

BEFORE THE CALIFORNIA HORSE RACING BOARD
OF THE STATE OF CALIFORNIA

**In the Matter of the Fitness for Licensure
against:**

**Jaziel Salinas
Groomer Applicant**

Case No.: SAC 23-0010

DECISION

The attached Proposed Decision is hereby adopted by the California Horse Racing Board as its Decision in the above-entitled matter. The applicant should reapply after he completes the terms of his diversion program and pays the required fine.

The Decision shall become effective on June 30, 2023.

IT IS SO ORDERED ON June 29, 2023.



CALIFORNIA HORSE RACING BOARD
Gregory L. Ferraro, DVM, Chairman

Scott Chaney
Executive Director

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6 **BEFORE THE CALIFORNIA HORSE RACING BOARD**
7
8 **STATE OF CALIFORNIA**

9 In the Matter of:

Case No. **23GG0023**

10 Appeal of the Notice of Refusal to License,
11 dated March 25, 2023

PROPOSED DECISION

12 **JAZIEL SALINAS**
13 **Appellant**

Hearing Date:
14 April 27, 2023

15 **PROPOSED DECISION**

16 This matter was heard on April 27, 2023, by Edward J. Weiss, Esq., a Hearing Officer
17 designated by the California Horse Racing Board, in a video conference via a Microsoft Teams
18 audio and video conference.

19 Appellant Jaziel Salinas (hereinafter "Salinas" or "Appellant") appeared and represented
20 himself. He was assisted with translation from English to Spanish by interpreter Pablo Padilla.
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22 The California Horse Racing Board ("CHRB" or "Respondent") appeared and was
23 represented by CHRB General Counsel Robert Brodnik. Two witnesses testified: Appellant;
24 and CHRB investigator, Noe Longoria, a CHRB investigator.

25 Salinas and the CHRB are at times below referred to collectively as the "Parties."
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1 The proceedings were recorded by court reporter Michelle E. Derieg of Weinstein Court
2 Reporters, LLC.

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5 **PROCEDURAL BACKGROUND**

6 On or about December 26, 2022, Salinas, a groom working for trainer Jose Puentes at
7 Golden Gate Fields, applied for a CHRB license. On or about February 23, 2023, the CHRB
8 assigned Noe Longoria to investigate the matter. On or about March 25, 2023¹, a Notice of
9 Refusal of License ("Notice") was issued based on the CHRB investigator's findings that Salinas
10 made a material misrepresentation and that he was unqualified for the occupation (groom) for
11 which he applied for a license. (See Notice).

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13 On April 27, 2023, at 10 a.m., the Hearing Officer conducted an appeal hearing in this
14 matter. Salina represented himself with the assistance of a translator, Pablo Portillo. The CHRB
15 was represented by its General Counsel, Robert Brodnik. The hearing lasted until approximately
16 11:20 a.m., at which time the hearing was adjourned and declared closed by the Hearing Officer.

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19 **LIST OF ADMITTED EXHIBITS**

20 The following exhibits offered by the CHRB were admitted into evidence: (1) CHRB
21 Investigation Report dated February 26, 2023; and (2) CHRB Investigation Report
22 (Supplemental Report) Dated March 9, 2023; and (3) Notice of Refusal to License². Salinas did
23 not offer any exhibits.
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28 ¹ The Notice of Refusal to License is dated 3/35/2023, which presumably was typo and the correct
dated was March 25, 2023.

² See Footnote 1 re date discrepancy.

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6 **LIST OF WITNESSES**

7 The following witnesses were sworn and testified at the hearing: CHR B investigator Noe
8 Longoria and Salinas. Salinas testified with the assistance of a translator, Pablo Portillo. There
9 were no other witnesses.
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12 **APPLICABLE LAW AND REGULATIONS**

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14 **CHR B Rule 1489 – Grounds for Denial or Refusal of License**

15 (a) The Board, in addition to any other valid reason, may refuse to issue a license or deny
16 a license to any person:
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18 (1) Who has been convicted of a crime punishable in a California state prison or
19 a federal prison, or who has been convicted of a crime involving moral
20 turpitude.

21 (2) Who has been convicted of a crime in another jurisdiction which if committed
22 in this state would be a felony.

23 (3) Who has made any material misrepresentation or false statement to the Board
24 or its agents in his or her application for license or otherwise, or who fails to
25 to answer any material question on an application for a license.

26 (4) Who is unqualified to engage in the activities for which a license is required.
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2 (7) Who has committed an act of moral turpitude, or intemperate acts which have
3 exposed others to danger, or acts in connection with horse racing and/or a
4 legalized gaming business which were fraudulent or in violation of a trust or duty.

5 (8) Who has unlawfully engaged in or has been convicted of possession, use or
6 sale of any narcotic, dangerous drug, or marijuana.

7 (9) Who is not permitted by any law to engage in the occupation for which the
8 license is sought.

9 (10) Who has violated, or who aids, abets or conspires with any person to violate
10 any provision of the rules or the Horse Racing Law.

11 (b) When considering the denial, suspension or revocation of a license under
12 subparagraphs (a)(1), (a)(2), (a)(7), and (a)(8) of this section, pursuant to section 481
13 of the Business and Professions Code, a crime or act shall be considered to be
14 substantially related to the qualifications, functions or duties of a person applying
15 for or holding a license under the Horse Racing Law, if to a substantial degree, the
16 crime or act evidences a present or potential unfitness to perform the functions
17 authorized by his or license or in a manner consistent with the public health, safety,
18 or welfare.

22 FACTUAL FINDINGS

23 I.

24 On or about December 26, 2022, Salinas, a groom working for trainer Jose Puentes,
25 applied for a CHRB license by completing, signing and submitting an Application for Renewal
26 or Replacement License ("Application"). In the Application, Salinas, who does not read or speak
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1 English (R.T. 26:6) checked the “no” box in response to the question asking him to indicate
2 whether he had ever been convicted of an offense by a court. (CHRB Investigation Report, dated
3 February 26, 2023, which includes the application Salinas submitted “the Application”, which
4 is written in English).
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6 II.

7 On February 23, 2023, CHRB investigator Noe Longoria (#30)(“Investigator Longoria”)
8 was assigned to investigate the matter of groom Salinas who was applying for a CHRB license.
9 (Investigation Report).
10

11 III.

12 Investigator Longoria reviewed a CII report that indicated that fingerprints associated
13 with Salinas showed that Salinas was arrested by the Oklahoma Highway Patrol on February
14 22, 2022 and charged with “Cultivation of Marijuana”, a felony. (Investigation Report).
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16 III.

17 On November 28, 2022, the charges against Salinas were amended to “Unlawful
18 Possession of Marijuana with the Intent to Distribute”, also a felony. (Investigation Report).
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20 V.

21 On November 28, 2022, Salinas pled guilty to and was convicted of “Unlawful
22 Possession of Marijuana with Intent to Distribute”, a felony. (Investigation Report). Salinas
23 pled guilty as a “solution” to his situation because he did not have a permit for what he was
24 transporting. (R.T. 9:13-22).
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26 VI.

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1 Salinas was sentenced to drug diversion, two years of probation, fined \$500 and assessed
2 additional court costs that brought the total amount he owes the court in his case to \$812.75.
3 (Investigation Report).

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5 VII.

6 In an interview with Investigator Longoria on February 25, 2023, Salinas answered
7 “no” when asked if he had ever been arrested. (Investigation Report – “SUPPLEMENTAL
8 REPORT March 9, 2023”, which is attached to the Investigation Report).

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11 VIII.

12 In Salinas’ presence, Investigator Longoria picked up the CII report, began reviewing it
13 and asked Mr. Salinas if he was sure, in response to which Mr. Salinas admitted that he had
14 been arrested in Oklahoma. (Investigation Report).

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17 VIII.

18 The circumstances underlying Salinas’ arrest that led to his guilty plea and conviction
19 were that he worked for a licensed cannabis business that had a permit, although Mr. Salinas
20 himself did not have such a permit. Salinas was stopped by the Highway Patrol in Oklahoma
21 and found to be in possession of and transporting 200 marijuana plants. It appears that he
22 would not have been arrested and charged had his employer “Shelby” (whose last name Mr.
23 Salinas did not know or remember), who is licensed in Oklahoma to transport marijuana plants,
24 been with him at the time. Salinas testified that he was working for a legitimate and legal
25 marijuana business. (R. T. The CHRB did not present evidence and its investigation to date has
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1 not revealed anything to challenge that Salinas was working for a legal business in Oklahoma
2 at the time of his arrest.

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4 IX.

5 Mr. Salinas initially was untruthful about his arrest and conviction.

6 X.

7 Mr. Salinas, however, then became cooperative and ultimately admitted his arrest and
8 conviction record. Investigator Longoria found him to be sincere. (Investigation Report). Salinas
9 testified that he made a mistake and did not intend to lie. (R.T. 7: 17-18). Salinas' testimony at
10 the hearing likewise was sincere and credible.

11 XI.

12 Mr. Salinas may have been confused when he completed and submitted his
13 application. (R.T. 7-8). His arrest and last court date at which he pled guilty was less than a
14 month before he submitted his application and there were other applicants who were Spanish
15 speakers who also struggled with the application. A third party whom Mr. Salinas does not know
16 assisted him and others with filling out the CHRB application. Mr. Salinas stated that he copied
17 what others were answering on the application. (Investigation Report).

18 XII.

19 Mr. Salinas stated to Investigator Longoria that he was confused due to language
20 barrier when he completed and submitted his application. Salinas told Investigator Longoria and
21 testified that he made a mistake on his application. Investigator Longoria stated in his
22 Investigation Report that Mr. Salinas seemed credible. The Hearing Officer also finds Salinas to
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1 be credible. It appears that Salinas made an honest mistake when he completed and submitted
2 his Application that indicated, falsely, the he has not been convicted of an offense by a court.

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4 XIII.

5 When Investigator Longoria interviewed Mr. Salinas, Mr. Salinas was initially untruthful,
6 failing at that time to admit that he had been arrested and convicted of a felony in response to
7 Investigator Longoria's question. (Investigation Report).

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9 XIV.

10 Mr. Salinas' initial reluctance to admit that he had been arrested and convicted were an
11 important factor in the decision of Investigator Longoria to terminate Mr. Salinas' license.
12 (Investigation Report).

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14 XV.

15 Mr. Salinas has not yet completed the conditions necessary to avoid his conviction,
16 having not yet completed court ordered Drug Diversion and not yet paid all his fine/court costs.
17 Mr. Salinas has paid \$225 and still owes \$587.75 of his fine/court costs. (Supplemental
18 Report).

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20 XVI.

21 During a follow-up interview with Salinas on March 9, 2023, Investigator Longoria
22 asked Salinas: "If you are relicensed, are you going to stay away from drugs, drug users and
23 drug dealers?" Longoria noted in his report that Salinas, without hesitation, replied: "I already
24 know how much trouble I can get into for transporting Marijuana plants for a legal grow
25 operation. I want nothing to do with it. I just want to get myself back on my feet and see what
26 the future brings." (Supplemental Report).
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XVII.

On March 9, 2023, the action the CHRB took with respect to Salinas' application was changed from a TERMINATION OF TEMPORARY LICENSE to a NOTICE OF REFUSAL LICENSE. (Supplemental Report).

XVIII.

Salinas' arrest resulted in a serious charge, but the investigation and evidence presented does not show that he was involved in an illegal drug business or drug use. The evidence shows the opposite: Salinas appears to have been working for a legal business and his conviction resulted from transporting marijuana plants of his employer for which only the employer and not Salinas had a permit to transport.

IX.

Salinas was apologetic and remorseful. (R.T. 7:18-8:17).

DISCUSSION OF THE ISSUES

This case involves a series of unfortunate circumstances and decisions by Salinas that resulted in him being denied the CHRB license for which he applied. Salinas was convicted of a felony drug offense in Oklahoma shortly before applying for a CHRB license, but the underlying circumstances of his case reveal a more sympathetic picture of his conduct. He is arrest and conviction appear to have resulted from him not personally having a permit while the lawful cannabis business for which he worked itself held such a permit. Had his employer been with him in the vehicle when he was pulled over by the Oklahoma Highway Patrol with 200 marijuana

1 plants, he likely would not have been arrested and charged with a felony. He ultimately pled
2 guilty to possession with the intent to distribute for which he was sentenced to drug diversion,
3 probation and fined, approximately one month before he applied for a CHRB license. When
4 applying for the license, Mr. Salinas, possibly confused by a language gap, checked "no" rather
5 than "yes" to the question asking whether he had been convicted of an offense by a court. In his
6 CHRB interview, Salinas initially made a false statement to the CHRB Investigator, which he
7 subsequently corrected later in his interview. While he was sincere, cooperative and admitted his
8 criminal history to Investigator Longoria, Salinas' initial lack of truthfulness damaged his
9 prospects for a license. (Investigation Report). In addition, while he received Drug Diversion
10 and probation from the court in Oklahoma, the fact remains that applied with (and continues to
11 have) a felony conviction on his criminal record. As a result, he was denied a license on the basis
12 that he made a material misrepresentation and is "unqualified to engage in the occupation" for
13 which he applied. (See Notice).

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17 The decision to deny Salinas' request for a license should be upheld because he (1) made
18 a material false statement to Investigator (See CHRB Rule 1489(a)(3)(false statement to an agent
19 of the CHRB); and (2) he has a felony conviction for a drug related offense, which makes him
20 unqualified to work as a groom at the race track (See CHRB Rule 1489(a)(4),(8) and CHRB
21 Rule 1489(b)). While the circumstances underlying his conviction and his statements to the
22 Investigator show that the business for which he was working when he was arrested was not
23 illegal, and he condemned the drug trade and strongly stated he would not engage in drug related
24 activity in the future and is genuinely remorseful, the fact remains that he was recently convicted
25 of drug possession/distribution, a felony. His felony conviction eventually may be, but is not yet,
26 expunged, from his record, via drug diversion. He made a material false statement to the CHRB
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1 investigator during the application process. Under any of CHRB Rules 1489(a)(3), (4), (8) or
2 CHRB 1489(b), or all of them, it was proper for CHRB Investigator Longoria to deny a license
3 to Salinas. Under CHRB 1489(b), the crime for which Salinas was convicted, on its face, is of
4 the type that makes him unfit to be licensed. While successful completion of drug diversion may
5 make him eligible in the future to receive a license, he has not yet completed that program and
6 thus still has a recent felony drug possession/distribution conviction on his record.
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8 **CONCLUSION/PROPOSED DECISION**

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10 For the reasons set forth above, the Hearing Officer finds that CHRB Investigator
11 properly denied a license to Mr. Salinas under CHRB Rule 1489(a) because Mr. Salinas made a
12 false statement in his interview. Alternatively, Mr. Salinas has a felony criminal conviction –
13 Possession Marijuana with Intent to Distribute – that the court in Oklahoma entered in close
14 proximity to Salinas' license application. While the circumstances underlying that conviction
15 reveal he was not participating in an illegal drug business, his felony conviction for drug
16 possession with intent to distribute is nevertheless serious on its face and provide grounds to
17 refuse to license. In addition, under CHRB Rule 1489(b), the conviction is of the type that makes
18 Salinas unfit for the occupation for which he is seeking a license. The Hearing Officer reluctantly
19 recommends that the decision to refuse license be upheld.
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23 DATED: May 22, 2023

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26 Edward J. Weiss, Hearing Officer
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