

CALIFORNIA HORSE RACING BOARD
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PACIFIC RACING ASSOCIATION

Golden Gate Fields
 Albany, California

Report of the Board of Stewards
To the California Horse Racing Board

Honorable Arnold Schwarzenegger, 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 Jerry Moss, Member
 Honorable Richard A. Rosenberg, Member
 Kirk E. Breed, Executive Director
 Richard Bon Smith, Assistant Executive Director

Report for the period Sunday, August 29, 2010 through Saturday, September 4, 2010.

Sunday

08-29-10¹ **EARLY DECLARATIONS – REFUNDS**

4 th race:	#2 LADY'S CASH	(Tr. Cortney Hickman)	sick
	Examining Veterinarian Diane Isbell		REFUND: \$ 405.70
5 th race:	#4 NOT IN SIBERIA	(Tr. Aggie Ordonez)	sick
	Examining Veterinarian Diane Isbell		REFUND: \$ 341.60
7 th race:	#1 GAME EVENT	(Tr. Bud Klokstad)	sick
	Examining Veterinarian Diane Isbell		REFUND: \$ 193.40

08-29-10² **GOMES HEARING** (Case #10GG0157)

A formal hearing was held for trainer **MONTE GOMES** who was the subject of a complaint alleging violation of California Horse Racing Board rule #1866 (b) (Veterinarian's List) in that he worked a horse, THE SPADE RULES, within seventy-two hours of that horse being placed on the veterinarian's list.

Present at the hearing, besides Gomes and the stewards, was CHRB Senior Investigator Gabe Palomar, who presented the case. Testifying as witnesses were track veterinarian **Heather Kerr**, assistant veterinarian **Laura Gilson**, jockey **Barrington Harvey** and Gomes' assistant trainer **Sherry Stanley**.

Evidence and testimony were offered and entered into the record and the matter deemed submitted. The stewards will render a decision in the near future.

08-29-10³ **LATE SCRATCH – REFUND – Eighth Race**

#3 GROZA, trained by Jerry Hollendorfer, was scratched on the recommendation of track veterinarian Heather Kerr, D.V.M. during the warm up period when she noticed the filly was off on the left front. On Vet's List. The refund amounted to \$21,161.26.

08-29-10⁴ **STEWARDS INQUIRY – NO CHANGE – Ninth Race**

The stewards posted the inquiry sign to evaluate an incident at the 3/16 between the show horse, #2 OPUS CAT, ridden by apprentice jockey Abel Cedillo, and the fifth placed horse #3 SUMALEE, ridden by Juan Hernandez. After a thorough review the stewards left the placings untouched.

Race replays showed that SUMALEE caused his own problems by drifting in behind OPUS CAT rather than suffering from any interference by the latter.

08-29-10⁵ **ATTENDANCE & HANDLE**

GGF	5,517	\$	592,136.30
NCOT	2,900	\$	950,756.50
SCOT		\$	527,790.60
Out of State		\$	1,089,724.40
TOTAL	8,417	\$	3,160,407.80

Wednesday09-01-10¹ **EARLY DECLARATIONS – REFUNDS**

3 rd race:	#5 JUDGE KENT	(Tr. Cliff Delima)	sick
	Examining Veterinarian	Diane Isbell	REFUND: \$ 254.70
7 th race:	#5 AVONDELAY	(Tr. Andy Mathis)	sick
	Examining Veterinarian	Diane Isbell	REFUND: \$ 294.66

09-01-10² **GOMES DECISION** (Refer 08-29-10²) **RULING NO. 3**

Trainer **MONTE GOMES** is hereby fined the sum of three hundred dollars (\$300.00) for working out the horse THE SPADE RULES while on the Veterinarian's List on May 29, 2010 at Pleasanton, CA; a violation of California Horse Racing Board rule 1866 (b) (Veterinarian's List).

The above ruling was issued following Sunday's formal hearing. Gomes admitted he worked the horse prior to the expiration of the 72 hour waiting period required by rule.

In his defense Gomes stated that the horse, THE SPADE RULES, was not truly sore and needed to be worked because he was scratched from the race two days prior to the workout. Testimony indicated the amended section of the rule requiring the 72 hour waiting period had only been in effect for a short period prior to the violation.

While ignorance of the rules is no excuse, given the mitigating circumstances, the stewards felt the penalty imposed above was appropriate.

09-01-10³ **RULING NO. 4 – VALLEJO (Security Citation #3900)**

Trainer **GENARO VALLEJO** is hereby fined one hundred dollars (\$100.00) for violation of California Horse Racing Board rule #1928 (Fire Regulations – cooking oats in plastic container) on August 27, 2010 at Golden Gate Fields.

The above ruling was issued after Vallejo contacted the stewards by phone and acknowledged he committed the offense after being previously warned by security personnel.

09-01-10⁴ **RULING NO. 5 – O'DONNELL** (Case #08BM054)

In the matter of:

Owner **GREG C. O'DONNELL**

Having resolved the outstanding financial obligation to San Francisco Equine, Bay Meadows Operating Company ruling #3, dated March 21, 2008 suspending Greg C. O'Donnell for violation of California Horse Racing Board

rule #1547 (Failure to Appear), is hereby set aside and Mr. O'Donnell is deemed eligible to apply for a license.

The above ruling was issued after we received written verification from San Francisco Equine that the debt (\$277.90) had been resolved.

09-01-10⁵ **PROBLEM FREE**

The afternoon's eight race program was conducted without noteworthy incident.

09-01-10⁶ **ATTENDANCE & HANDLE**

GGF	851	\$	217,648.00
NCOT	1,872	\$	586,750.50
SCOT		\$	337,788.60
Out of State		\$	1,282,534.54
TOTAL	2,723	\$	2,424,721.64

Thursday

09-02-10¹ **RULING NO. 6 – CERVANTES** (Case #10GG186)

Owner **SANDY CERVANTES**, having failed to respond to written notice to appear before the Board of Stewards at Golden Gate Fields on or before Wednesday, September 1, 2010, to answer charges alleging violation of California Horse Racing Board rule #1876 (Financial Responsibility), is hereby suspended pending appearance before the Board of Stewards for violation of CHRB rule #1547 (Failure to Appear).

During the term of suspension, all licenses and license privileges of SANDY CERVANTES 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 above ruling was issued because Cervantes was not in attendance for a hearing concerning a debt owed to Equine Sports Medicine in the amount of \$477.29. A small claims court judgment for that amount was attached to the complaint.

09-02-10² **STEWARDS' INQUIRY – Fifth Race – DISQUALIFICATION**

The stewards posted the inquiry sign to evaluate an incident at the 5/16 involving the sixth place finisher, #1 LOVINGTHISJACKPOT, ridden by Diego Sanchez, #7 SIR BOLLY (9th, Russell Baze) and #3 OUTSHOUT (10th, Gustavo Ortiz). After a thorough review the stewards, by majority vote with Herbuveaux dissenting, disqualified LOVINGTHISJACKPOT from sixth and placed him tenth behind OUTSHOUT.

Tapes of the race showed that LOVINGTHISJACKPOT stepped in at the 5/16 causing Baze, aboard SIR BOLLY on the rail, to check and lose ground. OUTSHOUT, who was racing behind SIR BOLLY, was also cost the opportunity at better placing when he had to check off the heels of SIR BOLLY. Diego Sanchez will review the tapes with the stewards in the morning.

Original order of finish: 10 – 2 – 5 – 4 – 6 – **(1)** – 8 – 9 – 7 – 3

Official order of finish: 10 – 2 – 5 – 4 – 6 – 8 – 9 – 7 – 3 – **(1)**

09-02-10³ **STEWARDS' INQUIRY – Eighth Race – DISQUALIFICATION**

The stewards illuminated the inquiry sign to determine cause of an accident at the sixteenth which saw #1 RAGIC fall, throwing jockey Juan Hernandez. After a thorough review the stewards disqualified #2 FIRE IN EXCESS from fifth and declared him unplaced for causing interference resulting in the accident.

Tapes of the race showed that FIRE IN EXCESS drifted in approaching the 1/16 under

right handed whipping and took the path of RAGIC causing that horse to clip heels and fall. Cedillo will view the tapes of the race with the stewards in the morning.

RAGIC regained his feet after the fall, was captured by the outriders and apparently escaped injury. Hernandez, after being attended to by the paramedics and Dr. Seftel, walked to the ambulance under his own power.

Original order of finish: 6 – 7 – 5 – 3 – 4 – **(2)** – 1 DNF

Official order of finish: 6 – 7 – 5 – 3 – 4 – 1 DNF **(2, unplaced)**

09-02-10⁴ **ATTENDANCE & HANDLE**

GGF	997	\$	250,920.20
NCOT	2,154	\$	680,593.50
SCOT		\$	352,129.70
Out of State		\$	1,290,298.95
TOTAL	3,151	\$	2,573,942.35

Friday

09-03-10¹ **EARLY DECLARATIONS – REFUNDS**

2 nd race:	#3 GATOR AT FONZ'S	(Tr. Terry Knight)	unsound
	Examining Veterinarian Diane Isbell		REFUND: \$387.00
7 th race:	#4 MR. NEGOTIATOR	(Tr. Gloria Haley)	sick
	Examining Veterinarian Diane Isbell		REFUND: \$ 53.30

09-03-10² **RULING NO. 7 – KIMBALL** (Case#10GG061)

In the matter of:

Owner **SHIRLEY ANN KIMBALL**

Owner SHIRLEY ANN KIMBALL, having now resolved the outstanding financial obligation to trainer D. Wayne Baker, is hereby restored to good standing and Pacific Racing Association ruling #52, dated March 28, 2010, suspending Ms. Kimball for violation of California Horse Racing Board rule #1547 (Failure to Appear) is set aside.

The above ruling was issued after trainer D. Wayne Baker acknowledged he received \$35,360.00 in checks from Ms. Kimball. This figure represents the full amount listed in the complaint.

Baker now alleges that more training fees are due from the time the complaint was filed until the time the complaint was scheduled to be heard. The matter was referred to the investigative staff to collect documentation on the issue.

09-03-10³ **FILM REVIEWS – RULING NO. 8 – SANCHEZ / RULING NO. 9 – CEDILLO**

Apprentice jockey **Diego Sanchez** reviewed the tapes of yesterday's fifth race in which his mount was disqualified from sixth to tenth for interference at the 5/16. Sanchez acknowledged he allowed his mount to step in and cause interference to a horse to the inside. The following ruling was issued:

Apprentice Jockey **DIEGO R. SANCHEZ**, who rode LOVINGTHISJACKPOT in the fifth race at Golden Gate Fields on Thursday, September 2, 2010, is suspended three (3) racing days (September 10, 11 and 12, 2010) for crossing over without sufficient clearance in the turn and causing interference resulting in the disqualification of his mount from sixth to tenth; 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.

Apprentice jockey **Abel Cedillo**, along with the stewards and a court reporter, viewed the tapes of yesterday's eighth race in which his mount was disqualified from sixth to being declared unplaced for causing another horse to clip heels and fall. Cedillo admitted he did nothing to prevent his mount from drifting in, taking the path of the other horse and causing the accident. In fact, the tapes showed that Cedillo was whipping right handed while his horse went from three wide to the rail. The stewards, by majority vote, imposed a fifteen day suspension. Steward Nevin felt a ten day penalty was sufficient.

Apprentice Jockey **ABEL CEDILLO**, who rode FIRE IN EXCESS in the eighth race at Golden Gate Fields on Thursday, September 2, 2010, is suspended fifteen (15) racing days (September 10, 11, 12, 16, 17, 18, 19, 23, 24, 25, 26, 29, 30, October 1 and 2, 2010) for failure to make the proper effort to maintain a straight course in the stretch and causing interference resulting in the disqualification of his mount from sixth to unplaced; 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.

09-03-10⁴ **LATE SCRATCH – Fifth Race – REFUND**
#3 TO THE BATCAVE, trained by A. L. Diaz, was scratched on the recommendation of Dr. Heather Kerr, DVM, during the warm-up when she observed the filly to be unsound. On Vet's List. The refund ran \$52,425.00.

09-03-10⁵ **ATTENDANCE & HANDLE**

GGF	1,112	\$	283,188.90
NCOT	2,640	\$	852,071.20
SCOT		\$	213,448.50
Out of State		\$	790,489.80
TOTAL	3,752	\$	\$2,139,198.40

Saturday

09-04-10¹ **EARLY DECLARATIONS – REFUNDS**

4 th race:	#5 MORAGA	(Tr. Jerry Weaver)	re-enter
	Stewards		REFUND: \$408.60
	#13 LIVING LEGEND	(Tr. Bruce Dillenbeck)	also eligible
	Stewards		REFUND: \$ 33.10
	#14 RISING ABOVE	(Tr. Frances Henderson)	also eligible
	Stewards		REFUND: \$ 22.10
7 th race:	#1 BOOS	(Tr. Greg James)	sick
	Examining Veterinarian Diane Isbell		REFUND: \$444.90

09-04-10² **CAL-BRED REPORT**
For the five day race week none of the races written exclusively for horses bred or sired in California gathered sufficient entries and all were called off.

09-04-10³ **STEWARDS' INQUIRY – Ninth Race – NO CHANGE**
The stewards posted the inquiry sign to review the actions in the stretch of the place horse, #10 PRINCE NOVETTI, ridden by Gustavo Ortiz, and the show horse, #8 VEZUVIY, with Leslie Mawing in the saddle. After a thorough review the stewards, by majority vote with steward Baker dissenting, affirmed the original order of finish.

Tapes showed both horses drifting from the middle of the track to the rail in the stretch drive. PRINCE NOVETTI was on the outside of VEZUVIY. Mawing contended that Ortiz

was herding his horse. The tapes did not establish whether Mawing's mount was forced to the inside or whether Ortiz' horse just followed him to the rail. There was also slight contact between the two just before the wire but the incident was minor and did not affect the placings.

09-04-10⁴ **ATTENDANCE & HANDLE**

GGF	2,796	\$ 655,443.10
NCOT	3,717	\$1,422,069.50
SCOT		\$ 587,279.90
<u>Out of State</u>		<u>\$1,276,912.70</u>
TOTAL	6,513	\$3,941,705.20

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.

VETERINARIAN RECOMMENDED SCRATCHES

Date	Race	No.	Horse	Trainer	Reason	Vet	Refund
29-Aug	4	2	LADY'S CASH	Hickman	sick	Isbell	\$405.70
	5	4	NOT IN SIBERIA	Ordenez	sick	Isbell	\$341.60
	7	1	GAME EVENT	Klokstad	sick	Isbell	\$193.40
	8	3	GROZA	Hollendorfer	off in left front	Kerr	\$21,161.26
1-Sep	3	5	JUDGE KENT	Delima	sick	Isbell	\$254.70
	7	5	AVONDELAY	Mathis	sick	Isbell	\$294.66
3-Sep	2	3	GATOR AT FONZ'S	Knight	unsound	Isbell	\$387.00
	5	3	TO THE BATCAVE	Diaz	unsound	Kerr	\$52,425.00
	7	4	MR. NEGOTIATOR	Haley	sick	Isbell	\$53.30
4-Sep	7	1	BOOS	James	sick	Isbell	\$444.90

VETERINARY REPORT

Euthanized / Died

None reported during this period.

Veterinarian's List

There were fourteen (14) horses placed on the Vet's List:

Sick: 7
Injured: 0
Unsound: 6
Bled: 0
Exhausted: 1

There were seven (7) horses removed from the Vet's List:

Sick: 2
Injured: 1
Unsound: 3
Bled: 1
Medication: 0

Shockwave Therapy: There were no shockwave therapy treatments reported.

WEEKLY ATTENDANCE & HANDLE SUMMARY FOR SATELLITE FACILITIES

Anderson	111	\$	41,278.70
Bakersfield	491	\$	133,056.20
Eureka	0	\$	-
Fresno	381	\$	136,837.30
Fresno Club One	120	\$	71,303.60
Monterey	212	\$	63,031.50
Pleasanton	1793	\$	679,351.70
Sacramento	1452	\$	501,646.80
San Jose	1920	\$	608,950.80
San Mateo	3397	\$	1,278,375.10
Santa Rosa	789	\$	218,402.80
Stockton	1032	\$	294,280.10
Tulare	251	\$	61,286.70
Turlock	474	\$	153,254.50
Vallejo	860	\$	271,185.40
So. California		\$	2,018,437.30
Out of State		\$	5,729,960.39

	29-Aug	1-Sep	2-Sep	3-Sep	4-Sep	WEEK	Meet
ACCIDENTS	0	0	1	0	0	1	1
CAL-BRED RACES	0	0	0	0	0	0	0
CLAIMS	1	2	2	1	0	6	11
DISQUALIFICATIONS	0	0	2	0	0	2	2
INQUIRIES/OBJECTIONS	1	0	2	0	1	4	5
REFUNDS	4	2	0	3	4	13	20
RULINGS	0	3	1	3	0	7	9

Respectfully submitted,

John B. Herbuveaux, Steward-----
Grant Baker, Steward-----
Dennis Nevin, Steward

BOS/JBH:kjk