

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



STATEMENT OF DECISION
Of the
BOARD OF STEWARDS
LOS ALAMITOS QUARTER HORSE RACING ASSOCIATION
JUNE 12, 2016

In the Matter of:)
)
JERRY RASKEY, Owner)
CHRB License #295175)
)
)
_____)

Case No. 16LA0095

This matter came on for hearing on April 17, 2016, at Los Alamitos Race Course in Cypress, CA before Stewards James Dreyer, Randy Winick and Grant Baker.

Owner Jerry Raskey was charged in complaint 16LA0095 with violation of California Horse Racing Board rule #1876 (Financial Responsibility).

The California Horse Racing Board (CHRB) was represented by Supervising Special Investigator Tom Blake.

Trainer Sally Rivera, the Complainant in this matter was present, represented herself, and presented no witnesses.

Owner Jerry Raskey (Respondent) was represented by Attorney Melissa Raskey (sister). Annie Noblett was present as a witness.

Michelle Derieg (Weinstein Court Reporters LLC) transcribed the proceedings.

Oral evidence was admitted.

APPLICABLE REGULATION

California Horse Racing Board rule #1876. Financial Responsibility

(a) No licensee shall willfully and deliberately fail or refuse to pay any moneys when due for any service, supplies or fees directly related to his or her California horse racing operations, nor shall he or she falsely deny any such amount due or the validity of the complaint thereof with the purpose of hindering or delaying or defrauding the person to whom such indebtedness is due.

(b) Any financial responsibility complaint against a licensee shall be in writing, signed by the complainant, and accompanied by documentation of the services, supplies or fees alleged to be due, or by a judgment from a civil court which has been issued within one year of the date of the complaint.

(c) The Board will not consider a financial responsibility complaint made by the complainant against the same accused within twenty-four months of the filing of the instant complaint.

(d) The Board will consider only those financial responsibility complaints which meet the following criteria:

(1) The complaint involves services, supplies or fees that are directly related to the licensee's California race track operations; and

(2) The debt or cause for action originated, or the civil court judgment was issued, in this State within one year of the filing of the complaint.

(e) Financial responsibility complaints submitted by equine medical hospitals, and horse auction sales authorized by the Board in accordance with Rule 1807 of this Division, will be considered provided such complaints comply with subsections (b), (c) and (d) (1) through (d)

(2) of this regulation, and are directly related to the California horse racing operations of a person licensed by the Board.

(1) Financial responsibility complaints submitted by horse farms will be considered provided the complaint is for not less than one thousand dollars and is related to the horse operations of a person licensed by the Board.

(f) Financial responsibility complaints that are horse racing related wage disputes originating between persons licensed by the Board will be considered.

FINDINGS OF FACT

I

Owner Jerry Raskey is forty-nine (49) years old and has held a California Horse Racing Board (CHRB) owner's license since 2007.

II

On March 24, 2016, Owner Jerry Raskey was issued a 'Notice to Appear' by the CHRB to answer to alleged violation of California Horse Racing Board Rule #1876 (Financial Responsibility). The original date to appear was April 15, 2016. This was later amended to April 17, 2016.

III

Trainer Sally Rivera filled out this complaint herself (Case No. 16LA0095) alleging that she was owed \$9,795 from Owner Jerry Raskey, for services for the time frame of January 1, 2016, to March 20, 2016.

IV

The complaint in this matter reads as follows:

“Billed per fax, text to owner Jerry. Refuses to pay insurance and care of horses. Have only received \$360 for groom for January and 2 x \$275 for insurance. Owner Raskey owes \$9,795 total.”

CHRB Supervising Investigator Tom Blake was present at the formal hearing in this matter. He prepared the nine (9) page complaint (Case No. #16LA0095) for this case.

V

Trainer Rivera faxed five (5) pages of billing statements to Owner Raskey on March 23, 2016, for charges on approximately five (5) or six (6) horses. Also on March 23, 2016, Rivera signed a “Financial Complaint Agreement” (CHRB Form-8) and filled out line 2 of that form which states as follows – **‘That on 3-23-2016 I sent Jerry Terry Raskey by Certified or Registered mail to his/her last known address a statement of the amount owed and the reasons therefore and have received no acknowledgement of same.’** Testimony at the live hearing indicated she only faxed or text messaged her bills to Owner Raskey.

VI

The formal hearing on this matter was held only twenty-five (25) days after Trainer Rivera had faxed billing statements to Owner Raskey. These were the only billings sent to Owner Raskey during their 2 ½ month long business relationship. Trainer Rivera filed a complaint in this matter the same day she first ‘presented’ a bill, which was sent via text message, to Owner Raskey.

VII

During this hearing Trainer Rivera used the words/phrases “running your horses” and “saddling your horses.”

VIII

Trainer Rivera alleged that Owner Raskey owed her \$9,795. Of that amount, she said \$5,775 was billed for insurance. She calculated that insurance amount at \$275 times 21 starts. Rivera’s daily training rate was \$25 per day. She charged \$50 every time she saddled a horse to race. She billed the \$50 twenty-four (24) times for a total of \$1,200.

IX

Owner Raskey stated that Trainer Rivera told him the following: 'The only thing you will be charged for with me, is for ponies and grooms. I have special insurance that won't come out of check. (Note: The stewards believe this to mean *Raskey's check*.) You won't be charged for insurance.' Trainer Rivera's billing indicates Owner Raskey did pay for the \$275 insurance fee twice. Owner Raskey did not acknowledge as much at the live hearing.

X

At the live hearing Trainer Rivera stated on the record, "I get \$200 when they bring in a horse for me to run and I pay everything. I pay the Lasix. I pay the pony and the rest for whatever is needed."

XI

Owner Raskey stated he never received a bill throughout the three (3) months working with Trainer Rivera. Raskey says he received his first bill immediately after he switched his horses over from Sally Rivera to new trainer Francis Meza.

XII

Sally Rivera said the first time she gave Owner Raskey a bill was on March 17 or 18, 2016. She said the bills were for five (5) horses. She said "most of that is insurance. I'm willing to take off the saddling."

XIII

Owner Raskey claimed that on February 12, March 16, March 18, and March 23, 2016, the horses that Trainer Rivera billed him for were in '*his*' (Raskey's) care and not in the barn of Trainer Rivera. He also stated that Trainer Francis Meza took over the training of all his horses on March 15, 2016.

XIV

When asked about her billing records Rivera stated, "I never ever knew what I was going to charge. It was never really discussed."

XV

Initially, Attorney Melissa Raskey, representing Jerry Raskey, stated "we found several discrepancies and we come to a number of \$3,005 that the horses were either not in her barn, with a different trainer, or they were not on the premises that day and did not race....."

XVI

Later in the hearing, Owner Raskey's attorney, Melissa Raskey (sister) told Trainer Rivera that her bill was completely incorrect and that their (Owner Raskey's) final offer to settle this case of \$4,000 was a "very good offer."

XVII

After taking a recess towards the end of the hearing both parties (Rivera and Raskey) attempted to come to a settlement agreement between themselves outside the Stewards' office. Trainer Rivera reduced her request for payment to \$8,595.00. Owner Raskey made a final offer of \$4,000. Neither party (Trainer Rivera nor Owner Raskey) could come to an agreement prior to the end of this hearing.

DISCUSSION

Owner Jerry Raskey and Trainer Sally Rivera had a business relationship with each other and started horses in races in Southern California. Mr. Raskey keeps his horses at a farm and then brings the majority of them into Los Alamitos race track just when they are getting ready to compete in a horse race. He doesn't have a California trainer's license nor does he have a worker's compensation policy of his own. For approximately 2 ½ months (10 weeks) Raskey would ship his horses to Los Alamitos for short periods of time. He would race them utilizing Sally Rivera's training services at Los Alamitos, then haul them off the race track until it was time for them to participate in another race. Trainer Rivera said most of the \$9,795 she was asking for in this case was for insurance (Worker's Compensation). Owner Jerry Raskey stated, "I know nothing about insurance" when discussing monies he was billed for at the live hearing in this matter. His lawyer Melissa Raskey stated, "And obviously there was a misunderstanding on the insurance." Typically in California the trainer of a public stable shall provide evidence of an insurance policy that secures his/her liability for worker's compensation. The stewards believe this is the spirit of CHRB Rule #1501 (Worker's Compensation Insurance Required). Trainer Rivera contends that the owner of a horse racing at Los Alamitos receives a minimum of \$400 for every start it makes from the race track itself. Of that \$400 she contends the track (Los Alamitos) charges \$275 per start. Rivera contends that the \$275 figure is charged by the race track and meant to be used to pay for race-day insurance and that Owner Raskey is not entitled to keep the money that is placed in his horseman's account.

Stewards' minutes from Hollywood Park race track dated July 8, 2012, memorialized a complaint (Case No. 12HP064) filed by Trainer David Young, who alleged that Owner Alfonso Garcia failed to pay for worker's compensation insurance that was also charged per start. Hollywood Park stewards (Chaney, Sawyer and Ward) stated in their stewards' minutes that they dismissed the complaint in this matter feeling the expense was the trainer's responsibility and that the expenses were outside the one-year time frame that is described in CHRB Rule 1876 (Financial Responsibility).

There are three (3) important issues the stewards would like to mention here:

1. Trainer Rivera said she first gave Owner Raskey a bill on March 17 or 18, 2016. Her bill that we reviewed, and as Owner Raskey pointed out at the hearing, was dated March 23, 2016. Rivera's Financial Responsibility Complaint (Form CHRB-8) in this matter was also filed on March 23, 2016. The complaint was filed the same day that Owner Raskey's first and only bill from Trainer Rivera was dated.
2. Trainer Rivera stated at the live hearing she never knew what she was going to charge. "It was never discussed", she said.
3. Owner Raskey correctly pointed out that he was charged by Rivera for horses that were no longer racing under her name but that of Trainer Francis Meza

The stewards believe that many, if not the majority, of the charges alleged due by Trainer Rivera were unreasonable and/or not justified. The stewards also felt that many of the charges were of the 'ala carte' variety and not agreed upon by Raskey and Rivera. They were made only when Trainer Rivera had the 'Raskey race horses' removed from her name. There appeared to be a retaliatory tone at the live hearing and the discussion of her (Rivera's) billing also indicated as such.

Owner Raskey's lawyer, Mellissa Raskey, calculated the amount due to Rivera at \$3,452. She subsequently made an offer of \$3,000 to settle with Rivera. This low-ball offer understandably got an already contentious hearing even more hotly contested. Raskey's final offer was \$4,000. Trainer Rivera made a final offer of \$8,595 to settle this matter. The contentiousness of this hearing, along with the appearance of a 'program training' relationship between the two parties and insubstantial billing records, did not make the decision of this case easy. Neither party could come to an agreement on monies owed in this matter. Both parties in this case were told that they may not like the stewards' final decision. The hearing lasted roughly two (2) hours. Deliberation in this case was long and consideration for an equitable resolution to both parties in this matter was of utmost importance to this Board of Stewards.

CONCLUSION

The stewards, in a majority decision, determined that Owner Jerry Raskey owes Trainer Sally Rivera, Four Thousand Five Hundred Dollars (\$4,500) which has been determined to be for services provided between January 1 to March 15, 2016.

ORDER

By a preponderance of the evidence and in a majority decision (Steward Dryer dissent - voted for dismissal) Los Alamitos Quarter Horse Racing Association Stewards ordered to issue the following ruling on April 24, 2016:

State of California
CALIFORNIA HORSE RACING BOARD

* * *

Official Ruling
of the
Board Of Stewards

LOS ALAMITOS QUARTER HORSE RACING ASSOCIATION

Association

APRIL 24, 2016

Date

RULING # 95

FOLLOWING A HEARING HELD AT LOS ALAMITOS RACE COURSE ON
APRIL 17, 2016, IT IS ORDERED THAT OWNER JERRY RASKEY PAY
TRAINER SALLY RIVERA THE FULL AMOUNT OF \$4,500. BY MAY 24,
2016. FAILURE TO DO SO WILL RESULT IN IMMEDIATE SUSPENSION
OF ALL LICENSES HELD BY JERRY RASKEY.

LIC# 295175-01/2019
D.O.B. 01/26/1967
CASE# 16LA0095

Grant W Baker
Steward

Jamesa Drougert
Steward

Randy A. Jurid
Steward