

MEMBER
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November 17, 2020

Scott Chaney, Esq.
Executive Director
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, California 95825

SENT VIA EMAIL: (cschaney@chrb.ca.gov)

Dear Executive Director Chaney:

Please accept this letter as a formal complaint filed on behalf of owner Patrick Guthrie seeking the intervention of the California Horse Racing Board as a result of being denied entry into the 2020 Champion of Champions race by Edward Allred who has violated and/or abrogated multiple rules by engaging in misconduct or improper activities the effect of which is to restrict competition in races in which Allred has a competitive interest.

Background

The 2020 Champion of Champions is a race with a \$600,000 purse scheduled to be run at Los Alamitos Race Course on December 12, 2020. The race has a format in which horses earn berths by winning major stakes through the year, with additional berths available through time trials. Among the races in which a horse can earn a berth in the 2020 Champion of Champions is the Bank of America Challenge run at the Downs at Albuquerque. Danjer, a horse owned in part by Mr. Guthrie, won the Bank of America Challenge Championship Handicap on October 24, 2020. As per the published conditions, this race was among those races which qualify the winner to compete in the 2020 Champion of Champions. (see Exhibit 1.)

In a recent posting on the Los Alamitos Race Course website titled "Road to 2020 Champion of Champions, Danjer is listed as having earned a presumptive berth into the Champion of Champions (see Exhibit 2.)

On November 13, 2020. Mr. Guthrie informed the Racing Secretary, Los Alamitos Race Course, that on behalf of the owners, that they intended to participate in the Champion of Champions. (see Exhibit 3.)

Notwithstanding the foregoing, Mr. Smith, another of Danjer's owners was informed by Allred that Danjer would not be allowed to participate in the Champion of Champions. Subsequent to that verbal communication, the owners of Danjer have made repeated inquiries into the status of Danjer in the Champion of Champions. They were recently advised that Allred's decision was final and the Danjer would not be allowed to compete in the Champion of Champions. No reason was provided.

The Complaint

The Complaint alleges that Edward Allred has a conflict of interest with at least one other participant in the Champion of Champions. Among the horses who have qualified for a berth in the Champion of Champions is the horse, Chocolatito, a horse wholly owned by Edward Allred. Edward Allred seeks unfair advantage by depriving Danjer of the earned opportunity to compete against his horse in the Champion of Champions. By denying Danjer the invitation to the Champion of Champions, which he earned based upon his performance in a qualifying race, Allred is interfering with another competing participant in a race.

The license to conduct Quarter Horse Racing at Los Alamitos Race Course was granted to Horsemen's Quarter Horse Racing Association dba Los Alamitos Quarter Horse Racing Association. Edward C. Allred is listed in the application to conduct Quarter Horse Racing at Los Alamitos Race Course as Chairman/Director of the Horsemen's Quarter Horse Racing Association. Although Allred holds a license to conduct a race meeting, such license does not provide him with the unfettered ability to restrict competition by refusing to permit an otherwise qualified horse to compete against horses owned by him. This type of interference is addressable under CHRB rule 1901 which authorizes the stewards to determine whether such conflict exists and whether the behavior of Allred constitutes interference with a competing participant.

In fact, the entire regulatory framework set forth in the CHRB Rules prohibits the kind of conduct being attempted by Allred. CHRB Rule 1436 mandates that all racing associations shall obey all laws and racing rules. CHRB Rule 1542 restricts the authority to deny or refuse entry into a race to the Stewards. CHRB Rule 1580 establishes that it is the Stewards who control the entries. CHRB Rule 1588 establishes the instances in which a horse is deemed to be ineligible to start in a race. None of the listed instances applies to Danjer. CHRB Rule 1901 grants the Stewards the authority to determine a conflict of interest with a racing participant.

Bus. & Prof. Code § 19440 grants the CHRB all powers necessary to adjudicate controversies arising for enforcement of regulations and to delegate such responsibilities to the stewards. Nothing in the law prevents the CHRB from directly addressing these issues. In that the instant matter, requires immediate intervention to prevent obvious harm with the race upcoming shortly, we ask the CHRB to directly address this matter rather than awaiting an investigation and hearing/determination by the stewards.

The exclusion of horses from participating in important races in which Allred's horses are competing is a pattern of behavior developed by Allred. Over recent years, Allred has interfered with participating competitors in major race conducted at Los Alamitos Race Course. Last year, he excluded Danjer from participating in the Super Derby and this year he has excluded Danjer's participation in the Champion of Champions. Last year, Allred's decision to deny Danjer from participating in the Super Derby was based upon an allegation that Danjer failed a pre-race hair test. Despite requests by Danjer's connections for a copy of that alleged failed test result, such evidence was never provided. At that time Danjer's connections had a hair sample collected from Danjer tested which yielded negative results.

Danjer won one of this year's qualifying race and there are no conditions which serve to exclude his participation in the 2020 Champion of Champions. Most egregiously, Allred has refused to provide any basis for the decision to exclude Danjer from this year's Champion of Champions.

In addition to the qualifying requirements, participation in the Champion of Champions requires the participating horses to be on the grounds of Los Alamitos Race Course three weeks prior to the race. Unless, Danjer is admitted to the grounds by November 21, 2020, Mr. Guthrie will not be allowed by Allred to comply with that requirement. Consequently, we ask the Board to order the admission of Danjer to the Los Alamitos stable area or to order Los Alamitos to waive that requirement or to order the postponement of the running of the Champion of Champions until such time as this complaint is resolved. Time is of the essence necessitating your most serious consideration in this matter.

Should any questions arise or persist, please contact me immediately.

Sincerely,

Darrell Vienna

Darrell Vienna

EXHIBIT 1

Champion of Champions (horse race)

The **Champion of Champions** is a stakes race annually held at Los Alamitos Race Course in Cypress, California. It is the championship race for Quarter Horses.

The field is determined by the winners of qualifying races held around the United States.^[1] The races currently are:

- Los Alamitos Winter Championship,
- Remington Park Championship,
- Vessels Maturity,
- All American Derby,
- Mildred Vessels Memorial,
- Robert L. Boniface Los Alamitos Invitational Championship,
- Los Alamitos Super Derby, and the
- Bank of America Challenge Championship.

The two fastest times in the Z. Wayne Griffin Directors Trials receive the last two berths. The winner of the Go Man Go Handicap qualifies as the first alternate if one of the qualifying race winners does not compete.^[1]

The Champion of Champion was not held in 2014 due to concerns over the widespread use of clenbuterol, a drug not permitted at Los Alamitos.^[2]

Champion of Champions

Grade 1 race

Location	Los Alamitos Race Course Cypress, California, USA
Inaugurated	1972
Race type	Quarter Horse
Race information	
Distance	440 Yards (1/4 Mile)
Surface	Dirt
Track	Straight
Qualification	3-year-olds and Up
Purse	US\$750,000

Contents

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Winners of the Champion of Champions

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References

External links

Records

Speed record:

- :20.939 - Apollitical Jess (2010)

Most wins by a jockey:

- 4 - Jerry Nicodemus (1976, 1977, 1980, 1981)
- 4 - Bruce Pilkenton (1983, 1988, 1983, 1984)

Most wins by a trainer:

- 9 - Blane Schvaneveldt (1978, 1980, 1985, 1987, 1990, 1992, 1993, 1994, 1995)

Most wins by a horse:

- 3 - Refrigerator (1992, 1993, 1994)
- 2 - Dash For Cash (1976, 1977)
- 2 - SLM Big Daddy (1997, 1998)
- 2 - Tailor Fit (1999, 2001)

Winners of the Champion of Champions

EXHIBIT 2



Road to 2020 Champion of Champions

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THE WINNERS OF THE FOLLOWING RACES HAVE EARNED PRESUMPTIVE BERTHS INTO THE FINALS OF THE 2020 CHAMPION OF CHAMPIONS

RACE	CHART DATE	WINNER
Brad McKinzie Los Alamitos Winter Championship	 February 9	Bos Time Machine
Debbie Schauf Remington Park Championship	 May 30	Dexxter
Vessels Maturity	 July 5	Chocolatito
Go Man Go Handicap	 August 30	Powerful Favorite
All American Derby	 Sept 6	Gold Heart Eagle V*
Mildred Vessels Memorial Handicap	 September 20	Curls Happy Wagon
Robert L. Boniface Los Alamitos Championship	 October 11	Chocolatito**
Bank of America Championship Challenge	 October 24	Danjer
Los Alamitos Super Derby	 November 8	Tell Cartel
Z. Wayne Griffin Directors Trials #1	 November 15	TBD
Z. Wayne Griffin Directors Trials #2	 November 15	TBD

NOTES:

In order to collect purse money a horse must actually start in the 2020 Champion of Champions. All starters receive a portion of the purse. There will be no also eligible list.

- All American Derby winner Gold Heart Eagle V has been retired. His berth reverts to the Z. Wayne Griffin Directors Trials.
- As a double qualifier, Chocolatito's Robert L. Boniface Los Alamitos Invitational Championship berth reverted to the Go Man Go Handicap.

Purse Breakdown: 1st: \$300,000 - 2nd: \$96,000 - 3rd: \$60,000 - 4th: \$42,000 - 5th: \$30,000 - 6th: \$21,000 - 7th: \$15,000 - 8th: \$12,000 - 9th: \$12,000 - 10th: \$12,000

EXHIBIT 3

Downtime Enterprises, LLC
12 Clancy Lane South
Rancho Mirage, California 92270
Phone: (760) 568-1809

November 13, 2020

Los Alamitos Racecourse
4961 Katella Avenue
Los Alamitos, CA 90720

Attention: Racing Secretary

Dear Secretary,

On behalf of the owners of Danjer, I am writing to inform you that we accept the honor of running in the 2020 Champion of Champions race on December 12, 2020 at Los Alamitos Raceway.

Best regards,



Patrick Guthrie
Downtime Enterprises, LLC

Encls