

State of California**CALIFORNIA HORSE RACING BOARD****STATEMENT OF DECISION
of the
BOARD OF STEWARDS**

Pacific Racing Association
Golden Gate Fields

January 16, 2016

IN THE MATTER OF:

California Horse Racing Board
vs. Ramon Solis Pulido-Case No. 15SW0049
Harold McPherson- Case No. 15SW0073
Helen Shelley-Case No. 15SW0072

INTRODUCTION

These related cases came before Stewards Darrel McHargue, John Herbuveaux and Dennis Nevin for hearing at Golden Gate fields on December 2, 2015.

Present at the hearings were assistant trainer Ramon Solis Pulido, owner Harold W. McPherson, trainer Helen Shelley, California Horse Racing Board (hereinafter CHRB) staff counsel Philip J. Laird, CHRB investigator Louis Quezada and Lil Cabrera, Spanish interpreter. The hearings were transcribed by Christine M. Niccoli.

The respondents were advised of their rights to legal counsel, waived those rights and stated they were prepared to go forward without counsel.

At the evidentiary hearings, the parties were allowed to introduce exhibits, produce witnesses for examination and cross examination and offer argument. Documentary evidence was submitted and oral testimony was heard. The record was left open for the admission of transcripts from the Ramon Pulido and the Harold McPherson hearing to be entered in the Harold McPherson and Helen Shelly hearing. Those transcripts were received and entered as evidence, the records were closed and submitted for decision.

ISSUES TO BE DETERMINED

Assistant trainer Ramon Pulido was charged with alleged violation of CHRB rules embodied in CHRB rules embodied in Title 4-Division 4, California Code of Regulations.

CHRB rules #1843 (Medication, Drugs and Other Substances), #1902 (c) (conduct Detrimental to Horse Racing), #1890 (a) (b) (Possession of Contraband), #1840 (Veterinary Practices and Treatments Restricted) and #1489 (j) (Grounds for Denial or Refusal of License) pursuant to #1900 (Grounds for Suspension or Revocation).

Owner Mr. McPherson was also charged with alleged violation of CHRB rules #1843 (c) (Medication, Drugs and Other Substances), #1890 (b) (Possession of Contraband), #1840 (Veterinary Practices and Treatments Restricted), #1902 (c) (Conduct Detrimental to Horse Racing) and #1489 (j) (Grounds for Denial or Refusal of License) pursuant to #1900 (Grounds for Suspension or Revocation).

Trainer Helen Shelley was charged with alleged violation of CHRB rules #1887 (a) (Trainer to Insure Condition of Horse), #1894 (Duties of Trainer), #1895 (Trainer's Duty to Insure Licensed Participation), #1902 (Conduct Detrimental to Horse Racing), #1489 (j) (Grounds for Denial or Refusal of License) pursuant to #1900 (Grounds for Suspension or Revocation), #1843 (c) (Medication, Drugs and Other Substances) and #1890 (a) (b) (Possession of Contraband). The charges against Mrs. Shelley were amended to include #1843 and #1890 at the request of the complainant and were added without objection.

BACKGROUND

The three related cases 15S0049 (Ramon S. Pulido), 15SW0073 (Harold McPherson) and 15SW0072 (Helen Shelley) were filed against the individuals following a barn inspection at Helen Shelley's stable which located five hypodermic needles and injectable bottles of Phenylbutazone along with Detomidine Hydrochloride in the tack room/office at The San Joaquin County Fairgrounds in Stockton. Helen Shelley's assistant trainer Ramon Pulido admitted to possessing the contraband along with injecting a mule with the medication two days prior while on the backstretch of the fairgrounds. The owner of the mule, Harold McPherson admitted to purchasing the medication and giving it to Mr. Pulido for the purpose of injecting a mule while it was stabled at the San Joaquin County Fairgrounds. Helen Shelley was the trainer of record for the mule and the tack room/office at the San Joaquin County Fairgrounds was assigned to her.

LIST OF EXHIBITS

Ramon Solis Pulido Hearing

CHRB Exhibit 1-Complaint 15SW0049

CHRB Exhibit 2-Questions of licensees not represented by counsel

Harold McPherson Hearing

CHRB Exhibit 1-Complaint 15SW0073

CHRB Exhibit 2-Questions of licensees not represented by counsel

CHRB Exhibit 3-Transcript of Ramon Solis Pulido hearing

Helen Shelley Hearing

CHRB Exhibit 1-Complaint 15SW0072

CHRB Exhibit 2-Questions for licensees not represented by counsel

CHRB Exhibit 3-Transcript of the Ramon Solis Pulido hearing

CHRB Exhibit 4-Transcript of the Harold McPherson hearing

FINDING OF FACTS**I**

Ramon Solis Pulido was licensed with the CHRB as an assistant trainer on September 9, 2015 while working at The San Joaquin County Fairgrounds and his license is current with an expiration date of August 2016.

II

Harold McPherson was licensed with the CHRB as an owner on September 9, 2015 while his mules were stabled on the ground at The San Joaquin County Fairgrounds and his license is current with an expiration date of October 2016.

III

Helen Shelley was licensed with the CHRB as a trainer on September 9, 2015 while working as a trainer at The San Joaquin County Fairgrounds and her license is current with an expiration date of October 2016.

IV

CHRB Investigators Louis Quezada, Joe Mulligan and Derek Merritt performed a barn inspection at the barn of trainer Helen Shelley at The San Joaquin County Fairgrounds on September 9, 2015.

V

During the search assistant trainer Ramon Pulido informed investigator Louis Quezada that there were several hypodermic needles and some medications in the office.

VI

Investigators Joe Mulligan and Derek Merritt located a small cardboard box within the office of the barn of trainer Helen Shelley which contained five needles and four syringes with the needles attached and two bottles of injectable medications.

VII

One of the bottles was Dormosedan also known as Detomidine Hydrochloride-a sedative and analgesic for horses. The second bottle was Buta Ject also known as Phenylbutazone. Both bottles contained labels of federal law restrictions for the use of the drug by a licensed veterinarian or on the order of a licensed veterinarian.

VIII

CHRB rule #1843.2 (Classification of Drug Substances) classifies Detomidine as a Class III medication. Detomidine is the drug and Dormosedan is the trade name for the drug. Phenylbutazone is classified as a Class IV drug and the trade name for the drug is Buta Ject.

IX

The bottle of Dormosedan was almost empty.

X

Neither medication had a prescription label nor a name of a horse or mule as required to CHRB rule #1864 (c) (Labeling of Medication).

XI

Mr. Pulido acknowledged to investigator Quezada he knew he should not have these items and confirmed to Quezada he knew they were illegal.

XII

Mr. Pulido presented testimony of being in possession of syringes*, needles and injectable medications and injecting the **mule "Dashing Jack" within the enclosure at The San Joaquin County Fairgrounds.

*CHRB rule #1860 (Possession of Contraband) defines contraband as possession of narcotic, stimulant or depressant or other substances or medication hypodermic syringe or hypodermic needle by any person other than a veterinary licensed by the Board. The rule also prohibits possession of medication which has not been prescribed by a veterinarian licensed by the Board.

**For clarification CHRB rule #1420 (h) definitions-horse means an equine and includes a stallion, gelding, mare, colt, filly or ridgling and includes mule, jack, jenny, ginnnet and hinney.

XIII

Mr. Pulido acknowledged to investigator Quezada that the mule's owner Harold Sonny McPherson had given him the bottle of Dormosedan.

XIV

Mr. Pulido stated to investigator Quezada trainer Helen Shelley had no knowledge that he was injecting the mules or that he had the needles and medications.

XV

Trainer Helen Shelley stated to investigator Quezada that Ramon Pulido was her assistant trainer and she had no knowledge that the mule was being injected or that Harold McPherson had provided Pulido with the injectable medications and that Pulido injected the mule "Dashing Jack" within the enclosure at The San Joaquin County Fairgrounds.

XVI

Ramon Pulido was listed as Helen Shelley's assistant trainer but was not listed on her employee work list.

*Horse racing law Division 8 Chapter 4, Business and Professions code 19455.4 requires every licensed trainer shall provide a complete and accurate work list to the Board

XVII

Mr. Pulido has been licensed on the racetrack since in 1992.

XVIII

Mr. Pulido testified that he forgot that he was not allowed, as an unlicensed veterinarian, to inject an animal on the racetrack.

XIX

Mr. Pulido presented testimony of being an employee of Helen Shelley and getting paid by her.

XX

Mr. Pulido testified Helen Shelley was paid by Mr. McPherson and that he (Pulido) was in charge of the ten mules.

XXI

Mr. Pulido testified the owner Mr. McPherson provided the medication to him for the mule.

XXII

Mr. Pulido acknowledged training mules for Mr. McPherson and putting them in Helen Shelley's name to avoid obtaining workman's compensation insurance.

XXIII

Mr. Pulido testified there were no veterinarians available at the time to administer the medications.

XXIV

Mr. McPherson has been licensed as a mule owner for about twenty years.

XXV

Mr. McPherson presented testimony of bringing a load of mules to Stockton and dropping the bottle Dormosedan (Detomidine) off that only had enough to treat one mule and instructed Mr. Pulido to inject the mule for safety reasons.

XXVI

Mr. McPherson testified Helen Shelley had no knowledge of what was going on.

XXVII

Mr. McPherson presented testimony Ramon Pulido would take care of his mules and he would pay \$900.00 a month directly to him.

XXVIII

Mr. McPherson would pay the insurance fees to Helen Shelley every time a mule runs.

XXIX

Mr. McPherson testified Mr. Pulido was the trainer of these mules.

XXX

Helen Shelley testified to just training in the summertime on the fairs.

XXXI

Helen Shelley presented testimony of having no knowledge of Mr. McPherson giving the drug Detomidine to Mr. Pulido or that Mr. Pulido had needle and syringes.

XXXII

Helen Shelley delegated complete control of the mules to Ramon Pulido.

XXXIII

Helen Shelley testified she does not actually train mules herself. I have an assistant trainer so these people can run the mules on the fairs.

XXXIV

Helen Shelley testified she did not pay Mr. Pulido for his services and that Mr. McPherson paid Mr. Pulido.

XXXV

Helen Shelley acknowledged she does not pay the workmen's compensation insurance to State Fund for McPherson and that she does not want to have anything to do with their money that goes to the State Fund.

XXXVI

Helen Shelley testified Mr. Pulido ordered medication treatments for the mules.

XXXVII

The executive director for the CHRB recommended penalties which included thirty-day suspensions and one thousand dollar fines for assistant trainer Ramon Pulido, owner Harold McPherson and Helen Shelley.

APPLICABLE RULES

California Code of Regulations, Title 4, Division 4

For Ramon Solis Pulido and Harold McPherson:

CHRB rules #1843 (c) (Medication, Drugs, and Other Substances), #1890 (b) (Possession of Contraband) #1840 (Veterinary Practices and Treatments Restricted), #1489 (j) (Grounds for Denial or Refusal of License) pursuant to #1900 (Grounds for Suspension or Revocation) and #1902 (c) (Conduct Detrimental to Horse Racing). Mr. Pulido was also cited with #1890 (a).

For Helen Shelley:

CHRB rules #1887 (a) (Trainer to Insure Condition of Horse), #1894 (Duties of Trainer), #1895 (Trainer's Duty to Insure Licensed Participation), #1902 (c) (Conduct Detrimental to Horse Racing), #1489 (j) (Grounds for Denial or Refusal of License) pursuant to #1900 (Grounds for Suspension or Revocation), #1843 (c) (Medication, Drugs and Other Substances) and #1890 (a) (b) (Possession of Contraband).

DISCUSSION

CHRB rule #1890 (Possession of Contraband) defines the items found at the barn of trainer Helen Shelley as contraband. The rule prohibits anyone other than a CHRB licensed veterinarian while on the grounds of a state sanctioned racetrack to be in possession of any drug which is a narcotic, stimulant, or depressant or any other substance or medication that has been prepared or packaged for injection by a hypodermic syringe or hypodermic needle which may be used to inject. Assistant trainer Ramon Pulido acknowledged obtaining the injectable bottle of Buta Ject, needles and syringes and taking possession of the injectable bottle of Dormosedan that was brought to the racetrack by owner Harold McPherson. When Mr. Pulido and Mr. McPherson brought the contraband onto the track they violated rule #1890. When the contraband was found in the stable of trainer Helen Shelley and area assigned to her and had supervision over she was also in violation of rule #1890.

CHRB rule #1843 (c) (Medication, Drugs and Other Substances) states in part: It shall be the intent of this rule to protect the integrity of horse racing, to safeguard the interest of the public and the racing participants through the prohibition or control of all drugs, medications and drug substances foreign to the horse. Subsection (c) prohibits any person other than a CHRB licensed veterinarian or animal health technician shall have in his/her possession any drug substance which can be administered to a horse, except such drug substance prescribed by a licensed veterinarian for a specific existing condition.

Trainer Helen Shelley, assistant trainer Ramon Pulido and owner McPherson were in violation of #1843 (c) as they were responsible for the illegal drugs being on the grounds, Mr. Pulido and Mr. McPherson for bringing the drugs to the racetrack, and Helen Shelley for negligence and lack of supervision over an area assigned to her.

CHRB rule #1489 (j) states: Who has violated, or who aids, abets or conspires with any person to violate any provision of the rules or the horse racing law. Mr. Pulido and Mr. McPherson violated the rules of racing and aided each other in doing so.

CHRB rule #1840 (In part) prohibits the administration to any horse within the enclosure any medicine or medication substances except under the direction or prescription of a veterinarian licensed by the Board. Mr. Pulido violated this rule when he injected the mule "Dashing Jack" while in the enclosure of the San Joaquin County Fairgrounds. As stated in finding of fact by definition-horse means an equine and includes mule.

CHRB rule #1894 (Duties of Trainer) states in part: Trainers are responsible for the condition of horses in their care and are presumed to know the rules. The rule also states: No trainer shall delegate or sublet his/her duties as a trainer except provided in this article. It is overwhelmingly clear Helen Shelley was allowing her name to be used so owner Harold McPherson could race his mules. The workmen's compensation insurance policy was in Helen Shelley's name and Mr. McPherson would pay the starting fee for his mules to race. She presented testimony that Ramon Pulido actually trained the mules for Mr. McPherson and he was paid by Mr. McPherson. Mr. Pulido was listed as her assistant trainer but was not listed on her work list as an employee which is a requirement by the horse racing law Division 8, chapter 4 Business and Professions code 19455.4 and a violation of the law.

When Helen Shelley delegated her duties as trainer to Ramon Pulido she provided little to no oversight to the mules under her care and was grossly negligent in her duties and responsibilities as a trainer which was in violation of CHRB rule #1894. This is a classic case of program training. Ms. Shelley was training Mr. McPherson's mules in name only which is also a violation of another CHRB rule # 1502; however, Mrs. Shelley and Mr. Pulido were not charged with that violation.

CONCLUSION

Owner/assistant trainer Ramon S. Pulido violated CHRB rules #1489 (j) #1840, #1843 (c) and #1890 (a) and (b).

Owner Harold McPherson violated CHRB rules #1489 (j), #1843 (c) and #1890 (b).

Trainer Helen Shelley violated CHRB rules #1843 (c), #1890 (a) and (b) and #1894.

During deliberation regarding the possible penalty that may be imposed it was this Board's unanimous opinion that thirty-day suspensions and fines of one thousand five hundred dollars should be imposed for Ramon Pulido and Harold McPherson and a thirty-day suspension and a one thousand dollar for Helen Shelley.

With respect to the day the suspensions are to start: Mule racing is scheduled to start at the beginning of the fair season, June 16, 2016. Any suspension time prior to that date would equate to no suspension time. In this Board's opinion this was a serious violation of the rules and the suspension days should be served during the California mule racing season.

FINAL ORDER

MCPHERSON RULING NO # 41

Owner **Harold McPherson** is hereby fined the sum of Fifteen Hundred Dollars (\$1,500.00)* and suspended thirty (30) days, June 16, 2016 through July 15, 2016 pursuant to California Horse Racing Board rule #1900 (Grounds For Suspension or Revocation of License) for violation of California Horse Racing Board rules #1489 (j) (Grounds For Denial or Refusal of License), #1843 (c) (Medication, Drugs and Other Substances) and #1890 (b) (Possession of Contraband) on September 9, 2015.

During the term of suspension all licenses and license privileges of **Harold McPherson** are suspended and pursuant to California Horse Race Board rule #1528 (Jurisdiction of Stewards) subject is denied access to all premises in this jurisdiction.

PULIDO RULING NO # 42

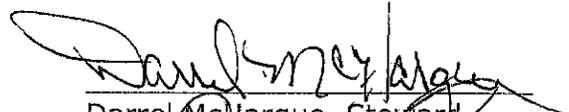
Owner/Assistant Trainer **Ramon S. Pulido** is hereby fined the sum of Fifteen Hundred Dollars (\$1,500.00)* and suspended thirty (30) days, June 16, 2016 through July 15, 2016 pursuant to California Horse Racing Board rule #1900 (Grounds For Suspension or Revocation of License) for violation of California Horse Racing Board rules #1489 (j) (Grounds For Denial or Refusal of License), #1840 (Veterinary Practices and Treatments Restricted), #1843 (c) (Medication Drugs and Other Substances) and #1890 (a) (b) (Possession of Contraband) on September 9, 2015.

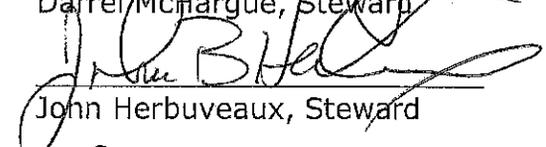
During the term of suspension all licenses and license privileges of **Ramon S. Pulido** are suspended and pursuant to California Horse Race Board rule #1528 (Jurisdiction of Stewards) subject is denied access to all premises in this in this jurisdiction.

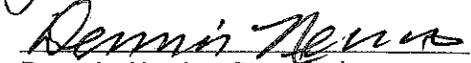
SHELLY RULING NO # 43

Owner/Trainer **Helen Shelley** is hereby fined the sum of One Thousand Dollars (\$1,000.00)* and suspended thirty (30) days, June 16, 2016 through July 15, 2016 for violation of California Horse Racing rules #1843 (c) (Medication, Drugs and Other Substances), #1890 (a) (b) (Possession of Contraband) and #1894 (Duties of Trainer) on September 9, 2015.

During the term of suspension all licenses and license privileges of **Helen Shelley** are suspended and pursuant to California Horse Race Board rule #1528 (Jurisdiction of Stewards) subject is denied access to all premises in this jurisdiction.


Darrel McHargue, Steward


John Herbuveaux, Steward


Dennis Nevin, Steward

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