

BEFORE THE HORSE RACING BOARD

STATE OF CALIFORNIA

In the Matter of:

Appeal of the Board of Stewards Official
Ruling #21, Cal Expo Harness Association,
dated February 25, 2012

Case No. SAC 12-0007

QUENTIN SCHNEIDER
CHRB License #259942
Appellant

DECISION

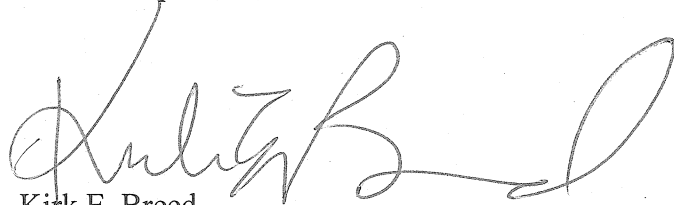
The attached Proposed Decision is hereby adopted by the California Horse Racing Board as its Decision in the above-entitled matter.

The Decision shall become effective on May 29, 2012.

IT IS SO ORDERED ON May 24, 2012.

CALIFORNIA HORSE RACING BOARD

Keith Brackpool, Chairman



Kirk E. Breed
Executive Director

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In the Matter of the Appeal from the Board of
Stewards Official Ruling #21, Cal Expo
Harness Association, dated February 25, 2012

Case No. SAC 12-0007

QUENTIN SCHNEIDER

Appellant.

PROPOSED DECISION

This matter was heard in its entirety on April 12, 2012, by Richard “Bon” Smith, a Hearing Officer designated under California Horse Racing Board (CHRB) Rule 1414 (Appointment of Referee) at CHRB Headquarters in Sacramento, California.

Sharyn Jolly, Senior Special Investigator, and Michael “Wayne” Oke, Steward, represented the CHRB.

Appellant Quentin Schneider (Schneider) was present and represented himself.

The proceedings were recorded by Court Reporter Wendy Frazier.

At the hearing oral and documentary evidence were presented to the official record; and upon the participants having presented closing arguments, the matter was submitted for decision.

Case Summary

This matter involves an appeal from a Board of Stewards Official Ruling (Cal Expo Harness Association Ruling #21) fining Appellant Two Hundred (\$200.00) Dollars for violation of California Horse Racing Board Rule #1721 (J) (Driving Rules – Change Course Stretch – Interference). The violation occurred during the ninth race on February 24, 2012 when Schneider drove the horse “Happyagain Mindale” to a third place finish, but was disqualified and placed ninth by the Board of Stewards (BOS) for “jostling and placing a wheel under #3 (“Vantage” driven by Tony Succarotte).”

By rule and law, only the subject decision (in this case the fine levied against Schneider for his violation of the driving rules) can be appealed, and then successfully only if the appellant provides new evidence, or convincing evidence that the BOS misinterpreted the rule on which the violation was based, or that the best interests of racing would be served by such decision. Schneider seemed somewhat confused by this: he indicated that in addition to his appeal of the fine against him, he wished to argue that the disqualification of his horse "Happyagain Mindale" should not have occurred, and that his horse should not have been denied the third place purse it would have otherwise earned.

LIST OF EXHIBITS

CHRB Exhibits

- 1—DVD copy of race video from Cal Expo, dated February 24, 2012
- 2—Official Ruling of the Cal Expo Board of Stewards, dated February 25, 2012
- 3—Official Minutes of the Cal Expo Board of Stewards for the period of Monday, February 20, 2012 through Sunday February 26, 2012
- 4—Documents showing (1) five rulings during 2012 wherein drivers were fined \$200 for driving rules violations, and (2) a summary document showing violations and penalties assessed to each driver at Cal Expo for the period from 2008 to the present

DISCUSSION

Summary of Evidence and Contentions

1. Appellant Quentin Schneider is a licensed harness driver, trainer, and owner (License #s 259942, 259941, and 258125).
2. Schneider drove the #10 horse "Happyagain Mindale" in the ninth race on February 24, 2012 at the Cal Expo harness meeting.
3. After the running of the race, the stewards posted the inquiry sign, reviewed the race, and disqualified "Happyagain Mindale" after discussing events with drivers Schneider and Tony Succarotte (#3 – Vantage).
4. On February 25, 2012, the stewards reviewed the race with Schneider and apprised him that a two hundred dollar (\$200.00) fine would be assessed to him for a violation of driving rule #1721 (J) – Change course after selecting a position in the home stretch, or bear in or out, in such manner as to interfere with another horse or cause him to change stride or break. At that time the stewards also notified Schneider of his right to appeal.
5. As mentioned to Schneider by CHRB Investigations staff and reiterated at the hearing, the onus was on him to provide new evidence, show that the stewards had misinterpreted the rules, or show that to serve the best interests of racing his appeal should be granted.
6. CHRB presented into evidence and Steward Wayne Oke described the video replay of the race in question. The video shows #10 Happyagain Mindale come out on #3 Vantage, causing contact with and resulting in Vantage being bumped

off stride. Vantage subsequently finished ninth; Happyagain Mindale went on to finish third. The stewards called the inquiry and unanimously ruled that Happyagain Mindale would be disqualified and placed behind Vantage.

7. CHRFB presented evidence that showed the \$200 fine was a consistent practice for such rulings for at least the past five years.
8. Schneider presented no additional evidence, but replayed the video and stated that Vantage had been parked the entire trip and "was done." Further, he averred that "I was clear" and that "I feel I'm not wrong." Schneider also made some vague unsubstantiated statements to the effect that driver Succarotte had personal problems that may have affected his drive.

In weighing the arguments, those most credible seem to be the consistency and appropriateness of punishment levied by the stewards and the lack of new or compelling evidence on behalf of the Appellant. In fact, the entirety of the Appellant's case was his disagreement with the stewards' conclusion.

CONTROLLING LAW

Business and Professions Code

19517. (a) The board, upon due consideration, may overrule any steward's decision other than a decision to disqualify a horse due to a foul or a riding or a driving infraction in a race, if a preponderance of the evidence indicates any of the following:

- (1) The steward mistakenly interpreted the law.
- (2) New evidence of a convincing nature is produced.
- (3) The best interests of racing and the state may be better served.

CONCLUSION/PROPOSED DECISION

The appellant presented (1) no evidence or argument that the stewards mistakenly interpreted the law or (2) new evidence, and made no assertion that (3) the best interests of racing would be served by overruling the stewards. Given the foregoing, it is recommended that Appellant Quentin Schneider's appeal be denied.

DATED: April 25, 2012
Sacramento, California



Richard "Bon" Smith
Hearing Officer
California Horse Racing Board