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CHRB NEWS RELEASE

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BOARD FILES COMPLAINTS AGAINST WYGOD, VAN DRIVER

ARCADIA, CA – The California Horse Racing Board filed complaints Monday against Martin J. Wygod, the owner of Sweet Catomine, and Dean Kerkhoff, a racehorse transport driver, after determining the filly was falsely identified to the stable gate guard as a “pony” when she left Santa Anita at 3 a.m. on April 4 for special medical treatment and again when she returned to the stable area the following night.

Administrative hearings are scheduled April 23 with the Hollywood Park stewards for Wygod, who is licensed by the CHRB as a horse owner, and Kerkhoff, a licensed vendor employed by Racehorse Transport. The complaint filed Monday by CHRB Senior Special Investigator Christopher Loop alleges that both Wygod and Kerkhoff violated CHRB Rules 1489 (Grounds for Denial or Refusal of License) and 1597 (Association to Maintain Records of Horses on Its Grounds).

The complaint further alleges that Wygod violated CHRB Rule 1902 (Conduct Detrimental to Horse Racing) in connection with statements he made before and after Saturday’s Santa Anita Derby concerning the health of Sweet Catomine, who finished fifth in the race as the even-money favorite. The owner was widely quoted in newspapers, magazines, and on news Websites as saying after the race that the filly had physical problems, such as internal bleeding after she exercised on Sunday, April 3, and providing details that were not made public before the race.

Under directions from CHRB Executive Director Ingrid Fermin, and with assistance from Supervising Investigator Marla Lloyd and Senior Investigator Frank Fink, Loop interviewed stable area security personnel, veterinarians, barn personnel, and transport workers as part of his investigation. He also reviewed confidential veterinary records, transportation and security logs, and news reports relating to statements by Wygod about the condition of his filly.

Loop determined that Sweet Catomine left Santa Anita at 3:15 a.m. on Monday, April 4, and was identified to security as a “pony” going to the “farm”. She was transported to the Alamo Pintado Equine Medical Center in Los Olivos, about 45 miles north of Santa Barbara, where she underwent specialized treatment to help with internal bleeding without the use of medications. According to information on the Alamo Pintado Website, the filly would have been placed in a hyperbaric oxygen chamber at approximately two times normal atmospheric pressure and immersed in enriched oxygen to promote an increase in tissue oxygenation. She was returned to Santa Anita at 8:29 p.m. on Tuesday, April 5, and again identified as a “pony” returning from a “clinic.”

On Monday, Loop personally advised Kerkhoff and Wygod's general attorney, Roger Licht, of the complaints. Licht, a former CHRB commissioner, will not be representing Wygod in this matter.

In his investigative report, Loop wrote that "records of departure and arrival were deliberately falsified to conceal the true identity and activities of the horse Sweet Catomine." Loop went on to allege that Wygod made "material misrepresentation and false statements to the Board and its agents. The assertion was made in public forum that his horse was fit to run. However, Wygod deemed the horse would benefit from a significant therapeutic process, requiring the horse to be transferred from the grounds. This was not discussed in the same forum, and as such, was both false and deceptive."

The report continued to allege that Wygod engaged in conduct "detrimental to the best interests of horse racing. The perception of the betting public was that they were wagering upon reliable information, which was widely broadcast. The information concerning the true condition of the horse was not complete, or factual, in its presentation."

Since being appointed executive director of the CHRB in January, Fermin has been committed to operating a regulatory agency that is "open and fair."

"Protecting the betting public and insuring the integrity of the industry are our highest priorities," she said Monday. "I am pleased that the investigative staff responded so quickly, and we intend to continue our proactive approach to restoring the confidence of the fans. All licensees will be treated the same."

CHRB Commissioner Richard Shapiro said, "The California Horse Racing Board believes that everything concerning racing should be as transparent as possible to the public. The Board intends to look into security measures for horses entering and leaving the stable area, so that we are fully aware of who is coming and going. This will include the possibility of implanting microchips for the accurate and safe identification of horses racing in California."

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