

KENTUCKY HORSE RACING COMMISSION
4063 Ironworks Parkway, Building B
Lexington, Kentucky 40511
Phone: (859) 246-2040 Fax: (859) 246-2039
<http://khrc.ky.gov>

REQUEST FOR STAY PENDING APPEAL

All requested information must be provided for request to be effective

Date: May 15, 2019

To: Marc A. Guilfoil, Executive Director

From: Luis Saez



Pursuant to KRS 230.320, the undersigned hereby requests a stay of penalty pending appeal. The stay must be filed within ten (10) calendar days of the issuance of the Stewards' Ruling.

- Date of Issuance of Stewards' Ruling: May 12, 2019
- Penalty: Suspension for fifteen (15) racing days
- Period of time for which stay requested: During pendency of appeal to the Kentucky Horse Racing Commission and any subsequent judicial review (if necessary)
- Justification for the stay (attach additional page(s) if necessary): See attached page for justification for the stay.

Luis Saez

Print name

X Luis Saez
Signature

c/o Ann B. Oldfather, Oldfather Law Firm

1330 South 3rd Street, Louisville, KY 40208

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Kentucky Horse Racing Commission

Request for Stay Pending Appeal

Justification for the Stay (continued from Request for Stay Pending Appeal form):

Luis Saez has filed a notice of appeal from the Stewards' Ruling dated May 12, 2019 (Ruling No. 19-0044, *see* Exhibit A, attached). The appeal is pursued in good faith and for meritorious reasons which call into question the procedural and substantive basis for the fifteen (15) day suspension ordered by the Stewards. A stay of that suspension is warranted so that Luis Saez may have an opportunity for review on the merits of that decision before that review is rendered moot by service of the ordered (although contested) suspension.

Luis Saez is already committed to rides at Belmont Park in Elmont, NY (*see* racing calendar at Exhibit B, attached), during certain of the racing days for which the Stewards have determined suspension. In all likelihood, Luis Saez will have as many as 4 to 5 rides on every one of the days for the ordered suspension. The loss of the opportunity to ride on these racing dates will lead to a substantial loss of income for Luis Saez, causing financial hardship which will be avoided if the appeal is successful.

Without a stay, Luis Saez will suffer the penalty imposed by the Stewards regardless of whether the Commission or the courts later determine that the Stewards' Ruling should be reversed and vacated. In order to preserve Luis Saez's right to appeal the Stewards' Ruling and protect him from having to suffer from a penalty that may be reversed on appeal, the imposition of the suspension should be stayed during the pendency of Luis Saez's appeal and any subsequent judicial review (if necessary).

The Stewards did not find that Luis Saez acted intentionally. They did not find that he was careless or incompetent. The other jockeys involved expressed the opinions that Luis Saez did not do anything on purpose, carelessly or incompetently. This also weighs in favor of granting a stay of the imposition of the Stewards' Ruling suspending him for fifteen (15) racing days until after final determination of the appeal.

EXHIBIT A



MATTHEW G. BEVIN
GOVERNOR

K. GAIL RUSSELL
SECRETARY

FRANKLIN S. KLING, JR.
CHAIRMAN

MARC A. GUILFOIL
EXECUTIVE DIRECTOR

PUBLIC PROTECTION CABINET
KENTUCKY HORSE RACING COMMISSION
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WEBSITE: [HTTP://KHRC.KY.GOV](http://KHRC.KY.GOV)

STEWARDS RULING

Ruling number: 19-0044

Track: Churchill Downs

Date: May 12, 2019

Jockey: Luis Saez (D.O.B. 5/19/1992)

After a hearing before the Board of Stewards, Luis Saez, who rode MAXIMUM SECURITY in the twelfth race at Churchill Downs on May 4, 2019, is hereby suspended fifteen (15) racing days, May 23, 24, 25, 26, 27, 30, 31, 2019 and June 1, 2, 6, 7, 8, 9, 13, 14, 2019 for failure to control his mount and make the proper effort to maintain a straight course thereby causing interference with several rivals that resulted in the disqualification of his mount.

810 KAR 1:016 Section 12, Section 13

By Order of the Stewards



[Handwritten signatures]
Burtan L. Boen

EXHIBIT B

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2 Flat Out \$100,000	3	4 Westchester \$200,000
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5 Ruffian \$250,000	6	7	8	9	10	11 Runhappy \$150,000
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12 Gold Fever \$100,000	13	14	15 TODAY	16	17	18 Soaring Solty \$100,000
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19	20	21	22	23	24	25 Paradise Creek \$100,000
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26 Mount Vernon (NYB) \$125,000	27	28	29	30	31	
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Monthly Calendar View | NYRA

https://www.nyra.com/belmont/calendar/2019-06

Apps

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Belmont Park

CALENDAR

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2019 Racing & Events Calendar

June 2019

Get Tickets

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May 2019

July 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					<div>Pennine Ridge</div> <div>\$200,000</div>	1
2	3	4	5 <div>Astoria</div> <div>\$150,000</div>	6	7 <div>Tremont</div> <div>\$150,000</div>	8 <div>Ogden Phipps (BC)</div> <div>\$700,000</div>
9 <div>Jersey Girl</div> <div>\$150,000</div>	10	11	12	13	14	15 <div>Dancin Renee (NYB)</div> <div>\$100,000</div>
16 <div>Poker</div> <div>\$300,000</div>	17	18	19	20	21	22 <div>Wild Applause</div> <div>\$100,000</div>
23 <div>NYSS Spectacular Bid</div> <div>\$150,000</div>	24	25	26	27	28	29 <div>Perfect Sting</div> <div>\$100,000</div>
30 <div>Saginaw (NYB)</div> <div>\$100,000</div>						