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CHRB NEWS RELEASE

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WEEKLY UPDATE

SACRAMENTO, CA – This is the California Horse Racing Board’s weekly update of complaints, accusations, stewards rulings, and Board decisions involving Class 1, 2, and 3 medication violations and other significant matters.

In a form of protest, the Board declined to accept and act on the proposed decision of Administrative Law Judge David L. Benjamin in regards to a complaint against trainer Cristopher Vienna. Therefore, under Government Code Section 11517 (c) (2), the proposed decision went into effect May 24 – 100 days after it was received by the CHRB (February 14, 2008).

Judge Benjamin, who conducted a three-day hearing last December, fined Vienna \$1,000 and ordered the disqualification of Speak the Language from her first-place finish in the sixth race at Bay Meadows on March 31, 2005. The Ken Maddy Laboratory at UC Davis reported that samples taken from Speak the Language tested positive for fluphenazine.

In his ruling, Judge Benjamin noted the CHRB recommendation for a “30-day suspension and \$5,000 fine,” but the judge wrote, “In light of the evidence in mitigation, suspension of (Vienna’s) license is not warranted. There is no basis, however, to dismiss the proceeding without the imposition of discipline, as (Vienna) requests. Using a Class 2 prohibited drug substance for treatment and then racing the horse shortly thereafter is a high-risk course of action that should be discouraged. A fine of \$1,000 will be imposed.”

Under law that applied to cases before January 1, 2008, on an accusation matter such as Vienna’s that went directly to the Office of Administrative Hearings, the Board could “neither modify nor amend a proposed decision by the administrative law judge so as to increase any sanction or penalty contemplated in the proposed decision.” In other words, the Board could not, despite strong objection to a proposed decision, take any action that would increase the penalty. (This language has been amended out of the statute, so does not apply to cases since January 1, 2008.) In deciding not to act, the Board did not in any sense approve of the level of discipline set forth in the proposed decision.

The stewards at Los Alamitos fined trainer Jose De La Torre \$15,000 for violation of CHRB Rules 1843 (a) (d), 1844 (b) (e) (f), and 1887, after the Maddy Laboratory at UC Davis reported that blood and urine samples taken from six horses in his care exceeded the regulatory threshold for clenbuterol. The findings were confirmed by Iowa State University laboratory. Clenbuterol is a beta-2 agonist bronchodilator commonly used in horses and is a Class 3 violation.

The six horses were: LDS Heza Streaker, which finished first in the fourth race on February 16; Bonos Key, which finished first in the sixth race on February 23; Bonos Wicked Wench, which finished second in the second race on March 1; Preppy Pilot, which finished first in the first race on March 2; Ima Strawfly, which finished second in the seventh race on March 6, and Call Me a Bono, which finished first in the fourth race on March 8. The stewards disqualified all six horses and ordered redistributions of all the purses.

The stewards at Cal Expo suspended owner Juan Pablo Ramirez for 180 days for violation of CHRB Rule 1890 for possession of contraband, which included multiple syringes, needles, and vials of therapeutic medications, while on the premises of Cal Expo. During the term of suspension, which begins May 26, Ramirez will be denied access to all premises within the CHRB's jurisdiction.

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