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CHRB NEWS RELEASE

MAY 24, 2012

CHRB DECISION ON O'NEILL CASE

INGLEWOOD, CA – The California Horse Racing Board met in closed session Thursday to consider the recommended decision of the Hearing Officer in the case involving Doug O'Neill, the trainer of Argenta, a filly that finished eighth in the sixth race at Del Mar on August 25, 2010. The Maddy Laboratory at UC Davis reported that a sample taken from Argenta exceeded the regulatory threshold of 37.0mmol/l for total carbon dioxide (TCO₂), a Class 3 violation.

The Hearing Officer, who conducted a 7-day hearing, agreed with O'Neill that the evidence demonstrated that Argenta had not been milkshaked, so milkshaking was not the cause of the TCO₂ overage. He also determined there were no suspicious betting patterns in the race. He further determined there was no evidence of any intentional acts on the part of O'Neill in connection with this incident.

However, prior to the hearing, the parties had stipulated that the Maddy laboratory detected an overage of TCO₂ in the sample, and CHRB Rule 1887 holds the trainer to be the absolute insurer of the condition of the horse.

Furthermore, The Jockey Club has publicly stated that "trainers should be advised that the elevated TCO₂ values, regardless of causation, are violations of the rules and those penalties for excessive TCO₂ values are severe. Therefore, trainers and their veterinarians should work closely to identify any procedure or practices that may elevate the TCO₂ values."

The Hearing Officer found that under the trainer insurer rule, while also taking into consideration the mitigating factors, that O'Neill should be suspended for a period of 45 days, with an additional 135 days of suspension stayed for 18 months, provided O'Neill commits no further Class 1, 2, or 3 violations, regardless of jurisdiction. The hearing officer also recommended a \$15,000 fine.

The Board concurred with this recommendation. CHRB Executive Director Kirk Breed will determine when the 45 days of suspension will begin, but in any event no sooner than July 1, 2012.

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