

CALIFORNIA HORSE RACING BOARD

1010 HURLEY WAY, SUITE 300

SACRAMENTO, CA 95825

**PACIFIC RACING ASSOCIATION**

Golden Gate Fields

Albany, California

Report of the Board of Stewards

To the California Horse Racing Board

Honorable Edmund G. Brown Jr., Governor

Honorable Keith Brackpool, Chairman

Honorable David Israel, Vice Chairman

Honorable Jesse H. Choper, Member

Honorable Bo Derek, Member

Honorable John C. Harris, Member

Honorable Jerome S. Moss, Member

Honorable Richard A. Rosenberg, Member

Kirk E. Breed, Executive Director

Report for the period Sunday, January 30, 2011 through Saturday, February 5, 2011.

Sunday01-30-11¹ **CAL-BRED REPORT**

Purse \$10,000. For California bred or California sired fillies and mares, four years old and upward, claiming price \$5,000 at six furlongs. Only four horses were entered in the race and the race was called off.

01-30-11² **DECLARATIONS – REFUNDS**

5 th race:	#1 STORY BEHIND IT	(Tr. Genaro Vallejo)	sick
	Examining Veterinarian Diane Isbell		REFUND: \$ 333.80
7 th race:	#4 DEVIL'S CHOIR	(Tr. Peter Eurton)	unsound
	Track Veterinarian Heather Kerr		REFUND: \$40,448.40
	#9 IRISH SURFER GIRL	(Tr. Gary Greiner)	sick
	Examining Veterinarian Diane Isbell		REFUND: \$ 274.00

01-30-11³ **RACING PROGRAM**

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The nine races on today's race card progressed smoothly without noteworthy incident.

01-30-11⁴ **ATTENDANCE & HANDLE**

GGF	3,287	\$ 530,029.70
NCOT	2,841	\$ 950,740.50
SCOT		\$ 644,623.90
Out of State		\$1,390,421.74
TOTAL	6,128	\$3,515,815.84

Wednesday

02-02-11 **DARK DAY**

Steward Paul Nicolo, standing in for Steward John Herbuveaux who is absent for personal reasons, will be attending to entry and declarations for the week. Mr. Nicolo was present for entries for Saturday, February 6th and scratches for tomorrow's (02-03) eight race program.

Thursday

02-03-11¹ **CAL-BRED REPORT**

Purse \$15,000. For California bred or California sired maidens, four years old and upward, claiming price \$20,000 at one mile. The race was called off with three entries.

02-03-11² **DECLARATIONS – REFUNDS**

3rd race: #3 BREZZA MARINA (Tr. Lloyd Mason) injured
Examining Veterinarian Diane Isbell REFUND: \$649.95

02-03-11³ **JULIE HOBSON FINANCIAL DISMISSED** (Refer 01-28-11⁵)

Complaint # 10GG232 filed against owner **Julie Hobson** (dba Team Hobson) by **Equine Sports Medicine and Surgery** for a debt of \$3,594.00 was dismissed after Don Smith, D.V.M. reported the debt has been paid in full.

02-03-11⁴ **OVIEDO and KLECZKA** (Refer 11-18-10⁴)

A hearing was held today to complete the record that was started on the above reference date. CHRB complaint 10GG200 was filed against trainer **Phil Oviedo** and notification was sent to owner Kevin Kleczka of possible disqualification after their horse, HIESMAN U, post race tested with the metabolite O-Desmethylpyrilamine, a metabolite of Pryilamine and Norpseudophedrine (Class 3).

Present today, in addition to stewards Darrel McHargue, Dennis Nevin and Paul Nicolo, were attorney Brian Pitnick, representing trainer Phil Oviedo, and CHRB investigator Barbara Chimero.

At the last hearing there was question as to whether the owner of the horse was properly notified regarding the possible disqualification of his horse. After the necessary documentation was presented for the record, the matter was submitted for decision.

02-03-11⁵ **TRAINER DEAN PEDERSON and Owner PHILIP CROSBY** (10BM0003)

A hearing was held to address a complaint filed against trainer **Dean Pederson** for alleged violation of CHRB rules #1843 (a) & (d) (Medication, Drugs and Other Substances) and #1887 (a) (Trainer to Insure Condition of Horse).

Mr. Pederson was cited and owner Philip Crosby was notified of possible disqualification of his horse, I SWEAR, after the horse's post race sample tested positive for Propranolol, Class 3 prohibited drug following the running of the sixth race at Sonoma County Fair, Santa Rosa on August 6, 2010.

Present today were stewards Dennis Nevin, Paul Nicolo and Darrel McHargue, trainer Dean Pederson and CHRB investigator Barbara Chimero. Certified Court Reporter Christine Niccoli recorded the procedure.

After all the supporting documents were placed in the record, which included a stipulated agreement between Mr. Pederson and California Horse Racing Board, the

record was closed and submitted for decision.

02-03-11⁶ **TRAINER RENE AMESCUA HEARING**

A hearing went forward today to address CHRB complaint 10GG225 filed against trainer **Rene Amescua** for alleged violation of CHRB rules 1843 (a) & (d) (Medication, Drugs and Other Substances) and 1887 (a) (Trainer to Insure Condition of Horse).

Mr. Amescua was cited after his horse FOXY JADE ran third in the fifth race at Golden Gate Fields on November 30, 2010 and tested positive for the drug Trenbolone, a Class 3 substance.

Present for the hearing were stewards Dennis Nevin, Darrel McHargue and Paul Nicolo and CHRB investigator Carol Nolan. Certified Court Reporter Christine Niccoli recorded the proceedings.

There were a number of issues that were raised during the hearing regarding time lines pertaining to the split sample, and why the sample was not tested, which were left unanswered. The stewards will deliberate the matter based on the evidence and testimony presented...Decision forthcoming.

02-03-11⁷ **RACING PROGRAM**

The eight race program progressed smoothly without incident.

02-03-11⁸ **ATTENDANCE & HANDLE**

GGF	1,231	\$	326,063.70
NCOT	2,355	\$	732,220.20
SCOT		\$	439,982.30
Out of State		\$	1,367,209.17
TOTAL	3,586	\$	2,865,475.37

Friday

02-04-11¹ **CAL-BRED REPORT**

Purse \$15,000. For California bred or California sired maidens, claiming price \$20,000 for fillies and mares four years old and upward at one mile. The race was called off with no entries.

02-04-11² **DECLARATIONS – REFUNDS**

6 th race:	#7 BEN'S STARRY NIGHT	(Tr. Guillermo Preciado)	injured
	Examining Veterinarian	Diane Isbell	REFUND: \$216.50
8 th race:	#5 WEELS OF FIRE	(Tr. Brian Pitnick)	injured
	Examining Veterinarian	Diane Isbell	REFUND: \$ 78.90

02-04-11³ **RULING NO. 19 – HEISMAN U**

Acting on a report from the University of California at Davis Maddy Laboratories, that the post race urine sample #GG09694, taken from the horse HEISMAN U, second place finisher in the sixth race at Golden Gate Fields on August 28, 2010, contained O-Desmethylpyrilamine and Norpseudoephedrine, a class 3 prohibited drug substance, it is hereby ordered that HEISMAN U be disqualified from all purse monies earned and

deemed unplaced, in accordance with California Horse Racing Board rule #1859.5 (Disqualification Upon Positive Test Finding).

It is further ordered that all purse monies (\$1,540.00) earned or awarded to owner Kevin O. Kleczka, trainer Philip Oviedo and jockey David Lopez be returned to the Paymaster of Purses for redistribution pursuant to California Horse Racing Board rule #1760 (Purse Award or Prize to be Withheld).

The revised order of finish is as follows:

- 2nd - PAYASO FUNNY
- 3rd - SURF CITY BRAT
- 4th - PORFIRIO S B
- 5th - BE THE WORM
- 6th - COULD B DREAM'N
- 7th - HAVE YOU BEEN TOLD
- 8th - TALK TOME JOEY

All records are ordered changed to reflect this ruling. In accordance with California Horse Racing Board rule #1956 (Race Declared Official) this ruling shall not affect the pari-mutuel payoffs.

RULING NO. 20 – OVIEDO

In accordance with a stipulated settlement agreement with the California Horse Racing Board:

Trainer **PHILIP OVIEDO**, who started the horse **HEISMAN U**, second place finisher in the sixth race at Golden Gate Fields on August 28, 2010, is hereby suspended thirty (30) days, fined the sum of three thousand dollars (\$3,000.00) and placed on probation for one year through February 4, 2012 pursuant to California Horse Racing Board rule 1887 (Trainer to Insure Condition of Horse) for violation of California Horse Racing Board rule 1843 (a) & (d) (Medication, Drugs and Other Substances – O-Desmethylypyrilamine and Norpseudoephedrine [Class 3]).

As stated in the settlement agreement, twenty-five (25) days of the thirty (30) day suspension will be stayed with the condition that Mr. Oviedo does not violate CHRB rules 1843, 1843.6 and 1887 regarding Class 1, Class 2, or Class 3 drug substances during the term of probation. The suspension days shall be February 5 through February 9, 2011.

During the term of suspension, all licenses and license privileges of PHILIP OVIEDO are suspended and pursuant to California Horse Racing Board rule #1528 (Jurisdiction of Stewards), subject is denied access to all premises in this jurisdiction.

The two rulings listed above were issued after due deliberation following the conclusion of yesterday's hearing.

02-04-11⁴ **AMESCUA DECISION** (02-03-11⁶)

After due deliberation the case against Mr. Amescua was dismissed without prejudice.

02-04-11⁵ **OBJECTION – Second Race – NO CHANGE**

Following the running of the second race jockey Julien Couton, rider of #5 DEMOCRATIC SWEEP (5th), lodged a claim of foul against #6 FUNKY SOUP (3rd, Modesto Linares) for alleged interference at the start.

After talking with the riders involved and reviewing the recording of the race, no change

was made to the numbers posted on the tote board.

The recording shows #5 breaks slow as #4 FAMILY SOUL (2nd, Russell Baze) breaks outward and into #5 with #6 maintaining a straight course. It was the unanimous opinion of the stewards the incident did not rise to the level of costing #5 a better placing.

02-04-11⁶ **INQUIRY – DISQUALIFICATION – Third Race**

Following the running of the third race the inquiry light was posted for a review of contact at the start involving #4 AWESOME VARIETY (6th, Alfredo Soto), #3 CLARENZA (4th, Hector Romero) and #2 CARRIE ROSE (3rd, Inoel Beato).

After reviewing the recordings of the start, and since #4 finished last, the numbers posted were made official.

The recording shows #4 breaks inward at the start and bumps #3 into #2. #4 continued inward and caused additional contact between the three horses which ultimately caused #3 to catch a heel and stumble.

02-04-11⁷ **INQUIRY – NO CHANGE – Sixth Race**

Following the running of the sixth race apprentice jockey Kyle Frey, rider of #5 MAJESTIC AMERICAN who finished last, lodged a claim of foul against jockey Russell Baze who did not ride the race.

Mr. Frey was racing in tight quarters between #1 HIGH INTELLECT (4th, Francisco Duran) and #8 JUDGE KENT (3rd, Catalino Martinez) and steadied momentarily while dropping back near the 1/8 pole.

After reviewing the recorded views, the posted order of finish was made official. The recording clearly failed to support his allegation of interference.

02-04-11⁸ **ATTENDANCE & HANDLE**

GGF	1,094	\$	284,346.30
NCOT	2,403	\$	753,155.00
SCOT		\$	427,024.70
Out of State			<u>\$1,439,968.54</u>
TOTAL	3,497	\$	\$2,904,494.54

Saturday

02-05-11¹ **CAL-BRED REPORT**

Purse \$12,000. For California bred or California sired maidens, fillies three years old, claiming price \$12,500 at five furlongs was used open with eight fillies.

02-05-11²

DECLARATIONS – REFUNDS

5th race: #7 MARK IN MONTEREY (Tr. Ed Moger) injured
Examining Veterinarian Sara Sporer REFUND: \$ 581.30
7th race: #8 ROM BABA (Tr. Sergio Ledezma) unsound
Track Veterinarian Heather Kerr REFUND: \$14,663.42

8th race: #1 SACHARISTE (Tr. Jerry Hollendorfer) sick
Examining Veterinarian Sara Sporer REFUND: \$ 122.30
9th race: #3 TOP RECRUIT (Tr. Terry Knight) sick
Examining Veterinarian Sara Sporer REFUND: \$ 279.00
#6 HAMMETT ISLAND (Tr. David Thomas) injured
Examining Veterinarian Sara Sporer REFUND: \$ 224.70

With the two scratches out of the ninth race the field was reduced to four wagering interests and in compliance with CHRB rule 1954 (Pari-mutuel Pool) show wagering was cancelled. The additional refund amounted to \$16.00.

02-05-11³

RULING NO. 21 – I SWEAR

Acting on a report from the University of California at Davis Maddy Laboratories, that the post race urine sample #F06375, taken from the horse **I SWEAR**, first place finisher in the sixth race at Sonoma County Fair (Santa Rosa, CA) on August 6, 2010, contained 4-Hydroxypropranolol, a metabolite of Propranolol, a class 3 prohibited drug substance, it is hereby ordered that **I SWEAR** be disqualified from all purse monies earned and deemed unplaced, in accordance with California Horse Racing Board rule #1859.5 (Disqualification Upon Positive Test Finding).

It is further ordered that all purse monies (\$4,500.00) earned or awarded to owners Phil Crosby and Dean Pederson, trainer Dean Pederson and jockey Julien Couton be returned to the Paymaster of Purses for redistribution pursuant to California Horse Racing Board rule #1760 (Purse Award or Prize to be Withheld).

The revised order of finish is as follows:

- 1st - BELLA CASTAGNA
- 2nd - MY LEADING LADY
- 3rd - SEEMED SWEET
- 4th - EASTER HIGH
- 5th - BYE BYE HOLLYWOOD
- 6th - SERBIANA
- 7th - OAKHILL GIRL

All records are ordered changed to reflect this ruling. In accordance with California Horse Racing Board rule #1956 (Race Declared Official) this ruling shall not affect the pari-mutuel payoffs.

RULING NO. 22 - PEDERSON

In accordance with a stipulated settlement agreement with the California Horse Racing Board:

Trainer **DEAN PEDERSON**, who started the horse **I SWEAR**, first place finisher in the sixth race at the Sonoma County Fair (Santa Rosa, CA)

on August 6, 2010, is fined the sum of fifteen hundred dollars (\$1,500.00) pursuant to California Horse Racing Board rule 1887 (Trainer to Insure Condition of Horse) for violation of California Horse Racing Board rule 1843 (a) & (d) (Medication, Drugs and Other Substances – 4-Hydroxypropranolol, metabolite of Propranolol [Class 3]).

The rulings listed above were issued after the stewards reviewed the stipulated agreement between Mr. Pederson and the Board in addition to the documents pertaining the positive test evidence.

02-05-11⁴ **RULING NO. 23 – SOTO** (Refer: 02-05-11⁵)

Apprentice Jockey **ALFREDO SOTO**, who rode **AWESOME VARIETY** in the third race at Golden Gate Fields on Friday, February 4, 2011, is suspended three (3) racing days (February 12, 13, and 17, 2011) for failure to make a proper effort to maintain a straight course soon after the start and causing interference; a violation of California Horse Racing Board rule #1699 (d) & (f) (Riding Rules – careless riding).

The term of this suspension shall not prohibit participation in designated races in California.

The ruling listed above was issued after Mr. Soto and his interpreter met with the stewards, reviewed the race and acknowledged making an error of failing to make any course corrections after his mount broke inward and continued going toward the rail which caused the horse on his inside to stumble after catching a heel.

02-05-11⁵ **RACING PROGRAM**

The nine race program progressed smoothly without incident.

02-05-11⁶ **ATTENDANCE & HANDLE**

GGF	1,930	\$ 514,014.80
NCOT	3,667	\$1,213,919.70
SCOT		\$ 628,551.70
Out of State		<u>\$1,304,367.98</u>
TOTAL	5,597	\$3,660,854.18

W E E K L Y S U M M A R Y

ATTENDANCE REPORT - The full Board of Stewards was in attendance each racing day during this reporting period for both morning business and the afternoon racing program. Steward Paul Nicolo was in attendance on the non-racing day (02/02) to handle entries and scratches.

VETERINARIAN RECOMMENDED SCRATCHES

Date	Race	No	Horse	Trainer	Reason	Vet	Refund
30-Jan	5	1	STORY BEHIND IT	Vallejo	sick	Isbell	\$333.80
	7	4	DEVIL'S CHOIR	Eurton	unsound	Kerr	\$40,448.40
		9	IRISH SURFER GIRL	Greiner	sick	Isbell	\$274.00
3-Feb	3	3	BREEZA MARINA	Mason	injured	Isbell	\$649.95
4-Feb	6	7	BEN'S STARRY NIGHT	Preciado	injured	Isbell	\$216.50
	8	5	WHEELS OF FIRE	Pitnick	injured	Isbell	\$78.90
5-Feb	5	7	MARK IN MONTEREY	Moger	injured	Sporer	\$581.30
	7	8	ROM BABA	Ledezma	unsound	Kerr	\$14,663.42
	8	1	SACHARISTE	Holledorfer	sick	Sporer	\$122.30
	9	3	TOP RECRUIT	Knight	sick	Sporer	\$279.00
		6	HAMMETT ISLAND	Thomas	injured	Sporer	\$224.70

VETERINARY REPORT

Euthanized / Died

01-30-11 Princess Charlie (Tr. G. James) left front disarticulated fetlock;
Tapeta, training

Veterinarian's List

There were seventeen (17) horses placed on the vet's list:

Sick: 4
Injured: 5
Unsound: 7
Bled: 0
Medication: 1

There were nine (9) horses removed from the vet's list:

Sick: 3
Injured: 2
Unsound: 4
Bled: 0
Medication: 0

Shockwave Therapy: There was one (1) shockwave therapy treatment reported.

WEEKLY ATTENDANCE & HANDLE SUMMARY FOR SATELLITE FACILITIES

Anderson	112	\$	28,030.90
Bakersfield	380	\$	87,725.70
Fresno	327	\$	83,887.00
Fresno Club One	97	\$	57,683.80
Monterey	368	\$	139,254.00
Pleasanton	1603	\$	575,324.50
Sacramento	1160	\$	382,161.20
San Jose	1730	\$	466,401.40
San Mateo	3149	\$	1,152,823.40
Santa Rosa	761	\$	170,305.60
Stockton	906	\$	252,438.60
Tulare	214	\$	47,687.60
Turlock	455	\$	131,459.20
Vallejo	772	\$	274,409.70
So. California		\$	2,140,182.60
Out of State		\$	5,501,967.43

	30-Jan	3-Feb	4-Feb	5-Feb	WEEK	Meet
ACCIDENTS	0	0	0	0	0	5
CAL-BRED RACES	0	0	0	0	0	3
CLAIMS	3	3	4	0	10	44
DISQUALIFICATIONS	0	0	1	0	1	2
INQUIRIES/OBJECTIONS	0	0	3	0	3	11
REFUNDS	3	1	2	5	11	76
RULINGS	0	0	2	3	5	23

Respectfully submitted,

Darrel McHargue, Steward

Dennis Nevin, Steward

Paul Nicolo, Steward

DM/BOS: kjk