BEFORE THE HORSE RACING BOARD

STATE OF CALIFORNIA

In the Matter of the Appeal from the Board of Stewards Official Ruling #049, Del Mar Thoroughbred Club, dated August 14, 2016

Case No. SAC 16-0039

SANTIAGO GONZALEZ
CHRB License #316319
Appellant

DECISION

The attached Proposed Decision is hereby adopted by the California Horse Racing Board as its Decision in the above-entitled matter.

The Decision is hereby remanded to the Board of Stewards to issue a ruling and order imposing a three a (3) day riding suspension.

IT IS SO ORDERED ON October 20, 2016.

CALIFORNIA HORSE RACING BOARD
Chuck Winner, Chairman

FOR

Rick Baedeker
Executive Director

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CALIFORNIA HORSE RACING BOARD
STATE OF CALIFORNIA

In the Matter of the Appeal of Stewards' Official Ruling #049, Del Mar Thoroughbred Club dated 8-14-2016

Case No. SAC 16-0039

SANTIAGO GONZALEZ

CHRB License #316319

Appellant

PROPOSED DECISION

This appeal was heard by Steffan Imhoff, a Hearing Officer/Appellate Judge designated under Rule 1414 by the California Horse Racing Board (CHRB), at Del Mar Race Track, Del Mar, California, Executive Offices Upstairs Conference Room, on September 3, 2016.

Phil Miyazaki, Senior Supervising Investigator represented CHRB.

Attorney Bing Bush, Del Mar, California, represented the Appellant.

Mr. Gonzalez waived his right to be present.

Steward Scott Chaney testified for the CHRB.

Steward Ward Baker also testified for the CHRB.

Also present was Safety Steward Luis Jauregui.

The proceedings were transcribed by Michelle Derieg, Hearing Reporter, for Weinstein Court Reporters.

PROCEDURAL BACKGROUND

This Appeal concerns Jockey Santiago Gonzalez' ride in the 6th race at Del Mar Race Track on August 13, 2016. Gonzalez rode the #9 horse, LOOK TWICE, a 4-year-old gelding, in a $16,000 claiming race for thoroughbreds 3-year-old and upwards, who had never won 2 races. The race was run at 6 furlongs on the Del Mar dirt course. According to the official chart: "LOOK TWICE dueled outside a rival, inched away a bit off the rail leaving the turn, fought back under a crack of the whip then had the rider lose the stick in midstretch, drifted out a bit in deep stretch and held gamely."

OBJECTION/NO CHANGE

Following the running of the 6th race, the rider (N.Arroyo) aboard third place finisher #10 DREAM IT DO claimed foul against the winner (#9 LOOK TWICE, Santiago Gonzalez) for interference in the stretch. After speaking with the patrol judges and riders involved we quickly posted the official sign confirming the original order of finish. It was our unanimous opinion that the winner was marginally clear and certainly did not cost the #10 the opportunity at a better placing.

JOCKEY FILM REVIEW

Jockey SANTIAGO GONZALEZ CAME to the office as directed to review his ride (involving 3 incidences) in two races yesterday. In the 6th race, his mount crossed over shortly after the start and caused a rival to his inside to clip heels. Then in the stretch his mount was the subject of an objection. The third place finisher claimed foul against him for crossing in front of him near the eighth pole. While we believed he was clear of the rival we cautioned to keep a straight path. We also reviewed the first race after which a fellow rider also claimed foul against him for pushing his way out as the field turned into the stretch. Our analysis was

that the objection was correct, but unfortunately the video only suggested that fact, rather than confirming it. Mr. Gonzalez didn't really seem to understand our disapproval of this aggressiveness but we asked that his valet go over the film with him in order to help him understand. For the first incident during which the horse clipped heels, he was issued the following ruling:

DMTD Ruling #049

Jockey SANTIAGO GONZALEZ, who rode LOOK TWICE in the sixth race at Del Mar Race Track on August 13, 2016, is suspended for THREE (3) racing days (August 20, 21 and 24, 2016) for crossing over without sufficient clearance and causing interference down the backstretch. This constitutes a violation of California Horse Racing Board Rule #1699 (Riding Rules – careless riding).

Pursuant to California Horse Racing Board Rule #1766 (Designated Races), the term of suspension shall not prohibit participation in designated races in California.

CONTROLLING LAW

Appellant, through counsel, has filed a timely notice appealing Order SAC16-0039 (Rule 1761).

Appellant, through counsel, has also filed a timely request for a stay of a suspension pending a decision by the CHRB (Rule 1762). A stay was granted by Judge Earl A. Maas III, San Diego Superior Court, on August 17, 2016.

The hearing on appeal of jockey Santiago Gonzalez was conducted by Hearing Officer/Appellate Judge Steffan Imhoff at the Del Mar Race Track, Executive Offices upstairs conference room, on September 3, 2016.

The Board presented the testimony of Stewards Grant Baker and Scott Chaney as well as the investigative file and a DVD of the race. Appellant waived his right to be present at the hearing, and based his case on the DVD.

This appeal to the CHRB is authorized by Rule 1761. Appellant has the burden of proof on appeal under Rule 1764. The focus of the hearing was whether or not the DVD of the race showed careless riding as defined by Rule 1699.

RULE 1699

a. A leading horse is entitled to any part of the course but when another horse is attempting to pass in a clear opening the leading horse shall not cross over so as to compel the passing horse to shorten its stride.
b. A horse shall not interfere with or cause any other horse to lose stride, ground or position in a part of the race where the horse loses the opportunity to place where it might be reasonably expected to finish.
c. A horse which interferes with another and thereby causes any other horse to lose stride, ground or position, when such horse is not at fault and when such interference occurs in a part of the race where the horse interfered with loses the opportunity to place where it might, in the opinion of the Stewards, be reasonably expected to finish, may be disqualified and placed behind the horse so interfered with.
d. Jockeys shall not ride carelessly, or willfully, so as to permit their mount to interfere with or impede any other horse.
e. Jockeys shall not willfully strike or strike another horse or jockey so as to impede, interfere with, intimidate or injure.
f. If a jockey rides in a manner contrary to this rule, the mount may be disqualified and the jockey may be suspended or otherwise disciplined by the Stewards.

EVIDENCE

A. Testimony of Stewards Chaney and Baker

Both stewards testified as to what they considered to be careless riding by appellant. Shortly after the start, Gonzalez (#9, from the #8 gate), directed his mount to take a sharp turn toward the fence. That in itself is permissible. However, Appellant fails to look toward the inside to see if his mount is clear and he ends up clipping heels with the horse on his left. This is a textbook example of interference and careless riding. By definition, you are not clear of the horse beside you if you are able to clip heels. Appellant's horse's back legs made contact with the horse in purple's (#7 WEIRD HAIRCUT SETH ridden by Rafael Bejarano) front legs.

B. The DVD of the race supports the testimony of the Stewards. A bit before the five-furlong pole, Appellant #9, in the yellow silks, heads for the inside rail, moving about six lanes to the left. Appellant is looking straight ahead, and fails to determine if he is clear of the rivals to his inside. During the rush toward the inside lane, his mount clips heels with #7 WEIRD HAIRCUT SETH, who stumbles and his jockey, Rafael Bejarano, makes a nice recovery to keep from going down. The Court discerns no evidence to support Appellant's theory that the incident was caused by Bejarano's mount suddenly speeding up.

CARELESS RIDING

1. AT THE GATE

Chaney testified that the Stewards will occasionally overlook contact that occurs right at the gate because it is very difficult to control racehorses at

that point. But in this case the foul took place some 50 yards or more after the start. The Court agrees that in this case the race riding should not be governed by the starting gate perspective.

2. PAST THE GATE

As to the substance of this case, the issue is easily resolved. Mr. Gonzalez steered his mount toward the inside rail without determining whether it was safe to do so. He was responsible for clipping heels and almost causing Bejarano to go down. This was careless riding.

CONCLUSION

Appellant's sole contention is that he did not ride carelessly in the race at issue in violation of Rule 1699. The Court disagrees. There is sufficient evidence to find that Appellant did violate CHRB Rule 1699 -- Careless Riding, in Case No. DMTV049.

Appellant has failed to meet his burden of proof to show by a preponderance of the evidence that the Stewards' decision should be reversed (Rule 1674). There is substantial evidence to support the Stewards' decision to suspend the Appellant for careless riding.

ORDER

Official Ruling DMTD049, SAC16-0039, dated August 14, 2016, imposing a three-day suspension on Appellant, Santiago Gonzalez for careless riding under Rule 1699, in the Sixth Race at Del Mar Race Track on August 13, 2016 is hereby AFFIRMED.

09/27/2016

Dated

STEFFAN IMHOFF
Designated Appellate Judge