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CHRB NEWS RELEASE

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**ENFORCEMENT UPDATE 9-17-13**

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

Acting on an order of remand and pursuant to an agreement between the CHRB and trainer Genaro Vallejo, the stewards at Golden Gate Fields suspended Vallejo for 90 days and fined him \$3,000 for violation of CHRB Rules 1843 (a) (b) (d) pursuant to Rule 1887 after the Maddy Laboratory at UC Davis reported the sample collected from Red Dwarf, a horse in his care, contained zilpaterol. Zilpaterol is a beta-2 agonist typically used in livestock production to promote lean muscle growth. This was a Class 1 violation at the time the complaint was issued but is presently a Class 3 violation. The Pennsylvania Research and Toxicology Laboratory confirmed the split sample. Pursuant to the agreement, the stewards stayed 60 days of the suspension provided Vallejo commits no further Class 1, 2, or 3 violations during the term of his probation. Red Dwarf finished first in the seventh race at Golden Gate Fields on April 12, 2012. The stewards disqualified Red Dwarf and ordered the redistribution of the purse.

The following sequence of events and considerations led to the stipulated agreement and penalty imposed in this matter:

The violation occurred April 12, 2012. The CHRB filed a complaint against Vallejo on June 27, 2012, alleging the zilpaterol violation for the horse Red Dwarf. The stewards at Golden Gate Field conducted a series of hearings from November 2012 to February 2013. The stewards wrote a Proposed Decision for Board consideration in which they recommended the minimum penalty under the guidelines for a Class 1 violation: one year suspension and \$10,000 fine. The Board considered this matter in closed session on May 23, 2013. The commissioners rejected the Proposed Decision and approved an order for the Board of Stewards at Golden Gate to consider additional evidence. A copy of this order was provided to Vallejo's attorney and to the deputy attorney general (DAG) representing the CHRB in the case, who began settlement negotiations.

In considering this matter, the legal staff of the Board considered the following issues:

1) Feed produced by Purina at the Turlock plant was found to be contaminated by zilpaterol beginning in February 2013. The CHRB dismissed a large number of zilpaterol violations in the Purina contamination incident.

2) In the late spring there was a rash of zilpaterol positives in Hong Kong from feed milled in northern California unrelated to the Purina incident.

3) While the Red Dwarf positive occurred well before these feed contaminations, Vallejo's attorney raised the contamination issue as a central argument.

4) Although the equine medical director stresses to CHRB investigators the need to always collect feed samples at the time the trainer is notified and the barn searched in zilpaterol cases, for reasons unknown the investigator in the Vallejo matter did not collect feed samples during the initial barn search. Feed collected and tested two weeks later was negative for zilpaterol.

5) Zilpaterol at the time of the Vallejo violation (April 2012) was a Class 1 drug as it was not categorized under CHRB rules at the time of the violation. An uncategorized drug is Class 1 by default. At the time of the violation, zilpaterol was an ARCI Class 3 drug with a Class A penalty. Beginning in August 2012, the CHRB updated the drug classification to be in agreement with ARCI classifications at the time. That included zilpaterol being designated as a Class 3 drug.

6) In July, the CHRB settled the Vod Farris zilpaterol case at Los Alamitos – treating it as a Class 3 violation – with a 90-day suspension but 60 days stayed, plus a \$3,000 fine. The proposed settlement in the Vallejo case was consistent with the Farris case.

All of these considerations made the Vallejo case more challenging to sustain on appeal, so the settlement agreement was reached and presented to CHRB Chairman David Israel for his approval. While Class 1 settlement proposals are submitted to the full Board for approval, Class 3 cases are submitted to the chairman. The legal staff of the Board reasoned that in fairness to the licensee in particular and the industry in general, the case should proceed in accordance with the rules and laws in effect at the time of the settlement, which meant treating this case as a Class 3 violation.

In a separate matter, the CHRB filed two complaints against trainer James Hanson for alleged violation of CHRB Rules 1843 (a) (b) (d) pursuant to Rule 1887 after the Maddy Laboratory at UC Davis reported the samples collected from two horse in his care, I Told You Twice and Member of the Tribe, each contained clenbuterol. Clenbuterol is a beta-2 agonist bronchodilator. These are Class 3 violations. Member of the Tribe finished first in the first race at Los Alamitos on June 15, 2013. I Told you Twice finished first in the fifth race at Los Alamitos on September 22, 2013. Hearings are pending.