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CHRB NEWS RELEASE

JANUARY 21, 2010

WEEKLY UPDATE: JAN. 11 – 17, 2010

SACRAMENTO, CA – This is the California Horse Racing Board’s weekly update of all complaints filed. The update also includes Board and stewards rulings involving Class 1, 2, and 3 medication violations and other significant matters. All stewards’ rulings can be viewed on the CHRB Website (www.chrb.ca.gov) through the “Administrative Hearings” link.

In the matter of the CHRB complaint against trainer Todd Pletcher relating to the procaine violation for Wait a While in the 2008 Breeders’ Cup Filly and Mare Turf, the Board met in executive session January 15 and adopted the recommendation of the hearing officer to suspend Pletcher for 60 days and fine him \$25,000. Fifty days of the suspension will be stayed on condition that Pletcher has no further Class 1, 2, or 3 penalties anywhere in North America during the term of his one-year probation.

The CHRB filed the complaint against Pletcher on December 4, 2008, after the Maddy Laboratory at the University of California, Davis, reported that a sample taken from Wait a While – after she finished third in the sixth race at Santa Anita Park on October 24, 2008, which was the Breeders’ Cup Filly and Mare Turf – exceeded the regulatory threshold for procaine. Pennsylvania Equine Research Laboratory confirmed the presence of an excess of procaine in the split sample. Procaine is a local anesthetic known as Novocaine. Procaine is found in procaine penicillin G, a commonly administered antibiotic for horses. For this reason procaine is a Class 3 violation rather than a Class 2 violation, as are most other local anesthetics for horses.

The hearings on the complaint were held in Del Mar on July 27 and 28 before Hearing Officer Steffan Imhoff. Written briefs continued until the record was closed November 17. Imhoff sent his proposed decision to the CHRB on December 17. The adopted decision is posted on the CHRB Website under the links “Administrative Hearings,” “[Board Decisions](#),” and “Date Ordered.”

In his proposed decision, Imhoff concluded, “The fact that the drug violation occurred in the Breeders’ Cup Filly and Mare Turf requires that the maximum suspension under (CHRB) Rule 1843.2 of 60 days be imposed. However, the offense is somewhat mitigated because we find that Pletcher was treating Wait a While with Procaine Penicillin G on the recommendation of his veterinarian and that the treatment was terminated 18 days before the race. If, as we believe, another Procaine injection was given shortly before the race, there is no evidence to suggest that this was done by Pletcher, or on his behalf. Therefore, we hold that Pletcher should be placed on one-year

probation and that all but 10 days of his 60-day suspension should be stayed.

“As to a fine, a drug violation in a \$2,000,000 race demands a substantial one. The maximum of \$10,000 under (CHRB) Rule 1843.2 is insufficient. However, the \$50,000 fine requested by the attorney general is too high. We will be imposing, under (California) Business & Professions Code Section 19582 a) (3) (A) a fine of \$25,000.”

CHRB Executive Director Kirk Breed has ordered Pletcher to begin his suspension and pay his \$25,000 fine by February 20, 2010.

CHRB Chairman Keith Brackpool commented, “The Board agrees with Judge Imhoff that this violation in a Breeders’ Cup race demands the maximum penalty. The CHRB had requested a 60-day suspension and a \$50,000 fine. The judge granted a 60-day suspension and a still substantial \$25,000 fine. While the judge agreed with our recommendation on the suspension, the judge granted a stay of 50 days provided Mr. Pletcher does not have any Class 1, 2, or 3 violations or equivalent in any racing jurisdiction in North America for one year. While the Board disagrees that mitigating circumstances in the case warrant such a stay, we have adopted the judge’s proposed decision, allowing horse racing to put this unfortunate matter in the past. For the same reason, we do not expect Mr. Pletcher to appeal.”

In a separate matter considered during executive session January 15, the Board adopted the recommendation of the hearing officer to suspend trainer Frank Petrelli for one year and fine him \$10,000 after the Maddy Laboratory reported that a sample taken from a horse in his care, Keystone Comotion, contained yohimbine and hydroxyl-yohimbine, a metabolite of yohimbine. The finding was confirmed by Pennsylvania Equine Laboratories. Yohimbine is a plant alkaloid and an alpha-2 adrenergic antagonist. This drug is used in veterinary medicine as a reversal agent for the commonly used alpha-2 agonist tranquilizer xylazine. Yohimbine is a Class 2 drug and a Category A penalty. Keystone Comotion finished first in the fourth race at Cal Expo on April 11, 2009.

Scott Chaney, a California steward serving as a hearing officer in the Petrelli matter, conducted a hearing on November 17. Chaney issued his proposed decision on December 16, which the Board adopted. This adopted decision also is posted on the CHRB Website.

The CHRB filed a complaint against trainer Jose M. De La Torre alleging violation of CHRB Rules 1843 (a) (d), 1844 (e) (9) and 1887 after the Maddy Laboratory reported that the blood and urine samples taken from a horse in his care, Luzoom, contained clenbuterol in excess of the authorized decision level. This is a Class 3 violation. Clenbuterol is a beta-2 agonist bronchodilator. This was De La Torre’s ninth clenbuterol violation in 18 months. Luzoom finished fifth in the seventh race at Los Alamitos on September 10, 2009. A hearing is pending.

On December 7, 2009, the Second District Court of Appeal affirmed the judgment of the Los Angeles Superior Court to dismiss the complaint of Plaintiff Jerry Jamgotchian. The Superior Court had previously dismissed his complaint because Mr. Jamgotchian could not establish any violations of the Bagley Keene Open Meeting Law by former Chairman of the Board Richard B. Shapiro and former Executive Director Ingrid Fermin.

The Court of Appeal painstakingly reviewed transcripts of meetings of the California Horse Racing Board where Mr. Jamgotchian claimed to have his right to speak denied. The Court of Appeal concluded Mr. Jamgotchian was never prevented from making public comments or from criticizing the Board. The Court of Appeal agreed with the judgment of Los Angeles Superior Court Judge Michael C. Solner that Mr. Jamgotchian could not show a proper controversy existed, and did not warrant any declaratory or injunctive relief. The California Horse Racing Board wishes to thank Deputy Attorney General Jennifer Henderson for her outstanding and diligent efforts on behalf of the Board.

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