

# **Agenda Item #1-2**

2015 APR -2 P 11: 07

BEFORE THE  
INDIANA HORSE RACING COMMISSION

IN RE: THE MATTER OF  
RICHARD ESTVANKO and  
ANTHONY GRANITZ

Respondents,

And

CAPTAIN JACK RACING STABLE, LLC,

Proposed Intervening Party.

ISSUE: IHRC Ruling # 14694  
IHRC Ruling # 14695

**INDIANA HORSE RACING COMMISSION STAFF'S  
RESPONSE TO CAPTAIN JACK'S EXCEPTIONS TO  
ADMINISTRATIVE LAW JUDGE'S RECOMMENDED ORDER**

Captain Jack Racing Stable, LLC's ("Captain Jack" or "Applicant") Exceptions to the Administrative Law Judge's (ALJ's) Recommended Order ("Exception") puts the cart before the horse. Captain Jack asserts that the ALJ erred by concluding that it had sufficient notice of the underlying hearing on IHRC Rulings 14694 and 14695, but the fact is that Captain Jack was not entitled to participate in these underlying hearings. Captain Jack is not entitled to notice of a hearing in which it has no due process right to participate. Accordingly, the Commission should affirm the ALJ's Recommended Order.

**RELEVANT BACKGROUND INFORMATION**

Following the issuance of Stewards' Rulings 14694 and 14695 (the "Rulings"), which imposed disciplinary sanctions relating to allegations that the horse Tam Tuff received an illegal race-day injection, Richard Estvanko and Anthony Granitz (Tam Tuff's trainers) brought this appeal before the Indiana Horse Racing Commission. The appeal was subsequently assigned to ALJ Bernard Pylitt. Captain Jack, the owner of Tam Tuff, was not the subject of any

disciplinary sanctions relating to this occurrence but has petitioned to intervene in the trainers' administrative appeal, arguing that it was unconstitutionally denied notice and a hearing prior to being required to forfeit the purse associated with Tam Tuff's race placement as a result of the Stewards' Rulings.

The ALJ denied Captain Jack's request to intervene in this proceedings, and Captain Jack filed its Exception. But the ALJ correctly ruled that Captain Jack is not entitled to intervene in these proceedings. Under Indiana law, a person seeking to intervene in an administrative proceeding such as this must demonstrate that they are "aggrieved or adversely affected" by an administrative order that has deprived them of some legal interest. Ind. Code § 4-21.5-3-21(a)(2)(B). And because a purse is not earned (and thus does not become a "legal interest") until the rules of racing are satisfied, Captain Jack cannot show that it has been "aggrieved or adversely affected" by the Rulings at issue in this case. Therefore, Captain Jack was never entitled to notice of or participation in the hearings below. Accordingly, the Commission should affirm the ALJ's Recommended Order.

#### ARGUMENT

**I. There is no Constitutional right to an administrative appeal, and the rules of racing at issue in this case do not provide the right to participate in the hearing.**

Captain Jack's argument that the ALJ erred by concluding that Captain Jack had sufficient notice of the hearing because its agents – trainers Estvanko and Granitz – had notice fundamentally misses the point. Captain Jack was not entitled to notice of the hearing (regardless of whether it received it or not) because there are no due process rights at issue, and the administrative rules at issue do not require that an owner be provided notice.

The underlying Rulings here were based upon a finding of a violation of 71 IAC 8.5-1-1.5 and 71 IAC 8.5-1-2 (among others) by trainers Estvanko and Granitz. The former provides

that “[n]o substance, foreign or otherwise, shall be administered to a horse entered to race by: (1) injection...within twenty-four (24) hours prior to the scheduled posted time for the first race except furosemide as provided for in this rule.” 71 IAC 8.5-1-1.5(b).<sup>1</sup> Similarly, 71 IAC 8.5-1-2 states that “[n]o horse participating in a race shall carry in its body any foreign substance except as provided by these rules....Upon a finding of a violation of this section, the owners or lessees of the horse from which the specimen was obtained shall forfeit any purse money[.]”

None of the applicable regulations in this case provide the owner of a horse with a right to notice of and the opportunity to participate in a hearing prior to forfeiture of the purse. While Captain Jack might disagree with this policy choice, there is no general Constitutional right to an administrative appeal. *Holton v. Indiana Horse Racing Comm’n*, 398 F.3d 928, 929 (7th Cir. 2005). The rules of racing do not expressly afford such a right, and Captain Jack is not entitled to create one here. Moreover, as a matter of policy, permitting an owner to intervene when no such right is created by statute and no due process rights are implicated would open the floodgates and create a precedent of allowing owners to intervene in disciplinary actions in which they have not been charged with any rule violation. Captain Jack was not charged with any rule violation here, and accordingly has no general right to notice or a hearing. Therefore, to the extent that Captain Jack argues that the ALJ erred by finding that Captain Jack received adequate notice of the underlying hearing, the argument misses the mark, as Captain Jack was simply not entitled to receive notice at all.

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<sup>1</sup> In recognizing that the absence of a positive drug test was not dispositive, the Stewards referenced an October 24, 2014 letter from Dr. Sams to Executive Director Gorajec that stated: “It is incorrect to assume that a report of no significant finding for a blood or urine sample submitted for analysis is proof that no drugs were administered to the horse from which the samples were collected. . . . Numerous substances could have been administered to the horse.” Rulings, p.5.

## II. Captain Jack has No Protected Due Process Rights to Unearned Purse Money.

In order to be permitted to intervene in these administrative proceedings, Captain Jack must establish that it is “aggrieved or adversely affected” by the Rulings at issue in this case. Ind. Code § 4-21.5-3-21(a)(2)(B). To be “aggrieved or adversely affected,” “a person must have suffered or be likely to suffer in the immediate future harm to a legal interest, be it a pecuniary, property, or personal interest.” *Huffman v. Office of Env’tl Adjudication*, 811 N.E.2d 806, 810 (Ind. 2004).

Captain Jack cannot meet this standard because it has no “pecuniary, property or personal interest” that has been harmed by the underlying Rulings. Captain Jack has argued that its forfeiture of the purse satisfies the standard. But the Seventh Circuit has made clear that purse monies are subject to compliance with the rules of racing prior to becoming a legal interest. *See Edelberg v. Illinois Racing Bd.*, 540 F.2d 279, 282 (7th Cir. 1976). In other words, complying with all racing rules is a condition precedent to “earning” a purse. *See* 71 IAC 7.5-7-4. Until compliance is established, a purse does not become a legal interest, and Captain Jack cannot be “aggrieved or adversely affected” by the purse redistribution at issue here because the Rulings concluded that the rules of racing had not been followed. Because the rules of racing were not followed, Captain Jack has no legal interest in the purse, and accordingly has no protectable legal interest that entitles it to intervene in these proceedings.<sup>2</sup> *See Edelberg*, 540 F.2d at 284 (observing that “under the Racing Board Rules, plaintiffs have no legal property right in the purse money until after a laboratory finding that their horse was not drugged. *Even if the money has been distributed, the owner’s right of possession is conditioned upon a determination that his horse won the race under the established rules.*” (emphasis added)).

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<sup>2</sup> To the extent that Captain Jack attempts to assert that it has been aggrieved or adversely affected by damage to its reputation, *Edelberg* observed that a person’s interest in their reputation is not, standing alone, a protectable due process right. *Id.* at 285-86 (citing *Paul v. Davis*, 424 U.S. 693, 701 (1975)).

Captain Jack attempts to distinguish *Edelberg* on a number of grounds that are simply not relevant to the ultimate result in this case. Captain Jack makes much of the fact that the owners at issue in *Edelberg* received notice of and the opportunity to participate in a preliminary hearing to determine whether the purse money should be forfeited. But in that case, the underlying racing rule provided for such a hearing. *Id.* at 283. The racing rules at issue in this case do not contain similar provisions, and Captain Jack has not challenged the constitutionality of these rules generally. Captain Jack's other attempts to distinguish *Edelberg* (arguing that there was no finding of drugs in Tam Tuff's system and that the laboratory results in *Edelberg* survived a technical challenge) are simply irrelevant. The regulations that the trainers were found to have violated in this case prohibit the injection of any foreign substance (except furosemide) within the twenty-four hour period prior to the scheduled posted time for the first race. *See* 71 IAC 8.5-1-1.5, 71 IAC 8.5-1-2. It does not matter whether drugs were found in Tam Tuff's system or not – under the rules, a finding of any injection within the relevant timeframe supports a finding of a rule violation.

#### CONCLUSION

The ALJ properly refused to create a right in favor of Captain Jack that is not provided for in the rules of racing. And because Captain Jack cannot show that it was “aggrieved or adversely affected” as a result of forfeiture of a purse in which it has no legal interest, it is not entitled to intervene in these proceedings on the facts presented. Therefore, the Commission should affirm the ALJ's Recommended Order.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

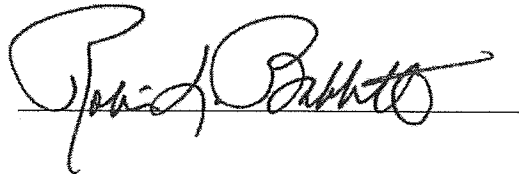
The undersigned hereby certifies that a copy of the foregoing has been served via e-mail and deposited in the U.S. mail, first-class postage prepaid, on the 2<sup>nd</sup> day of April, 2015, addressed to:

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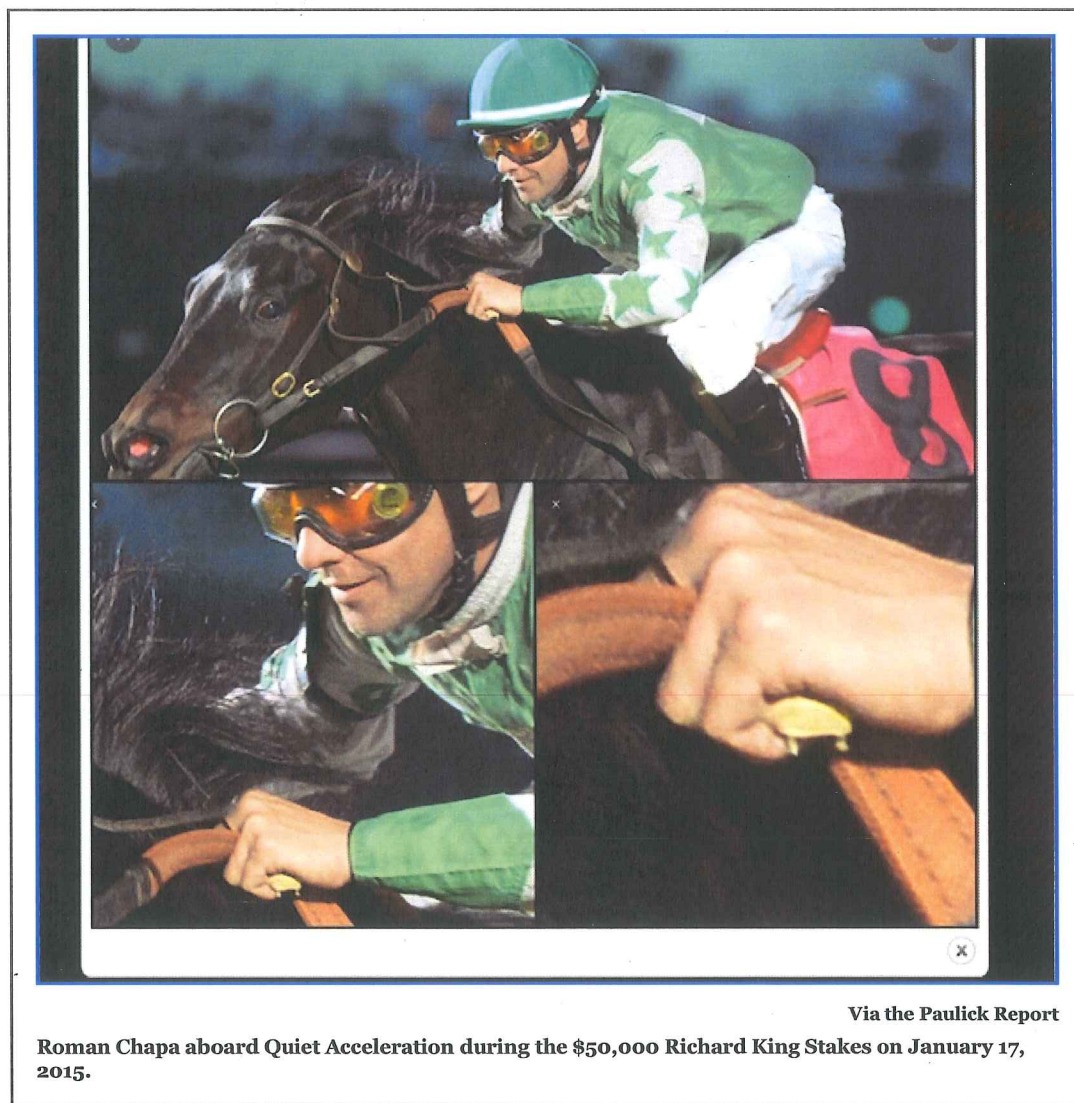




# Jockey Accused of Shocking Horse Arrested, Charged With Lying to Texas Racing Commission

By Dianna Wray

Published Thu., Mar. 19 2015 at 7:00 AM



Roman Chapa aboard Quiet Acceleration during the \$50,000 Richard King Stakes on January 17, 2015.

Via the Paulick Report

Roman Chapa, the jockey indicted by a Harris County grand jury last week for attempting to influence a horse race by shocking a horse, was scheduled for an arraignment for 9 a.m. Wednesday. However, when Chapa arrived at the 176th Criminal Court at the Harris County Criminal Justice Center Wednesday morning, he was arrested over new charges.

On January 17, the six-year-old thoroughbred

Quiet Acceleration galloped across the finish line with 43-year-old jockey Chapa aboard to win the \$50,000 Richard King Stakes at Sam Houston Race Park. The race was a photo finish and the photos, shot by track photographer Jack Coady, captured Chapa's victory. However, the images also showed



Chapa clutching a small nude-colored object in his left palm, a buzzer, an electric shocking device that can be used to shock a horse and get it to move faster. Buzzers are banned from racing.

Rumors about the photo started circulating around the racing world almost as soon as it was posted online at the Sam Houston Race Park website. Chapa started calling and texting Coady after the photos were posted, pushing Coady to take the photos down, according to the criminal complaint filed by Trooper Jeff Green, who investigated the incident on behalf of the Texas Department of Public Safety. Coady says he told Chapa that he had no control over the website but that Chapa continued to ask him to remove the photos, according to court documents. Coady showed Green his cell phone log and the text messages Coady received from Chapa pressuring Coady to take down the photos.

The Texas Racing Commission held a hearing on the incident on January 19. Chapa was suspended from racing while the commission investigated the incident. Chapa argued that Coady had Photoshopped the buzzer into the incriminating image. He also told the Texas Racing Commission that he never tried to contact Coady about the photo.

Along the way, the Harris County District Attorney's Office got involved and he was charged with unlawful influence on racing, a felony, and then indicted for the alleged crime last week. The arraignment Wednesday was supposed to be focused on the actual race, but things changed a bit when Judge Stacey Bond called for a lawyer representing Chapa and asked if the lawyer knew Chapa had been arrested when he arrived at the courthouse Wednesday morning. "I'm only just finding that out now," the lawyer replied. The two nodded and a few minutes later, Chapa was trotted out before the court. Bond muttered a few words and Chapa, hands behind back in handcuffs, bobbed his head at the judge and then was marched back out of the courtroom.

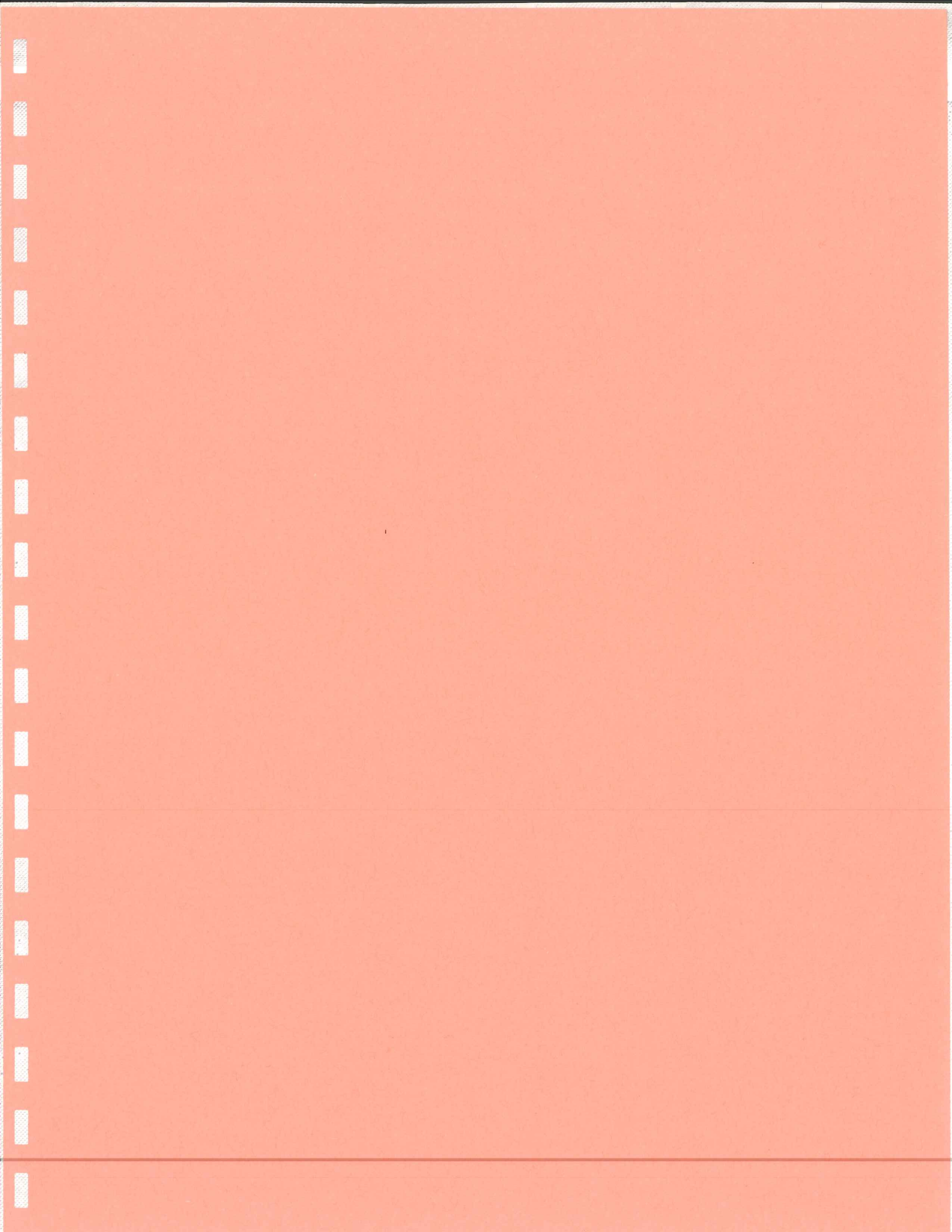
So why was Chapa arrested? When Chapa was being interviewed by the investigators with the Texas Racing Commission, he allegedly told them that he didn't try to call or text Coady about the photo, Jeff McShan, public information officer for the Harris County District Attorney's Office, said. Investigators concluded that Chapa, based on phone records, was not telling the truth, which is why charges were filed at about 11 p.m. on Tuesday night and why Chapa has been charged with "lying to Racing Commission investigators during a criminal investigation," according to McShan. McShan said the exact charges are not yet in the system. Chapa is currently still in custody.

This isn't the first time Chapa has been caught with a buzzer. In 1993, he was suspended in Texas for 19 months after being caught with a buzzer, according to the [New York Times](#). In 2007, New Mexico racing officials gave Chapa a five-year suspension for being caught with a buzzer.

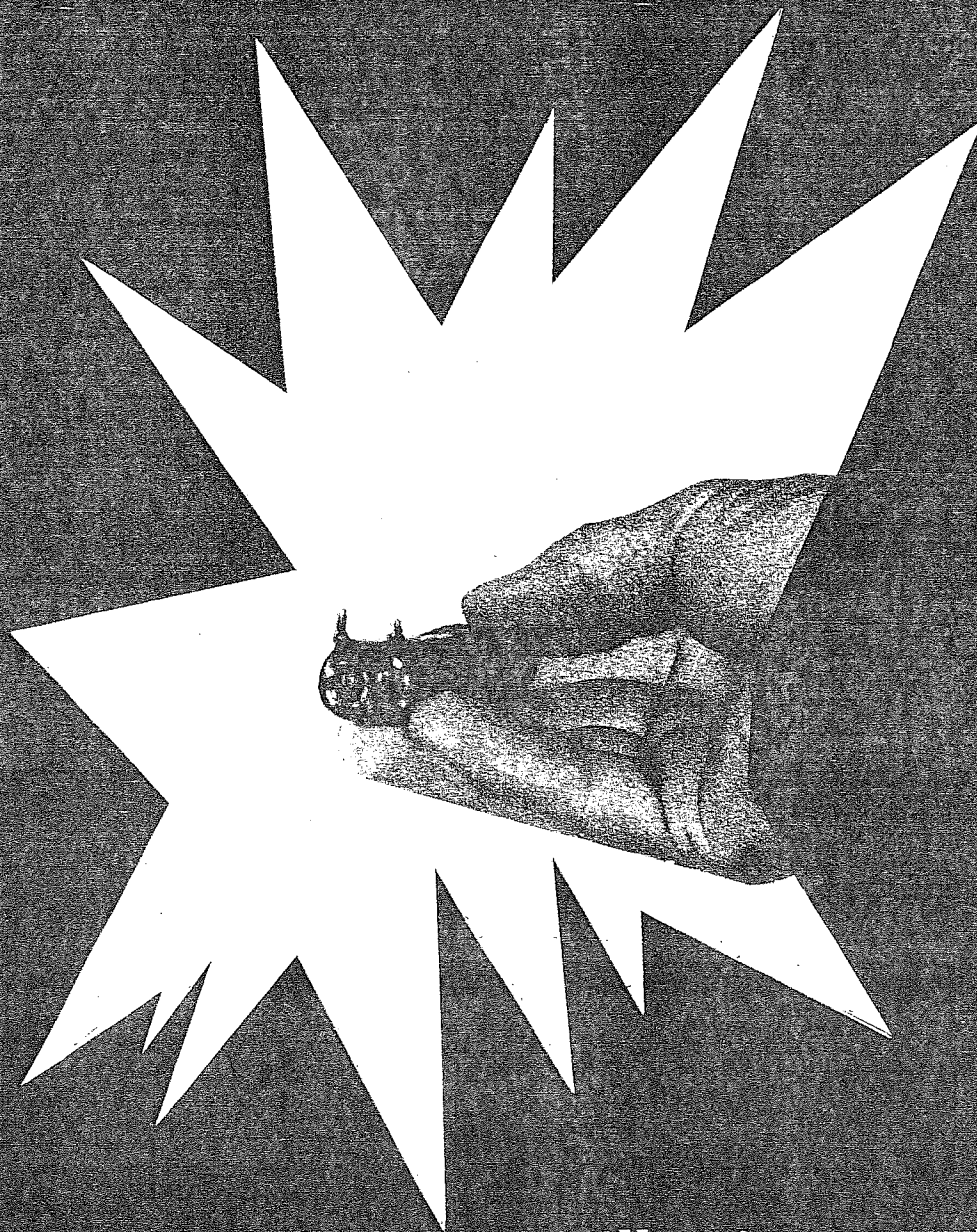
If the name of Chapa's lawyer on file, former Bexar County judge Angus McGinty, rings a bell, it's because he's the judge who resigned in 2014 and went back to private practice shortly before he was indicted by a federal grand jury for allegedly soliciting and accepting bribes. We called McGinty to see if Chapa's camp had any comment. "We don't have any comment on Roman Chapa. Thank You." Click.

McShan said the exact charges should be available soon.





# THE BATTERY!



## It's Still Being Used On America's Racetracks

Publication Issue Date: April 1970

A TURF & SPORT DIGEST investigation revealed that not only are some racehorses still being stimulated by batteries, but the practice has been modernized to include remote control devices.

To discover how and when these devices have been used during the past few months, turn the page ▶

# one daring jockey actually used the "joint" in the paddock

By Gene Whittington

**I**mprovers of the breed may gasp in amazement and track operators will likely stoutly deny it, but something new in electronics has worked its way — illegally — into the world of thoroughbred racing.

Illegal electrical devices, such as the battery carried by some jockeys, have long plagued racing, so perhaps it's only natural that some ingenious character would eventually find a way of adding a new twist to an old angle.

According to jockeys who have actually used the new device, it comes in two shapes, one rounded, like a small dog's collar, the other, a long, pencil-shaped object. Instead of being carried by the jockey, the gadget is braided into the horse's tail, then charged into operation by remote control handled by the trainer or other member of the attempted coup from the stands.

The object, of course, is to persuade the horse into winning the race, preferably when the odds are long. The electrical charge is designed to scare or shock the horse into giving forth its best effort.

The device is almost identical to the new electrical collar recently introduced to sportsmen in outdoor magazines for the training of hunting dogs.

It is these training collars which apparently gave some horsemen the idea of "hitting" a horse with a battery by remote control. But while the electrical collars apparently work on most dogs, there is little proof they are working with any degree of success on racehorses. According to one jockey, who asked to remain anonymous, the battery braided into the horse's tail was first attempted at Delaware Park last year. It proved unsuccessful, however. Distance, one horseman complained, was the major cause for its failure at the track. The battery, he said, lost most of its effectiveness when the horse is more than one mile away from the operator of the remote control device.

When racing returned to Maryland last fall for the 10-week minor-track season, the battery braided in the tail again was tried. It is difficult to determine the exact effectiveness this electrical device had on horses at Timonium, Hagerstown and Marlboro, but one jockey told me: "It ain't worth a damn!"

"When you hit a horse with a battery," Jockey X. explained, "you have to get him just as he is about to stride out. The shock just makes him reach out a little farther, that's all. A battery can't make a slow horse fast, it just makes a 'cheater' put out his best effort."

"When you have the battery in your hand, you know what to do and when to do it. This is where the battery in the tail fails. The rider is in a dangerous position on a horse equipped with such a gadget because he never knows when the clown in the stands operating the controls is going to push that button. You could damn well get yourself killed."

The old-fashioned battery, the kind carried in the jockey's hand, apparently remains the most effective electrical instrument used on racehorses and its usage is on the upswing at some of the nation's top racing centers, according to facts gathered during the preparation of this article.

The "joint", as the battery is known by regular racegoers, is about the size of two cigarette lighters placed one on top of the other, with two little prongs protruding from one end to make the contact. It is small enough to be hidden in the boot-top, pants or even in the palm of the hand.

Naturally, electrical devices of any nature are outlawed in every State with legalized racing, and that may be the reason some bettors find it an intriguing experience to be in the know when a certain jockey is going to apply his electrical skill.

Professional touts, or anyone who hustles the betting rings trying to con the suckers into wagering on certain horses, use the "joint" as their best sales pitch. When the so-called inside information, such as the "trainer told me", or the "groom said", fails to influence a prospective client, the tout usually succeeds in securing a substantial bet with someone else's money with the mere mention of the "joint".

Only a few bettors realize that the battery, or the new electrical device in the horse's tail, may be the most over-rated gadgets in the sport.

It is generally agreed by horsemen that a battery will work effectively on only about one out of thirty horses. Once this horse is found, it is then a

long painstaking job of schooling the animal with the "joint" before it can actually be applied in a race.

"The first time you try it on a horse in the morning", one jockey told me, "you may think you have a real winner. He may take off with you. The second time you try it on the same horse, he may not respond at all. But once you find the horse it will help every time, you've got yourself a real prince."

If tried on a horse which does not respond with the desired effect, the battery can easily become a dangerous weapon. Horses have been known to prop and wheel, causing the "apprentice electricians" or "banana boys" — racetrack slang for the battery riders — to take nasty spills. Some horses have actually bolted through the rail, causing serious injury to both horse and jockey.

Even the long odds of finding the one horse on which the battery will work, and the risk of injury if it doesn't work, has not curtailed usage of the electrical devices, however. TURF & SPORT DIGEST uncovered evidence that batteries became more popular than ever at some of the top racing plants throughout the country last season.

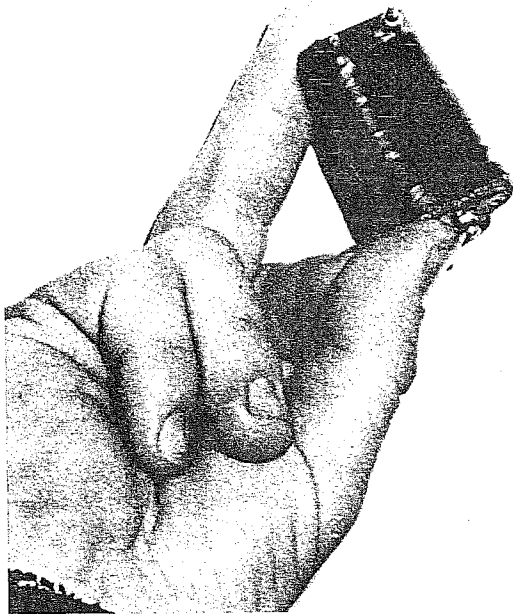
Some jockeys, a few of whom have actually used the battery, were willing to discuss with me this upswing in the usage of the "joint", providing, of course, they remain anonymous for obvious reasons. An admission before the stewards would bring a stiff fine and suspension, perhaps for a lifetime.

Jockey H., who had a mount in the 1969 Kentucky Derby, swears that one of his colleagues, now considered among America's ten best jockeys since coming from his native country, "often rides with a 'joint' in both hands."

"I know", declared Jockey H., "because I have ridden with him and been right beside him when he hit his horse with both hands. It sounded like a bunch of bees running beside me".

The buzz of the bee came up often in conversations with jockeys who spoke of the battery. Jockey G., who won one of the major Derbies in the mid-west last year, is confident another jockey tried to win the same race with the aid of a battery. "It sounded like I

(continued on page 43)



An illegal battery. Two flashlight batteries wrapped in electric tape, sometimes with a copper coil to increase voltage. Horse is hit with points on left.



This battery device was dropped accidentally by a jockey in the starting gate at a Maryland track. Note partially buried starting bar of the gate.

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Advertisements such as this, appearing in leading outdoor magazines, apparently gave some dishonest trainers a new idea on how to stimulate a racehorse by remote control. Fortunately, the device has not proven 100 percent effective on racehorses.

# THE BATTERY

(Continued from page 16)

passed a bee-hive when I went by him in the stretch", Jockey G. told me.

Jockey D., a regular on the Maryland circuit for the past four years, joked about one rider "scaring me to death at Bowie last winter. We were in the paddock and I was riding the horse in the next stall when this jock actually hit his horse with a 'joint' right there in the paddock. I guess he wanted to wake up his mount but I know he sure scared the hell out of me."

The jockey who supposedly used the battery in the paddock left the Maryland circuit shortly after the incident and rode exclusively—with much success—at Liberty Bell Park which inaugurated racing in the State of Pennsylvania in 1969.

One West Virginia jockey claims that "at least five jockeys" riding in the Mountain State would do the job with the battery if the price is right. The right price, he said, was a \$100 win bet for the jockey.

One jockey admitted that he once tried to use the battery, but proved a complete failure at it. "I wound up hitting myself with the 'joint'", he said. "It stung so badly, I threw my right hand into the air and lost my whip, the battery and the race."

During one stage of the long West Virginia season last summer, rumors were heavy that the battery had be-

come a regular part of the jockey's equipment, "just like the whip, boots and saddle", Jockey S. declared. One angry fan went to the front office with his complaint and, upon hearing his evidence, track management went into immediate action, stationing members of the security force at strategic points around the racetrack.

Surveillance was maintained for more than six weeks, but proved futile. Not one jockey was observed using a battery, let alone apprehended with a "joint" in his possession.

Actually, putting an end to the use of the battery is a job for the presiding stewards in each State, and it will not be an easy task. A jockey riding with a battery is usually shrewd and extremely careful.

One rider bragged that he once used the battery, knowing the stewards were waiting to frisk him upon his return to the jockeys' room.

"I won the race", the rider boasted, "then made out like I had trouble pulling my horse up. I called to the out- rider to pick me up and when he reached for my horse, I dropped the 'joint' into his coat pocket."

With jockeys using such cunning, it is easy to see why this rule infraction is perhaps the most difficult of all for stewards to detect. But officials at tracks across the country must do all they can to stamp out this practice if racing is to maintain the confidence of the public. It is obviously no time to be complacent or for tracks to congratulate themselves on the fine job being done in policing the sport.

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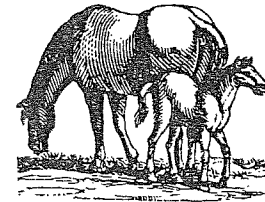
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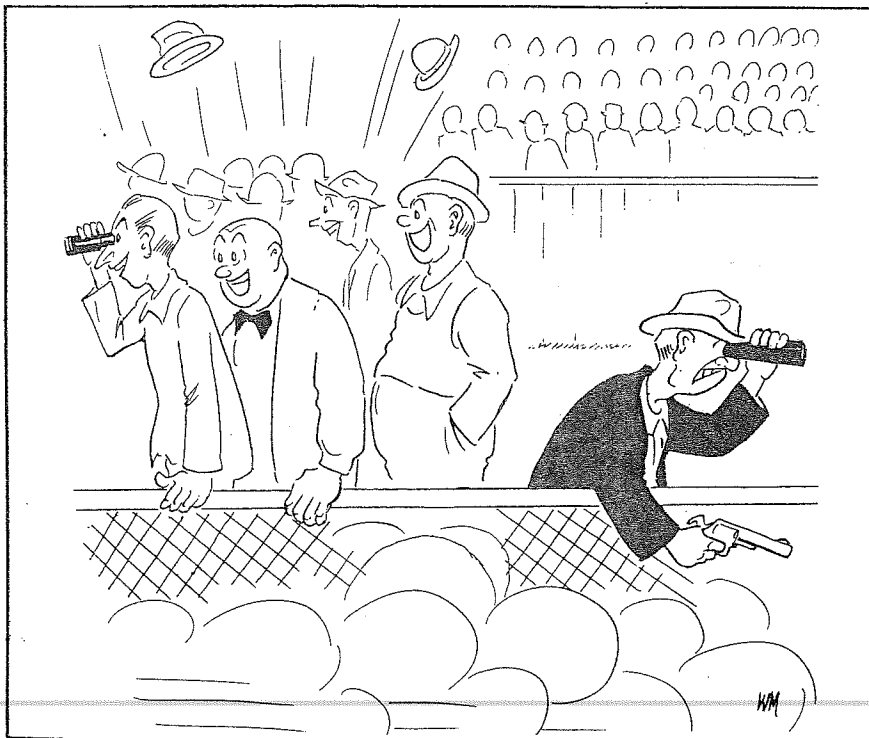
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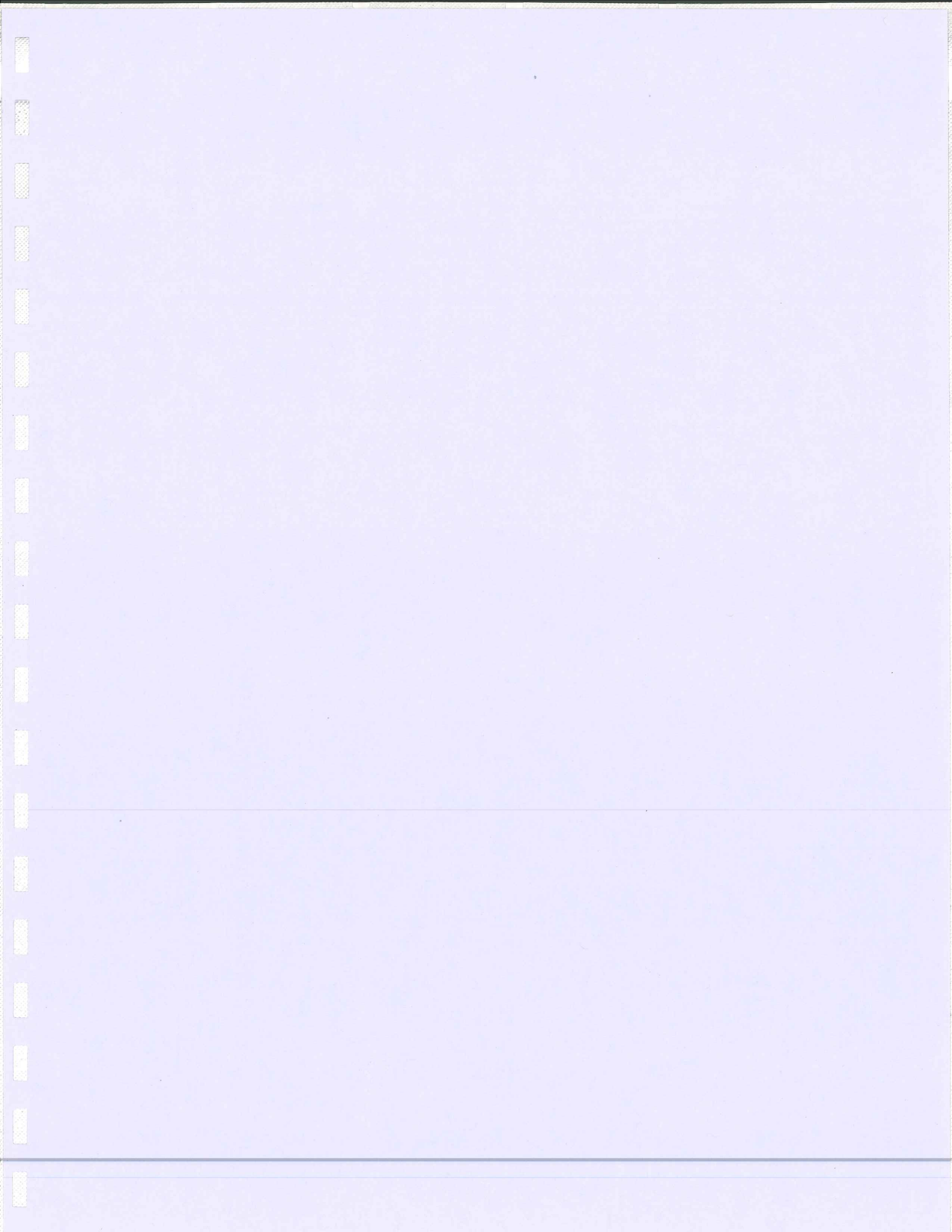
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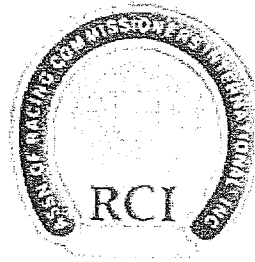
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	Unknown	3/30/2013	12/31/2013	Oklahoma Horse Racing Commission
9927470	Jockey	9/29/2012	12/31/2013	Iowa Racing Commission
2012	Jockey	8/7/2012	12/31/2012	Oklahoma Horse Racing Commission
2011	Jockey	8/12/2011	12/31/2011	Oklahoma Horse Racing Commission
480786	Jockey	7/15/2011	6/30/2012	Louisiana Racing Commission
42819	Jockey	5/19/2011	5/31/2014	New Mexico Racing Commission
3715	Jockey	1/16/2007	12/31/2007	Arkansas Racing Commission



2006	Jockey	9/4/2006	12/31/2006	Oklahoma Horse Racing Commission
*N*1799028	Jockey	1/26/2006	12/31/2006	Arkansas Racing Commission
*N*1746602	Jockey	7/22/2005	12/31/2005	Illinois Racing Board
*N*1594254	Jockey	1/20/2005	12/31/2005	Arkansas Racing Commission
*N*1578530	Duplicate	12/4/2004	6/30/2005	Louisiana Racing Commission
*N*1450563	Jockey	1/15/2004	12/31/2004	Arkansas Racing Commission
*N*1395905	Jockey	6/29/2003	6/30/2006	Louisiana Racing Commission
449790627	Jockey	9/29/2002	12/31/2002	Oklahoma Horse Racing Commission
2002	Jockey	9/29/2002	12/31/2002	Oklahoma Horse Racing Commission
9810792	Unknown	7/4/2002	12/31/2003	Iowa Racing Commission
*N*1328534	Jockey	2/2/2002	12/31/2002	Arkansas Racing Commission
90879	Jockey	11/18/2001	12/31/2001	Maryland Racing Commission
*N*765490	Jockey	11/12/2000	6/30/2003	Louisiana Racing Commission
*N*733337	Jockey	1/17/2000	6/30/2000	Louisiana Racing Commission
449790627	Jockey	4/7/1999	12/31/1999	Oklahoma Horse Racing Commission
1999	Jockey	4/7/1999	12/31/1999	Oklahoma Horse Racing Commission
*N*691979	Jockey	3/26/1998	6/30/1998	Louisiana Racing Commission
*N*357944	Jockey	8/25/1995	12/31/1995	Texas Racing Commission
53851	Jockey	8/25/1995	8/31/2014	Texas Racing Commission
1993	Apprentice Jockey	9/7/1993	12/31/1993	Oklahoma Horse Racing Commission
449790627	Apprentice Jockey	9/7/1993	12/31/1993	Oklahoma Horse Racing Commission
*N*357943	Apprentice Jockey	4/21/1993	12/31/1995	Texas Racing Commission
31752	Apprentice Jockey	4/21/1993	12/31/1995	Texas Racing Commission
29899	Exercise Person	2/26/1993	12/31/1993	Texas Racing Commission
22039	Owner	4/3/1992	12/31/1992	Texas Racing Commission

Fingerprint Information

Processing Commission	Date Taken	Status	Notes	RCI Card Submitted Date
Oklahoma Horse Racing Commission	3/30/2013	Unknown		
Iowa Racing Commission	9/29/2012	Unknown		
Iowa Racing Commission	7/4/2002	Unknown		
Oklahoma Horse Racing Commission	3/30/2013	Unknown		

Ruling Number	Ruling Type	Ruling Date	Fine	Fine Paid?	Suspension Start	Suspension End
2015-SHRP4840-1	Conduct Detrimental to Racing	3/2/2015	100000	No	1/19/2015	1/18/2020
2015-SHRP4816-1	Failure to Report or Appear	1/19/2015		Not Submitted	1/19/2015	
2014-SUN-453	Failure to Pay Fine or Fees	12/21/2014		Not Submitted	12/21/2014	1/22/2015
0573414	Careless/Unsafe/Improper Riding or Driving	8/16/2014	100	Yes		
20192	Careless/Unsafe/Improper Riding or Driving	7/20/2013	0	Not Submitted	7/25/2013	7/31/2013
SHRP4692	Unknown	3/2/2013	0	Not Submitted	3/12/2013	3/18/2013
SHRP4586	Misuse of Whip	2/17/2012	100	Yes		

2646811	Conditional Licensing Requirements	5/18/2011	0	Not Submitted		
1535807	License Denied, Rescinded, Revoked, Suspended, Withdrawn or Exclusion	3/21/2007	0	Not Submitted	3/21/2007	3/21/2012
113507	Possession and/or Use of an Electrical Device	3/6/2007	1500	Yes	4/28/2007	6/13/2007
0098507	License Denied, Rescinded, Revoked, Suspended, Withdrawn or Exclusion	2/20/2007	0	Not Submitted		
0095507	Possession and/or Use of an Electrical Device	2/17/2007	0	Not Submitted		
0038507	Reinstatement to Good Standing in State	1/8/2007		Not Submitted		
0037507	Medication/Drug/Alcohol Violation - Human	1/7/2007		Not Submitted		
*N*10093508	Careless/Unsafe/Improper Riding or Driving	6/30/2005	100	Not Submitted		
*N*10094083	Disorderly Conduct	6/25/2005	100	Not Submitted		
*N*10094078	Careless/Unsafe/Improper Riding or Driving	6/25/2005	0	Not Submitted	6/27/2005	7/6/2005
05-072	Failure to Report or Appear	4/7/2005	50	Not Submitted		
*N*10081086	Misuse of Whip	12/11/2004	100	Not Submitted		
*N*10080657	Failure to Honor Declaration/Engagement	12/2/2004	100	Not Submitted		
*N*10080877	Disorderly Conduct	11/27/2004	250	Not Submitted		
13555	Careless/Unsafe/Improper Riding or Driving	6/20/2004	0	Not Submitted	6/20/2004	6/26/2004
13554	Failure to Report or Appear	6/20/2004	0	Not Submitted		
13022	Careless/Unsafe/Improper Riding or Driving	9/19/2003	0	Not Submitted	9/22/2003	9/28/2003
12887	Disorderly Conduct	8/14/2003	0	Not Submitted		
12823	Failure to Conduct Business in Proper Manner	7/19/2003	0	Not Submitted		
*N*10063290	Careless/Unsafe/Improper Riding or Driving	5/16/2003	100	Not Submitted	5/18/2003	5/27/2003
*N*10062102	Disorderly Conduct	3/25/2003	250	Not Submitted		
*N*10061688	Careless/Unsafe/Improper Riding or Driving	3/7/2003	0	Not Submitted	3/10/2003	3/29/2003
*N*10061069	Careless/Unsafe/Improper Riding or Driving	2/12/2003	0	Not Submitted	2/14/2003	2/20/2003
*N*10059255	Failure to Honor Declaration/Engagement	11/7/2002	200	Not Submitted		
*N*10053552	Failure to Honor Declaration/Engagement	6/7/2002	250	Not Submitted		
*N*10053229	Disorderly Conduct	5/10/2002	0	Not Submitted		
*N*10052550	Careless/Unsafe/Improper Riding or Driving	5/2/2002	0	Not Submitted	5/7/2002	5/16/2002

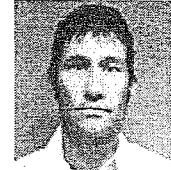


## Comprehensive Ruling Report

Rulings Against: ROMAN ERIC CHAPA

Legal Name: ROMAN ERIC CHAPA

Birth Date:



50 Total Ruling(s) Listed

Ruling #: 1

Ruling Number:	2015-SHRP4840-1	Date:	3/2/2015
Issued By:	Texas Racing Commission	Facility:	N/A
Ruling Type:	Conduct Detrimental to Racing		
Division:	Horse	Breed:	Mixed
Effective Date:	3/2/2015	Race Date:	N/A
Infraction Date:	1/17/2015	Infraction Facility:	N/A
Race Number:	N/A	Animal Name:	N/A
Under Appeal:	False	Appeal Date:	N/A
Fine Amount:	\$ 100000	Fine Paid:	No
Suspension Start:	1/19/2015	Suspension End:	1/18/2020

Actions:

Alpha Ruling: 2015-SHRP4840-1      Action Type: Initial Ruling      Issue Date: 3/19/2015

Action Text:

SUPPLEMENT 1: On March 5, 2015, Executive Director Trout exercised his authority under Rule 307.69 and modified stewards' ruling SHRP 4840 by increasing the fine from \$25,000 to \$100,000. All other provisions of the ruling remain, including the five-year suspension of Mr. Chapa's jockey's license, the disqualification of "Quiet Acceleration," and the redistribution of the purse.

SUPPLEMENT 2: On March 5, 2015, Attorney Paul Vick filed an appeal on Mr. Chapa's behalf. Mr. Vick also requested a stay of the suspension and fine imposed against Mr. Chapa, or in the alternative, a stay of the requirement to tender the \$25,000 fine during the pendency of the appeal.

Executive Director Trout denied the request for a stay of the suspension, but granted the request to stay the requirement that Mr. Chapa tender the fine during the pendency of the appeal in order to ensure that Mr. Chapa's due process rights are protected.

Jockey Roman Chapa having been duly noticed, appeared at a formal hearing before the Sam Houston Race Park Board of Stewards on 02/27/2015 and was represented by his attorneys Paul Vick and Angus McGinty.

Counsel for both parties agreed that the evidence and testimony presented at the Summary Suspension Hearing held on 02/09/2015, be entered into the record.

Having considered all the testimony and evidence presented at both hearings the preponderance of evidence indicated that Mr. Chapa did carry an electric shocking device while riding "Quiet Acceleration" to win the 9th race at Sam Houston Race Park the "Richard King Turf Stakes" on 01/17/2015. Mr. Chapa is hereby suspended 5 years (01/19/2015 through 01/18/2020) and fined twenty five thousand (\$25,000) dollars and the case referred to the Executive Director of the Texas Racing Commission for further consideration.

The horse "Quiet Acceleration" is disqualified from the 9th race at Sam Houston Race Park on 01/17/2015 and declared unplaced with the purse redistributed as follows;

1. (3) Fly the Red Eye
2. (9) Magna Breeze
3. (10) Special UFO
4. (4) Fiery Dream
5. (1) Rule Breaker
6. (2) Seeking West
7. (6) Anew Rumor
8. (7) Special Praise
9. (5) Spiderman Ridge
- Unplaced (8) Quiet Acceleration

During the term of this suspension Mr. Chapa is denied access to all areas under the jurisdiction of the Texas Racing Commission.

Ruling #: 2

Ruling Number:	2015-SHRP4816-1	Date:	1/19/2015
Issued By:	Texas Racing Commission	Facility:	Unknown
Ruling Type:	Failure to Report or Appear		
Division:	Horse	Breed:	Mixed
Effective Date:	1/19/2015	Race Date:	N/A
Infraction Date:	1/17/2015	Infraction Facility:	N/A
Race Number:	N/A	Animal Name:	N/A
Under Appeal:	False	Appeal Date:	N/A
Fine Amount:	\$ 0	Fine Paid:	Not Submitted
Suspension Start:	1/19/2015	Suspension End:	None
Actions:			

Alpha Ruling: 2015-SHRP4816-1      Action Type: Initial Ruling      Issue Date: 1/27/2015  
 Action Text:

Jockey Roman Chapa's Texas jockey license is hereby summarily suspended pending completion of an investigation into his ride in the 9th race at Sam Houston Race Park on 01/17/2015.

During the term of this suspension Mr. Chapa is denied access to all areas under the jurisdiction of the Texas Racing Commission.

Ruling #: 3

Ruling Number:	2014-SUN-453	Date:	12/21/2014
Issued By:	New Mexico Racing Commission	Facility:	Sunland Park
Ruling Type:	Failure to Pay Fine or Fees		
Division:	Mixed	Breed:	Mixed
Effective Date:	12/21/2014	Race Date:	8/15/2014

Infraction Date: 8/16/2014      Infraction Facility: Ruidoso Downs  
 Race Number: N/A      Animal Name: N/A  
 Under Appeal: False      Appeal Date: N/A  
 Fine Amount: \$ 0      Fine Paid: Not Submitted  
 Suspension Start: 12/21/2014      Suspension End: 1/22/2015  
 Actions:

Alpha Ruling: 2014-SUN-453-REST      Action Type: Restored      Issue Date: 1/23/2015  
 Action Text:  
**RE: 2014-SUN-453 - Restored to Good Standing**  
 Jockey Roman Chapa having paid the fine assessed in Ruling # 0573414 issued on August 16, 2014 at Ruidoso Downs is hereby restored to good standing by the Sunland Park Board of Stewards.

Alpha Ruling: 2014-SUN-453      Action Type: Initial Ruling      Issue Date: 12/21/2014  
 Action Text:  
 Jockey Roman Chapa having failed to pay the fine assessed in Ruling # 0573414 issued on August 16, 2014 at Ruidoso Downs racetrack is found to be in violation of Commission rules.

For this rule violation, all licenses issued to Roman Chapa are suspended, and he will be ineligible to apply for a New Mexico Racing Commission license until the fine has been paid in full."

Licensee is found to be in violation of the following rule (s):

**15.2.1.9(B)(7)(f) NMAC:** Which states in pertinent part that "All fines imposed by the Stewards shall be paid to the Commission within 30 days after the ruling is issued, unless otherwise ordered".

Ruling #: 4

Ruling Number: 0573414      Date: 8/16/2014  
 Issued By: New Mexico Racing Commission      Facility: Ruidoso Downs  
 Ruling Type: Careless/Unsafe/Improper Riding or Driving  
 Division: Horse      Breed: Mixed  
 Effective Date: 8/16/2014      Race Date: 8/15/2014  
 Infraction Date: 8/15/2014      Infraction Facility: N/A  
 Race Number: 1      Animal Name: Mr. loren  
 Under Appeal: False      Appeal Date: N/A  
 Fine Amount: \$ 100      Fine Paid: Yes  
 Suspension Start: None      Suspension End: None  
 Actions:

Alpha Ruling: 0573414      Action Type: Initial Ruling      Issue Date: 8/16/2014  
 Action Text:  
**RULING#: 0573414 TRACK: RUIDOSO DOWNS DATE: August 16, 2014 Jockey ROMAN CHAPA NMSRC LICENSE #:42471041)** having appeared before the Board of Stewards on this date for careless riding/failure to maintain a straight course, while aboard "Mr. Loren" in the first race, Friday, August 15, 2014, at Ruidoso Downs; ROMAN CHAPA is found to be in violation of: 15.2.5.13(E)(2)(a) NMAC: which states in pertinent part that "A jockey shall not ride carelessly or willfully so as to permit his/her mount to interfere with, impede or intimidate any other horse in the race." 15.2.5.13(E)(3)(d) NMAC: Which states in pertinent part that "In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane in such a manner that it interferes with, impedes or intimidates

another horse, it is a foul and may result in the disqualification of the offending horse." 15.2.5.13(E)(3)(c) NMAC: Which states in pertinent part that "If the Stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey." For this violation, the Board of Stewards assessed ROMAN CHAPA a penalty in the amount of one hundred dollars (\$100.00). The fine is to be paid on or before September 16, 2014, in accordance with 15.2.3.8(B)(3)(1) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension. BY ORDER OF THE RUIUDOSO DOWNS BOARD OF STEWARDS DAVID KEITER ED L'ECUYER CONNIE ESTES Appeal Filing Deadline: 15.2.1.9(B)(9)(b)NMAC: Which states in pertinent part that "An appeal under this section must be filed not later than 10 days from the date of the ruling. The appeal must be filed at the main Commission offices or with the Stewards who issued the ruling.

Ruling #: 5

Ruling Number:	20192	Date:	7/20/2013
Issued By:	Louisiana Racing Commission	Facility:	Louisiana Downs
Ruling Type:	Careless/Unsafe/Improper Riding or Driving		
Division:	Horse	Breed:	Thoroughbred
Effective Date:	N/A	Race Date:	N/A
Infraction Date:	N/A	Infraction Facility:	N/A
Race Number:	N/A	Animal Name:	N/A
Under Appeal:	False	Appeal Date:	N/A
Fine Amount:	\$ 0	Fine Paid:	Not Submitted
Suspension Start:	7/25/2013	Suspension End:	7/31/2013

Actions:

Alpha Ruling: 20192

Action Type: Initial Ruling

Issue Date: 7/20/2013

Action Text:

Suspended 7 calendar days for careless riding aboard "Thunder Harbor". Mount disqualified from second to sixth place following the running of race 2, July 18, 2013. Allowed to ride in designated races. Participation in such race/s extends suspension a like number days.

Ruling #: 6

Ruling Number:	SHRP4692	Date:	3/2/2013
Issued By:	Texas Racing Commission	Facility:	Sam Houston Race Park
Ruling Type:	Unknown		
Division:	Unknown	Breed:	Unknown
Effective Date:	N/A	Race Date:	N/A
Infraction Date:	N/A	Infraction Facility:	N/A
Race Number:	N/A	Animal Name:	N/A
Under Appeal:	False	Appeal Date:	N/A
Fine Amount:	\$ 0	Fine Paid:	Not Submitted
Suspension Start:	3/12/2013	Suspension End:	3/18/2013

Actions:

Alpha Ruling: SHRP4692

Action Type: Initial Ruling

Issue Date: 3/2/2013

Action Text:

Jockey Roman Chapa having been duly noticed, waived his right to a formal hearing before the Sam Houston Race Park Board of Stewards on 03/02/2013 and his right to appeal. Mr. Chapa is hereby suspended seven days (3/12/2013 through 3/18/2013) for allowing his horse "Jorge WF" to drift in going into the far turn and causing interference in the 6th race at Sam Houston Race Park on 02/25/2013. The term of this suspension does not prohibit participation in designated stake races provided he is named at the time of entry. Each day of participation extends the suspension a like number of days.

Ruling #: 7

Ruling Number:	SHRP4586	Date:	2/17/2012
Issued By:	Texas Racing Commission	Facility:	Sam Houston Race Park
Ruling Type:	Misuse of Whip		
Division:	Horse	Breed:	Thoroughbred
Effective Date:	N/A	Race Date:	N/A
Infraction Date:	N/A	Infraction Facility:	N/A
Race Number:	N/A	Animal Name:	N/A
Under Appeal:	False	Appeal Date:	N/A
Fine Amount:	\$ 100	Fine Paid:	Yes
Suspension Start:	None	Suspension End:	None
Actions:			

Alpha Ruling: SHRP4586	Action Type: Initial Ruling	Issue Date: 2/17/2012
Action Text:		
Sam Houston - Struck his horse "At Full Pelt" in the face during the running of race 10 on 1/23/2012.		

Ruling #: 8

Ruling Number:	2646811	Date:	5/18/2011
Issued By:	New Mexico Racing Commission	Facility:	Unknown
Ruling Type:	Conditional Licensing Requirements		
Division:	Mixed	Breed:	Mixed
Effective Date:	N/A	Race Date:	N/A
Infraction Date:	N/A	Infraction Facility:	N/A
Race Number:	N/A	Animal Name:	N/A
Under Appeal:	False	Appeal Date:	N/A
Fine Amount:	\$ 0	Fine Paid:	Not Submitted
Suspension Start:	None	Suspension End:	None
Actions:			

Alpha Ruling: 2646811	Action Type: Initial Ruling	Issue Date: 5/18/2011
Action Text:		
BEFORE THE NEW MEXICO RACING COMMISSION STATE OF NEW MEXICO IN THE MATTER OF JOCKEY ROMAN CHAPA OF RULING #0095507 ISSUED BY THE SUNLAND PARK BOARD OF STEWARDS ON FEBRUARY 21 , 2007 RULING, 2646811 DECISION AND ORDER WHEREAS, this matter came before a quorum of the New Mexico Racing Commission ("Commission") on May 12, 2011 on review of licensee's Motion for Reconsideration; WHEREAS, proper notice was given to those parties entitled to		



notice; WHEREAS, the Commission reviewed Mr. Chapa's suspension and heard the arguments of the licensee; WHEREAS, the Commission voted unanimously to amend Mr. Chapa's revocation in the State of New Mexico; IT IS THEREFORE ORDERED that Mr. Chapa's Jockey License is hereby eligible for rein statement on a probationary basis. Mr. Chapa shall be reinstated subject to the following conditions: 1. Mr. Chapa shall remain on probation for the remainder of his suspended tem1 as Ordered in Ruling# 1535807 (Until June 26, 2012); 2. While on probation, Mr. Chapa shaH have no violations of the New Mexico Racing Commission 's statutes or rules; 3. In the event the Commission finds that Mr. Chapa has violated the conditions of his probation, the Commission may immediately and summarily reinstate the suspension of Mr. Chapa's license; 4. During the remainder of his probationary period, Mr. Chapa must make a presentation in coordination with the Jockey's Guild at the start of each New Mexico race meet, regardless of whether Mr. Chapa has entered to run at that meet. The presentation must be pre-approved by the Commission's Executive Director. A determination by the Commission of a matter pursuant to NMSA 1978, Section 60-1A-II shall be final and conclusive and not subject to appeal. DATE: 5-18-2011 SIGNED: Chairman Doughy

Ruling #: 9

Ruling Number:	1535807	Date:	3/21/2007
Issued By:	New Mexico Racing Commission	Facility:	Sunland Park
Ruling Type:	License Denied, Rescinded, Revoked, Suspended, Withdrawn or Exclusion		
Division:	Mixed	Breed:	Mixed
Effective Date:	N/A	Race Date:	N/A
Infraction Date:	N/A	Infraction Facility:	N/A
Race Number:	N/A	Animal Name:	N/A
Under Appeal:	False	Appeal Date:	N/A
Fine Amount:	\$ 0	Fine Paid:	Not Submitted
Suspension Start:	3/21/2007	Suspension End:	3/21/2012
Actions:			

Alpha Ruling: 1535807

Action Type: Initial Ruling

Issue Date: 3/21/2007

Action Text:

BEFORE THE NEW MEXICO RACING COMMISSION IN THE MATTER OF THE APPEAL OF JOCKEY ROMAN CHAPA OF RULING #0095507 ISSUED BY THE SUNLAND PARK BOARD OF STEWARDS ON FEBRUARY 21, 2007 Ruling No. 1535807 DECISION AND ORDER WHEREAS, this matter came before the New Mexico Racing Commission ("Commission") on an appeal of a hearing officer's report by the above named appellant; WHEREAS, proper notice was given to those parties entitled to notice; WHEREAS, the Commission reviewed the hearing officer's report and heard the arguments of appellant through his counsel; WHEREAS, the hearing officer's report and supplemental reports are attached to this Decision and Order and incorporated herein; and, WHEREAS, the Commission voted in open and public session in this matter with a quorum present to adopt the hearing officer's recommended findings of fact and conclusions oflaw as those of the Commission and are hereby incorporated herein. IT IS THEREFORE ORDERED that Appellant's license is revoked for a minimum of five (5) years. Appellant may apply for re-instatement of his license after five (5) years. Date: June 26, 2007 Signed: Commissioner

Ruling #: 10

Ruling Number:	113507	Date:	3/6/2007
Issued By:		Facility:	Sunland Park

New Mexico Racing Commission  
 Ruling Type: Possession and/or Use of an Electrical Device  
 Division: Mixed Breed: Mixed  
 Effective Date: N/A Race Date: N/A  
 Infraction Date: N/A Infraction Facility: N/A  
 Race Number: N/A Animal Name: N/A  
 Under Appeal: False Appeal Date: N/A  
 Fine Amount: \$ 1500 Fine Paid: Yes  
 Suspension Start: 4/28/2007 Suspension End: 6/13/2007  
 Actions:

Alpha Ruling: 113507 Action Type: Initial Ruling Issue Date: 3/6/2007

Action Text:

RULING: 113507 TRACK: SUNLAND PARK DATE: March 06, 2007 Jockey Roman Chapa Lic. #92428104), having appeared before the Board of Stewards on March 6, 2007, a hearing was conducted on the charges of possession of an electrical device following the running of the 6th race on February 17, 2007, Mr. Chapa was represented by counsel, and testimony was taken and as a result of the hearing, Jockey Roman Chapa was found to be in violation of: Subsection 13 E(6)(c) of 15.2.5 NMAC which reads: no electrical device or mechanical devices or other expedient designed to increase or retard the speed of a horse other than the ordinary whip approved, shall be possessed by anyone to the horse or applied by anyone to the horse at any time on the grounds of the association during the meeting whether in a race or otherwise. Jockey Roman Chapa is hereby fined the sum of \$1,500.00, suspended the balance of the meet, April 29, 2007, plus forty-five (45) days, June 13, 2007, and referred to the New Mexico State Racing Commission for any further action they deem necessary. BY ORDER OF THE SUNLAND PARK BOARD OF STEWARDS Signed: JERRY NICOCHEMUS Signed: KENNETH HART Signed: RICHARD LIDBERG

Ruling #: 11

Ruling Number: 0098507 Date: 2/20/2007  
 Issued By: New Mexico Racing Commission Facility: Sunland Park  
 Ruling Type: License Denied, Rescinded, Revoked, Suspended, Withdrawn or Exclusion  
 Division: Mixed Breed: Mixed  
 Effective Date: N/A Race Date: N/A  
 Infraction Date: N/A Infraction Facility: N/A  
 Race Number: N/A Animal Name: N/A  
 Under Appeal: False Appeal Date: N/A  
 Fine Amount: \$ 0 Fine Paid: Not Submitted  
 Suspension Start: None Suspension End: None  
 Actions:

Alpha Ruling: 0098507 Action Type: Initial Ruling Issue Date: 2/20/2007

Action Text:

RULING: 0098507 TRACK: Sunland Park DATE: February 20, 2007 Jockey Roman Chapa, Lic. #9Z42S104,) having appeared before the Board of Stewards on this date concerning the continuation of the summary suspension issued on February 17,2007 at Sunland Park (refer to ruling #0095507) it is hereby ordered that any and all licenses issued to Jockey Roman Chapa by the New Mexico Racing Commission remain suspended pending a hearing at a later date, for alleged violation of Subsection 13 E (6) (c) of 15.2.5 NMAC which reads: no electrical or mechanical devices or other expedient designed to increase or retard the speed of a horse other than the ordinary whip approved, shall be possessed by anyone to the horse or applied by anyone to the horse at any time on the grounds of the association during the meeting whether in a race or otherwise. This Ruling Is In Accordance with N.M.5.R.C Rules Subsection 9.B.3(c) of section 15.2.1. NMAC which states" The Stewards shall conduct a hearing on the summary suspension in the same manner as other disciplinary hearings, at a hearing on a summary suspension, the sole issue is whether the Licensee's license should remain suspended pending a final disciplinary hearing and ruling." During said time of suspension, Jockey Roman Chapa is excluded from all areas of the grounds under the jurisdiction of the New Mexico Racing Commission per Subsection 8.B.3(f) of Section 15.2.3 NMAC which states in part "The Stewards may exclude from the grounds under the jurisdiction of the Commission" BY ORDER OF THE SUNLAND PARK BOARD OF STEWARDS Signed: Jerry Nicocemus Signed: Kenneth Hart Signed: Richard Lindberg

Ruling #: 12

Ruling Number:	0095507	Date:	2/17/2007
Issued By:	New Mexico Racing Commission	Facility:	Sunland Park
Ruling Type:	Possession and/or Use of an Electrical Device		
Division:	Mixed	Breed:	Mixed
Effective Date:	N/A	Race Date:	N/A
Infraction Date:	N/A	Infraction Facility:	N/A
Race Number:	N/A	Animal Name:	N/A
Under Appeal:	False	Appeal Date:	N/A
Fine Amount:	\$ 0	Fine Paid:	Not Submitted
Suspension Start:	None	Suspension End:	None

Actions:

Alpha Ruling: 0095507	Action Type: Initial Ruling	Issue Date: 2/17/2007
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Action Text:

Jockey Roman Chapa, Lic. #92428104) having been observed with an electrical device following the running of the 6th race, on February 17, 2007, Jockey Roman Chapa is hereby summarily suspended pending a hearing on this suspension as prescribed by the rules, 9.B.(3).(a) If the stewards determine that a licensee's actions constitute 'an immediate danger to the public health, safety, or welfare, the stewards may summarily suspend the license pending a hearing. 9.B.(3).(b) A licensee whose license has been summarily suspended is entitled to a hearing on the summary suspension not later than the third day after the license was summarily suspended. The licensee may waive his Or her right to a hearing on the summary suspension within the three-day limit. The stewards shall conduct a hearing on the summary suspension in the same manner as other disciplinary hearings. At a hearing on a summary suspension, the sole issue is whether the licensee's license should remain suspended pending a final disciplinary hearing and ruling. BY ORDER OF THE SUNLAND PARK BOARD OF STEWARDS Signed: Jerry Nicocemus Signed: Kenneth Hart Signed:





# INDIANA HORSE RACING COMMISSION

## NOTICE OF LICENSE REFUSAL

State Form 50061 (2-01)

<b>Roman Chapa</b>		<b>6/20/2012</b>	
Name of Applicant		Date of Application	
<b>PO Box 132</b>	<b>Charlotte</b>	<b>Texas</b>	<b>78011</b>
Address	City	State	Zip
<b>6/18/1971</b>	<b>Jockey</b>	<b>210-557-8548</b>	
Date of Birth		Telephone	

Pursuant to I.C. 4-31-6-6 and 71 IAC 5.5-1-12, the Indiana Horse Racing Commission, by and through its designated representative, refuses to issue the license sought by the above-referenced Applicant. The Applicant should be mindful of the provisions of 71 IAC 5.5-1-12, which reads in its entirety:

Section 12. The commission, the judges, or the executive director as the commission's designee may refuse to issue a license. The decision to refuse a license is treated as a withdrawal of the license application without prejudice and is not reported to the ARCI. If an applicant is refused, the applicant may reapply for a license. If an applicant contests a license refusal, the judges (or an administrative law judge if the judges are unavailable) shall conduct a hearing pursuant to the procedures provided for in Article 10 of these rules. Nonetheless, the hearing on a license refusal is not considered to be a disciplinary action. If the judges affirm the decision to refuse a license application, the refusal shall be treated as the denial of the application, consistent with these rules.

Signature of Executive Director (or other official)

Date 6/27/12

Hand Delivered by: \_\_\_\_\_ Date: \_\_\_\_\_

Mailed by: Wally C. Russell Date: 6/28/12