

BEFORE THE
CALIFORNIA HORSE RACING BOARD
STATE OF CALIFORNIA

In the Matter of the Complaint filed)
Against:)

STEVEN MIYADI,
CHRB License #074727
Trainer

CHRB Case No. 16LT0027

STATEMENT OF DECISION

This matter was heard on October 11, 2016 by Board of Stewards Scott Chaney, Kim Sawyer and Tom Ward at Santa Anita Race Track in Arcadia, CA.

The Respondent, licensed trainer Steven Miyadi (hereinafter "Respondent" or "Mr. Miyadi"), was represented by attorney Darrell Vienna.

The California Horse Racing Board (hereinafter "CHRB") was represented by Staff Attorney Phil Laird.

Also present at the hearing was CHRB Chief Investigator Bill Westerman. The proceedings were recorded by court reporter Michelle Derieg.

Witnesses appearing on behalf of the California Horse Racing Board were CHRB Investigator Phil Miyazaki, jockey/commissioner Alex Solis (hereinafter "Mr. Solis"), jockey agent Vic Lipton, Marcelo Polanco (stipulated), and Mr. Miyadi. Witnesses appearing on the behalf of Respondent were jockey agent JR Pegram, and food service employee Rosario Ybarra.

PROCEDURAL BACKGROUND

On September 23, 2016, trainer Steve Miyadi and jockey/CHRB commissioner Alex Solis were involved in a verbal and physical altercation at the area known as "Clockers' Corner" at Santa Anita Race Track. An argument preceded Respondent pushing Mr. Solis to the ground. Santa Anita Security was called as well as the Arcadia Police Department. Mr. Miyadi was arrested for misdemeanor battery but was not prosecuted. On September 25, 2016, the California Horse Racing Board issued an Order of Licensure Suspension against Respondent's license. That order was stayed four days later pending this hearing. The CHRB then filed an administrative complaint against Mr. Miyadi alleging violation of CHRB rules 1489 (Grounds for Denial or Refusal of

License), 1530 (Cases Not Covered by Rules and Regulations), 1874 (Disorderly Conduct), and 1902 (Conduct Detrimental to Racing). Both parties were noticed and the hearing was scheduled for October 11, 2016. On that day, at approximately 11:00 am in the Stewards' office at Santa Anita Race track, this Board of Stewards conducted a hearing into the matter. After hearing preliminary motions and the CHRB's opening statement, Complainant submitted documentary evidence relevant to the matter and called several witnesses, while Respondent also produced documentary evidence and called several witnesses. The record was closed and the matter deemed submitted that same day.

LIST OF EXHIBITS

CHRB's Exhibit A – CHRB Complaint case number 16TL0027 which included a copy of several CHRB rules, Governing Procedures for Disciplinary Hearing Before Board of Stewards, Report of Investigation, Incident Report, Los Angeles County Sheriff's Department Inmate Informative Center Booking Details, and CHRB license histories for Steven Miyadi, Victor Lipton and Alex Solis.

CHRB's Exhibit B – Stipulated Settlement of Case No. SAC 16-0026.

Respondent's Exhibit 1 – CHRB Complaint 16LT0027.

Respondent's Exhibit 2 – 2016 CALCRIM Jury Instructions.

Respondent's Exhibit 3 – 2016 CACI Jury Instructions.

Respondent's Exhibit 4 – CHRB Rulings Record, Alex Solis.

Respondent's Exhibit 5 – Los Angeles Times Article, Alex Solis .

Respondent's Exhibit 6 – Pasadena Star News, Alex Solis.

Respondent's Exhibit 7 – DRF Article, Baltas/Pedoza.

Respondent's Exhibit 8 – Stewards' Ruling, Baltas/Pedroza.

FACTUAL FINDINGS

I

At all times herein mentioned, Steven Miyadi was licensed by the CHRB in the license category of trainer.

II

At all times herein mentioned, Alex Solis was licensed by the CHRB in the license category of jockey and commissioner.

III

On September 23, 2016, at Clockers' Corner at Santa Anita Race Track, Alex Solis and his agent Vic Lipton approached Respondent. Mr. Lipton asked if Respondent would allow Mr. Solis to ride one of his horses in a race.

IV

Upset with Solis because of his role as a Commissioner and Respondent's negotiated punishment for a post race medication positive, Mr. Miyadi declined the offer in an expletive filled response.

V

Solis and Miyadi then began to argue as Mr. Solis moved closer to Mr. Miyadi.

VI

Respondent then shoved Mr. Solis, who fell to the ground.

VII

The licensees were then separated, and Santa Anita Stable security was summoned.

APPLICABLE LAWS AND REGULATIONS

California Horse Racing Board Rule 1489 (Grounds for Denial or Refusal of License).

(a) The Board, in addition to any other valid reason, may refuse to issue a license or deny a license to any person:

- (1) Who has been convicted of a crime punishable by imprisonment in a California state prison or a federal prison, or who has been convicted of a crime involving moral turpitude.
- (2) Who has been convicted of a crime in another jurisdiction which if committed in this state would be a felony.
- (3) Who has made any material misrepresentation or false statement to the Board or its agents in his or her application for license or otherwise, or who fails to answer any material question on an application for a license.
- (4) Who is unqualified to engage in the activities for which a license is required.
- (5) Who fails to disclose the true ownership or interest in any or all horses as required by any application.
- (6) Who is subject to exclusion or ejection from the racing inclosure or is within the classes of persons prohibited from participating in pari-mutuel wagering.
- (7) Who has committed an act involving moral turpitude, or intemperate acts which have exposed others to danger, or acts in connection with horse racing and/or a legalized gaming business which were fraudulent or in violation of a trust or duty.

- (8) Who has unlawfully engaged in or who has been convicted of possession, use or sale of any narcotic, dangerous drug, or marijuana.
- (9) Who is not permitted by any law to engage in the occupation for which the license is sought.
- (10) Who has violated, or who aids, abets or conspires with any person to violate any provision of the rules or the Horse Racing Law.

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NOTE: Authority cited: Section 19440, Business and Professions Code. Reference: Sections 19460, 19510 and 19572, Business and Professions Code.

HISTORY:

1. Amendment filed 4-21-83; effective 5-21-83.
2. Amendment of subsection (a), new subsection (b) and relettering, and amendment of newly designated subsection (g) filed 1-6-93; effective 2-5-93.
3. Amendment filed 12-6-99; effective 12-6-99.
4. Amendment filed 4-12-16; effective 7-01-16.

California Horse Racing Board rule 1530. Cases Not Covered by Rules and Regulations.

Should any case occur which may not be covered by the Rules and Regulations of the Board or by other accepted rules of racing, it shall be determined by the stewards in conformity with justice and in the interest of racing.

California Horse Racing Board rule 1874. Disorderly Conduct.

No licensee, shall be under the influence of any alcoholic beverage, and/or any illegal substance while performing their respective duties while within the inclosure [sic] of any racing association or fair, simulcast wagering facility, auxiliary stabling facility or Board—approved training facility. Nor shall any licensee conduct themselves in a disorderly or boisterous manner at any time while within the inclosure [sic] of any racing association or fair, simulcast wagering facility, auxiliary stabling facility or Board—approved training facility including but not limited to:

1. Fighting;
2. Threatening, abusive or aggressive behavior toward another person;
3. Any behavior that impedes others from performing their duties; and/or
4. Any other behavior that is detrimental to the public and racing.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19460 and 19580, Business and Professions Code. HISTORY: 1. New rule filed 1-9-06; effective 2-8-06.

California Horse Racing Board rule 1902. Conduct Detrimental to Horse Racing.

No licensee shall engage in any conduct prohibited by this Division nor shall any licensee engage in any conduct which by its nature is detrimental to the best interests of horse racing including, but not limited to:

- (a) knowing association with any known bookmaker, known tout, or known felon.

- (b) indictment or arrest for a crime involving moral turpitude or which is punishable by imprisonment in the state or federal prison, when such indictment or arrest is the subject of notorious or widespread publicity in the news media, and when there is probable cause to believe the licensee committed the offenses charged.
- (c) solicitation of or aiding and abetting any other person to participate in any act or conduct prohibited by this Division.

NOTE: Authority cited: Sections 19440 and 19460, Business and Professions Code.
Reference: Sections 19440 and 19460 and 19572, Business and Professions Code.
HISTORY: 1. Amendment filed 2-22-93; effective 3-24-93.

DISCUSSION OF ISSUES

While there was some dispute about the facts in this matter, we find those differences largely inconsequential. Respondent claims that he merely pushed Solis in an effort to defend himself because of Miyadi's asserted prior knowledge that Solis could be volatile. This state of mind seems at worst spurious and at best inconsequential. The salient fact for this Board is that Respondent shoved Solis to the ground. The two more pertinent questions to us are (1) is this a violation of CHRB rules and (2) if it is a rule violation, should the penalty be more severe because of Mr. Solis' status as a CHRB Commissioner.

The CHRB alleged four rule violations, two of which can be dismissed quickly. We find that CHRB rule 1489 (Grounds for Denial or Refusal of License) is not applicable this fact context. We also find that CHRB rule 1530 (Cases Not Covered By Rules and Regulations) is too ambiguous to be applied fairly especially when another rule does, in fact, cover this particular case and facts.

CHRB Rule 1874 (Disorderly Conduct) prohibits "disorderly or boisterous" behavior "within the inclosure [sic]" and prohibits:

1. "Fighting;
2. Threatening, abusive or aggressive behavior toward another person;
3. Any behavior that impedes others from performing their duties; and/or
4. Any other behavior that is detrimental to the public and racing."

We find that Respondent violated all four prohibitions of rule 1874.

The fourth rule violation alleged by the CHRB is that of 1902 (Conduct Detrimental to Racing). We find this to be a closer call, but given the overall impression of the rule itself as well as the specific prohibitions in the rule that it does not apply to this specific case. Additionally, Rule 1530 (4) prohibits "[a]ny behavior that is detrimental to the public and racing." We find that this provision more specifically covers the situation in this matter.

Since we find that Respondent violated CHRB Rule 1874, we now need to decide what penalty is appropriate for the violation and if that should penalty be enhanced because Mr. Solis is a CHRB Commissioner. We find that it should. Respondent argued that Mr. Solis' status as a Commissioner is not relevant because Mr. Solis and his agent were acting in the license category of jockey and agent that morning in seeking mounts for races. While this was initially true, it was actually Respondent who inserted Mr.

Solis' role as a Commissioner into the conversation. Respondent also argued that an enhanced penalty is not appropriate for behavior that is typically treated in a somewhat routine manner. We also reject this argument because rule 1874 allows, if not requires, that factors such as license status be considered – "behavior that impedes others from performing their duties" and "behavior that is detrimental to the public and racing." Both of these factors are directly applicable to the matter at hand.

CONCLUSION

Given all of the foregoing, we suspend Respondent's license for a period of four days and fine Respondent \$750.00. We also credit Mr. Miyadi for the four days he was summarily suspended by the CHRB, and therefore consider the suspension outlined in the ruling accompanying this statement of decision already served.

DATED: December 15, 2016.

BOARD OF STEWARDS

C. Scott Chaney

Kim Sawyer

Tom Ward

State of California
CALIFORNIA HORSE RACING BOARD

Official Ruling

of the
Board of Stewards

LOS ALAMITOS THOROUGHBRED MEET
(Association)

December 15, 2016
(Date)

LWTL # 005

Trainer STEVEN MIYADI is suspended for four (4) calendar days and fined seven hundred and fifty dollars (\$750.00) for violation of California Horse Racing Board rule 1874 (Disorderly Conduct). Mr. Miyadi is granted credit for the four days he was summarily suspended in this matter and therefore the suspension outlined in this ruling is considered to have been already served.

Case number: 16LT0027
License: 074727 exp. 6/2018

*Rule #1532. Fine shall be paid to the Paymaster within seven calendar days from the date of this ruling, or the license of the person upon whom the fine has been imposed shall be suspended.

BY ORDER OF THE
BOARD OF STEWARDS
