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CHRB NEWS RELEASE

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CHRB WITHDRAWS COMPLAINTS AGAINST CANANI AND MULLINS

INGLEWOOD, CA – As a result of a new procedure requiring more input from the California Attorney General’s Office in the investigative process, the California Horse Racing Board formally withdrew complaints Wednesday against trainers Julio Canani and Jeff Mullins after being advised the evidence would be insufficient to support the charges against them.

Both trainers had been charged with violating CHRB Rule 1902 (Conduct Detrimental to Horse Racing). The complaints stemmed from controversial statements each trainer reportedly made to the news media. Additionally, Canani had been charged with violating CHRB Rules 1887 (a) (Trainer to Insure Condition of Horse) and 1489 (c) (Grounds for Refusal of License) in connection with a filly he trained, Sweet Catomine, who allegedly was falsely identified as a “pony” by a van driver to the stable gate guard when leaving Santa Anita Park early one morning.

CHRB Executive Director issued a statement Sunday indicating she would immediately begin a review and evaluation of the CHRB’s investigative procedures. This followed a decision Saturday by the Hollywood Park Board of Stewards to dismiss the CHRB’s complaint against Martin J. Wygod after testimony and evidence presented during a three-hour hearing failed to substantiate charges brought against the licensed owner of Sweet Catomine.

Fermin, who was appointed executive director in January, and still is in the process of acquainting herself with the various procedures in place for all aspects of CHRB operations, quickly determined that CHRB investigators had been filing complaints with limited input from a deputy attorney general. Typically, investigators and their supervisors would determine the applicable sections of the Horse Racing Law and CHRB Rules and Regulations that they believed had been violated, and after filing a complaint, confer with an attorney. The deputy attorney general’s primary function was to present the case, while providing minimal feedback to the investigators and CHRB executives concerning its merits.

“This was a faulty procedure,” Fermin advised the racing commissioners in a memo Tuesday when she reported on her review, which is ongoing, and the initial steps she is taking to improve the process. She indicated she had conferred with Deputy Attorney General James Ahern, and together they determined the need for someone from his office to “review and evaluate” the more serious cases to make sure the charges “have merit” before complaints are filed. In some cases, the investigators will be directed to gather more evidence to support any complaints, and be advised by the Attorney General’s Office of witnesses who are needed for each hearing.

Because complaints were filed against Canani and Mullins before this new procedure was put in place Tuesday, Ahern's critical evaluation of those two cases occurred after the filings instead of before. At this point, the complaints are being withdrawn in the interests of justice.

"Our role is to evaluate cases to make certain that complaints are based on the appropriate statutes or regulations and backed up by sufficient evidence," explained Ahern. "We need to be more certain that cases filed by the CHRB have sufficient evidence to allow the stewards to take action in accordance with racing law. Likewise, we need to be certain there is sufficient evidence to allow any reviewing tribunal to uphold the decision.

"In the cases involving Mr. Canani and Mr. Mullins, they have not violated any statute or regulation. Therefore, the CHRB has no legal basis on which to charge them. Rule 1902 describes conduct detrimental to racing. The key word is conduct. If you look at the rule, it addresses things like associating with bookmakers and crimes involving moral turpitude. What these trainers said just doesn't fit, especially if you look at the subsections. The rule doesn't say anything about misrepresentations and controversial statements to the press.

"As to the other charge against Mr. Canani, he was not at the barn when the driver picked up the horse, and the driver testified under oath that he received his instructions from someone else. There is no evidence linking Mr. Canani to the actions of the driver."

Ahern advised the attorneys for Canani and Mullins that the complaints had been withdrawn Wednesday.

CHRB Chairman John Harris stated, "The Board wants to maintain a very high integrity level in racing and, at the same time, protect the rights of every licensee. In retrospect, these incidents should have been better investigated and received more due diligence early on. I support the changes that Ingrid is making in our investigative procedures and oversight, and feel we can learn from past shortcomings and move forward."

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