

**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
DOCKET NO. 9415**

**ADMINISTRATIVE LAW JUDGE: D. Michael Chappell**

**IN THE MATTER OF:  
JOSEPH PEACOCK AND OSCAR CEBALLOS**

**APPELLANTS**

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**NOTICE OF ENTRY OF APPEARANCE AND PARTICIPANT LIST FOR  
HORSERACING INTEGRITY AND SAFETY AUTHORITY**

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Comes now the Horseracing Integrity and Safety Authority (the “Authority”), by and through counsel, to provide the Chief Administrative Law Judge and the parties notice that Bryan Beaman and Rebecca Price enter their appearance as counsel of record for the Appellee Horseracing Integrity and Safety Authority (the “Authority”). Counsel for the Authority will participate in the July 13, 2023, evidentiary hearing before this Commission.

Pursuant to 16 CFR 4.1(a)(1)(i), counsel for the Authority are eligible to appear in this matter. Mr. Beaman is admitted to practice before the Supreme Court of the United States of America; United States Courts of Appeals for the Sixth, Seventh, and Tenth Circuits; United States District Courts for the Eastern and Western Districts of Kentucky; and the Supreme Court of Kentucky. Mr. Beaman is in good standing with the Kentucky Bar Association (KBA No. 86968). Ms. Price is admitted to practice before the Supreme Court of Kentucky and is in good standing with the Kentucky Bar Association (KBA No. 97312). With the permission of the presiding ALJ, Marc Guilfoil will join the Zoom proceeding and assist counsel as the corporate representative of HISA.

The Order on Stay Application and Application for Review issued by the Commission on July 3, 2023, did not afford the Authority the right to present witnesses. However, the Authority

moves the Commission to allow it the opportunity to rebut any additional arguments that Appellants make or evidence introduced at the evidentiary hearing that were not presented at the underlying Board hearing. This includes the Authority's presentation of additional evidentiary exhibits and evidentiary witnesses as may be needed for rebuttal.

Respectfully submitted,

STURGILL, TURNER, BARKER &  
MOLONEY, PLLC

*/s/ Bryan Beaman*

\_\_\_\_\_  
BRYAN BEAUMAN

REBECCA PRICE

333 W. Vine Street, Suite 1500

Lexington, Kentucky 40507

Telephone: (859) 255-8581

[bbeaman@sturgillturner.com](mailto:bbeaman@sturgillturner.com)

[rprice@sturgillturner.com](mailto:rprice@sturgillturner.com)

HISA ENFORCEMENT COUNSEL

## CERTIFICATE OF SERVICE

Pursuant to 16 CFR 1.146(a) and 16 CFR 4.4(b), a copy of this Response is being served on June 26, 2023, via Administrative E-File System and by emailing a copy to:

Hon. D. Michael Chapel  
Chief Administrative Law Judge  
Office of Administrative Law Judges  
Federal Trade Commission  
600 Pennsylvania Ave. NW  
Washington DC 20580  
via e-mail to [Oalj@ftc.gov](mailto:Oalj@ftc.gov) and [electronicfilings@ftc.gov](mailto:electronicfilings@ftc.gov)

Joel B. Turner  
Frost Brown Todd  
400 W Market St. Suite 3200  
Louisville KY 40202-3363  
[jturner@fbtlaw.com](mailto:jturner@fbtlaw.com)

Nolan M Jackson  
Frost Brown Todd  
20 F St. NW Suite 850  
Washington DC 20001  
[njackson@fbtlaw.com](mailto:njackson@fbtlaw.com)

/s/ Bryan Beauman  
Enforcement Counsel

**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
DOCKET NO. 9415**

**ADMINISTRATIVE LAW JUDGE: D. Michael Chappell**

**IN THE MATTER OF:  
JOSEPH PEACOCK AND OSCAR CEBALLOS**

**APPELLANTS**

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**HORSERACING INTEGRITY AND SAFETY AUTHORITY  
PRE-HEARING EXHIBIT LIST AND THE RECORD BELOW**

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Comes now the Horseracing Integrity and Safety Authority (the “Authority”), by and through counsel, to provide the Chief Administrative Law Judge the following Exhibits expected to be introduced at the evidentiary hearing on July 13, 2023 as the record in this matter:

- Exhibit 1 – Notice of Stewards Hearing for Joseph Peacock
- Exhibit 2 – Stewards Ruling for Oscar Ceballos
- Exhibit 3 – Stewards Ruling for Joseph Peacock
- Exhibit 4 – Notice of Appeal of Stewards Ruling by Joseph Peacock
- Exhibit 5 – Request for Stay Pending Appeal by Oscar Ceballos
- Exhibit 6 – Order on Request for Stay Pending Appeal for Oscar Ceballos
- Exhibit 7 – Letter Requesting Records from Stewards
- Exhibit 8 – Notice of Appeal Hearing on October 24, 2022, for Oscar Ceballos
- Exhibit 9 – Notice of Appeal Hearing on October 24, 2022, for Joseph Peacock
- Exhibit 10 – Order Consolidating Appeal Hearings on October 24, 2022
- Exhibit 11 – Order Continuing Appeal Hearing on October 24, 2022
- Exhibit 12 – Notice of Appeal Hearing on March 27, 2023

- Exhibit 13 – Appellants’ Hearing Exhibit on March 27, 2023 – video
- Exhibit 14 – Authority’s Hearing Exhibit on March 27, 2023 – video
- Exhibit 15 – Video Record of Hearing on March 27, 2023 – video
- Exhibit 16 – Letter from Mr. Turner to Mr. Forgy on April 3, 2023
- Exhibit 17 – Closing Statement from Appellants with Exhibits
- Exhibit 18 – Post-Hearing Statement of Enforcement from the Authority
- Exhibit 19 – HISA Board Decision on Appeal
- Exhibit 20 – Ceballos Ruling from August 10, 2022
- Exhibit 21 – Ceballos Payment for Ruling from August 10, 2022

Respectfully submitted,

STURGILL, TURNER, BARKER &  
MOLONEY, PLLC

*/s/ Bryan Beauman*

\_\_\_\_\_  
BRYAN BEAUMAN

REBECCA PRICE

333 W. Vine Street, Suite 1500

Lexington, Kentucky 40507

Telephone: (859) 255-8581

[bbeauman@sturgillturner.com](mailto:bbeauman@sturgillturner.com)

[rprice@sturgillturner.com](mailto:rprice@sturgillturner.com)

HISA ENFORCEMENT COUNSEL

## CERTIFICATE OF SERVICE

Pursuant to 16 CFR 1.146(a) and 16 CFR 4.4(b), a copy of this Response is being served on June 26, 2023, via Administrative E-File System and by emailing a copy to:

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Washington DC 20580  
via e-mail to [Oalj@ftc.gov](mailto:Oalj@ftc.gov) and [electronicfilings@ftc.gov](mailto:electronicfilings@ftc.gov)


Joel B. Turner  
Frost Brown Todd  
400 W Market St. Suite 3200  
Louisville KY 40202-3363  
[jturner@fbtlaw.com](mailto:jturner@fbtlaw.com)

Nolan M Jackson  
Frost Brown Todd  
20 F St. NW Suite 850  
Washington DC 20001  
[njackson@fbtlaw.com](mailto:njackson@fbtlaw.com)

/s/Bryan Beaman  
Enforcement Counsel

# NOTICE OF STEWARDS HEARING

This form is to be used in cases referred by the HISA Board or Racetrack Safety Committee to the Stewards for hearing and ruling under Rules 8320(b)(3) and 8330(c)

<b>HISA Action Num:</b>		<b>Violation Date: 09/24/2022</b>	
<b>State Tracking Number:</b>			
<b>Track Name: ALB</b>		<b>Track HISA ID: L000000022</b>	
<b>Issued By:</b>		<b>Issued To:</b>	
HISA ID: P-000-000-196		HISA ID: P-000-001-867	
Name: Larry L Fontenot Jr		Name: Joseph Peacock Jr	
<b>FORMS:</b>			
The stewards may opt to either: <input type="checkbox"/> Complete this HISA Notice of Stewards Hearing form in full, and issue this form to the person charged with a violation or <input type="checkbox"/> Use any applicable state "notice of stewards hearing" form; attach this HISA Notice of Stewards Hearing form to the state form, with only the name and HISA ID of the steward and person charged filled in above; and issue both forms to the person charged with a violation;			
<b>VIOLATION INFORMATION</b>			
<b>Violated Rule Number and Description:</b>			
If Applicable...			
Race: 6th      Horse Name: SHERIFF BROWN      Horse HISA ID: H-000-004-364			
<b>Statement of Factual Basis:</b>			
Covered Owner, Peacock Family Holdings, L.P. (Joseph Peacock Jr. HISA ID # P 000-001-867), owner of the horse "Sheriff Brown", was properly noticed, and appeared telephonically before the Downs at Albuquerque Board of Stewards on September 25, 2022, regarding a violation of HISA rule 2282 (a) (2) by jockey, Oscar Ceballos while aboard "Sheriff Brown" in the 6th race at the Downs at Albuquerque on September 24, 2022. Having striking the horse 11 times 5 strikes over the limit.			
<b>HEARING INFORMATION</b>			
The hearing will be held on <u>9-25-22</u> at <u>10:00 AM</u> and conducted by <u>Larry Fontenot Jr - Connie Estes - Liz Garcia</u> .			
Steward Signature			
			



## STEWARDS RULING

**This form is to be used in cases involving violations of the following rules:  
Rules 2271(b) and 2272 (shockwave therapy), 2273 (electrical device), and 2280 (riding crop)**

<b>ISSUED TO:</b>		
Name: Oscar Ceballos	HISA ID: P-000-017-429	
<b>FORMS</b>		
<p>The stewards may opt to <b>either</b>:</p> <p>Use any applicable state "stewards ruling" form; attach this form to the state form with only the name and HISA ID filled in above; and issue both forms to the person charged with a violation; <b>or</b></p> <p>Complete this HISA Stewards Ruling form in full, and issue this form to the person charged with a violation</p>		
<b>VIOLATION INFORMATION</b>		
HISA Rule Number Violated and Description of Violation: 2280 Use of Riding Crop/2282 Riding Crop Violation and Penalties – Class 2 Violation		
Violation Date: 9/24/2022	Violation Location: ALB	Race (if applicable): 6th
Statement of Factual Basis for Ruling: 5 Strikes over the Limit		
<b>RULING</b>		
Fine \$2,160.00 (20% purse)- and 3-Day Suspension (Taking October 4 <sup>th</sup> , 5 <sup>th</sup> and 8 <sup>th</sup> , 2022) – 5 Points		
<b>APPEAL INFORMATION</b>		
Any Stewards ruling finding a violation may be appealed to the HISA Board pursuant to Rules 8320(a) and/or 8350 by filing a written request for appeal with the Board within 10 days of the issuance of the Stewards ruling. Rule 8350 specifies the requirements that must be included in the written request for appeal. An appeal to the Board will not automatically stay the Stewards Ruling. A stay must be requested and the Board shall order a stay for good cause shown.		

By:	Date: 8-25-22
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✓  
H.911 -  
P.000-017-429

### NEW MEXICO STATE RACING COMMISSION

### JOCKEY'S INFRACTION FORM

JOCKEY NAME: O. Ceballos NUMBER OF RACE: 6

DATE OF RACE: 9-24-22 TRACK: alb

YOU ARE TO REPORT TO THE STEWARDS ON Sun AT 10 AM/PM  
FOR THE FOLLOWING INFRACTION:

- RIDING INFRACTION
- FAILURE TO MAKE ASSIGNED WEIGHT
- FAILURE TO REPORT WITH THE CORRECT WEIGHT
- LATE TO PADDOCK
- NO SHOW
- LATE TO REPORT TO CLERK
- MISUSE OF WHIP
- CONDUCT
- OTHER: \_\_\_\_\_

You may have a representative accompany you. In addition, if you are unable to be present, a representative may attend in your place.

I will be unable to attend and wish to be represented by: \_\_\_\_\_  
Name of Representative (Print)

\_\_\_\_\_  
Signature of Representative

**BY SIGNING BELOW, YOU ACKNOWLEDGE THAT YOU HAVE RECEIVED, UNDERSTAND, AND ACCEPT THIS FORM. SIGNING THIS FORM IS ALSO NOT AN ADMISSION OF GUILT, JUST RECOGNITION OF RECEIPT.**

\_\_\_\_\_  
Signature of Jockey  
Arnulfo Araiza  
Clerk of Scales, Steward, or other Witness

\_\_\_\_\_  
Date  
9-24-22  
\_\_\_\_\_  
Date



## New Mexico Racing Commission

4900 Alameda NE  
Albuquerque, NM 87113

Ruling #: 2022-DAA-52  
Track Downs at Albuquerque  
Ruling Date: 9/25/2022

Licensee: PEACOCK JR., JOSEPH R  
License Type: 2022 1 Year Owner Applicant Id: 161821  
License Number: 303768

Ruling # 2022-DAA-52

Action Type: Initial Ruling

Ruling:

Covered Owner, **Peacock Family Holdings, L.P. (Joseph Peacock Jr. HISA ID # P 000-001-867)**, owner of the horse "**Sheriff Brown**", was properly noticed, and appeared telephonically before the Downs at Albuquerque Board of Steward's on September 25, 2022, in regards to a violation of HISA rule 2282 (a) (2) by jockey, Oscar Ceballos while aboard "**Sheriff Brown**" in the 6th race at the Downs at Albuquerque on September 24, 2022.

1. For this violation, the horse "**Sheriff Brown**" is hereby disqualified from 1st place and ordered unplaced from the 6th race on September 24th, 2022, at The Downs at Albuquerque Racetrack for all but parimutuel wagering purposes.

The purse redistribution for the 6th race on September 24, 2022, is as follows:

5 MINE THAT STAR

7 FLEETRIDGE

1 GODDARD

10 TARTINI

6 ZESTFUL

9 ASTRONOMICAL

4 RAISEBEFORETHEFLOP

11 SLY

2 OFFSHORE AFFAIR

UNPLACED: "8 SHERIFF BROWN"

***Licensee is found to be in violation of:***

**2282. Riding Crop Violations and Penalties**

***This ruling is written in accordance with HISA Rules and Regulations:***

(a) Violations of Rule 2280 shall be categorized as follows, with the exception that use of the crop for the

safety of Horse and rider shall not count toward the total crop uses:

(1) Class 3 Violation—1 to 3 strikes over the limit.

(2) Class 2 Violation—4 to 9 strikes over the limit.

(3) Class 1 Violation—10 or more strikes over the limit.

(b) Unless the stewards determine the merits of an individual case warrant consideration of an aggravating or mitigating factor, the penalties for violations are as follows:

(1) Class 3 Violation—

(i) \$250 or 10% of Jockey's portion of the purse, whichever is greater;

(ii) Minimum 1-day suspension for the Jockey; and

(iii) 3 points;



New Mexico Racing Commission

4900 Alameda NE  
Albuquerque, NM 87113

Ruling #: 2022-DAA-52  
Track Downs at Albuquerque  
Ruling Date: 9/25/2022

Licensee: PEACOCK JR., JOSEPH R

License Type: 2022 1 Year Owner      Applicant Id: 161821  
License Number: 303768

(2) Class 2 Violation—

- (i) \$500 or 20% of Jockey's portion of the purse, whichever is greater;
- (ii) Horse disqualified from purse earnings,
- (iii) Minimum 3-day suspension for the Jockey; and
- (iv) 5 points;

(3) Class 1 Violation—

- (i) \$750 fine or 30% of Jockey's portion of the purse, whichever is greater,
- (ii) Horse disqualified from purse earnings,
- (iii) Minimum 5-day suspension for the Jockey;
- (iv) 10 points.


Any Stewards ruling finding a violation may be appealed to the HISA Board pursuant to Rules 8320(a) and/or 8350 by filing a written request for appeal with the Board within 10 days of the issuance of the Stewards ruling. Rule 8350 specifies the requirements that must be included in the written request for appeal. An appeal to the Board will not automatically stay the Stewards ruling. A stay must be requested, and the Board shall order a stay for good cause shown.

By Order of The Downs at Albuquerque Stewards



## NOTICE OF APPEAL

For an appeal to be deemed effective and filed, this Notice of Appeal must be completed, signed, dated, and filed with HISA within ten (10) calendar days of receiving a written ruling, decision, or order pursuant to Rule 8350. This form may be filed by email at [Reporting@hisaus.org](mailto:Reporting@hisaus.org), or by mail to: Horseracing Integrity and Safety Authority, 401 W Main Street Suite 222, Lexington, Kentucky 40507.

PERSON FILING APPEAL		
Name: Joseph Peacock Jr.	HISA ID Number: P 000-001-867	
Address: <i>8585 PEACOCKWAY SAN ANTONIO, TX 78217</i>	Email: <i>joey@peacockoilandgas.com</i>	Telephone: <i>210 215 5554</i>
RULING, DECISION, OR ORDER TO BE APPEALED		
Names of Steward(s) or other Official(s) Issuing Ruling, Decision, or Order: Larry Fontenot Connie Estes Elizabeth Garcia	Racetrack (if applicable): <i>The Downs at Albuquerque</i>	Rule Number Violation(s): <i>2280 Use of Riding Crop 2282 Riding Crop Violation and</i>
Date of Ruling, Decision, or Order: Race Date: <i>09/24/2022</i> Ruling Date: <i>09/25/2022</i>	Penalty Imposed: Penalties Classification 2 4-9 strikes over 6-strike limit • Fine: \$500 or 20% of jockey's portion of purse, whichever is greater Horse disqualified from purse earnings Jockey suspension: 3+ days 5 Points (expire after 9 months)	
REASONS FOR APPEAL AND RELIEF REQUESTED		
I hereby appeal the Ruling, Decision, or Order listed above, to which I object for the following reasons (attach additional page(s) if necessary):  <i>SEE ATTACHED</i>		
I request the following relief (attach additional page(s) if necessary):  <i>SEE ATTACHED</i>		
Print Name: <i>JOSEPH ROBERT PEACOCK, JR</i>		
Signature: 		
Date: <i>9/29/2022</i>		

## **ATTACHED TO HISA NOTICE OF APPEAL 9.29.2022**

After reviewing the replay of the race, I disagree that jockey Oscar Ceballos committed a classification 2 violation of Rules 2280 and 2282 while aboard Sheriff Brown in the sixth race at the Downs at Albuquerque on September 24, 2022. It does not appear that Mr. Ceballos struck Sheriff Brown the required number of times over the limit. Also, Mr. Ceballos appeared to use the crop to preserve the safety of the horses and riders in the race. I plan to hire an attorney to represent me in this appeal.

I request that the Board stay the Stewards' ruling until the appeal is decided, schedule this appeal for a hearing, and reverse the penalties imposed by the Stewards.

By: Peacock Family Holdings, LP


Joseph Robert Peacock, Jr.

Manager of the General Partner



## NOTICE OF APPEAL

For an appeal to be deemed effective and filed, this Notice of Appeal must be completed, signed, dated, and filed with HISA within ten (10) calendar days of receiving a written ruling, decision, or order pursuant to Rule 8350. This form may be filed by email at [Reporting@hisaus.org](mailto:Reporting@hisaus.org), or by mail to: Horseracing Integrity and Safety Authority, 401 W Main Street Suite 222, Lexington, Kentucky 40507.

PERSON FILING APPEAL		
Name: Joseph Peacock Jr.	HISA ID Number: P 000-001-867	
Address: <i>8585 PEACOCKWAY SAN ANTONIO, TX 78217</i>	Email: <i>joey@peacockoilandgas.com</i>	Telephone: <i>210 215 5554</i>
RULING, DECISION, OR ORDER TO BE APPEALED		
Names of Steward(s) or other Official(s) Issuing Ruling, Decision, or Order: Larry Fontenot Connie Estes Elizabeth Garcia	Racetrack (if applicable): <i>The Downs at Albuquerque</i>	Rule Number Violation(s): <i>2280 Use of Riding Crop 2282 Riding Crop Violation and</i>
Date of Ruling, Decision, or Order: Race Date: <i>09/24/2022</i> Ruling Date: <i>09/25/2022</i>	Penalty Imposed: Penalties Classification 2 4-9 strikes over 6-strike limit • Fine: \$500 or 20% of jockey's portion of purse, whichever is greater Horse disqualified from purse earnings Jockey suspension: 3+ days 5 Points (expire after 9 months)	
REASONS FOR APPEAL AND RELIEF REQUESTED		
I hereby appeal the Ruling, Decision, or Order listed above, to which I object for the following reasons (attach additional page(s) if necessary):  <i>SEE ATTACHED</i>		
I request the following relief (attach additional page(s) if necessary):  <i>SEE ATTACHED</i>		
Print Name: <i>JOSEPH ROBERT PEACOCK, JR</i>		
Signature: 		
Date: <i>9/29/2022</i>		

## **ATTACHED TO HISA NOTICE OF APPEAL 9.29.2022**

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I request that the Board stay the Stewards' ruling until the appeal is decided, schedule this appeal for a hearing, and reverse the penalties imposed by the Stewards.

By: Peacock Family Holdings, LP

Joseph Robert Peacock, Jr.

Manager of the General Partner



## REQUEST FOR STAY PENDING APPEAL

All information requested below must be provided in order for this Request for Stay to be effective pursuant to Rule 8350(c). This form may be filed by email at [Reporting@hisaus.org](mailto:Reporting@hisaus.org), or by mail to: Horseracing Integrity and Safety Authority, 401 W Main Street Suite 222, Lexington, Kentucky 40507.

PERSON REQUESTING STAY		
Name: Oscar Ceballos	HISA ID Number: P-000-017-429	
Address: [REDACTED]	Email: [REDACTED]	Telephone: [REDACTED]
RULING, DECISION, OR ORDER FOR WHICH STAY IS REQUESTED		
Name of Steward(s) or other Official(s) Issuing Ruling, Decision, or Order Larry Fontenot Jr	Racetrack (if applicable): ALB	Rule Number Violation(s): 6th
Date of Ruling, Decision, or Order: 9/24/2022		Penalty Imposed: Fine \$2,160.00 3 days 5 strikes
JUSTIFICATION FOR REQUEST FOR STAY		
<p>This Request for Stay should be granted for the following reasons: (attach additional page(s) if necessary):</p> <p><i>I know I was [REDACTED] 6 strike rule, but I believe many of the strikes were <sup>(penalties)</sup> flags or brushes on the shoulder. I believe the brushes or flags are being considered strikes. I believe my actions with the whip are being counted against me, I believe my actions are to encourage the horse to the best of my ability.</i></p>		
Print Name: OSCAR CEBALLOS.		
Signature:		
Date: 10-03-2022.		







October 5, 2022

The Board of Stewards at the Downs at Albuquerque  
Larry Fontenot  
Elizabeth Garcia  
Connie Estes  
c/o Larry Fontenot  
[larry.fontenot@state.nm.us](mailto:larry.fontenot@state.nm.us)

Dear Stewards,

Our law firm serves as enforcement counsel in Horseracing Integrity and Safety Authority (HISA) proceedings, including appeals to the HISA Board from track-level rulings by stewards. We are contacting you to provide notification that an appeal has been filed from one of your rulings. For your reference and records, copies of the ruling and appeal are enclosed.

Board review of the appeal from has yet to be scheduled, but upon scheduling it will be conducted remotely via the following Zoom meeting: Meeting ID: 832 4186 5546; Passcode: 091033; Dial-in number: +1 646 931 3869. For the Board to conduct its review, we will need to obtain and submit a copy of the full record from your track-level hearing. The record should include the recording of your track-level hearing, video from the applicable race, and any other materials that were presented for consideration at the track-level hearing. Please contact us at your earliest convenience to discuss arrangements to make and deliver a copy of the full record.

Whether the Board will hear witness testimony as part of its review is within the Board's discretion. No Board determination regarding witness testimony has been made in this case. We will promptly notify you if the Board decides not to hear witness testimony. Pending the Board's decision, your potential testimony must factor into our planning and scheduling. Please confirm your availability to testify after the Board's review date and time has been scheduled. If any conflicts exist, we will coordinate with you and the Board to reschedule as needed.

Once the Board review date and time is confirmed, we expect to follow up with you separately to schedule one or more meetings to prepare our defense of your ruling on appeal. Our follow-up will include reviewing the track-level hearing record and helping you prepare to testify. While these preparations are necessary, we will do our best to minimize the amount of disruption. As we make preparations for the appeal, you are also welcomed to contact us with any questions or concerns that you have.

The name and contact information for all members of the enforcement counsel team are listed below. Any team member can be contacted or may contact you regarding this case; however, one attorney will likely be assigned as lead counsel as the appeal progresses.

Attorney Bryan H. Beaman [bbeaman@sturgillturner.com](mailto:bbeaman@sturgillturner.com)  
Attorney Derrick T. Wright [dwright@sturgillturner.com](mailto:dwright@sturgillturner.com)  
Attorney Katie E. Bouvier [kbouvier@sturgillturner.com](mailto:kbouvier@sturgillturner.com)  
Attorney Rebecca C. Price [rprice@sturgillturner.com](mailto:rprice@sturgillturner.com)  
Paralegal Michael H. Peyton [mpeyton@sturgillturner.com](mailto:mpeyton@sturgillturner.com)

We appreciate your attention and look forward to working with you. As we begin appeal preparations, please contact us at your earliest convenience as indicated to confirm scheduling and make arrangements for delivery of the track-level hearing record. If you like, we can provide a link for you to upload large-file documents, video, and recordings.

Sincerely,

STURGILL, TURNER, BARKER & MOLONEY, PLLC



Bryan H. Beaman



## STEWARDS RULING

**This form is to be used in cases involving violations of the following rules:  
Rules 2271(b) and 2272 (shockwave therapy), 2273 (electrical device), and 2280 (riding crop)**

<b>ISSUED TO:</b>		
Name: Oscar Ceballos	HISA ID: P-000-017-429	
<b>FORMS</b>		
<p>The stewards may opt to <b>either:</b>                  Use any applicable state “stewards ruling” form; attach this form to the state form with only the name and HISA ID filled in above; and issue both forms to the person charged with a violation; <b>or</b>                  Complete this HISA Stewards Ruling form in full, and issue this form to the person charged with a violation</p>		
<b>VIOLATION INFORMATION</b>		
HISA Rule Number Violated and Description of Violation: 2280 Use of Riding Crop/2282 Riding Crop Violation and Penalties – Class 2 Violation		
Violation Date: 9/24/2022	Violation Location: ALB	Race (if applicable): 6th
Statement of Factual Basis for Ruling: 5 Strikes over the Limit		
<b>RULING</b>		
Fine \$2,160.00 (20% purse)- and 3-Day Suspension (Taking October 4 <sup>th</sup> , 5 <sup>th</sup> and 8 <sup>th</sup> , 2022) – 5 Points		
<b>APPEAL INFORMATION</b>		
Any Stewards ruling finding a violation may be appealed to the HISA Board pursuant to Rules 8320(a) and/or 8350 by filing a written request for appeal with the Board within 10 days of the issuance of the Stewards ruling. Rule 8350 specifies the requirements that must be included in the written request for appeal. An appeal to the Board will not automatically stay the Stewards Ruling. A stay must be requested and the Board shall order a stay for good cause shown.		

By:	Date: 
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✓  
H.911 -  
P.000-017-429

### NEW MEXICO STATE RACING COMMISSION JOCKEY'S INFRACTION FORM

JOCKEY NAME: O. Ceballos NUMBER OF RACE: 6

DATE OF RACE: 9-24-22 TRACK: alb

YOU ARE TO REPORT TO THE STEWARDS ON Sun AT 10 AM/PM  
FOR THE FOLLOWING INFRACTION:

- RIDING INFRACTION
- FAILURE TO MAKE ASSIGNED WEIGHT
- FAILURE TO REPORT WITH THE CORRECT WEIGHT
- LATE TO PADDOCK
- NO SHOW
- LATE TO REPORT TO CLERK
- MISUSE OF WHIP
- CONDUCT
- OTHER: \_\_\_\_\_

You may have a representative accompany you. In addition, if you are unable to be present, a representative may attend in your place.

I will be unable to attend and wish to be represented by: \_\_\_\_\_  
Name of Representative (Print)

\_\_\_\_\_  
Signature of Representative

**BY SIGNING BELOW, YOU ACKNOWLEDGE THAT YOU HAVE RECEIVED, UNDERSTAND, AND ACCEPT THIS FORM. SIGNING THIS FORM IS ALSO NOT AN ADMISSION OF GUILT, JUST RECOGNITION OF RECEIPT.**

\_\_\_\_\_  
Signature of Jockey

\_\_\_\_\_  
Date

Arnulfo Araya  
Clerk of Scales, Steward, or other Witness

9-24-22  
Date



## REQUEST FOR STAY PENDING APPEAL

All information requested below must be provided in order for this Request for Stay to be effective pursuant to Rule 8350(c). This form may be filed by email at [Reporting@hisaus.org](mailto:Reporting@hisaus.org), or by mail to: Horseracing Integrity and Safety Authority, 401 W Main Street Suite 222, Lexington, Kentucky 40507.

PERSON REQUESTING STAY		
Name: Oscar Ceballos	HISA ID Number: P-000-017-429	
Address: ██████████ ██████████ ██████████	Email: ██████████@██████████.██	Telephone: ██████████-██████████-██████████ ██████████-██████████-██████████
RULING, DECISION, OR ORDER FOR WHICH STAY IS REQUESTED		
Name of Steward(s) or other Official(s) Issuing Ruling, Decision, or Order Larry Fontenot Jr	Racetrack (if applicable): ALB	Rule Number Violation(s): 6th
Date of Ruling, Decision, or Order: 9/24/2022		Penalty Imposed: Fine \$2,160.00 3 days 5 strikes
JUSTIFICATION FOR REQUEST FOR STAY		
<p>This Request for Stay should be granted for the following reasons: (attach additional page(s) if necessary):</p> <p><i>I know I was <del>penalized</del> <sup>(penalized)</sup> for 6 strike rule, but I believe many of the strikes were flags or brushes on the shoulder I believe the brushes or flags are being considered strikes. I believe my actions with the whip are being counted against me, I believe my actions are to encourage the horse to the best of my ability.</i></p>		
Print Name: OSCAR CEBALLOS.		
Signature:		
Date: 10-03-2022.		







**HORSERACING INTEGRITY  
AND SAFETY AUTHORITY**

# NOTICE OF APPEAL HEARING

<b>HISA Action Number: 2022-00431</b>	<b>Appeal Filing Date: 10/3/2022</b>
<b>Appellant Name: Oscar Ceballos</b>	<b>Appellant HISA ID: P-000-017-429</b>
<b>Ruling Date: 9/25/2022</b>	<b>Ruling Issued by the following steward(s): Larry Fontenot Elizabeth Garcia Connie Estes</b>

## JURISDICTION

15 U.S.C. 57(a) § 3054 establishes jurisdiction for HISA to conduct this hearing. The procedures outlined in Rule 8350 will govern the adjudication of this appeal hearing.

## APPEAL HEARING INFORMATION

This Notice of Appeal Hearing serves as notice of hearing for the Horseracing Integrity and Safety Authority's (HISA) Board to review your filed appeal of the Albuquerque Downs stewards' ruling issued against you on September 25, 2022. The stewards' ruling; the filed appeal; and, if applicable, the HISA Board Order granting/denying a stay of penalties in this matter are attached.

## HEARING INFORMATION

Date: **October 24, 2022**

Time: **12:00 P.M. EDT/10:00 A.M. GDT**

Use the following link and meeting information to attend the hearing:

<https://us02web.zoom.us/j/83241865546?pwd=ZlI2dGRLNFhPaWIPsk5wa2FDTHhTZz09>

Meeting ID: 832 4186 5546; Passcode: 091033; Dial-in number: +1 646 931 3869.

This Notice was served via email to the following individual(s) at the below listed email address(es):

Oscar Ceballos – [REDACTED]  
Autumn Barton – [autumn.barton@pngaming.com](mailto:autumn.barton@pngaming.com)

By: Rebecca C. Price

Title: Horseracing Integrity Safety Authority Enforcement Counsel

Date of Service: October 6, 2022



## STEWARDS RULING

**This form is to be used in cases involving violations of the following rules:  
Rules 2271(b) and 2272 (shockwave therapy), 2273 (electrical device), and 2280 (riding crop)**

<b>ISSUED TO:</b>		
Name: Oscar Ceballos	HISA ID: P-000-017-429	
<b>FORMS</b>		
<p>The stewards may opt to <b>either:</b>                  Use any applicable state “stewards ruling” form; attach this form to the state form with only the name and HISA ID filled in above; and issue both forms to the person charged with a violation; <b>or</b>                  Complete this HISA Stewards Ruling form in full, and issue this form to the person charged with a violation</p>		
<b>VIOLATION INFORMATION</b>		
HISA Rule Number Violated and Description of Violation: 2280 Use of Riding Crop/2282 Riding Crop Violation and Penalties – Class 2 Violation		
Violation Date: 9/24/2022	Violation Location: ALB	Race (if applicable): 6th
Statement of Factual Basis for Ruling: 5 Strikes over the Limit		
<b>RULING</b>		
Fine \$2,160.00 (20% purse)- and 3-Day Suspension (Taking October 4 <sup>th</sup> , 5 <sup>th</sup> and 8 <sup>th</sup> , 2022) – 5 Points		
<b>APPEAL INFORMATION</b>		
Any Stewards ruling finding a violation may be appealed to the HISA Board pursuant to Rules 8320(a) and/or 8350 by filing a written request for appeal with the Board within 10 days of the issuance of the Stewards ruling. Rule 8350 specifies the requirements that must be included in the written request for appeal. An appeal to the Board will not automatically stay the Stewards Ruling. A stay must be requested and the Board shall order a stay for good cause shown.		

By:	Date: 
-----	-----------



✓  
H. 911 -  
P. 000-017-429

### NEW MEXICO STATE RACING COMMISSION JOCKEY'S INFRACTION FORM

JOCKEY NAME: O. Ceballos NUMBER OF RACE: 6

DATE OF RACE: 9-24-22 TRACK: alb

YOU ARE TO REPORT TO THE STEWARDS ON Sun AT 10 AM/PM  
FOR THE FOLLOWING INFRACTION:

- RIDING INFRACTION
- FAILURE TO MAKE ASSIGNED WEIGHT
- FAILURE TO REPORT WITH THE CORRECT WEIGHT
- LATE TO PADDOCK
- NO SHOW
- LATE TO REPORT TO CLERK
- MISUSE OF WHIP
- CONDUCT
- OTHER: \_\_\_\_\_

You may have a representative accompany you. In addition, if you are unable to be present, a representative may attend in your place.

I will be unable to attend and wish to be represented by: \_\_\_\_\_  
Name of Representative (Print)

\_\_\_\_\_  
Signature of Representative

**BY SIGNING BELOW, YOU ACKNOWLEDGE THAT YOU HAVE RECEIVED, UNDERSTAND, AND ACCEPT THIS FORM. SIGNING THIS FORM IS ALSO NOT AN ADMISSION OF GUILT, JUST RECOGNITION OF RECEIPT.**

\_\_\_\_\_  
Signature of Jockey

Arnulfo Araya  
Clerk of Scales, Steward, or other Witness

\_\_\_\_\_  
Date

9-24-22  
Date



## REQUEST FOR STAY PENDING APPEAL

All information requested below must be provided in order for this Request for Stay to be effective pursuant to Rule 8350(c). This form may be filed by email at [Reporting@hisaus.org](mailto:Reporting@hisaus.org), or by mail to: Horseracing Integrity and Safety Authority, 401 W Main Street Suite 222, Lexington, Kentucky 40507.

PERSON REQUESTING STAY		
Name: Oscar Ceballos	HISA ID Number: P-000-017-429	
Address: ██████████ ██████████ ██████████	Email: ██████████@██████████.██	Telephone: ██████████-██████████-██████████ ██████████-██████████-██████████
RULING, DECISION, OR ORDER FOR WHICH STAY IS REQUESTED		
Name of Steward(s) or other Official(s) Issuing Ruling, Decision, or Order Larry Fontenot Jr	Racetrack (if applicable): ALB	Rule Number Violation(s): 6th
Date of Ruling, Decision, or Order: 9/24/2022		Penalty Imposed: Fine \$2,160.00 3 days 5 strikes
JUSTIFICATION FOR REQUEST FOR STAY		
<p>This Request for Stay should be granted for the following reasons: (attach additional page(s) if necessary):</p> <p><i>I know I was <del>penalized</del> <sup>(penalized)</sup> for 6 strike rule, but I believe many of the strikes were flags or brushes on the shoulder I believe the brushes or flags are being considered strikes. I believe my actions with the whip are being counted against me, I believe my actions are to encourage the horse to the best of my ability.</i></p>		
Print Name: OSCAR CEBALLOS.		
Signature:		
Date: 10-03-2022.		






**HORSERACING INTEGRITY  
AND SAFETY AUTHORITY**

# NOTICE OF APPEAL HEARING

<b>HISA Action Number: 2022-00431</b>	<b>Appeal Filing Date: 9/29/2022</b>
<b>Appellant Name: Joseph Peacock</b>	<b>Appellant HISA ID: P-000-001-867</b>
<b>Ruling Date: 9/25/2022</b>	<b>Ruling Issued by the following steward(s):</b> Larry Fontenot Elizabeth Garcia Connie Estes
<b>JURISDICTION</b>	
15 U.S.C. 57(a) § 3054 establishes jurisdiction for HISA to conduct this hearing. The procedures outlined in Rule 8350 will govern the adjudication of this appeal hearing.	
<b>APPEAL HEARING INFORMATION</b>	
This Notice of Appeal Hearing serves as notice of hearing for the Horseracing Integrity and Safety Authority's (HISA) Board to review your filed appeal of the Albuquerque Downs stewards' ruling issued against you on September 25, 2022. The stewards' ruling; the filed appeal; and, if applicable, the HISA Board Order granting/denying a stay of penalties in this matter are attached.	
<b>HEARING INFORMATION</b>	
<b>Date: October 24, 2022</b>	<b>Time: 12:00 P.M. EDT/10:00 A.M. GDT</b>
Use the following link and meeting information to attend the hearing:  <a href="https://us02web.zoom.us/j/83241865546?pwd=ZlI2dGRLNFhPaWIPsk5wa2FDTHhTZz09">https://us02web.zoom.us/j/83241865546?pwd=ZlI2dGRLNFhPaWIPsk5wa2FDTHhTZz09</a>  Meeting ID: 832 4186 5546; Passcode: 091033; Dial-in number: +1 646 931 3869.	
This Notice was served via email to the following individual(s) at the below listed email address(es):  Joseph Peacock – <a href="mailto:joey@peacockoilandgas.com">joey@peacockoilandgas.com</a>  By: Rebecca C. Price Title: Horseracing Integrity Safety Authority Enforcement Counsel Date of Service: October 6, 2022	

# NOTICE OF STEWARDS HEARING

This form is to be used in cases referred by the HISA Board or Racetrack Safety Committee to the Stewards for hearing and ruling under Rules 8320(b)(3) and 8330(c)

<b>HISA Action Num:</b>		<b>Violation Date: 09/24/2022</b>	
<b>State Tracking Number:</b>			
<b>Track Name: ALB</b>		<b>Track HISA ID: L000000022</b>	
<b>Issued By:</b>		<b>Issued To:</b>	
HISA ID: P-000-000-196		HISA ID: P-000-001-867	
Name: Larry L Fontenot Jr		Name: Joseph Peacock Jr	
<b>FORMS:</b>			
The stewards may opt to either: <input type="checkbox"/> Complete this HISA Notice of Stewards Hearing form in full, and issue this form to the person charged with a violation or <input type="checkbox"/> Use any applicable state "notice of stewards hearing" form; attach this HISA Notice of Stewards Hearing form to the state form, with only the name and HISA ID of the steward and person charged filled in above; and issue both forms to the person charged with a violation;			
<b>VIOLATION INFORMATION</b>			
<b>Violated Rule Number and Description:</b>			
If Applicable...			
Race: 6th                      Horse Name: SHERIFF BROWN                      Horse HISA ID: H-000-004-364			
<b>Statement of Factual Basis:</b>			
Covered Owner, Peacock Family Holdings, L.P. (Joseph Peacock Jr. HISA ID # P 000-001-867), owner of the horse "Sheriff Brown", was properly noticed, and appeared telephonically before the Downs at Albuquerque Board of Stewards on September 25, 2022, regarding a violation of HISA rule 2282 (a) (2) by jockey, Oscar Ceballos while aboard "Sheriff Brown" in the 6th race at the Downs at Albuquerque on September 24, 2022. Having striking the horse 11 times 5 strikes over the limit.			
<b>HEARING INFORMATION</b>			
The hearing will be held on <u>9-25-22</u> at <u>10:00 AM</u> and conducted by <u>Larry Fontenot Jr - Connie Estes - Liz Garcia</u> .			
Steward Signature			
			



## New Mexico Racing Commission

4900 Alameda NE  
Albuquerque, NM 87113

Ruling #: 2022-DAA-52  
Track Downs at Albuquerque  
Ruling Date: 9/25/2022

Licensee: PEACOCK JR., JOSEPH R

License Type: 2022 1 Year Owner Applicant Id: 161821  
License Number: 303768

Ruling # 2022-DAA-52

Action Type: Initial Ruling

Ruling:

Covered Owner, **Peacock Family Holdings, L.P. (Joseph Peacock Jr. HISA ID # P 000-001-867)**, owner of the horse "**Sheriff Brown**", was properly noticed, and appeared telephonically before the Downs at Albuquerque Board of Steward's on September 25, 2022, in regards to a violation of HISA rule 2282 (a) (2) by jockey, Oscar Ceballos while aboard "**Sheriff Brown**" in the 6th race at the Downs at Albuquerque on September 24, 2022.

1. For this violation, the horse "**Sheriff Brown**" is hereby disqualified from 1st place and ordered unplaced from the 6th race on September 24th, 2022, at The Downs at Albuquerque Racetrack for all but parimutuel wagering purposes.

The purse redistribution for the 6th race on September 24, 2022, is as follows:

5 MINE THAT STAR

7 FLEETRIDGE

1 GODDARD

10 TARTINI

6 ZESTFUL

9 ASTRONOMICAL

4 RAISEBEFORETHEFLOP

11 SLY

2 OFFSHORE AFFAIR

UNPLACED: "8 SHERIFF BROWN"

***Licensee is found to be in violation of:***

**2282. Riding Crop Violations and Penalties**

***This ruling is written in accordance with HISA Rules and Regulations:***

(a) Violations of Rule 2280 shall be categorized as follows, with the exception that use of the crop for the

safety of Horse and rider shall not count toward the total crop uses:

(1) Class 3 Violation—1 to 3 strikes over the limit.

(2) Class 2 Violation—4 to 9 strikes over the limit.

(3) Class 1 Violation—10 or more strikes over the limit.

(b) Unless the stewards determine the merits of an individual case warrant consideration of an aggravating or mitigating factor, the penalties for violations are as follows:

(1) Class 3 Violation—

(i) \$250 or 10% of Jockey's portion of the purse, whichever is greater;

(ii) Minimum 1-day suspension for the Jockey; and

(iii) 3 points;



New Mexico Racing Commission

4900 Alameda NE  
Albuquerque, NM 87113



Ruling #: 2022-DAA-52  
Track Downs at Albuquerque  
Ruling Date: 9/25/2022

Licensee: PEACOCK JR., JOSEPH R  
License Type: 2022 1 Year Owner Applicant Id: 161821  
License Number: 303768

- (2) Class 2 Violation—
  - (i) \$500 or 20% of Jockey's portion of the purse, whichever is greater;
  - (ii) Horse disqualified from purse earnings,
  - (iii) Minimum 3-day suspension for the Jockey; and
  - (iv) 5 points;
- (3) Class 1 Violation—
  - (i) \$750 fine or 30% of Jockey's portion of the purse, whichever is greater,
  - (ii) Horse disqualified from purse earnings,
  - (iii) Minimum 5-day suspension for the Jockey;
  - (iv) 10 points.

Any Stewards ruling finding a violation may be appealed to the HISA Board pursuant to Rules 8320(a) and/or 8350 by filing a written request for appeal with the Board within 10 days of the issuance of the Stewards ruling. Rule 8350 specifies the requirements that must be included in the written request for appeal. An appeal to the Board will not automatically stay the Stewards ruling. A stay must be requested, and the Board shall order a stay for good cause shown.


By Order of The Downs at Albuquerque Stewards





## NOTICE OF APPEAL

For an appeal to be deemed effective and filed, this Notice of Appeal must be completed, signed, dated, and filed with HISA within ten (10) calendar days of receiving a written ruling, decision, or order pursuant to Rule 8350. This form may be filed by email at [Reporting@hisaus.org](mailto:Reporting@hisaus.org), or by mail to: Horseracing Integrity and Safety Authority, 401 W Main Street Suite 222, Lexington, Kentucky 40507.

PERSON FILING APPEAL		
Name: Joseph Peacock Jr.	HISA ID Number: P 000-001-867	
Address: <i>8585 PEACOCKWAY SAN ANTONIO, TX 78217</i>	Email: joey@peacockoilandgas.com	Telephone: 210 215 5554
RULING, DECISION, OR ORDER TO BE APPEALED		
Names of Steward(s) or other Official(s) Issuing Ruling, Decision, or Order: Larry Fontenot Connie Estes Elizabeth Garcia	Racetrack (if applicable): The Downs at Albuquerque	Rule Number Violation(s): 2280 Use of Riding Crop 2282 Riding Crop Violation and
Date of Ruling, Decision, or Order: Race Date: 09/24/2022 Ruling Date: 09/25/2022	Penalty Imposed: Penalties Classification 2 4-9 strikes over 6-strike limit • Fine: \$500 or 20% of jockey's portion of purse, whichever is greater Horse disqualified from purse earnings Jockey suspension: 3+ days 5 Points (expire after 9 months)	
REASONS FOR APPEAL AND RELIEF REQUESTED		
I hereby appeal the Ruling, Decision, or Order listed above, to which I object for the following reasons (attach additional page(s) if necessary):  <i>SEE ATTACHED</i>		
I request the following relief (attach additional page(s) if necessary):  <i>SEE ATTACHED</i>		
Print Name: <i>JOSEPH ROBERT PEACOCK, JR</i>		
Signature: 		
Date: <i>9/29/2022</i>		

## **ATTACHED TO HISA NOTICE OF APPEAL 9.29.2022**

After reviewing the replay of the race, I disagree that jockey Oscar Ceballos committed a classification 2 violation of Rules 2280 and 2282 while aboard Sheriff Brown in the sixth race at the Downs at Albuquerque on September 24, 2022. It does not appear that Mr. Ceballos struck Sheriff Brown the required number of times over the limit. Also, Mr. Ceballos appeared to use the crop to preserve the safety of the horses and riders in the race. I plan to hire an attorney to represent me in this appeal.

I request that the Board stay the Stewards' ruling until the appeal is decided, schedule this appeal for a hearing, and reverse the penalties imposed by the Stewards.

By: Peacock Family Holdings, LP


Joseph Robert Peacock, Jr.

Manager of the General Partner



**HORSERACING INTEGRITY  
AND SAFETY AUTHORITY**

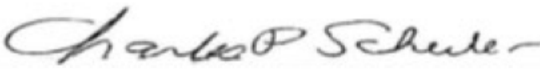
# ORDER CONSOLIDATING APPEAL HEARINGS

<p><b>HISA Action Number: 2022-00431</b></p>	<p><b>Appeal Filing Dates:</b>                  9/29/2022 – Joseph Peacock, Jr.                  10/3/2022 – Oscar Ceballos</p>
<p><b>Appellant Names:</b>                   Joseph Peacock, Jr.                  Oscar Ceballos</p>	<p><b>Appellant HISA IDs:</b>                   P-000-001-867                  P-000-017-429</p>
<p><b>Ruling Date:</b> September 25, 2022</p>	<p><b>Ruling Issued by the following steward(s):</b>                  Larry Fontenot                  Elizabeth Garcia                  Connie Estes</p>
<p><b>JURISDICTION</b></p>	
<p>15 U.S.C. 57(a) § 3054 establishes jurisdiction for HISA to conduct this hearing. The procedures outlined in Rule 8350 will govern the adjudication of this appeal hearing.</p>	
<p><b>DECISION OF HISA BOARD</b></p>	
<p>The HISA Board <b>CONSOLIDATES</b> the Appeals of Joseph Peacock, Jr. and Oscar Ceballos. The Appeals derive from the same cause of action, and administrative efficiency supports the consolidation of the appeals. Neither Appellants nor HISA Enforcement Counsel have posed any objection. The Consolidated Appeal will be heard on Monday, October 24, 2022, at 12:00 p.m. EDT.</p>	
<p><b>Print Name:</b> Charles P. Scheeler</p> <p><b>Signature:</b> </p> <p><b>Date:</b> October 19, 2022</p>	



**HORSERACING INTEGRITY  
AND SAFETY AUTHORITY**

# ORDER CONTINUING APPEAL HEARING

<p><b>HISA Action Number: 2022-00431</b></p>	<p><b>Appeal Filing Dates:</b>                  9/29/2022 – Joseph Peacock, Jr.                  10/3/2022 – Oscar Ceballos</p>
<p><b>Appellant Names:</b>                   Joseph Peacock, Jr.                  Oscar Ceballos</p>	<p><b>Appellant HISA IDs:</b>                   P-000-001-867                  P-000-017-429</p>
<p><b>Ruling Date:</b> September 25, 2022</p>	<p><b>Ruling Issued by the following steward(s):</b>                  Larry Fontenot                  Elizabeth Garcia                  Connie Estes</p>
<p><b>JURISDICTION</b></p>	
<p>15 U.S.C. 57(a) § 3054 establishes jurisdiction for HISA to conduct this hearing. The procedures outlined in Rule 8350 will govern the adjudication of this appeal hearing.</p>	
<p><b>DECISION OF HISA BOARD</b></p>	
<p>The HISA Board <b>CONTINUES</b> the Appeal Hearing in this matter. The Board will assign a hearing date and time at which the hearing will occur. The Board will stay the imposition of a sanction until the time at which the Board may hear the Appeal. HISA will notify the Appellant in writing of the new date on which the Board will hear the Appeal.</p>	
<p><b>Print Name:</b> Charles P. Scheeler</p> <p><b>Signature:</b> </p> <p><b>Date:</b> October 19, 2022</p>	



**Joel B. Turner**  
Partner  
502.568.0392 (t)  
502.581.1087 (f)  
jturner@fbtlaw.com

April 3, 2023

John Forgy, Counsel  
HISA - Horseracing Integrity and Safety Authority  
401 W. Main Street Suite 222  
Lexington KY 40507

**Via Email: [johnforgy1@gmail.com](mailto:johnforgy1@gmail.com)**

**Re:** *HISA v. Joey Peacock, Oscar Ceballos et al.*  
Appeal of The Downs of Albuquerque Stewards Rulings (2022-DAA-52) /  
Sherriff Brown Race 6, September 24, 2022

Dear Mr. Forgy:

Please see the attached Closing Argument submitted on behalf of Mr. Joey Peacock and Mr. Oscar Ceballos in the above referenced matter. The referenced Exhibits are also attached or will be attached to a separate e-mail subject to the limitations on the amount of data you are able to receive at your G-mail address. The head-on of the video used by Mr. Peacock in the preparation of his chart was provided to you last week. Mr. Peacock and Mr. Ceballos reserve all rights should an appeal of the Board's decision be required.

Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Joel B. Turner".

Joel B. Turner

Attachments

IN THE MATTER OF:

*HISA v. Joey Peacock, Oscar Ceballos, et al.*  
Appeal of The Downs of Albuquerque Stewards' Rulings  
Sherriff Brown Race 6, September 24, 2022.

### INTRODUCTION:

Mr. Joseph Peacock is before the HISA Hearing Panel with his appeal from The Downs at Albuquerque Stewards' Rulings dated September 25, 2022, disqualifying Sheriff Brown, (hereinafter, the "Horse" or "Sheriff Brown") the winner of the sixth race on September 24, 2022, and redistributing the \$108,000 winner's share of the purse. Mr. Peacock believes that because of a lack of familiarity with the new and confusing HISA Riding Crop Rule, The Downs at Albuquerque Stewards (the "Stewards") applied HISA rules 2280 and 2282 incorrectly, inappropriately, and in a manner inconsistent with allowing the Jockey, Oscar Ceballos, to use the crop to ensure the safety of other horses and riders during the running of the subject race.

It is Mr. Peacock's more specific contention that the Stewards did not consider and apply:

1) the expressly permissive provisions of HISA 2280 (b)(4), (JP Exhibit 4) which states:

"A rider may... (4) Use the crop to preserve the safety of Horses and riders..." or

2) the exceptions, expressly set forth in HISA 2282 (a) (JP Exhibit 5) which states:

"(a) violations of rule 2280 shall be categorized as follows, ***with the exception that use of the crop for the safety of horse, and rider shall not count toward the total crop uses...***" (emphasis added); and

3) the Stewards made inaccurate findings of the total number of strikes, (some of the jockey's motions, we contend, were waving or showing of the riding crop as is permitted) and the location of the strikes based solely upon poor quality video without considering whether each of Mr. Ceballos (the "Jockey" or "Mr. Ceballos") motions with the riding crop actually resulted in contact with the horse and completely ignored the jockey's testimony which differentiated between actual contact with the horse and permitted waving and showing of the riding crop or use of the Riding crop to ensure the safety of Horses and riders as permitted by the HISA Rules set forth above.

### DISCUSSION:

HISA 2280 **Use of Riding Crop** limits the riders use of the crop to a total of six (6) strikes on the hindquarters of the horse. It also permits an unlimited number of "taps" to the shoulders with such "taps" being defined as use of the crop in the uncocked position while both hands are holding the reins and with the hands in contact with the horse's neck. It is unclear from the plain language of the HISA riding crop rule whether use of the riding crop in the uncocked position to strike the horse on the shoulder would count as one (1) of the six (6) strikes permitted. To further add to the Stewards confusion, on two separate occasions in July 2022, HISA attempted to clarify the rule to include strikes to the shoulder to the total number of permitted strikes (which were introduced at the hearing as JP Exhibits 7 & 8) and may have further confused the Stewards it intended to assist by including contradictory and inconsistent language attempting to clarify a rule that needed to be formally amended to address the issue.

Mr. Fontenot, the presiding New Mexico State Steward admitted on cross examination in this case, that the rule does not directly address how the Stewards were to treat such strikes to the shoulder. Nevertheless, in his testimony Mr. Fontenot made it clear that it was his steadfast opinion that the distinction did not matter to the Stewards; it was his factual conclusion, shared by the other Stewards, that Mr. Ceballos struck Sheriff Brown eleven (11) times on the hindquarters. If any reasonable person views the poor-quality video available, this conclusion by the Stewards should call into question the level of care in their assessment of the video and their



ability to properly evaluate jockeys' use of the riding crop. When challenged on cross examination, Mr. Fontenot doubled down and emphasized it was as easy as counting to eleven (11). Clearly, Mr. Ceballos did not hit the horse eleven (11) times on the hindquarters. Mr. Fontenot testified that the Stewards replayed the video several times and counted the strikes and agreed that eleven (11) was the total number of strikes, five (5) over the limit which required the disqualification of the horse and redistribution of the purse.

That conclusion is clearly contrary to what the poor-quality video and the other evidence presented by Mr. Peacock at the Hearing demonstrates. It calls into question the credibility of Mr. Fontenot's testimony and the seriousness with which he and the other Stewards performed one of their primary responsibilities, *i.e.* having an acute awareness and understanding of the rules of racing, observing, and investigating the facts occurring during the running of a race, then interpreting and applying the rules of racing to the facts observed to reach a fair and equitable decision about possible rule infractions.

Although it may appear that during the stretch run of the race in question Mr. Ceballos raised his arm and moved his riding crop in a motion that resulted in the striking of his mount, his testimony that a) he only actually struck the horse three (3) or four (4) times, b) that the other movements that appeared to be strikes were actually permitted uses as a "wave" or "show" of the riding crop "without physically contacting the horse," (HISA 2280 (b)(3); JP Exhibit 4) and, c) that no other actual striking contact with the riding crop took place during the stretch run of the race. Upon further questioning, Mr. Ceballos clarified that there may have been incidental brushing of the shoulder with the riding crop during the stretch run of the race, but no additional strikes. Apparently, the Stewards did not elicit this testimony at Mr. Ceballos hearing (although contrary to the HISA Rule 8320 (a) and NMAC 15.2.1.9 (B)(6)(d), there is no tape recording or transcript to establish what testimony was elicited at Mr. Ceballos Stewards' hearing) and if it was, as Mr. Fontenot's dismissive conclusions about the absence of any safety issue in his testimony before the Board demonstrate, the Stewards did not give that testimony any weight in making their decision.

Mr. Fincher, who rode several thousand races as a professional jockey, testified that the use of the riding crop by Mr. Ceballos was not offensive to any of the HISA rules, either based on the number of strikes or their location. Mr. Fincher testified there were three (3) or four (4) strikes to the hip (one right-handed and up to three (3) left-handed) and an indeterminable number to the shoulder (due to the poor quality of the video.) He went on to say that even if contact was made to the shoulder with riding crop, that use was intended to keep the horse straight, to keep it from further lugging in (he testified that the horse entered the stretch in the widest of all horses and finished next to the second place horse in the three (3) path,) and would therefore not count against the total of six (6) strikes as the strikes to the shoulder qualified as exceptions for the safety of the horses and riders under HISA Rule 2282 (a). Mr. Fincher testified that there are two primary reasons to strike a horse, one is to motivate or encourage best effort and those strikes are on the hindquarters. The second reason a jockey uses the riding crop is to guide the horse while continuing to ride forwardly in a manner to encourage the horse, rather than taking a hold of the horse and guiding with the reins, which might result in the horse slowing down. Those strikes to guide a horse, he explained, take place on the shoulder on the side of the horse to which the horse is drifting or lugging in. In this case that would be to the left shoulder as can be seen from the video head-on.

Mr. Fincher also noted that in Sheriff Brown's previous race on September 3, 2022, Mr. Ceballos had the whip in his right hand as he passed the eventual winner in the stretch and was unable to use the riding crop in his left hand to stop the horse from lugging in. Consequently, Mr. Ceballos had to take hold of the right rein to guide him away from the other horses as he lugged in during the stretch run, slowing Sheriff Brown's momentum and costing him the race. That mistake, Mr. Fincher testified, was not repeated in the subject race as Mr. Ceballos switched the riding crop into his left hand as he straightened the Horse for the stretch drive and was able to use the crop to guide the horse and keep him from lugging in and possibly endangering other horses and riders. As Mr. Ceballos testimony establishes and the videos demonstrate, it would be reasonable to conclude that Mr. Ceballos, knowing that he was restricted to a maximum of six (6) strikes during the race, struck the horse only three (3) or four (4)

times to the hindquarters and otherwise waved or showed the stick to the horse in a manner consistent with keeping the horse straight to ensure the safety of the horse and the other riders in the race.

Mr. Fincher and the Stewards watched the same video and came to different conclusions. None of the Stewards had any experience as a professional rider; Mr. Fincher rode thousands of races (close to 6,500 according to Equibase statistics for sanctioned Thoroughbred (4137) and Quarter Horse (2354) races ridden.) It is clear from Mr. Fontenot's dismissive testimony that the Stewards, without equivocation or thorough investigation, without first questioning Mr. Ceballos or Mr. Fincher, without first consulting with a HISA Steward and without considering any of the exceptions to the counting of strikes, hastily determined that a HISA riding crop rule violation had occurred during the race in question. It is obvious that the Stewards, represented by Mr. Fontenot, had already made up their minds that a HISA riding crop infraction had taken place before they met with Mr. Ceballos, Mr. Fincher, and Mr. Peacock. In what Mr. Fontenot called a "hearing" of the matter, and the Stewards informed each of them that a rule violation had taken place because the Stewards had counted eleven (11) strikes, and that, as much as they disliked having to do so, Sheriff Brown was going to be disqualified and the purse of \$108,000 redistributed.

That legal conclusions (violation and penalty) were presented to each of the parties as the Stewards pre-judged finding after their review of the videos. (See factual findings in the Notice of Hearing issued to Mr. Peacock, JP Exhibit 3.) With each of the parties faced with the imposition of the HISA riding crop rules by the Stewards for the first time to disqualify a horse and redistribute a substantial purse, the Stewards presented their determination of the facts and the penalty as a foregone conclusion, with little room for dispute or discussion. The parties were simply told that if they did not like the Stewards' decision, they could appeal it. As Mr. Fontenot testified, the Stewards, when faced with an unpleasant and complicated situation, intended to move this case beyond their sphere and let the HISA Appeal Board sort out the proper application of the new riding crop rules.

Mr. Peacock's chart, (JP Exhibit 12) prepared after hours of viewing, carefully describes each of what appear to be the strikes to Sheriff Brown counted by the Stewards during the race. Each strike is noted with the elapsed time noted as appears on the head-on view of the video. In reviewing the videos, the first question Mr. Peacock considered was whether the riding crop actually contacted the horse each time the jockey made a motion to encourage or guide the horse. Mr. Peacock's conclusions are also set forth on the chart in a separate column and posit that the videos confirmed three (3) definite strikes to the hip, and possibly as many as four (4) strikes to the shoulder. Mr. Peacock refers to observations of the jockey's movements suggesting that what appear to be strikes, upon careful examination of the same stages of the race on the video pan shots, show with greater clarity the location of the jockey's arm and the placement of the whip. Mr. Peacock was able to conclude based upon these careful observations, that these motions by Mr. Ceballos are waves of the riding crop, not strikes, and supports that conclusion by his observation that the jockey displays a different arm angle and no passage of the crop behind the jockey's body as distinguishing the motion associated with strikes and waves. This level of analysis was sadly lacking by the Stewards lacking experience with a new and confusing rule which appears to have been above their pay grade to interpret.

There are no such factual investigations or detailed findings by the Stewards. There should be. In fact, there are no such findings other than the total number of strikes over the limit (5) in the ruling issued to Mr. Ceballos (JP Exhibit 1) and no mention whatsoever in the ruling issued to Mr. Peacock (JP Exhibit 2). The only factual basis mentioned in Mr. Peacock's ruling is a reference to a rule violation by Mr. Ceballos (a legal conclusion) and to the wrong rule, HISA Rule 2282 (a), the penalty provision, not the actual HISA Rule 2280 (b)(1) alleged to have been violated, *i.e.* the six (6) strike maximum rule.) Mr. Peacock and Mr. Ceballos deserve better, and the general rule of administrative law requires that the factual basis (findings of fact, conclusions of law) to be made and included in Stewards' rulings to provide the underlying basis for their legal conclusions. The Stewards in this case are required to complete a form as set forth in NMAC 15.2.1.9 (B)(7)(b) including this information. This they failed to do.

It is the clear intention of the HISA riding crop rules 2280 and 2282 to be read in conjunction. To properly enforce these rules the Stewards would need to undertake a much more careful investigation of the facts and application of the rules. It is not just a quick and perfunctory counting of what appeared to be strikes to the hip and shoulder of the horse, but also an assessment of each of the jockey's arm movements appearing to be a hit, to distinguish if it was a permitted "Show or wave" of the crop (HISA 2280 (b)(3)) (as specifically set forth on Mr. Ceballos' appeal form) or a permitted use of the crop to, "preserve the safety of Horses and riders;" (HISA 2280 (b)(3)). If the Stewards identified more than six (6) strikes (as opposed to showing or waving the stick or taps to the shoulder, all permitted uses of the crop) then the first step in HISA 2282 (a) would have to be considered. Any exceptions to the counting of strikes (for the safety of the horses and riders) would reduce the total number of strikes accordingly, *before the assessment of the proper classification of penalty could be determined.*

Thus, The Downs at Albuquerque Stewards failed to do their analysis of potential riding crop infractions in race six on September 24, 2022. They never asked Mr. Ceballos or Mr. Fincher if the obvious lugging by Sheriff Brown was characteristic of his behavior or if any of the strikes were intended to keep the Horse straight. Mr. Fontenot, acting on behalf of the Stewards, never asked Mr. Ceballos if he had any concern for the safety of the horses or riders in the race, or for his own safety, because his horse was lugging in. Mr. Fontenot admitted in his testimony that he observed the horse enter the stretch the widest of all and finished the race in the three path, but never asked the rider about it, never asked where he struck the horse or if he struck the horse because of safety concerns. Mr. Fontenot simply concluded, as he testified, that there was not a safety issue, so he did not inquire about it.<sup>1</sup>

### **CONCLUSION:**

The standard of review in this case is set forth in HISA Rule 8350 (f) and permits the HISA Board hearing this case to uphold the Stewards' decision, "unless it is clearly erroneous or not supported by the evidence or applicable law." The Stewards decision in this case was not supported by a preponderance of the credible evidence and was inconsistent with the applicable HISA rules. It was, therefore, clearly erroneous.

In this case, as Mr. Fontenot's testimony made abundantly clear, the Stewards, after receiving phone calls from jockey agents for other riders, simply reviewed the poor-quality videos of the subject race in a very perfunctory manner, counted what appeared to be strikes, and hastily concluded there were eleven (11), a violation of HISA 2280 (b)(1). They then applied the penalty provisions of HISA 2282 (a)(2) without first interviewing the Jockey to determine why the riding crop was used by him (to prevent the horse from further lugging in and causing a safety issue for other horses and riders) and without considering the possible exceptions permitted is undertaken to "preserve the safety of horse and riders." (HISA 2280 (b)(4).)

The Stewards then presented their findings to Mr. Ceballos, Mr. Fincher, and Mr. Peacock at their hearings and, instead of making a fair inquiry into what motivated Mr. Ceballos to use his riding crop as he did, informed the parties that if they did not like the Stewards Ruling, they could appeal it. The Stewards apologetically told Mr. Ceballos and Mr. Peacock that they were required to make that ruling because of the "5 strikes in excess of the limit." That was the only factual basis for the Stewards decision provided as was set forth in Mr. Ceballos ruling handed to him shortly after his hearing.

Making a diligent effort to understand and apply the new and confusing HISA Riding Crop Rule was clearly beyond what the Stewards were willing to do. As Mr. Fontenot admitted in his testimony, the Stewards primary goal was to dispose of the case as soon as possible and move forward.

Even if the Jockey struck the horse eleven (11) times, which Mr. Peacock and Mr. Ceballos dispute, (and offer their testimony as well as Mr. Fincher's experienced opinions to rebut,) at least two (2), and possibly more, of

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<sup>1</sup> There is evidence in the record at the Hearing of this matter before the HISA Board about what was said at the Stewards' hearings of this matter that is contradictory without any means to resolve it since none of the Stewards' hearings were recorded or transcribed as is required by HISA Rule 8320(a) and NMAC 15.2.1.9 (B)(6)(d). That leaves the Board with a credibility issue that would not exist had there been the required tape recording or transcript of the sworn testimony.

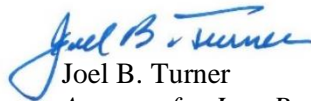
what appear on the head-on video to be five (5) strikes to the left shoulder of the horse (with the riding crop in the jockey's the left hand) occurring between the eighth pole and the finish line, were to keep the horse from further lugging in and ensure the safety of the horses and riders in the race as the rules expressly permit. Strikes such as these are exceptions for the purpose of calculating any penalty, if one is appropriate under the HISA riding crop rules.

The elimination of any two of those apparent strikes to the shoulder reduces the penalty from a Class 2 violation to a Class 3 violation and does not require the disqualification of the horse and the redistribution of the \$108,000 winner's share of the purse. Mr. Peacock contends that at least two of those strikes should not be counted and that he should not be subject to the harsh penalty assessed by the Stewards in this case because it was based upon a rigid and one-dimensional interpretation of the HISA Riding crop rule and unreliable finding of facts by the Stewards.

As set forth above, the Stewards prejudged the case, misapplied the HISA rules 2280 and 2282, failed to properly investigate and identify the number of actual strikes, failed to consider the exceptions to the number of strikes to be counted and improperly disqualified Sheriff Brown. The disqualification and redistribution of the \$108,000 purse earned by Joey Peacock, as well as the fine and suspension of Mr. Ceballos, were improper and were undertaken by the Stewards in a manner contrary to the preponderance of the credible evidence adduced at the hearing of this matter before the Stewards and this Board and contrary to how the HISA Riding Crop Rule was intended to be applied. Therefore, the Stewards ruling was clearly erroneous and was prejudicial to both Mr. Ceballos and Mr. Peacock.

Mr. Peacock and Mr. Ceballos respectfully request that the Board find that the Stewards Ruling was contrary to the proper and intended application of the HISA Riding Crop Rule, was clearly erroneous, reject the Stewards Rulings against Mr. Ceballos and Mr. Peacock and find that there were exceptions to the limit on strikes that would take the total number of strikes below the threshold of six permitted strikes -- resulting in no violation of the HISA Riding Crop Rule.

Respectfully submitted,



Joel B. Turner

*Attorney for Joey Peacock and Oscar Ceballos*



# HORSERACING INTEGRITY AND SAFETY AUTHORITY

## STEWARDS RULING

This form is to be used in cases involving violations of the following rules:

Rules 2271(b) and 2272 (shockwave therapy), 2273 (electrical device), and 2280 (riding crop)

<b>ISSUED TO:</b>		
Name: Oscar Ceballos	HISA ID: P-000-017-429	
<b>FORMS</b>		
<p>The stewards may opt to <b>either</b>:</p> <p>Use any applicable state “stewards ruling” form; attach this form to the state form with only the name and HISA ID filled in above; and issue both forms to the person charged with a violation; <b>or</b></p> <p>Complete this HISA Stewards Ruling form in full, and issue this form to the person charged with a violation</p>		
<b>VIOLATION INFORMATION</b>		
HISA Rule Number Violated and Description of Violation: 2280 Use of Riding Crop/2282 Riding Crop Violation and Penalties – Class 2 Violation		
Violation Date: 9/24/2022	Violation Location: ALB	Race (if applicable): 6th
Statement of Factual Basis for Ruling: 5 Strikes over the Limit		
<b>RULING</b>		
Fine \$2,160.00 (20% purse)- and 3-Day Suspension (Taking October 4 <sup>th</sup> , 5 <sup>th</sup> and 8 <sup>th</sup> , 2022) – 5 Points		
<b>APPEAL INFORMATION</b>		
Any Stewards ruling finding a violation may be appealed to the HISA Board pursuant to Rules 8320(a) and/or 8350 by filing a written request for appeal with the Board within 10 days of the issuance of the Stewards ruling. Rule 8350 specifies the requirements that must be included in the written request for appeal. An appeal to the Board will not automatically stay the Stewards Ruling. A stay must be requested and the Board shall order a stay for good cause shown.		

By:	Date: 8-25-22
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H.911 -  
P.000-017-429

### NEW MEXICO STATE RACING COMMISSION

### JOCKEY'S INFRACTION FORM

JOCKEY NAME: O. Ceballos NUMBER OF RACE: 6

DATE OF RACE: 9-24-22 TRACK: alb

YOU ARE TO REPORT TO THE STEWARDS ON Sun AT 10 AM/PM  
FOR THE FOLLOWING INFRACTION:

- RIDING INFRACTION
- FAILURE TO MAKE ASSIGNED WEIGHT
- FAILURE TO REPORT WITH THE CORRECT WEIGHT
- LATE TO PADDOCK
- NO SHOW
- LATE TO REPORT TO CLERK
- MISUSE OF WHIP
- CONDUCT
- OTHER: \_\_\_\_\_

You may have a representative accompany you. In addition, if you are unable to be present, a representative may attend in your place.

I will be unable to attend and wish to be represented by: \_\_\_\_\_  
Name of Representative (Print)

\_\_\_\_\_  
Signature of Representative

**BY SIGNING BELOW, YOU ACKNOWLEDGE THAT YOU HAVE RECEIVED, UNDERSTAND, AND ACCEPT THIS FORM. SIGNING THIS FORM IS ALSO NOT AN ADMISSION OF GUILT, JUST RECOGNITION OF RECEIPT.**

\_\_\_\_\_  
Signature of Jockey

\_\_\_\_\_  
Date

Arnulfo Araiza  
Clerk of Scales, Steward, or other Witness

9-24-22  
Date



## New Mexico Racing Commission

4900 Alameda NE  
Albuquerque, NM 87113

Ruling #: 2022-DAA-52  
Track Downs at Albuquerque  
Ruling Date: 9/25/2022

Licensee: PEACOCK JR., JOSEPH R

License Type: 2022 1 Year Owner      Applicant Id: 161821  
License Number: 303768

Ruling # 2022-DAA-52

Action Type: Initial Ruling

Ruling:

Covered Owner, **Peacock Family Holdings, L.P. (Joseph Peacock Jr. HISA ID # P 000-001-867)**, owner of the horse "**Sheriff Brown**", was properly noticed, and appeared telephonically before the Downs at Albuquerque Board of Steward's on September 25, 2022, in regards to a violation of HISA rule 2282 (a) (2) by jockey, Oscar Ceballos while aboard "**Sheriff Brown**" in the 6th race at the Downs at Albuquerque on September 24, 2022.

1. For this violation, the horse "**Sheriff Brown**" is hereby disqualified from 1st place and ordered unplaced from the 6th race on September 24th, 2022, at The Downs at Albuquerque Racetrack for all but parimutuel wagering purposes.

The purse redistribution for the 6th race on September 24, 2022, is as follows:

5 MINE THAT STAR

7 FLEETRIDGE

1 GODDARD

10 TARTINI

6 ZESTFUL

9 ASTRONOMICAL

4 RAISEBEFORETHEFLOP

11 SLY

2 OFFSHORE AFFAIR

UNPLACED: "8 SHERIFF BROWN"

***Licensee is found to be in violation of:***

**2282. Riding Crop Violations and Penalties**

***This ruling is written in accordance with HISA Rules and Regulations:***

(a) Violations of Rule 2280 shall be categorized as follows, with the exception that use of the crop for the

safety of Horse and rider shall not count toward the total crop uses:

(1) Class 3 Violation—1 to 3 strikes over the limit.

(2) Class 2 Violation—4 to 9 strikes over the limit.

(3) Class 1 Violation—10 or more strikes over the limit.

(b) Unless the stewards determine the merits of an individual case warrant consideration of an aggravating or mitigating factor, the penalties for violations are as follows:

(1) Class 3 Violation—

(i) \$250 or 10% of Jockey's portion of the purse, whichever is greater;

(ii) Minimum 1-day suspension for the Jockey; and

(iii) 3 points;



New Mexico Racing Commission

4900 Alameda NE  
Albuquerque, NM 87113

Ruling #: 2022-DAA-52  
Track Downs at Albuquerque  
Ruling Date: 9/25/2022

Licensee: PEACOCK JR., JOSEPH R

License Type: 2022 1 Year Owner      Applicant Id: 161821  
License Number: 303768

(2) Class 2 Violation—

- (i) \$500 or 20% of Jockey's portion of the purse, whichever is greater;
- (ii) Horse disqualified from purse earnings,
- (iii) Minimum 3-day suspension for the Jockey; and
- (iv) 5 points;

(3) Class 1 Violation—

- (i) \$750 fine or 30% of Jockey's portion of the purse, whichever is greater,
- (ii) Horse disqualified from purse earnings,
- (iii) Minimum 5-day suspension for the Jockey;
- (iv) 10 points.


Any Stewards ruling finding a violation may be appealed to the HISA Board pursuant to Rules 8320(a) and/or 8350 by filing a written request for appeal with the Board within 10 days of the issuance of the Stewards ruling. Rule 8350 specifies the requirements that must be included in the written request for appeal. An appeal to the Board will not automatically stay the Stewards ruling. A stay must be requested, and the Board shall order a stay for good cause shown.

By Order of The Downs at Albuquerque Stewards



# NOTICE OF STEWARDS HEARING

This form is to be used in cases referred by the HISA Board or Racetrack Safety Committee to the Stewards for hearing and ruling under Rules 8320(b)(3) and 8330(c)

<b>HISA Action Num:</b>		<b>Violation Date: 09/24/2022</b>	
<b>State Tracking Number:</b>			
<b>Track Name: ALB</b>		<b>Track HISA ID: L000000022</b>	
<b>Issued By:</b>		<b>Issued To:</b>	
HISA ID: P-000-000-196		HISA ID: P-000-001-867	
Name: Larry L Fontenot Jr		Name: Joseph Peacock Jr	
<b>FORMS:</b>			
The stewards may opt to either: <input type="checkbox"/> Complete this HISA Notice of Stewards Hearing form in full, and issue this form to the person charged with a violation or <input type="checkbox"/> Use any applicable state "notice of stewards hearing" form; attach this HISA Notice of Stewards Hearing form to the state form, with only the name and HISA ID of the steward and person charged filled in above; and issue both forms to the person charged with a violation;			
<b>VIOLATION INFORMATION</b>			
<b>Violated Rule Number and Description:</b>			
If Applicable...			
Race: 6th      Horse Name: SHERIFF BROWN      Horse HISA ID: H-000-004-364			
<b>Statement of Factual Basis:</b>			
Covered Owner, Peacock Family Holdings, L.P. (Joseph Peacock Jr. HISA ID # P 000-001-867), owner of the horse "Sheriff Brown", was properly noticed, and appeared telephonically before the Downs at Albuquerque Board of Stewards on September 25, 2022, regarding a violation of HISA rule 2282 (a) (2) by jockey, Oscar Ceballos while aboard "Sheriff Brown" in the 6th race at the Downs at Albuquerque on September 24, 2022. Having striking the horse 11 times 5 strikes over the limit.			
<b>HEARING INFORMATION</b>			
The hearing will be held on <u>9-25-22</u> at <u>10:00 AM</u> and conducted by <u>Larry Fontenot Jr - Connie Estes - Liz Garcia</u> .			
Steward Signature			
			

## JP Exhibit 4

### 2280. Use of Riding Crop

(a) A Jockey or exercise rider who uses a crop during a Race or Workout shall do so only in a professional manner consistent with maintaining focus and concentration of the Horse for safety of Horses and riders, or for encouragement to achieve optimal performance.

(b) A rider may:

(1) Use the crop on the hindquarters to activate and focus the Horse a maximum of 6 times during a race. The 6 permitted uses shall be in increments of 2 or fewer strikes. The rider must allow at least 2 strides for the Horse to respond before using the crop again.

(2) Tap the Horse on the shoulder with the crop while both hands are holding on to the reins and both hands are touching the neck of the Horse.

(3) Show or wave the crop to the Horse without physically contacting the Horse. (4) Use the crop to preserve the safety of Horses and riders.

(c) A rider may not:

(1) Raise the crop with the rider's wrist above the rider's helmet when using the crop;

(2) Injure the Horse with the crop or leave any physical marks, such as welts, bruises, or lacerations;

(3) Use the crop on any part of the Horse's body other than the shoulders or hindquarters;

(4) Use the crop during the post parade or after the finish of the race other than to avoid a dangerous situation or preserve the safety of Horses and riders;

(5) Use the crop if the Horse has obtained its maximum placing;

(6) Use the crop persistently even though the Horse is showing no response;

(7) Use a crop on a 2-year-old Horse in races before April 1 of each year other than to avoid a dangerous situation or preserve the safety of Horses and riders; or

(8) Strike another Horse or person with the crop.

(d) In any Race in which a Jockey will ride without a crop, that fact shall be declared at entry, included in the official program, and an announcement of that fact shall be made over the public address system.

## 2282. Riding Crop Violations and Penalties

(a) Violations of Rule 2280 shall be categorized as follows, with the exception that use of the crop for the safety of Horse and rider shall not count toward the total crop uses:

- (1) Class 3 Violation—1 to 3 strikes over the limit.
- (2) Class 2 Violation—4 to 9 strikes over the limit.
- (3) Class 1 Violation—10 or more strikes over the limit.

(b) Unless the stewards determine the merits of an individual case warrant consideration of an aggravating or mitigating factor, the penalties for violations are as follows:

(1) Class 3 Violation—

- (i) \$250 or 10% of Jockey's portion of the purse, whichever is greater;
- (ii) Minimum 1-day suspension for the Jockey; and
- (iii) 3 points;

(2) Class 2 Violation—

- (i) \$500 or 20% of Jockey's portion of the purse, whichever is greater;
- (ii) Horse disqualified from purse earnings,
- (iii) Minimum 3-day suspension for the Jockey; and
- (iv) 5 points;

(3) Class 1 Violation—

- (i) \$750 fine or 30% of Jockey's portion of the purse, whichever is greater,
- (ii) Horse disqualified from purse earnings,
- (iii) Minimum 5-day suspension for the Jockey;
- (iv) 10 points.



# HORSERACING INTEGRITY AND SAFETY AUTHORITY

## STEWARDS RULING

This form is to be used in cases involving violations of the following rules:

Rules 2271(b) and 2272 (shockwave therapy), 2273 (electrical device), and 2280 (riding crop)

<b>ISSUED TO:</b>		
Name: Oscar Ceballos	HISA ID: P-000-017-429	
<b>FORMS</b>		
<p>The stewards may opt to <b>either</b>:</p> <p>Use any applicable state “stewards ruling” form; attach this form to the state form with only the name and HISA ID filled in above; and issue both forms to the person charged with a violation; <b>or</b></p> <p>Complete this HISA Stewards Ruling form in full, and issue this form to the person charged with a violation</p>		
<b>VIOLATION INFORMATION</b>		
HISA Rule Number Violated and Description of Violation: 2280 Use of Riding Crop/2282 Riding Crop Violation and Penalties – Class 2 Violation		
Violation Date: 9/24/2022	Violation Location: ALB	Race (if applicable): 6th
Statement of Factual Basis for Ruling: 5 Strikes over the Limit		
<b>RULING</b>		
Fine \$2,160.00 (20% purse)- and 3-Day Suspension (Taking October 4 <sup>th</sup> , 5 <sup>th</sup> and 8 <sup>th</sup> , 2022) – 5 Points		
<b>APPEAL INFORMATION</b>		
Any Stewards ruling finding a violation may be appealed to the HISA Board pursuant to Rules 8320(a) and/or 8350 by filing a written request for appeal with the Board within 10 days of the issuance of the Stewards ruling. Rule 8350 specifies the requirements that must be included in the written request for appeal. An appeal to the Board will not automatically stay the Stewards Ruling. A stay must be requested and the Board shall order a stay for good cause shown.		

By:	Date: 8-25-22
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H.911 -  
P.000-017-429

### NEW MEXICO STATE RACING COMMISSION

### JOCKEY'S INFRACTION FORM

JOCKEY NAME: O. Ceballos NUMBER OF RACE: 6

DATE OF RACE: 9-24-22 TRACK: alb

YOU ARE TO REPORT TO THE STEWARDS ON Sun AT 10 AM/PM  
FOR THE FOLLOWING INFRACTION:

- RIDING INFRACTION
- FAILURE TO MAKE ASSIGNED WEIGHT
- FAILURE TO REPORT WITH THE CORRECT WEIGHT
- LATE TO PADDOCK
- NO SHOW
- LATE TO REPORT TO CLERK
- MISUSE OF WHIP
- CONDUCT
- OTHER: \_\_\_\_\_

You may have a representative accompany you. In addition, if you are unable to be present, a representative may attend in your place.

I will be unable to attend and wish to be represented by: \_\_\_\_\_  
Name of Representative (Print)

\_\_\_\_\_  
Signature of Representative

**BY SIGNING BELOW, YOU ACKNOWLEDGE THAT YOU HAVE RECEIVED, UNDERSTAND, AND ACCEPT THIS FORM. SIGNING THIS FORM IS ALSO NOT AN ADMISSION OF GUILT, JUST RECOGNITION OF RECEIPT.**

\_\_\_\_\_  
Signature of Jockey

\_\_\_\_\_  
Date

Arnulfo Araiza  
Clerk of Scales, Steward, or other Witness

9-24-22  
Date

*We write to clarify recent questions posed by the stewards concerning the interpretation of the HISA riding crop rule.*

*There are four basic concepts to keep in mind:*

*First, the counting of the six permitted strikes is limited ONLY to strikes on the hindquarters. A strike to the shoulder or anywhere else on the horse except the hindquarters is not permitted and does NOT count toward the six permitted strikes. The rule further limits the six permitted strikes to increments of two or fewer strikes, and the rider must allow at least two strides for the horse to respond before using the crop again.*

*Second, contact by the crop to the shoulder is permitted ONLY as a TAP to the shoulder, and not as a STRIKE. If a jockey uses the crop on the shoulder while both hands are holding on to the reins and both hands are touching the neck of the horse, that use is considered a TAP.*

*Third, the jockey may also use the crop to preserve the safety of horses and riders. Use of the crop for purposes of safety is not considered a violation of the riding crop rules.*

*Fourth, other than in the three circumstances outlined above, the jockey is prohibited from using the crop on any part of the horse's body other than the shoulders or hindquarters.*

*The penalties for exceeding the number of permitted strikes on the hindquarters are set forth in Rule 2282. Rule 2282 classifies the penalties as Class 1, Class 2, and Class 3 violations, depending upon the number of strikes over the six strike limit. The Authority will be issuing official Guidance that all other violations of the riding crop rule should generally be treated, for penalty determination, as similar to Class 3 violations, subject to the stewards' determination of aggravating and mitigating factors. As examples, absent mitigating or aggravating circumstances, the Class 3 type penalties would apply to strikes other than to the hindquarters, striking the horse in increments of more than two strikes, and failure to allow at least two strides for the horse to respond before using the crop again. Under no circumstances should any riding crop violation (including Class 1 or 2 Violations) result in a change in the order of finish that alters the pari-mutuel payout. Instead, the disqualification of the horse and redistribution of purse monies occur after the Stewards have held a hearing and issued a ruling. If a horse is disqualified after finishing first in a conditioned race, the horse will maintain its previous condition.*

Clarification sent by HISA to the stewards in July 2022:

“In Covered Horse Races subject to the jurisdiction of HISA, HISA will not enforce the prohibition in Rule 2280 against striking a horse on the shoulder with the riding crop, as long as the total number of strikes to the shoulder and the hindquarters together do not exceed the 6 uses of the crop permitted by Rule 2280(b)(1).”

Summary of Race 6 at Albuquerque Downs 09/24/2022 based on both "Head On" and "Pan" Video replay analysis per JRP, JR. The ALB Stewards must count every time Oscar Ceballos moves his arm as a strike to the horse, however video does not confirm each strike. Sheriff Brown is #8, Pink Saddle Cloth.

Reply Time	Stewards Strike #	JRP Strike #	Description
1:34 / -:48	1	1 H	RH Strike to Hip
1:35 / -:47	2		RH Flag Shoulder, Vertical Arm Motion Suggests No Strike
1:40 / -:42	3		Shows Crop LH, Waves Down & Back Arm Angle Suggests No Strike
1:42 / -:40	4		Shows Crop LH, Waves Down & Back Arm Angle Suggests No Strike
1:43 / -:39	5	2 S	LH Strike to Shoulder to Stop Horse Lugging In
1:45 / -:37	6	3 S	LH Strike to Shoulder to Stop Horse Lugging In
1:46 / -:36	7		LH Waves Crop, Arm Angle Suggests No Strike
1:49 / -:33	8	4 S	LH Strike to Shoulder, STOP LUGGING See PAN
1:50 / -:32	9 & 10	5 & 6 SS	2 X LH Strike to Shoulder, STOP LUGGING See PAN
1:51 / -:31	11	7 S	LH Strike to Shoulder, STOP LUGGING See PAN



**HORSERACING INTEGRITY AND SAFETY AUTHORITY  
ACTION NO. 2022-00431**

IN RE: APPEAL OF OSCAR CEBALLOS AND JOSEPH PEACOCK

APPELLANTS

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**POST-HEARING STATEMENT OF ENFORCEMENT**

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HISA enforcement counsel submits this post-hearing statement as permitted by the Board. The issue to be addressed in these post-hearing submissions was the significance of counting strikes to the shoulder under the Rule 2280 limits.

On September 25, 2022, a ruling was issued by the Stewards at Albuquerque Downs concerning SHERIFF BROWN, a horse ridden by jockey Oscar Ceballos and owned by Joseph Peacock. The Stewards found a violation of HISA Rule 2280, Use of Riding Crop, because jockey Ceballos struck his horse more than 10 times during the running of the 6<sup>th</sup> race at the track on September 24, 2022. The ruling imposed upon Appellant Ceballos a \$2,160.00 fine, a three-day suspension from riding in a covered horserace, and 5 HISA points, and resulted in a disqualification of the horse from purse earnings due to the jockey's violation of Rule 2280.

The stewards reviewed the race video and concluded Ceballos struck the horse at least 11 times. The strikes occurred near the end of the race coming out of the turn and continued throughout the stretch. The first two strikes were by the jockey's right hand, and the remaining were with his left hand.

At the hearing on March 27, 2023, Appellants questioned the application of Rule 2280 to contact by the riding crop to the horse's shoulder. Strikes to the shoulder count for purposes of the limit under Rule 2280. In late July 2022, HISA sent clarification to the stewards informing that "In Covered Horse Races subject to the jurisdiction of HISA, HISA will not enforce the

prohibition in Rule 2280 against striking a horse on the shoulder with the riding crop, as long as the total number of strikes to the shoulder and the hindquarters together do not exceed the 6 uses of the crop permitted by Rule 2280(b)(1).” For two months before the running of this race, the application of the rule was clear: strikes on the shoulder counted toward a combined six-strike limit; and that is exactly how the Stewards applied the Rule in for this race as testified to by Steward Larry Fontenot.

This clarification was important. The text of the Rule could be interpreted as prohibiting *any single* strike to the shoulder. In fact, an earlier memorandum from HISA to the stewards said just that: no strikes to the shoulder are permissible and it was that earlier memorandum that was quoted from at the hearing by Appellants.

Consider that Rule 2280 allows the crop to be used “on the hindquarters” and to “tap the horse on the shoulder.”<sup>1</sup> Under such a reading of the Rule, no strike to the shoulder is allowed. The subsequent clarification quoted above relaxed the interpretation of the Rule that would have prohibited any single strike to the shoulder. For two months prior to this race, strikes to the shoulder were permissible but still subject to a limit of six strikes when combined with any strikes to the hindquarters.

If Appellants’ argument is true that Rule 2280 does not allow the counting of strikes to the shoulder as applying in combination with strikes to the hindquarters, then the result is Rule 2280 prohibits *any* strike to the shoulder. The better interpretation of Rule 2280 is to allow strikes to the shoulder but not an excessive amount which can be judged as already set forth in the Rule – no more than six in total and no more than two strikes in succession before allowing

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<sup>1</sup> As the Board is familiar with, to constitute a tap and not a strike, the jockey’s hands must be holding onto the reins and touching the horse’s neck.

the horse two strides to respond. But under either interpretation of Rule 2280 – HISA’s or Appellants’ – Rule 2280 was still violated by jockey Ceballos during this race.

The stewards reviewed the video of the race and counted more than 10 strikes. These strikes are noticeable on the video played at the hearing and made available to the Board. A link to the race is here: [📄 2022 9-24 Race 6 head-on view.mp4](#) and will be separately provided in the cover email to this document. At this link are two views of the race. The first video of the race is a pan view and the second view of the race is a “head-on” video. SHERIFF BROWN is in position 8 and jockey Ceballos is in blue and white silks and a pink helmet riding a pink saddle blanket. The head-on video best demonstrates the strikes which are readily viewed at the 5:45 mark on the video through the end of the race. At the hearing of this matter Steward Fontenot counted and strikes in the video.

The standard of review is set forth in Rule 8350(f): “Upon review of the decision which is the subject of the appeal, the Board shall uphold the decision unless it is clearly erroneous or not supported by the evidence or applicable law.” Nothing in the record presented to the Board meets this standard.

### **CONCLUSION**

The Board should find that the stewards ruling in this case is not clearly erroneous and is supported by the evidence and applicable law and affirm the Stewards’ ruling and the sanctions imposed upon Appellants including a \$2,160.00 fine, a three-day suspension from riding in a covered horserace, and 5 HISA points against jockey Ceballos and disqualification of the horse SHERIFF BROWN from the purse earnings in race 6 on September 24, 2022 at Albuquerque Downs.

Respectfully submitted,

/s/ Bryan Beauman

BRYAN BEAUMAN

REBECCA PRICE

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HISA ENFORCEMENT COUNSEL

### **CERTIFICATE OF SERVICE**

Undersigned enforcement counsel certifies that on April 3, 2023, this post-hearing supplement was served via email to Counsel for Appellant Joel B. Turner: [jturner@ftlaw.com](mailto:jturner@ftlaw.com).

/s/Bryan Beauman

Enforcement Attorney

**HORSERACING INTEGRITY AND SAFETY AUTHORITY  
ACTION NO. 2022-00431**

IN RE: APPEAL OF JOSEPH PEACOCK  
AND OSCAR CEBALLOS

APPELLANTS

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**DECISION ON APPEAL**

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This matter arises under the jurisdiction of the Horseracing Integrity and Safety Authority (the “Authority”) established pursuant to the Horseracing Integrity and Safety Act (the “Act) at 15 U.S.C. § 3051, *et seq.*

On September 25, 2022, a stewards ruling was issued by Stewards at Albuquerque Downs to Joseph Peacock, Jr. (“Appellant Peacock”), as owner of a Covered Horse registered as SHERIFF BROWN and to Oscar Ceballos (“Appellant Ceballos”), as jockey of SHERIFF BROWN. The ruling stated that Appellant Ceballos violated HISA Rule 2280, Use of Riding Crop, by striking SHERIFF BROWN eleven times during the running of the sixth race at Albuquerque Downs on September 24, 2022. As a result of Appellant Ceballos’ violation of Rule 2280, the Stewards imposed a fine of \$500.00, a three-day suspension from participating in a Covered Horserace, five HISA points, and disqualification of SHERIFF BROWN from any eligible purse earnings.

Pursuant to Rule 8350, Appellants Ceballos and Peacock appealed the decision to the Board of the Authority (the “Board”) for review. The standard of review for appeals to the Board is set forth in Rule 8350(f): “Upon review of the decision which is the subject of the appeal, the Board shall uphold the decision unless it is clearly erroneous or not supported by the evidence or applicable law.”

Notice of the appeal hearing was served electronically on both Appellants on March 6, 2023. In accordance with the notice, the Board convened remotely via Zoom on Monday, March 27, 2023, at approximately 10:30 a.m. EDT. Attorneys Bryan H. Beauman and Rebecca C. Price appeared as counsel for the Authority. Attorney Joel Turner appeared as counsel for the Appellants. Appellant Ceballos and Appellant Peacock appeared for the hearing and were accompanied by the trainer of SHERIFF BROWN, Todd Fincher. All parties were provided the opportunity to present testimony, evidence, and argument to the Board, and did so. The Board notes that both parties received excellent legal representation.

After hearing the evidence, the Board retired to deliberate, and then rendered its decision on the record. This was a factually difficult and well-argued case. The Board did not reach a view on how it would have decided the matter in a de novo setting. The standard of review, however, is whether the stewards ruling in this case is clearly erroneous or is not supported by the evidence and applicable law. The Board finds there was no clear error, and that the stewards' ruling was supported by evidence and applicable law, and therefore **AFFIRMS** the stewards ruling and the attendant sanctions imposed upon Appellants, including disqualification of SHERIFF BROWN from any eligible purse earnings in connection with the sixth race on September 24, 2022, at Albuquerque Downs. Appellant Ceballos shall have thirty (30) days from the date of the order to pay any fine and will serve dates of suspension to be set by the stewards at Albuquerque Downs.

This decision is the final decision of the Authority pursuant to 15 U.S.C. § 3058.

### **APPEAL RIGHTS**

Pursuant to 15 U.S.C. § 3058(b), the Appellants may appeal the civil sanction imposed by this decision to the Federal Trade Commission within 30 days of the Authority's submission to the Federal Trade Commission of notice of the civil sanction. The Authority will provide notice of

this decision to the Federal Trade Commission on the date that this decision is issued to the Appellants.

So **ORDERED** this 17th day of May, 2023.



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Charles P. Scheeler  
Chair, Board of Directors

## CERTIFICATE OF ISSUANCE

Undersigned counsel certifies that on May 17, 2023, this Decision on Appeal was issued via first class mail and email to:

Joel Turner  
[jturner@fbtlaw.com](mailto:jturner@fbtlaw.com)  
400 West Market Street, Suite 3200  
Louisville, Kentucky 40202

Bryan Beauman  
[bbeauman@sturgillturner.com](mailto:bbeauman@sturgillturner.com)  
333 West Vine Street, Suite 1500  
Lexington, Kentucky 40507

/s/ John Forgy  
John Forgy  
Counsel to HISA





HORSE RACING INTEGRITY  
AND SAFETY AUTHORITY

## STEWARDS DAILY REPORT TO HISA

<b>SUBMISSION INFORMATION</b>		
Track: ABQ	Date: 8/10/2022	Steward(s): Larry Fontenot, Liz Garcia, Reese Howard
<b>REPORT INFORMATION</b>		
The Stewards have reason to believe:		<input type="checkbox"/> No information to report
<ol style="list-style-type: none"><li>1. Oscar Ceballos committed a whip infraction in Race 2 PP 3 Smooth Blues.</li><li>2. Kelsi Purcell committed a whip infraction in Race 3 PP 1 Mr. Big Rig</li><li>3. Luis Ramon Rodriguez a whip infraction in Race 6 PP 1 Canyon Del Oro</li></ol>		
<b>ANY ADDITIONAL NOTES OR REQUESTS BY THE STEWARDS TO HISA</b>		



## STEWARDS RULING

**This form is to be used in cases involving violations of the following rules:  
Rules 2271(b) and 2272 (shockwave therapy), 2273 (electrical device), and 2280 (riding crop)**

<b>ISSUED TO:</b>		
Name: Oscar Ceballos	P000017429	
<b>FORMS</b>		
The stewards may opt to <b>either</b> : <input type="checkbox"/> Use any applicable state “stewards ruling” form; attach this form to the state form with only the name and HISA ID filled in above; and issue both forms to the person charged with a violation; <b>or</b> <input type="checkbox"/> Complete this HISA Stewards Ruling form in full, and issue this form to the person charged with a violation		
<b>VIOLATION INFORMATION</b>		
HISA Rule Number Violated and Description of Violation: 2280/2282		
Violation Date:8/10/2022	Violation Location: ABQ	Race (if applicable):2
Statement of Factual Basis for Ruling: 2 strikes over the limit.		
<b>RULING</b>		
Remit checks to: Horseracing Integrity and Safety Authority 401 W Main Street, Suite 222 Lexington, Kentucky 40507  Fine \$250- and 1-day suspension (Taking August 26 <sup>th</sup> , 2022) /3 Points		
<b>APPEAL INFORMATION</b>		
Any Stewards ruling finding a violation may be appealed to the HISA Board pursuant to Rules 8320(a) and/or 8350 by filing a written request for appeal with the Board within 10 days of the issuance of the Stewards ruling. Rule 8350 specifies the requirements that must be included in the written request for appeal. An appeal to the Board will not automatically stay the Stewards Ruling. A stay must be requested, and the Board shall order a stay for good cause shown.		

	Date:
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8/13/22 ✓

### NEW MEXICO STATE RACING COMMISSION

### JOCKEY'S INFRACTION FORM

JOCKEY NAME: Oscar Ceballos NUMBER OF RACE: 2

DATE OF RACE: 8-10-2022 TRACK: alb

YOU ARE TO REPORT TO THE STEWARDS ON Frid AT 10 AM/PM  
FOR THE FOLLOWING INFRACTION:

- RIDING INFRACTION
- FAILURE TO MAKE ASSIGNED WEIGHT
- FAILURE TO REPORT WITH THE CORRECT WEIGHT
- LATE TO PADDOCK
- NO SHOW
- LATE TO REPORT TO CLERK
- MISUSE OF WHIP
- CONDUCT
- OTHER: \_\_\_\_\_

You may have a representative accompany you. In addition, if you are unable to be present, a representative may attend in your place.

I will be unable to attend and wish to be represented by: Johnny Montes  
Name of Representative (Print)

[Signature]  
Signature of Representative


**BY SIGNING BELOW, YOU ACKNOWLEDGE THAT YOU HAVE RECEIVED, UNDERSTAND, AND ACCEPT THIS FORM. SIGNING THIS FORM IS ALSO NOT AN ADMISSION OF GUILT, JUST RECOGNITION OF RECEIPT.**

[Signature]  
Signature of Jockey

\_\_\_\_\_  
Date

Arnulfo P. Araiza  
Clerk of Scales, Steward, or other Witness

8-10-2022  
Date

		<b>UNITED STATES POSTAL SERVICE®</b>		<b>POSTAL MONEY ORDER</b>	
Serial Number	Year, Month, Day	Post Office	U.S. Dollars and Cents		
28214464320	2022-07-23	871082	<b>\$250.00</b>		
Amount		Two Hundred Fifty Dollars and 00/100 *****			
Pay to	HISA			Clerk	35
Address	Horse Raicing Integrity Safety Authority. 401W. Main street		From Address	222 L. Kentucky, 40507	
Memo	"Fine" OSCAR Ceballos Lic Jockey #3041974				
SEE REVERSE WARNING • NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS		New-Mexico.			
⑈00000800⑈		28214464320⑈			