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**STATE OF ARIZONA  
DEPARTMENT OF GAMING  
RACING DIVISION**

In the Matter of

**ELOY GERARDO NAVARRO,**  
A.D.O.R. License No. 29330,

Appellant.

Case No. 17A-014-DOR

**FINDINGS OF FACT  
CONCLUSIONS OF LAW  
AND ORDER**

This matter came on for hearing August 2, 2017, in Phoenix, Arizona. The subject of the hearing is an appeal to the Director of the Board of Stewards' decision not to disqualify horse #8 "Black Ops" for interference of Appellant's horse #6 "Volcano" in the 7<sup>th</sup> race on May 7, 2017, at the Sonoita Race Track.

Appellant was present. Testimony was provided by the State's witnesses, Greg Stiles, Steward; Juan Estrada, Steward and Scot Waterman, Steward for the Arizona Department of Gaming, Racing Division and Appellant owner of horse #6 "Volcano".

Having heard and read and considered the exhibits admitted into evidence and being fully advised in the premises, the Director submits the following:

**FINDINGS OF FACT**

1. Appellant is the holder of owner/trainer license no. 29330. In submitting and signing the license application, Appellant assented and agreed that he would strictly comply with the laws and rules of racing of the State of Arizona.

2. This matter concerns Appellant's "objection" claiming two (2) fouls, the first foul claimed involved horse #1 "Heizman B" for crossing lanes impeding other competitors and horse #8 "Black Ops" impeding Appellant's horse #6 "Volcano" during the 7<sup>th</sup> race on May 7, 2017, at the Sonoita Race Track.

3. Appellant claimed that "Heizman B" and "Black Ops" interfered with his horses in the race and requested that the Board of Stewards' review the race video to confirm his assertion.

1           4. The Board of Stewards did disqualify horse #1 "Heizman B" for interference,  
2 as "Heizman B" exited the starting gate and immediately pulled to the right bumping  
3 horse #2 and continued crossing lanes to mid-field impeding the path of horse #3 and  
4 #4 in violation of <sup>1</sup>R19-2-119(C)(7), the Board of Stewards placed "Heizman B" behind  
5 horse #2.

6           5. Appellant further claimed that horse #8 "Black Ops" exited the starting gate  
7 and pulled left crossing lanes into the path of his horse #6 "Volcano".

8           6. On May 7, 2017, immediately after the 7<sup>th</sup> race, Appellant contacted Greg  
9 Stiles, Steward and attempted to verbally file an objection, claiming interference by  
10 "Black Ops" impeding his horse #6 "Volcano".

11           7. Mr. Stiles informed Appellant that he needed to submit his objection,  
12 claiming interference in writing to the Board of Stewards.

13           8. Pursuant to A.C.C. R-19-2-117(A), objections made by an owner shall be  
14 made to the stewards, who may require that the objection be made in writing with a  
15 copy sent immediately to the Director. Additionally, A.C.C. R19-2-117(B), states every  
16 objection, unless otherwise provided, shall be made within 72 hours after the race is  
17 run and shall be determined by the stewards.

18           9. On May 10, 2017, Appellant submitted a written Notice of Appeal to the  
19 Board of Stewards asserting that the Board of Stewards failed to render a ruling  
20 against "Black Ops" for interference of his horse #6 "Volcano". Appellant also remitted  
21 Money Order deposit #: 17-547725025 in the amount of Two Hundred Dollars to cover  
22 the cost of determining his objection pursuant to A.C.C. R19-2-117(H).

23           10. As authorized by regulation, the Stewards (Greg Stiles, Juan Estrada &  
24 Scot Waterman) reviewed the video, agreed unanimously that there was no visual  
25 evidence to support Appellant's claim that horse #8 "Black Ops" interfered with  
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27  
28 <sup>1</sup> R-19-2-119.C.7, states, if a horse is ridden or drifts out of its lane in a manner that interferes with or impedes  
another horse, a foul is committed. The stewards may disqualify the horse committing the foul if the outcome of the  
race is affected by the foul.

1 Appellant's horse #6 "Volcano" during the 7<sup>th</sup> race on May 7, 2017 at the Sonoita Race  
2 Track.

3 11. The Board of Stewards reviewed the video and determined that "Black  
4 Ops" merged left from lane 8 to lane 6 in the clear and did not impede the path of  
5 "Volcano". "Heizman B" had crossed lanes to mid-field and was neck to neck with  
6 "Black Ops" in front of horse 6 "Volcano". There was a short window of opportunity for  
7 "Volcano" to enter the gap between "Black Ops" and "Heizman B", however, the jockey  
8 aboard "Volcano" pulled up and the gap closed.

9 12. On May 18, 2017, the Division mailed a letter to Appellant informing him of  
10 the Board of Stewards' review and decision.

11 13. On May 22, 2017, Appellant submitted a Notice of Appeal to the Director  
12 regarding the Board of Stewards' decision regarding Appellant's objection.

13 14. On June 1, 2017, the Racing Division mailed a Notice of Hearing to  
14 Appellant, scheduling a hearing for Wednesday, August 2, 2017, at 10:00 a.m. at the  
15 Arizona Department of Gaming located at 1110 W. Washington Street, Suite 450,  
16 Phoenix, Arizona 85007.

17 15. On August 2, 2017, a Hearing was conducted by the Director at the  
18 Department of Gaming.

### 19 **CONCLUSIONS OF LAW**

20 1. The Department has jurisdiction over the subject matter hereof and has  
21 jurisdiction over Appellant.

22 2. In accordance with Arizona Administrative Code R19-2-101(D), the Director  
23 may sustain, reverse, or modify any penalty or decision imposed by the Stewards.

24 3. This matter is within the jurisdiction of the Director of the Department of  
25 Gaming, Racing Division pursuant to A.R.S. § 5-101 *et seq.* and the regulations  
26 promulgated there under.

27 4. The Stewards regulate the conduct of persons attending or participating in  
28 racing meetings pursuant to Arizona Administrative Code R19-2-121(E)(3)(d).

1 **DIRECTOR'S ORDER**

2 Based on the testimony provided, evidence submitted and reviewed, the  
3 Director agrees with the Board of Stewards' decision that there was no visual evidence  
4 to support Appellant's claim that horse #8 "Black Ops" interfered with Appellant's horse  
5 #6 "Volcano" during the 7<sup>th</sup> race on May 7, 2017 at the Sonoita Race Track.

6 **It is hereby ORDERED**, the Stewards' decision stands and Appellant's Appeal  
7 is dismissed.

8 **It is further ORDERED** that Appellant's Money Order deposit in the amount of  
9 Two Hundred Dollars is hereby forfeited pursuant to A.C.C. R-19-117(H), as  
10 Appellant's objection lacked foundation and failed to introduce sufficient evidence to  
11 support his objection.

12 **It is further ORDERED** that the Sonoita Race Track Bookkeeper release the  
13 winnings and distribute the winnings in the following manner:

14 Winner: 1<sup>st</sup> Place – Black Ops                      2<sup>nd</sup> Place – Lt Manup  
15                      3<sup>rd</sup> Place – Shenanigans Regard      4<sup>th</sup> Place – Heizman B  
16                      5<sup>th</sup> Place – Jessa Music Player      6<sup>th</sup> Place – Laprieta Linda 2014  
17                      7<sup>th</sup> Place – Lovyrboy                      8<sup>th</sup> Place – Volcano

18 Appellant is advised that any party in a contested case who is aggrieved by the  
19 Director's decision has the two following options:

20 **1. Motion for Rehearing or Review:** Appellant may file a Motion for  
21 Review or Rehearing with the Director under A.A.C. R19-2-123(G). The Motion must  
22 be filed within **30 days** after service of the Director's decision, must be captioned  
23 "Motion for Review or Rehearing", and must set forth the specific grounds set forth in  
24 A.A.C. R19-2-123(G)(3) upon which the Motion is based.

25 **2. Appeal to Racing Commission:** Appellant may appeal the decision of  
26 the Director to the Racing Commission under A.A.C. R19-2-124(A). You must caption  
27 it "Notice of Appeal to Commission", file it within 30 days after service of the Director's  
28

1 decision, and set forth reasons why the Commission should reverse, modify or order  
2 other proceedings in the matter.

3 **Note:** Any document filed within 30 days after service of the Director's decision  
4 that contains the word "appeal" or "Commission" will be automatically treated as a  
5 Notice of Appeal to the Commission.

6 Please be advised that your failure to file either a Motion for Review or  
7 Rehearing or a Notice of Appeal, within the specified time-frames, will result in the  
8 Director's Order becoming final and no further administrative or judicial review will be  
9 available.

10 DATED this 25 day of August, 2017.

11   
12 Rudy J. Casillas  
13 Racing Division Director

14 A copy of the foregoing Findings of Fact, Conclusions of Law and Order served by  
15 EMAIL or FIRST CLASS MAIL this 25<sup>th</sup> day of August, 2017 upon:

16 Eloy Gerado Navarro  
17 ELOYGNAVARRO71@GMAIL.COM  
18 (Owner of Shenanigans Regard,  
19 Jessa Music Player, and  
20 Volcano)

21 Havid Gerardo Canez  
22 HCDYNAMIC2@HOTMAIL.COM  
23 (Owner of Heizman B)

24 Flor Estifania Preciado  
25 FLORP@EMAIL.ARIZONA.EDU  
26 (Owner of Lovyrboy)

27 Jessica De Santiago  
28 JESSICADESANTIAGO27@GMAIL.COM  
(Owner of Lt Manup)

Jorge L. Preciado Nunez  
55 Chula Vista Ln  
Nogales, AZ 85621  
(Owner of Loprieta Linda 2014)

Cynthia L. Rodriguez  
CYNLRODRIGUEZ@YAHOO.COM  
(Owner of Black Ops)

1 A copy HAND-DELIVERED to:

2 Deanie Reh  
3 Assistant Attorney General  
4 15 S. 15th Ave.  
5 Phoenix, AZ 85007

6 Sonoita Board of Stewards  
7 Enforcement & Compliance, A.D.G. Racing Division

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