

CALIFORNIA HORSE RACING BOARD

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**PACIFIC RACING ASSOCIATION**

A Magna Entertainment Facility
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 Wednesday, February 3, 2010 through Sunday, February 7, 2010.

Wednesday

02-03-10¹ **DALE EDWARD McMIHELK COMPLAINT** (Case No. 09GG074)

A formal hearing was held this morning in the stewards' office for vendor **Dale Edward McMihek** who has been doing business as *Dale E. McMihek Hay and Grain*.

A complaint was filed by the California Horse Racing Board against Dale McMihek for alleged violations of CHRB rule #1489 (Grounds for Denial or Refusal of License), rule #1902 (Conduct Detrimental to Horse Racing).

Present at today's hearing were stewards Darrel McHargue (Chair), Grant Baker and Dennis Nevin. CHRB Investigator Charles Smith presented a comprehensive one hundred and seventy (170) page complaint packet (fifteen [15] attachments included) into evidence. CHRB Supervising Investigator I, Anne Glasscock was also present and the hearing was transcribed by Christine Niccoli (Niccoli Reporting). Vendor Dale Edward McMihek failed to appear at today's hearing.

Dale McMihek was convicted on February 25, 2008 of violating California penal code sections 484 (a) (Theft) and 487 (b) (Grand Theft). Mr. McMihek was ordered to pay restitution of \$211,226 and placed on five (5) years formal probation. This sentence was for theft of large amounts of hay in Yolo County (CA). Testimony and evidence from both investigators were placed on the record. Decision to follow.

02-03-10² **OFFICIAL CHANGE**

Horse Identifier **Patrick Kealy** is off this week due to personal reasons. Veteran racing official **Darrel Sparks** will fill in.

Thursday02-04-10¹**CAL-BRED REPORT**

Purse \$10,200. For California bred or California sired fillies and mares, four years old and upward, claiming price \$6,250 at six furlongs. Four (4) horses were entered and the race was not used.

02-04-10²**RULING NO. 26 – McMIHELK**

Vendor **DALE EDWARD McMIHELK (d.b.a. Dale E. McMihelk Hay and Grain)**, having failed to respond to written notice to appear before the Board of Stewards at Golden Gate Fields on or before Wednesday, February 3, 2010, to answer charges of alleged violation of California Horse Racing Board rules #1489(a) (Grounds for Denial or Refusal of License), #1900 (Grounds for Suspension or Revocation) and #1902 (b) (Conduct Detrimental to Horse Racing), 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 DALE EDWARD McMIHELK are suspended and pursuant to California Horse Racing Board rule #1528 (Jurisdiction of Stewards), subject is denied access to all premises in this jurisdiction.

Vendor Dale McMihelk, who is in the hay business, failed to appear at his formal hearing yesterday. The ruling above suspends the license privileges of Dale McMihelk for failing to appear at the hearing.

02-04-10³**SMOOTH CARD**

Today's eight (8) race card went well as it was free of stewards' inquiries and/or jockey objections.

02-04-10⁴**DECLARATIONS – REFUNDS**

3 rd race:	#5 CORINDI	(Tr. Jerry Weaver)	sick
	Examining Veterinarian Diane Isbell		REFUND: \$ 332.58
5 th race:	#4 CHATTY CALL	(Tr. Leeanne Aiello)	sick
	Examining Veterinarian Diane Isbell		REFUND: \$ 697.38

02-04-10⁵**ATTENDANCE & HANDLE**

GGF	1,074	\$ 286,329.30
NCOT	2,384	\$ 738,855.00
SCOT		\$ 437,603.10
Out of State		<u>\$1,443,139.18</u>
TOTAL	3,458	\$2,905,926.58

Friday02-05-10¹**CAL-BRED REPORT**

Purse \$16,000. For California bred or California sired maidens, three years old, claiming price \$32,000, one mile was called off with one (1) entry.

02-05-10²**OMAR FIGUEROA MEETING**

Jockey **Omar Figueroa** appeared today as ordered to meet with the stewards. On Sunday, January 31, jockey Figueroa reported his weight to Clerk of Scales Ken Sjoldal as 119 lbs., which was his assigned weight aboard #5 NISUS (fifth race).

Jockey Figueroa tacked 121 lbs. prior to his departure to the paddock necessitating a late announcement of the overweight to the public. The stewards unanimously voted to issue the following ruling:

RULING NO. 27

Jockey **OMAR FIGUEROA** is fined the sum of one hundred dollars (\$100.00) for reporting an incorrect weight on Sunday, January 31, 2010; a violation of California Horse Racing Board rule #1682 (Weighing Out).

02-05-10³ **FOURTH RACE OBJECTION – NO CHANGE**

Following the running of the fourth race trainer **Bruce Dillenbeck** lodged an objection for alleged interference of his trainee #5 KRISTEN'S CAT (Diego Sanchez) just inside the 3/16 pole.

Trainer Dillenbeck felt his fifth place finisher was cost an opportunity for a better placing when first place finisher #6 AUNT BESSIE (Alex Gonzalez) allegedly crossed over somewhat. However, this horse was at least two (2) lengths 'clear' when doing so.

After patrol judge input and film review the stewards unanimously voted to make 'no change' in the order of finish. Trainer Bruce Dillenbeck was ordered to film review with the stewards tomorrow.

02-05-10⁴ **DECLARATIONS – REFUNDS**

5 th race:	#2 MARKAY CREEK	(Tr. Rene Amescua)	sick
	Examining Veterinarian	Diane Isbell	REFUND: \$ 190.00
	#3 A LITTLE POLISH	(Tr. Jerry Hollendorfer)	sick
	Examining Veterinarian	Diane Isbell	REFUND: \$ 287.50
8 th race:	#2 MR. FURIOUS	(Tr. J. B. Josephson)	injured
	Examining Veterinarian	Diane Isbell	REFUND: \$ 225.00
	#5 EDIT THIS	(Tr. Eddie Rich)	injured
	Examining Veterinarian	Diane Isbell	REFUND: \$ 637.35

With the above declarations out of the eighth race the field was reduced to four (4) wagering interests and in compliance with CHRB rule 1954 (Pari-mutuel Pools) show wagering was cancelled. The additional refund amounted to \$81.00.

02-05-10⁵ **ATTENDANCE & HANDLE**

GGF	957	\$ 279,303.40
NCOT	2,375	\$ 821,709.20
SCOT		\$ 353,840.40
Out of State		\$1,240,459.00
TOTAL	3,332	\$2,695,312.00

Saturday02-06-10¹ **CAL-BRED REPORT**

Purse \$12,000. For California bred or California sired fillies and mares, four years old and upward, claiming price \$16,000 at six furlongs went open with five (5) of the seven (7) participants California bred.

02-06-10² **BRUCE DILLENBECK FILM REVIEW**

Trainer **Bruce Dillenbeck** appeared in the stewards' office as ordered to review races replays from yesterday's, February 5th, fourth race. Trainer Dillenbeck lodged an objection (ref: 02-05-10³) in this race and after film review in the judge's stand yesterday, the stewards considered the alleged incident trivial in nature.

Trainer Dillenbeck regretted having his name announced as having been the one to have lodged the objection. The stewards feel trainer Dillenbeck will be much more cautious before 'claiming foul' in the future.

02-06-10³ **RULING NO. 28 – WINICK**

CHRB veterinarian Joan Hurley phoned the stewards yesterday to inform us that the **Debbie Winick** trained JUMPIN JANET was late reporting to the receiving barn. Trainer Winick understood the reasons for the stewards issuing the following ruling.

Trainer **DEBBIE WINICK** is fined the sum of one hundred dollars (\$100.00) for reporting late to the receiving barn with the horse JUMPIN JANET prior to the fifth race on Friday, February 5, 2010; a violation of California Horse Racing Board rule #1852 (Reporting to Receiving Barn).

02-06-10⁴ **INQUIRY – Ninth Race – NO CHANGE**

The stewards posted the inquiry sign to review the start. #4 **LATIN MINUTEMAN** (Barrington Harvey) 'refused' (failed to break) at the start of the ninth race. The stewards spoke with trainer **Ellen Jackson** earlier this week and considered barring this horse then, following two very similar occurrences. After a passionate pleading by trainer Ellen Jackson the stewards unanimously, however regrettably, allowed this horse to start today. LATIN MINUTEMAN has now been barred by the Golden Gate Fields' stewards. After film review and a radio report from starter Todd Stephens, this horse was considered a starter after verifying no mechanical failure at the starting gate took place.

02-06-10⁵ **RECYCLING AWARD**

In a local newspaper today (Tri-Valley Herald) there was a large advertisement, with pictures of Golden Gate Fields management staff, taken out by StopWastePartnership.org. This advertisement congratulated Golden Gate Fields and recognized them as the '2009 Business Efficiency Award Winner'. This award was presented for introducing paperless meetings and for composting hundreds of tons of straw used for stable bedding each week.

02-06-10⁶ **DECLARATIONS – REFUNDS**

3 rd race:	#3 ANDREW'S TURN	(Tr. Bruce Dillenbeck)	injured
	Examining Veterinarian Diane Isbell		REFUND: \$ 119.00
	#6 LADAY TALE	(Tr. Steve Miyadi)	injured
	Examining Veterinarian Diane Isbell		REFUND: \$ 377.90
5 th race:	#7 STEALTH ROCKET	(Tr. John F. Martin)	loose on track
	Stewards		REFUND: \$86,540.55
6 th race:	#2 BEN'S STARRY NIGHT	(Tr. Guillermo Preciado)	sick
	Examining Veterinarian Diane Isbell		REFUND: \$ 62.10

02-06-10⁷ **ATTENDANCE & HANDLE**

GGF	2,036	\$ 461,260.70
NCOT	3,523	\$1,059,520.50
SCOT		\$ 850,375.50
Out of State		\$2,264,999.33
TOTAL	5,559	\$4,636,156.03

Sunday02-07-10¹ **CAL-BRED REPORT**

Purse \$12,000. For California bred or California sired four year olds and upward, claiming price \$10,000 failed to fill with two (2) entries.

02-07-10² **DIEGO SANCHEZ FILM REVIEW**

Apprentice jockey **Diego Sanchez** appeared in the stewards' office as ordered, along

with interpreter/groom Jose Rodriguez. Apprentice Sanchez appeared to review his ride aboard #3 MR. CHOCHERA, who finished seventh (last) in yesterday's (February 6) fifth race.

#3 MR. CHOCHERA veered inward and bumped fourth place finisher #2 MAHMOUD MEMORY (Omar Figueroa) twice roughly eighty (80) yards after the start. Film review shows apprentice Sanchez make little or no effort to avoid the bumping. The stewards told apprentice Sanchez his effort in this race was unsafe for both his rival jockeys and horses. The stewards unanimously voted to issue the following ruling:

RULING NO. 29

Apprentice Jockey **DIEGO R. SANCHEZ**, who rode MR. CHOCHERA in the fifth race at Golden Gate Fields on Saturday, February 6, 2010, is suspended three (3) racing days (February 14, 15 and 18, 2010) for failure to make the proper effort to maintain a straight course in the backstretch 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 participation in designated races in California.

02-07-10³

EARLY POST

Golden Gate Fields will hold today's card with a special post time of 11:15 a.m. due to the playing of the Super Bowl. A scheduled 2:45 p.m. last race post time gives most horseplayers time to get home to watch the kickoff. Golden Gate Fields gave away 42" flat screen TV's after every race as part of their popular Dollar (\$1) Day (parking, beer, soda, programs, hot dogs) Sunday promotion.

02-07-10⁴

SMOOTH CARD

Today's eight (8) race card went well as it was free of stewards' inquiries and/or jockey objections.

02-07-10⁵

DECLARATIONS – REFUNDS

5 th race: #8 THE LAST NIGHTMARE (Tr. Steve Miyadi)	sick
Examining Veterinarian Diane Isbell	REFUND: \$ 21.30
6 th race: #10 RUBY STILETTOS (Tr. Steve Specht)	re-enter
Stewards	REFUND: \$ 127.30

02-07-10⁶

ATTENDANCE & HANDLE

GGF	2,715	\$ 409,822.00
NCOT	2,558	\$ 756,112.90
SCOT		\$ 499,279.80
<u>Out of State</u>		<u>\$1,071,968.49</u>
TOTAL	5,273	\$2,737,183.19

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
4-Feb	3	5	CORINDI	Weaver	sick	Isbell	\$332.58
		5	4 CHATTY CALL	Aiello	sick	Isbell	\$697.38
5-Feb	5	2	MARKAY CREEK	Amescua	sick	Isbell	\$190.00
		3	A LITTLE POLISH	Hollendorfer	sick	Isbell	\$287.50
	8	2	MR. FURIOUS	Josephson	injured	Isbell	\$225.00
		5	EDIT THIS	Rich	injured	Isbell	\$637.35
6-Feb	3	3	ANDREW'S TURN	Dillenbeck	injured	Isbell	\$119.00
		6	LADAY TALE	Miyadi	injured	Isbell	\$377.90
	6	2	BEN'S STARRY NIGHT	Preciado	sick	Isbell	\$62.10
7-Feb	5	8	THE LAST NIGHTMARE	Miyadi	sick	Isbell	\$21.30

VETERINARY REPORT**Euthanized / Died**

02-03-10 Gotta Get Rich (Tr. Utley) total disarticulation left front fetlock;
Tapeta, breezing

02-07-10 Surley Temple (Tr. Ordonez) disarticulated left front ankle with
possible fractured sesamoid; Tapeta, racing

Veterinarian's List

There were twelve (12) horses placed on the vet's list:

Sick: 6
Injured: 4
Unsound: 2
Bled: 0

There were eleven (11) horses removed from the vet's list:

Sick: 5
Injured: 5
Unsound: 1
Bled: 0

Shockwave Therapy: There weren't any shockwave therapy treatments reported.

WEEKLY ATTENDANCE & HANDLE SUMMARY FOR SATELLITE FACILITIES

Anderson	142	\$30,804.30
Bakersfield	365	\$112,865.70
Fresno	309	\$107,438.20
Fresno Club One	114	\$71,803.00
Monterey	350	\$97,108.00
Pleasanton	1718	\$634,831.50
Sacramento	1355	\$408,778.60
San Jose	1950	\$534,105.90
San Mateo	3175	\$1,113,277.80
Santa Rosa	795	\$181,199.60
Stockton	1017	\$274,198.30
Tulare	243	\$54,777.40
Turlock	506	\$152,658.70
Vallejo	790	\$238,612.30
So. California		\$2,141,098.80
Out of State		\$6,020,566.00

	4-Feb	5-Feb	6-Feb	7-Feb	WEEK	Meet
ACCIDENTS	0	0	0	0	0	1
CAL-BRED RACES	0	0	0	0	0	1
CLAIMS	0	1	3	3	7	40
DISQUALIFICATIONS	0	0	0	0	0	6
INQUIRIES/OBJECTIONS	0	1	1	0	2	12
REFUNDS	2	4	4	2	12	98
RULINGS	1	1	1	1	4	29

Respectfully submitted,

Grant Baker, Steward

Darrel McHargue, Steward

Dennis Nevin, Steward

GB/BOS:kjk