

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



**REPORT OF THE BOARD OF STEWARDS
OAK TREE RACING ASSOCIATION
Santa Anita Park**

To the California Horse Racing Board

Honorable Arnold Schwarzenegger, Governor
Honorable John C Harris, Chairman
Honorable David Israel, Vice-Chairman
Honorable Keith Brackpool, Member
Honorable Jesse H. Choper, Member
Honorable Bo Derek, Member
Honorable Jerry Moss, Member
Honorable Richard A. Rosenberg, Member
Kirk E. Breed, Executive Director
Richard "Bon" Smith, Assistant Executive Director

For the period: Wednesday, October 21, 2009, through, Sunday, October 25, 2009.

WEDNESDAY

10/21/09¹

ERIC GUILLOT CASE #09DM106

The California Horse Racing Board rules involved in this complaint were 1843 (a)(d), 1843.1 (a), 1859.5, 1887 (a) and 1894. Along with trainer Eric Guillot in attendance were Chief Investigator Bill Westermann and Investigator Phil Miyazaki representing the California Horse Racing Board. Barbara Weinstein recorded the hearing.

The settlement agreement involved the Class III drug Trenbolone. The stipulated agreement was described, approved and put on the record. The purse redistribution ruling was previously issued on October 7, 2009. The following ruling was the result of this agreement:

OTTS #014

Trainer **ERIC GUILLOT**, who started the horse "Champagne D'Oro" in the sixth race at Del Mar Thoroughbred Club on August 9, 2009, having entered into a stipulated agreement with the California Horse Racing Board, is fined **THREE THOUSAND DOLLARS (\$3,000.00)*** and suspended for **THIRTY (30) DAYS (October 23, 2009 thru November 21, 2009)** for violation of California Horse Racing Board rules #1843 (a)(d)(Medication, Drugs and Other Substances), #1843.1(a)(Prohibited Drug Substances-Trenbolone) pursuant to California Horse Racing Board rule #1887 (Trainer to Insure Condition of Horse).

Pursuant of the terms of the stipulated settlement, twenty five (25) days of the suspension (October 28, 2009 thru November 21, 2009) are stayed provided that Respondent be placed on probation for a period of one year (October 20, 2010). During the period of probation Respondent Eric Guillot must not be in violation of California

Horse Racing Board Rules and Regulations, sections 1843, 1843.6 and 1887 regarding Class I, II, or III drug substances.

10/21/09²

MUNARI HEARING CASE #09DM130

Stacy Bond representing Helen Woodward Equine Hospital appeared for a complaint alleging violation of California Horse Racing Board rule #1876 (Financial Responsibility), involving owner Jack Munari. Mr. Munari telephoned Investigator Phil Miyazaki prior to the set time of the hearing stating he would not appear. Ruling to follow.

10/21/09³

HEADLEY FORMAL HEARING CASE #09DM123

Barbara Weinstein recorded the hearing involving the alleged violations of California Horse Racing Board rules #1875(3)(4)(Disorderly Conduct) and #1902(Conduct Detrimental to Racing). Present at the hearing representing California Horse Racing Board was Investigator Phil Miyazaki. After a thirty minute wait Mr. Headley was given a courtesy phone call which went unanswered. The record was opened and the facts concerning Mr. Headleys absence was recorded. Barrie Grant, DVM was available for testimony but was informed he could return to his home in Bonsall after Mr. Headley's failure to appear. Ruling to follow.

10/21/09⁴

BROKKEN HEARING CASE #09SA185 and #09SA196

Todd Brokken, DVM, met with the Stewards to answer to two complaints involving California Horse Racing Board rules 1843.5(Medication, Drugs and Other Substances Permitted after Entry in a Race) and #1842(Veterinarian Report).

The two complaints were filed by State Veterinarian Jill Bailey and both were heard in the same setting.

At the conclusion of the informal hearing, Dr. Brokken became aware of the importance in filing his confidential reports properly. He stated he had begun using a computer to fill out the necessary paperwork and in doing so discovered glitches and the need for new programming in order for the receiving barn to receive the correct confidentials on time.

He also stated in the interim he has reverted to filling and filing by hand. Decision to follow.

10/21/09⁵

FILM REVIEW

Jockey Rafael Bejarano joined the Stewards to review a drift in the first race on Sunday. Mr. Bejarano was, for the most part, in the clear but was warned not to revert to his old habits of not maintaining a straight path down the lane. He promised to be more aware in the future.

10/21/09⁶

JOCKEY OBJECTION 4th RACE (5 1/2 Furlongs Pro Ride)

Following the running of the race jockey Agapito Delgadillo who rode #3 Elusive Destiny (3rd) lodged a claim of foul against #4 Cork Creek (1st-C. Santiago Reyes) for a possible infraction folding into the far turn.

After a review of the films and conversation with the Patrol Judges and both jockeys involved the Stewards agreed there would be no change in the order of finish. #3 did have to take up going into the turn, but there was no evidence on the videos to prove this action was caused by the winner.

10/21/09⁷

VETERINARY SUBSTITUTION

Dr. Jen Durenberger will be replacing Dr. Jill Bailey during Wednesday and Thursday's programs.

10/21/09⁸

DECLARATIONS, CHANGES AND REFUNDS

1st race – No Changes Refund \$101.00

Minus Pool \$733.60

2nd race – No Changes Refund \$62.00 Minus Pool \$544.37

3rd race - #2 Tonka T. (Tr. M. Polanco) Veterinarian-sick, Dr. Stead
 #8 Bruin Ballet (Tr. G. Piccioni) Veterinarian-injured, Dr.
 Durenberger- Refund \$650.30

4th race - #2 Il Foro (Tr. O. Garcia) Veterinarian-unsound, Dr.
 Durenberger- Refund \$510.70 Minus Pool \$6,321.99

5th race – No Changes- Refund \$266.00 Minus Pool \$.01

6th race - #1 Oneinamilliononyou (Tr. M. Pender) Veterinarian-injured
 Dr. Stead
 #2 Workmate (Tr. B. Baffert) Veterinarian-sick, Dr.
 Durenberger- Refund \$1,107.00

7th race - #6 Spurrier (Tr.B. Baffert) Veterinarian-injured, Dr.
 Durenberger
 #7 High Court Drama (IRE)(Tr. D. O'Neill) Veterinarian-injured
 Dr. Durenberger-Refund \$2,315.00 Minus Pool \$.24

8th race - #5Major Smoke (Tr. P. Aguirre) Veterinarian-sick, Dr. Stead
 #13 Reckless Capote (Tr. J. Periban) jockey D. Flores replaced
 T. Baze (sick)-Refund \$1,430.00 Minus Pool \$.09

10/21/09⁹

DAILY ATTENDANCE & HANDLE

On track	2,603	704,947.10
Inter-track	4,805	1,279,161.90
Out of state	n/a	2,315,301.30
Total	7,408	4,299,410.30

THURSDAY

10/22/09¹

HEADLEY RULING (ref. 10-21-09³)

OTTS #015

Owner/Trainer **GUSTAV HEADLEY**, having failed to appear to answer charges alleging violation of California Horse Racing Board rules #1874(3)(4)(Disorderly Conduct) and #1902(Conduct Detrimental to Horse Racing), is suspended for violation of California Horse Racing Board rule #1547(Failure to Appear).

During the term suspension, all licenses and license privileges of Gustav Headley are suspended and pursuant to California Horse Racing Board rule #1528(Jurisdiction of Stewards to Suspend or Fine), he is denied access to all premises in this jurisdiction.

This ruling was dispensed after Mr.Headley failed to appear for his hearing on Wednesday.

10/22/09²

MUNARI RULING

OTTS #016

Owner **JACK MUNARI**, having failed to appear to answer charges alleging violation of California Horse Racing Board rules #1876(Financial Responsibility),is suspended for violation of California Horse Racing Board rule #1547(Failure to Appear).

During the term suspension, all licenses and license privileges of Jack Munari are suspended and pursuant to California Horse Racing Board rule #1528(Jurisdiction of Stewards to Suspend or Fine), he is denied access to all premises in this jurisdiction.

The forgoing ruling was issued after Mr. Munari chose not to attend the hearing.

10/22/09³

PEREZ HEARING CASE # 09SA189

An informal hearing was held to review a financial complaint filed by Equine Medical who was represented by Karen Klawitter. Mr. Perez stated he has fallen on hard times and was unable to pay the bill at this time. Ms. Klawitter accepted a signed agreement to receive payments starting December 1st.

10/22/09⁴

ESPINOZA RULING

OTTS #017

Jockey **VICTOR ESPINOZA** is fined **TWO HUNDRED DOLLARS (\$200.00)*** for violation of California Horse Racing Board rule #1872(Failure to Fulfill Jockey Agreement) on October 18, 2009.

This ruling was issued after a meeting with Mr. Espinoza granting him an opportunity to explain his absence from riding the first race on Sunday. He stated the mount was picked up at scratch time and his agent failed to inform him. It was suggested that he and his agent, Tony Matos, have better communication in the future. He agreed.

10/22/09⁵

BROKKEN HEARING/DECISION CASE(ref.10-21-09⁴-09SA185)

This complaintant was issued an official warning.

10/22/09⁶

BROKKEN RULING(ref.10-21-09⁴-09SA196)

OTTS #018

Veterinarian **TODD BROKKEN** is fined **THREE HUNDRED (\$300.00) DOLLARS*** for violation of California Horse Racing Board rule #1842(Veterinarian Report-failure to turn in report in a timely manner).

The Stewards felt this was an appropriate penalty following the previous warning Dr. Brokken had received concerning confidentials.

10/22/09⁷

TERRENCE DEKRETSER RULING/REINSTATEMENT

OTTS #019

Owner **TERRENCE DEKRETSER**, having complied with the provisions of California Horse Racing Board rule #1876(Financial Responsibility) regarding case number 09HP122, is restored to good standing. OTTS Ruling #011 issued at Oak Tree on October 15, 2009 is set aside.

This ruling was issued after Mr. Dekretser fulfilled his financial obligations.

10/22/09⁸

INQUIRY 1st RACE (6 FURLONGS Pro Ride)

Following the running of the race the inquiry sign was posted to review an incident soon after the start. Involved were # 3 Ishmael (2nd J. Talamo) and # 4 Cat Calloway (1st R. Bajarano). After a review of the films and conversation with the Patrol Judges and all riders involved, # 4 was disqualified from 1st and placed 2nd. It was the Steward's opinion that #4's drift inward while crossing onto the main track pushed #3 over the heels of #1 Running Bear(3rd Santiago Reyes) causing #3 to clip heels, stumble badly, costing him to lose the opportunity at a better placing.

Original Order of Finish: 4-3-1-6

Official Order of Finish: 3-4-1-6

10/22/09⁹

DECLARATIONS, CHANGES AND REFUNDS

1st race # 2 Heir Joe (Tr. J. Sadler) Veterinarian-injured, Dr. Stead

5 Great Attack (Tr. W. Ward) Steward-trainer unable to secure flight for the horse

Refund \$1,880.70

Minus Pool \$3,557.79

2nd race No Changes Refund \$40.00

3rd race # 5 Linda Surprise (Tr. M.K. Cho) Veterinarian-unsound, Dr. Stead Refund \$358.10

Minus Pool \$.21

4th race No Changes Refund \$0

5th race # 2 Tap Tap I Win (Tr.D. O'Neill) claimed by Tr. C.Sise

Refund \$83.00

6th race #8 Fiery Rebel (TR. S. Knapp) claimed by Tr. C. Sise

Refund \$144.00

7th race # 6 Streakin Excess (Tr. T. West) ambulance removed post race.

7 Earstoyou (Tr. R. Hess) Veterinarian-injured, Dr. Stead

Refund \$973.40

8th race # 12 Herecomesbridget (Tr. R. Bean) jockey M.C. Baze replaced

J. Valdivia Jr. (personal)

Refund \$7.20

10/22/09¹⁰

DAILY ATTENDANCE & HANDLE

On track	2,791	718,408.40
Inter-track	5,195	1,444,157.90
Out of state	n/a	2,699,613.49
Total	7,986	4,862,179.79

FRIDAY

10/23/09¹

FILM REVIEW

Jockey Rafael Bejarano joined the Stewards along with Jockey Guild representative Darrell Haire concerning the disqualification of his mount on Thursday. The Stewards told Mr. Bejarano

they felt he was responsible for the incident but was not penalized due to his effort in trying to correct his horse's shift inward.

Trainer Marcelo Polanco also wanted to review the film in our office in which he was given the same reason for the disqualification of his trainee. (ref.10-22-09⁸). At the end of the discussion Mr. Polanco agreed to disagree with the Stewards.

10/23/09²

BLEA HEARING CASE #09SA186

Dr. Jeff Blea, DVM (practicing Veterinarian) joined the Stewards to explain the times of treatments on his confidentials. He stated he has acquired a new computer program that inputs the time the medication was given. The computer prints out the time the medication was given when it is actually fed into the computer which could be hours after it was administered. Dr. Blea has revised this system and assured the Stewards it will be correct in the future. His penalty was an official warning.

10/23/09³

HEADLEY RULING

OTTS #020

Owner/Trainer **GUSTAV HEADLEY**, having appeared as ordered, is restored to good standing. Ruling #015 issued at Oak Tree Racing Association on October 22, 2009, is set aside. Additionally, Owner/Trainer **GUSTAV HEADLEY** is fined **FIVE HUNDRED DOLLARS* (\$500.00)** for violation of California Horse Racing Board rule #1874 (Disorderly Conduct-directing profanity toward the Racing Veterinarian).

Upon being suspended for failure to appear for a scheduled hearing (ref. 10-22-09¹), Mr. Headley came before the Stewards to try and rectify the situation. It was agreed to go forward with the hearing of the alleged violations. Barrie Grant, DVM, who filed the complaint, was available by telephone and described the event that occurred September 3, 2009 at Del Mar. Mr. Headley could not dispute Dr. Grant's testimony except to say he felt his anger and actions were not directed to the doctor just to everyone in general. The Stewards decision for the foregoing ruling was reached after considering the testimony given by both parties.

10/23/09⁴

YOUNG HEARING CASE #09SA188

The representatives for Angel's Feed were available to go forward with the alleged violation of California Horse Racing Board rule #1876 (Financial Responsibility) against trainer Stacy Young. Upon Ms. Young's choice to be absent she was located via the telephone. Chris and Matt Unamuno offered a figure to reach an agreement. Ms. Young was granted a few days to decide if she could comply with their stipulations. More to follow.

10/23/09⁵

INQUIRY/ACCIDENT 4th RACE (5 1/2 FURLONGS Pro Ride)

Following the running of the race an inquiry sign was posted to review the start. #4 Carat for C.C. (apprentice C. Rivera) broke inward, bumped the horse to his inside, stumbled and unseated the jockey. It was the Stewards decision his problem was the fault of his horse, and the race was made official. Accident report attached.

10/23/09⁶

DECLARATIONS, CHANGES AND REFUNDS

1st race-No Changes Refund \$261.00

2nd race-No Changes Refund \$242.00

3rd race-#7 Ata Benchmark (Tr. A. Byrd) Veterinarian-injured, Dr. Stead

Refund \$1,907.00

4th race-#6 Alaysha Storm (Tr. M. Pender) Veterinarian-unsound, Dr. Stead
Refund \$823.65

5th race-No Changes Refund \$927.85

6th race-#5 No Grande (Tr. R. Zamora) Veterinarian-sick, Dr. Stead
Refund \$3,229.70

7th race-No Changes Refund \$114.00

8th race-#9 One Shot (ARG) (Tr. A.C. Avila) Stewards-enter back
Refund \$1,921.20

10/23/09⁷

DAILY ATTENDANCE & HANDLE

On track	5,010	1,029,388.50
Inter-track	5,428	1,458,639.20
Out of state	n/a	3,603,738.15
Total	10,438	6,091,765.85

SATURDAY

10/24/09¹

ARMSTRONG RULING

OTTS #021

Trainer **JANET ARMSTRONG** is fined **SEVEN HUNDRED AND FIFTY(\$750.00) DOLLARS*** for failure to properly report the gelding of the horse "PUSH OVER", which ran in the third race at Oak Tree Racing Association on October 7, 2009. This constitutes a violation of California Horse Racing Board rule #1865 (Altering of Sex of Horse).

This ruling was distributed after Ms. Armstrong met with the Stewards. The penalty was agreed upon after taking mitigating circumstances into consideration.

10/24/09²

NEVENS RULING

OTTS #022

Veterinarian **AMY NEVENS** is fined **THREE HUNDRED (\$300.00) DOLLARS*** for violation of California Horse Racing Board rule #1843.5 (Medication, Drugs and Other Substances Permitted After Entry in a Race-Polyglycan).

This ruling was issued after Amy Nevens, DVM (practicing Veterinarian) appeared to answer a complaint filed by Jill Bailey, DVM (representing the California Horse Racing Board). Dr. Nevens had given an injection of the drug after entry time. She stated she was surprised to discover the existence of this rule and now being aware she will comply going forward.

10/24/09³

FILM REVIEW

Jockey Joel Rosario along with his agent Vic Stauffer met with the Stewards to review the 7th race yesterday. Mr. Rosario was cautioned to maintain a straight course during the race when

appropriate thus avoiding future meetings in the Stewards office. He promised to be more aware.

Apprentice jockey Carlos Diaz joined the Stewards to review his ride from yesterday. Agent Dean Greenman was in attendance and Safety Steward Luis Jauregui translated the discussion. Mr. Diaz left the office more knowledgeable than when he arrived and appears very receptive to the recommendations for his riding techniques.

10/24/09⁴

DECLARATIONS, CHANGES AND REFUNDS

1st race-No Changes

2nd race-#8 El Chapo (Tr. F. Gonzalez) jockey E. Gomez replaced C. Rivera (injured) Refund \$220.00

3rd race-No Changes Refund \$462.00
Minus Pool \$1,674.58

4th race-#8 Oceanographer (Tr. D. Hofmans) Steward (medication)
Refund \$4,158.30

5th race-#3 Sunny Peace (GB)(Tr. P. Gallagher) claimed by Tr. G. Stute
Refund \$22.00

6th race-No Changes Refund \$149.00

7th race-#3 Raise Again (Tr. R. Becerra) Veterinarian-sick, Dr. Stead
#4 Romance Writer (C. Sise Jr.) Ambulance removed post race
race (bled)
#6 Bubbley Blonde (Tr. C. Dollase) claimed by Tr. M. Conlon
Refund \$800.10

8th race-#3 Air Fair (Tr. D. Hofmans) Steward-stake Refund \$1,027.80

9th race-No Changes Refund \$64.90

10/24/09⁵

DAILY ATTENDANCE & HANDLE

On track	10,123	1,613,114.20
Inter-track	7,556	2,229,665.50
Out of state	n/a	4,437,747.56
Total	17,679	8,280,527.26

SUNDAY

10/25/09¹

DEVITA HEARING CASE #09SA191

Owner Robert A. Falb filed a complaint against the partnership "Partnership #74 and #77" (a Southern California Partnership) for monies owned to Mr. Falb (Tars partner). Mike DeVita representative for these partnerships contacted the Stewards informing them he had mailed Mr. Falb a check. Verification is needed before the case will be signed off.

10/25/09²

FORMAL DQ & REDISTRIBUTION HEARING CASE #09DM126

This case involved the horse Trail Mix trained by Librado Barocio who tested positive for the Class III drug Clenbuterol. The alleged California Horse Racing Board rule violations were #1843(a)(d), 1887, 1844(e) and 1844(f).

Recorded by court reporter Barbara Weinstein this case went forward and in attendance representing the California Horse Racing Board was Senior Investigator Jim Hamilton. The other parties involved chose not to attend. The complaint packet was entered into evidence after the facts pertained within were described. The hearing was closed and a ruling will follow.

10/25/09³

FILM REVIEW

Jockey Alex Solis joined the Stewards to review the first race on Friday. Mr. Solis admitted that his anticipation of a hole opening turning for home did not materialize as planned, putting himself into a precarious situation. This is not Mr. Solis' normal riding style and he stated it will not remain that way.

Jockey Alonso Quinonez appeared to review the last race yesterday. During the run down the backside there was some shifting that caused one of the horses to clip heels. Mr. Quinonez was involved but was issued a warning due to the fact other horses also contributed to the incident.

10/25/09⁴

HOFMANS RULING

OTTS #023

Trainer **DAVID HOFMANS**, whose horse "Oceanographer" was scheduled to start in the fourth race at Oak Racing Association on October 24, 2009, is fined **FIVE HUNDRED DOLLARS (\$500.00)*** for violation of California Horse Racing Board rule #1698 (Failure to Start and Run-medication administration) pursuant to California Horse Racing Board rule #1629 (Penalty for Late Declaration).

The foregoing ruling was issued after a telephone call was to discuss the reason for Mr. Hofman's request for a late declaration. He stated his horse had previously been treated (procaine penicillin) in conjunction with a throat operation. Prior to entry he forgot to check the time frame between the last injection and the date of the race. Once doing so it was necessary to scratch the horse from the race.

10/25/09⁵

INQUIRY/ACCIDENT 2nd RACE (1 1/16 mile Pro Ride)

The inquiry sign was posted after #4 Italian Spirit stumbled at the start unseating jockey Matt Garcia. After a review of the videos it was an agreed decision that no other horses were involved and the race was made official. Accident report attached.

10/25/09⁶

JOCKEY OBJECTION 4th RACE (6 1/2

Following the running of the race jockey Brice Blanc aboard #9 High Style (4th) lodged a claim of foul against #8 Giveme Onereason (3rd C. Santiago Reyes) for a possible infraction at the start of the race. After a review of the films and talking to both jockeys involved, it was a unanimous decision to let the original order of finish stand. There was contact between the two horses at the start but it was the opinion of the Stewards that the point in the race where this occurred did not cause #9 the opportunity of a better placing.

10/25/09⁷

CAL-BRED REPORT

During this reporting period four Cal-Bred races were used.

10/25/09⁸

DECLARATIONS, CHANGES AND REFUNDS

- 1st race-No Changes Refund \$1,184.90 Minus Pool \$782.54
- 2nd race-#4 Italian Spirit (Tr. M. Pender) jockey Matt Garcia replaced C. Rivera (injured)
Refund \$520.85 Minus Pool \$730.78
- 3rd race-#5 My Spanish Fling (Tr. J. Sadler) Veterinarian-sick, Dr. Bailey
Refund \$2,285.40
- 4th race-1A Flash and Class (Tr. M. Polanco) jockey F. Valdez C. Rivera (injured)
Refund \$25.00
- 5th race-No Changes Refund \$568.00
- 6th race-#5 Atticus Jack (Tr. B. Koriner) Veterinarian-sick, Dr. Bailey
Refund \$2,010.00
- 7th race-#2 Morning Frost (Tr. R. Hess) Veterinarian-unsound, Dr. Bailey
#8 Life by R R (Tr. R. Frankel) Veterinarian-sick, Dr. Stead
Refund \$6,090.05
- 8th race-#2 Structural (Tr. R. Mandella) Veterinarian-sick, Dr. Bailey
Refund of 1,690.00
- 9th race-#1 Asturias(GB)(Tr. H. Bacorn) Veterinarian-injured, Dr. Bailey
#12 Lucy Got Lucky (Tr. B. Wright) claimed by Tr. J. Canani
Refund \$540.10

10/25/09⁹

DAILY ATTENDANCE & HANDLE

On track	7,536	1,479,545.50
Inter-track	6,901	1,878,394.40
Out of state	n/a	3,253,695.40
Total	14,437	6,611,635.30

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 REPORT - WEEK of 10/19/09 – 10/25/09

Horses on Vet List 26
Horses off Vet List 16
Shock Wave Therapy 15
Deceased 1
Medication 11

SUMMARY

	Wed. 10/21	Thurs. 10/22	Fri. 10/23	Sat. 10/24	Sun. 10/25		Week	Meet
Inquiries	1	1	1	0	2		5	15
Disqualifications	0	1	0	0	0		1	1
Rulings	1	5	1	2	1		10	23
Refunds	8	4	4	3	6		25	105
Accidents	0	0	0	0	1		1	5
Claims	0	2	0	2	1		5	28
Cal-Bred Races	1	1	1	0	1		4	21

Respectfully submitted,

Kim Sawyer, Steward

C. Scott Chaney, Steward

Tom Ward, Steward