

BEFORE THE
CALIFORNIA HORSE RACING BOARD
STATE OF CALIFORNIA

In the Matter of:)	
)	
California Horse Racing Board)	
v.)	Case Nos. 15SA0065, 15SA0099,
)	and 15SA0100
GUSTAV HEADLEY,)	
Trainer)	
_____)	

STATEMENT OF DECISION

PROCEDURAL BACKGROUND

The California Horse Racing Board (hereinafter “CHRB” or “Complainant”) filed a complaint against trainer Gus Headley (hereinafter “Mr. Headley” or “Respondent”) alleging violation of CHRB rule 1874 (Disorderly Conduct). The complaint alleged that Mr. Headley engaged in several incidents with groom Alejandro Alvarez (herinafter “Mr. Alvarez”). More specifically, the CHRB alleged three instances in which Mr. Headley harassed Mr. Alvarez in some manner. This Board of Stewards held a formal hearing into the matter on May 28, 2015. Present at the hearing were this Board (Scott Chaney, Kim Sawyer, and Tom Ward), the Respondent Gus Headley with his attorney Darrell Vienna, Deputy Attorney Jacklyn Younger representing the CHRB, and CHRB Investigator Phil Miyazaki. Court reporter Michelle Derieg recorded the proceedings. We opened the hearing and took oral testimony from witnesses Maria Perez, Antonio Palma, Victor Fernandez, Miguel Vasquez, Salvador Benitez, Selena Munoz, Sergio Hurado, Robert Troeger, Gus Headley, and Alejandro Alvarez. We also labeled documentary evidence and entered it into evidence. Closing statements were then made, the hearing itself was closed and the matter was taken under consideration.

LIST OF EXHIBITS

- CHRB Exhibit 1* Three complaint packets filed by CHRB – case numbers 15SA0065, 15SA0099, 15SA0100
- CHRB Exhibit 2* CHRB License History of Gustav Headley
- CHRB Exhibit 3* Arcadia Police Department, Agency APD
- CHRB Exhibit 4* Hearing Brief of Complainant California Horse Racing Board
- CHRB Exhibit 5* Photograph of Complainant’s forehead
- Respondent Exhibit 1* Map of Barn 59 – Santa Anita
- Respondent Exhibit 2* Map of Barn Area – Santa Anita
- Respondent Exhibit 3* Map of Barn Area, including Victor Hernandez’s stalls – Santa Anita
- Respondent Exhibit 4* Map of Santa Anita including barn area and track
- Respondent Exhibit 5* CHRB Case number 15SA0066 filed against Groom Alejandro Alvarez alleged disorderly conduct (dismissed)

FACTUAL FINDINGS

I

At all times herein mentioned, Gustav Headley was licensed by the CHRB in the license category of trainer.

II

At all times herein mentioned, Alejandro Alvarez was licensed by the CHRB in the license category of groom.

III

Mr. Alvarez worked for, or at least helped out, Respondent for a brief period of time, and a series of incidents between the two took place after that period.

IV

On February 2, 2015, Respondent opened the door to Mr. Alvarez’s tack room and threw straw which contained dog feces at Mr. Alvarez.

V

Mr. Headley has a series of disorderly conduct rulings on his license history.

APPLICABLE RULES AND REGULATIONS

California Horse Racing Board rule 1874. Disorderly Conduct.

No licensee, shall be under the influence of any alcoholic beverage, and/or any illegal substance while performing their respective duties while within the inclosure of any racing association or fair, simulcast wagering facility, auxiliary stabling facility or Board—approved training facility. Nor shall any licensee conduct themselves in a disorderly or boisterous manner at any time while within the inclosure of any racing association or fair, simulcast wagering facility, auxiliary stabling facility or Board—approved training facility including but not limited to:

1. Fighting;
2. Threatening, abusive or aggressive behavior toward another person;
3. Any behavior that impedes others from performing their duties; and/or
4. Any other behavior that is detrimental to the public and racing.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19460 and 19580, Business and Professions Code. HISTORY: 1. New rule filed 1-9-06; effective 2-8-06.

DISCUSSION OF ISSUES

This matter is a purely factual dispute with respect to what happened between trainer Headley and groom Alvarez. The facts were somewhat murky with respect to whether Mr. Alvarez was formally working for Mr. Headley or merely helping out at his barn and hoping to make some money. This murkiness is due to both parties' lack of agreement and Mr. Headley's sloppy employment procedures. The CHRB alleged that Respondent harassed Mr. Alvarez in a series of incidents. (It should be noted that Respondent also filed a complaint with the CHRB investigative staff alleging disorderly conduct on Alvarez's part but that was dismissed when Respondent failed to appear for the hearing). The CHRB mainly alleged three incidents: (1) On February 2, 2015, Headley threw straw and dog feces into Alvarez's tack room while Alvarez was in the room; (2) On February 16, 2015, Headley rode his horse into Alvarez resulting in a slight head injury; and (3) On March 23, 2015, Headley purposely spooked a horse that Alvarez was walking in the shed row. The CHRB also alleged that Respondent verbally harassed Alvarez on numerous occasions. Mainly this case is based upon testimony by Alvarez and Headley, most of which didn't strike this Board as credible. Both parties presented some witnesses who, frankly, were not able to add much to the proceeding. We do, however, find that the CHRB did prove by a preponderance of the evidence one allegation—that Mr. Headley threw straw and dog feces into Alvarez's tack room.

CONCLUSION

Given all of the foregoing, we issue the following ruling/decision:

State of California
CALIFORNIA HORSE RACING BOARD

Official Ruling
of the
Board of Stewards

Del Mar Thoroughbred Club
(Association)

August 30, 2015
(Date)

DMTD #075

Trainer GUSTAV HEADLEY is fined FOUR HUNDRED DOLLARS (\$400.00)* for violation of California Horse Racing Board rule 1874 (Disorderly Conduct – harassing another licensee).

LIC #: 289594 exp.03/2018
CASE #: 15SA0065, 15SA0099, 15SA0100

*Rule #1532. Fine shall be paid to the Paymaster within seven calendar days from the date of this ruling, or the license of the person upon whom the fine has been imposed shall be suspended.

DATED: August 30, 2015.

BOARD OF STEWARDS

C. Scott Chaney

P. Kim Sawyer

Tom Ward