

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, November 14, 2011 through Sunday, November 20, 2011. Steward Michael W. "Wayne" Oke was the Reporting and Duty Steward for the enclosed period.

Monday

11/14/11 (1) **Weekly Entries/General Office Duties**

The race office was open this morning accepting entries for the week's racing programs.

The usual array of Monday morning paperwork was handled in conjunction with the race office staff.

11/14/11 (2) **Draw for Thursday's Card**

At the 12:15 p.m. draw, seventy-six (76) head were drawn to compete in ten (10) overnight events. Scratch time is tomorrow at 9:00 a.m.

11/14/11 (3) **Driver Upgrades**

The duty steward was notified by the USTA that:

- 1) Qualifying Driver Alberto Pacheco has satisfied the requirements for promotion to 'Provisional Driver', which will enable Driver Pacheco to participate in regular overnight events.
- 2) Aspiring Driver/Trainer William Hernandez-Arriaga has successfully completed his USTA examination and will now advance to the next stage of the qualifying process.

Tuesday

11/15/11 (1) **Scratch Time for Thursday's Program**

At scratch time for Thursday's card there were numerous driver corrections and no other changes.

11/15/11 (2) **Draw for Friday and Saturday's Programs**

At 9:15 a.m. a draw was held for Friday's card with ninety five (95) head scheduled to compete in thirteen (13) pari-mutuel events.

Additionally, a one (1) horse 'walkover' (for 2 Year Old California Sired Trotting Fillies) was carded as an early non-betting event with post time at 5:30 p.m.

Immediately following, a draw was held for Saturday's card with one hundred two (102) head drawn to compete in fourteen (14) pari-mutuel events.

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

11/15/11 (3) **USTA Tests Administered**

Prospective Trainer/Driver Derek Takahashi and prospective Trainer Karen Isbell wrote their respective USTA exams today. Results will be available in approximately two weeks.

11/15/11 (4) **Letter Regarding Workman's Compensation**

The duty steward was provided with a copy of an endorsement notice sent to all trainers who subscribe to workers compensation insurance through "State Fund".

The letter stated effective September 1, 2011, all harness trainers utilizing 'catch drivers' will be assessed a charge of three hundred sixty dollars and four cents (\$360.04) per drive.

It would appear that on any given night's card, the 'State Fund assessment' could exceed the total amount of purse money offered on the card.

Obviously, a tremendous burden on these trainers.

Wednesday

11/16/11 (1) **Scratch Time for Friday and Saturday's Cards**

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

For Saturday's card there were numerous driver corrections and no other changes.

11/16/11 (2) **California Sire Stakes Continue**

Another round of Sire Stakes action were scheduled for Friday and Saturday's cards.

- On Friday, the event for 2 Year Old Trotting Fillies, with a purse of \$15,000, had one (1) entry and as such, was scheduled as an early non-wagering event walkover at 5:30 p.m.
- Also on Friday, Six (6) 2 Year Old Pacing Fillies were competing for a \$15,000 purse, programmed as the evening's 3rd Race.
- On Saturday, five (5) 2 Year Old Trotting Colts and Geldings are scheduled to compete for a \$15,000 purse in the evening's 1st Pari-Mutual event.
Additionally, in the evenings 2nd Race, five (5) 2 Year Old Pacing Colts and Geldings will compete for a \$15,000 prize.

11/16/11 (3) **Scheduled Hearings**

The Board of Stewards had three (3) financial complaint hearings scheduled for this morning, commencing at 10:30 a.m.

- 1) **CHRB Complaint #11SW-0058 - Harris Levin Vs Brian Marchand**
This hearing initially scheduled for 10:30 a.m. was re-scheduled for 10:00 a.m. at the request of Complainant Harris Levin.

The Complainant produced a small claims court judgment against Respondent Brian Marchand in the amount of two hundred seventy two (272.00) dollars.

Complainant Levin requested the matter be continued until December 10, 2011 at 4:00 in order to give the respondent time to fulfill his obligation. The stewards granted the request.

- 2) **CHRB Complaint #11SW-0059 – Don Fowler DBA Winners Circle Café Vs Robert Gould Jr.**

This case was withdrawn after the Board of Stewards were informed the debt had been satisfied.

- 3) **CHRB Complaint #11SW-0060-Don Fowler DBA Winners Circle Café Vs Etienne Desomer (\$827.00 Unpaid Invoice)**

Licensee Desomer (who is apparently residing in Kentucky) contacted the stewards at approximately 9:30 this morning requesting the hearing be postponed until Friday as he had a prior commitment. Desomer was asked to call back at 11:30 a.m. (the scheduled time of the hearing) so that all parties could be heard.

Desomer did not call back, however Complainant Fowler agreed to continue the hearing until Friday (11/18) in order to allow Desomer to communicate with the parties involved. More to follow

Thursday

11/17/11 (1)

Driver Rocky Stidham Returns

Driver/Trainer Rocky Stidham, who has been sidelined for several months, visited with the stewards and informed that he has been cleared medically to resume driving.

Driver Stidham requested a driver change in this evening's 2nd Race, however, the stewards felt it would be more appropriate to wait until next week's draw and follow the normal protocol for driving assignments.

11/17/11 (2)

Film Review – Driver Scott Cisco

Driver Scott Cisco appeared to review his drive in Saturday's (11/12/11) 5th Race.

At issue was Driver Cisco's compliance with Cal Expo's 'House Whipping Rule'. It appeared to the Board of Stewards that Cisco was using his whip 'one handed' before the 3/4 mile marker, an action that was expressly forbidden by this rule.

As the film was inconclusive, and considering the fact that Driver Cisco has a very good history in this area, the Board of Stewards issued a warning, but cautioned that any future violation would result in sanctions.

11/17/11 (3) **Film Review/Driver Tony Succarotte [Ref: 11/12/11 (3)]**

Driver Succarotte appeared to review his drive in Saturday's (11/12/11) 8th Race. Succarotte's mount, the eventual race winner, was disqualified and placed second (2nd) in a majority decision (Steward Baker dissenting) of the Board of Stewards.

Succarotte, whose attitude and lack of respect has become commonplace, refused to acknowledge his culpability in the incident, but grudgingly accepted the following ruling:

Ruling # 32

Driver Tony Succarotte, Who Drove #4 "Thouartthegreatest" in the Eighth Race on Saturday, November 12, 2011 is hereby fined the sum of Two Hundred (\$200) Dollars for violation of California Horse Racing Board Rule # 1721 (J) (Driving Rules – Change Course After Selecting A Position In The Homestretch, Or Bear In Or Out In Such A Manner As To Interfere With Another Horse Or Cause Him To Change Stride Or Break). Incident occurred in the stretch - resulting in a disqualification.

11/17/11 (4) **Reinstatements**

Driver Ralph Silvestri III, who had been suspended for 'Failure to Appear' (Ruling #29, dated November 5, 2011) was reinstated after the Board of Stewards were notified that the debt referenced in CHRB Complaint #11SW-0055 had been satisfied.

Similarly, Owner Elizabeth Foley, who had been suspended for 'Failure to Appear' (Ruling #32, dated April 11, 2011) was reinstated after the Board of Stewards were notified that Owner Foley had entered into a payment agreement with Complainant Marco Rios.

11/17/11 (5) **First Race – Inquiry/No Change**

The 'inquiry' sign was lit to allow the stewards to review two (2) incidents in this race:

- 1) #6 "Whistle Blower" (Steve Wiseman), the eventual race winner, broke stride after the 1/2 mile marker. After reviewing video, the stewards unanimously concluded that #6 complied with the breaking rule, thus no change.
- 2) #2 "Master Marcus" (Richard Wojcio) was observed to be 'rough gaited' approaching the finish. The stewards unanimously concluded that #2 maintained the pacing gait through the wire, thus no change.

11/17/11 (6) **Third Race – Inquiry/Disqualification**

The 'inquiry' sign was lit to review an incident when fourth (4th) place finisher #6 "Sonic Wave" (Scott Cisco) broke stride as the field approached the 3/4 mile marker, and while 'off stride' interfered with #5 "Tequila On Ice" (James Lackey) and #1 "King Carver" (Tony Succarotte). As a result of this action, #6 was disqualified and placed sixth (last). Driver Cisco was held blameless in the incident.

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

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

- 11/17/11 (7) **Program Changes**
 4th Race Declaration - #7 "Dugout Andee" – Trainer Larry Hastings
 Refund: \$400 Injured – Dr. Robert Goodbary, D.V.M.
 7th Race Declaration - #5 "Glad To Be Here" – Trainer James Wilkinson
 Refund: \$31 Injured – Dr. Robert Goodbary, D.V.M.
 10th Race Declaration - #1 "Air Ivy" – Trainer Harris Levin
 Refund: \$52 Injured – Dr. Robert Goodbary, D.V.M.

- 11/17/11 (8) **Attendance and Handle**
- | | |
|------------------------|------------------|
| Attendance | 138 |
| Live Handle (On Track) | \$33,347 |
| Handle (In State) | \$184,735 |
| Handle (Out of State) | <u>\$259,758</u> |
| Total Handle | \$477,840 |

Friday

- 11/18/11 (1) **Film Review**
 Driver James Kennedy appeared as requested to review his drive in Race #6 On Saturday November 12, 2011.
 Under review was an incident which occurred as the field entered the stretch, in which Driver Kennedy, driving #2 "Attitude Rules" was in very close quarters with #3 "Pilgrims Skyfire" (Tony Succarotte) and #6 "Preciosita" (Scott Cisco). The Board of Stewards felt Driver Kennedy put pressure on horses to his outside. While the stewards did not feel the situation rose to the level of a sanction, the stewards cautioned Driver Kennedy to be more aware in the future.
- 11/18/11 (2) **Call Regarding CHRB Complaint #11SW-0064**
 The stewards received a telephone call from an attorney (Mark Burns) stating he represented Respondent Doris Ludwig, relative to the aforementioned complaint.

 Attorney Burns requested a postponement of the scheduled hearing date of December 7, 2011. The Board of Stewards will render a decision on the request tomorrow (Saturday).
- 11/18/11 (3) **Ninth Race – Inquiry/No Change**
 The inquiry sign was lit to review an incident which occurred as the field approached the 3/4 mile marker in which #7 "Bo Knows Power" (James Lackey) broke stride while in close quarters with #3 "Hiho Legacy" (Tony Succarotte). After reviewing video and speaking to the drivers involved, the stewards unanimously concluded that #7 caused his own problems, thus no change.
- 11/18/11 (4) **Program Changes**
 5th Race Declaration - #4 "Jane The Brain" – Trainer Dario Solares
 Refund: \$280 Injured – Dr. Robert Goodbary

11/18/11 (5)	<u>Attendance and Handle</u>	
	Attendance	277
	Live Handle (On Track)	\$35,294
	Handle (In State)	\$300,225
	Handle (Out of State)	<u>\$317,672</u>
	Total Handle	\$653,191

Saturday

11/19/11 (1) **Qualifying Entries and Sheet**

The race office was open this morning accepting entries for qualifying races to be conducted this afternoon, commencing at 5:00 p.m.

The resulting qualifying sheet showed seventeen (17) head participating in three (3) qualifying races.

11/19/11 (2) **Postponement CHRB Complaint #11SW-0064**

The stewards were contacted by Attorney Mark Burns concerning the aforementioned case.

The stewards, in response to Attorney Burns' request, granted a postponement until January 11, 2012.

11/19/11 (3) **Qualifying Races**

Three (3) qualifying races were conducted commencing at 5:00 p.m. In these events, thirteen (13) of seventeen (17) participants were successful in their qualifying efforts.

11/19/11 (4) **CHRB Complaint #11SW-0060**

Driver Etienne Desomer, who had a financial complaint hearing scheduled for Wednesday (11/15/11), and who has made no effort to resolve the issue, as a result the following ruling was issued:

Ruling # 35

Driver Etienne J. Desomer, having failed to respond to written notice to appear before the Board of Stewards at Cal-Expo on or before November 16, 2011, is hereby Suspended for violation of California Horse Racing Board Rule #1547 (Failure to Appear) pending an appearance at a hearing before the Board of Stewards to answer charges alleging violation of California Horse Racing Board Rules #1876 (Financial Responsibility – Bill Owed to D. Fowler (Track Kitchen)).

During the term of suspension all licenses and license privileges of Etienne J. Desomer are suspended and pursuant to California Horse Racing Board Rule # 1528 (Jurisdiction of Stewards), Subject is denied access to all premises in this jurisdiction.

11/19/11 (5) **Fourth Race – Recall**

Starter Bill Vallandingham called a recall prior to the start as #6 “KD Rowdy One” (Keith Willey) refused the gate. After the field re-assembled #6 again broke stride, but in the opinion of the starter, #6 had an opportunity for a ‘fair start’, thus the field proceeded to start the event.

After the race, Driver/Trainer Willey was contacted by the stewards and was informed that this horse would have to 'qualify' before being allowed to participate in pari-mutual events; A development that was not well received by Driver/Trainer Willey.

- 11/19/11 (6) **Fifth Race – Stewards Scratch/Improperly Shod**
 The Board of Stewards received a telephone call after the evening's 2nd Race from Horseshoe Inspector John Walker stating that he and Identifier Carl Sobey had examined the shoes on #3 "You Go Shirl", trained by Harris Levin, and found the shoes to be 'unfit for racing'.
 At the conclusion of Race #3, Safety Steward Wayne Oke went to the paddock to examine the shoes and concurred with the previous assessment. Thus, the horse was scratched by the stewards; Trainer Levin was requested to meet with the Board of Stewards. (More to follow).
- 11/19/11 (7) **Eighth Race – Track Sloppy**
 A sudden downpour after Race #8 turned the track sloppy and the rain continued through the remainder of the card.
 The driving colony, as usual, did an excellent job and the program was completed without incident.
- 11/19/11 (8) **Program Changes**
 1st Race Declaration - #1 "High Dollar Limit" – Trainer Vickie Desomer
 Refund: \$55 Lame – Dr. Robert Goodbary
 5th Race Declaration - #3 "You Go Shirl" – Trainer Harris Levin
 Refund: \$165 Shoes – Stewards
 9th Race Driver Change - #8 "Know The Pro"
 Quentin Schneider for Programmed Driver Tim Maier
 10th Race Declaration - #5 "Mow Em Down" – Trainer Nick Casale
 Refund: \$89 Injured – Dr. Robert Goodbary
 13th Race Declaration - #6 "Axel Rod" – Trainer James Wilkinson
 Refund: \$331 Track Condition – Stewards
 14th Race Declaration - #2 "Pureform Misskiss" – Trainer Dario Solares
 Refund: \$202 Injured – Dr. Robert Goodbary
 #6 "Swing Vote" – Trainer James Wilkinson
 Refund: \$301 Track Condition - Stewards
- 11/19/11 (9) **Attendance and Handle**
- | | |
|------------------------|------------------|
| Attendance | 303 |
| Live Handle (On Track) | \$36,307 |
| Handle (In State) | \$313,718 |
| Handle (Out of State) | <u>\$266,601</u> |
| Total Handle | \$616,626 |

RULINGS ISSUED THIS WEEK

- 11/17/11 32 Driver Tony Succarotte, Who Drove #4 "Thouartthegreatest" in the Eighth Race on Saturday, November 12, 2011 is hereby fined the sum of Two Hundred (\$200) Dollars for violation of California Horse Racing Board Rule # 1721 (J) (Driving Rules – Change Course After Selecting A Position In The Homestretch, Or Bear In Or Out In Such A Manner As To Interfere With Another Horse Or Cause Him To Change Stride Or Break). Incident occurred in the stretch - resulting in a disqualification.
- 11/17/11 33 Owner/Trainer/Driver Ralph Silvestri III, having fulfilled his obligation to Expo Tack as outlined in California Horse Racing Board Complaint #11SW-055, is hereby restored to good standing.
- Cal Expo Ruling #29, dated November 5, 2011 is hereby rescinded.
- 11/17/11 34 Owner Elizabeth Foley, having entered into a payment agreement with complainant Marcos Rios (California Horse Racing Board Complaint #11SW-0015) is hereby restored to good standing.
- Cal Expo Ruling #35, Dated April 15, 2011 is hereby rescinded.
- 11/18/11 35 Driver Etienne J. Desomer, having failed to respond to written notice to appear before the Board of Stewards at Cal-Expo on or before November 16, 2011, is hereby Suspended for violation of California Horse Racing Board Rule #1547 (Failure to Appear) pending an appearance at a hearing before the Board of Stewards to answer charges alleging violation of California Horse Racing Board Rules #1876 (Financial Responsibility – Bill Owed to D. Fowler (Track Kitchen).
- During the term of suspension all licenses and license privileges of Etienne J. Desomer are suspended and pursuant to California Horse Racing Board Rule # 1528 (Jurisdiction of Stewards), Subject is denied access to all premises in this jurisdiction.

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
17-Nov	4	7	DUGOUT ANDEE	HASTINGS	Injured	Goodbary	\$400.00
	7	5	GLAD TO BE HERE	WILKINSON	Injured	Goodbary	\$31.00
	10	1	AIR IVY	LEVIN	Injured	Goodbary	\$52.00
18-Nov	5	4	JANE THE BRAIN	SOLARES	Injured	Goodbary	\$280.00
19-Nov	1	1	HIGH DOLLAR LIMIT	DESOMER	Lame	Goodbary	\$55.00
	10	5	MOW EM DOWN	CASALE	Injured	Goodbary	\$89.00
	14	2	PUREFORM MISSKISS	SOLARES	Injured	Goodbary	\$301.00

WEEKLY HANDLE SUMMARY FOR SATELLITE FACILITIES

Bakersfield	\$	3,807.80
Fresno	\$	2,410.60
Fresno Club One	\$	1,743.10
Golden Gate	\$	31,174.00
Monterey	\$	5,757.00
Pleasanton	\$	18,481.20
Sacramento	\$	79,011.70
San Jose	\$	26,626.70
San Mateo	\$	38,853.30
Santa Rosa	\$	5,422.40
Stockton	\$	11,324.70
Tulare	\$	242.80
Turlock	\$	10,608.80
Vallejo	\$	844,030.58
So. California	\$	294,487.60
Out of State	\$	1,080,812.58

CAL-EXPO HARNESS ASSOCIATION

SUMMARY

2011

	Mon 11/14	Tues 11/15	Wed 11/16	Thurs 11/17	Fri 11/18	Sat 11/19	Total Week	Total Meet
Accidents	D	D	D	0	0	0	0	2
Cal-Bred Races	A	A	A	0	2	2	4	22
Claims	R	R	R	1	1	0	2	19
Disqualifications	K	K	K	1	0	0	1	20
Inquiries	D	D	D	2	1	1	4	54
Refunds	A	A	A	3	1	6	10	66
Rulings	Y	Y	Y	3	0	1	4	35

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

All drivers submitted to a breath analyzer test.

Michael W. "Wayne" Oke, Steward

Grant Baker, Steward

Will Meyers, Steward