 #1 “Photo Delight”, trained by Kennedy Lindsey was noticeably late for the post parade. At the conclusion of the event the Board of Stewards contacted Catch-Driver Tim Maier (who was substituting for programmed Driver Luke Plano, who had been excused due to illness). Maier explained the delay was caused by an equipment requirement (gating strap) of which he was not aware. The horse was a winner, which would suggest he was properly equipped. Trainer Lindsey was asked to come to the steward's office for further discussion (more to follow).
- 04/01/10 (8) **Eighth Race – Inquiry/No Change**  
 The inquiry sign was posted at the conclusion of Race #8 to investigate an incident ‘mid stretch’ with several horses in close quarters and #2 “Vic the Brick” (Steven Hyman) broke stride. After reviewing film the Board of Stewards unanimously concluded there were no rule violations, thus no change.
- 04/01/10 (9) **Eleventh Race – Inquiry/No Change**  
 The ‘inquiry’ sign was posted to inquire into an incident past the 3/4 mile marker, in which the eventual race winner #1 “Charter Ridge” (John Chappell) was dangerously close to two (2) pylons. After reviewing film the stewards unanimously concluded there were no rule violations, thus no change.
- 04/01/10 (10) **Program Changes**  
 1<sup>st</sup> Race Driver Change - #3 “Firing Line”  
     Jim Lackey for programmed driver Luke Plano  
 1<sup>st</sup> Race Declaration - #6 “Herekittykittykity” – Trainer Gretchen Smith  
     Refund: \$86              Sick – Dr. Robert Goodbary  
 2<sup>nd</sup> Race Driver Change - #6 “Gentle Dragon”  
     Rick Plano for programmed driver Luke Plano  
 5<sup>th</sup> Race Driver Change - #1 “Edgar Allen Coe”  
     John Chappell for programmed driver Luke Plano  
 6<sup>th</sup> Race Driver Change - #2 “Rare Wine”  
     Ruel Goodblood Jr. for programmed driver Luke Plano  
 7<sup>th</sup> Race Driver Change - #1 “Photo Delight”  
     Tim Maier for programmed driver Luke Plano  
 8<sup>th</sup> Race Driver Change - #5 “Cinnamon”  
     John Chappell for programmed driver Luke Plano

- 9<sup>th</sup> Race Driver Change - #2 “Irish Whiskey”  
James Kennedy for programmed driver Luke Plano  
#4 “British Spirit”  
Rocky Stidham for programmed driver Gene Vallandingham
- 9<sup>th</sup> Race Declaration - #7 “Berts Pick” – Trainer Rocky Stidham  
Refund: \$152                      Injured – Dr. Robert Goodbary
- 10<sup>th</sup> Race Driver Change - #3 “Maledictorian”  
Rocky Stidham for programmed driver Luke Plano
- 11<sup>th</sup> Race Driver Change - #6 “Elegant Emma N”  
Etienne Desomer for programmed driver Luke Plano

04/01/10 (11) **Attendance and Handle**

Attendance	232
Live Handle (On Track)	\$35,169
Handle (In State)	\$413,054
Handle (Out of State)	<u>\$266,104</u>
Total Handle	\$714,327

**Friday**

04/02/10 (1) **Stewards Meeting with Director Racing Dave Elliott**

The Board of Stewards met with Director of Racing Dave Elliott to discuss a variety of topics related to improving the quality of racing and streamlining the presentation of our product and making it more attractive to simulcast providers, particularly TVG; an excellent meeting and setting the stage for a monthly meeting along the same lines.

04/02/10 (2) **Meeting with Trainer Rick Cisco – Re: Race #6 04/01/10**

Trainer Rick Cisco met with the stewards to discuss the situation which led to his horse being late to the post parade. Trainer Cisco’s reasons and attitude prompted the stewards to issue the following ruling over Trainer Cisco’s heated objections:

**Ruling # 47**

*Trainer Rick Cisco, who started “Rare Wine” in the Sixth Race on Thursday, April 01, 2010, is hereby fined the sum of Fifty (\$50) Dollars for violation of California Horse Racing Board Rule #1530 (Cases Not Covered – Late Leaving Paddock).*

04/02/10 (3) **Formal Hearing – CHRB -Case #09GG263**

This case involved two separated complaints, one involving Owner Trinidad Lopez which read as follows:

*The CHRB hereby files a complaint against Trinidad Lopez for violation of CHRB Rule 1437, 1530, 1588 (j), and 1592. The person named in this complaint holds a license as an Owner, license #290206 11/2011. The offense alleged occurred on or about July 15, 2009 and is as follows: On July 15, 2009, Trainer Ray Thomas started the horse “Namhawk” who finished 2<sup>nd</sup> in the 1<sup>st</sup> race at the Alameda County Fairgrounds in Pleasanton. The horse was not on the grounds 24 hours prior to the race, therefore making it ineligible to run and subject to disqualification. The trainer of record was Ray Thomas CHRB license #079646 02/2012. The owner of record was Trinidad Lopez CHRB license #290206 11/2011.*

Owner Lopez failed to appear as ordered. California Horse Racing Board Senior Special Investigator Barbara A. Chimero assured the Board of Stewards that Lopez had received proper notice, thus the Board of Stewards issued the following ruling:

**Ruling # 49**

*Owner Trinidad Lopez, having failed to respond to written notice to appear before the Board of Stewards at Cal Expo on Friday, April 02, 2010, to answer charges of alleged violation of Horse Racing Board Rule #1437 (Conditions of Race Meeting), Rule #1530 (Cases Not Covered by Rules and Regulations), Rule #1588 (J) (Ineligible Horse to Start in Race) and Rule #1592 (Ineligible Horse to be Disqualified) is hereby Suspended effective April 04, 2010 pending appearance before the Board of Stewards for violation of California Horse Racing Board Rule 1547 (Failure to Appear).*

The second complaint involved Trainer Ray Thomas and read as follows: *The CHRB hereby files a complaint against Ray Thomas for violation of CHRB Rule 1437, 1482, 1592, 1588 (j), and 1895. The person named in this complaint holds a license as Trainer, license #046946 02/2012. The offense alleged occurred on or about July 15, 2009 and is as follows:*

*On July 15, 2009, Trainer Ray Thomas started the horse "Namhawk" who finished 2<sup>nd</sup> in the 1<sup>st</sup> race at the Alameda County Fairgrounds in Pleasanton. An unlicensed groom paddocked the horse. The horse was not on the grounds 24 hours prior to the race, therefore making it ineligible to run and subject to disqualification. The trainer of record was Ray Thomas CHRB license #079646 02/2012. The owner of record was Trinidad Lopez CHRB license #290206 11/2011.*

The record was opened, testimony taken, exhibits presented; However, the hearing was adjourned due to lack of time, until Friday at 3:00 p.m. (more to follow).

- 04/02/10 (4) **Executive Director Visits Stand**  
California Horse Racing Board Executive Director Kirk Breed, accompanied by Cal Expo Director of Racing Dave Elliott, visited the stand Friday evening; an informal and very informative gathering.
- 04/02/10 (5) **Twelfth Race – Start Delay**  
Immediately prior to the start of Race #12 the stewards noticed a horse around the 1/4 mile marker. The start was delayed while the offending horse and driver were cleared from the racing surface.  
  
The driver involved, who was later identified as Trainer David Gullian, was ordered to appear in the steward's office tomorrow.
- 04/02/10 (6) **Fourteenth Race – Inquiry/No Change**  
The stewards lit the 'inquiry' sign to review an incident in deep stretch when second (2<sup>nd</sup>) place finisher #5 "Groovin Hi" (Luke Plano) became 'rough gaited' approaching the finish. After reviewing film, the stewards unanimously concluded there were no rule violations, thus no change.
- 04/02/10 (7) **Program Changes**  
3<sup>rd</sup> Race Declaration - #1 "Double Dakota" – Trainer George Reider

Refund: \$21	Injured – Dr. Robert Goodbary
13 <sup>th</sup> Race Declaration - #7 “Jet Tet Tet” – Trainer Nathalie Tremblay	
Refund: \$225	Track Condition – Stewards
14 <sup>th</sup> Race Declaration - #3 “Keyword Hanover” – Trainer Lisa Van Tassel	
Refund: \$40	Track Condition – Stewards
15 <sup>th</sup> Race Declaration - #2 “Western Hurricane” – Trainer Nathalie Tremblay	
Refund: \$65	Track Condition – Stewards

04/02/10 (8) **Attendance and Handle**

Attendance	327
Live Handle (On Track)	\$50,409
Handle (In State)	\$515,900
Handle (Out of State)	<u>\$314,853</u>
Total Handle	\$881,162

**Saturday**

04/03/10 (1) **Continuance – CHRB Case #09-GG263**

The hearing went back on the record, testimony was completed, closing statements accepted and the matter deemed submitted. The parties involved were advised that a decision would be made on or before Saturday, April 10, 2010.

04/03/10 (2) **Meeting with Trainer Kennedy Lindsey**

**Re: Race #7 04/01/10 – Late to Post Parade**

Trainer Kennedy Lindsey appeared in the steward’s office to discuss the circumstances which caused his horse “Photo Delight” to be late to the post parade.

Trainer Lindsey explained, with the change of drivers (necessitated by Driver Luke Plano’s illness) which resulted in a change in sulky (necessitated by the difference in size and preferences of the ‘catch’ drivers) combined to affect the trainer’s ability to make the ‘call to the post’.

The stewards felt that in view of these facts, a warning was in order; Trainer Lindsey stated he would make an effort to be more timely.

04/03/10 (3) **Follow-up Meeting with Race Secretary Fred Kuebler**

**Re: Re-voided claim on 03/25/10**

Race Secretary Fred Kuebler met with the Board of Stewards as a follow-up to the meeting held on Thursday, April 01, 2010.

At this meeting Race Secretary Kuebler was informed of the steward’s majority decision (Steward Oke dissenting) to levy a \$300 fine in this matter.

Race Secretary Kuebler very strenuously objected to the issuance of the following ruling:

**Ruling # 48**

*Racing Secretary Fred Kuebler is hereby fined the sum of Three Hundred (\$300) Dollars for violation of California Horse Racing Board Rule #1530 (Cases Not Covered – Failed to Disseminate Proper Program Information Necessitating a Voided Claim in the Tenth Race on March 25, 2010).*

04/03/10 (4) **Third Race – Off Gate**

After Race #3 Driver Rick Plano, whose mount “Bobby Baccala” was noticeably ‘off the gate’ at the start was ordered to film review (more to follow).

04/03/10 (5) **Sixth Race – Inquiry/Change**

The stewards lit the ‘inquiry’ sign to review an incident at the 3/4 mile marker when the race leader #2 “Lodi Cooper” (James Kennedy) broke stride and was driven inside the pylons to avoid interference with trailing horses. After the field passed, #2 re-entered the racing surface and finished fifth (5<sup>th</sup>).

After reviewing film, the stewards unanimously concluded that #2 was in violation of the ‘pylon rule’, thus #2 was placed ninth (9<sup>th</sup>) or last. Driver Kennedy was held blameless in the incident.

Original order of finish: 1-3-7-4-2-5-6-8-9

Official order of finish: 1-3-7-4-5-6-8-9-2

04/03/10 (6) **Eleventh Race – Inquiry/Change**

The ‘inquiry’ was posted in order to review an incident which occurred as the field approached the 3/4 mile marker when race leader #6 “Deep Red” (Rocky Stidham) suddenly broke stride and scattered the field. #6 regained his gait and continued on and eventually finished fourth (4<sup>th</sup>). After reviewing film the stewards disqualified #6, placing him seventh (7<sup>th</sup>) for ‘interference while on a break’. Driver Stidham was held blameless.

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

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

04/03/10 (7) **Program Changes**

15<sup>th</sup> Race Driver Change - #3 “Mow Em Down”

Etienne Desomer for programmed driver Nick Casale

04/03/10 (8) **Attendance and Handle**

Attendance	373
Live Handle (On Track)	\$55,616
Handle (In State)	\$493,246
Handle (Out of State)	<u>\$333,137</u>
Total Handle	\$881,999

**RULINGS ISSUED THIS WEEK**

- 04/02/10 47 Trainer Rick Cisco, who started “Rare Wine” in the Sixth Race on Thursday, April 01, 2010, is hereby fined the sum of Fifty (\$50) Dollars for violation of California Horse Racing Board Rule #1530 (Cases Not Covered – Late Leaving Paddock).
- 04/03/10 48 Racing Secretary Fred Kuebler is hereby fined the sum of Three Hundred (\$300) Dollars for violation of California Horse Racing Board Rule #1530 (Cases Not Covered – Failed to Disseminate Proper Program Information Necessitating a Voided Claim in the Tenth Race on March 25, 2010).

- 04/03/10 49 Owner Trinidad Lopez, having failed to respond to written notice to appear before the Board of Stewards at Cal Expo on Friday, April 02, 2010, to answer charges of alleged violation of Horse Racing Board Rule #1437 (Conditions of Race Meeting), Rule #1530 (Cases Not Covered by Rules and Regulations), Rule #1588 (J) (Ineligible Horse to Start in Race) and Rule #1592 (Ineligible Horse to be Disqualified) is hereby Suspended effective April 04, 2010 pending appearance before the Board of Stewards for violation of California Horse Racing Board Rule 1547 (Failure to Appear).
- 04/04/10 50 Trainer David Gullian, who had the horse "Lymmer" programmed to start in the Fifteenth Race on April 02, 2010, is hereby fined the sum of One Hundred (\$100) Dollars for violation of California Horse Racing Board Rule #1530 (Cases Not Covered by Rules and Regulations). Prior to the start of Race #12 Trainer Gullian entered the racetrack to warm up, causing a delay in the start of Race #12.

## 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

<u>Date</u>	<u>Race</u>	<u>No.</u>	<u>Horse</u>	<u>Trainer</u>	<u>Reason</u>	<u>Vet</u>	<u>Refund</u>
1-Apr	1	6	HEREKITTYKITTYKITTY	SMITH	Sick	Goodbary	\$86.00
	9	7	BERTS PICK	STIDHAM	Injured	Goodbary	\$152.00
2-Apr	3	1	DOUBLE DAKOTA	REIDER	Injured	Goodbary	\$21.00

### WEEKLY HANDLE SUMMARY FOR SATELLITE FACILITIES

Bakersfield	\$	7,475.50
Fresno	\$	6,215.40
Fresno Club One	\$	1,823.30
Golden Gate	\$	49,495.10
Monterey	\$	6,979.70
Pleasanton	\$	24,821.70
Sacramento	\$	97,732.60
San Jose	\$	40,610.50
San Mateo	\$	59,654.40
Santa Rosa	\$	12,200.90
Stockton	\$	18,267.10
Tulare	\$	-
Turlock	\$	-
Vallejo	\$	18,417.30
So. California	\$	504,549.60
Out of State	\$	914,094.02