

In the Matter of:

18LA0076

The hearing was held on May 17, 2018, in the conference room at Los Alamitos Race Course. Present at this formal hearing were the Board of Stewards – James Dreyer, Ron Church and Tom Ward. Also present were the charged parties, Ms. Joan Kulifay and Dr. Samuel Wittlin, who were represented by their counsel, William Cole, Esq. Representing the California Horse Racing Board was General Counsel Robert Brodnik. Also in Attendance were Supervising Investigator Tom Blake, Senior Investigator Kevin Kitashima, who testified in the matter, and Sharyn Jolly from the Board’s Sacramento headquarters. Ms. Michelle Derieg recorded the proceedings.

LIST OF EXHIBITS

CHRB Exhibit 1 Truck registration noting Joan Kulifay as owner of vehicle
CHRB Exhibit 2 Photos of items found in truck
CHRB Exhibit 3 Text from Joan Kulifay to Keith Hicks regarding moving the truck
CHRB Exhibit 4 Box containing injectable Banamine
CHRB Exhibit 5 Bottle of injectable Banamine
CHRB Exhibit 6 Plastic container with needles and syringes
CHRB Exhibit 7 Plastic bag with more needles and syringes
CHRB Exhibit 8 Barret's bill of sale found in truck
CHRB Exhibit 9 Complaint filed against Joan Kulifay
CHRB Exhibit 10 Complaint filed against Dr. Samuel Wittlin

EXHIBITS SUBMITTED BY RESPONDENTS

There were no exhibits submitted

FACTUAL FINDINGS

I

At all times herein mentioned, Dr. Samuel Wittlin was licensed by the CHRB in the license category of veterinarian.

II

At all times herein mentioned Joan Kulifay was licensed by the CHRB in the license category of owner.

III

The truck in question was parked in the Los Alamitos east Lot.

IV

At all times herein mentioned the truck was registered to Joan Kulifay.

V

When Los Alamitos Security Sergeant Keith Hicks searched the vehicle he found upwards of fifty needles and syringes in the cab of the truck. Approximately eight had been used.

VI

Also found in the cab was an unopened bottle of Banamine.

VII

Respondent Wittlin through his attorney was informed of his right to appeal and chose to do so.

VIII

Respondent Kulifay through her attorney was informed of her right to appeal and chose to do so.

IX

Dr. Wittlin has had no license violations since 2005.

X

Joan Kulifay has never had a license violation.

APPLICABLE RULES AND REGULATIONS

Case #18LA0075

California Horse Racing Board rule #1890 (Possession of contraband)

Case#18LA0076

California Horse Racing Board rule #1856 (Clean and sterile equipment required)

California Horse Racing Board rule#1864 (Labeling of medications)

DISCUSSION OF ISSUES

Owner Joan Kulifay did not testify at the formal hearing held on May 17, 2018. Our decision was based on information gathered during the investigation. The truck in question is registered to Miss Kulifay. When Los Alamitos security sergeant Keith Hicks discovered this he contacted her to request she move it because it was blocking access to the church; she said she would comply. The next day she contacted Los Alamitos stating "she" had moved the vehicle. Hicks verified the truck had been moved however, during his initial examination of the truck he observed needles, syringes and Banamine in the cab of the truck. The contraband was still there. Judging by the number of needles and syringes, nearly fifty, they had been accumulating over a period of time. It is our opinion she had to be aware the items were in a truck registered to her putting her in violation of CHRB Rule #1890 (Possession of contraband).

Dr. Samuel Wittlin, a close friend and business partner of Joan Kulifay, testified that all of the items in the truck were his. We still do not believe that Joan was oblivious to the fact that the items were in her truck. As for the Banamine, prosecution argued that it was unlabeled. True, the medication had not been prescribed for a specific purpose so it was not required to be labeled. It was also unopened. As stated previously there were nearly fifty needles and syringes scattered throughout the cab of the truck. Some had been used but the majority were not. Dr. Wittlin testified that Waste Management comes to his home and that he disposes of the needles and syringes with them. It was apparent it had been sometime since he had seen Waste Management. Dr. Wittlin stated that the majority of his practice is away from the track. In fact, he prefers not to work at the track. His confidentials support this as all the work he did was on his own horses. As limited as his on track practice is he still has to comply with California Horse Racing Board Rules. CHRB Rule #1856 states, in part, that the official Veterinarian shall provide a secure place for the disposal of needles, syringes, injectable medications and their

containers, and veterinarians on the grounds shall not dispose of such material on the grounds other than in such secure places.

CONCLUSION

Dr. Wittlin is responsible for the extremely irresponsible handling of his medications and needles and syringes. It is more than reasonable to conclude that Ms. Kulifay being the owner of the vehicle was well aware of the items in her truck.

Both individuals must be held accountable for their extremely poor judgment and total lack of respect for protocol while on racetrack property.

Given all of the foregoing, we issue the following ruling/decision:

State of California
CALIFORNIA HORSE RACING BOARD

* * *

Official Ruling
of the
Board Of Stewards

LOS ALAMITOS QUARTER HORSE RACING ASSOCIATION

Association

MAY 26, 2018

Date

RULING # 112

OWNER JOAN KULIFAY IS FINED TWO HUNDRED DOLLARS (\$200.00)* FOR
VIOLATION OF CALIFORNIA HORSE RACING BOARD RULE #1890
(POSSESSION OF CONTRABAND – IN VEHICLE).

*California Horse Racing Board Rule #1532 states that all fines shall be paid to the paymaster of purses within seven (7) days of imposition (06/02/18) or the license of the person upon whom the fine was imposed shall be suspended.

LIC# 320994-01/2020

CASE # 18LA0075

James Dwyer Steward
Tom Ward Steward
Ron Chuch Steward

State of California
CALIFORNIA HORSE RACING BOARD

* * *

Official Ruling
of the
Board Of Stewards

LOS ALAMITOS QUARTER HORSE RACING ASSOCIATION

Association

MAY 26, 2018

Date

RULING # 113

VETERINARIAN SAMUEL WITTLIN IS FINED FIVE HUNDRED DOLLARS (\$500.00)* FOR VIOLATION OF CALIFORNIA HORSE RACING BOARD RULES #1856 (CLEAN AND STERILE EQUIPMENT REQUIRED) AND #1864 (LABELING OF MEDICATIONS).

*California Horse Racing Board Rule #1532 states that all fines shall be paid to the paymaster of purses within seven (7) days of imposition (06/02/18) or the license of the person upon whom the fine was imposed shall be suspended.

LIC# 262981-07/2018

CASE # 18LA0076

Tom Ward Steward
James Dreyer Steward
Ron Church Steward

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