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CHRB NEWS RELEASE

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BOARD SUSTAINS BAFFERT APPEAL

SAN MATEO, CA – The California Horse Racing Board approved the recommendation of an administrative law judge (ALJ) Thursday to sustain Bob Baffert’s appeal of a 2001 stewards’ ruling based primarily on “new evidence” indicating “environmental contamination” may have caused a horse in the trainer’s care to test positive for morphine.

Meeting in executive session at Bay Meadows Racetrack, CHRB Chairman John Harris and Commissioners Sheryl Granzella, John Sperry, and Richard Shapiro approved the recommended decision of ALJ Timothy S. Thomas. CHRB Vice Chairman William Bianco recused himself from the matter, as did CHRB Executive Director Ingrid Fermin, who in 2001 was one of the stewards who suspended Baffert for 60 days after the horse Nautical Look tested positive for morphine after finishing first in the 7th race at Hollywood Park on May 3, 2000.

Thomas conducted a four-day appeals hearing in January at which Baffert was represented by attorney Steve Schwartz and the CHRB was represented by Deputy Attorney General Judith Seligman. During that hearing, Schwartz called witnesses and presented new evidence supporting his argument that the morphine positive resulted from environmental contamination. In his recommended decision, Thomas wrote, “environmental contamination (was) the most likely cause of the trace amount of morphine in Nautical Look’s system. The supplier of appellant’s feed, Citrus Feed, candidly admitted that the feed is unavoidably contaminated by any number of foreign substances, including poppy seeds. Poppy seeds may contain morphine. But it is not reasonable to require appellant to prove that poppy seeds were contained in feed actually given to Nautical Look. A preponderance of the evidence standard merely requires a showing that a particular scenario is more likely than not to have occurred...”

In his legal conclusions, Thomas wrote, “The stewards did not abuse their discretion. The evidence before the stewards supported their factual findings, and the factual findings supported their conclusions. The stewards committed no error in law in denying appellant’s motion to dismiss based on Truesdail Laboratories’ disposal of the blood samples from Nautical Look. The new evidence presented in this matter, in concert with the record before the stewards, established that appellant Baffert made every reasonable effort to protect the horses in his care from tampering by unauthorized individuals (and) thus established a defense to the ‘trainer as insurer’ provisions...”