

APPENDIX C

Commonwealth of Kentucky
Kentucky Transportation Cabinet
OFFICE OF INSPECTOR GENERAL

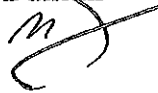
Report of Investigation

OIG Case: 2010-OIG-167

Date of Report: February 3, 2011

Investigator: Chuck Hines, Mike Duncan

Status: Pending



SYNOPSIS:

The Office of Inspector General (OIG) has completed an independent investigation for the Kentucky Horse Racing Commission (KHRC) focused on the actions of the racing stewards during the 2010 Breeders' Cup Ladies' Classic horse race held at Churchill Downs Race Track in Louisville, KY on November 5, 2010. The OIG conducted the investigation at the request of **Bob VANCE**, Kentucky Public Protection Cabinet Secretary.

On December 27, 2010, **David RAY**, KYTC Inspector General, **Mike DUNCAN**, Chief Deputy Inspector General, and **Chuck HINES**, Deputy Inspector General, met with **Lisa UNDERWOOD**, Executive Director of the KHRC. UNDERWOOD, together with her selected staff, presented an overview of the KHRC preliminary findings and the scope of their request. The overview focused on a horse identified as Life At Ten (LAT), who had a marked reversal of form while running in the Ladies' Classic. LAT's race was preceded by an ESPN interview with LAT's jockey, **Johnny VELAZQUEZ**. VELAZQUEZ was interviewed while mounted on LAT during the parade to the post wherein he described LAT as not "...warming up the way she normally does." A second interview with VELAZQUEZ at or near the starting gate revealed his concerns about the way LAT warmed up were not diminished. The KHRC requested the OIG concentrate its investigation on the stewards' knowledge and involvement in assessing LAT's pre-race and post-race condition and examination.

Based upon the OIG interviews and available evidence, no one sought to have LAT examined by a veterinarian after VELAZQUEZ's comments and prior to the race. Additionally, the stewards did not request LAT be tested or examined by a veterinarian after the race.

The interviews revealed several elements combined to create the circumstances of the Ladies' Classic. Nearly all persons interviewed expressed remorse that LAT raced under some form of distress, and some chastised themselves for not doing more to prevent it. Additionally, the interviews and available evidence reveal no one acted maliciously. However, misunderstanding of protocol and individual authority among the stewards, misunderstanding of the post race testing regulations, poor communications or failure to communicate among the stewards, jockey, trainer,

and veterinarians were all factors, which contributed to the circumstances surrounding LAT and the Ladies' Classic:

INVESTIGATION:

On December 20, 2010, **Mike HANCOCK**, Kentucky Transportation Cabinet (KYTC) Secretary informed RAY that VANCE had requested the KYTC OIG's assistance in KHRC's investigation pertaining to the Ladies' Classic horse race at the 2010 Breeders' Cup held at Churchill Downs Race Track in Louisville, KY. On December 27, 2010 RAY, DUNCAN and HINES met with UNDERWOOD in her office at the Kentucky Horse Park for the initial briefing where they provided with a DVD of the ESPN coverage of the race and related documents.

Using the video of the ESPN broadcast, the OIG interviewed Race Stewards **Brooks (Butch) BECRAFT**, **Rick LEIGH** and **John VEITCH**. The following ESPN personnel were also interviewed, **Amy ZIMMERMAN**, **Mike MCQUADE** and **David CEISLAR**. UNDERWOOD was interviewed at the conclusion of the OIG investigation.

The following is the summary of a telephone interview conducted by HINES and DUNCAN with Amy ZIMMERMAN, an Associate Producer with ESPN during coverage of the 2010 Breeders' Cup races. The digitally recorded interview took place on December 29, 2010 and is maintained in the case file.

ZIMMERMAN has been in the horse industry since 1981. She has worked every Breeders' Cup for the networks (ABC, NBC, ESPN, etc...) since 1988 and the Triple Crown events since 2001.

ZIMMERMAN was in the ESPN production truck during the Breeders' Cup Ladies' Classic race in its entirety. Also in the production truck, seated next to ZIMMERMAN, was David CEISLAR, the producer and a technical director. Mike MCQUADE, ESPN Executive Producer was seated directly behind her. The ESPN production truck was stationed in the parking lot with no line of sight to the racing events but there were 35 TV monitors inside the truck displaying the images by cameras positioned throughout the racetrack and paddock area. ZIMMERMAN was able to view, using the monitors, the paddock area when LAT was brought out to be saddled. ZIMMERMAN was not aware at this time PLETCHER had observed LAT was "not herself".

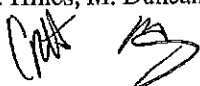
ZIMMERMAN advised the jockey, Johnny VELAZQUEZ, was chosen two days prior to the Ladies' Classic race to be interviewed by ESPN during the horses parade to the post. Discussions pertaining to the choice took place between ESPN staff members including **Randy MOSS** and **Fred ZIMMERMAN (F. ZIMMERMAN)**. VELAZQUEZ was also consulted.

ZIMMERMAN picked up the "ring down" line, a direct single physical phone line from the production truck to the stewards' stand, as soon as VELAZQUEZ was completing a statement in the first interview in which he indicated LAT was not warming up like she normally does. ZIMMERMAN felt the stewards needed to know this information because she believed they would not otherwise know. ZIMMERMAN could see via a monitor trained on the stewards' stand that VEITCH answered the phone but she could not see the other stewards. ZIMMERMAN said, "Judge, are you listening to this? Johnny say's his horse ain't right." According to ZIMMERMAN, VEITCH replied, "I know, I am watching the show." The ring down line was hung up ending their conversation. VEITCH did not ask ZIMMERMAN to explain anything. ZIMMERMAN then told "Randy" and "Jerry", (ESPN commentators) "I called the stewards; they will take the horse to the vet". ZIMMERMAN stated she drew this conclusion on her own, and she was not told this by VEITCH. Because of ZIMMERMAN's comment, Joe TESSITORE, ESPN commentator then announced over the air vets would be looking at LAT. ZIMMERMAN explained she anticipated the stewards would notify the vets as their logical next step.

ZIMMERMAN was not sure what the stewards saw or heard of the ESPN broadcast but she emphasized that VEITCH told her, "I know, I am watching the show" and he did not ask for any further details. She said she heard from others that VEITCH claimed he did not know anything about LAT until she called him on the ring down line. ZIMMERMAN noted that if there were a delay in the ESPN broadcast, VEITCH would have heard more than just the end of the interview with VELAZQUEZ. There is a short "transmission delay" when watching the ESPN feed on a TV. The stewards could have seen the "off air" feed which would have had the transmission delay or they could have received a "truck feed" with no delay. She assumed the stewards would have seen the rest of the ESPN broadcast concerning LAT.

ZIMMERMAN then heard the ESPN interview with PLETCHER in which he stated LAT was not herself back in the paddock area. ZIMMERMAN did not pass this information on because she thought LAT would have already been to the vet or was going. PLETCHER stayed trackside, "standing on the rail".

In reference to Dr. Larry BRAMLAGE, AAEP On-Call Veterinarian, ZIMMERMAN understood he only inquired to the other vets if any of the jockey's had talked to them about their horse. He did not specifically identify LAT. The vets replied they had not. She did not know if BRAMLAGE was aware of the ESPN broadcast information, only that he had a radio communication.



In reflection, ZIMMERMAN stated she did not think LAT "looked good". LAT did not look "lame" but "she just didn't look right". In hindsight, ZIMMERMAN thinks the parties to blame are the vets, VELAZQUEZ, PLETCHER, and the stewards that were notified by her. Additionally, ZIMMERMAN mentioned she had an earpiece to the outrider, "Greg", and in hindsight, when she observed LAT being loaded into the gate, she should have told Greg to have LAT looked at by the vets. ZIMMERMAN was not aware of any conversations between anyone after the race as she was in the production truck and therefore only saw and heard what was on the monitors. She had nothing to add concerning the post race testing but thought LAT should have been tested. ZIMMERMAN summed up the event as a "gigantic communication failure". She did not believe there was anything malicious or mischievous about what had occurred with LAT.

ZIMMERMAN was asked if she thought anyone had tried to alter the accurate accounting of events on this race. ZIMMERMAN replied she remembered what VEITCH had told her but that some of the things she has heard since do not "jibe with that." ZIMMERMAN saw VEITCH the next morning but they did not talk much about the incident other than to both agree it was a "mess".

ZIMMERMAN advised there are no tapes to memorialize her conversation with VEITCH on the ring down line, but ESPN staff in the production truck heard her call VEITCH.

ZIMMERMAN added she had a conversation with **Dr. Mary SCOLLAY**, KHRC Equine Medical Director, a day after the race. SCOLLAY opined that LAT had a behavioral problem and was just "dull". SCOLLAY observed LAT was not "head bobbing lame", not "visibly lame".

When asked who the victims were in this incident ZIMMERMAN replied the "horse players" were. She said some bettors were "privy" to VELAZQUEZ's comments while some were not. If the stewards were listening to the ESPN broadcast, they should have scratched the horse.

The following is the summary of an interview conducted by HINES and DUNCAN with Brooks (Butch) BECRAFT, steward during the 2010 Breeders' Cup races. The digitally recorded interview took place on January 4, 2011 and is maintained in the case file.

BECRAFT worked as a Kentucky state racing official and horse identifier for 13 years until those duties were turned over to the racetracks. He then became a steward who has worked at Ellis Park and Turfway Park for about 17 years. He has worked at Churchill Downs for about 5 years.

BECRAFT was in the stewards' stand when LAT was being saddled in the paddock area. He described the stewards' stand as a "mini command center"; a 15 by 15 foot booth located on the sixth floor at the finish line. The paddock area cannot be seen from this vantage point. No one in the paddock area was relaying information to the stewards. BECRAFT agreed there should be a steward in the paddock area but not on this day as it was impossible. It would have been very difficult to get back to the stewards' stand in time for the start due to the crowd and congestion. This is especially true during the Breeders' Cup and Derby and there are things happening in the stewards' stand that are more important than in the paddock area. There are other racing officials in the paddock area, to include a veterinarian, who can reach the stewards by radio if needed. The decision to go to the paddock area is coordinated but left up to the individual steward.

Stewards rotate duties each day. On this day, BECRAFT was in charge of the monitors and locking the windows (stops all betting). Rick LEIGH was behind BECRAFT and watching the race with binoculars and had the radio to outriders and rider ambulance, what is referred to as the Churchill Down's radio. John VEITCH also had binoculars and the "commission radio". The stewards were in the stewards' stand except for small amount of time to use the restroom between races. There are six monitors in the stewards' stand, five monitors view different angles of the racetrack and are described as track feed monitors. There is no commentary on these monitors. The sixth monitor broadcasts normal TV. BECRAFT did not remember what was on the TV monitor but stated he did not like to watch ESPN during the race. BECRAFT noted he is officiating and does not want to be distracted by the chatter of the commentators. He added he does not know of any officials that listen to sports commentary when they are calling a game. Another reason is that he has to "lock windows". Watching ESPN on a delay could create confusion as to when the race actually starts. BECRAFT recalled the TV monitor was on but he could not recall what was being broadcast; it could have been on the weather channel. The track feed cameras are the ones he watched. All the stewards could see the monitors and binoculars are used during the actual race.

BECRAFT remembered the call ZIMMERMAN made to VEITCH on the ring down line. He could not hear the conversation but after the call VEITCH turned to the other stewards and said something to the effect, "ESPN wants us to watch their feed." The ESPN feed was turned on. BECRAFT said the gist he got was that ZIMMERMAN wanted the stewards to know about LAT not warming up good. When asked about the reaction of the other stewards, BECRAFT said he did not know what they were thinking.

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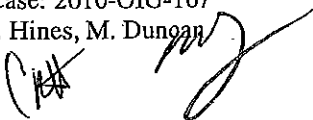
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BECRAFT advised it is unprecedented that a rider would tell a commentator his horse was not warming up well. BECRAFT said he was very concerned about what was happening on the racetrack with LAT and that he did not like it. He felt like there was something wrong with LAT and that the stewards should do something. BECRAFT told investigators he was the only one who spoke when he said to the other stewards, "We need to have a veterinarian look at this horse." LEIGH did not respond. VEITCH said something to the effect, "If we do that, we might as well scratch the horse." BECRAFT responded, "If there is something wrong with the horse that is what needs to be done." BECRAFT described an "eerie silence" followed his comment.

BECRAFT and the other stewards heard the ESPN commentators talking about LAT, and there was little time for discussion. BECRAFT said the decision to send the horse to the vet was a steward's decision. There has to be a consensus, and the senior steward would be needed to make this decision.

Out of protocol, BECRAFT stated he could not have called for the vet without a consensus of the stewards and no one agreed with BECRAFT. He did not agree with VEITCH's assertion that the horse would be scratched just because a vet was called to look at it. BECRAFT stated they have called vets to see horses before but never because of what a jockey had told a commentator. When asked if the consensus of the stewards was not to call the vets, BECRAFT responded that things were happening quickly and there was not a lot of time to have discussion about the decision. VEITCH has the ultimate say about the call and BECRAFT could not go over his (VEITCH's) head. VEITCH made the decision not to call. BECRAFT then voiced his concern to investigators about the sanctity of the stewards' booth and how what is said there, stays there. In hindsight, BECRAFT said he wished he had pleaded his case better.

BECRAFT was shown the stewards' report. He said VEITCH types up the report and he and LEIGH just sign it. He explained the report is a generic report of what happened during the race. BECRAFT has never seen anyone keep a minute book and the reports do not record every decision made by the stewards. The steward's report only states the basics of the race. DUNCAN read the regulation requiring the daily report be more in detail and list decisions and rulings of the stewards. BECRAFT countered he did not believe every conversation between the stewards should be documented, only the decisions coming from those conversations. In reference to the stewards' daily report of November 5, 2010, BECRAFT said he was told the report was to list results of hearings and other things. HINES noted that on the report there were few remarks made about LAT just prior to her running.



BECRAFT's attention was directed to VEITCH's documentation of his interviews with VELAZQUEZ and PLETCHER, to include VEITCH's statement. BECRAFT was asked if VEITCH blamed the jockey and trainer for not following protocol in failing to notify the vet, why VEITCH would not note that he also failed to follow protocol. BECRAFT replied that he could not speak for VEITCH.

BECRAFT played no part in VEITCH'S inquiry and stated he did not know why he was not included. VEITCH told him that he (VEITCH) would take care of it. BECRAFT said he thought both PLETCHER and VELAZQUEZ should appear in person in some sort of hearing.

BECRAFT said he thought the race was horrible and he had a sickening feeling as LAT entered the gate. BECRAFT observed that something was physically wrong with LAT. After the race, he thought she needed to be seen by a vet rather than go to the test barn, which was crowded anyway. An animal cannot be helped while waiting to be tested. None of the stewards called the test barn to see how many horses were there and BECRAFT had never heard of anyone ever calling the test barn. BECRAFT stated that TOBA had dictated the first four horses be tested after the race. This instruction was relayed by VEITCH and BECRAFT assumed it came from the racing commission. BECRAFT said that any horse may be "special" tested but he thought LAT should be seen by a vet because something was physically wrong with her. The test barn tests for illegal drugs, not for illnesses. BECRAFT did not suspect anything other than the horse was physically distressed. There were no horses "special" tested on this race day, according to BECRAFT.

BECRAFT did not know anything about Dr. BRAMLAGE's involvement this day. BECRAFT said the victim in all this is the public. The events never should have happened and are an embarrassment; a "black eye" for horseracing; an unfortunate event that hurt the industry more so than the money that was wagered. BECRAFT said he is just glad LAT is ok and they did not suffer another Eight Belles' tragedy. He believed VELAZQUEZ did the right thing by pulling up LAT. Other than the ESPN feed heard by the stewards in the booth, no one else had alerted BECRAFT about the condition of LAT before the race started. A few days after the race there was a comment made by LEIGH to BECRAFT that LAT should have been seen by a veterinarian.

BECRAFT has not seen the ESPN feed at the time of this interview.. BECRAFT added the stewards are readily accessible to anyone who needs to talk to them. There are adequate racing officials throughout the track. He said he was not aware of anyone trying to alter the way things actually happened.

The following is the summary of an interview conducted by HINES and DUNCAN with Rick LEIGH, steward during the 2010 Breeders' Cup races. The digitally recorded interview took place on January 4, 2011 and is maintained in the case file.

LEIGH is a steward for Churchill Downs, Keeneland and a racing secretary at Turfway. LEIGH has been with Churchill downs since 1988 and with Keeneland for 15 years.

LEIGH was not in the paddock area when LAT was there. He stayed in the stewards' stand with BECRAFT. He did not know if John VEITCH was in the paddock area. LEIGH said there were plenty other racing officials, to include veterinarians, in the paddock area and communications were available.

LEIGH explained during this race meet BECRAFT was assigned the monitors and he and VEITCH were using binoculars to view the race from outside the stewards' stand. After the race, all three stewards watch the race replay on the monitors and compare their observances. Between races, there is not a lot to do. LEIGH said there are six monitors in the booth and on one of them they play whatever they want which is usually the Weather Channel. He does not remember if ESPN was on the monitor but added they often turn ESPN off because of the confusion it can create when they show other horse races. LEIGH was responsible for the radio to the outriders and VEITCH had the radio to the veterinarians. There are also ring down lines to the mutual department, the clerk of scales and if it is big event, a line to the production truck. The production truck ring down has its own line.

LEIGH remembered VEITCH received a call from ZIMMERMAN who told VEITCH to turn ESPN on but he did not recall at what point during the broadcast that was. The stewards began watching the ESPN feed. LEIGH remembered hearing VELAZQUEZ saying LAT was not warming up properly. After learning that PLETCHER had told VELAZQUEZ to warm LAT up well, LEIGH said he did not think VELAZQUEZ did so. LEIGH remembered telling BECRAFT that LAT looked a little "choppy" but there was not much conversation about LAT. LEIGH then went outside with binoculars to watch the race. LEIGH said he did not "see anything out of the ordinary with her (LAT)". He remembered BECRAFT saying a veterinarian should see LAT just as the horses were being led into the gate. LEIGH replied LAT "must be alright because she was being loaded". LEIGH added there are seven veterinarians "down there" and they should be looking at every horse. LEIGH told investigators he has never called a veterinarian based on what he saw from the steward stand.

LEIGH said he thought he only heard the second interview of VELAZQUEZ and did not hear the ESPN commentators talking about LAT being seen by a veterinarian. LEIGH did not recall what VEITCH said about LAT. LEIGH said there is no steward "in charge" but VEITCH has the final say on decisions and is the one who responds to the press. LEIGH said the stewards could have notified the veterinarians to look at the "1" horse but repeated there are seven vets around who are supposed to be looking at all the horses.

When asked what he was thinking as LAT was loaded into the gate, LEIGH replied he was thinking that VELAZQUEZ probably knew if he asked the veterinarians to look at LAT she would probably be scratched. LEIGH recalled the "GOMEZ" incident at Keeneland where Jockey Garrett GOMEZ advised a veterinarian to scratch his mount. The vet refused and GOMEZ in turn refused to ride. Afterwards, VELAZQUEZ admonished the stewards (LEIGH, VEITCH and **Ronny HERBSTREIT**) that when a jockey of GOMEZ's caliber recommends a horse be scratched, the horse should be scratched. In a meeting the following day it was determined that when a jockey brings a concern about his horse to officials, they will err on the side of caution and scratch the horse. LEIGH thought VELAZQUEZ might have been considering that in his decision not to say anything to the veterinarian concerning LAT. Every scratched horse is at the recommendation of a veterinarian. LEIGH said it is not that big a deal to scratch a horse. Scratches happen frequently, especially at "cheaper" tracks.

Upon further questioning, LEIGH stated VEITCH might have told them to look at LAT upon ZIMMERMAN's phone call and that he remembered hearing VELAZQUEZ remarking that LAT was not warming up well. He could not remember exactly what VEITCH said, only that LAT just does not feel right. LEIGH did not remember VEITCH telling BECRAFT that if they called a vet to look at LAT then they might as well scratch her because he (LEIGH) was probably outside at the time. LEIGH said stewards have the authority to call the vet if they feel they need to. Everyone was waiting for something to happen and nothing did. In hindsight, LEIGH believes the stewards should have contacted the vet, that they "dropped the ball", but he added there were a lot of people in place who could have contacted the vet.

VEITCH and LEIGH telephoned VELAZQUEZ in New York the following Sunday but VELAZQUEZ never returned the call. BECRAFT was not present at this time because it was not his turn to come in early. BECRAFT did not know the call was being made. The intent of the call was to schedule a time for the board to talk to him. They did talk to PLETCHER who repeated that LAT did not warm up well and the next day LAT was sick. VEITCH later advised LEIGH the commission took charge of this investigation. Directly after the race LEIGH said

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he does not recall much conversation about LAT. There was no talk of testing LAT because she was "pulled up". LEIGH said if a horse is in distress, there is not necessarily an investigation into why a jockey eased up.

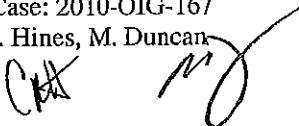
HINES asked why the daily log only reflected that LAT was eased up but nothing was said about the circumstances leading up to the race. LEIGH responded that LAT being eased up was a fact while everything else was "conjecture". LEIGH had no input into the report, stated that if he had, he would have expanded on the race a bit further, and note how LAT was said to not be warming up well but the rider felt she was ok to load and race. LEIGH said he probably did not sign off on the report until two weeks later and even then, he did not read it, he just signed it.

LEIGH said it never came up that LAT should be tested after the race. The top four finishers were tested which is mandated by TOBA. LEIGH said these testing procedures for the graded stakes dictated the first four horses would be tested. LEIGH does not remember how he learned of that but generally instructions such as this would come from the commission through VEITCH.

LEIGH admitted LAT should have been tested but guessed that congestion in the test barn might have been in the back of their minds. He did not personally call to check on the test barn conditions and they (stewards) never have called the test barns before. When asked if he thought LAT could have been special tested LEIGH remarked the whole thing made him sick to his stomach. "I knew we should have pulled the horse out of it". "I was caught off guard".

LEIGH said the daily log, minute book and a seven-day written report is basically all combined in the stewards' report. The Chief Steward takes care of the steward's report and that is all that is ever done. LEIGH does not keep a minute book.

LEIGH feels like it was the jockey's responsibility to notify the vet. VELAZQUEZ is a hall of fame jockey who has ridden LAT many times. There were no decisions by the stewards to do or not do anything. LEIGH recommends better communication between the stewards but does not think new regulations would be necessary. If there is a concern about a particular horse then a vet should be notified right away. LEIGH does not think VELAZQUEZ was focused on what he was supposed to be doing because he was talking to ESPN. Regulations state the jockey should not be talking to anybody but racing officials after leaving the paddock area. LEIGH did not think a jockey should talk about the condition of his horse to the media.



The following is the summary of an interview conducted by HINES and DUNCAN with John VEITCH, Chief Steward of the 2010 Breeders' Cup races. The digitally recorded interview took place on January 4, 2011 and is maintained in the case file.

VEITCH has been the Commission's Chief Steward for seven years. Before that, he was a horse trainer for 30 years.

VEITCH confirmed there were no stewards in the paddock area for the Ladies' Classic Race and they could not see the paddock area by line of sight or video monitor. No one else was in the stewards' stand other than himself, LEIGH and BECRAFT. Nothing was reported to them from the paddock area.

The duties in the stewards' booth rotate among the three. During this race meet, BECRAFT was on the monitors. He and LEIGH were on the radios. VEITCH was not aware that ESPN had plans to interview VELAZQUEZ and he did not take part in the pre-production meeting with ESPN.

He recalled the call from ZIMMERMAN when BAILEY (Jerry Bailey ESPN commentator) was interviewing VELAZQUEZ and she told him to "watch the ESPN feed". VEITCH said the ESPN feed was turned on and all three stewards caught the last of the interview where VELAZQUEZ said something to effect that LAT was "dull". VEITCH denied that ZIMMERMAN told him, "Johnny says his horse ain't right" but did recall responding to ZIMMERMAN with, "I know, we have it on now" or "we will turn it on" VEITCH said after seeing the feed he went out on the deck with his binoculars and looked at the "1" horse. VEITCH states he was watching to see if VELAZQUEZ would take LAT to Bryce PECKHAM, KHRC Chief Veterinarian, VEITCH said he did not put much significance in the remark "dull" and described it as a "nebulous" expression. Calling on his experience as a trainer, VEITCH claimed he had run many horses that were "dull". VEITCH recalled saying, "let's see what the jockey does", after learning that LAT was "dull" but denies it would have been taken as an order to the other stewards, if anything, he would assume the other stewards agreed with him. VEITCH claims he did not hear the second interview with VELAZQUEZ at the starting gate. VEITCH claimed he never knew the ESPN commentators broadcast that the stewards would be contacting the vets about LAT.

Stewards work on the advice of others on the track. If a vet called the stewards and said he did not like the way a horse looked, that horse would be scratched, no gray area. VEITCH emphasized VELAZQUEZ is a seasoned "world-class" jockey who has ridden 30,000 races and has been in this situation many times before. For some reason he (VELAZQUEZ) did not follow protocol. VEITCH said he was relying on VELAZQUEZ to notify the vet. VEITCH pointed out there

were also three outriders who could have notified him (VEITCH) or someone if there was a problem. It was VEITCH's assumption there was no problem. VEITCH said he could not remember BECRAFT telling him LAT should be seen by a vet but he (BECRAFT) might have said that. VEITCH could not remember telling BECRAFT that if they contacted the vet they might as well scratch the horse or anything relative to scratching the horse. VEITCH could not recall if there was anything discussed between he and LEIGH. VEITCH said he would not have overridden a decision of another steward who thought a horse needed to be seen by a vet. VEITCH said a majority rules among the stewards and though the other stewards may defer to him on some issues, they would not have to on a situation like this. As State Steward, VEITCH has certain powers the other stewards do not, such as subpoena powers, hearing authority, etc. VEITCH did not have any contact with BRAMLAGE but according to VEITCH, if BRAMLAGE knew something about LAT his protocol would be to notify the track vets.

According to VEITCH, a horse that appears to be in distress is never sent to the test barn because the horse might need immediate medical attention. The regulatory vets do not provide this and in a graded stakes race the top four finishers are always picked for testing. Special testing is done occasionally. VEITCH said experience told him the test barn was at maximum capacity and it would be unsafe to put too many horses in the small test barn. VEITCH stated the top four finishers were always tested stemming from an agreement between the KHRC and TOBA. VEITCH referenced and reviewed the 2011 TOBA Drug Testing Protocol but could not produce any supporting content and stated he knew it was in the 2010 protocol. VEITCH was shown an email indicating TOBA had no such requirement. VEITCH said he has been doing it this way for seven years and said he got it from the commission. VEITCH recapped that LAT was not post race tested because LAT appeared to be in distress and because of the requirement to test the first four finishers of each race the test barn was at capacity. VEITCH said there was enough blood from the TCO2 testing done with LAT to analyze after the race. The tests were done but VEITCH did not know the results. VEITCH agreed that LAT should have been seen by a vet before the race but disagreed that LAT should have been tested post race. An alternative would have been to ask a state vet take blood from LAT at her own barn for analysis. This test would not be admissible in formal proceedings but would provide insight as to what happened.

PLETCHER told VEITCH the day after the race that LAT was ill and something apparently was "percolating" in her on race day. VEITCH conducted several interviews in fulfillment of his requirement to investigate circumstance of a horse not being ridden out. VALEZQUEZ had retained a lawyer and would not talk about the race without his lawyer but did respond to a few of VEITCH's questions. VEITCH was taken off the investigation at the commission's request. Marc

GUILFOIL contacted VEITCH and asked if the stewards would be offended if the commission took over the investigation. VEITCH replied they would not be offended. VEITCH recalled telling BECRAFT he would be handling the investigation and that he was going to interview individuals in a preliminary mode. VEITCH claims he has not been influenced to act in any certain way in this investigation or any other. He works for the commission and if they wanted to take over the investigation of LAT, they have that right. The commission has never taken an investigation from the stewards before.

The victim is the sport itself and the fan. It was good that VELAZQUEZ did not persevere and possibly cause more damage. Scratching LAT would not have hurt PLETCHER and financially it would be a "drop in the bucket" for him. PLETCHER put the responsibility in VELAZQUEZ's hands. VEITCH brought up the GOMEZ incident at Keeneland where there was confusion between a veterinarian and GOMEZ. While GOMEZ claims he approached the vet before a race wanting to scratch his horse, the vet reported to the stewards that GOMEZ was refusing to ride. VELAZQUEZ took this issue up the next day with VEITCH and others where he (VELAZQUEZ) was adamant a vet should scratch a horse anytime a seasoned jockey recommends it. VEITCH speculated this issue was in the back of VELAZQUEZ's mind.

In retrospect, VEITCH said he would have had one of the stewards continue to watch the ESPN feed. He denies ever hearing BECRAFT stating his opinion that LAT should be seen by the vet and countered there would be no reason why BECRAFT could not have picked up the radio to the track vet and made the call himself. VEITCH repeated his stance that he relied on VELAZQUEZ and PLETCHER to approach the vets. Further, he does not think a jockey should be interviewed before the race. VEITCH stated he should bear any consequence of this incident and not his other two stewards since they are thinking he has the final say in their collective decisions. VEITCH also believes VELAZQUEZ should suffer some consequence.

In reference to the daily log, VEITCH explained the daily log documents the events of the morning with a list of incidents that take place on the track in the morning, i.e. fights, disagreements, etc. The stewards' report deals with the running of the race. The minute book is kept in VEITCH's office but does not contain any references to the LAT investigation because the commission took over.

VEITCH recommends the test barn be expanded, someone monitor the TV coverage of any event and jockeys and trainers be trained on their responsibilities. VEITCH surmised even with this, it will be difficult to prevent this scenario from

happening again.

VEITCH speculated his mistake might have been relying too much on VELAZQUEZ's professionalism.

The following is the summary of a telephone interview conducted by HINES with Mike MCQUADE, Executive Producer during ESPN's 2010 Breeders' Cup broadcast. The digitally recorded interview took place on January 11, 2011 and is maintained in the case file.

MCQUADE was sitting behind ZIMMERMAN in the production truck for the entire race. He recalled the interviews with VELAZQUEZ and that ZIMMERMAN notified the stewards. MCQUADE added he could see on his monitor the stewards were not watching the ESPN feed prior to ZIMMERMAN's call. MCQUADE could not quote what ZIMMERMAN said but remembered she relayed the conversation BAILEY had with VELAZQUEZ. MCQUADE said his attention was directed to other aspects of the production because his job is to translate what is going on to the viewers that are not "big horsemen". He was focused on the horse and whether it should run or not. He could not dismiss that the viewing audience had an advantage concerning LAT's condition. MCQUADE said he is not as well versed in horses as ZIMMERMAN is.

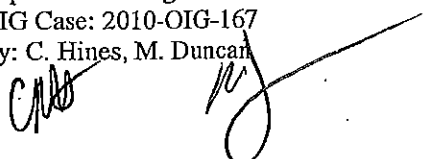
The following is the summary of telephone interview conducted by HINES with David CEISLAR, Event Producer during ESPN's broadcast of the 2010 Breeder's Cup races. The digitally recorded interview took place on January 13, 2011 and is maintained in the case file.

CEISLAR was sitting next to ZIMMERMAN in the production truck. He recalled ZIMMERMAN's call to the stewards but could not remember her exact words; however, he said ZIMMERMAN told the stewards what VELAZQUEZ had said about LAT. CEISLAR pointed out ZIMMERMAN was doing a hundred different things, as was he. CEISLAR said he is "backing Amy on this one" and that she had the best interest of the horse in mind.

The following is the summary of an interview conducted by HINES and DUNCAN with Lisa UNDERWOOD, Executive Director, KHRC. The digitally recorded interview took place on January 27, 2011 and is maintained in the case file.

UNDERWOOD has been in her position for approximately five years.

After the Breeders' Cup races were over on November 5, UNDERWOOD and VEITCH telephoned Mary SCOLLAY Equine Medical Director who reported the vets were going to look at the LAT. UNDERWOOD had already been listening on the radio and had learned LAT was ok. Her conversation with VEITCH was



focused on the health of the horse.

UNDERWOOD did not become aware of the ESPN commentary concerning LAT until that Friday evening or the next morning on Saturday. UNDERWOOD went to the track on Saturday morning and was met by SCOLLAY who informed UNDERWOOD that ZIMMERMAN had notified the stewards about VELAZQUEZ's concerns with LAT prior to the race. UNDERWOOD went to the stewards' stand and asked LEIGH if he heard the ESPN coverage about LAT. LEIGH said, "Yeah, we heard it." Dick BROWN, KHRC media representative and UNDERWOOD took VEITCH to the balcony of the stewards' stand and asked him if ESPN had called. UNDERWOOD thinks he said yes. Once she knew the stewards heard it, she did not go any further. UNDERWOOD felt she should not delve into the matter too deeply because she was the supervisor and may have to make decisions about the matter at a later date. She also felt the situation needed to be looked into in greater detail and she didn't want to be accused of "coaching" the stewards.

UNDERWOOD then watched the ESPN coverage over the weekend and after realizing the extent of the ESPN commentary decided to remove the responsibility for a portion of the investigation from the stewards. This decision was made on Monday or Tuesday following the race. UNDERWOOD recalled she had already directed VEITCH to contact VELAZQUEZ and PLETCHER about the LAT inquiry.

UNDERWOOD felt that VEITCH was not conducting a preliminary inquiry in preparation for a formal inquiry because VEITCH had already talked to **Jenny REES**, (courier journal reporter) and indicated to her "they had done nothing wrong." On Wednesday, UNDERWOOD told the stewards to let her handle the press from now on.

UNDERWOOD agreed with BECRAFT's concern that VEITCH may not be planning to conduct a full inquiry.

In reference to the protocol guiding the stewards UNDERWOOD said they try to make decisions by consensus. In instances where there is only one steward in the stand, they could have made the call to the vet. However, what she has seen in practice, the other two stewards defer to the chief steward. The other stewards can speak up if they don't agree.

UNDERWOOD was in the paddock area before the race. She was able to make it to her seat on the third level in time for the race but agreed the congestion would have made it difficult for the stewards to get to the stewards' stand in time.

UNDERWOOD acknowledged the veterinarians were in the paddock area.

In reference to the practice of testing the top four horses after a race UNDERWOOD said the stewards now know this is not the rule as previously believed. She did not know how the stewards came up with the idea of always testing the top four finishers. UNDERWOOD was not clear how the practice started but speculated it may have started at Keeneland.

UNDERWOOD explained the stewards could have directed a vet to check on LAT after the race as part of their investigation. The vets can also take this upon themselves, which they did. The vets also checked on LAT the following day. These were KHRC vets. They did not report any ailments.

TCO2 blood sample was taken from LAT before the race and there was enough left over to test post race. This test did not show anything. The practicing vet took a blood sample the next day which showed enzymes "off the chart" and a high white blood cell count indicative of a possible infection. Rumor had it LAT "tied up" after being bathed but there are conflicting reports on that.

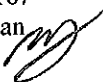
UNDERWOOD believes if the stewards hear talk of a horse having a problem they should act and have the horse checked. Although there are several individuals assigned responsibility to look after the horse, the stewards are responsible by law.

UNDERWOOD said the stewards are responsible and have a duty by statute to protect the integrity of the sport as well as the safety of the athlete, be that human or equine. Additionally if they hear commentary on television and know there is talk about the condition of the horse they have a duty to have the veterinarians look at it.

In response to the question that the broadcast allowed some of the betting public to receive information about the condition of the horse UNDERWOOD explained the stewards have the responsibility to insure the safety and integrity of the sport. Because no one was hurt, it turned out to be more of an issue of integrity and the stewards have a duty to act.

UNDERWOOD said you cannot scratch a horse just because you believe it's not going to perform well or it is "dull", an expression she had heard used by PLETCHER. She said a lot of horses come out of it when they run.

UNDERWOOD said it is not a major undertaking to have a horse seen by a vet. No one can be sure LAT would have been scratched.



UNDERWOOD stated the stewards should have tested LAT after the race.

She does not read the minute book, daily log or stewards report often.

Based on the information obtained from those interviewed and the ESPN broadcast, the following is an overview of relevant events as they occurred.

Two days prior to the Breeders' Cup races, ESPN arranged to interview VELAZQUEZ during the parade to the post for the Ladies' Classic.

As the Ladies' Classic race began to form, there was no apparent cause for concern as LAT was led into the paddock area. At this time, the stewards were in or near the stewards' stand and could not see the paddock area. The race officials in the paddock area did not notify the stewards of any problems or concerns. ZIMMERMAN was in the ESPN production truck.

As the parade to the post got underway, ESPN began broadcasting their interview with VELAZQUEZ. During the interview, VELAZQUEZ informed BAILEY that LAT was not warming up as she usually does. ZIMMERMAN was watching and listening to the interview in the production truck and upon hearing VELAZQUEZ's comments about LAT, she picked up the ring down line to the stewards' stand. VEITCH answered the line at which time ZIMMERMAN claims to have instructed VEITCH to watch the ESPN feed because "Johnny says his horse ain't right". VEITCH's reply to ZIMMERMAN was to the effect the stewards were already watching the feed or that they would start watching and the conversation ended. VEITCH turned to BECRAFT and LEIGH and told them to turn on the ESPN feed. At this time, all the stewards became aware there was an issue with the way LAT was warming up. ZIMMERMAN, upon hanging up the phone with VEITCH, informed the ESPN broadcasters the stewards were going to contact the veterinarians when in fact, VEITCH did not say this. ZIMMERMAN confirms VEITCH did not tell her the stewards were going to contact a veterinarian.

Each steward's recollection differs of what transpired among them from the time they directed their attention to the ESPN feed and the time LAT entered the gate. What is certain is that all three stewards were aware of the issue with LAT during or soon after the first interview with VELAZQUEZ. BECRAFT continued to monitor the track feeds while VEITCH and LEIGH stepped out of the stewards' stand to observe LAT with the aid of binoculars. BECRAFT claims to have said the horse should be seen by a vet. VEITCH recalls saying they would wait and see what the jockey would do. LEIGH recalls BECRAFT saying LAT should be looked at by a vet but thought this occurred about the time LAT was entering the starting gate. LEIGH observed LAT was "choppy". BECRAFT noted an "eerie" silence fell among them. The stewards did not watch the ESPN broadcast beyond their initial viewing and did not hear the ESPN commentators as they announced the stewards were going to call the veterinarians. The ESPN commentators continued their coverage of LAT for the majority of the broadcast up until the start was taken. This portion of the broadcast included an interview with PLETCHER who reported LAT was not

herself in the paddock, a second interview with VELAZQUEZ who reported LAT had not improved and an update from Dr. BRAMLAGE that none of his vets on the ground had been made aware of the situation. ZIMMERMAN did not make any further notifications as it was her belief the veterinarians were being notified. As the horses were loaded, LEIGH observed that LAT must be alright because she was being loaded into the gate. No calls were made, by radio or telephone, to or from the steward's booth and no one called the stewards after the ZIMMERMAN call.

The start was taken. LAT quickly fell back from the pack and the stewards observed LAT was eased up by VELAZQUEZ. After the race, the stewards had the first four finishers of the race sent to the test barn, as they were accustomed. LEIGH told investigators there was not a lot of conversation about LAT and the stewards went home.

FINDINGS:

1. ZIMMERMAN was in the ESPN production truck during the entire production of the Breeders' Cup Ladies' classic viewing the ESPN monitors when she observed the first interview between BAILEY and VELAZQUEZ. The interview occurred while VELAZQUEZ was warming up LAT during the parade to the post. VELAZQUEZ could hear the questions from BAILEY but could not hear the ESPN broadcast. The significant part of the interview is as follows:

BAILEY: "Can you tell anything by warming up if she likes it, doesn't like it, what's the story?"

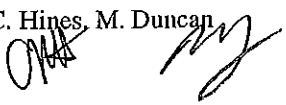
VELAZQUEZ: "Right now I'm not sure, Jerry to tell you the truth. She's not warming up the way that she normally does."

BAILEY: "Is she a little reluctant for you at this point?"

VELAZQUEZ: "Yes, she is."

The decision to interview VELAZQUEZ was made by the ESPN staff two days in advance of the running of the Breeders' Cup Ladies' Classic.

2. Upon observing and hearing these comments, ZIMMERMAN picked up the ring down line to the stewards' stand and spoke to VEITCH. ZIMMERMAN stated she made the following comments to VEITCH: "Judge are you listening to this? Johnny say's the horse ain't right." According to ZIMMERMAN, VEITCH responded, "I know. I am watching the show" ending the conversation. ZIMMERMAN emphasized VEITCH did not ask her to explain.
3. VEITCH's recollection of the phone call from ZIMMERMAN differs. VEITCH agrees he received the phone call from ZIMMERMAN but was only told to watch the ESPN feed and responded by saying "We will turn it on" or "We have it on", ending the conversation. Stewards LEIGH and BECRAFT recalled VEITCH responded to the call by saying



something to the effect "*ESPN wants us to watch their feed*". BECRAFT stated, "*The gist he got was that ZIMMERMAN wanted them to know about LAT not warming up good*". The phone call was not on a speakerphone therefore LEIGH and BECRAFT could not hear the comments from ZIMMERMAN.

4. The phone call from ZIMMERMAN to VEITCH occurred during the first BAILEY/VELAZQUEZ interview and directly following VELAZQUEZ's comments about LAT warming up. The stewards acknowledge they heard the end of the interview from the ESPN broadcast and determined VELAZQUEZ was commenting on LAT. BECRAFT and LEIGH acknowledge because of the phone call from ZIMMERMAN they began viewing the ESPN broadcast and became aware of VALEZQUEZ stating LAT was not warming up "*good or properly*". VEITCH acknowledges the call from ZIMMMERMAN and subsequent viewing of the ESPN broadcast, but stated he thought the comment about LAT was "*she was dull*".

A review of the ESPN broadcast during this time frame reveals the term "dull" to describe LAT was never used.

5. BECRAFT cannot recall the exact conversation among the stewards after they became aware of VALEZQUEZ's comments about LAT but remembers it as follows:

BECRAFT: "We need to have a veterinarian look at this horse".

LEIGH did not respond. .

VEITCH: "If we do that we might as well scratch the horse".

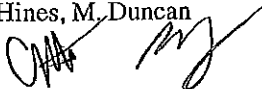
BECRAFT: "If there is something wrong with the horse that is what needs to be done".

BECRAFT said an "*eerie silence*" followed this comment.

6. VEITCH denies hearing these comments from BECRAFT but acknowledges BECRAFT might have said it. VEITCH denies responding, "*If we do that we might as well scratch the horse*". VEITCH does recall commenting to the other stewards "*Let's see what the jockey does*".
7. LEIGH recalled BECRAFT saying a veterinarian should look at LAT but thought BECRAFT's comment was near the time when LAT was being lead into the starting gate. LEIGH recalls he responded, "*She must be alright because they are loading her in the starting gate*".
8. VEITCH, LEIGH, and BECRAFT received information VELAZQUEZ was concerned LAT "*was not warming up the way that she normally does*" approximately **five minutes and 30 seconds** prior to her entering the starting gate. No other racing official was contacted by the stewards regarding LAT during this time frame nor did any racing official contact the stewards. The time frame of five minutes and 30 seconds was established based on a review

of the ESPN broadcast and calculation of the elapsed time from the first BAILEY/VELAZQUEZ interview when VELAZQUEZ commented "*She's not warming up the way she normally does*" and when LAT entered the starting gate. The majority of the ESPN five minute and 30 second pre-race commentary was about LAT's condition.

9. After the phone call from ZIMMERMAN and observing the initial comments on the ESPN broadcast about LAT all three stewards acknowledge they did not continue to watch the ESPN feed. LEIGH says he was in and out of the Steward's stand observing LAT with binoculars but could have overheard some of the ESPN commentary. VEITCH exited the Stewards stand and observed LAT with the aid of binoculars. BECRAFT continued to view the track monitors.
10. VEITCH, LEIGH and BECRAFT explained they normally do not watch the ESPN broadcast during races because of the confusion it may cause due to the delayed broadcast. They stated one of the most important responsibilities of the Stewards is lock the windows (stop all betting) when the race begins and watching a monitor which may have a delay could be problematic. BECRAFT further explained it was like officiating a game. He felt like he needed to be concentrating on the track monitors and the race and not be distracted by chatter from an ESPN broadcast.
11. After the phone call to VEITCH, ZIMMERMAN then called BAILEY and MOSS and stated, "*I called the Stewards and they will take the horse to the vet*". ZIMMERMAN acknowledged she reached this conclusion on her own. ZIMMERMAN's call resulted in ESPN commentator TESSITORE announcing: "*And, we understand that the Stewards are now asking the vets to actually take a look at Life At Ten when she gets to the starting gate*". However, this did not occur and available evidence reveals it was not requested by any racing official.
12. ZIMMERMAN heard the ESPN interview with PLETCHER when he stated LAT was not herself while in the paddocks. ZIMMERMAN did not pass this information on because she believed LAT was already at the veterinarian or was going. ZIMMERMAN did not call anyone else about LAT prior to the race.
13. ZIMMERMAN has been in the horse industry since 1981 and riding horses since she was five years old and believed LAT "*Just did not look right*". However, she acknowledged she has no formal training to support her observations.
14. ZIMMERMAN described the circumstances surrounding the LAT event as "*A gigantic communications failure*" and did not believe there was anything malicious or mischievous.
15. The phone conversation between ZIMMERMAN and VEITCH was not memorialized by any recordings. However, CEISLAR who was seated next to ZIMMERMAN in the ESPN

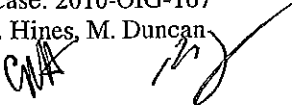


production truck claimed ZIMMERMAN told the stewards what VELAZQUEZ said about LAT. MCQUADE who was sitting behind ZIMMERMAN could not remember the exact conversation but recalled ZIMMERMAN notified the stewards and relayed the conversation BAILEY had with VELAZQUEZ.

16. BECRAFT acknowledge the gist of the communications from ZIMMERMAN was that ZIMMERMAN wanted them to know LAT not warming up good which corroborates the accounts of CEISLAR, MCQUADE and ZIMMERMAN.
17. VEITCH, LEIGH and BECRAFT all acknowledge they were not in the Paddock area when the horses were being saddled for the Ladies' Classic. They explained during race meets like the Derby or Breeders cup it is very difficult to get back to the stewards' stand in time for the race due to pedestrian congestion. Additionally there are several racing officials in the Paddock area with whom they have telephonic or radio communications including veterinarians.

No one else was in the steward's stand during the parade to the post and the running of the Ladies' Classic.

18. VEITCH and LEIGH stated that VELAZQUEZ had a responsibility to contact the veterinarian about LAT if he believes something is wrong with the horse. VEITCH was adamant that VELAZQUEZ is an experienced, world-class jockey, has ridden LAT numerous times and was in the best position to determine LAT's condition.
19. A difference of opinion exists between the stewards regarding their individual authority, protocol and chain of command. BECRAFT is of the opinion he could not have required a veterinarian to look at LAT without the consensus of the other stewards and the Chief Steward would have to agree in order to make the call. Regarding this particular situation regarding LAT BECRAFT felt the other stewards did not agree with him. However, there was not enough time to have a discussion. BECRAFT contends that VEITCH has the ultimate say and he (BECRAFT) cannot "go over his head". VEITCH maintains the stewards have equal authority in a situation where a decision is made to call a veterinarian and he would not have the authority to override a decision from another steward. VEITCH explained a majority opinion dictated the steward's decisions. LEIGH felt there is no one steward in charge but VEITCH has the final say.
20. VEITCH, LEIGH and BECRAFT all had similar comments regarding how they felt "terrible" or "sickened" when they observed how poorly LAT ran the race. They also commented that in retrospect they should have had LAT checked by the veterinarian prior to the race. VEITCH stated, "He relied on VELAZQUEZ and PLETCHER to contact the vet" and speculated his mistake was relying too much on VELAZQUEZ's professionalism. LEIGH commented "A lot of people were in place to contact the vet" and "Everybody was



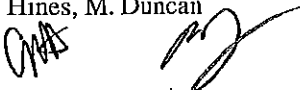
waiting on something to happen and it never happened”.

21. VEITCH and LEIGH opined an incident occurring at a previous race at Keeneland may have had some influence on VELAZQUEZ's action or inaction concerning LAT. They describe an incident when Jockey Gary GOMEZ informed a veterinarian at the starting gate his horse should be scratched. The veterinarian did not see anything wrong with the horse and reported to the stewards GOMEZ was refusing to ride the horse. Subsequently another jockey was assigned to ride the horse. After this incident, VELAZQUEZ called the stewards and stated that if a jockey of this caliber says there is something wrong with the horse the horse should be scratched.
22. VEITCH is of the opinion VELAZQUEZ had the responsibility to notify the veterinarians about LAT's condition but failed to do so and should suffer some consequence. VEITCH also acknowledge if the other stewards felt he had the final decision in their collective opinions he should bear the consequence of this incident.
23. VEITCH and BECRAFT believed sending LAT to the test barn after the race was not a good idea due to the congestion and the possibility she may be in distress. Although no one called to determine the congestion in the test barn, they knew from experience the test barn was congested. Additionally they explained the test barn was for drug testing and if a horse was ill it needed to be immediately examined by a veterinarian instead of waiting at a test barn. LEIGH stated post race testing never came up in their conversation but in retrospect felt like LAT should have been tested and he just was not thinking.
24. VEITCH, LEIGH and BECRAFT stated an agreement between the KHRC and TOBA required the top four finishers in the race be tested. VEITCH referenced the 2011 TOBA Drug Testing Protocol as the authority for defining test procedures. When informed an email correspondence appeared to contradict the requirement VEITCH said he had been following this testing procedure for seven years and had received the instructions from the Commission. Other than the top four finishers, no other horses were tested on this race day.
25. VEITCH explained he was in the process of conducting a preliminary inquiry in preparation for a formal inquiry when he was called by Marc GUILFOIL who asked if the Stewards would be offended if the KHRC took over the inquiry and investigation. VEITCH recalled the phone call from GUILFOIL occurred around November 11th or 12th soon after a November 9th phone call VEITCH had made to VELAZQUEZ. VEITCH told GUILFOIL he had no objections. VEITCH subsequently received a letter from **Robert M. BECK**, Chairman dated December 6, 2010 informing him of this decision. LEIGH was present when VEITCH made some of the initial phone calls to potential witnesses. VEITCH stated during his initial inquiry he spoke to PLETCHER, VELAZQUEZ, PECKHAM, an outrider and starter.

26. BECRAFT expressed concern that he was not involved in the inquiry and was anticipating a formal inquiry but was told by VEITCH that he (VEITCH) was going to handle it. BECRAFT felt PLETCHER and VELAZQUEZ should be required to appear in person at a hearing.
27. VEITCH explained the Stewards' Daily Log documents the events prior to the race and incidents on the track and the Stewards' Report addresses the issues during the race. VEITCH stated the Minute Book is at his office but does not have any references to LAT because the Commission took over the investigation.
28. BECRAFT is not familiar with a Minute Book and said the Stewards' Report only addresses the basics of the race. He does not believe conversations between stewards should be documented, only the decisions coming from these conversations.
29. LEIGH said the Stewards' Daily Log, Minute Book, and 7 day written report are all combined in the Stewards' Report. The Chief Steward is responsible for the Stewards' Report. When shown a copy of the Stewards' Daily Log, LEIGH commented he would have written more about the LAT situation.
30. VEITCH, BECRAFT, LEIGH and ZIMMERMAN said the victims in this case were the "sport itself and the fan", the "public" and the "horse players", respectively. BECRAFT, LEIGH and VEITCH said they did not feel like a jockey should be talking to the media about the condition of his horse just prior to the race. ZIMMERMAN told investigators LAT should have been scratched if the stewards heard the ESPN broadcast about LAT's condition because some people (betting public) were made aware of the issue with LAT and some were not. The controversy over veterinarian notification notwithstanding, KRS 230.215 (2) *to regulate and maintain horse racing at race meetings in the Commonwealth so as to dissipate any cloud of association with the undesirable and maintain the appearance as well as the fact of complete honesty and integrity of horse racing in the Commonwealth* appears to support ZIMMERMAN's and the stewards' view. Their views should generate discussion of these issues among the appropriate racing officials and media.

CONCLUSIONS:

Based on the interviews and available evidence it appears a difference of opinion exist among the stewards regarding their individual authority and protocol. This may have been a factor in BECRAFT's apprehension in not pressing for LAT to be examined prior to the race. Additionally a breakdown in communications, and reticence among the stewards contributed in large part to their inaction. This culminated in a decision by default resulting in LAT not being examined by a veterinarian after VELAZQUEZ's comments concerning LAT warming up. The stewards felt VELAZQUEZ bore the responsibility to notify the veterinarian but as defined by regulation 810 KAR 1:012 (9) the stewards had an equal or greater responsibility.



Simultaneously, pre-race commentary by ESPN contradicted events actually taking place when they speculated the stewards were requesting the veterinarians look at LAT when she got to the starting gate.

The lack of communication and response was not confined to the stewards. Johnny VELAZQUEZ and Todd PLETCHER are considered experienced, knowledgeable and superior in their respective fields. They expressed their concerns regarding LAT to a national TV audience, but elected not to take further action by having LAT examined by a veterinarian prior to the race.

The stewards revealed many factors could result in a horse not warming up normally. In fact, horses have not warmed up well but then ran to form. Therefore, commenting that the horse is not warming up normally is not an absolute indicator a horse is ill or will not run to form. However, in the circumstances involving LAT, the jockey (VELAZQUEZ) expressed his concerns about LAT twice during the parade to the post. A subsequent interview with the trainer (PLETCHER) confirmed the concern about LAT. These concerns were expressed to a national TV audience and discussed by ESPN commentators throughout a five minute and 30 second interval prior to the start of the race.

Interviews with the stewards revealed their belief and responsibility is to err on the side of caution and safety. In hindsight they expressed they should have requested a veterinarian examine LAT prior to her running in the Ladies' Classic. However, assigning blame to one individual or event would be unjust. Given the benefit of insight from those interviewed, it seems to have been a minor decision for either the stewards, jockey or trainer to have requested a veterinarian to examine LAT prior to the race—a precautionary decision with minimal inconvenience but having a potential monumental consequence for the safety of horse and jockey, the protection of the betting public and integrity of the sport of horse racing.


David F. Ray, Inspector General

Feb. 3, 2011
Date

END OF REPORT 2/3/2011 M. J. [unclear]