BEFORE THE CALIFORNIA HORSE RACING BOARD

OF THE STATE OF CALIFORNIA

In the Matter of:

APPEAL OF THE BOARD OF STEWARDS
OFFICIAL RULING #004, DEL MAR
DATED 7/26/2026

ANTONIO FRESU
CHRB LICENSE 407256
APPELLANT

Case No. SAC 26-0010

DECISION

The attached Proposed Decision is adopted by the California Horse Racing Board in the above-entitled matter.

This Decision is hereby remanded to the Board of Stewards to issue a ruling and order imposing a three (3) day riding suspension.

IT IS SO ORDERED ON November 19, 2026.

Gregory L. Ferraro, DVM, Chairman
California Horse Racing Board

Dr. Gregory Ferraro, DVM
Digitally signed by Dr. Gregory Ferraro, DVM
Date: 2026.11.19 14:34:12 -08'00'

Scott Chaney, Executive Director
California Horse Racing Board

Chaney, Scott
Digitally signed by Chaney, Scott
Date: 2026.11.19 15:37:40 -08'00'

BEFORE THE

CALIFORNIA HORSE RACING BOARD

STATE OF CALIFORNIA

IN THE MATTER OF: APPEAL OF THE BOARD OF STEWARDS OFFICIAL RULING #004, DEL MAR DATED 7/26/2026 ANTONIO FRESU CHRB LICENSE 407256 APPELLANT	Case No.: SAC 26-010 **Hearing date:** **September 16, 2026** **1PM** **Los Alamitos Race Track**

PROPOSED DECISION

This matter was heard on September 16, 2026, by John Tyre, Esq, Hearing Officer designated by the California Hore Racing Board, in person at Los Alamitos, race course in Orange County, CA. On September 16, 2026, the parties conducted a hearing in person and on "Teams" which consisted of oral and video testimony and evidence.

Appellant, was present, and was represented by Attorney, Bing Bush. Also present were:

Darryl McHargue, Chief Steward

Luis Jauregui, Steward

Kim Sawyer, Steward

Stuart Baker, Steward (through Teams video)

Jose Flores, Investigator

Michelle Perieg, Court Reporter

Bing Bush, Counsel for Mr. Rosario (through Teams video)

Jacquelyn Loyd, Counsel for CHRB

John Tyre, Attorney at Law, designated hearing officer

PROCEDURAL BACKGROUND

Stewards posted the Inquiry sign after viewing an incident in the final 1/16th mile of a 1 1/16th mile race on the turf at Del Mar Race Track. Entering the final furlong, the original first place finisher (#3), Lady in Paris ridden by jockey Antonio Fresu, who is a licensed jockey in California, comes into the stretch behind two horses in the one position along the rail. The filly begins to drift/veer from that position and eventually cuts in front of the number 9 horse (Yoga Master). When that occurs, jockey Cesar Belmont (on Yoga Master) is forced to take up sharply. The (#5) horse on the outside appears to come in slightly and Lady in Paris makes contact with her, which shuts off the hole that (#9) Yoga Master is entering. The cutting off of Yoga Master does appear to be caused mainly by

the riding of Mr. Fresu who, as he was coming down the stretch veered approximately 6-8 lanes down the stretch. Stewards thought that Yoga Master was tiring, but that Miso Phansy was closing well and had a chance to win this race prior to the action of Lady in Paris

Evidence Produced

1. Appellant Antonio Fresu testified on his own behalf over "Teams" video.
2. Luis Jauregui testified in person.
3. Stipulation that submitted paperwork for this hearing that was given to both parties prior to the hearing may be used as evidence.
4. Kim Sawyer, Steward, testified in person.
5. Darryl McHargue, Chief Steward, testified in person as an expert in the field of riding and acting as a Steward.
6. Stuart Baker, Steward testified via "Teams" video.
7. Video of the incident was submitted during the hearing including multiple views of the race including the stretch run.

Hearing Proceedings

At the hearing, there was oral testimony given by Mr. Fresu. Mr. Fresu indicated that he is a veteran jockey who has ridden all over the world. That this was the second time he had ridden this horse(#**3 Lady in Paris**) and that his actions were not dangerous under rule 1699 and that his horse reacted to a left-handed whip and he had no time to correct the course based upon horses on his right coming in during the final moments of the race. His horse, the number 3 horse entered the stretch along the rail. You can then see as Mr. Fresu headed down the stretch, he was whipping his horse left-handed. It appears that the horse veers out either, as a result of the whip or for some other reason. Once the horse is in the middle of the track, down the stretch, his horse made contact with the number 10 horse which resulted in the horse ridden by jockey Belmont, "**Yoga Master**" to being somewhat "sandwiched" resulting in him having to take up in order to prevent a severe mishap. We reviewed the videos with Mr. Bush and his client, Mr. Fresu several times. It was pointed out that some of the other horses to the outside of Mr. Fresu were getting tired and coming in towards his horse. It was not disputed that Mr. Fresu came out from his original position along the rail towards the 7-8 path during his trip down the stretch. Mr. Fresu admits that during the stretch drive his horse and the horse to his outside caused a problem for "**yoga master**", the horse that had to take up. In essence, Lady in Paris, ridden by Jockey Fresu, came out in the stretch eventually coming so close to

horse, **Miso Phansy** that it caused Yoga Master to have to take up drastically. As a result of this, Mr. Fresu was given a three-day suspension under CHRB 1699, careless riding.

CHRB attorney, Ms. Lloyd called several witnesses, we shall go over each of them briefly.

Steward Luis Jauregui testified to the following:

He watched the video of the stretch run of the race. He indicated that Mr. Fresu came out in the stretch into the number 3 path and that once he was struck with a left-handed whip, instead of making sure his horse took a straight path by handling the reigns properly, Mr. Fresu just kept urging his horse allowing him to drift outward causing the problems with the other horses. If Mr. Fresu had taken proper control of the reigns, Mr. Jauregui believes there would not have been problems down the stretch. Mr. Jauregui believed that the horse was not at fault, but control, by the jockey was the reason for the incident and therefore he believed it was a violation of CHRB rule 1699.

There was a lot of questions during testimony about Jockey Rispoli, who rode in the race asking the Stewards for Mr. Fresu to only receive a “Yellow Card”, as a result of his riding. I looked into the rules and there is no such thing as a Yellow Card in CHRB rule 1699 so that was not considered. Also, testimony of Mr. Fresu saying “he was sorry” with no context was presented but in my humble opinion, that was of not evidentiary value.

Mr. Bush then introduced a different view of the video showing that the horse to the outside of "Lady in Paris" drifted in slightly during the run down the stretch contributing to the issue with Yoga Master.

Steward Grant Baker testified by video:

In watching the videos of the race, Steward Baker explained how Jockey Fresu came out from his inside position and then was struck two times, left-handed, by Mr. Fresu. This resulted in the horse drifting out towards the middle of the stretch. Jockey Fresu was using the method of "throwing crosses" at his horse with his reigns. The horse was not corrected as he drifted out causing the problems with **Yoga Master** and **Miso Phansy**. Steward Baker felt that the riding of Jockey Fresu was a violation of CHRB rule 1699, careless riding.

Steward Baker's comment was the following after watching the video:

"WELL, IT'S A TEN-HORSE FIELD. HE STARTED ON THE RAIL, IT'S NOT -- WITH ALL DUE RESPECT OF THIS FINE RIDER, IT'S NOT HIS RACETRACK. HE'S GOT TO RESPECT THE SAFETY OF HIS FELLOW JOCKEYS, AND HE'S ALREADY COME OFF THE RAIL ENTERING THE STRETCH, AND HE'S GOING TO CONTINUE TO COME OUT AFTER THIS FREEZE FRAME."

Steward Kim Sawyer testified:

She has been a steward for 25 plus years and has judged over 40,000 races. She is aware of the race in question and maintained that Mr. Fresu, in her opinion, failed to maintain a straight course down the stretch of this race violating CHRB rule 1699. Much again was make about jockey Rispoli attending the hearing the next day and asking for a "yellow card" instead of a suspension. I am not sure the relevance of this other than a friend asking for a break for a friend. If Mr. Rispoli had ever acted as a Steward at a race track, perhaps his opinion may have been relevant but to this officer, it plays no part in my opinion.

Steward Sawyer indicated that she saw other horses in the race drift briefly but none of them came to the level of Lady in Paris who caused the majority of the incident that is being discussed. It was clear to her that Mr. Fresu and his riding of this race caused the problem.

Chief Steward Darryl McHargue was called:

In his opinion. After watching the videos, he explained:

"**I BELIEVE MR. FRESU AS EARLIER TESTIMONY, WAS HE STARTED NEAR THE INSIDE FENCE COMING INTO THE STRETCH AND AS HE FINISHED, HE WAS ABOUT EIGHT HORSE PATHS OFF THE RAIL. AND THERE'S NOTHING WRONG WITH THAT. IF HE CROSSES OVER, DRIFTS OUT AND I'VE HEARD TESTIMONY OF VEERING VERSUS DRIFT. THIS TO ME, IN MY OPINION, WAS DRIFTING. THIS WAS A STEADY**

DRIFT AND HE ENDED UP ABOUT THE EIGHTH HORSE PATH OFF OF THE RAIL. AND DIRECTLY IN FRONT OF THE HORSE THAT HAD TO TAKE UP, AND HE TOOK UP HARD, TOO. TOOK UP SHARPLY."

Streward McHargue has either ridden in or seen 40 years of races and based upon his history believed he was able to give an expert opinion of this ride. There was no objection to his opinion of careless riding.

Mr. McHargue also indicated that if Mr. Fresu had a feeling during the race that his horse was veering or drifting he should have taken the reigns and straightened his horses path down the stretch. He saw nothing to indicate that Mr. Fresu attempted to control his horse's path.

Steward McHargue final analysis was:

"**THE FRONT HORSE'S STRIDE IS -- HIS LEGS ARE BACK AND THE HORSE IS TAKEN UP AND HIS FRONT LEGS ARE CROSSING OVER FROM THAT OTHER HORSE'S BACK LEGS. SO THAT'S HEEL-CLIPPING STAGES. AND AS ONE OF THE STEWARDS MENTIONED, THIS IS A DANGEROUS PROFESSION.**

THIS IS HOW PEOPLE GET HURT, AND I DON'T WANT TO MINIMIZE THAT BECAUSE A LOT OF TIMES THINGS WILL HAPPEN AT A RACE AND NOBODY GOES DOWN. BUT YOU DO SEE THAT, TOO. IN MY YEARS, I'VE SEEN WHERE YOU WANT THOSE JOCKEYS GOING HOME AT NIGHT WITH THEIR FAMILIES AND HAVING DINNER

AND ALL OF THAT. BUT I'VE ALSO BEEN IN A SITUATION WHERE YOU SEE JOCKEYS THAT DO THAT, SOMEBODY GOES DOWN, AND NOW YOU'VE GOT SOMEBODY THAT'S HURT IN THE HOSPITAL. SO DON'T MINIMIZE CARELESS RIDING."

In closing argument, Mr. Bush eloquently pointed out that this incident was caused by a number of things and that Mr. Fresu should not be held totally accountable for his ride. It was a result of a lot of things including other horses' actions and other jockeys' control of their horses. Mr. Fresu should be given consideration under B&P 19517a. He argued that this should be evaluated under the c section as something detrimental to racing and that Mr. Fresu should be given something less than the three-day suspension handed down.

Viewed, in light, of the new Amended, discretion based, version of rule 1699 which governs Jockeys actions during a race. Mr. Bush, after the hearing, submitted a brief which summarizes the ability, under Business and Professions Code 19517(a), which allows the board the ability to overturn a Stewards ruling if he finds any of 3 factors present:

A. Mistaken interpretation of the law.

B. New Evidence of a convincing nature

C. The best interests of racing would be served by overturning their decision.

Mr. Bush also indicated that in light of the fewer racing days that a punishment of 3 days was too excessive. Any decision should be tempered based upon the new rules and the fewer days. One or two days would be fairer than the three issued.

POINTS AND AUTHORITIES

§ 1699. Riding Rules.

Currentness

Rule 1699 Jockeys Riding Rules

During the running of the race:

a. A leading horse is entitled to any part of the course, but when another horse is attempting to pass in a clear opening, the leading horse shall not cross over so as to compel the passing horse to shorten its stride.

b. A horse shall not interfere with any other horse. Interference is defined as bumping, impeding, forcing in or out or otherwise causing any other horse to lose stride, ground, momentum or position.

c. A horse which interferes with another as defined in subsection a or b may be disqualified and placed behind the horse so interfered with if or last, in the opinion of the Stewards, the horse interfered with was not at fault and the interference

occurs in a part of the race where the horse interfered with loses the opportunity to place where it might reasonably be expected to finish.

d. Jockeys shall not ride carelessly, or willfully, so as to permit their mount to interfere with any other horse.

e. Jockeys shall not strike or strike at another horse or jockey so as to impede, interfere with, intimidate, or injure.

f. If a jockey rides in a manner contrary to this rule, the mount may be disqualified, and the jockey may be suspended or otherwise disciplined by the Stewards.

19517. (a) The board, upon due consideration, may overrule any steward's decision other than a decision to disqualify a horse due to a foul or a riding or a driving infraction in a race, if a preponderance of the evidence indicates any of the following:

- (1) The steward mistakenly interpreted the law.
- (2) New evidence of a convincing nature is produced.
- (3) The best interests of racing and the state may be better served.

(b) However, any decision pertaining to the finish of a race, as used for purposes of parimutuel fund distribution to winning ticketholders, may not be overruled. Furthermore, any decision pertaining to the distribution of purses may be changed only if a claim is made in writing to the board by one of the involved owners or trainers, and a

preponderance of the evidence clearly indicates to the board that one or more of the grounds for protest, as outlined in regulations adopted by the board, has been substantiated. The chairperson of the board may issue a stay of execution pending appeal from a steward's decision if the facts justify the action.

CONSIDERATION OF THE FACTS

I spent a lot of time on this case viewing the race from all angles and from all views. I listened to the Stewards and their opinion and listened closely to Chief Steward Darrly McHargues opinion of the riding in this race. I took particular note of Mr. Fresu's testimony of how he rode this race and how things happened. As opined in the totality of the testimony, things happen fast in a race. A jockey has a split moment to make a correction or to take action to prevent catastrophe! Here Mr. Fresu appeared to have a ton of horse and horse around him that were getting tired. He put his head down and pushed his horse as hard as he could to finish the race properly. In doing so he came from the one to the three out to the seven or eight path of the track. In doing so he created a problem for other horses thus violating section 1699 of the CHRB. Does he deserve a yellow card in this race? I don't think I can overrule the Stewards opinion in this case, therefore:

ORDER

Ruling DMTD004 in which the Stewards at Del Mar race track issued a ruling providing for a 3 -day suspension for violation of CHRB rule 1699 is Affirmed.

Dated:10/3/2026

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HEARING OFFICER JOHN TYRE