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CHRB NEWS RELEASE

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BOARD ADOPTS PENALTY GUIDELINES

ARCADIA, CA – The California Horse Racing Board unanimously approved regulations Thursday establishing strict penalty guidelines for medication violations and related drug classifications that apply to all licensees, including trainers, horse owners, and veterinarians.

The penalty guidelines call for hearing officers to issue a minimum one-year suspension to any trainer found responsible for a Category A violation, a category that includes drugs with the highest potential to affect performance and that have no generally accepted medical use in the racing horse. Repeated offenses call for even longer suspensions or even permanent license revocation, along with fines up to \$50,000 to the owner and trainer.

A veterinarian found to be culpable in the administration of any drug in penalty Category A resulting in a violation will be referred to the California Veterinary Medical Board for consideration of further disciplinary action and not be allowed to practice at any California racetrack indefinitely.

The penalty guidelines, modified slightly from those originally developed by the national Racing Medication and Testing Consortium (RMTTC), contain specific language allowing licensees to present evidence of “mitigating circumstances,” which if persuasive could convince hearing officers to either reduce or eliminate penalties altogether. Mitigating circumstances could include but are not limited to any steps taken by the licensee to safeguard the horse involved in the violation and/or establishing the probability that the drug positive was due to environmental contamination.

The investigator or deputy attorney general representing the CHRB will have the opportunity to present “aggravating circumstances” in an effort to increase the penalty. For example, the Board representative could show that the licensee made no effort to protect the horse.

Owners of horses in the more serious cases (Class 1, 2, and 3 drugs) would in all instances lose any purse money, as required by the California Horse Racing Law. And under the new regulations, the horses involved could face sanctions, such as not being permitted to compete for several months and being subject to additional drug testing at the owner’s expense. In the case of a third lifetime offense in Category A, an owner could be fined as much as \$50,000.

Commissioner John Amerman said the time has come for California to move forward with the guidelines, and by doing so, “we could become the catalyst for other states” to take similar action.

Chairman Richard B. Shapiro agreed that California could show the way for other states by “setting a higher standard.” And he predicted, “This is going to help bring horses to California because we have the best testing, we have the best rules, and we are going to have a level playing field where people are going to get a fair shake.”

To help prevent suspended trainers from continuing to benefit financially from racing during their suspensions, the regulations prohibit the transfer of horses under the trainer’s care to family members, and “trainers suspended 60 days or more shall be banned from all inclosures under the jurisdiction of the CHRB. In addition, the suspended trainer shall forfeit all stall space assigned them and shall remove from the inclosures all advertisements, trainer-related equipment, tack, office equipment, and any other property.”

Five drug classifications (Classes 1-5) established by the regulations are based on the Racing Commissioners International drug classification system in effect around the country; the four penalty categories (A, B, C, and D) were developed by the RMTC. The more than 800 drug substances that can be detected by the Board’s official testing laboratory – the Ken Maddy Laboratory at U.C. Davis – all are listed among the five classes and assigned to a penalty category based on their therapeutic value, appropriate usage, potential for environmental and dietary contamination, and ability to influence the outcome of a race.

The Board will continue to file complaints against the trainers of horses that exceed the regulatory threshold of 37.0mm1/1 for total carbon dioxide (TCO2). The new penalty guidelines will provide additional deterrents for readings over 39.0mm1/1. Repeat violations at the higher levels could result in suspensions of six months to a year. And in addition to losing the purse in all TCO2 violations, an owner with repeated violations also could be fined up to \$20,000.

In other business, representatives of Santa Anita Park reported that plans are well underway to replace all of the barns in the stable area in phases over a period of three to four years, beginning this year with the replacement of 10 barns. They will present more details and a firmer timetable to the CHRB within two weeks. Los Angeles Turf Club President Ron Charles said the new barns will be “state of the art.” He said maintenance crews will make improvements to the existing barns to make them safer for horses and workers until those barns are replaced.

Chairman Shapiro raised for discussion the need for everyone in the horse-racing industry to recognize “our social responsibility” to take care of racehorses after their racing careers are over. He pointed to some excellent retirement homes for racehorses and said it is becoming increasingly difficult for those facilities to find funding. He suggested the creation of a “check-off box,” so that owners could voluntarily contribute a portion of their horses’ earnings to this cause.

Commissioner Amerman suggested the industry should support a mandatory fee per start that would go towards equine retirement and solve the problem for the long-term. Grace Belcuore, founder of the California Equine Retirement Foundation, said such a permanent source of funding could accomplish great things, but only if the funds were spent solely on the care of horses and “not for administration and salaries.”

Vice Chairman John Harris said people should “be more creative in trying to place horses,” noting that many horses have “lots of other uses even if they can no longer compete as racehorses.” Commissioner Jerry Moss suggested the establishment of a hotline, so that he and other owners could easily contact someone for assistance in finding new homes for horses at the conclusion of their racing careers.

The Thoroughbred Owners of California (TOC) has created an equine retirement committee that will be looking into these and other suggestions, according to TOC Vice Chair Marsha Naify, who explained, “We feel that every horse that has raced in California should either have a second career – perhaps jumping or as a riding horse – or if that is not possible, certainly should at least have a decent retirement.”

CHRB Assistant Executive Director Richard Bon Smith reported that representatives of the Jockeys’ Guild and the newly formed California Jockeys’ Guild have met in recent weeks to discuss health and welfare benefits for California jockeys, but the hoped-for meeting between those groups and the TOC has not yet taken place due to scheduling difficulties.

With CHRB approval, the TOC contracts with the organization representing a majority of California jockeys, the Jockeys’ Guild, to administer approximately \$1 million from unclaimed refund tickets that is designated for the health and welfare of California jockeys. Although the contract between the TOC and Jockeys’ Guild has expired, state law dictates that “provisions of the existing agreement shall remain in effect until a subsequent agreement is reached.”

At issue is whether the funds are being spent solely for California jockeys and whether those jockeys are receiving the best possible benefit from those funds. An audit of the program is underway. Smith added after the meeting that the Board receives and monitors regular updates on the Guild’s handling of the funds to ensure that benefits are promptly and accurately paid and that no qualified California jockey goes without needed coverage or treatment under the Guild's plan.

Dr. Rick Arthur, equine medical director, reporting on the current protocols for horses injured at California tracks, said that notwithstanding a recent instance at Santa Anita when there was some confusion over equipment and procedures, “excellent protocols” are in place at all California racetracks, including at least one equine ambulance at each facility. He said he would develop written procedures in cooperation with the official and association veterinarians at each track.

Dr. Arthur also reported on the success of a recent Police Officers Standards and Training (POST) 24-hour course that was conducted over a four-day period for CHRB investigators, and he reported on a similar two-day seminar for stewards. Both courses were held at the Maddy Laboratory. Dr. Arthur and Dr. Scott Stanley, director of the laboratory, gave presentations on equine health and safety, equine drug testing, veterinary practices, and other issues relating to medications in horse racing. Darrell Vienna, a thoroughbred trainer and attorney who serves as a consultant to the CHRB, lectured on CHRB rules and administrative hearing procedures.

CHRB Executive Director Ingrid Fermin said the learning was both ways at the two programs, and some of the things brought up by investigators at the first course were included in the second seminar with stewards. She said the discussions would continue when the Stewards Committee meets in May.

The Board approved for public notice a proposed regulatory amendment to eliminate the practice of substituting the favorite for a horse scratched in Pick Four wagering. Instead, such wagers will be refunded if the scratch occurs before the first leg of the Pick Four, and a consolation pool or pools will be created if the scratch or scratches occur after the first leg has been run. Bettors still will have the option of selecting alternates to replace scratched horses.

The Board approved license applications for race meets at the San Joaquin County Fair in Stockton (June 14-24) and the Alameda County Fair in Pleasanton (June 27-July 8).

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