

1010 Hurley Way, Suite 300
Sacramento, CA 95825
(916) 263-6000
Fax (916) 263-6042

CALIFORNIA HORSE RACING BOARD

Los Alamitos Race Course
4961 E. Katella Avenue
Los Alamitos, CA 90720

Contact: Mike Marten
(714) 820-2748
Cell: (714) 240-1870
Fax (714) 821-6232

CHRB NEWS RELEASE

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LAW EXPEDITES HEARING PROCESS FOR PROHIBITED SUBSTANCES

SACRAMENTO, CA – Governor Arnold Schwarzenegger signed legislation into law Wednesday giving the California Horse Racing Board greater control over the administrative hearing process – putting into place a key component of the CHRB’s overall strategy for the fair, effective, and more rapid enforcement of racing laws and regulations involving prohibited substances.

AB 1616, authored by Assembly Member Martin Garrick, permits those charged with using a prohibited substance to choose either a Board of Stewards or a hearing officer appointed by the CHRB to hear their cases. Currently licensees can have cases heard by the Board of Stewards or the cases must go to the Office of Administrative Hearings (OAH), which due to a backlog can take more than a year to process. The new law requires hearings to commence within 90 days of the filing of an accusation unless there is “good cause” for an extension.

“The passage of this legislation into law is part of the Board’s strategy of providing timely transparency and a fair hearing process that can be concluded expeditiously and still provide for due process protections,” said CHRB Chairman Richard B. Shapiro. “This will allow all parties to more timely conclude matters that are critical to the integrity of the sport and the protection of the general public.

“This process, coupled with the adoption of new medication penalty guidelines, will provide the platform for the equal and unbiased disposition of medication violations for years to come. On behalf of the Board, we are all indebted to (Executive Director) Ingrid Fermin and her staff for guiding this vision to reality.”

The Board will select hearing officers from a pool jointly developed by the CHRB, racing associations, and horsemen’s organizations. Hearing officers will be selected randomly from that pool to hear cases.

“This will be a pool of unbiased individuals with knowledge of the law and knowledge of horse racing, who will really understand the intricacies of the business,” explained Fermin, who worked closely with legislators and developed a consensus within the industry to support this important legislation.

“Assemblyman Garrick was extremely helpful,” she added. “I met with him several times, and he always was enthusiastic and showed a sincere interest in the industry. Senator Jeff Denham

also was very accessible and helpful in moving this bill through the Senate. They both are friends of racing.”

The improved hearing process is one of three new major components to the Board’s enforcement strategy. New penalty guidelines and drug classifications are another key component. The third component involves changes in the prosecution of cases. The Board is considering alternatives to the use of deputy attorney generals, who currently represent the CHRB in Class 1, 2, and 3 cases addressed by the new law. Additionally, field investigators will be receiving more assistance in developing their cases prior to the hearings.

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