



## 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: 9-25-22
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PUBLIC

✓  
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

**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  
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400 West Market Street, Suite 3200  
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/s/ John Forgy  
John Forgy  
Counsel to HISA



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