

BEFORE AN ADMINISTRATIVE LAW JUDGE
APPOINTED BY THE INDIANA HORSE RACING COMMISSION

INDIANA HORSE RACING
COMMISSION STAFF,

Petitioner,

v.

ROY MOORE,

Respondent.

ADMINISTRATIVE COMPLAINT NO.
217001

INDIANA
HORSE RACING COMMISSION
2017 AUG - 1 A 9: 07

NOTICE OF OPPORTUNITY TO PRESENT BRIEFS AND ORAL ARGUMENT

This matter is pending before the Indiana Horse Racing Commission (“Commission”) on the Recommended Administrative Penalty against Roy Moore. On June 23, 2017, the Administrative Law Judge (“ALJ”) designated by the Commission, Ernest Yelton, issued his Amended Recommended Findings of Fact, Conclusions of Law, Ultimate Finding of Fact and Order (“Recommended Order”) in this case. On July 10, 2017, the Commission received Moore’s Objections to the Recommended Order.

Notice is hereby given that the Commission will afford both parties an opportunity to present briefs concerning the filing of Moore’s objections and the merits of this case. Any briefs filed by Moore or the Commission Staff must be received in the offices of the Commission by noon on August 18, 2017. The Commission will accept electronic filing at ellingwood@hrc.in.gov. No late filings will be accepted and/or considered.

The Commission will also consider oral argument at its meeting on August 25, 2017. The oral argument will be limited to ten minutes per side.

SO ORDERED, 1st day of August 2017.

THE INDIANA HORSE RACING COMMISSION



By: _____

Philip C. Borst
Chairperson
Indiana Horse Racing Commission

Copies forwarded by electronic mail sent on August 1, 2017:

Holly Newell
Deputy General Counsel
Indiana Horse Racing Commission
1302 North Meridian, Suite 175
Indianapolis, Indiana 46202
lellingwood@hrc.in.gov

Roy Moore
3880 Luce Road
Battle Creek, MI 49017

BEFORE AN ADMINISTRATIVE LAW JUDGE
APPOINTED BY THE INDIANA HORSE RACING COMMISSION

INDIANA HORSE RACING COMMISSION
STAFF,

Petitioner,

v.

BRUCE LEE WALLS,

Respondent.

In Re: Administrative Complaint No. 216002

**INDIANA HORSE RACING COMMISSION STAFF'S MOTION FOR
SUMMARY JUDGMENT AND MEMORANDUM IN SUPPORT THEREOF**

The Indiana Horse Racing Commission Staff (hereinafter the "Commission Staff"), by counsel, pursuant to Ind. Code § 4-21.5-3-23, respectfully submits its Motion for Summary Judgment requesting that the Administrative Law Judge (hereinafter the "ALJ") issue a recommended Order in favor of the Commission Staff that affirms the violation found in and the sanctions proposed by Administrative Complaint No. 216002 (the "Complaint" or "Admin. Compl."). In support of this motion, the Commission Staff designates the: (1) Affidavit of IHRC Executive Director Michael Smith (with attached exhibits); and (2) Affidavit of Petra Hartmann, Drug Testing Services Director, Industrial Laboratories (with attached exhibits). The Commission Staff respectfully submits that there is no genuine issue of material fact with respect to the matters referenced in the Administrative Complaint. In support of its motion, the Commission Staff submits the following Memorandum:

I. INTRODUCTION

The Indiana Horse Racing Commission has been established by the Indiana Pari-Mutuel Wagering on Horse Races Act (the "Horse Racing Act"), codified at Ind. Code § 4-31 *et seq.* The Horse Racing Act provides that the purpose of the article is to "permit pari-mutuel wagering

on horse races in Indiana and to ensure that pari-mutuel wagering on horse races in Indiana will be conducted with the highest of standards and the greatest level of integrity.” Ind. Code § 4-31-1-2 (emphasis added).

The Indiana Legislature provided specific direction to the Commission with respect to the illegal medication and/or drugging of racehorses. Chapter 12 of the Horse Racing Act makes clear that (unless specifically authorized by the Commission) there is an absolute prohibition against allowing a horse that has “drugs [and] medications or substances foreign to the natural horse” in its system to compete in a race without suffering an appropriate sanction. Ind. Code §§ 4-31-12-1, 4-31-12-2(a). That sanction includes the mandatory forfeiture of any purse that was earned as a result of the horse’s performance. Ind. Code § 4-31-12-13(b)(1). This absolute prohibition and the related legislative forfeiture directive have been incorporated into the applicable Commission regulations at 71 IAC 8-1-2.

In addition, the Commission has delegated to its Executive Director the authority to issue an administrative complaint in order to propose the assessment of administrative sanctions when it has been determined that a licensee has committed a violation of the Horse Racing Act or of applicable Commission regulations. 71 IAC 10-3-20. Mike Smith, the Commission’s Executive Director, issued the Complaint at issue to Bruce Lee Walls (“Mr. Walls”) on or about September 7, 2016.

II. UNDISPUTED MATERIAL FACTS

Mr. Walls was licensed as both an owner and a trainer by the Commission in 2016 and was at all times subject to the jurisdiction of the IHRC. (Affidavit of Mike Smith (“Smith Aff.”), ¶¶ 6 and 7; Admin. Compl., p. 2, Finding of Fact #1.) Mr. Walls was the trainer of Judge-M-All, a Standardbred racehorse that competed in the sixth race at Hoosier Park on June 9, 2016. (Smith

Aff., ¶¶ 5 and 7.) Judge-M-All placed first in the race, and was awarded a purse of \$2,750. (Smith Aff., ¶ 5; Ex. 4 to Admin. Compl.)

Following the race, and pursuant to 71 IAC 8-3-3, post-race blood and urine specimens were taken from Judge-M-All. (Smith Aff., ¶ 12; Exs. 6 and 7 to Admin. Compl.) The Judge-M-All specimen, labeled Sample No. E202100, was sent Industrial Laboratories (“Industrial”), a Commission-approved laboratory, for analysis pursuant to the Commission’s regulations. (Smith Aff., ¶ 14.) On June 16, 2016, Industrial reported to the Commission Staff that Sample No. E202100 tested positive for lamotrigine in blood serum; lamotrigine is a prohibited substance under the regulations governing medication of Standardbred horses. (Smith Aff., ¶ 15; Affidavit of Petra Hartmann (“Hartmann Aff.”), ¶¶ 8 and 9; Exhibit 8 to Admin. Compl.) Mr. Walls, upon being notified of the positive test results and advised of his rights to have the split sample sent to an independent laboratory approved by the Commission, requested the split sample be tested by Texas A&M Veterinary Medical Diagnostics Lab (“Texas A&M”). (Smith Aff., ¶16.) On August, 16, 2016, Texas A&M identified Sample No. E202100 as being positive for lamotrigine in blood serum. (Smith Aff., ¶ 17.)

Lamotrigine, a substance foreign to the natural horse, is classified by the ARCI Uniform Classification Guidelines for Foreign Substances and Recommended Penalties and Model Rule, (Version 12.00 revised on or about April 8, 2016, hereinafter “ARCI Uniform Guidelines”), as a Class 3 drug with a category “A” penalty classification (“Class 3-A foreign substance”). (Smith Aff., ¶¶ 10 and 18; Exhibit 3 to Smith Aff.) Indiana Administrative Code 71 IAC 8-1-7, which, in relevant part, was in full force and effect at all times relevant to this case, directs the Commission to consider and impose penalties consistent with the ARCI Uniform Guidelines. (Smith Aff., ¶ 10.) Within a given foreign substance’s ARCI penalty classification, the primary

factors in determining the severity of a licensed trainer or owner's penalty are the number and recency of any past violations. (Smith Aff., ¶ 11; Ex. 3 to Smith Aff., p. 28) This was Mr. Walls' second lifetime offense for lamotrigine. (Ex. 2 to Admin. Compl.) Taking all of these facts into consideration, the Commission Staff recommended that Mr. Walls be suspended for one (1) year¹ and fined the maximum penalty of \$5,000 in addition to loss of purse (for first place finisher Judge-M-All) from Race 6 held at Hoosier Park on June 9, 2016. (Smith Aff., ¶¶ 19-21; Admin. Compl., p. 4.) This penalty is warranted by the recommended sanctions in the ARCI recommended guidelines for a Category "A" penalty, as modified by Indiana law. In addition, forfeiture of the purse is required pursuant to applicable Indiana statutes and regulations. Ind. Code § 4-31-12-13(b)(1); 71 IAC 8-1-2(b).

III. PROCEDURAL HISTORY

Mike Smith, as the Executive Director of the Commission, is charged with the responsibility and authority for the implementation, administration, and enforcement of the Horse Racing Act, Ind. Code § 4-31 *et. seq.* See also 71 IAC 2-5-1(a). As previously stated, on or about September 7, 2016, Mr. Smith issued Administrative Complaint No. 216002 recommending that Mr. Walls be assessed an administrative penalty of a one-year suspension, fined Five Thousand Dollars (\$5,000), that Judge-M-All be disqualified from Race 6 at Hoosier Park on June 9, 2016, and that the (first place win) purse at issue be forfeited and redistributed. This case was subsequently assigned to Administrative Law Judge Kelly Eskew.

¹ Staff has submitted a Motion to Amend the Complaint, which is pending before the ALJ. If the ALJ grants Staff's request to amend the Complaint, Staff respectfully requests that the ALJ's Recommended Order on this Motion for Summary Judgment reference the three year suspension outlined in the ARCI Guidelines rather than the one year suspension referenced in this Motion.

IV. ARGUMENT

A. Summary judgment standard in administrative proceedings.

Ind. Code § 4-21.5-3-23 provides that “[a] party may, at any time after a matter is assigned to an administrative law judge, move for a summary judgment in the party’s favor as to all or any part of the issues in a proceeding.” Ind. Code § 4-21.5-3-23(a). The administrative law judge “shall consider a motion filed under subsection (a) as would a court that is considering a motion for summary judgment filed under Trial Rule 56 of the Indiana Rules of Trial Procedure.” *Id.*

Indiana Trial Rule 56(C) provides that summary judgment is appropriate when there are no genuine issues of material fact and when the moving party is entitled to judgment as a matter of law. Ind. R. Trial P. 56(C); *Parker v. Ind. State Fair Bd.*, 992 N.E.2d 969, 976 (Ind. Ct. App. 2013). “A genuine issue of material fact exists where facts concerning an issue which would dispose of the litigation are in dispute or where the undisputed facts are capable of supporting conflicting inferences on such an issue.” *Parker*, 992 N.E.2d at 976 (internal citations omitted). “The party moving for summary judgment bears the burden of making a *prima facie* showing that there is no genuine issue of material fact and that he or she is entitled to a judgment as a matter of law.” *Id.* “Once the moving party meets these two requirements, the burden shifts to the non-moving party to show the existence of a genuine issue of material fact by setting forth specifically designated facts.” *Id.* Here, the Commission has shown that it is entitled to summary judgment in these proceedings because there can be no dispute that: (1) a horse racing in Indiana is prohibited from having illegal foreign substances in its system at the time of a race; (2) Judge-M-All had an illegal foreign substance in its system at the time of the race, and its trainer, Bruce Lee Walls, is responsible for the presence of this substance under the applicable law and

regulations; and (3) the sanction recommended to be imposed by the Commission Staff on Mr. Walls is reasonable, appropriate, and consistent with ARCI recommended penalties.

B. A horse racing in Indiana is prohibited from having illegal foreign substances in its system at the time of the race, and Judge-M-All's samples were found to contain such a substance.

A horse participating in a race in Indiana is prohibited from carrying in its body any foreign substance that is not specifically authorized by Commission regulations. *See* Ind. Code § 4-31-12-2. The Commission regulations direct the Executive Director to consider the ARCI Uniform Guidelines in both classifying a foreign substance and when imposing penalties and proposing sanctions. 71 IAC 8-1-7. According to the ARCI Uniform Guidelines in effect at the relevant times, lamotrigine was (and still is) a Class 3 drug with an "A" penalty classification. (Smith Aff., ¶ 18; Smith. Aff., Ex. 3, p. 6.) There is no Commission regulation that authorizes the presence of lamotrigine in a horse at any level at the time of a race. Accordingly, lamotrigine is considered an unauthorized foreign substance under the Commission's regulations and its presence in Judge-M-All on June 9, 2016 constitutes an unquestionable violation of the Commission's foreign substances rule. 71 IAC 8-1-2(a).

A finding at a Commission-approved laboratory that a test sample taken from a horse contains a foreign substance creates a presumption that the "procedures of collection, preservation, transfer to the laboratory, and analysis of the sample are correct and accurate." 71 IAC 8-3-1(2). Moreover, the presence of "**any quantity**" of a foreign substance, such as lamotrigine, supports a finding of a foreign substance and compels the attendant consequences. 71 IAC 8-4-3(g) (emphasis added). In other words, it is not relevant under the Commission's regulations how someone might characterize the amount of the drug that was present upon testing (i.e., minimal, moderate, substantial, etc.) or what the precise quantity of the drug was that may have been found in the horse's system.

The finding of a drug positive also creates a presumption that the foreign substance was in the horse's body at the time the race was run. 71 IAC 8-1-2(a). Positive laboratory results are *prima facie* evidence that the foreign substance has been administered to the horse in violation of the Commission's rules. 71 IAC 8-3-1. In addition, a positive test creates a *prima facie* case that the trainer (or his or her agents) responsible for the care and custody of the horse was negligent in the handling or care of the horse. 71 IAC 8-1-2(a). This is consistent with the regulation that imposes a duty on a trainer to "prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules." 71 IAC 5-3-2(b). Stated another way, a claim that the lamotrigine may have entered Judge-M-All's body via the act of a third person are unavailing because Mr. Walls, as the trainer, was responsible for the condition of his horse regardless of any acts of third persons. 71 IAC 5-3-2(a).

After obtaining and testing the samples of Judge-M-All's blood and urine (in accordance with the procedures set forth in 71 IAC 8-3-3(b)) following the June 9, 2016 Hoosier Park race, the Commission's approved laboratory, Industrial, confirmed the presence of lamotrigine in Judge-M-All's blood. (Smith Aff., ¶ 15.) Furthermore, the split sample test, conducted at a Commission-approved laboratory chosen by Mr. Walls, verified the presence of lamotrigine in Judge-M-All's blood. (Smith Aff., ¶ 17.) These facts lead to the inevitable conclusion of a positive test result for the presence of lamotrigine, which establishes the Commission's *prima facie* case that such illegal foreign substance was in Judge-M-All's body at the time it ran the races, in violation of Indiana law and the Commission's rules.

C. The recommended sanctions imposed upon Mr. Walls are both reasonable and appropriate.

Indiana law mandates the forfeiture of a purse when any prohibited foreign substance is detected in a horse participating in a race. *See* I.C. 4-31-12-13; 71 IAC 8-1-2(b). Furthermore,

the ARCI Uniform Guidelines' recommended penalty involving a Class 3-A foreign substance, such as lamotrigine, is a suspension of at least one-year and a minimum \$10,000 fine (absent mitigating circumstances). (Smith Aff., ¶ 19; Smith Aff., Ex. 3, p. 28.) The actual sanction the Commission Staff has recommended to be imposed upon Mr. Walls is less than the recommended minimum: a one-year suspension, a \$5,000 fine, and the loss of the purse, as required by Indiana law. This Commission Staff recommended penalty is clearly reasonably related to the minimum recommended penalties, and, accordingly, cannot be determined to be unreasonable. The ARCI Uniform Guidelines contemplate and are consistent with the sanctions recommended here.

V. CONCLUSION

As the trainer of Judge-M-All, Mr. Walls is responsible for a violation of 71 IAC 8-1-2 that prohibits a horse from carrying any foreign substance in its body, based upon a positive drug test. The presence of lamotrigine in the samples of Judge-M-All as measured by Industrial is a *prima facie* violation of 71 IAC 8-1-2 which prohibits a race horse from carrying a foreign substance in its body during a race. In the absence of "substantial evidence" that a third person was responsible for the administration, Mr. Walls, as trainer of Judge-M-All, is responsible. 71 IAC 5-3-2(a) and (b); 71 IAC 8-3-1.

WHEREFORE, the Indiana Horse Racing Commission Staff respectfully requests that the Administrative Law Judge enter an Order granting Summary Judgment in favor of the Commission Staff, thereby adopting the sanctions proposed by the Commission Staff and imposing the recommended penalty for Mr. Wall of a one-year suspension, a Five Thousand Dollar (\$5,000) fine, the forfeiture and redistribution of the first place purse for the sixth race at Hoosier Park on June 9, 2016, and Judge-M-All be disqualified from the sixth race.

Respectfully submitted,



Lea Ellingwood, # 22346-49

INDIANA HORSE RACING COMMISSION
1302 N. Meridian Street, Suite 175
Indianapolis, IN 46202
Tel: (317) 232-0397
Fax: (317) 233-4470
lellingwood@hrc.in.gov

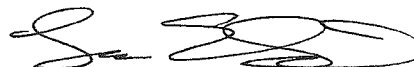
Attorney for Indiana Horse Racing Commission Staff

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon the following counsel of record by first class U.S. Mail, postage prepaid, and email this 20th day of April, 2017:

John Shanks
SHANKS LAW OFFICE
& Conflict Resolution Center
931 Meridian Street, Suite 403
Anderson, IN 46016
JNSHANKS@aol.com

Kelly R. Eskew
Administrative Law Judge
Indiana Horse Racing Commission
1309 East 10th Street, HH4080D
Bloomington IN 47401
HorseRacingALJ@gmail.com



Lea Ellingwood
General Counsel
Indiana Horse Racing Commission

STATE OF INDIANA
INDIANA HORSE RACING COMMISSION

2017 JUN 26 P 4:09

INDIANA HORSE RACING COMMISSION)	
STAFF,)	
)	
Petitioner)	In Re Complaint
v.)	No. 217001
ROY MOORE,)	
)	
Respondent)	

INDIANA
HORSE RACING COMMISSION

Proposed Findings of Facts,
Conclusions of Law, and Recommended Order

The Indiana Horse Racing Commission and Roy Moore having each filed a Motion for Summary Judgment, and both parties having filed respective Responses and Replies, the Administrative Law Judge now enters the following Proposed Findings of Fact, Conclusions of Law, and Recommended Order.

Findings of Fact.

1. Roy Moore was licensed as a trainer by the Indiana Horse Racing Commission in 2016 and was during that time subject to the jurisdiction of the Commission.
2. Roy Moore was the trainer of Mr. Fool Me Twice, a Quarter Horse racehorse that competed in the tenth race at Indiana Grand on August 27, 2016.

3. Mr. Fool Me Twice placed third in the race and was awarded a purse of Six Thousand Four Hundred Sixty-Seven Dollars (\$6,467).
4. After the race, post-race both blood and urine specimens were taken from Mr. Fool Me Twice.
5. Those specimens were sent to The Industrial Laboratories Company, a Commission approved laboratory, for analysis pursuant to Commission regulations.
6. On September 15, 2016, that laboratory reported to the Commission that the sample taken from Mr. Fool Me Twice tested positive for Bupivacaine (a Class 2-A foreign substance pursuant to ARCI Uniform Guidelines) at a level of 75 pg/mL in blood, Ketamine (a Class 2 drug) at a level of 291 pg/mL in blood and Norketamine (a metabolite of Ketamine) at a level of 24 pg/mL in blood.
7. Bupivacaine, Ketamine and Norketamine are classified illegal foreign substances that cannot be present in a competitive racehorse in Indiana at any level.
8. Upon being notified of the positive test results and advised of his rights to have the split sample sent to an independent laboratory approved by the Commission, the Respondent chose to have the split sample tested at the University of California Davis.
9. The University of California Davis notified the Commission that the split sample testing confirmed the original results of Industrial Laboratories Company.
10. The Respondent had one similar foreign substance violation within 365 days at the time the Commission received the results from Industrial Laboratories Company.
11. After taking these facts under consideration, the Commission recommended that the Respondent be suspended for one year, fined (Ten Thousand Dollars (\$10,000) and the purse of Six Thousand Four Hundred Sixty-Seven Dollars (\$6,467) for Mr. Fool Me Twice placing third on August 27, 2016 be forfeited.

Conclusions of Law

1. By testing positive for Bupivacaine, Ketamine and Norketamine following the tenth race at Indiana Grand, Indiana, on August 27, 2016, Mr. Fool Me Twice violated the prohibition against allowing a horse that has illegal drugs and medications or substances foreign to the natural horse in its system to compete in a race. 71 IAC 8.5-3-3(g).
2. As trainer, the Respondent, Roy Moore, was responsible for the care and custody of the horse with the duty to prevent the administration of any drug or

- medication or other prohibited substance that may cause a violation of Indiana Horse Racing rules. 71 IAC 8.5-2-1 and 71 IAC 5.5-3-2(a).
3. The penalties of a one year suspension, a fine of Ten Thousand Dollars (\$10,000) and forfeiture of the awarded purse are the ARCI Uniform Guidelines' recommended minimum penalties and are therefore reasonable and appropriate since the Respondent's previous violation was insufficient to impose any enhanced penalties.
 4. The law is with the Commission and against the Respondent.

Ultimate Finding of Fact

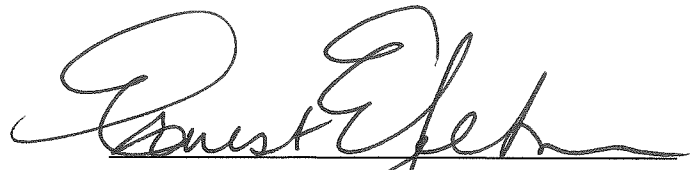
The findings by Industrial Laboratories Company and the University of California Davis clearly established that Roy Moore violated Commission equine foreign substance rule 71 IAC 8.5-1-2 and the Trainer Responsibility Rule 71 IAC 5.5-3-2.

Recommended Order

Upon the foregoing Findings of Fact and Conclusions of Law, the Court now determines there is no genuine issues of any material fact and the Commission is entitled to judgment as a matter of law. Indiana Horse Racing Commission's Motion for Summary Judgment is Granted pursuant to IC 4-21.5-3-23(b). Respondent, Roy Moore's Motion for Summary Judgment is accordingly denied. The penalties of a one year's suspension, fine of Ten Thousand Dollars (\$10,000) and forfeiture of the purse of Six Thousand Four Hundred Sixty-Seven Dollars (\$6,467) are assessed.

Pursuant to IC 4-21.5-3-29(d), either party hereto has 15 days following receipt of this Recommended Order to file written exceptions with the Indiana Horse Racing Commission.

IT IS SO RECOMMENDED this 23 of June 2017.



Ernest E. Yelton

Administrative Law Judge

Notice to:

Holly Newell, Deputy General Counsel
Indiana Horse Racing Commission
1302 North Meridian Suite 175
Indianapolis IN 46202

Peter Sacopulos
Greg Carter
Sacopulos, Johnson & Sacopulos
676 Ohio Street
Terre Haute, IN 47807

BEFORE AN ADMINISTRATIVE LAW JUDGE
APPOINTED BY THE INDIANA HORSE RACING COMMISSION

INDIANA HORSE RACING
COMMISSION STAFF,

Petitioner,

v.

ROY MOORE

Respondent.

2017 MAY -4 P 1:55

INDIANA
HORSE RACING COMMISSION

In Re: Administrative Complaint No. 217001

**INDIANA HORSE RACING COMMISSION STAFF'S RESPONSE TO RESPONDENT
ROY MOORE'S MOTION FOR SUMMARY JUDGMENT**

The Indiana Horse Racing Commission Staff (hereinafter the "Commission Staff"), by counsel, pursuant to Ind. Code § 4-21.5-3-23, respectfully submits its Response to Roy Moore's ("Moore" or "Respondent") Motion for Summary Judgment. The Commission Staff respectfully submits that there is no genuine issue of material fact with respect to the matters at issue in this case, but all facts support a summary judgment finding in favor of Commission Staff, not Respondent Roy Moore.

I. BACKGROUND

Commission Staff filed an Administrative Complaint against Roy Moore on January 18, 2017, alleging violations of Indiana Horse Racing Commission ("IHRC") medication rules. Mr Fool Me Twice, a Moore-trained horse, tested positive for bupivacaine, ketamine, and norketamine after the 10th race on August 27, 2016 at Indiana Grand Racing and Casino¹.

On March 6, 2017, IHRC Staff filed a Motion for Summary Judgment. On or about April 5, 2017, Respondent Moore, by counsel, filed a response and a Cross-Motion for Summary

¹ These facts are in the record, and have been previously designated as evidence in support of Commission Staff's Motion for Summary Judgment.

Judgment. Commission Staff files its Response to Moore's Cross-Motion pursuant to the Supplement Prehearing Conference Order issued on April 6, 2017.

II. COMMISSION STAFF'S RESPONSE RELIES ON ITS MOTION FOR SUMMARY JUDGMENT AND REPLY TO MOORE'S RESPONSE

In the interest of judicial economy, Commission Staff designates and incorporates by reference the Motion for Summary Judgment it filed on March 6, 2017, along with all associated affidavits and exhibits, and its April 17, 2017 Reply to Moore's Response to same. Collectively, those pleadings establish that Summary Judgment *is* appropriate in this case, but it is appropriate in favor of Commission Staff, not Moore.

III. MOORE'S CROSS MOTION

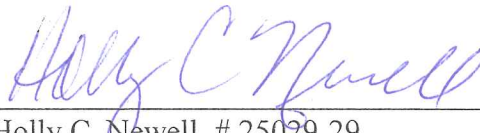
Moore's Cross Motion fails in many ways. The Respondent's Motion fails to articulate and meet the standard for summary judgment motions, and relies on an affidavit that is based on supposition, not personal knowledge. Respondent's Cross Motion fails in much the same way Moore's Response to Commission Staff's Motion for Summary Judgment failed. The facts of the case are clear and uncontroverted, and they weigh in favor of Commission Staff.

IV. CONCLUSION

As the trainer of Mr Fool Me Twice, Moore is responsible for a violation of 71 IAC 8.5-1-2 that prohibits a horse from carrying any foreign substance in its body, based upon a positive drug test. The presence of bupivacaine, ketamine, and norketamine in the samples of Mr Fool Me Twice as measured by Industrial Laboratories is a *prima facie* violation of 71 IAC 8.5-1-2, which prohibits a race horse from carrying a foreign substance in its body during a race. In the absence of "substantial evidence" that a third person was responsible for the administration, Moore (as trainer) is responsible. 71 IAC 5.5-3-2(a) and (b); 71 IAC 8.5-2-1.

WHEREFORE, the Indiana Horse Racing Commission Staff respectfully requests that the Administrative Law Judge enter an Order granting Summary Judgment in favor of the Commission Staff, thereby adopting the sanctions proposed by the Commission Staff and imposing the recommended penalty for Moore of a one-year suspension, a Ten Thousand Dollar (\$10,000) fine, and the forfeiture and redistribution of the third place purse and Mr Fool Me Twice unplaced for the tenth race at Indiana Grand on August 27, 2016.

Respectfully submitted,



Holly C. Newell, # 25029-29

INDIANA HORSE RACING COMMISSION
1302 N. Meridian Street, Suite 175
Indianapolis, IN 46202
Tel: (317) 232-0397
hnewell@hrc.in.gov

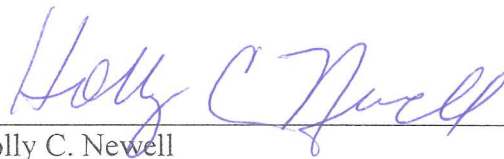
Attorney for Indiana Horse Racing Commission Staff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served via electronic mail and deposited in the U.S. mail, first-class postage prepaid, on the 4th day of May, 2017, to:

Pete Sacopulos
Sacopulos, Johnson & Sacopulos
676 Ohio Street
Terre Haute, IN 47807
pla@sacopulos.com

The Honorable Ernest Yelton
8269 North State Road 59
Brazil, IN 47834
eyelton@frontier.com



Holly C. Newell

BEFORE AN ADMINISTRATIVE LAW JUDGE
APPOINTED BY THE INDIANA HORSE RACING COMMISSION

2017 APR 17 P 2:42

INDIANA HORSE RACING
COMMISSION STAFF,

Petitioner,

v.

ROY MOORE

Respondent.

In Re: Administrative Complaint No. 217001

INDIANA
HORSE RACING COMM.

**IHRC STAFF'S REPLY TO RESPONDENT'S RESPONSE
TO STAFF'S MOTION FOR SUMMARY JUDGMENT**

The Indiana Horse Racing Commission Staff (hereinafter the "Commission Staff"), by counsel, pursuant to Ind. Code § 4-21.5-3-23, respectfully submits its Reply to Petitioner's Response to Staff's Motion for Summary Judgment. The Commission respectfully maintains that it has established that it is entitled to summary judgment, and Petitioner's Response has designated no genuine issue of material fact with respect to the matters alleged in Administrative Complaint No. 217001, making an entry of summary judgment in favor of Commission Staff appropriate. In support thereof, the Commission submits the following Memorandum:

I. INTRODUCTION

On March 6, 2017, Commission Staff filed its Motion for Summary Judgment ("Motion") in accordance with the deadlines established by the Pre-Hearing Order governing this matter. In support of its Motion, the Staff designated several affidavits and set forth the "undisputed material facts," which it maintains support the entry of summary judgment in the Staff's favor. (Indiana Horse Racing Commission Staff's Motion for Summary Judgment and Memorandum in Support Thereof, pp. 2-4)

On April 5, 2017, Respondent Roy Moore (“Respondent” or “Moore”) timely filed his Response to Staff’s Motion for Summary Judgment, in which he purported, but failed, to designate any material issue of fact.

II. ANALYSIS

As previously stated, on March 6, 2017, the Commission Staff filed its Motion with a number of supporting affidavits as provided for by Indiana Rule of Trial Procedure 56. Trial Rule 56 provides in pertinent part:

(C) Motion and proceedings thereon. The motion and any supporting affidavits shall be filed in accordance with the provisions of Rule 5. An adverse party shall have thirty (30) days after service of the motion to serve a response **and any opposing affidavits. . . . A party opposing the motion shall also designate to the court each material issue of fact which that party asserts precludes entry of summary judgment and the evidence relevant thereto.** The judgment sought shall be rendered forthwith if the designated evidentiary matter shows that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. . .

Indiana Trial Rule of Procedure 56 (C) (Emphasis added)

A. Summary judgment standard in administrative proceedings.

Ind. Code § 4-21.5-3-23 provides that “[a] party may, at any time after a matter is assigned to an administrative law judge, move for a summary judgment in the party’s favor as to all or any part of the issues in a proceeding.” Ind. Code § 4-21.5-3-23(a). The administrative law judge “shall consider a motion filed under subsection (a) as would a court that is considering a motion for summary judgment filed under Trial Rule 56 of the Indiana Rules of Trial Procedure.” *Id.*

Indiana Trial Rule 56(C) provides that summary judgment is appropriate when there are no genuine issues of material fact and when the moving party is entitled to judgment as a matter of law. Ind. R. Trial P. 56(C); *Parker v. Ind. State Fair Bd.*, 992 N.E.2d 969, 976 (Ind. Ct. App. 2013). “A genuine issue of material fact exists where facts concerning an issue which would

dispose of the litigation are in dispute or where the undisputed facts are capable of supporting conflicting inferences on such an issue.” *Parker*, 992 N.E.2d at 976 (internal citations omitted). “The party moving for summary judgment bears the burden of making a *prima facie* showing that there is no genuine issue of material fact and that he or she is entitled to a judgment as a matter of law.” *Id.* “Once the moving party meets these two requirements, the burden shifts to the non-moving party to show the existence of a genuine issue of material fact by setting forth specifically designated facts.” *Id.* Here, the Commission has shown that it is entitled to summary judgment in these proceedings because there can be no dispute that: (1) a horse racing in Indiana is prohibited from having unpermitted foreign substances in its system at the time of a race; (2) Mr. Fool Me Twice had an illegal foreign substance in its system at the time of the race, and its trainer, Roy Moore, is responsible for the presence of this substance under the applicable law and regulations; and (3) the sanction recommended to be imposed by the Commission Staff on Moore is reasonable and appropriate.

B. Moore’s Response

1. The affidavit of Michael Smith contains a scrivener’s error, but is not defective.

The reference to a horse named Shocking Image in Paragraph 13 of the Smith Affidavit is a scrivener’s error. Mr. Fool Me Twice is listed as the subject of the Smith Affidavit the other five (5) times the horse is named in paragraphs 5, 6, 7, 12, and 14. Furthermore, both Exhibit 4 (the tag for Sample No. E200819) and Exhibit 5 (Commission Test Barn Report for Indiana Grand) clearly show Sample No. E200819 belongs to Mr. Fool Me Twice. The Commission Staff did not rely upon any information from the horse Shocking Image in its Motion for Summary Judgment. Ind. Trial Rule 61 states: “... The court at every stage of the proceeding must disregard any error or defect in the proceeding which does not affect the substantial rights of the parties.” One

scrivener's error does not "affect the substantial rights of the [Respondent]" when the exhibits clearly show the horse being referenced was Mr. Fool Me Twice, the horse with the positive tests for foreign substances¹.

2. The rules of the IHRC hold the trainer responsible for violations relating to any foreign substance found in a horse after a race.

The Respondent characterizes the rules as a series of presumptions that have no direct evidence or personal observations as to the conduct of the Respondent. The rules of the IHRC do not require personal observation of a trainer's wrongdoing to hold that trainer responsible for a foreign substance being in a horse he trained during a race. A trainer is responsible for the presence of any prohibited substance in the horse he or she trains, regardless of any acts by a third party. 71 IAC 5.5-3-2(a)(2). Indeed, each licensee upon application agrees to be bound by the rules regulating horse racing in Indiana. A horse participating in a race in Indiana is prohibited from carrying in its body any foreign substance that is not specifically authorized by Commission regulations. *See* Ind. Code § 4-31-12-2. It is the IHRC's duty "**to ensure that pari-mutuel wagering on horse races in Indiana will be conducted with the highest of standards and the greatest level of integrity.**" Ind. Code § 4-31-1-2 (emphasis added). In carrying out that duty, the IHRC has adopted many rules, including those applicable to equine medication violations. Respondent Moore makes much of the presumptions that weigh heavily in favor of the IHRC. Although Moore failed to identify any specific rules, he presumably is referring to 71 IAC 8.5-1-2, 71 IAC 8.5-2-1, and 71 IAC 8.5-3-1². These rules, just like all IHRC rules, were enacted under authority granted to the IHRC by statute. *See* IC §4-31-3-9. As an administrative agency, the

¹ The affidavit presented by Moore includes a typo relating to the horse name, too, specifically referencing "Mr. Told You Twice" in the second Paragraph 25.

² There is no rule known to IHRC Staff that rises to the third presumption articulated in Moore's Response that "A foreign substance was in the horse at all times."

IHRC is entitled to deference in its expertise in regulating horse racing. *See Davis v. Ind. State Bd. of Nursing*, 3 N.E.3d 541, 545-546 (Ind. Ct. App. 2013) (citing *Madison State Hosp. v. Ferguson*, 874 N.E.2d 615, 619 (Ind. Ct. App. 2007), trans. denied (quoting *State Employees' Appeals Comm'n v. Barclay*, 695 N.E.2d 957, 959-960); *Filter Specialists, Inc. v. Brooks*, 906 N.E.2d 835, 848 (Ind. 2009) citing (*Indiana Civil Rights Comm'n v. Alder*, 714 N.E.2d 632, 636 (Ind. 1999) (We give deference to the expertise of the agency and will not reverse simply because we may have reached a different result than the Commission.)).

The positive results for foreign substances in the blood test of Mr. Fool Me Twice after the tenth race on August 27, 2017, and the chain-of-custody for blood Sample No. E200819 are direct evidence, not presumptions. Further, as the Respondent pointed out, “[i]n a civil case, unless a constitution, statute, judicial decision, or these rules provide otherwise, the party against whom a presumption is directed has the burden of producing evidence to rebut the presumption.” Ind. Evidence Rule 301. In this instance, the Respondent has failed to meet that burden.

The mere fact that Moore finds the presumptions, which are identified in the rules he agreed to be bound by, are inconvenient is not sufficient to rebut those presumptions.

Commission Staff does not dispute that prima facie does not mean conclusive. However, the Black’s Law Dictionary definition offered by Moore provides: “...a fact presumed to be true unless disproved by some evidence to the contrary.” (Emphasis added). Moore has failed to disprove IHRC Staff’s prima facie case.

3. The Fenger Affidavit

The mere filing of an affidavit is not sufficient to establish a genuine issue of material fact. The content of the affidavit must offer evidence that creates a genuine issue of material fact. Here, Moore has submitted an affidavit from Clara Fenger. Fenger has no educational background in

equine pharmacology. In her own affidavit, she states that she has been qualified as an expert³ to testify in certain fields. Equine pharmacology is notably absent from that list.

The Fenger Affidavit does not create any issues of material fact. Nothing in the affidavit successfully disputes the finding by Industrial Laboratories of bupivacaine, ketamine, and norketamine in the blood of Mr. Fool Me Twice. The Fenger Affidavit is an attempt to create a gray area, but the facts remain black and white: The Industrial findings and the UC Davis confirmation show bupivacaine and ketamine in the blood of the horse at the time of the race. The findings establish a clear violation of IHRC rules.

Fenger's effort to challenge the bupivacaine finding relies upon one cited paper, which relates to urinary concentrations of the drug. As was noted by IHRC Staff and Moore, the findings at issue here were in blood. The IHRC Staff is under no obligation to identify substances in blood *and* urine.

Neither bupivacaine nor ketamine (and its metabolite norketamine) may be present in the racehorse at *any* level, pursuant to the rules in effect at the time of the August 27, 2016 race. Any reference to Racing Medication and Testing Consortium ("RMTC") recommendations is irrelevant. The rules in effect at the time of the race are what properly govern the horses and trainers that participate in the race⁴. The IHRC *has not* changed its rules relating to these particular substances. However, *if* the IHRC chooses to consider and implement RMTC recommendations, it will do so by adopting a rule after the Commission has ample time to consider the recommendations, and any such rule would not be in effect until after the Commission has adopted it.

³ Fenger has not been qualified as an expert to testify before the Indiana Horse Racing Commission, in this matter or in any other matter.

⁴ Even if the RMTC recommendations were deemed relevant, the recommendations were not issued until nearly one month *after* the race in question, and nearly one week after the results were reported by the primary laboratory.

Fenger's statement in her affidavit about environmental contamination is mere speculation. She did not present any facts that establish environmental contamination. The information in the affidavit is not nearly enough to overcome the presumptions established by the IHRC rules. Conjecture about the possibility of track employees, with ketamine in their systems, urinating in a horse stall is insufficient and unsupported by any evidence. Affidavits are to be made on personal knowledge⁵.

III. CONCLUSION

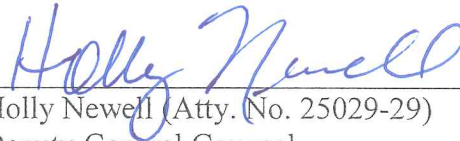
The Commission has shown that it is entitled to summary judgment in these proceedings because there can be no dispute that: (1) a horse racing in Indiana is prohibited from having illegal foreign substances in its system at the time of a race; (2) Mr. Fool Me Twice had illegal foreign substances in his system at the time of the race, and his trainer, Roy Moore, is responsible for the presence of these substances under the applicable law and regulations; and (3) the sanction recommended in Administrative Complaint No. 217001 is reasonable and appropriate.

Staff has made its prima facie case; Moore has not designated anything that successfully creates a genuine issue of material fact. Therefore an entry of summary judgment is appropriate. Commission Staff has met its obligation pursuant to Indiana Trial Rule 56 and I.C. 4-21.5-4-23. It is respectfully submitted that the obligation shifted to Moore, and he failed to designate any genuine issue of material fact (as required by Ind. T.R. 56(C)) that the ALJ should consider. The mere filing of an affidavit by a purported "expert" does not successfully overcome the case established by the IHRC staff.

WHEREFORE, the Commission Staff respectfully requests that the Administrative Law Judge enter an Order granting its Motion for Summary Judgment.

⁵ Without acknowledging the relevance of the contents of Paragraph 13 of the Fenger Affidavit, Fenger also presumably has no personal knowledge of the facts attested to therein.

Respectfully submitted,



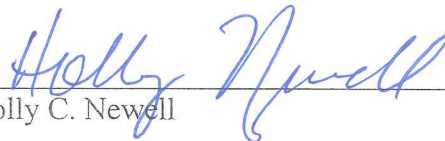
Holly Newell (Atty. No. 25029-29)
Deputy General Counsel
INDIANA HORSE RACING COMMISSION
1302 North Meridian, Suite 175
Indianapolis, IN 46204
*Counsel for the Indiana Horse Racing Commission
Staff*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served via electronic mail and deposited in the U.S. mail, first-class postage prepaid, on the 17th day of April, 2017, to:

Pete Sacopulos
Sacopulos, Johnson & Sacopulos
676 Ohio Street
Terre Haute, IN 47807
pla@sacopulos.com

The Honorable Ernest Yelton
8269 North State Road 59
Brazil, IN 47834
eyelton@frontier.com



Holly C. Newell

BEFORE AN ADMINISTRATIVE JUDGE APPOINTED BY THE INDIANA HORSE
RACING COMMISSION

INDIANA HORSE RACING
COMMISSION STAFF, Petitioner

IN RE: Administrative Complaint 217001

V.

ROY MOORE, Respondent

**CROSS MOTION FOR SUMMARY JUDGEMENT PURSUANT TO RULE 56 OF THE
INDIANA RULES OF TRIAL PROCEDURE**

Comes now the respondent, Roy Moore, by counsel and hereby moves the administrative law judge to enter judgement on his behalf and against the Petitioner because the designated evidentiary material attached hereto establishes that there is no genuine issue of material fact and that he is entitled to judgment as a matter of law.

In support of his cross motion for summary judgment he would show the administrative law judge the following:


1. An administrative complaint has been filed against him as a result of certain test results pertaining to the horse Mr. Fool Me Twice subsequent to the 10th race at the Indiana Grand Race Track on August 27, 2016.
2. The affidavit and report of Dr. Clara Fenger attached hereto and made a part hereof establishes that the substances in question could not have been present in said horse prior to the race of August 27, 2016.
3. The respondent Moore has filed a response to the petitioner's motion for summary judgment and hereby incorporates his response as part of his cross motion for summary judgment.
4. The designated evidentiary material in support of his motion is set out in paragraphs 10 through 28 of the Fenger report. Her conclusions are set out in paragraphs 24, 25 and 26 of the Conclusion section of her report.

Wherefore, the respondent prays that the administrative law judge enter summary judgment on his behalf and against the petitioner pursuant to Rule 56 of the Indiana rules of Trial Procedure.

Respectfully Submitted,
SACOPULOS, JOHNSON & SACOPULOS
676 Ohio Street
Terre Haute, IN 47807
Telephone: (812) 238-2565
Facsimile: (812) 238-1945

By: _____


Peter J. Sacopulos, #14403-84
Counsel for Roy Moore


Gregory S. Carter, #3146-84
Counsel for Roy Moore

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon the following counsel of record via email and first class U.S. Mail, this 5th day of April, 2017:

Holly Newell
Deputy General Counsel
Indiana Horse Racing Commission
1302 North Meridian
Indianapolis, IN 46202
hnewell@hrc.in.gov

The Honorable Ernest E. Yelton
Administrative Law Judge
8269 North State Road 59
Brazil, IN 47834
eyelton@frontier.com


Peter J. Sacopulos

BEFORE AN ADMINISTRATIVE LAW JUDGE APPOINTED BY THE INDIANA HORSE
RACING COMMISSION

INDIANA HORSE RACING
COMMISSION STAFF,
Petitioner

v.

In Re: Administrative Complaint 217001

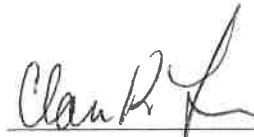
ROY MOORE
Respondent

Affidavit of Dr. Clara K. Fenger, DVM, PhD, DACVIM

Comes now Clara K. Fenger, after having affirmed under the penalty of perjury and
alleges and says as follows:

1. She has reviewed certain documents and material pertaining to the identification of foreign substances which is the basis of an Administrative Complaint against Roy Moore.
2. She has prepared a report which sets out her expertise, findings and opinions regarding the allegations set out in the Administrative Complaint against Roy Moore.
3. She makes this affidavit to verify and authenticate that the report that she prepared which is attached hereto is a true and accurate copy of the report that she has prepared and contains the opinions that she has in connection with the facts and circumstances regarding the presence of certain prohibited substances in the horse, Fool Me Twice.

I affirm under the penalty of perjury that the foregoing allegations are true.



Clara K. Fenger, DVM, PhD,
DACVIM

Date 3/20/17

State of Ky
County of Fayette

Before me the undersigned, a Notary Public in and for said County and State,
personally appeared Clara K. Fenger and acknowledged the execution of the foregoing
instrument this 20 day of March 2017.

Gladys Mullins
Notary Public

GLADYS MULLINS
Printed name

My Commission Expires:

02/15/2020

County of residence: Fayette



EXPERT REPORT OF CLARA K. FENGER, DVM, PhD, DACVIM

In the matter of Roy Moore
Pending Administrative Matter at the Indiana Racing Commission

1. My name is Clara K. Fenger, I live in Georgetown in the Commonwealth of Kentucky in the United States of America.
2. I have been engaged on behalf of Roy Moore to provide expert testimony in relation to the above noted proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - a. To provide opinion evidence that is fair, objective and non-partisan and to a reasonable degree of medical certainty
 - b. To provide opinion evidence that is related only the matters within my area of expertise; and
 - c. To provide such additional assistance as the trier of fact may reasonably require, to determine a matter in issue.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

I, CLARA K. FENGER, of Equine Integrated Medicine, PLC, Georgetown, KY, USA will say as follows:

5. I hold a BS (1984; Animal Physiology), DVM (1988), MS (1992, Equine Exercise Physiology), PhD (1996, Molecular Parasitology) degrees and am Board Certified in Internal Medicine (1992). I am sole proprietor of Equine Integrated Medicine, PLC, where I work as a racetrack veterinary practitioner, and perform consulting research services, a position which I have held since 1996.
6. I am an author of 17 scientific papers ranging in subject from equine exercise physiology to equine drug pharmacology to equine supplements dating from 1992 to the present, and book chapters in the subjects of internal medicine and equine clinical pharmacology dating from 1992 to the present.
7. I have been qualified and testified as expert witness in cases relating to equine malpractice, negligence, racing commission infractions, and sales disputes since 1996.
8. I was employed by the Kentucky Racing Commission from February 1993 to October

2008 as a regulatory veterinarian.

9. As part of my current employment, I work as a private practitioner at a training center in Lexington, KY and at the Red Mile Racetrack in Lexington, KY.

Bupivacaine and ketamine in blood collected from Mr Fool Me Twice

10. Roy Moore is accused of racing Mr Fool Me Twice which allegedly carried an excess level of bupivacaine and ketamine in its blood on August 27, 2016.
11. The initial test from Industrial Laboratories returned a positive finding of bupivacaine, ketamine and lidocaine in the blood sample collected from Mr Fool Me Twice in violation of the IHRC regulation. The Lab was unable to identify the presence of the 3-hydroxy metabolite of lidocaine, therefore the lidocaine identification was not confirmed.
12. The split laboratory, the Kenneth L Maddy Laboratory at the University of California at Davis State University Laboratory, tested the split blood sample and returned a finding of bupivacaine and ketamine in the blood sample.
13. DNA testing was requested by Moore, and denied by the IHRC. Such a sample could have been used to determine if the blood sample was actually that of Mr Fool Me Twice.

Bupivacaine and lidocaine in the Blood Sample

14. The blood sample from Mr Fool Me Twice tested at Industrial Laboratory contained both bupivacaine and lidocaine, without an identification of the 3-hydroxy metabolite of either substance.
15. Both bupivacaine and lidocaine are amino amide local anesthetics and are rapidly metabolized to their 3-hydroxy metabolite in the horse^{1,2}. If either parent compound is injected into a horse, it will be metabolized to its 3-hydroxy metabolite and excreted in the urine in readily detectable concentrations within 30 min, and persisting for over 24 hours.
16. Industrial Laboratories correctly did not confirm the presence of lidocaine because of the lack of the metabolite in the sample. However, Industrial Laboratories failed to correctly identify that the lack of the metabolite for bupivacaine similarly should exclude the bupivacaine as a positive test.

1 Harkins et al. 1999. Bupivacaine in the horse: relationship of local anaesthetic responses and urinary concentrations of 3-hydroxybupivacaine. *J Vet Pharm Therap* 22:181-195.

2 Harkins et al. 1998. Lidocaine in the horse: its pharmacologic effects and their relationship to analytical findings. *J Vet Pharm Therap* 21: 464-476.

17. All amino amide local anesthetics are metabolized predominantly to a 3-hydroxy metabolite, which is the analyte of interest when drug testing for these substances. The co-identification of lidocaine and bupivacaine without their metabolites indicates that neither substance entered the horse.
18. Further, the lack of identification of either substance in the urine confirms that neither substance actually passed through the horse.

Failure to confirm the presence of bupivacaine and lidocaine in the urine sample

19. Industrial did not detect the presence of bupivacaine, lidocaine or ketamine in the urine sample collected from Mr Fool Me Twice on August 27, 2016.
20. The threshold for the closely related amino amide, mepivacaine, on the Controlled Therapeutic Medication Schedule (CTS) is erroneously set at the limit of detection in blood. As a related substance, but unlisted on the CTS, bupivacaine would similarly have a threshold at the limit of detection. At the recent September 20, 2016 RMTC meeting, it was determined that setting thresholds at the limit of detection for FDA approved therapeutic medications is inappropriate, because testing technology is being increasingly sensitive making thresholds at the limit of detection inappropriate.
21. Further, at the same RMTC meeting, it was determined that all local anesthetics which have FDA approval, such as bupivacaine, should have no more than a Class B penalty.

Ketamine in blood sample

22. Ketamine fits the profile of a substance at high risk for inadvertent environmental exposure for horses.
23. Ketamine is eliminated in the urine.
24. Ketamine can be absorbed orally or across mucous membranes of animals.
25. Ketamine is highly stable in the environment, as evidenced by its ready detection in urban wastewater as a result of human recreational abuse.
26. The amount of ketamine present in the blood of Mr Fool Me Twice was insufficient to have any pharmacologic effect on the horse³.

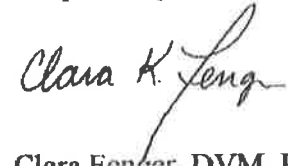
³ Fielding et al. 2006. Pharmacokinetics and clinical effects of a subanesthetic continuous rate infusion of ketamine in awake horses. Am J Vet Res 67: 1484-1490.

27. Mr Fool Me Twice shipped into a stall to race on August 27, 2016 which was available to other trainers for temporary stabling of horses not under the control of Moore. Further, the stall was available for stable and maintenance workers for potential use for urination.
28. The amount of ketamine present in the blood of Mr Fool Me Twice likely resulted from inadvertent environmental exposure.

CONCLUSION

24. It is my expert opinion within a reasonable degree of scientific certainty that Mr Fool Me Twice on August 27, 2016 did not race with bupivacaine or lidocaine in its system, and insufficient ketamine to have any pharmacologic effect on the horse. Further, the presence of lidocaine without the presence of any metabolites, as reported by Industrial Labs, indicates that the sample was contaminated after collection, and the presence of any substances in the sample cannot be attributed to their presence in the horse at the time of the race.
25. This opinion is based on the facts detailed above:
 - a. Metabolites for neither bupivacaine nor lidocaine were not identified in the blood sample,
 - b. the urine sample from Mr Told You Twice did not reflect the presence of bupivacaine, lidocaine, nor ketamine, and
 - c. the presence of lidocaine without its metabolites in the blood of Mr Told You Twice indicates that some event occurred which compromised the sample between collection and testing at the laboratory.
26. It is my expert opinion within a reasonable degree of scientific certainty that the blood sample was compromised and therefore no conclusions can be drawn about what may or may not have been present in the sample at the time of the race. Further, the levels identified by the lab in this case were of an insufficient magnitude to have any physiologic or pharmacologic effect on the horse. There is no other reasonable alternative interpretation of the facts of this case.

Respectfully,

A handwritten signature in cursive script that reads "Clara K. Fenger". The signature is written in black ink and is positioned above the printed name.

Clara Fenger, DVM, PhD, DACVIM

BEFORE AN ADMINISTRATIVE JUDGE APPOINTED BY THE INDIANA HORSE
RACING COMMISSION

INDIANA HORSE RACING

COMMISSION STAFF, Petitioner

IN RE: Administrative Complaint 217001

vs.

ROY MOORE, Respondent

**RESPONSE OF ROY MOORE TO THE COMMISSION STAFF'S MOTION FOR
SUMMARY JUDGMENT**

Comes now the petitioner, Roy Moore, by counsel, Peter J. Sacopulos, and hereby submits the following response to the Motion for Summary Judgement filed by the Commission Staff:

INTRODUCTION

A motion for summary judgment and the procedure for its consideration are set out in Rule 56(C) of the Indiana Rules of Trial Procedure. Indiana Rule of Trial Procedure 56(C) states, in pertinent part:

At the time of filing the motion or response, a party shall designate to the court all parts of pleadings, depositions, answers to interrogatories, admissions, matters of judicial notice and any other matters on which it relies for purposes of the motion.

A party opposing the motion shall also designate to the court each material issue of fact which that party asserts precludes entry of summary judgment and the evidence relevant thereto. The judgment sought shall be rendered forthwith if the designated evidentiary matter shows that there is no issue as to any material fact

and that the moving party is entitled to a judgment as a matter of law. (See Indiana Rule of Trial Procedure 56 (C)).

The respondent Moore first points out to the administrative law judge that the affidavit of Michael Smith is defective in that it refers to the blood (serum) sample of the horse Shocking Image in paragraph 13 of his affidavit which is not the horse in question in this proceeding.

In determining whether issues of material fact exist, a court must accept as true those facts established by the evidence favoring the nonmoving party and resolve all doubts against the party moving for summary judgment. *Bank of New York v. Nally*, 820 NE2d 644 (Ind. 2005). The court must accept as true those facts established by evidence favoring the nonmoving party and resolve all doubts against the party moving for summary judgment. *Booth v. Wiley*, 839 NE2d 1168 (Ind. 2005).

A genuine issue of material fact exists where facts concerning an issue that would dispose of the case are in dispute or where undisputed material facts are capable of supporting conflicting inferences on such an issue. *Estate of Hofgesang v. Hansford*, 714 NE2d 1213 (Ind. App. 1999).

The petitioner's motion is based entirely upon the series of presumptions set out in the Indiana Administrative Code specifically 71 IAC 8.5-1 et seq. As a result of these regulatory inferences, the petitioner then argues that it has established a prima facie case of the violations alleged in the administrative complaint. The designated evidence submitted by the moving party does not contain any direct evidence or personal observations as to the conduct of Mr. Moore. These presumptions are summarized as follows:

1. The procedure of collection, preservation, transfer to lab and analysis are correct and accurate;

2. Any quantity supports the finding of a foreign substance.
3. A foreign substance was in the horse at all times.
4. A positive lab result is prima facie evidence that a foreign substance had been administered in violation of the rules.
5. Positive test results creates prima facie evidence that trainer responsible for horse was negligent in handling or care of horse.

The Commission Staff goes on to argue that these presumptions, in essence, make Mr. Moore strictly liable for the presence of any foreign substance in a tested sample even in those circumstances when the horse in question is outside his control.

Because the motion is based upon the evidentiary value of a presumption and/or a prima facie case, the respondent needs to provide designated evidentiary matter that will establish an issue of fact as to the facts which are the subject of the presumption and/or support a prima facie case. This response will first discuss the limitations of presumptions and then set out the material issues of fact with reference to designated evidentiary material in the form of an affidavit by Dr. Clara Fenger that is attached hereto.

THE USE OF PRESUMPTIONS AND THE ESTABLISHMENT OF A PRIMA FACIE

CASE

The use of presumptions as evidentiary shortcuts is covered by Rule 301 of the Indiana Rules of Evidence. Rule 301 of the Indiana Rules of Evidence states:

Rule 301. Presumptions in civil cases generally.

In a civil case, unless a constitution, statute, judicial decision, or these rules provide otherwise, the party against whom a presumption is directed has the burden of producing evidence to rebut the presumption. But this rule does not shift the burden of presumption, which remains on the party who had it originally. A presumption has continuing effect even though contrary evidence is received. (See Rule 301 of the Indiana Rules of Evidence)

Presumptions are customarily used in trials or hearings where a party seeks to utilize a legally recognized inference to meet its burden of proof. Presumptions are rarely, if ever, used in summary judgements.

The use of the term “prima facie” is similarly restricted. It is a legal term of art having precisely limited meaning. *AT&T v. Indiana Department of Administration*, 533 NE2d 1240, (Ind. App. 1989). In *AT&T*, supra, the Indiana Court of Appeals adopted the meaning set out in Black’s Law Dictionary that defines prima facie as: “at first sight; on the first appearance; on the face of it, so far as can be judged from the first disclosure; presumably, a fact presumed to be true unless disproved by some evidence to the contrary.”

Prima facie does not mean conclusive. Definitions of the term imply that such evidence may be contradicted. *Floyd v. Jay County Rural Elec. Membership Corp*, 405 NE2d 630, (Ind. App. 1980).

The reported decisions reflect a struggle to manage the use of presumptions. In *Clay City Consolidated School Corporation v. Timberman*, 918 NE2d 977 (Ind. 2006) the Indiana Supreme Court cited *Schultz v. Ford Motor Company*, 857 NE2d 977 (Ind. 2006) where it stated: “...a trier of fact may find the presumed fact once the basic fact is established unless the opponent of

the presumption persuaded the fact finder of the non-existence of the presumed fact.” *Schultz* at 952.

**DESIGNATION OF EVIDENTIARY MATERIAL SUFFICIENT TO ESTABLISH A
GENUINE ISSUE OF MATERIAL FACT**

Attached hereto and made a part hereof is the affidavit of Dr. Clara Fenger DVM, PhD, DACVIM, a recognized veterinarian and expert in the field of equine medicine and equine clinical pharmacology. Dr. Fenger has reviewed the tests and reports upon which the Commission Staff relies for summary judgement. Dr. Fenger has set forth her findings and opinions in her report that is attached to and made a part of her affidavit. Her findings as to the validity of the foreign substances found in the samples submitted for testing are set out in paragraphs 10 through 28 of her report. Her conclusions are set out in paragraphs 24 through 26 of the section captioned Conclusion. The respondent Moore submits her affidavit and report as designated evidentiary material in opposition to the motion for summary judgment.

One of the more significant aspects of Dr. Fenger’s opinion is the fact that there were no parent drug or drug metabolites detected in the companion urine sample that was taken from the horse in question and analyzed with a high level of sensitivity. The lack of detectable metabolites in the urine sample given the four substances claimed detected in the blood sample is very unusual. The inference is that it is impossible that these substances would be present in the horse shortly before the race and give rise to detectable blood concentrations of these substances at thirty or more minutes post-race without each of these substances being readily detectable in the post-race urine sample drawn from the horse in question. Dr. Fenger states in paragraph 16 of her report: “However, Industrial Laboratories failed to correctly identify that the lack of the metabolite for Bupivacaine similarly should exclude the Bupivacaine as a positive test.” The

failure to detect the presence of Bupivacaine, Lidocaine or Ketamine in the urine sample collected from Mr. Fool Me Twice (paragraph 19) lead Dr. Fenger to conclude that the substances did not pass through the horse.

Dr. Fenger, therefore, raises the inference that the only interpretation for these substances being present in the blood samples in question and not in the urine samples in question is that they were inadvertently introduced into either the blood samples or the horse at a time either coincident with or very close to the actual time of sample collection while the horse was under the care of the racing authority. The lack of urinary identification is very strongly if not definitively exculpatory evidence on behalf of Mr. Moore.

The affidavit/report of Dr. Fenger removes the ability of the Commission Staff to rely upon regulatory presumptions and establishes that there are material issues of fact as to the collection of the samples in question and the presence of the foreign substances in the horse. Additionally, there is a material fact as to the horse in question as Mr. Moore did not own, train, or start the horse Shocking Image referenced in the affidavit of Michael Smith and relied upon by the IHRC relative to this dispositive motion

Presumptions are not conclusions. A prima facie case when rebutted by conflicting evidence cannot support a judgment as a matter of law. All conflicting inferences must be resolved in favor of the non-moving party. Mr. Moore has provided sufficient evidentiary material to establish an issue of material fact and is, therefore, entitled to a fact-finding hearing on the merits of the Administrative Complaint. The IHRC/IHRC Staff's Motion for Summary Judgment must be denied.

Respectfully Submitted,

SACOPULOS, JOHNSON & SACOPULOS
676 Ohio Street
Terre Haute, IN 47807
Telephone: (812) 238-2565
Facsimile: (812) 238-1945

By: _____


Peter J. Sacopulos, #14403-84
Counsel for Roy Moore



Gregory S. Carter, #3146-84
Counsel for Roy Moore

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon the following counsel of record via email and first class U.S. Mail, this 5th day of April, 2017:

Holly Newell
Deputy General Counsel
Indiana Horse Racing Commission
1302 North Meridian
Indianapolis, IN 46202
hnewell@hrc.in.gov

The Honorable Ernest E. Yelton
Administrative Law Judge
8269 North State Road 59
Brazil, IN 47834
eyelton@frontier.com



Peter J. Sacopulos

BEFORE AN ADMINISTRATIVE LAW JUDGE APPOINTED BY THE INDIANA HORSE
RACING COMMISSION

INDIANA HORSE RACING
COMMISSION STAFF,
Petitioner

v.

In Re: Administrative Complaint 217001

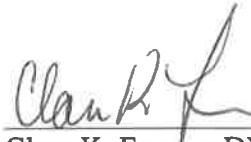
ROY MOORE
Respondent

Affidavit of Dr. Clara K. Fenger, DVM, PhD, DACVIM

Comes now Clara K. Fenger, after having affirmed under the penalty of perjury and alleges and says as follows:

1. She has reviewed certain documents and material pertaining to the identification of foreign substances which is the basis of an Administrative Complaint against Roy Moore.
2. She has prepared a report which sets out her expertise, findings and opinions regarding the allegations set out in the Administrative Complaint against Roy Moore.
3. She makes this affidavit to verify and authenticate that the report that she prepared which is attached hereto is a true and accurate copy of the report that she has prepared and contains the opinions that she has in connection with the facts and circumstances regarding the presence of certain prohibited substances in the horse, Fool Me Twice.

I affirm under the penalty of perjury that the foregoing allegations are true.



Clara K. Fenger, DVM, PhD,
DACVIM

Date 3/20/17

State of Ky
County of Fayette

Before me the undersigned, a Notary Public in and for said County and State, personally appeared Clara K. Fenger and acknowledged the execution of the foregoing instrument this 20 day of March, 2017.

Gladys Mullins
Notary Public

GLADYS MULLINS
Printed name

My Commission Expires:

02/15/2020

County of residence: Fayette



EXPERT REPORT OF CLARA K. FENGER, DVM, PhD, DACVIM

**In the matter of Roy Moore
Pending Administrative Matter at the Indiana Racing Commission**

- 1. My name is Clara K. Fenger, I live in Georgetown in the Commonwealth of Kentucky in the United States of America.**
- 2. I have been engaged on behalf of Roy Moore to provide expert testimony in relation to the above noted proceeding.**
- 3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:**
 - a. To provide opinion evidence that is fair, objective and non-partisan and to a reasonable degree of medical certainty**
 - b. To provide opinion evidence that is related only the matters within my area of expertise; and**
 - c. To provide such additional assistance as the trier of fact may reasonably require, to determine a matter in issue.**
- 4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.**

I, CLARA K. FENGER, of Equine Integrated Medicine, PLC, Georgetown, KY, USA will say as follows:

- 5. I hold a BS (1984; Animal Physiology), DVM (1988), MS (1992, Equine Exercise Physiology), PhD (1996, Molecular Parasitology) degrees and am Board Certified in Internal Medicine (1992). I am sole proprietor of Equine Integrated Medicine, PLC, where I work as a racetrack veterinary practitioner, and perform consulting research services, a position which I have held since 1996.**
- 6. I am an author of 17 scientific papers ranging in subject from equine exercise physiology to equine drug pharmacology to equine supplements dating from 1992 to the present, and book chapters in the subjects of internal medicine and equine clinical pharmacology dating from 1992 to the present.**
- 7. I have been qualified and testified as expert witness in cases relating to equine malpractice, negligence, racing commission infractions, and sales disputes since 1996.**
- 8. I was employed by the Kentucky Racing Commission from February 1993 to October**

2008 as a regulatory veterinarian.

9. As part of my current employment, I work as a private practitioner at a training center in Lexington, KY and at the Red Mile Racetrack in Lexington, KY.

Bupivacaine and ketamine in blood collected from Mr Fool Me Twice

10. Roy Moore is accused of racing Mr Fool Me Twice which allegedly carried an excess level of bupivacaine and ketamine in its blood on August 27, 2016.
11. The initial test from Industrial Laboratories returned a positive finding of bupivacaine, ketamine and lidocaine in the blood sample collected from Mr Fool Me Twice in violation of the IHRC regulation. The Lab was unable to identify the presence of the 3-hydroxy metabolite of lidocaine, therefore the lidocaine identification was not confirmed.
12. The split laboratory, the Kenneth L Maddy Laboratory at the University of California at Davis State University Laboratory, tested the split blood sample and returned a finding of bupivacaine and ketamine in the blood sample.
13. DNA testing was requested by Moore, and denied by the IHRC. Such a sample could have been used to determine if the blood sample was actually that of Mr Fool Me Twice.

Bupivacaine and lidocaine in the Blood Sample

14. The blood sample from Mr Fool Me Twice tested at Industrial Laboratory contained both bupivacaine and lidocaine, without an identification of the 3-hydroxy metabolite of either substance.
15. Both bupivacaine and lidocaine are amino amide local anesthetics and are rapidly metabolized to their 3-hydroxy metabolite in the horse^{1,2}. If either parent compound is injected into a horse, it will be metabolized to its 3-hydroxy metabolite and excreted in the urine in readily detectable concentrations within 30 min, and persisting for over 24 hours.
16. Industrial Laboratories correctly did not confirm the presence of lidocaine because of the lack of the metabolite in the sample. However, Industrial Laboratories failed to correctly identify that the lack of the metabolite for bupivacaine similarly should exclude the bupivacaine as a positive test.

1 Harkins et al. 1999. Bupivacaine in the horse: relationship of local anaesthetic responses and urinary concentrations of 3-hydroxybupivacaine. *J Vet Pharm Therap* 22:181-195.

2 Harkins et al. 1998. Lidocaine in the horse: its pharmacologic effects and their relationship to analytical findings. *J Vet Pharm Therap* 21: 464-476.

17. All amino amide local anesthetics are metabolized predominantly to a 3-hydroxy metabolite, which is the analyte of interest when drug testing for these substances. The co-identification of lidocaine and bupivacaine without their metabolites indicates that neither substance entered the horse.
18. Further, the lack of identification of either substance in the urine confirms that neither substance actually passed through the horse.

Failure to confirm the presence of bupivacaine and lidocaine in the urine sample

19. Industrial did not detect the presence of bupivacaine, lidocaine or ketamine in the urine sample collected from Mr Fool Me Twice on August 27, 2016.
20. The threshold for the closely related amino amide, mepivacaine, on the Controlled Therapeutic Medication Schedule (CTS) is erroneously set at the limit of detection in blood. As a related substance, but unlisted on the CTS, bupivacaine would similarly have a threshold at the limit of detection. At the recent September 20, 2016 RMTC meeting, it was determined that setting thresholds at the limit of detection for FDA approved therapeutic medications is inappropriate, because testing technology is being increasingly sensitive making thresholds at the limit of detection inappropriate.
21. Further, at the same RMTC meeting, it was determined that all local anesthetics which have FDA approval, such as bupivacaine, should have no more than a Class B penalty.

Ketamine in blood sample

22. Ketamine fits the profile of a substance at high risk for inadvertent environmental exposure for horses.
23. Ketamine is eliminated in the urine.
24. Ketamine can be absorbed orally or across mucous membranes of animals.
25. Ketamine is highly stable in the environment, as evidenced by its ready detection in urban wastewater as a result of human recreational abuse.
26. The amount of ketamine present in the blood of Mr Fool Me Twice was insufficient to have any pharmacologic effect on the horse³.

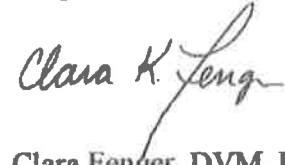
³ Fielding et al. 2006. Pharmacokinetics and clinical effects of a subanesthetic continuous rate infusion of ketamine in awake horses. *Am J Vet Res* 67: 1484-1490.

27. Mr Fool Me Twice shipped into a stall to race on August 27, 2016 which was available to other trainers for temporary stabling of horses not under the control of Moore. Further, the stall was available for stable and maintenance workers for potential use for urination.
28. The amount of ketamine present in the blood of Mr Fool Me Twice likely resulted from inadvertent environmental exposure.

CONCLUSION

24. It is my expert opinion within a reasonable degree of scientific certainty that Mr Fool Me Twice on August 27, 2016 did not race with bupivacaine or lidocaine in its system, and insufficient ketamine to have any pharmacologic effect on the horse. Further, the presence of lidocaine without the presence of any metabolites, as reported by Industrial Labs, indicates that the sample was contaminated after collection, and the presence of any substances in the sample cannot be attributed to their presence in the horse at the time of the race.
25. This opinion is based on the facts detailed above:
 - a. Metabolites for neither bupivacaine nor lidocaine were not identified in the blood sample,
 - b. the urine sample from Mr Told You Twice did not reflect the presence of bupivacaine, lidocaine, nor ketamine, and
 - c. the presence of lidocaine without its metabolites in the blood of Mr Told You Twice indicates that some event occurred which compromised the sample between collection and testing at the laboratory.
26. It is my expert opinion within a reasonable degree of scientific certainty that the blood sample was compromised and therefore no conclusions can be drawn about what may or may not have been present in the sample at the time of the race. Further, the levels identified by the lab in this case were of an insufficient magnitude to have any physiologic or pharmacologic effect on the horse. There is no other reasonable alternative interpretation of the facts of this case.

Respectfully,

A handwritten signature in cursive script that reads "Clara K. Fenger". The signature is written in black ink and is positioned above the printed name.

Clara Fenger, DVM, PhD, DACVIM

BEFORE AN ADMINISTRATIVE LAW JUDGE
APPOINTED BY THE INDIANA HORSE RACING COMMISSION

INDIANA HORSE RACING
COMMISSION STAFF,

Petitioner,

v.

ROY MOORE

Respondent.

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INDIANA
HORSE RACING COMM.

In Re: Administrative Complaint No. 217001

**INDIANA HORSE RACING COMMISSION STAFF'S MOTION FOR
SUMMARY JUDGMENT AND MEMORANDUM IN SUPPORT THEREOF**

The Indiana Horse Racing Commission Staff (hereinafter the "Commission Staff"), by counsel, pursuant to Ind. Code § 4-21.5-3-23, respectfully submits its Motion for Summary Judgment requesting that the Administrative Law Judge (hereinafter the "ALJ") issue a recommended Order in favor of the Commission Staff that affirms the violation found in and the sanctions proposed by Administrative Complaint No. 217001 (the "Complaint" or "Admin. Compl."). In support of this motion, the Commission Staff designates: (1) the Affidavit of Mike Smith (with attached exhibits); and incorporates by reference Administrative Complaint No. 217001 upon which this disciplinary action is based. The Commission Staff respectfully submits that there is no genuine issue of material fact with respect to the matters referenced in the Administrative Complaint. In support of its motion, the Commission Staff submits the following Memorandum:

I. INTRODUCTION

The Indiana Horse Racing Commission has been established by the Indiana Pari-Mutuel Wagering on Horse Races Act (the "Horse Racing Act"), codified at Ind. Code § 4-31 *et seq.* The Horse Racing Act provides that the purpose of the article is to "permit pari-mutuel wagering on

horse races in Indiana **and to ensure that pari-mutuel wagering on horse races in Indiana will be conducted with the highest of standards and the greatest level of integrity.**” Ind. Code § 4-31-1-2 (emphasis added).

The Indiana Legislature provided specific direction to the Commission with respect to the illegal medication and/or drugging of racehorses. Chapter 12 of the Horse Racing Act makes clear that (unless specifically authorized by the Commission) there is an absolute prohibition against allowing a horse that has “drugs [and] medications or substances foreign to the natural horse” in its system to compete in a race without suffering an appropriate sanction. Ind. Code §§ 4-31-12-1, 4-31-12-2(a). That sanction includes the mandatory forfeiture of any purse that was earned as a result of the horse’s performance. Ind. Code § 4-31-12-13(b)(1). This absolute prohibition and the related legislative forfeiture directive have been incorporated into the applicable Commission regulations at 71 IAC 8.5-1-2.

In addition, the Commission has delegated to its Executive Director the authority to issue an administrative complaint in order to propose the assessment of administrative sanctions when it has been determined that a licensee has committed a violation of the Horse Racing Act or of applicable Commission regulations. 71 IAC 10-3-20. Mike Smith, the Commission’s Executive Director, issued the Complaint at issue to Roy Moore (“Moore”) on or about January 18, 2017.

II. UNDISPUTED MATERIAL FACTS

Moore was licensed as a trainer by the Commission in 2016 and was at all times subject to the jurisdiction of the IHRC. (Affidavit of Mike Smith (“Smith Aff.”), ¶¶ 6, 7) Mr. Moore was the trainer of Mr Fool Me Twice, a Quarter Horse racehorse that competed in the tenth race at Indiana Grand on August 27, 2016. (Smith Aff., ¶ 5.) Mr Fool Me Twice placed third in the race, and was awarded a purse of \$6,476. (Smith Aff., ¶ 5)

Following the race, and pursuant to 71 IAC 8.5-2-3, post-race blood and urine specimens were collected from Mr Fool Me Twice. (Smith Aff., ¶¶ 12, 13) The Mr Fool Me Twice specimens, labeled Sample No. E200819, was sent to Industrial Laboratories Company (“Industrial”), a Commission-approved laboratory, for analysis pursuant to the Commission’s regulations. (Smith Aff., ¶ 14.) On September 15, 2016, Industrial reported to the Commission Staff that Sample No. E200819 tested positive for Bupivacaine at a level of 75 pg/mL in blood, Ketamine at a level of 291 pg/mL in blood, and Norketamine at a level of 24 pg/mL in blood, a prohibited substance under the regulations governing medication of Quarter Horses. (Smith Aff., ¶ 15). Moore, upon being notified of the positive test results and advised of his rights to have the split sample sent to an independent laboratory approved by the Commission, requested a split sample. (Smith Aff., ¶ 16) Specifically, Moore requested a split sample of Mr Fool Me Twice’s specimen be tested by University of California-Davis (hereinafter “U.C. Davis”), a Commission-approved split laboratory. (*Id.*) On November 12, 2016, U.C. Davis confirmed the presence of Bupivacaine, Ketamine, and Norketamine in the serum split of Sample No. E200819. (Smith Aff., ¶ 17)

Bupivacaine, Ketamine, and Norketamine are substances foreign to the natural horse that are classified by the ARCI Uniform Classification Guidelines for Foreign Substances and Recommended Penalties and Model Rule, Version 12.00 revised April 8, 2016 (hereinafter “ARCI Uniform Guidelines”). Bupivacaine is a Class 2 drug with a category “A” penalty classification (“Class 2-A foreign substance”), Ketamine is a Class 2 drug with a category “B” penalty classification, with Norketamine being a metabolite of Ketamine. (Smith Aff., ¶¶ 18, 19; Exhibit 3 to Smith Aff.). 71 IAC 8.5-1-7, which, in relevant part, was in full force and effect at all times relevant to this case, directs the Commission to consider and impose penalties consistent with the

ARCI Uniform Guidelines. (Smith Aff., ¶ 10.) Within a given foreign substance's ARCI penalty classification, the primary factors in determining the severity of a licensed trainer or owner's penalty are the number and recency of any past violations. (Smith Aff., ¶ 11; Ex. 3 to Smith Aff., p. 28). Moore had one medication finding in the 365 days preceding the August 27, 2016 race date, but it did not yield enough points to trigger the enhancements contemplated by 71 IAC 8.5-1-7.1. (Smith Aff., ¶ 22). Taking all of these facts into consideration, the Commission Staff recommended that Mr. Moore be fined \$10,000 and be suspended for one-year in addition to loss of purse and unplacing (for third place finisher Mr Fool Me Twice) from Race 10 held at Indiana Grand on August 27, 2016. (Smith Aff., ¶ 20) This penalty is warranted because the recommended sanctions follow the ARCI recommended guidelines for category "A" penalty classifications. Specifically, for a first offense, the ARCI-recommended Category A penalty is a minimum one-year suspension and \$10,000 fine, absent mitigating circumstances. (Smith Aff., ¶¶ 20; Ex. 3 to Smith Aff., p. 28). The Commission Staff's recommended penalty imposed the minimum recommended sanctions proposed under the ARCI Guidelines¹. In addition, the horse shall be unplaced and the purse shall be forfeited pursuant to applicable Indiana statutes and regulations. Ind. Code § 4-31-12-13(b)(1); 71 IAC 8.5-1-2(b).

III. PROCEDURAL HISTORY

Mike Smith, as the Executive Director of the Commission, is charged with the responsibility and authority for the implementation, administration, and enforcement of the Horse Racing Act, Ind. Code § 4-31 *et. seq.* See also 71 IAC 2-5-1(a). As previously stated, on January 18, 2017, Mr. Smith issued Administrative Complaint No. 217001 recommending that Mr. Moore be assessed an administrative penalty of a one-year suspension, fined Ten Thousand Dollars

¹ Pursuant to 71 IAC 8.5-1-7.1(d) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the commission may be treated as a single violation.

(\$10,000), that Mr Fool Me Twice be disqualified from the tenth race at Indiana Grand on August 27, 2016, and that the (third place show) purse at issue be forfeited and redistributed. This case was subsequently assigned to Administrative Law Judge Ernest Yelton.

IV. ARGUMENT

A. Summary judgment standard in administrative proceedings.

Ind. Code § 4-21.5-3-23 provides that “[a] party may, at any time after a matter is assigned to an administrative law judge, move for a summary judgment in the party’s favor as to all or any part of the issues in a proceeding.” Ind. Code § 4-21.5-3-23(a). The administrative law judge “shall consider a motion filed under subsection (a) as would a court that is considering a motion for summary judgment filed under Trial Rule 56 of the Indiana Rules of Trial Procedure.” *Id.*

Indiana Trial Rule 56(C) provides that summary judgment is appropriate when there are no genuine issues of material fact and when the moving party is entitled to judgment as a matter of law. Ind. R. Trial P. 56(C); *Parker v. Ind. State Fair Bd.*, 992 N.E.2d 969, 976 (Ind. Ct. App. 2013). “A genuine issue of material fact exists where facts concerning an issue which would dispose of the litigation are in dispute or where the undisputed facts are capable of supporting conflicting inferences on such an issue.” *Parker*, 992 N.E.2d at 976 (internal citations omitted). “The party moving for summary judgment bears the burden of making a *prima facie* showing that there is no genuine issue of material fact and that he or she is entitled to a judgment as a matter of law.” *Id.* “Once the moving party meets these two requirements, the burden shifts to the non-moving party to show the existence of a genuine issue of material fact by setting forth specifically designated facts.” *Id.* Here, the Commission has shown that it is entitled to summary judgment in these proceedings because there can be no dispute that: (1) a horse racing in Indiana is prohibited from having illegal foreign substances in its system at the time of a race; (2) Mr. Fool Me Twice had an illegal foreign substance in its system at the time of the race, and its trainer, Roy Moore, is

responsible for the presence of this substance under the applicable law and regulations; and (3) the sanction recommended to be imposed by the Commission Staff on Moore is reasonable and appropriate.

B. A horse racing in Indiana is prohibited from having illegal foreign substances in its system at the time of the race, and Mr Fool Me Twice's samples were found to contain such a substance.

A horse participating in a race in Indiana is prohibited from carrying in its body any foreign substance that is not specifically authorized by Commission regulations. *See* Ind. Code § 4-31-12-2. The Commission regulations direct the Executive Director to consider the ARCI Uniform Guidelines in both classifying a foreign substance and when imposing penalties and proposing sanctions. 71 IAC 8.5-1-7. According to the ARCI Uniform Guidelines in effect at the relevant times in 2016, Bupivacaine, is a Class 2 drug with an "A" penalty classification, Ketamine is a Class 2 drug with a "B" penalty classification, and Norketamine is a metabolite of Ketamine (Smith Aff., ¶¶ 18, 19; Smith. Aff., Ex. 3, p. 2, 6.) There is no Commission regulation that authorizes the presence of Bupivacaine, Ketamine, or Norketamine in a horse *at any level* at the time of a race. Accordingly, Bupivacaine, Ketamine, and Norketamine are considered unauthorized foreign substances under the Commission's regulations and their presence in Mr Fool Me Twice on August 27, 2016 constitutes an unquestionable violation of the Commission's foreign substances rule. 71 IAC 8.5-1-2(a).

A finding at a Commission-approved laboratory that a test sample taken from a horse contains a foreign substance creates a presumption that the "procedures of collection, preservation, transfer to the laboratory, and analysis of the sample are correct and accurate." 71 IAC 8.5-2-1(2). Moreover, the presence of "**any quantity**" of a foreign substance, such as Bupivacaine, Ketamine, and Norketamine, supports a finding of a foreign substance and compels the attendant consequences. 71 IAC 8.5-3-3(g) (emphasis added). In other words, it is not relevant under the

Commission's regulations how someone might characterize the amount of the drug that was present upon testing (i.e., minimal, moderate, substantial, etc.) or what the precise quantity of the drug was that may have been found in the horse's system.

The finding of a drug positive also creates a presumption that the foreign substance was in the horse's body at the time the race was run. 71 IAC 8.5-1-2(a). Positive laboratory results are *prima facie* evidence that the foreign substance has been administered to the horse in violation of the Commission's rules. 71 IAC 8.5-2-1. In addition, a positive test creates a *prima facie* case that the trainer (or his or her agents) responsible for the care and custody of the horse was negligent in the handling or care of the horse. 71 IAC 8.5-1-2(a). This is consistent with the regulation that imposes a duty on a trainer to "prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules." 71 IAC 5.5-3-2(b). Stated another way, a claim that Bupivacaine, Ketamine, and Norketamine may have entered Mr Fool Me Twice's body via the act of a third person are unavailing because Mr. Moore, as the trainer, was responsible for the condition of his horse regardless of any acts of third persons. 71 IAC 5.5-3-2(a) (*emphasis added*).

After obtaining and testing the samples of Mr Fool Me Twice's blood and urine (in accordance with the procedures set forth in 71 IAC 8.5-2-3(b)) following the August 27, 2016 Indiana Grand race, the Commission's approved laboratory, Industrial, confirmed the presence of Bupivacaine, Ketamine, and Norketamine in Mr Fool Me Twice's blood. (Smith Aff., ¶ 15.) These facts lead to the inevitable conclusion of a positive test result for the presence of Bupivacaine, Ketamine, and Norketamine, which establishes the Commission's *prima facie* case that such illegal foreign substances were in Mr Fool Me Twice's body at the time it ran the race, in violation of Indiana law and Commission's rules.

C. The recommended sanctions imposed upon Moore are both reasonable and appropriate.

Indiana law mandates the forfeiture of a purse when any prohibited foreign substance is detected in a horse participating in a race. *See* I.C. 4-31-12-13; 71 IAC 8.5-1-2(b). Furthermore, the ARCI Uniform Guidelines' recommended minimum penalty for a first violation (in any jurisdiction within 365 days) involving a Class 2-A foreign substance, such as Bupivacaine, is a suspension of at least one-year and a minimum \$10,000 fine (absent mitigating circumstances). (Smith Aff., ¶ 20; Smith Aff., Ex. 3, p. 28.) The actual sanction the Commission Staff has recommended to be imposed upon Moore is just that: a one-year suspension, a \$10,000 fine (and the loss of the purse, as required by Indiana law). Thus, Commission Staff's recommended penalty is clearly reasonably related to the minimum recommended penalties for a first offender, and, accordingly, cannot be determined to be unreasonable. The ARCI Uniform Guidelines contemplate and are consistent with the sanctions recommended here.

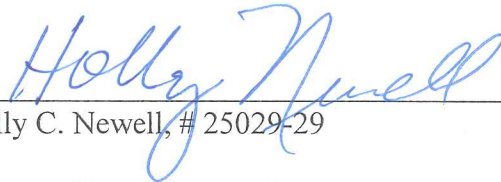
V. CONCLUSION

As the trainer of Mr Fool Me Twice, Moore is responsible for a violation of 71 IAC 8.5-1-2 that prohibits a horse from carrying any foreign substance in its body, based upon a positive drug test. The presence of Bupivacaine, Ketamine, and Norketamine in the samples of Mr Fool Me Twice as measured by Industrial Laboratories is a *prima facie* violation of 71 IAC 8.5-2-1 which prohibits a race horse from carrying a foreign substance in its body during a race. In the absence of "substantial evidence" that a third person was responsible for the administration, Moore (as trainer) is responsible. 71 IAC 5.5-3-2(a) and (b); 71 IAC 8.5-2-1.

WHEREFORE, the Indiana Horse Racing Commission Staff respectfully requests that the Administrative Law Judge enter an Order granting Summary Judgment in favor of the Commission Staff, thereby adopting the sanctions proposed by the Commission Staff and imposing the

recommended penalty for Moore of a one-year suspension, a Ten Thousand Dollar (\$10,000) fine, and the forfeiture and redistribution of the third place purse and Mr Fool Me Twice unplaced for the tenth race at Indiana Grand on August 27, 2016.

Respectfully submitted,



Holly C. Newell, # 25029-29

INDIANA HORSE RACING COMMISSION
1302 N. Meridian Street, Suite 175
Indianapolis, IN 46202
Tel: (317) 232-0397
Fax: (317) 233-4470
hnewell@hrg.in.gov

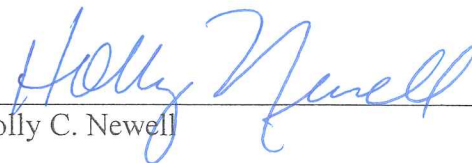
Attorney for Indiana Horse Racing Commission Staff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served via electronic mail and deposited in the U.S. mail, first-class postage prepaid, on the 6th day of March, 2017, to:

Pete Sacopulos
Sacopulos, Johnson & Sacopulos
676 Ohio Street
Terre Haute, IN 47807
pla@sacopulos.com

The Honorable Ernest Yelton
8269 North State Road 59
Brazil, IN 47834
eyelton@frontier.com



Holly C. Newell

BEFORE AN ADMINISTRATIVE LAW JUDGE
APPOINTED BY THE INDIANA HORSE RACING COMMISSION

INDIANA HORSE RACING
COMMISSION STAFF,

Petitioner,

v.

ROY MOORE

Respondent.

In Re: Administrative Complaint No. 217001

AFFIDAVIT OF MIKE SMITH

Comes now the undersigned, and being duly sworn upon his oath, alleges and says as follows:

1. I am an adult, over eighteen (18) years of age, of sound mind, have personal knowledge of and am competent to testify as to the matters contained herein.
2. I am the Executive Director of the Indiana Horse Racing Commission (the "Commission"). I commenced my duties on February 1, 2016. The Executive Director is the highest ranking member of the Commission Staff.
3. As Executive Director of the Commission, I am a custodian of records that are maintained by the Commission in the ordinary course of its business.
4. As Executive Director, I have familiarity with the foreign substance screening program.
5. My review of information relating to the tenth race conducted at Indiana Grand on August 27, 2016 reveals that Mr Fool Me Twice finished third and was awarded a \$6,476.00 purse. The Program for Race 10 at Indiana Grand is attached to this Affidavit as Exhibit 1. The Equibase report showing the race

results and purse for Race 10 at Indiana Grand is attached to this Affidavit as Exhibit 2.

6. At all times relevant, Mr Fool Me Twice was owned by Roy Moore, who was licensed by the Commission as an owner and a trainer.
7. At all times relevant, Mr Fool Me Twice was trained by Roy Moore, who was licensed by the Commission as an owner and a trainer.
8. Participation in pari-mutuel racing in Indiana is a privilege, and not a right.
9. Any horse participating in a pari-mutuel race is subject to 71 IAC 8.5-2-3(b), and can be selected for post-race blood and urine analysis.
10. Commission regulations dictate that the IHRC shall consider the classification level of the violation as currently established by the Uniform Classification Guidelines of Foreign Substances and Recommended Penalties and Model Rule published by the ARCI, and impose penalties and disciplinary measures consistent with the recommendations therein. 71 IAC 8.5-1-7. The version of the ARCI Uniform Guidelines in effect at the time of the August 27, 2017 race at issue is attached to this Affidavit as Exhibit 3.
11. The primary factors in determining the severity of a licensed trainer or owner's penalty are the number and recency of any past violations.
12. Blood and urine samples were collected from Mr Fool Me Twice after the August 27, 2017 race.
13. The blood (serum) of Shocking Image was assigned Sample No. E200819. The sample tag is attached to this Affidavit as Exhibit 4. The Commission Test Barn Report is attached to this Affidavit as Exhibit 5.

14. Pursuant to Commission regulations, the blood and urine of Mr Fool Me Twice was sent to The Industrial Laboratories Company in Wheat Ridge, Colorado (“Industrial”) on August 27, 2016. The Chain of Custody Form reflecting the shipment is attached to this Affidavit as Exhibit 6.
15. On September 15, 2016, Industrial Laboratories identified Sample No. E200819 as being positive for bupivacaine in blood, ketamine in blood, and norketamine in blood. The Affidavit from Industrial Laboratories showing the positive findings is attached to this Affidavit as Exhibit 7.
16. Moore was notified of the positive tests and requested that a split sample tested at the University of California, Davis (“U.C. Davis”).
17. On November 12, 2016, U.C. Davis identified Sample No. E200819 confirmed the presence of bupivacaine, ketamine, and norketamine. The positive letter relating to the positive findings is attached to this Affidavit as Exhibit 8.
18. Bupivacaine is a Class 2 drug with a Category “A” penalty. Exhibit 3, pg. 2.
19. Ketamine is a Class 2 drug with a Category “B” penalty. Exhibit 3, pg. 6.
Norketamine is a metabolite of ketamine.
20. The Uniform Guidelines recommend a minimum of a one-year suspension, a \$10,000.00 fine and disqualification/purse redistribution for violations due to the presence of a drug carrying a Category “A” penalty. *Id.*, pg. 28.
21. Moore had been sanctioned for one other incident in the 365 days before the finding at issue. Moore’s ARCI ruling report is attached to this Affidavit as Exhibit 9.

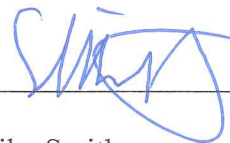
22. The other positive that Moore received in the past 365 days did not result in enough multiple medication violation points being assessed pursuant to 71 IAC 8.5-1-7.1 to affect the recommended penalty at issue in Indiana.
23. Commission Staff filed Administrative Complaint No. 217001 against Roy Moore on January 18, 2017.
24. Mr. Moore timely requested a hearing in writing.
25. Then-IHRC Chairman Tom Weatherwax directed that the matter be heard by Administrative Law Judge Ernest Yelton (“ALJ Yelton”).
26. The matter was forwarded to ALJ Yelton for consideration on January 27, 2017.
27. Attached Exhibits 1 through 9 reflect entries, reports, records and/or data compilations that were made at or near the time of the occurrence of the matters set forth in each of the records, by or from information transmitted by a person with knowledge of the existence of the matters recorded therein.
28. Attached Exhibits 1 through 9 and the entries, reports, records and/or data compilations that they reflect are, and were, kept in the course of regularly conducted business activities of the Commission.
29. Attached Exhibits 1 through 9 and the entries, reports, records and/or data compilations that they reflect are, and were, made and gathered as a part of the regular business practice and activity of the Commission.
30. I certify the authenticity of Exhibits 1 through 9 pursuant to the provisions of Indiana Rules of Evidence 803(6) and 803(8).

Further Affiant Sayeth Not.

I affirm under the penalties for perjury that the foregoing representations are true and correct to the best of my knowledge.

3-2-17

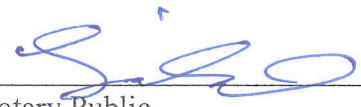
Date



Mike Smith

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared Mike Smith and acknowledged the execution of the foregoing instrument this 2nd day of March, 2017.



Notary Public

LA Ellingwood

Printed Name

My Commission Expires:
8/6/23

County of Residence:
Hamilton

COMPARATIVE RANKINGS

Table with 8 columns: Wins At Distance, Last 3 Finishes, Lifetime Wins, In The Money, J / T Meet Wins, Class Rating, Avg Last 3 Speed, Best Overall. Rows include My Louisiana Rod, Megatron Harry, Who Jack, etc.

Daily Double / Exacta / Trifecta / 50 Cent Trifecta / Superfecta / 10 Cent Superfecta

10

Indiana Grand Race Course

The 17th Running of "The 2015 QHRAI Stallion Service Auction Derby Finals" \$71,954

3yo STAKES



equibase.com/QR

Purse \$71,954. FOR REGISTERED QUARTER HORSES THREE YEARS OLD THAT REMAIN ELIGIBLE BY QUALIFYING WITH THE TEN FASTEST TIMES IN THE QHRAI 2016 SSA DERBY TRIALS. Weights: 122 lbs. This stake will be limited to ten starters, all of which qualified with the fastest times in the Auction Derby Trials. Purse distribution will be, 39% to the winner, 19% to second, 9% to third, 7% to fourth, 6% to fifth, 5% to sixth, 4.5% to seventh, 4% to eighth, 3.5% to ninth, and 3% to tenth. Enter at the usual time of entry as listed in the condition book. Assistant starters will be supplied for each competitor. Note: The trainer is hereby agreeing to the rules defined in Indiana Code 71 IAC 8.5-2-5 and 71 IAC 8.5-3-4. NQRACING.COM. FOUR HUNDRED YARDS

Track Record: Parti Favor(4), 127 lbs.; :19.46 (6-17-16)

Main race entry table for Miss Huerfanita. Includes columns for Prg #, Horse, Jockey, Pedigree/Breeder/Owner/Trainer, ITM%, Weight, Medication, Life, Dirt, Wet, Turf, Synthetic, and Class Rating. Miss Huerfanita is the featured horse.

Main race entry table for Dixie Cup Lou. Includes columns for Prg #, Horse, Jockey, Pedigree/Breeder/Owner/Trainer, ITM%, Weight, Medication, Life, Dirt, Wet, Turf, Synthetic, and Class Rating. Dixie Cup Lou is the featured horse.

Continued on next page Saturday, August 27, 2016 IND Race 10



3 Blue Fast N Famous Eagle(QH) CESAR G. ESQUEDA (117-17-12-15 15%) 38%

B c. 3 (Mar 1, 2013) One Famous Eagle (Mr Jess Perry) - One Fast Kisser (Heza Fast Man) Br: Oscar Lozano (TX) Own: Joe M. Davis Tr: Joe M. Davis (77-16-16-5 21%) 48%

Life: 16 2 6 2 \$67,372 Dirt: 16 2 6 2 \$67,372 2016: 8 0 4 1 \$19,060 Wet Dirt: 3 1 1 0 \$33,482 2015: 8 2 2 1 \$48,312 Turf: 0 0 0 0 \$0 Ind Dirt: 10 2 3 1 \$52,972 Wet Turf: 0 0 0 0 \$0 Distance: 16 2 6 2 \$67,372 Synthetic: 0 0 0 0 \$0

10-1 Blue, Diamond Framed White "JD", White Sleeves

Table with columns: Date, Race, Sex, Age, Weight, Height, Time, Trainer, etc. for Fast N Famous Eagle.

Table with columns: Date, Race, Sex, Age, Weight, Height, Time, Trainer, etc. for Fast N Famous Eagle.

122 Class Rating: 70

Table with columns: Date, Race, Sex, Age, Weight, Height, Time, Trainer, etc. for other horses in the race.

Works: 29 Jul 16 Ind 220Y gd :11.36 b g 1/4 21 May 16 Whl 220Y wf :12.01 b 3/6 11 Apr 16 Whl 220Y mf :12.53 b 11/13

4 Yellow Mr Fool Me Twice(QH) GIOVANI VAZQUEZ-GOMEZ (76-7-14-12 9%) 43%

Sor g. 3 (Jan 20, 2013) Escondido Beach (Corona Cartel) - Foolininthemeadow(TB) (Meadow Prayer(TB)) Br: Roy Moore (FL) Own: Roy E. Moore Tr: Roy E. Moore (29-0-3-2 0%) 17%

Life: 15 3 4 3 \$38,909 Dirt: 15 3 4 3 \$38,909 2016: 8 2 1 2 \$20,729 Wet Dirt: 1 0 0 0 \$150 2015: 7 1 3 1 \$18,180 Turf: 0 0 0 0 \$0 Ind Dirt: 11 1 4 2 \$21,934 Wet Turf: 0 0 0 0 \$0 Distance: 15 3 4 3 \$38,909 Synthetic: 0 0 0 0 \$0

20-1 Orange, White "M"

Table with columns: Date, Race, Sex, Age, Weight, Height, Time, Trainer, etc. for Mr Fool Me Twice.

Table with columns: Date, Race, Sex, Age, Weight, Height, Time, Trainer, etc. for Mr Fool Me Twice.

L 122 Class Rating: 62

Table with columns: Date, Race, Sex, Age, Weight, Height, Time, Trainer, etc. for other horses in the race.

Works: 4 May 16 Ind 300Y gd :20.89 b g 1/1 16 Apr 16 Ind 350Y ft :20.38 b 1/1 15 Dec 15 Hia 220Y ft :11.00 b 4/45

5 Green Coco Beach(QH) JUAN GALVAN (41-3-4-0 7%) 17%

B f. 3 (Mar 24, 2013) Escondido Beach (Corona Cartel) - Flashin Dee Dee (First to Flash) Br: Sheri Miller (IN) Own: Sheri Miller Tr: Randy M. Smith (184-31-33-35 17%) 54%

Life: 12 3 4 0 \$35,695 Dirt: 12 3 4 0 \$35,695 2016: 6 2 2 0 \$19,782 Wet Dirt: 3 2 0 0 \$16,040 2015: 6 1 2 0 \$15,913 Turf: 0 0 0 0 \$0 Ind Dirt: 12 3 4 0 \$35,695 Wet Turf: 0 0 0 0 \$0 Distance: 12 3 4 0 \$35,695 Synthetic: 0 0 0 0 \$0

4-1 Black, Red "S", Red and White Bands on Sleeves

Table with columns: Date, Race, Sex, Age, Weight, Height, Time, Trainer, etc. for Coco Beach.

Table with columns: Date, Race, Sex, Age, Weight, Height, Time, Trainer, etc. for Coco Beach.

L 122 Class Rating: 67

Table with columns: Date, Race, Sex, Age, Weight, Height, Time, Trainer, etc. for other horses in the race.

Works: 12 Apr 16 Ind 220Y mf :11.57 b g 4/19 16 Sep 15 Ind 220Y ft :11.95 b g 4/7 18 Aug 15 Ind 220Y ft :12.56 b 1/1

6 Black My Louisiana Rod(QH) BERKLEY R. PACKER (84-19-17-18 23%) 64%

B f. 3 (Apr 8, 2013) La Jollaroird (Streakin La Jolla) - Miss Louisiana Blue (Jess Louisiana Blue) Br: Gordon L Timm (IN) Own: Randy M. Smith Tr: Randy M. Smith (184-31-33-35 17%) 54%

Life: 10 5 3 2 \$191,983 Dirt: 10 5 3 2 \$191,983 2016: 5 2 1 2 \$65,100 Wet Dirt: 2 2 0 0 \$52,140 2015: 5 3 2 0 \$126,883 Turf: 0 0 0 0 \$0 Ind Dirt: 10 5 3 2 \$191,983 Wet Turf: 0 0 0 0 \$0 Distance: 10 5 3 2 \$191,983 Synthetic: 0 0 0 0 \$0

2-1 Black, Red "S", Red and White Bands on Sleeves

Table with columns: Date, Race, Sex, Age, Weight, Height, Time, Trainer, etc. for My Louisiana Rod.

Table with columns: Date, Race, Sex, Age, Weight, Height, Time, Trainer, etc. for My Louisiana Rod.

L 122 Class Rating: 77

Table with columns: Date, Race, Sex, Age, Weight, Height, Time, Trainer, etc. for other horses in the race.

Works: 26 Apr 16 Ind 220Y ft :10.90 b 1/15 7 May 15 Ind TR 5 250Y ft :13.74 b g 1/6 15 Apr 15 Ind 220Y ft :11.86 b g 3/15

Trainer (Last 365 days): All: 275 18% \$1.18 Dist/Surf: 275 18% \$1.18 NonLastStart: 47 19% \$0.70 Stakes: 42 12% \$0.55

With Jockey: 137 23% \$1.10

7 Jumpn Chick (QH) B

Orange OMAR REYES (11-1-0-3 9%) 36%

5-1 Black, Red "S", Red and White Bands on Sleeves

Table with race results for Jumpn Chick, including dates, times, and horse names like Coco Beach and Bella Estrella.

Previously trained by Johnson Marvin A 2015 (as of 06/10): (161-25-24-20 16%) 43%

Table with race results for Jumpn Chick, including dates, times, and horse names like Jumpn Chick 125 and She Is Mighty.

Trainer (Last 365 days): All: 275 18% \$1.18 Dist/Surf: 275 18% \$1.18 Stakes: 42 12% \$0.55

8 Who Jack (QH)

Pink OSDANY P. LEAL (3-1-1-0 33%) 67%

7-2 White, Red "M" on Blue Ribbon, Blue Cuffs on Sleeves

Table with race results for Who Jack, including dates, times, and horse names like My Louisiana Rod and Captain B.

Previously trained by Concepcion Sergio 2015: (69-6-15-11 9%) 46%

Table with race results for Who Jack, including dates, times, and horse names like Big Profit and Who Jack 124.

Claimed by M and D Racing Inc. from Delarosa, Arael and Zapata, Lionel for \$5,000, Garcia Jose A. - Trainer

Table with race results for Who Jack, including dates, times, and horse names like Jet Black Guitar and Jess a Saint.

Trainer (Last 365 days): All: 22 18% \$2.55 Dist/Surf: 22 18% \$2.55 Stakes: 4 0% \$0.00

9 Shake Rattle N Rolla (QH) B

Turquoise ALEX ESTRADA (65-6-7-6 9%) 29%

20-1 Green, Green "MD" on Royal Ball, Dots on Sleeves

Table with race results for Shake Rattle N Rolla, including dates, times, and horse names like Coco Beach and Jess Strong.

Table with race results for Shake Rattle N Rolla, including dates, times, and horse names like Grande Sin Tacha and Zoomin Lane.

Trainer (Last 365 days): All: 140 4% \$0.64 Dist/Surf: 140 4% \$0.64 Stakes: 2 0% \$0.00

10 Megatron Harry (QH) S

Purple RODNEY A. PRESCOTT (479-61-62-50 13%) 36%

10-1 Black, Red "S", Red and White Bands on Sleeves

Table with race results for Megatron Harry, including dates, times, and horse names like My Louisiana Rod and Fantastic Six.

Table with race results for Megatron Harry, including dates, times, and horse names like Wh Kenny G and My Louisiana Rod.

Trainer (Last 365 days): All: 275 18% \$1.18 Dist/Surf: 275 18% \$1.18 Stakes: 42 12% \$0.55

B-Butte; L-Lasix; LI-First time on Lasix; LX-Off Lasix; I- Denotes Indiana Sired; I- Denotes Indiana Bred

Selections: 6-8-5-7

INDIANA GRAND RACE COURSE - August 27, 2016 - Race 10

DERBY QHRA OF Indiana Stallion Service Auction Derby - Quarter Horse

FOR REGISTERED QUARTER HORSES THREE YEARS OLD THAT REMAIN ELIGIBLE BY QUALIFYING WITH THE TEN FASTEST TIMES IN THE QHRAI 2016 SSA DERBY TRIALS. Weights: 122 lbs. This stake will be limited to ten starters, all of which qualified with the fastest times in the Auction Derby Trials. Purse distribution will be, 39% to the winner, 19% to second, 9% to third, 7% to fourth, 6% to fifth, 5% to sixth, 4.5% to seventh, 4% to eighth, 3.5% to ninth, and 3% to tenth. Enter at the usual time of entry as listed in the condition book. Assistant starters will be supplied for each competitor. Note: The trainer is hereby agreeing to the rules defined in Indiana Code 71 IAC 8.5-2-5 and 71 IAC 8.5-3-4. NQRACING.COM.

Four Hundred Yards On The Dirt Track Record: (Parti Favor - 19.467 - June 17, 2016)

Purse: \$71,954 Added

Available Money: \$71,954

Value of Race: \$71,954 1st \$28,062, 2nd \$13,671, 3rd \$6,476, 4th \$5,037, 5th \$4,317, 6th \$3,598, 7th \$3,238, 8th \$2,878, 9th \$2,518, 10th \$2,159



[Video Race Replay](#)

Wind Speed: 0 Wind Direction: No

Weather: Cloudy Track: Muddy (Sealed)

Off at: 10:17 Start: Poor Timer: Electronic

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	Str 1	Str	Fin	Odds	Ind. Time	Sp. In.	Comments
13Aug16 ¹ IND ¹	6	My Louisiana Rod (Packer, Berkley)	124	L bf	6	6	2 ¹	1 ^{1/2}	1 ^{1/2}	1.70*	19.898	94	broke out,edgd up,held
13Aug16 ² IND ¹	5	Coco Beach (Galvan, Juan)	123	L b	5	1	1 ^{1/2}	2 ^{1/2}	2 ^{Neck}	9.50	19.971	92	popped,led,yielded
13Aug16 ¹ IND ⁵	4	Mr Fool Me Twice (Vazquez-Gomez, Giovanni)	125	L b	4	5	3 ^{1/2}	3 ¹	3 ^{1/2}	68.30	20.020	91	slowly gaining
13Aug16 ² IND ²	7	Jumpn Chick (Reyes, Omar)	122	L b	7	8	5 ¹	4 ^{1/2}	4 ¹	17.60	20.125	88	angld out erly,gaining
13Aug16 ² IND ⁵	1	Miss Huerfanita (Pina, Rolando)	122	bf	1	2	4 ^{1/2}	5 ¹	5 ^{1/2}	57.20	20.303	84	lacked closing kick
13Aug16 ¹ IND ²	10	Megatron Harry (Prescott, Rodney)	122	L b	10	9	8 ¹	8 ^{1/2}	6 ^{1/2}	3.90	20.383	82	back-end bumped early
13Aug16 ¹ IND ²	8	Who Jack (Leal, Osdany)	122	L b	8	7	9 ^{1 1/2}	9 ²	7 ^{Head}	1.80	20.468	80	bmpd,squzd,forced out
13Aug16 ¹ IND ⁴	3	Fast N Famous Eagle (Esqueda, Cesar)	126	f	3	4	7 ¹	6 ¹	8 ^{1 1/2}	12.20	20.483	79	leaned on erly,no fctr
13Aug16 ² IND ⁴	9	Shake Rattle N Rolla (Estrada, Alex)	122	L	9	10	10	10	9 ^{3/4}	24.60	20.723	73	brke in,bmpd,fordc out
13Aug16 ² IND ³	2	Dixie Cup Lou (Bolanos, Leonel)	125	L b	2	3	6 ^{Head}	7 ^{Head}	10	90.50	20.854	70	slight bump st,faded

Run-Up: 0 feet

Winner: My Louisiana Rod, Bay Filly, by La Jollaroid out of Miss Louisiana Blue, by Jess Louisiana Blue. Foaled Apr 08, 2013 in Indiana.

Breeder: Gordon L Timm. **Winning Owner:** Randy M. Smith

Total WPS Pool: \$22,808

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
6	My Louisiana Rod	5.40	3.40	2.80	\$2.00 Exacta	6-5	42.00	17,561
5	Coco Beach		5.60	5.80	\$0.50 Trifecta	6-5-4	178.25	16,265
4	Mr Fool Me Twice			12.00	\$0.10 Superfecta	6-5-4-7	290.55	12,249
					\$0.50 Pick 3	6-10-6 (3 correct)	37.40	1,243
					\$2.00 Daily Double	10-6	17.80	735

Past Performance Running Line Preview

Pgm	Horse Name	Start	Str 1	Str	Fin
6	My Louisiana Rod	6	2 ^{1/2}	1 ^{1/2}	1 ^{1/2}
5	Coco Beach	1	1 ^{1/2}	2 ^{1/2}	2 ^{1/2}
4	Mr Fool Me Twice	5	3 ^{1 1/2}	3 ¹	3 ^{3/4}
7	Jumpn Chick	8	5 ^{2 1/2}	4 ²	4 ^{1 1/4}
1	Miss Huerfanita	2	4 ²	5 ^{2 1/2}	5 ^{2 1/4}
10	Megatron Harry	9	8 ^{4 1/2}	8 ^{4 1/2}	6 ^{2 3/4}
8	Who Jack	7	9 ^{5 1/2}	9 ⁵	7 ^{3 1/4}
3	Fast N Famous Eagle	4	7 ^{3 1/2}	6 ^{3 1/2}	8 ^{3 1/4}
9	Shake Rattle N Rolla	10	10 ⁷	10 ⁷	9 ^{4 3/4}
2	Dixie Cup Lou	3	6 ^{3 1/2}	7 ^{4 1/2}	10 ^{5 1/2}

Trainers: 6 - Smith, Randy; 5 - Smith, Randy; 4 - Moore, Roy; 7 - Smith, Randy; 1 - Davis, Joe; 10 - Smith, Randy; 8 - Martinez, Ricardo; 3 - Davis, Joe; 9 - Mosley, Jr., Thomas; 2 - Nasby, Dale

Owners: 6 -Randy M. Smith; 5 -Sheri Miller; 4 -Roy Moore; 7 -Rose Bode; 1 -Terry Alston; 10 -Sheri Miller; 8 -Eulice Pujol; 3 -Joe M. Davis; 9 - Mumford, Jeff and Mumford, Lisa; 2 -Dale R. Nasby;

Footnotes

MY LOUISIANA ROD broke out start, edged up, held. COCO BEACH popped, led, could not hold. MR FOOL ME TWICE slowly gaining. JUMPN CHICK angled out early, gaining. MISS HUERFANITA lacked closing kick. MEGATRON HARRY back-end bumped early. WHO JACK bumped, squeezed, forced out. FAST N FAMOUS EAGLE leaned on early, no menace. SHAKE RATTLE N ROLLA broke in, bumped rival, forced out. DIXIE CUP LOU slight bump start, faded.



Association of Racing Commissioners International, Inc.
Drug Testing Standards and Practices Program
Model Rules Guidelines



Uniform Classification Guidelines for Foreign Substances and Recommended Penalties and Model Rule

tabbles®

EXHIBIT

3

Version 12.00

Association of Racing Commissioners International, Inc.
Uniform Classification Guidelines for Foreign Substances

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Preamble to the Uniform Classification Guidelines of Foreign Substances

The Preamble to the Uniform Classification Guidelines was approved by the RCI Drug Testing and Quality Assurance Program Committee (now the Drug Testing Standards and Practices Program Committee) on August 26, 1991. Minor revisions to the Preamble were made by the Drug Classification Subcommittee (now the Veterinary Pharmacologists Subcommittee) on September 3, 1991.

"The Uniform Classification Guidelines printed on the following pages are intended to assist stewards, hearing officers and racing commissioners in evaluating the seriousness of alleged violations of medication and prohibited substance rules in racing jurisdictions. Practicing equine veterinarians, state veterinarians, and equine pharmacologists are available and should be consulted to explain the pharmacological effects of the drugs listed in each class prior to any decisions with respect to penalties to be imposed. The ranking of drugs is based on their pharmacology, their ability to influence the outcome of a race, whether or not they have legitimate therapeutic uses in the racing horse, or other evidence that they may be used improperly. These classes of drugs are intended only as guidelines and should be employed only to assist persons adjudicating facts and opinions in understanding the seriousness of the alleged offenses. The facts of each case are always different and there may be mitigating circumstances which should always be considered. These drug classifications will be reviewed frequently and new drugs will be added when appropriate."

Notes Regarding Classification Guidelines

- Where the use of a drug is specifically permitted by a jurisdiction, then the jurisdiction's rule supersedes these penalty guidelines.
- Regulators should be aware that a laboratory report may identify a drug only by the name of its metabolite. The metabolite might not be listed here, but the parent compound may be.
- These classes of drugs are intended only as guidelines and should be employed only to assist persons adjudicating facts and opinions in understanding the seriousness of the alleged offenses.
- The facts of each case are different and there may be mitigating circumstances that should be considered.
- These drug classifications will be reviewed periodically. New drugs will be added or some drugs may be reclassified when appropriate.
- Found substances or drugs not included in these guidelines should be treated as Class I violations warranting a Class A penalty unless otherwise advised by consultation with Racing Commissioners International (RCI) and/or the Racing Medication and Testing Consortium (RMTC).

Classification Criteria

The RCI Drug Classification Scheme is based on 1) pharmacology, 2) drug use patterns, and 3) the appropriateness of a drug for use in the racing horse. Categorization is decided using the following general guidelines:

- *Pharmacology.* Drugs that are known to be potent stimulants or depressants are placed in higher classes, while those that have (or would be expected to have) little effect on the outcome of a race are placed in lower classes.
- *Drug Use Patterns.* Some consideration is given to placement of drugs based on practical experience with their use and the nature of positive tests. For example, procaine positives have in the past been associated primarily with the administration of procaine penicillin, and this has been taken into consideration in the placement of procaine into Class 3 instead of Class 2 with other injectable local anesthetics.
- *Appropriateness of Drug Use.* Drugs that clearly are intended for use in equine therapeutics are placed in lower classes. Drugs that clearly are not intended for use in the horse are placed in higher classes, particularly if they might affect the outcome of a race. Drugs that are recognized as legitimately useful in equine therapeutics but could affect the outcome of a race are placed in the middle or higher classes.

The list includes most drugs that have been reported as detected by racing authority laboratories in the United States, Canada, the United Kingdom and other Association of Official Racing Chemists (AORC) laboratories, but does not include those which would seem to have no effect on the performance of the horse or drug detectability. For example, it does not include antibiotics, sulfonamides, vitamins, antelminitics, or pangamic acid, all of which have been reported.

The list contains many drugs that have never been reported as detected. Usually, these are representatives of chemical classes that have the potential for producing an effect, and in many cases, for which at least one drug in that chemical class has been reported.

Most drugs have numerous effects, and each was judged on an individual basis. There are instances where there is a rather fine distinction between drugs in one category and those in the next. This is a reflection of a nearly continuous spectrum of effects from the most innocuous drug on the list to the drug that is the most offensive.

Classification Definitions

- **Class 1:** Stimulant and depressant drugs that have the highest potential to affect performance and that have no generally accepted medical use in the racing horse. Many of these agents are Drug Enforcement Agency (DEA) schedule II substances. These include the following drugs and their metabolites: Opiates, opium derivatives, synthetic opioids and psychoactive drugs, amphetamines and amphetamine-like drugs as well as related drugs, including but not limited to apomorphine, nikethamide, mazindol, pemoline, and pentylentetrazol. Though not used as therapeutic agents, all DEA Schedule I agents are included in Class 1 because they are potent stimulant or depressant substances with psychotropic and often habituating actions.
- **Class 2:** Drugs that have a high potential to affect performance, but less of a potential than drugs in Class 1. These drugs are 1) not generally accepted as therapeutic agents in racing horses, or 2) they are therapeutic agents that have a high potential for abuse. Drugs in this class include: psychotropic drugs, certain nervous system and cardiovascular system stimulants, depressants, and neuromuscular blocking agents. Injectable local anesthetics are included in this class because of their high potential for abuse as nerve blocking agents.
- **Class 3:** Drugs that may or may not have generally accepted medical use in the racing horse, but the pharmacology of which suggests less potential to affect performance than drugs in Class 2. Drugs in this class include bronchodilators, anabolic steroids and other drugs with primary effects on the autonomic nervous system, procaine, antihistamines with sedative properties and the high-ceiling diuretics.
- **Class 4:** This class includes therapeutic medications that would be expected to have less potential to affect performance than those in Class 3. Drugs in this class includes less potent diuretics; corticosteroids; antihistamines and skeletal muscle relaxants without prominent central nervous system (CNS) effects; expectorants and mucolytics; hemostatics; cardiac glycosides and anti-arrhythmic; topical anesthetics; antidiarrheals and mild analgesics. This class also includes the non-steroidal anti-inflammatory drugs (NSAIDs), at concentrations greater than established limits.
- **Class 5:** This class includes those therapeutic medications for which concentration limits have been established by the racing jurisdictions as well as certain miscellaneous agents and other medications as determined by the regulatory bodies. Included specifically are agents that have very localized actions only, such as anti-ulcer drugs, and certain anti-allergic drugs. The anticoagulant drugs are also included.

• **Prohibited Practices:**

- A) The possession and/or use of a drug, substance or medication, specified below, on the premises of a facility under the jurisdiction of the regulatory body for which a recognized analytical method has not been developed to detect and confirm the administration of such substance, or the use of which may endanger the health and welfare of the horse or endanger the safety of the rider or driver; or the use of which may adversely affect the integrity of racing:
 - 1) Erythropoietin
 - 2) Darbepoietin
 - 3) Oxyglobin
 - 4) Hemopure

- B) The possession and/or use of a drug, substance, or medication on the premises of a facility under the jurisdiction of the regulatory body that has not been approved by the United States Food and Drug Administration (FDA) for use in the United States.

- C) The practice, administration, or application of a treatment, procedure, therapy or method identified below, which is performed on the premises of a facility under jurisdiction of a regulatory body and which may endanger the health and welfare of the horse or endanger the safety of the rider or driver, or the use of which may adversely affect the integrity of racing:

Drug Classification Scheme

- **Class 1:** Opiates, opium derivatives, synthetic opioids, psychoactive drugs, amphetamines, and all DEA Schedule I substances (see <http://www.deadiversion.usdoj.gov/schedules/#i1st>), and many DEA Schedule II drugs. Also found in this class are drugs that are potent stimulants of the CNS. Drugs in this class have no generally accepted medical use in the racing horse and their pharmacologic potential for altering the performance of a racing horse is very high.
- **Class 2:** Drugs placed in this category have a high potential for affecting the outcome of a race. Most are not generally accepted as therapeutic agents in the racing horse. Many are products intended to alter consciousness or the psychic state of humans, and have no approved or indicated use in the horse. Some, such as injectable local anesthetics, have legitimate use in equine medicine, but should not be found in a racing horse. The following groups of drugs are placed in this class:
 - A. Opiate partial agonists, or agonist-antagonists.
 - B. Non-opiate psychotropic drugs. These drugs may have stimulant, depressant, analgesic or neuroleptic effects.
 - C. Miscellaneous drugs, which might have a stimulant effect on the CNS.
 - D. Drugs with prominent CNS depressant action.
 - E. Anti-depressant and antipsychotic drugs, with or without prominent CNS stimulatory or depressant effects.
 - F. Muscle blocking drugs - those that have a direct neuromuscular blocking action.
 - G. Local anesthetics that have a reasonable potential for use as nerve-blocking agents (except procaine).
 - H. Snake venoms and other biologic substances that may be used as nerve-blocking agents.
- **Class 3:** Drugs placed in this class may or may not have an accepted therapeutic use in the horse. Many are drugs that affect the cardiovascular, pulmonary and autonomic nervous systems. They all have the potential of affecting the performance of a racing horse. The following groups of drugs are placed in this class:
 - A. Drugs affecting the autonomic nervous system that do not have prominent CNS effects, but which do have prominent cardiovascular or respiratory system effects. Bronchodilators are included in this class.
 - B. A local anesthetic that has nerve-blocking potential but also has a high potential for producing urine residue levels from a method of use not related to the anesthetic effect of the drug (procaine).
 - C. Miscellaneous drugs with mild sedative action, such as the sleep-inducing antihistamines.
 - D. Primary vasodilating/hypotensive agents.
 - E. Potent diuretics affecting renal function and body fluid composition.
 - F. Anabolic and/or androgenic steroids and other drugs.

- **Class 4:** Drugs in this category comprise primarily therapeutic medications routinely used in racehorses. These may influence performance, but generally have a more limited ability to do so. Groups of drugs assigned to this category include the following:
 - A. Non-opiate drugs that have a mild central antipyretic effect.
 - B. Drugs affecting the autonomic nervous system that do not have prominent CNS, cardiovascular, or respiratory effects:
 - 1. Drugs used solely as topical vasoconstrictors or decongestants.
 - 2. Drugs used as gastrointestinal antispasmodics.
 - 3. Drugs used to void the urinary bladder.
 - 4. Drugs with a major effect on CNS vasculature or smooth muscle of visceral organs.
 - C. Antihistamines that do not have a significant CNS depressant effect. This does not include the H2 blocking agents, which are in Class 5.
 - D. Mineralocorticoid drugs.
 - E. Skeletal muscle relaxants.
 - F. Anti-inflammatory drugs. These drugs may reduce pain as a consequence of their anti-inflammatory action.
 - 1. Non-steroidal anti-inflammatory drugs (NSAIDs). (Aspirin-like drugs).
 - 2. Corticosteroids (glucocorticoids).
 - 3. Miscellaneous anti-inflammatory agents.
 - G. Less potent diuretics.
 - H. Cardiac glycosides and antiarrhythmic agents.
 - 1. Cardiac glycosides.
 - 2. Antiarrhythmic agents (exclusive of lidocaine, bretylium, and propranolol).
 - 3. Miscellaneous cardiotoxic drugs.
 - I. Topical Anesthetics - agents not available in injectable formulations.
 - J. Antidiarrheal drugs.
 - K. Miscellaneous drugs:
 - 1. Expectorants with little or no other pharmacologic action.
 - 2. Stomachics.
 - 3. Mucolytic agents.

- **Class 5:** Drugs in this category are therapeutic medications for which concentration limits have been established by the racing jurisdictions as well as certain miscellaneous agents. Included specifically are agents that have very localized actions only, such as anti-ulcer drugs, and certain antiallergic drugs. The anticoagulant drugs are also included.

Alphabetical Substance List

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
2-Aminoheptane	Tuamine	4	B
3,4-methylenedioxypropylvalerone	MDPV, "bath salts"	1	A
3-Methoxytyramine	3-MT	2	A
Acebutolol	Sectral	3	B
Accecarbromal		2	A
Acococoumarol		5	C
Acopromazine	Atrovet, Notensil, PromAce®	3	B
Acetaminophen (Paracetamol)	Tylenol, Tempra, etc.	4	C
Acetamidid		4	B
Acetazolamidic	Diamox, Vetamox	4	B
Acetophenazine	Tindal	2	A
Acetophenetidin (Phenacetin)		4	B
Acetylsalicylic acid (Aspirin)		4	C
Alclomethasone	Aclovate	4	C
Adinazolam		2	A
Adrenochrome monosemicarbazone salicylate		4	B
Albuterol (Salbutamol)	Proventil, Ventolin	3	B
Alclufenac		2	A
Alcuronium	Alloferin	2	A
Aldosterone	Aldocortin, Electro cortin	4	B
Alifentani	Alfenta	1	A
Almotriptan	Axert	3	A
Alphaprodine	Nisentil	2	A
Alpidem	Anaxyl	2	A
Alprazolam	Xanax	2	A
Alprenolol		3	A
Althesin	Saffan	2	A
Ambenonium	Mytelase, Myeuran	3	B
Ambroxol	Ambril, etc.	4	C
Ancinonide	Cylocort	4	C
Amiloride	Moduretic; Midamor	4	B
Aminocaproic acid	Amicar, Caprocid	4	C
Amiodarone		4	B
Aminophylline	Aminophyllin, etc.	4	B
Aminopyrine		3	B
		4	B
Aminorex	Aminoxafen, Aminoxaphen, Apiqueil, McN-742, Menocil	1	A
Anisometracine	Rolictron	4	B

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Amisulpride	Solian	2	A
Amifraz	Miltaban	3	A
Amiripryline	Elavil, Amitril, Endep	2	A
Amlodipine	Amiviv, Norvasc	3	B
Ambobarbital	Amytal	2	A
Amoxapine	Asendin	2	A
Amperozide		2	A
Ampbetamine		1	A
Amrinone		4	B
Amyl nitrite		3	A
Anileridine	Leritine	1	A
Anilopam	Anisine	2	A
Anisidione		5	C
Anisotropine	Valpin	4	B
Antipyrine		4	B
Apazone (Azapropazone)	Rheumox	4	B
Apomorphine		1	A
Aprindine		4	B
Aprobarribal	Alurate	2	A
Arecoline		3	A
Arformoterol		3	A
Articaine	Septocaine, Ultracaine, etc.	2	A
Atenolol	Tenormin	3	B
Atomoxetine	Strafera	2	A
Atracurium	Tracrium	2	A
Atropine		3	B
Azacylonol	Frenque	2	A
Azaperone	Stresnil, Suticalm, Fentaz (with Fentanyl)	2	A
Baclofen	Lioresal	4	B
Barbital	Veronal	2	A
Barbiturates		2	A
Beclomethasone	Propaderm	4	C
Bemegride	Megimide, Mikedimide	2	A
Benazepril	Lotrel, Lotensin	3	B
Bendroflumethiazide	Naturetin	4	B
Benoxaprofen		2	A
Benoxinate	Dorsacaine	4	C
Benperidol	Anquil	2	A
Bentazepam	Tiadipona	2	A

Alphabetical Substance List (Cont)

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Benzaetizine	Deprol, Bronchodilienten	2	A
Benzocaine		4	B
Benzocetamine		2	A
Benzodiazepines		2	A
Benzonatite	Tessalon, Tessalon Pettes, Zonatuss	2	A
Benzphetamine	Didrex	2	A
Benzthiazide		4	B
Benztropine	Cogentin	2	A
Benzylpiperazine (BZF)		1	A
Bepitridil	Bepadin	4	B
Betamethasone	Betasone, etc.	4	C
Betaxolol	Kerlone	3	B
Bethanechol	Urecholine, Duvoid	4	C
Bethanidine	Esbatal	3	A
Biperiden	Akineton	3	A
Biriperone		2	A
Bisoprolol	Zebeta, Bisobloc, etc.	3	B
Bitolterol	Effectin	3	A
Bolasterone		3	A
Boldenone	Equipose	3	B
Boldione		3	A
Bretylum	Bretylol	3	B
Brimonidine	Alphagan	2	A
Bromazepam	Lexotan, Lectopam	2	A
Bromfenac	Durnact	3	A
Bromhexine	Oletor, etc.	4	B
Bromisovalum	Difficord, etc.	2	A
Bromocriptine	Parlodel	2	A
Bromodiphenhydramine		3	B
Bromperidol	Bromidol	2	A
Brompheniramine	Dimetane, Disomer	4	B
Brotizolam	Brotocol	2	A
Budesonide	Pulnacort, Rhinocort	4	C
Bufexamac		3	A
Bumetanide	Bumex	3	B
Bupivacaine	Marcaine	2	A
Buprenorphine	Temgesic	2	A
Bupropion	Wellbutrin	2	A
Buspiron	Buspar	2	A
Butabarbital (Secbutobarbitone)	Butacaps, Butasol, etc.	2	A
Butacaine	Butyn	4	B
Butalbital (Talbutal)	Fiortal	2	A
Butamben (butyl aminobenzoate)	Butesin	4	C
Butanilcaine	Hostacain	2	A

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Butaperazine	Repoise	2	A
Butocetamide	Listomin	2	A
Butorphanol	Stadol, Torbugesic	3	B
Butoxyacaine	Stadacain	4	B
N-Butylscopolamine		3	B
Caffeine		2	B
Calusterone	Methosorb	3	B
Camazepam	Paxor	2	A
Camphor		4	C
Candesartan	Atand	3	B
Captopriane	Covatine	2	A
Captopril	Capolen	3	B
Carazolol	Carbacef, Conducton	3	A
Carbachol	Lenfin, Doryl	3	B
Carbamazepine	Tegretof	3	B
Carbazochrome		4	C
Carbidopa + levodopa	Sinemet	2	A
Carbinoxamine	Clistin	3	B
Carbromol	Mifudorm	2	A
Carfantanil		1	A
Carisoprodo	Rela, Soma	2	B
Carphenazine	Proketazine	2	A
Carpramine	Prazinil	2	A
Carprofen	Rimadyl	4	B
Carteolol	Cartrol	3	B
Carticaine (see articaine)	Septocaine; Ultracaine, etc.	2	A
Carvedilol	Coreg	3	B
Cathinone	Khat, kat, qat, quat, chat, catha, Abyssinian tea, African tea	1	A
Celecoxib	Celebrex	3	B
Cefirizine	Zyrtec	4	C
Chloral betaine	Beta-Chlor	2	A
Chloral hydrate	Nactec, Oridrate, etc.	2	A
Chloraldehyde (chloral)		2	A
Chloralose (Alpha-Chloralose)		2	A
Chlordiazepoxide	Librium	2	A
Chlorhexidol		2	A
Chlormerodrin	Neohydrin	4	B
Chlormezanone	Trancopal	2	A
Chloroform		2	A
Chlorophenesin	Maclate	4	C
Chloroprocaine	Nesacaine	2	A
Chloroquine	Avloclor	4	C
Chlorothiazide	Diuril	4	B

Alphabetical Substance List (Cont)

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Chlorpheniramine	Chlortrimeton, etc.	4	B
Chlorprothazine	Newipleg	2	A
Chlorpromazine	Thorazine, Largactil	2	A
Chlorprothixene	Taractan	2	A
Chlorthalidone	Hydrotan	4	B
Chlorzoxazone	Paraflex	4	B
Ciclesonide		4	B
Cilostazol	Pletal	5	C
Cimetrol		3	A
Cimetidine	Tagamet	5	D
Cinchocaine	Nupercaine	4	C
Citalopram	Celex	2	A
Clenbutin	Tavist	4	B
Clemastine	Ventipulmin	3	B
Clenbuterol	Batraz	4	C
Clibucaine	Quarezan, Clindex, etc.	3	B
Clidinium	Urbanyl	2	A
Clobazam	Temovate	4	C
Clobetasol		2	A
Clocapramine	Cloderm	4	C
Clocortolone		4	B
Clofenamide		2	A
Clomethiazole (Chlormethiazole)	Anafranil	2	A
Clonipramine	Klonopin	2	A
Clonazepam	Catapres	3	B
Clonidine	Tranxene	2	A
Clorazepate	Placacid	4	C
Clormecaine		3	B
Clostebol	Enternin	2	A
Clothiapine	Trecalmo, Rize	2	A
Clothiazepam	Enadel, Sepazon, Tolestan	2	A
Cloxacolam	Clozaril, Leponex	2	A
Clozapine		3	B ¹
Cobalt		1	A
n-Cobratoxin		1	B ²
Cocaine ²		1	A
Codeine		4	B
Colchicine		2	A
Conorphone		2	A

¹ For cobalt concentrations of less than 25 parts per billion (ppb) of blood serum or plasma no penalty is recommended. For concentrations of 25 ppb or greater but less than 50 ppb of blood plasma or serum the recommended penalty is a written warning, the placement of the horse on the Veterinarians List with removal from list only after a blood test confirms that the concentration is below 25 ppb of blood plasma or serum. Testing shall be paid by the owner(s) of the horse. Concentrations of 50 ppb or greater in blood plasma or serum have a recommended "B" penalty.

Association of Racing Commissioners International, Inc.

Uniform Classification Guidelines for Foreign Substances

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Corticaine	Ultracain	2	A
Cortisone	Cortone, etc.	4	C
Cromolyn	Intel	5	C
Crotetamide		2	A
Cyamemazine	Tercian	2	A
Cyclandelate	Cyclospasmol	3	A
Cyelizine	Metazine	4	B
Cyclobarbitol	Phanodorm	2	A
Cyclobenzaprine	Flexeril	4	B
Cyclomethylcaine	Surfacaine	4	C
Cyclothiazide	Anhydron, Renazide	4	B
Cycrimine	Pagitan	3	B
Cyproheptadine	Periactin	4	C
Danazol	Danocrine	3	B
Danitrolene	Danitrium	4	C
Darbepoetin	Aranesp	2	A
Decamethonium	Syncurine	2	A
Dehydrochloromethyltestosterone		3	B
Dembroxol (Dembrexine)	Sputolysin	4	C
Demoxepan		2	A
Deoxycorticosterone	Percortin, DOCA, Desotone, Dorcostrin	4	C
Deracoxib	Deremaxx	3	B
Dermorphin		1	A
Desipramine	Norpromine, Periofrane	2	A
Desonite	Des Owen	4	C
Desoximetasone	Topicort	4	C
Desoxymethyltestosterone		3	B
Detomidine	Dormosedan	3	B
Dexamethasone	Azium, etc.	4	C
Dextromethorphan		4	B
Dextromoramide	Palfium, Narcolo	1	A
Dextropropoxyphene	Darvon	3	B
Dezocine	Dalgan	2	A
Diamorphine		1	A
Diazepam	Valium	2	B
Diazoxide	Proglycem	3	B
Dibucaine	Nupercainal, Cinchocaine	4	C
Dichloralphenazone	Febenol, Isocom	2	A

² Penalty class "A" recommended if regulators can prove an intentional administration.

Alphabetical Substance List (Cont)

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Dichlorphenamide	Daramide	4	C
Diclofenac	Vollaren, Voltarol	4	C
Dicumarol	Dicumarol	5	C
Diethylpropion	Tepanil, etc.	2	A
Diethylthiambutene	Themalon	2	A
Diflorasone	Florone, Maxiflor	4	C
Diflucortolone	Flu-Cortinest, etc.	4	C
Diflunisal		3	B
Digoxin	Crystdogin	4	B
Digoxin	Lauoxin	4	B
Dihydrocodeine	Parcodin	2	A
Dihydroergotamine		4	B
Diflorazepam	Briantum	2	A
Difliazem	Cardizem	4	B
Dimeflic		3	A
Dimethisoquin	Quotane	4	B
Dimethylsulfoxide (DMSO)	Domoso	4	C
Dimethylsulphone (MSM)		5	C
Diphenadione		5	C
Diphenhydramine	Benadryl	3	B
Diphenoxylate	Difenoxin, Lomotil	4	B
Diprenorphine	M50/50	2	A
Dipyridamole	Persantine	3	B
Dipyrrone	Novin, Methampyrone	4	C
Disopyramide	Norpace	4	B
Divalproex	Depakote	2	A
Dixyrazine	Esucos	3	A
Dobutamine	Dobutrex	3	B
Dopamine	Intropin	2	A
Donepezil	Aricept	1	A
Doxacurium	Nuromax	2	A
Doxapram	Dopram	2	A
Doxazosin		3	A
Doxefazepam	Doxans	2	A
Doxepin	Adapin, Sinequan	2	A
Doxylamine	Decapryn	3	B
Dromostanolone	Drolban	3	B
Droperidol	Inapsine, Droleplan, Innovar-Vet (with Fentanyl)	2	A
Duloxetine		2	A
Dyclonine	Dyclone	4	C
Dyphylline		3	B
Edrophonium	Tensilon	3	B
Eletiripan	Relpax	3	A

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Eltencac		4	C
Enalapril (metabolite enalaprilat)	Lasotec	3	B
Enciprazine		2	A
Endorphins		1	A
Enkephalins		1	A
Ephedrine		2	A
Epibatidine		2	A
Epinephrine		2	A
Ergoloid mesylates (dihydroergocornine mesylate, dihydroergocristine mesylate, and dihydroergocryptine mesylate)		2	A
Ergonovine	Ergotrate	4	C
Ergotamine	Gynergen, Cafergot, etc.	4	B
Ertitryl tetranitrate	Cardilate	3	A
Erythropoietin (EPO)	Epogen, Procrit, etc.	2	A
Esmolol	Brevibloc	3	B
Esomeprazole	Nexium	5	D
Estazolam	Domnamid, Burodin, Nuctalon	2	A
Etamiphylline		3	B
Etanercept	Enbrel	4	B
Ethacrynic acid	Edecrin	3	B
Ethamivan		2	A
Ethanol		2	A
Ethchlorvynol	Placidyl	2	A
Ethinamate	Valmid	2	A
Ethioheptazine	Zactane	4	B
Ethiopropazine	Parsidol	2	A
Ethosuximide	Zarontin	3	A
Ethofoin	Peganone	4	B
Ethoxzolamide	Cardrase, Ethamide	4	C
Ethylaminobenzoate (Benzocaine)	Semets, etc.	4	C
Ethylesrenol	Maxibolin, Organon	3	B
Ethylisobutazine	Diquel	2	A
Ethylmorphine	Dionin	1	A
Ethylmorphinephrine	Bronkhephrine	3	A
Etidocaine	Duranest	2	A
Etrifoxin	Stresam	2	A
Etizolam	Depas, Pasaden	2	A
Etidolac	Lodine	3	B
Etidroxizine	Indunox	2	A
Etomidate		2	A
Etorphine HCl	M99	1	A
Famotidine	Gaster, etc.	5	D

Alphabetical Substance List (Cont)

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class	Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Felbamate	Felbatol	3	A	Fluticasone	Flonase, Flutide	4	C
Felodipine	Pfendil	4	B	Flutoprazepam	Restas	2	A
Fenarbamate	Tymium	2	A	Fluoxamine	Dumirox, Faverin, etc.	2	A
Fenbufen	Cincopal	3	B	Formebolone		3	B
Fenclozic acid	Myalex	2	A	Formoterol	Altram	3	B
Fenfluramine	Pondimin	2	A	Fosinopril	Monopril	3	A
Fenoldopam	Corlopan	3	B	Fosphenytoin	Corebyx	3	B
Fenpropafen	Nalfon	3	B	Furazabol		3	B
Fenpropion	Berotec	3	B	Furosemide	Lasix	N/A	
Fenspiride	Respiride, Respan, etc	3	B	Gabapentin	Neurontin	3	B
Fentanyl	Sublimaze	1	A	Gallamine	Reminyl	2	A
Fentiazac		3	B	Gallamine	Flaxcedil	2	A
Fexofenadine	Allegra	4	C	Gamma Aminobutyric Acid (GABA)	Carolina Gold	3	B
Firocoxib		4	C	Gepirone		2	A
Flecainide	Idalon	4	B	Gestronone		3	A
Floctafenine	Idalon, Iderac	4	B	Glutethimide	Doriden	2	A
Fluanisone	Sedalande	2	A	Glycopyrrolate	Robinul	3	B
Flucinolone	Synalar, etc.	4	C	Guafenesin (glycerol guaiacolate)	Gecolate	4	C
Fludiazepam	Erispam	2	A	Guanadrel	Hylorol	3	A
Fludrocortisone	A,forone, etc.	4	C	Guanethidine	Ismelin	3	A
Flufenamic acid		3	B	Guanabenz	Wyntensin	3	B
Flumethasone	Flucort, etc.	4	C	Halazepam	Paxipam	2	A
Flumethiazide	Ademol	4	B	Halcinonide	Halog	4	C
Flunarizine	Sibelium	4	B	Halobetasol	Ultravate	4	C
Flunisolide	Bronilide, etc.	4	C	Haloperidol	Haldol	2	A
Flunitrazepam	Rohypnol, Narcozep, Darkene, Hypnodorm	2	A	Haloxazolam	Somelin	2	A
Flunitrin	Banamine	4	C*	Hemoglobin glutamers	Oxyglobin Hemopure	2	A
Fluocinolone	Synalar	4	C	Heptaminol	Corofundol	3	B
Fluocinonide	Licon, Lidex	4	C	Heroin		1	A
Flupromazine	Psyquil, Siquil	2	A	Hexafluorenum	Myalexen	2	A
Fluoresone	Caducid	2	A	Hexobarbital	Evipal	2	A
Fluorometholone	FML	4	B	Hexocyclium	Trial	4	B
Fluoroprednisolone	Predet-2X	4	C	Hexyletaine	Cyclabe	4	C
Fluoxetino	Prozac	2	A	Homatropine	Homapin	3	B
Fluoxymesterone	Halotestin	3	B	Homophenazine	Pelvicthol	2	A
Flupenthixol	Depixol, Fluaxol	2	A	Hydralazine	Aprisoline	3	B
Fluphenazine	Prolixin, Permithil, Anatenzol, etc.	2	A	Hydrochlorothiazide	Hydrotuiril	4	B
Flupirtine	Katadolone	3	A	Hydrocodone (dihydrocodienone)	Hycodan	1	A
Fluprednisolone	Alphadrol	4	C	Hydrocortisone (Cortisol)	Cortef, etc.	4	C
Flurandrenolide	Cordran	4	C	Hydroflumethiazide	Saluron	4	B
Flurazepam	Dalmane	2	A	Hydromorphone	Dilaudid	1	A
Flurbiprofen	Froben	3	B	Hydroxyamphetamine	Paradrine	1	A
Fluspirilene	Imap, Redeptin	2	A	4-Hydroxytestosterone		3	B
				Hydroxyzine	Atarax	2	B
				Ibomal	Noctal	2	A

Alphabetical Substance List (Cont)

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Ibuprofen	Motrin, Advil, Nuprin, etc.	4	C
Ibutilide	Corvert	3	B
Iloprost	Ventavis	3	A
Imipramine	Imavate, Presamine, Tofranil	2	A
Indomethacin	Indocin	3	B
Infliximab	Remicade	4	B
Ipratropium		3	B
Irisarten	Avapro	3	A
Isapirone		2	A
Isoetharine	Marplan	2	A
Isoflupredone	Bronkosol	3	B
Isoflupredone	Predef	4	C
Isoflupredone		2	A
Isomethoptene	Ocain, Octon	4	B
Isopropamide	Darbid	4	B
Isoproterenol	Isoprel	2	A
Isosorbide dinitrate	Isordil	3	B
Isoxycam	Maxicam	2	A
Isoxsuprine	Vasodilan	4	C
Isradipine	DynaCirc	4	B
Kebutzone		3	B
Ketamine	Ketalar, Ketaset, Vetalar	2	B
Ketazolam	Anxon, Laffram, Solatran, Loftran	2	A
Ketoprofen	Orudis	4	C*
Ketorolac	Toradol	3	A
Labetalol	Normodyne	3	B
Lamotrigine	Lamictal	3	A
Lausoprazole		5	D
Leiperone	Elanone-V	2	A
Letosteine	Viscotol, Visiotal	4	C
Levamisole		2	B
Levobunolol	Betagan	3	B
Levomethorphan		2	A
Levorphanol	Levo-Dremoran	1	A
Lidocaine	Xylocaine	2	B
Lisinopril	Prinivil, Zestril	3	A
Lithium	Lithizine, Duralith, etc.	2	A
Lobeline		2	A
Lofentamil		1	A
Loflazepate, Ethyl	Victan	2	A
Loperamide	Imodium	2	A
Loprazolam	Dormonot, Havlane	2	A
Loratidine	Claritin	4	B

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Lorazepam	Ativan	2	A
Lormetazepam	Noctamid	2	A
Losartan	Hyzaar	3	B
Loxapine	Laxitane	2	A
Mabuterol		3	A
Maprotiline	Ludiomil	2	A
Mazindol	Santorex	1	A
Mebutamate	Axiten, Dormate, Capla	2	A
Mecamylamine	Inversine	3	B
Mecizline	Antivert, Bonine	4	B
Meclofenamic acid	Arquel	4	C
Meclofenoxate	Lucidril, etc.	2	A
Medazepam	Nobrium, etc.	2	A
Medetomidine	Domitor	3	B
Medrysone	Medriusat, etc.	4	C
Meifenamic acid	Ponstel	3	B
Meloxicam	Mobic	4	B
Melperone	Eunerpan	2	A
Memantine	Namenda	2	A
Meparfynol	Oblivon	2	A
Mepazine	Pacatal	2	A
Mepenzolate	Canfil	3	A
Meperidine	Demerol	1	A
Mephnesin	Tolserol	4	B
Mephexalone	Control, etc.	2	A
Mephentermine	Wyamine	1	A
Mephentoin	Mesantoin	2	A
Mephobarbital (Methylphenobarbital)	Mebaral	2	A
Meptvacaine	Carbocaine	2	B
Meproamate	Equanil, Miltown	2	A
Meralluride	Mercubhydrin	4	B
Merbaphen	Novasural	4	B
Mercaptoproterin	Thiomerin	4	B
Mercumalilin	Cumertilin	4	B
Mersalyl	Salyrgan	4	B
Mesalamine	Asacol	5	C
Mesoridazine	Serentil	2	A
Mestanolone		3	B
Mesterolone		3	B
Metaciazepam	Talis	2	A
Metaproterenol	Alupent, Metaprel	3	B
Metaraminol	Aramine	1	A
Metaxalone	Skelaxin	4	B
Metazocine		2	A

Alphabetical Substance List (Cont)

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Metenolone		3	B
Methacholine		3	A
Methadone	Dolophine	1	A
Methamphetamine	Desoxyn	1	A ³
Methandienone		3	B
Methandrolol	Probolin	3	B
Methandrostebolone	Dianabol	3	A
Methantheline	Banthine	3	B
Methapyrilenc	Hisidyl, etc.	4	B
Methaqualone	Quaalude	1	A
Metharbital	Gemomil	2	A
Methasterone		3	A
Methazolamide	Naptazane	4	C
Methcathinone		1	A
Methflazine	Tacaryl	4	B
Methixene	Trest	3	A
Methocarbamol	Robaxin	4	C
Methohexital	Brevital	2	A
Methotrexate	Folex, Nexate, etc.	4	B
Methotrimeprazine	Levoprome, Neurocil, etc.	2	A
Methoxamine	Vasoxyl	3	A
Methoxyphenamine	Orthoxide	3	A
Methscopolamine	Pamine	4	B
Methsuximide	Celontin	3	A
Methylatropine		3	B
Methylchlorthiazide	Enduron	4	B
Methyldienolone		3	B
Methyldopa	Aldomet	3	A
Methylhexanamine (Methylhexaneamine)	Geranamine	1	A
Methylergonovine	Methergine	4	C
Methylnortesterone		3	B
Methylphenidate	Ritalin	1	A
Methylprednisolone	Medrol	4	C
Methyltestosterone	Metandren	3	A
Methyl-1-testosterone		3	A
Methypylon	Noludar	2	A
Methysergide	Sansert	4	B
Metiamide		4	B
Metoclopramide	Reglan	4	C
Metocurine	Metubine	2	A
Meflozane		3	B

³ Recommended Penalty B if testing can prove presence of only levo-methamphetamine is present in sample.

Association of Racing Commissioners International, Inc.
Uniform Classification Guidelines for Foreign Substances

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Metomidate	Hypnodil	2	A
Metopon (methyldihydropromethine)		1	A
Metoprolol	Lopressor	3	B
Mexazolam	Melax	2	A
Mexilitine	Mexiil	4	B
Mibefradil	Fosicor	3	B
Mibolterone		3	B
Midazolam	Versed	2	A
Midodrine	Pro-Amiline	3	B
Milrinone		4	B
Minoxidil	Loniten	3	B
Mirtazepine	Remeron	2	A
Misoprostol	Cytotec	5	C
Mivacurium	Mivacron	2	A
Modafinil	Provigil	2	A
Moxipiril (metabolite, moxipirilat)	Uniretic	3	B
Molindone	Moban	2	A
Mometasone	Elocon	4	C
Montelukast	Singulair	4	C
Moperone	Luvatren	2	A
Morphine ⁴		1	B ⁴
Mosaprimine		2	A
Muscarnic		3	A
myo-inositol trispyrophosphate (ITPP)		1	A
Nabumetone	Anthraxan, Relafen, Reliflex	3	A
Nadol	Corgard	3	B
Naepaine	Amylsine	4	C
Nalbuphine	Nubain	2	A
Nalorphine	Nalline, Lethidrone	2	A
Naloxone	Narcan	3	A
Naltrexone	Revia	3	A
Nandrolone	Nandrolin, Laurabolin, Durabolin	3	B
Naphazoline	Privine	4	B
Naproxen	Equiptoxen, Naprosyn	4	C
Naratriptan	Amerge	3	B
Nebivolol		3	A
Nedocromil	Tilade	5	C
Nefazodone	Serzone	2	A
Nefopam		3	A

⁴ Penalty class "A" recommended if regulators can prove an intentional administration.

Alphabetical Substance List (Cont)

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Neostigmine	Prostigmine	3	B
Nicardipine	Cardine	4	B
Nifedipine	Procardia	4	B
Niflumic acid	Nifluril	3	B
Nikethamide	Coramine	1	A
Nimesulide		3	B
Nimetazepam	Erimin	2	A
Nimodipine	Nemotop	4	B
Nitrazepam	Mogadon	2	A
Nitroglycerin		3	B
Nizatidine	Axid	5	C
19-Norandrostenediol		3	B
19-Norandrostenedione		3	B
Norbolethone		3	B
Nordostebol		3	B
Nordiazepam	Calmday, Nordaz, etc.	2	A
Norepinephrine		2	A
Norethandrolone		3	A
Nortestosterone		4	C
Nortriptyline	Aventyl, Pamelor	2	A
Nylidrine	Arlidin	3	A
Olanzapine	Zyprexa	2	A
Olanesartan	Benicar	3	A
Olsalazine	Dipentum	4	B
Omeprazole	Prilosec, Losec	5	D
Ophenadrine	Norflex	4	B
Oxabolone		3	B
Oxandrolone	Anavar	3	B
Oxaprozin	Daypro, Deflam	4	C
Oxazepam	Serax	2	A
Oxazolam	Serenal	2	A
Oxcarbazepine	Trileptal	3	A
Oxilofrine (hydroxyephedrine)		2	A
Oxprenolol	Trasicor	3	B
Oxycodone	Percodan	1	A
Oxymesterone		3	B
Oxymetazoline	Afrin	4	B
Oxymetholone	Adroyd, Anadrol	3	B
Oxymorphone	NuMorphan	1	A
Oxyperifine	Forti, Integrin	2	A
Oxyphenbutazone	Tandearl	4	C
Oxyphenycyclimine	Daricon	4	B
Oxyphenonium	Antrenyl	4	B
Paliperidone		2	A
Pancuronium	Pavulon	2	A

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Pantoprazole	Protonix	5	D
Papaverine	Pavagen, etc.	3	A
Paraldehyde	Paral	2	A
Paraldione	Paraldione	3	A
Paramethasone	Haldrone	4	C
Pargyline	Eutonyl	3	A
Paroxetine	Paxil, Seroxat	2	A
Penicilline	Cylett	1	A
Penbutolol	Levadol	3	B
Penfluridol	Cyperon	2	A
Pentaerythritol tetranitrate	Duotrate	3	A
Pentazocine	Talwin	3	B
Pentobarbital	Nembutal	2	A
Pentoxyfylline	Trental, Vazofirin	4	C
Pentylene tetrazol	Metrazol, Nioric	1	A
Perazine	Taxilan	2	A
Perfluorodecalin		2	A
Perfluorodecahydronaphthalene		2	A
Perfluorooctylbromide		2	A
Perfluorotripropylamine		2	A
Perfluorocarbons		2	A
Pergolide	Permax	3	B
Pericizine	Alodept, etc.	2	A
Perindopril	Biprel	3	A
Perlapine	Hypnodin	2	A
Perphenazine	Trifanon	2	A
Phenacemide	Phenurone	4	B
Phenaglycodol	Acalo, Alcamid, etc.	2	A
Phenazocine	Narphen	1	A
Phencyclidine (PCP)	Sernylan	1	A
Phenmetrazine	Bontril, etc.	1	A
Phenelzine	Nardezine, Nardil	2	A
Phenindione	Hedulin	5	C
Phenmetrazine	Preludin	1	A
Phenobarbital	Luminal	2	A
Phenoxybenzamine	Dibenzyline	3	B
Phenprocoumon	Liquamar	5	C
Phensuximide	Milontin	4	B
Phentermine	Ionamin	2	A
Phentolamine	Regitine	3	B
Phenylbutazone	Butazolidin	4	C*
Phenylephrine	Isophrin, Neo-Synephrine	3	B
Phenylpropanolamine	Propadrine	3	B
Phenylethanolamine	Dilantin	4	B
Physostigmine	Eserine	3	B

Alphabetical Substance List (Cont)

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Picrotoxin		1	A
Pimindone	Alvodine, Cimadon	2	A
Pimozide	Otay	2	A
Pinazepam	Domar	2	A
Pindolol	Viskin	3	A
Pipamperone	Dipiperon	2	A
Pipecuronium	Ardhan	2	A
Piperaquine		2	A
Piperacetazine	Psymod, Quidé	2	A
Piprocaine	Metycaine	2	A
Pipotiazine	Lonseren, Piportil	2	A
Pipradrol	Dataril, Gerondyl, etc.	2	A
Piquindone		2	A
Pirbuterol	Maxair	3	A
Pirenzapine	Gastrozepin	5	C
Piretanide	Arelix, Tauliz	3	B
Piritramide		1	A
Piroxicam	Feldene	3	B
Polyethylene glycol		5	C
Polythiazide	Renese	4	B
Pramoxine	Tronothaine	4	C
Prazepam	Versfran, Cenitax	2	A
Prazosin	Minipress	3	B
Prednisolone	Delta-Cortef, etc.	4	C
Prednisone	Meticorten, etc.	4	C
Prilocaine	Citanest	2	A
Primidone	Mysoline	3	B
Probenecid		4	C
Procainamide	Pronestyl	4	B
Procaine		3	B
Procatrol	Pro Air	3	A
Prochlorperazine	Darbazine, Compazine	2	A
Procyclidine	Kemadrin	3	B
Promazine	Spatine	3	B
Promethazine	Phenergan	3	B
Propafenone	Rythmol	4	B
Propamidid		2	A
Propantheline	Pro-Banthine	3	A
Proparacaine	Ophthaine	4	C
Propentophylline	Karsivan	3	B
Propiomazine	Largon	2	A
Propionylpromazine	Tranvet	2	A
Propiram		2	A
Propofol	Diprivan, Disoprivan	2	A
Propoxycaïne	Ravocaine	2	A

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Propranolol	Inderal	3	B
Propylhexedrine	Benzedrex	4	B
Prostanazol		3	B
Prothipendyl	Dominal	2	A
Protokfol	Ventaire	3	A
Protriptyline	Concordin, Triptil	2	A
Proxibarbitol	Axeen, Centralgol	2	A
Pseudoephedrine	Cenafed, Novafed	3	B
Pyridostigmine	Mestinon, Regonol	3	B
Pyrilamine	Neonatergan, Equihist	3	B
Pyribytidone	Hybersulfan, Sonodor	2	A
Quazipam	Doral	2	A
Quetiapine	Seroquel	2	A
Quinbolone		3	B
Quinapril, Quinaprilat	Accupril	3	A
Quinidine	Quinidex, Quinocardine	4	B
Rabeprazole	Aciphex	5	D
Racemethorphan		2	A
Racemorphan		2	A
Raclopride		2	A
Ractopamine	Paylean	2	A
Ramipril, metaboliite Ramiprilat	Allice	3	A
Ranitidine	Zantac	5	D
Remifenfanil	Ulitiva	1	A
Remoxipride	Roxiam	2	A
Reserpine	Serpasil	2	A
Rilmazafone		2	A
Risperidone		2	A
Ritanerin		2	A
Ritodrine	Yutopar	3	B
Rivastigmine	Exelon	2	A
Rizatriptan	Maxalt	3	B
Rocuronium	Zemuron	2	A
Rofecoxib	Vioxx	2	A
Romifidine	Sodivet	2	B
Ropivacaine	Naropin	2	A
Salicylamide		2	A
Salicylate		4	C
Salmeterol		4	C
Scopolamine (Hyoscine)	Triptone	3	B
Secobarbital (Quinalbarbitone)	Seconal	3	B
Selegiline	Eldopryl, Jumex, etc.	2	A
Sertraline	Lustral, Zoloft	2	A
Sibutramine	Meridia	3	B
Sildenafil	Viagra	3	A

Alphabetical Substance List (Cont)

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Snake Venoms			
Somatropin	Nutropin	2	A
Somatrem	Protropin	2	A
Sotalol	Betapace, Sotacor	3	B
Spiclomazine		2	A
Spiperone		2	A
Spirapril, metabolite Spiraprilat	Renomax	3	A
Spiroglactone	Aldactone	4	B
Stanozolol	Winstrol-V	3	B
Stenbolone		3	B
Strychnine		1	B
Succinylcholine	Sucostrin, Quelin, etc.	2	A
Sufentanil	Sufenta	1	A
Sulfasalazine	Azulfidine, Azaline	4	C
Sulfondiethylmethane		2	A
Sulfonmethane		2	A
Sulfordiazine	Inofal	2	A
Sulindac	Clinoril	2	A
Sulpiride	Aiglonyl, Sulpiitil	3	A
Sultopride	Barnetil	2	A
Sumatriptan	Imitrex	3	B
Synthetic cannabis	Spice, K2, Kronic	1	A
Tadalafil	Chialis	3	A
Talbutal	Lotusate	2	A
Tandospirone		2	A
Telmisartan	Micardis	3	B
Temazepam	Restoril	2	A
Tenoxicam	Alganex, etc.	3	B
Tepoxalin		3	B
Tezozosin	Hytrin	3	A
Terbutaline	Brethine, Bricanyl	3	B
Terfenadine	Seldane, Triludan	4	B
Testolactone	Teslac	3	B
Testosterone		3	B
Tetrabenazine	Nitomax	2	A
Tetracaine	Pontocaine	2	A
Tetrahydrogestrone		3	A
Tetrahydrozoline	Tyzine	4	B
Tetrazepam	Musaril, Myolastin	2	A
Thebaine		2	A
Theobromine		4	B
Theophylline	Aqualyflin, etc.	3	B
Thiobarbital	Kemithal	2	A
Thiamylal	Surital	2	A
Thiethylperazine	Torecan	2	A

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Thiopental	Pentothal	2	A
Thiopropazate	Dartal	2	A
Thioproperazine	Majeptil	2	A
Thioridazine	Mellaril	2	A
Thiosaliclylate		4	C
Thiothixene	Navane	2	A
Thiphenamil	Trocinat	4	B
Tiaprptide	Italprid, Laxoben, etc.	2	A
Tiaprofenic acid	Surgam	3	B
Tiletamine	Component of Telazol	2	A
Timiperone	Tolopelon	2	A
Timolol	Blocadrin	3	B
Tocainide	Tonocard	4	B
Tofisopam	Grandaxain, Sertel	2	A
Tolazoline	Priscoline	3	B
Tolmetin	Tofecit	3	B
Topiramate	Topamax	2	A
Torsemide (Torasemide)	Demadex	3	A
Tramadol	Ultram	2	B
Trandolapril (and metabolite,trandolaprilat)	Tarka	3	B
Tranexamic acid		4	C
Tranyloxypramine	Parnate	2	A
Trazodone	Desyrel	2	A
Trenbolone	Finoplix	3	B
Tretinoinol	Inolin	2	A
Triamcinolone	Vetalog, etc.	4	C
Triamterene	Dyrenium	4	B
Triazolam	Halcion	2	A
Tribromethanol		2	A
Tricaine methanesulfonate	Finquel	2	A
Trichlormethiazide	Naqua, Naquassone	4	C
Trichloroethanol		2	A
Trichloroethylene	Trilene, Trimar	2	A
Triclofos	Triclofos	2	A
Tridihexethyl	Pathilon	4	B
Trifluomeprazine	Nortran	2	A
Trifluoperazine	Stelazine	2	A
Trifluoperidol	Triperidol	2	A
Trifluopromazine	Vetame, Vesprin	2	A
Trihexylphenidyl	Artane	3	A
Trimeprazine	Temaril	4	B
Trimethadione	Tridione	3	B
Trimethaphan	Arfonad	3	A
Tripropamine	Surmontil	2	A

Alphabetical Substance List (Cont)

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Triptelennamine	PBZ	3	B
Triprolidine	Actidil	4	B
Tubocurarine (Curare)	Metubin	2	A
Tybamate	Benvil, Nospan, etc.	2	A
Urethane		2	A
Valdecoxib		2	A
Valeronic acid		3	A
Valnoctamide	Nirvanyl	2	A
Valsartan	Diovan	3	B
Vardenafil	Levitra	3	A
Vedaprofen		4	B
Venlafaxine	Effexor	2	A
Verapipride	Accionai, Verapipril	2	A
Verapamil	Calan, Isoptin	4	B
Vercuronium	Noreuron	2	A
Viloxazine	Catrol, Vivalan, etc.	2	A
Vinbarbital	Delvinol	2	A
Vinylbital	Optanox, Speda	2	A
Warfarin	Coumadin, Coufarin	5	C
Xylazine	Rompun, Bay Va 1470	3	B
Xylometazoline	Otrivin	4	B
Xohimbine		2	A
Zafirlukast	Accolate	4	C
Zaleplon	Sonata	2	A
Zeranol	Ralgro	4	C
Ziconotide		1	A
Zileuton	Zyflo	4	C
Zilpaterol hydrochloride	Zilpaterol	2	A
Ziprasidone	Geoden	2	A
Zolazepam		2	A
Zolmitriptan	Zomig	3	B
Zolpidem	Ambien, Stilnox	2	A
Zomepirac	Zomax	2	A
Zonisamide	Zonegran	3	B
Zopiclone	Imovan	2	A
Zotepine	Lodopin	2	A
Zuclopenthixol	Ciatyl, Cesordinol	2	A
Δ-1-androstene-3, 17-diol		3	A
Δ-1-androstene-3, 17-dione		3	A
Δ-1-dihydrotestosterone		3	A

*See Recommended Penalty Section of Document

Listing by Classification

Class 1: Stimulant and depressant drugs that have the highest potential to affect performance and that have no generally accepted medical use in the racing horse. Many of these agents are Drug Enforcement Agency (DEA) Schedule II substances. These include the following drugs and their metabolites: Opiates, opium derivatives, synthetic opioids, psychoactive drugs, all DEA Schedule I* substances (see <http://www.usdoj.gov/dea/pubs/scheduling.html>), amphetamines and amphetamine-like drugs as well as related drugs, including but not limited to apomorphine, nikethamide, mazindol, pemoline, and pentylenetetrazol.

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
3,4-methylenedioxypyrovalerone	MDPV, "Bath Salts"	1	A
Alfentanil	Alfenta	1	A
Aminorex	Aminoxafen, Aminoxaphen, Apique!, McN-742, Menocil	1	A
Amphetamine		1	A
Anileridine	Leritine	1	A
Apomorphine		1	A
Benzylpiperazine (BZP)		1	A
Carfentanil		1	A
Cathinone	khat, kat, qat, chat, catha, catha, Abyssinian tea, African tea	1	A
a-Cobraloxin		1	A
Cocaine ⁴		1	B ⁴
Codeine		1	A
DEA Schedule I (all)*		1	A
Dermorphin		1	A
Dextromoramide	Palfium, Narcolo	1	A
Diamorphine		1	A
Donepezil	Aricept	1	A
Endorphins		1	A
Enkephalins		1	A
Bethylmorphine	Dionin	1	A
Etorphine HCl	M99	1	A
Fentanyl	Sublimaze	1	A
Heroin		1	A
Hydrocodone (dihydrocodienone)	Hydocode	1	A
Hydromorphone	Dilaudid	1	A
Hydroxyamphetamine	Paradrine	1	A
Levorphanol	Levo-Dremoran	1	A
Lofentanil		1	A

⁵ Recommended Penalty B if testing can prove presence of only levo-methamphetamine is present in sample.

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Mazindol	Sanorex	1	A
Meperidine	Demerol	1	A
Mephentermine	Wyamine	1	A
Metaraminol	Aramine	1	A
Methadone	Dolophine	1	A
Methamphetamine	Desoxyn	1	A ⁵
Methaqualone	Quaalude	1	A
Methcathinone		1	A
Methylhexanamine (Methylhexanamine)	Geranamine	1	A
Methylphenidate	Ritalin	1	A
Metopon (methyldihydromorphinone)		1	A
Morphine ⁶		1	B ⁶
myo-inositol trispyrophosphate (ITPP)		1	A
Nikethamide	Coramine	1	A
Oxycodone	Percodan	1	A
Oxymorphone	Numorphan	1	A
Pemoline	Cylert	1	A
Pentylenetetrazol	Metrazol, Nioric	1	A
Phenazocine	Narphen	1	A
Phencyclidine (PCP)	Sernylan	1	A
Phendimetrazine	Bontril, etc.	1	A
Phenmetrazine	Preludin	1	A
Plerotoxin		1	A
Piritramide		1	A
Remifentanyl	Ultiva	1	A
Strychnine		1	B
Sufentanil	Sufenta	1	A
Synthetic cannabis	Spice, K2, Kronic	1	A
Ziconotide		1	A

⁶ Penalty class "A" recommended if regulators can prove an intentional administration.

Listing by Classification (Continued)

Class 2: Drugs that have a high potential to affect performance, but less of a potential than Class 1. These drugs are 1) not generally accepted as therapeutic agents in racing horses, or 2) they are therapeutic agents that have a high potential for abuse.

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
3-Methoxytyramine	3-MT	2	A
Acetabromal		2	A
Acetophenazine	Tindal	2	A
Adiazolam		2	A
Alclofenac		2	A
Alcuronium	Alloferin	2	A
Alphaprodine	Nisentil	2	A
Alpidem	Anaxyl	2	A
Alprazolam	Xanax	2	A
Althesin	Saffan	2	A
Amsulpride	Solian	2	A
Amiripryline	Elavil, Amitril, Endep	2	A
Amobarbital	Amytal	2	A
Amoxapine	Asendin	2	A
Amperozide		2	A
Anilopam	Anisize	2	A
Aprobarrbital	Alurate	2	A
Articaine	Septocaine; Ultracaine, etc.	2	A
Atomoxetine	Strattera	2	A
Atacurium	Traetium	2	A
Azacylonol	Frenque	2	A
Azaperone	Stresnil, Suticam, Fentiaz (with Pentanyl)	2	A
Barbital	Veronal	2	A
Barbiturates		2	A
Benegride	Meguinide, Mikedinide	2	A
Benzapropfen		2	A
Benperidol	Anquil	2	A
Bentazepam	Tiadiopona	2	A
Benzactizine	Deprol, Bronchodilleten	2	A
Benzocetamine		2	A
Benzodiazepines		2	A
Benzonatac	Tessalon, Tessalon Perles, Zonatuss	2	A
Benzphetamine	Didrex	2	A
Benzpropine	Cogentin	2	A
Briperone		2	A
Brimonidine	Alphagan	2	A
Bromazepam	Lexotan, Lectopam	2	A

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Bromisovalum	Difficord, etc.	2	A
Bromocriptine	Parlodol	2	A
Bromperidol	Bromidol	2	A
Brotizolam	Brotocol	2	A
Bupivacaine	Marcaine	2	A
Buprenorphine	Temgesic	2	A
Buspione	Buspar	2	A
Bupropion	Wellbutrin	2	A
Butabarbital (Secbutobarbitone)	Butacaps, Butasol, etc.	2	A
Butalbital (Talbutal)	Fiornal	2	A
Butanilcaine	Hostacain	2	A
Butaperazine	Repoise	2	A
Butoclamide	Listomin	2	A
Caffeine		2	B
Camazepam	Paxor	2	A
Captodiamine	Covatine	2	A
Carbidopa + levodopa	Sinemet	2	A
Carbromol	Mifudorm	2	A
Carisoprodol	Soma, Rela	2	B
Carphenazine	Proketazine	2	A
Carpipramine	Prazinil	2	A
Carticaine (see articaine)	Septocaine; Ultracaine, etc.	2	A
Chloralose (Alpha-Chloralose)		2	A
Chloral betaine	Beta-Chlor	2	A
Chloral hydrate	Nactec, Oridrate, etc.	2	A
Chloraldehyde (chlora)		2	A
Chlordiazepoxide	Librium	2	A
Chlormezanone	Trancopal	2	A
Chloroform		2	A
Chlorhexidol		2	A
Chlorprocaine	Nesacaine	2	A
Chlorpropofazine	Newplege	2	A
Chlorpromazine	Thorazine, Largactil	2	A
Chlorprothixene	Taractan	2	A
Citalopram	Celex	2	A
Clobazam	Urbanyl	2	A
Clocapramine		2	A
Clomethiazole (Chlormethiazole)		2	A
Clomipramine	Anafranil	2	A

Listing by Classification (Continued)

Class 2: Drugs that have a high potential to affect performance, but less of a potential than Class 1. These drugs are 1) not generally accepted as therapeutic agents in racing horses, or 2) they are therapeutic agents that have a high potential for abuse.

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Clonazepam	Klonopin	2	A
Clorazepate	Tranxene	2	A
Clothiapine	Enternim	2	A
Clofazepam	Trecalmo, Rize	2	A
Clozazolam	Enadel, Sepazon, Toleslan	2	A
Clozapine	Clozaril, Leponex	2	A
Conorphone		2	A
Corticaine	Ultracein	2	A
Crotetamide		2	A
Cyamemazine	Terejan	2	A
Cyclobarbitol	Phanodorm	2	A
Darbepoetin	Aranesp	2	A
Decamethonium	Syncurine	2	A
Demoxepam		2	A
Desipramine	Norpramine, Pertofrane	2	A
Dezocine	Dalgan®	2	A
Diazepam	Valium	2	B
Dichlorophenazone	Febenol, Isocom	2	A
Diethylpropion	Tepanil, etc.	2	A
Diethylthiambutone	Themalon	2	A
Dihydrocodeine	Parcodin	2	A
Diflorazepam	Briantum	2	A
Diprenorphine	M50/50	2	A
Dixyrazine	Esucos	2	A
Dopamine	Intropin	2	A
Doxacurium	Nuromax	2	A
Doxapram	Dopram	2	A
Doxefazepam	Doxans	2	A
Doxepin	Adapin, Sinequan	2	A
Droperidol	Inapsine, Droleptan, Innovar-Vet (with Fentanyl)	2	A
Duloxetine		2	A
Enciprazine		2	A
Ephedrine		2	A
Epibatidine		2	A
Epinephrine		2	A
Ergoloid Mesylates (dihydroergocornine)		2	A

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Mesylate, dihydroergocristine mesylate and dihydroergocryptine mesylate)	Hydergine		
Erythropoietin (EPO)	Epreon, Procrit, etc.	2	A
Estazolam	Domnamid, Eurodin, Nuclalon	2	A
Ethamivan		2	A
Ethanol		2	A
Ethchlorvynol	Placidyl	2	A
Ethinamate	Valmid	2	A
Ethiopropazine	Parsidol	2	A
Ethylisobutrazine	Diqel	2	A
Etidocaine	Duranest	2	A
Etilfoxin	Stresam	2	A
Etizolam	Depas, Pasaden	2	A
Etdroxizine	Indunox	2	A
Etomidate		2	A
Fenarbamate	Tymium	2	A
Fenclozic Acid	Cincopal	2	A
Fenfluramine	Pondimin	2	A
Fluanisone	Sedalande	2	A
Fludiazepam	Erispam	2	A
Flunitrazepam	Rohypnol, Narcozep, Darkene, Hypnodorm Darkene, Hypnodorm Darkene, Hypnodorm Darkene	2	A
Fluopromazine	Psyquil, Siquil	2	A
Fluoresone	Caducid	2	A
Fluoxetine	Prozac	2	A
Flupenthixol	Depixol, Fluanxol	2	A
Fluphenazine	Prolixin, Permittl, Anatensol, etc.	2	A
Flurazepam	Dalmane	2	A
Fluspirilene	Innap, Redepfin	2	A
Flutoprazepam	Restas	2	A
Fluvoxamine	Dumirox, Faverin, etc.	2	A
Galantamine	Reminyl	2	A
Gallamine	Flaxedil	2	A
Gopirone		2	A
Glutethimide	Doriden	2	A

Listing by Classification (Continued)

Class 2: Drugs that have a high potential to affect performance, but less of a potential than Class 1. These drugs are 1) not generally accepted as therapeutic agents in racing horses, or 2) they are therapeutic agents that have a high potential for abuse.

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Halazepam	Paxipam	2	A
Haloperidol	Haldol	2	A
Haloxazolam	Somelin	2	A
Hemoglobin glutamers	Oxyglobin, Hemopure	2	A
Hexafluorenum	Myalexen	2	A
Hexobarbital	Evipal	2	A
Homophenzazine	Pelvichthol	2	A
Hydroxyzine	Atarax	2	B
Ibomal	Noctal	2	A
Imipramine	Imavate, Presamine, Tofranil	2	A
Isapirone		2	A
Isocarboxazid	Marplan	2	A
Isomethadone		2	A
Isoproterenol	Isoprel	2	A
Isoxicam	Maxicam	2	A
Ketamine	Ketalar, Ketaset, Vetalar	2	B
Ketazolam	Anxon, Loftram, Solatran, Loftran	2	A
Lenperone	Elanone-V	2	A
Levamisole		2	B
Levomethorphan		2	A
Lidocaine	Xylocaine	2	B
Lithium	Lithizine, Durallith, etc.	2	A
Lobeline		2	A
Loflazepate, Ethyl	Vician	2	A
Loperamide	Imodium	2	A
Loprazolam	Dormonot, Havlane	2	A
Lorazepam	Ativan	2	A
Lormetazepam	Noctamid	2	A
Loxapine	Laxitane	2	A
Maprotiline	Ludomil	2	A
Mebutamate	Axiten, Donnate, Capla	2	A
Meclofenoxate	Lucidril, etc.	2	A
Medazepam	Nobrium, etc.	2	A
Melperone	Eumerpan	2	A
Memantine	Namenda	2	A
Meparfynol	Oblivon	2	A
Mepazine	Pacatal	2	A
Mephexalone	Control, etc.	2	A

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Mephenytoin	Mesantoin	2	A
Mephobarbital (Methylphenobarbital)	Mebaral	2	A
Mepivacaine	Carbocaine	2	B
Meprobamate	Equanil, Miltown	2	A
Mesoridazine	Serenfil	2	A
Metaclozepam	Talis	2	A
Metazocine		2	A
Metharbital	Gemonil	2	A
Methohexital	Brevital	2	A
Methotrimeprazine	Levoprome, Neurocil, etc.	2	A
Methypylon	Noludar	2	A
Metocurine	Metubine	2	A
Metomidate	Hypnodil	2	A
Mexazolam	Melax	2	A
Midazolam	Versed	2	A
Mirtazepine	Remeron	2	A
Mivacurium	Mivacron	2	A
Modafinil	Provigil	2	A
Molindone	Moban	2	A
Moperone	Luvaitren	2	A
Mosaprimine		2	A
Nalbuphine	Nubain	2	A
Nalorphine	Nalline, Lethidrone	2	A
Nefazodone	Serzone	2	A
Nimetazepam	Erimin	2	A
Nitrazepam	Mogadon	2	A
Nordiazepam	Calmday, Nordaz, etc.	2	A
Norepinephrine		2	A
Nortriptyline	Aventyl, Pamelor	2	A
Olanzapine	Zyprexa	2	A
Oxazepam	Serax	2	A
Oxazolam	Serenal	2	A
Oxilofrine (hydroxyephedrine)		2	A
Oxyperitine	Forit, Integrin	2	A
Paliperidone		2	A
Pancuronium	Pavulon	2	A
Paraldehyde	Paral	2	A
Paroxetine	Paxil, Seroxat	2	A
Penfluridol	Cyperon	2	A

Listing by Classification (Continued)

Class 2: Drugs that have a high potential to affect performance, but less of a potential than Class 1. These drugs are 1) not generally accepted as therapeutic agents in racing horses, or 2) they are therapeutic agents that have a high potential for abuse.

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Pentobarbital	Nembutal	2	A
Perazine	Taxilan	2	A
Perfluorodecolin		2	A
Perfluorodecahydronophthalene		2	A
Perfluorooctylbromide		2	A
Perfluorotripropylamine		2	A
Perfluorocarbons		2	A
Periciazine	Alodept, etc.	2	A
Petlapine	Hypnodin	2	A
Perphenazine	Trilafon	2	A
Phenaglycodol	Acalo, Alcamid, etc.	2	A
Phenelzine	Nardelzine, Nardil	2	A
Phenobarbital	Luminal	2	A
Phentermine	Iomamin	2	A
Pimindone	Alvodine, Cimadon	2	A
Pinozide	Orap	2	A
Pipazepam	Domar	2	A
Pipamperone	Dipiperon	2	A
Pipecuronium	Arduan	2	A
Pipecqualine		2	A
Piperacetazine	Psymod, Quide	2	A
Piperocaine	Metycaine	2	A
Pipotiazine	Lonseren, Piportil	2	A
Pipradrol	Datari, Gerondyl, etc.	2	A
Piquindone		2	A
Prazepam	Verstran, Centrax	2	A
Prilocaine	Citanest	2	A
Prochlorperazine	Darbazine, Compazine	2	A
Propanidid		2	A
Propiomazine	Largon	2	A
Propionylpromazine	Tranvet	2	A
Propirran		2	A
Propofol	Diprivan, Disoprivan	2	A
Propoxycaine	Ravocaine	2	A
Prothipendyl	Dominal	2	A
Propriprylone	Concordin, Triptil	2	A
Proxibarbitol	Axeon, Centralgol	2	A
Pyrrithyldione	Hybersulfan, Sonodor	2	A
Quazipam	Doral	2	A
Quetiapine	Seroquel	2	A

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Racemethorphan		2	A
Racemorphan		2	A
Raclopride		2	A
Ractopamine	Paylean	2	A
Remoxipride	Roxiam	2	A
Reserpine	Serpasil	2	A
Rilmazafone		2	A
Risperidone		2	A
Ritanserin		2	A
Rivastigmine	Exelon	2	A
Rocuronium	Zemuron	2	A
Rofecoxib	Vioxx	2	A
Romifidine	Sedivet	2	B
Ropivacaine	Naropin	2	A
Secobarbital (Quinalbarbitone)	Seconal	2	A
Selegiline	Eldepryl, Jumex	2	A
Serrtraline	Lustral, Zolofl	2	A
Snake Venoms		2	A
Somatrem	Protropin	2	A
Somatropin	Nutropin	2	A
Spiclomazine		2	A
Spiperone		2	A
Succinylcholine	Sucostrin, Quelin, etc.	2	A
Sulfondiethylmethane		2	A
Sulfomethane		2	A
Sulfurdiazine		2	A
Sulpiride	Inofal	2	A
Sulfopride	Aiglonyl, Sulptil	2	A
Talbutal	Barnetil	2	A
Tandospirone	Lotusate	2	A
Temazepam	Restoril	2	A
Tetrabenazine	Nitoman	2	A
Tetracaine	Pontocaine	2	A
Tetrazepam	Musaril, Myolastin	2	A
Thebaine		2	A
Thialbarbital	Keintihal	2	A
Thiamylal	Surital	2	A
Thiethylperazine	Torecan	2	A
Thiopental	Pentothal	2	A
Thiopropazate	Dartal	2	A

Listing by Classification (Continued)

Class 2: Drugs that have a high potential to affect performance, but less of a potential than Class 1. These drugs are 1) not generally accepted as therapeutic agents in racing horses, or 2) they are therapeutic agents that have a high potential for abuse.

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Thiopropazine	Majeptil	2	A
Thioridazine	Mellartil	2	A
Thiothixene	Navate	2	A
Tiaproide	Italprid, Luxoben, etc.	2	A
Tiletamine	Component of Telazol	2	A
Timiperone	Tolopelon	2	A
Tofisopam	Grandaxain, Seriel	2	A
Topiramate	Topamax	2	A
Tramadol	Ultram	2	B
Tranylcypromine	Parnate	2	A
Trazodone	Desyrel	2	A
Tretocinol	Inolin	2	A
Triazolam	Halcion	2	A
Tribromethanol		2	A
Tricaine methanesulfonate	Finquel	2	A
Trichloroethanol		2	A
Trichloroethylene	Trilene, Trimar	2	A
Triclofos	Triclos	2	A
Trifluomeprazine	Nortran	2	A
Trifluoperazine	Stelazine	2	A
Trifluoperidol	Triperidol	2	A
Triflupromazine	Vetame, Vesprin	2	A
Trimipramine	Surmontil	2	A
Tubocurarine (Curare)	Metubin	2	A
Tybamate	Benvil, Nospan, etc.	2	A
Urethane		2	A
Valdecoxib		2	A
Valnoctamide	Nirvanyl	2	A
Venlafaxine	Effexor	2	A
Veralipride	Accional, Veralipril	2	A
Vercuronium	Norcuron	2	A
Viloxazine	Catatol, Vivaian, etc.	2	A
Vinbarbital	Delvinol	2	A
Vinylbital	Optanox, Speda	2	A
Yohimbine		2	A
Zaleplon	Sonata	2	A
Zilpaterol hydrochloride	Zilpaterol	2	A
Ziprasidone	Geodon	2	A
Zolazepam		2	A
Zolpidem	Ambien, Stilnox	2	A

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Zomepirac	Zomax	2	A
Zopiclone	Imovan	2	A
Zotepine	Lodopin	2	A
Zuclopenthixol	Clafyl, Cesordinol	2	A

Listing by Classification (Continued)

Class 3: Drugs that may or may not have generally accepted medical use in the racing horse, but the pharmacology of which suggests less potential to affect performance than drugs in Class 2.

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Acetazolol	Sectral	3	B
Acepromazine	Atrovet, Notensil, PromAce®	3	B
Albuterol (Salbutamol)	Proventil, Ventolin	3	B
Almotriptan	Axert	3	A
Alprenolol		3	A
Ambenonium	Mytelase, Myeuran	3	B
Aminophylline	Aminophyllin, etc.	3	B
Amitraz	Mitaban	3	A
Amlodipine	Norvasc	3	B
Amyl nitrite		3	A
Arecoline		3	A
Arformoterol		3	A
Atenolol	Tenormin	3	B
Atropine		3	B
Benazepril	Lotrel, Lotensin	3	B
Betaxolol	Kerlone	3	B
Bethandine	Esbatal	3	A
Biperiden	Akineton	3	A
Bisoprolol	Zebeta, Bisobloc, etc.	3	B
Bifolterol	Effectin	3	A
Bolasterone		3	A
Boldenone	Equipoise	3	B
Boldione		3	A
Bretlynn	Bretlyol	3	B
Bromfenac	Duact	3	A
Bromodiphenhydramine		3	B
Bufexamac		3	A
Bumetanide	Bumex	3	B
Butorphanol	Stadol, Torbugesic	3	B

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
N-Butylscopolamine		3	B
Calusterone		3	B
Candesartan	Atacand	3	B
Captopril	Capoten	3	B
Carazolol	Carbacef, Conduction	3	A
Carbachol	Lentini, Doryl	3	B
Carbamezapine	Tegretol	3	B
Carbinoxamine	Clistin	3	B
Carteolol	Cartrol	3	B
Carvedilol	Coreg	3	B
Celecoxib	Celebrex	3	B
Cimetrol		3	A
Clemastine	Tavist	3	B
Clenbuterol	Ventipulmin	3	B
Clidinium	Quarezan, Cindex, etc.	3	B
Clonidine	Catapres	3	B
Clostebol		3	B
Cobalt		3	B
Cyclandelate	Cyclospasmol	3	A
Cycrimine	Pagitan	3	B
Danazol	Danocrine	3	B
Dehydrochloromethyltestosterone		3	B
Demecoxib	Deremaxx	3	B
Desoxymethyltestosterone		3	B
Detomidine	Dormosedan	3	B
Dextropropoxyphene	Darvon	3	B
Diazoxide	Proglycem	3	B
Diflunisal		3	B
Dimefline		3	A
Diphenhydramine	Benadryl	3	B

⁷ For cobalt concentrations of less than 25 parts per billion (ppb) of blood serum or plasma no penalty is recommended. For concentrations of 25 ppb or greater but less than 50 ppb of blood plasma or serum the recommended penalty is a written warning, the placement of the horse on the Veterinarians List with removal from list only after a blood test confirms that the concentration is below 25 ppb of blood plasma or serum. Testing shall be paid by the owner(s) of the horse. Concentrations of 50 ppb or greater in blood plasma or serum have a recommended "B" penalty.

Listing by Classification (Continued)

Class 3: Drugs that may or may not have generally accepted medical use in the racing horse, but the pharmacology of which suggests less potential to affect performance than drugs in Class 2.

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Dipyridamole	Persantine	3	B
Divalproex	Depakote	3	A
Dobutamine	Dobutrex	3	B
Doxazosin		3	A
Doxylamine	Decapryn	3	B
Dromostanolone	Drolban	3	B
Edrophylline		3	B
Edrophonium	Tensilon	3	B
Eletripan	Relpax	3	A
Enalapril (metabolite enalaprilat)	Vasotec	3	B
Erdritel tetrahydrate	Cardilate	3	A
Esmolol	Brevibloc	3	B
Etamiphylline		3	B
Ethacrynic acid	Edecrin	3	B
Ethosuximide	Zarontin	3	A
Ethylestrenol	Maxibolin, Organon	3	B
Ethylmeprobamate	Bronkaphrine	3	A
Etidolac	Lodine	3	B
Felbamate	Felbatol	3	A
Fenbuten	Cincopal	3	B
Fenoldopam	Corlopam	3	B
Fenpropafen	Nalfon	3	B
Fenoterol	Berotec	3	B
Fenspiride	Respiride, Respan, etc	3	B
Fentiazac		3	B
Flurbiprofen	Froben	3	B
Flufenamic Acid		3	B
Fluoxymesterone	Halotestin	3	B
Flupirtine	Katadolone	3	A
Formebolone		3	B
Formoterol	Altram	3	B
Fosinopril	Monopril	3	A
Fosphenytoin	Cerebyx	3	B
Furazabol		3	B
Gabapentin	Neurontin	3	B
Gamma Aminobutyric Acid (GABA)	Carolina Gold	3	B
Gestrinone		3	A
Glycopyrrolate	Robinul	3	B
Guanadrel	Hyloral	3	A
Guanethidine	Ismelin	3	A
Guanabenz	Wyntensin	3	B

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Heptaminol	Corofundol	3	B
Homatropine	Homapin	3	B
Hydralazine	Apresoline	3	B
4-Hydroxytestosterone		3	B
Ibutilide	Corvert	3	B
Iloprost	Ventavis	3	A
Indomethacin	Indocin	3	B
Ipratropium		3	B
Irbesartan	Avapro	3	A
Isoetharine	Bronkosol	3	B
Isoorbide dinitrate	Isordil	3	B
Ketazone		3	B
Ketorolac	Toradol	3	A
Labetalol	Normodyne	3	B
Lamotrigine	Lamictal	3	A
Levobunolol	Betagan	3	B
Lisinopril	Prinivil, Zestril	3	A
Losartan	Hyzaar	3	B
Mabuterol		3	A
Mecamylamine	Inversine	3	B
Medetomidine	Domitor	3	B
Mefenamic Acid	Ponstel	3	B
Mepenzolate	Cantil	3	A
Mestanolone		3	B
Mesterolone		3	B
Metaproterenol		3	B
Metenolone	Alupent, Metaprel	3	B
Methacholine		3	A
Methandienone		3	B
Methandriol	Probolc	3	B
Methandrostenolone	Dianabol	3	A
Methantheline	Banthine	3	B
Methasterone		3	A
Methixene	Trest	3	A
Methoxamine	Vasoxyl	3	A
Methoxyphenamine	Orthoxide	3	A
Methsuximide	Celontin	3	A
Methylatropine		3	B
Methyldienolone		3	B
Methyldopa	Aldomet	3	A
Methyltestosterone		3	B

Listing by Classification (Continued)

Class 3: Drugs that may or may not have generally accepted medical use in the racing horse, but the pharmacology of which suggests less potential to affect performance than drugs in Class 2.

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Methyltestosterone	Metandren	3	A
Methyl-1-testosterone		3	A
Metolazone		3	B
Metoprolol	Lopressor	3	B
Mibefradil	Poscor	3	B
Mibolerone		3	B
Midodrine	Pro-Amiline	3	B
Minoxidil	Loniten	3	B
Moexipril (metabolite, moexiprilat)	Uniretic	3	B
Muscarine		3	A
Nabumetone	Anthraxan, Relafen, Reliflex	3	A
Nadolol	Corgard	3	B
Naloxone	Narcan	3	A
Naltrexone	Revia	3	A
Nandrolone	Nandrolin, Laurabolin, Durabolin	3	B
Naratriptan	Amerge	3	B
Nebivololol		3	A
Nefopam		3	A
Neostigmine	Prostigmine	3	B
Niflumic Acid	Nifluril	3	B
Nimesulide		3	B
Nitroglycerin		3	B
19-Norandrostenediol		3	B
19-Norandrostenedione		3	B
Norbolethone		3	B
Norelgestebol		3	B
Noretandrolone		3	A
Nylidrine	Arildin	3	A
Oimesartan	Benicar	3	A
Oxabolone		3	B
Oxandrolone	Anavar	3	B
Oxcarbazepine	Trileptal	3	A
Oxprenolol	Trasicor	3	B
Oxymesterone		3	B
Oxymetholone	Adroyd, Anadrol	3	B
Papaverine	Favagen, etc.	3	A
Paraneithadione	Paradione	3	A
Pargyline	Eutonyl	3	A
Penbutolol	Levatol	3	B

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Pentaerythritol tetranitrate	Duotrate	3	A
Pentazocine	Talwin	3	B
Pergolide	Permax	3	B
Perindopril	Biprel	3	A
Phenoxybenzamine	Dibenzyline	3	B
Phentolamine	Regitine	3	B
Phenylephrine	Isophrin, Neo-Synephrine	3	B
Phenylpropanolamine	Propadrine	3	B
Physostigmine	Eserine	3	B
Pindolol	Viskin	3	A
Pibutanol	Maxair	3	A
Pircitanide	Arelix, Tauliz	3	B
Piroxicam	Feidene	3	B
Prazosin	Minipress	3	B
Primidone	Mysoline	3	B
Procaine		3	B
Procaferol	Pro Air	3	A
Procyclidine	Kemadrin	3	B
Promazine	Sparine	3	B
Promethazine	Phenergan	3	B
Propranetheline	Pro-Banthine	3	A
Propentophylline	Karsivan	3	B
Propranolol	Inderal	3	B
Prostanazol		3	B
Protokylol	Ventaire	3	A
Pseudoephedrine	Cenafed, Novafed	3	B
Pyridostigmine	Mesinon, Regonol	3	B
Pyritamine	Neoantergan, Equihist	3	B
Quinapril, Quinaprilat	Accupril	3	A
Quinbolone		3	B
Ramipril, metabolite Ramiprilat	Altace	3	A
Ritodrine	Yutopar	3	B
Rizatriptan	Maxalt	3	B
Salmeterol		3	B
Scopolamine (Hyoscine)	Tripton	3	B
Sibutramine	Meridia	3	B
Sildenafil	Viagra	3	A
Sotalol	Betapace, Sotacor	3	B
Spirapril, metabolite Spiraprilat	Ronomax	3	A
Stanozolol	Winstrol-V	3	B
Stenbolone		3	B

Listing by Classification (Continued)

Class 3: Drugs that may or may not have generally accepted medical use in the racing horse, but the pharmacology of which suggests less potential to affect performance than drugs in Class 2.

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Sulindac	Clinoril	3	A
Sumatriptan	Imitrex	3	B
Tadalafil	Cialis	3	A
Telmisartan	Micardis	3	B
Tenoxicam	Alganex, etc.	3	B
Tepoxalin		3	B
Terazosin	Hytrin	3	A
Terbutaline	Brethine, Bricanyl	3	B
Testolactone	Testac	3	B
Testosterone		3	B
Tetrahydrogestrinone		3	A
Theophylline	Aquaephylin, etc.	3	B
Tiaprofenic Acid	Surgam	3	B
Timolol	Blocardrin	3	B
Tolazoline	Priscoline	3	B
Tolmetin	Tolectin	3	B
Torsemide (Torasemide)	Demadex	3	A
Trandolapril (and metabolite, Trandolaprilat)	Tarka	3	B
Trenbolone	Finoplix	3	B
Tribexylphenidyl	Artane	3	A
Trimethadione	Tridione	3	B
Trimethaphan	Arfonad	3	A
Tripeleminamine	PBZ	3	B
Valerianic acid		3	A
Valsartan	Diovan	3	B
Vardenafil	Levitra	3	A
Xylazine	Rompun, Bay Va 1470	3	B
Zolmitriptan	Zomig	3	B
Zonisamide	Zonegran	3	B
Δ -1-androstene-3,17-diol		3	A
Δ -1-androstene-3,17-dione		3	A
Δ -1-dihydrotestosterone		3	A

Listing by Classification (Continued)

Class 4: This class includes therapeutic medications that would be expected to have less potential to affect performance than those in Class 3.

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class	Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
2-Aminoheptane	Tuamine	4	B	Chlormerodrin	Neohydrin	4	B
Acetaminophen (Paracetamol)	Tylenol, Tempra, etc.	4	C	Chlorophenesin	Macleate	4	C
Acetanilid		4	B	Chloroquine	Avloclor	4	C
Acetazolamide	Diamox, Vetamox	4	B	Chlorothiazide	Diaryl	4	B
Acetophenetidin (Phenacetin)		4	B	Chlorpheniramine	Chlortrienton, etc.	4	B
Acetylsalicylic acid (Aspirin)		4	C	Chlorthalidone	Hydron	4	B
Alclomethasone	Aclovate	4	C	Chlorzoxazone	Paraflex	4	B
Adrenochrome monosemicarbazone salicylate		4	B	Ciclesonide		4	B
Aldosterone	Aldocortin, Electro cortin	4	B	Cinchocaine	Nupercaine	4	C
Ambroxol	Ambril, etc.	4	C	Clanobutin		4	C
Aminonide	Cyclocort	4	C	Clibucaine	Batrax	4	B
Amiloride	Moduretic; Midamor	4	B	Clobetasol	Temovate	4	C
Aminocaproic acid	Amicar, Caprocid	4	C	Clocoortolone	Cloderm	4	C
Amiodarone		4	B	Clofenamide		4	B
Aminopyrine		4	B	Clormecaine	Placacid	4	C
Amisometradine	Rolictron	4	B	Colchicine		4	B
Amlopidine	Norvasc, Amminvin	4	B	Cortisone	Cortone, etc.	4	C
Aminone		4	B	Cyclizine	Merazine	4	B
Anisotropine	Valpin	4	B	Cyclobenzaprine	Flexeril	4	B
Antipyrine		4	B	Cyclo methylcaine	Surfacaine	4	C
Apazone (Azapropazone)	Rheumox	4	B	Cyclothiazide	Anhydron, Renazide	4	B
Aprindine		4	B	Cyproheptadine	Pericidin	4	C
Baclofen		4	B	Dantrolene	Dantrium	4	C
Beclo methasone	Lioresal	4	B	Dembroxol (Dembrexine)	Sputolysin	4	C
Bendroflumethiazide	Propaderm	4	C	Deoxycorticosterone	Percortin, DOCA, Descotone, Dorcostrin	4	C
Benoxinate	Naturetin	4	B	Desonife	Des Owen	4	C
Benzoicaine	Dorsacaine	4	C	Desoximefasone	Topicort	4	C
Benzthiazide		4	B	Dexamethasone	Azium, etc.	4	C
Bepidil	Bepadin	4	B	Dextromethorphan		4	B
Betamethasone	Betasone, etc.	4	C	Dibucaine	Nupercainal, Cinchocaine	4	C
Bethanechol	Urecholine, Duvoid	4	C	Dichlorphenamide	Daramide	4	C
Bromhexine	Oleto, etc.	4	B	Diclofenac	Volta ren, Voltarol	4	C
Brompheniramine	Dimetane, Disomer	4	B	Diflorasone	Florone, Maxiflor	4	C
Budesonide	Pulmacort, Rhinocort	4	C	Diflucortolone	Flu-Cortinest, etc.	4	C
Butacaine	Butyn	4	B	Digitoxin	Crystodigin	4	B
Butamben (butyl aminobenzoate)	Butesin	4	C	Digoxin	Lanoxin	4	B
Butoxycaine	Stadacain	4	B	Diltiazem		4	B
Camphor		4	C	Dimethisoquin	Cardizem	4	B
Carbazochrome		4	C	Dimethylsulfoxide (DMSO)	Quotane	4	B
Carprofen	Rimadyl	4	B	Diphenoxylate	Domoso	4	C
Cetirizine	Zyrtec	4	C		Difenoxin, Lomotil	4	B

Listing by Classification (Continued)

Class 4: This class includes therapeutic medications that would be expected to have less potential to affect performance than those in Class 3.

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class	Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Dipyrrone	Novin, Methampyrone	4	C	Isomethptene	Octin, Octon	4	B
Disopyramide	Norpace	4	B	Isopropamide	Darbid	4	B
Dyclonine	Dyclone	4	C	Isoxsuprine	Vasodilan	4	C
Ethinac		4	C	Isradipine	DynaCirc	4	B
Ergonovine	Ergotrate	4	C	Ketoprofen	Orudis	4	C*
Ergotamine	Gynergen, Cafergot, etc.	4	B	Letosteine	Viscotol, Visiotol	4	C
Etanercept	Enbrel	4	B	Loratidine	Claritin	4	B
Ethioheptazine	Zactanc	4	B	Mecizine	Anivert, Bonine	4	B
Ethotoin	Peganone	4	B	Meclofenamic acid	Arquel	4	C
Ethoxzolamide	Cardrase, Ethamide	4	C	Medrysone	Medritsar, etc.	4	C
Ethylaminobenzoate (Benzocaine)	Semets, etc.	4	C	Meloxicam	Mobic	4	B
Felodipine	Plendil	4	B	Mephesisin	Tolsetol	4	B
Fexofenadine	Allegra	4	C	Meralthuride	Mercuthydrin	4	B
Firocoxib		4	C	Merbaphen	Novasural	4	B
Flecainide	Idalon	4	C	Mercaptopurine	Thiomerin	4	B
Floctafenine	Idalon, Idarac	4	B	Mercumalilin	Cumerfilin	4	B
Fluclofenone	Synalar, etc.	4	C	Mersalyl	Salyrgan	4	B
Fludrocortisone	Alforone, etc.	4	C	Metaxalone	Skelaxin	4	B
Flumethasone	Flucort, etc.	4	C	Methapyrilene	Histadyl, etc.	4	B
Flumethiazide	Ademol	4	B	Methazolamide	Naptazane	4	C
Flunarizine	Sibolium	4	B	Methdilazine	Tacaryl	4	C
Flunisolide	Bronilium, etc.	4	B	Methocarbamol	Robaxin	4	B
Flunixin	Banamine	4	C*	Methotrexate	Folex, Nexate, etc.	4	B
Fluocinolone	Synalar	4	C	Methscopolamine	Pamine	4	B
Fluocinonide	Licon, Lidex	4	C	Methylchlorothiazide	Enduron	4	B
Fluorometholone	FML	4	B	Methylergonovine	Methergine	4	C
Fluoroprednisolone	Predef-2X	4	C	Methylprednisolone	Medrol	4	C
Fluprednisolone	Alphadrol	4	C	Methysergide	Sansert	4	B
Flurandrenolide	Cordran	4	C	Metamide		4	B
Fluticasone	Flixonase, Flutide	4	C	Metoclopramide	Reglan	4	C
Guaifenesin (glycerol guaiacolate)	Gecolate	4	C	Mexiliftine	Mexilil	4	B
Halcinonide	Halog	4	C	Milrinone		4	B
Halobetasol	Ultravate	4	C	Mometasone	Flocon	4	C
Hexocycium	Tral	4	B	Montelukast	Singular	4	C
Hexylcaine	Cyclaine	4	C	Neopaine	Amylsine	4	C
Hydrochlorothiazide	Hydrothiril	4	B	Naphazoline	Privine	4	B
Hydrocortisone (Cortisol)	Cortef, etc.	4	C	Naproxen	Equiproxen, Naprosyn	4	C
Hydroflumethiazide	Saluron	4	B	Nicardipine	Cardine	4	B
Ibuprofen	Motrin, Advil, Nurpin, etc.	4	C	Nifedipine	Procardia	4	B
Infliximab	Remicade	4	B	Nimodipine	Nemotop	4	B
Isoflupredone	Predef	4	C	Nortestosterone		4	C
				Olsalazine	Dipentum	4	B

Listing by Classification (Continued)

Class 4: This class includes therapeutic medications that would be expected to have less potential to affect performance than those in Class 3.

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Orphenadrine	Norflex	4	B
Oxaprozin	Daypro, Deflam	4	C
Oxymetazoline	Afrin	4	B
Oxyphenbutazone	Tandearil	4	C
Oxyphencyclimine	Daricon	4	B
Oxyphenonium	Antrenyl	4	B
Paramethasone	Haldrone	4	C
Pentoxyfylline	Trental, Vazofirin	4	C
Phenacetamide	Phenurone	4	B
Phensuximide	Milontin	4	B
Phenylbutazone		4	C*
Phenylethanol	Dilantin	4	B
Polythiazide	Renese	4	B
Pramoxine	Tronothaine	4	C
Prednisolone	Delta-Cortef, etc.	4	C
Prednisone	Meticorten, etc.	4	C
Procaine		4	C
Procainamide	Pronestyl	4	B
Propafenone	Rythmol	4	B
Proparacaine	Ophthaine	4	C
Propylhexedrine	Benzcdrex	4	B
Quinidine	Quinidex, Quinicardine	4	B
Salicylamide		4	C
Salicylate		4	C
Spironolactone	Aldactone	4	B
Sulfasalazine	Azulfidine, Azaline	4	C
Terfenadine	Seldane, Triludan	4	B
Tetrahydrozoline	Tyzine	4	B
Theobromine		4	B
Thiosalicylate		4	C
Thiophenamil	Trocinate	4	B
Tocainide	Tonocard	4	B
Tranexamic acid		4	C
Triamcinolone	Vetalog, etc.	4	C
Triamterene	Dyrentum	4	B
Trichloromethiazide	Naqua, Naquaasone	4	C
Tridihexethyl	Pathilon	4	B
Trimoprazine	Temaril	4	B
Triprolidine	Actidil	4	B
Vedaprofen		4	B
Verapamil	Calan, Isoptin	4	B
Xylometazoline	Otrivin	4	B

*See Recommended Penalty Section of Document

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Zafirlukast	Accolate	4	C
Zecanol	Ralgro	4	C
Zileuton	Zyflo	4	C

Listing by Classification (Continued)

Class 5: This class includes those therapeutic medications for which concentration limits have been established by the racing jurisdictions as well as certain miscellaneous agents and other medications as determined by the regulatory bodies.

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class
Acenocoumarol		5	C
Anisudione		5	C
Cilostazol	Pletal	5	C
Cimetidine	Tagamet	5	D
Cromolyn	Intal	5	C
Dicumarol	Dicumarol	5	C
Dimethylsulphone (MSM)		5	C
Diphenadione		5	C
Esomeprazole	Nexium	5	D
Famotidine	Gaster, etc.	5	D
Lansoprazole		5	D
Mesalamine	Asacol	5	C
Misoprostol	Cytotec	5	C
Nedocromil	Tilade	5	C
Nizatidine	Axid	5	C
Omeprazole	Prilosec, Losec	5	D
Pantoprazole	Protonix	5	D
Phenindione	Hedulin	5	C
Phenprocoumon	Liquamar	5	C
Pirenzapine	Gastrozepin	5	C
Polyethylene glycol		5	C
Rabeprazole	Aciphex	5	D
Ranitidine	Zantac	5	D
Warfarin	Coumadin, Coufarin	5	C

Non-Classified Substances

Substances that are considered to have no effect on the physiology of a racing animal except to improve nutrition or treat or prevent infections or parasite infestations, are not classified. These Substances normally include antimicrobials, antiparasitic drugs, and nutrients such as vitamins. Examples of such substances include the following:

Sulfonamides and trimethoprim

Antibiotics:

- Penicillins
- Cephalosporins
- Chloramphenicol
- Aminoglycosides
- Tetractckubes
- Nitrofurans
- Metronidazole

Anthelmintics:

- Avermectins
- Benzimidazoles
- Piperazines
- Pyrantel

Antifungals
Vitamins

- A, D, E, K, B vitamins
- Vitamin C

Bufotenine

1. Note: Bufotenine is not commercially available in any form.
2. Note: Bufotenine is a metabolite of 5-methoxy-N-N dimethyltryptamine, found in reed canary grass (and potentially other food source plants). It may be found in the urine of horses eating this grass (and potentially other plant foods), and has been reported as a positive finding. Findings of bufotenine in equine urine should not be considered for regulatory action.

Recommended Penalty and Model Rule

The following are recommended penalties for violations due to the presence of a drug carrying a Category "A" penalty and for violations of ARCI-011-015 and ARCI-025-015: Prohibited Practices:

LICENSED TRAINER	2nd LIFETIME offense in any jurisdiction	3rd LIFETIME offense in any jurisdiction
<p style="text-align: center;">1st Offense</p> <ul style="list-style-type: none"> • Minimum one-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Minimum fine of \$10,000 or 10% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$25,000 or 25% of purse (greater of the two). <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • May be referred to the Commission for any further action deemed necessary by the Commission. 	<ul style="list-style-type: none"> • Minimum three-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a three-year period. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Minimum fine of \$25,000 or 25% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$50,000 or 50% purse (greater of the two). <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • May be referred to the Commission for any further action deemed necessary by the Commission. 	<ul style="list-style-type: none"> • Minimum five-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a five-year period. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Minimum fine of \$50,000 or 50% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$100,000 or 100% purse (greater of the two). <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • May be referred to the Commission for any further action deemed necessary by the Commission.
LICENSED OWNER	2nd LIFETIME offense in owner's stable any jurisdiction	3rd LIFETIME offense in owner's stable in any jurisdiction
<p style="text-align: center;">1st Offense</p> <ul style="list-style-type: none"> • Disqualification and loss of purse <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Horse shall be placed on the Veterinarian's List for 90 days and must pass a commission-approved examination before becoming eligible to be entered. 	<ul style="list-style-type: none"> • Disqualification and loss of purse <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Horse shall be placed on the Veterinarian's List for 120 days and must pass a commission-approved examination before becoming eligible to be entered. 	<ul style="list-style-type: none"> • Disqualification, loss of purse and \$50,000 fine <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Horse shall be placed on the Veterinarian's List for 180 days and must pass a commission-approved examination before becoming eligible to be entered. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Referral to the Commission with a recommendation of a suspension for a minimum of 90 days.

Recommended Penalty and Model Rule (Continued)

The following are recommended penalties for violations due to the presence of a drug carrying Category "B" penalty, for the presence of more than one NSAID in a plasma/serum sample, subject to the provisions set forth in ARCI-011-020(E) and ARCI-02.5-020(E) and for violations of the established levels for total carbon dioxide:

LICENSED DRIVER	2nd offense (365-day period) in any jurisdiction	3rd offense (365-day period) in any jurisdiction
1st Offense	2nd offense (365-day period) in any jurisdiction	3rd offense (365-day period) in any jurisdiction
<ul style="list-style-type: none"> • Minimum 15-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Minimum fine of \$500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$1,000. 	<ul style="list-style-type: none"> • Minimum 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Minimum fine of \$1,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$2,500. 	<ul style="list-style-type: none"> • Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a one-year suspension. <ul style="list-style-type: none"> • Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$5,000 or 5% purse (greater of the two). <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • May be referred to the Commission for any further action deemed necessary by the Commission.
LICENSED OWNER	2nd offense (365-day period) in owner's stable any jurisdiction	3rd offense (365-day period) in owner's stable in any jurisdiction
1st Offense	2nd offense (365-day period) in owner's stable any jurisdiction	3rd offense (365-day period) in owner's stable in any jurisdiction
<ul style="list-style-type: none"> • Disqualification and loss of purse [in the absence of mitigating circumstances]* <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Horse must pass a commission-approved examination before becoming eligible to be entered. 	<ul style="list-style-type: none"> • Disqualification and loss of purse [in the absence of mitigating circumstances]* <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Horse must pass a commission-approved examination before becoming eligible to be entered. 	<ul style="list-style-type: none"> • Disqualification, loss of purse, and in the absence of mitigating circumstances a \$5,000 fine.* <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Horse shall be placed on the Veterinarian's List for 45 days and must pass a commission-approved examination before becoming eligible to be entered.

*The RMTC recommendation called for loss of purse to happen in absence of mitigating circumstances. The Joint Model Rules Committee has made loss of purse mandatory in their proposal.

Recommended Penalty and Model Rule (Continued)

The following are recommended penalties for violations due to the presence of a drug carrying a Category "C" penalty and overages for permitted NSAIDs and furosemide: (All concentrations are for measurements in serum or plasma.)

LICENSED TRAINER	Phenylbutazone (>2.0-5.0 mcg/ml)* Flunixin (>20 - 100 ng/ml) Ketoprofen (>2- 50 ng/ml) Furosemide (>100 ng/ml) and/or no furosemide when identified as administered	Phenylbutazone (>5.0 mcg/ml) Flunixin (>100 ng/ml) Ketoprofen (>50 ng/ml) and CLASS C Violations
1 st Offense (365-day period) in any jurisdiction	Minimum of a written warning to maximum fine of \$500	Minimum fine of \$1,000 absent mitigating circumstances
2 nd Offense (365-day period) in any jurisdiction	Minimum of a written warning to maximum fine of \$750	Minimum fine of \$1,500 and 15-day suspension absent mitigating circumstances
3 rd Offense (365-day period) in any jurisdiction	Minimum fine of \$500 to a maximum fine of \$1,000	Minimum fine of \$2,500 and 30-day suspension absent mitigating circumstances
LICENSED OWNER	Phenylbutazone (>2.0-5.0 mcg/ml)* Flunixin (>20 - 100 ng/ml) Ketoprofen (>2- 50 ng/ml) Furosemide (>100 ng/ml) and/or no furosemide when identified as administered	Phenylbutazone (>5.0 mcg/ml) Flunixin (>100 ng/ml) Ketoprofen (>50 ng/ml) and CLASS C Violations
1 st Offense (365-day period) in any jurisdiction	Horse may be required to pass commission-approved examination before being eligible to run	Loss of purse. Horse must pass commission-approved examination before being eligible to run
2 nd Offense (365-day period) in any jurisdiction	Horse may be required to pass commission-approved examination before being eligible to run	Loss of purse. If same horse, placed on veterinarian's list for 45 days, must pass commission-approved examination before being eligible to run
3 rd Offense (365-day period) in any jurisdiction	Disqualification and loss of purse. Horse must pass commission-approved examination before being eligible to run	Loss of purse. Minimum \$5,000 fine. If same horse, placed on veterinarian's list for 60 days, must pass commission-approved examination before being eligible to run

*If the trainer has not had more than one violation within the previous two years, the Stewards/Judges are encouraged to issue a warning in lieu of a fine provided the reported level is below 3.0 mcg/ml absent of aggravating factors.

After a two-year period, if the licensee has had no further violations, any penalty due to an overage in the 2.0-5.0 category will be expunged from the licensee's record for penalty purposes.

Recommended Penalty and Model Rule (Continued)

The recommended penalty for a violation involving a drug that carries a Category "D" penalty is a written warning to the trainer and owner. Multiple violations may result in fines and/or suspension.

Recent Document Revisions

Version	Date	Drug/Substance	Notes	Approx. Page(s)
12.00	March 2016	Methamphetamine	Added footnote language recommending Penalty B if testing can prove presence of only levo-methamphetamine is present in sample.	7, 13
12.00	March 2016	Tramadol	Changed from Penalty A to Penalty B	11, 19
12.00	March 2016	Cetirizine	Changed from Penalty B to Penalty C after inclusion into ARCI Controlled Therapeutic Medication Schedule	2, 24
12.00	March 2016	Morphine	Added footnote language recommending Penalty A if intentional administration can be proven by regulators.	8, 13
12.00	March 2016	Cocaine	Added footnote language recommending Penalty A if intentional administration can be proven by regulators.	3, 13
12.00	March 2016	Methacholine	Corrected spelling error in Alphabetical Listing by Substance Section and Listing by Classification Section	7, 20
12.00	March 2016	myo-inositol trispyrophosphate (ITPP)	Corrected spelling error in Alphabetical Listing by Substance Section and Listing by Classification Section	8, 13
11.00	December 2015	2-Aminoheptane	Corrected typographical error to reflect Class 4, Penalty B Substance	1, 23
11.00	December 2015	Xylometazoline	Corrected typographical error to reflect Class 4, Penalty B Substance	11, 25
11.00	December 2015	Rivastigmine	Corrected typographical error to reflect Class 2, Penalty A Substance	10, 17
11.00	December 2015	Rabeprazole	Corrected typographical error to reflect Class 5, Penalty D Substance	10, 26
11.00	December 2015	Prilocaine	Corrected typographical error to reflect Class 2, Penalty A Substance	9, 17
11.00	December 2015	Hexocyclium	Corrected typographical error to reflect Class 4, Penalty B Substance	6, 24
11.00	December 2015	Gabapentin	Corrected typographical error to reflect Class 3, Penalty B Substance	5, 20
11.00	December 2015	Ergoloid Mesylates	Corrected typographical error to reflect Class 2, Penalty A Substance	4, 15

Version	Date	Drug/Substance	Notes	Approx. Page(s)
11.00	December 2015	Butacaine	Corrected typographical error to reflect Class 4, Penalty B Substance	2, 23
11.00	December 2015	Budesonide	Corrected typographical error to reflect Class 4, Penalty C Substance	2, 23
11.00	December 2015	Brimonidine	Corrected typographical error to reflect Class 2, Penalty A Substance	2, 14
11.00	December 2015	Benazepril	Corrected typographical error to reflect Class 3, Penalty B Substance	2, 19
11.00	December 2015	Amlodipine	Corrected typographical error to reflect Class 3, Penalty B Substance	1, 19
11.00	December 2015	3-Methoxytyramine	Added as Class 2, Penalty A Substance	1, 14
10.00	July 2015	Methylhexanamine	Added alternative spelling	7, 13
10.00	July 2015	Gamma Aminobutyric Acid (GABA)	Added as Class 3, Penalty B Substance	5, 19
9.00	April 2015	Cobalt	Added as Class 3, Penalty B with note to refer to ARCI Endogenous, Dietary, or Environmental Substances Schedule for threshold and penalty information for contractions of less than 50 parts per billion (ppb) in blood serum or plasma	3, 18
8.00	December 2014	Firocoxib	Changed Penalty Class from "B" to "C" to conform to the ARCI Controlled Therapeutic Medication Schedule	5, 23
8.00	December 2014	Acenocoumarol	Had been previously omitted from Listing by Classification Section, Added to section	25
8.00	December 2014	Deracoxib	Corrected Spelling in Alphabetical Listing by Substance Section	3
8.00	December 2014	Norclostebol	Corrected Spelling in Alphabetical Listing by Substance Section	8
8.00	December 2014	Rizatriptan	Corrected Spelling in Alphabetical Listing by Substance Section	10
8.00	December 2014	Dehydrochloromethyltestosterone	Corrected Spelling in Alphabetical Listing by Substance Section	3
8.00	December 2014	Amiodarone	Corrected Spelling in Listing by Classification Section	22
8.00	December 2014	2-Aminoheptane	Corrected Spelling in Listing by Classification Section	22
8.00	December 2014	Bupropion	Corrected Spelling in Listing by Classification Section	13
8.00	December 2014	Alclofenac	Assigned Penalty Class A	1, 13

Version	Date	Drug/Substance	Notes	Approx. Page(s)
8.00	December 2014	Recommended Penalties for Ketoprofen	Updated the recommended penalty for Ketoprofen to comply with the primary threshold established in the ARCI Controlled Therapeutic Medication Schedule.	29
8.00	December 2014	Class B Recommended Penalties	Corrected typographical error on recommended penalties for Class B substances for licensed owners. Version 7.00 incorrectly recommended penalties for second or third offense in the owner's lifetime. Version 8.00 corrects error and recommends penalty for second or third offense in 365-day period.	28
8.00	December 2014	Aminorex	Addition is not a change of the Uniform Classification Guidelines. Aminorex has been a DEA Schedule 1 substance. All DEA Schedule 1 substances are considered Class 1, Penalty A substances by reference. By request, Aminorex has been listed to avoid confusion.	1, 13
8.00	December 2014	Bufotenine	Corrected the precursor to 5-methoxy-N-N dimethyltryptamine	26
7.00	January 2014	Pergolide	Added as Class 3, Penalty B	8, 20
6.00	December 2013	Methylhexanamine	Added as Class 1, Penalty A	7, 12
5.00	December 2012	Zilpaterol hydrochloride	Moved from Class 3 to Class 2 Substance, Penalty Remains Unchanged	11, 17
5.00	December 2012	Tetramisole hydrochloride	Removed from Non-Classified Substance list	26
5.00	December 2012	Ambroxol	Moved from Class 4, Penalty B to Class 4, Penalty C	1, 22
4.01	October 2012	Ractopamine	Corrected typographical error in Drug Class (Incorrectly listed as a Class 3 substance)	9, 16
4.01	October 2012	Pyrilamine	Corrected typographical error on Penalty Class (Listed as Penalty Class A in "Listing by Classification" section.	9, 20
4.00	July 2012	myo-inositol trispyrophosphate (ITPP)	Added as Class 1, Penalty A	7, 12
4.00	July 2012	Benzonate	Added as Class 2, Penalty A	2, 13
3.00	December 2011	Almotriptan	Corrected Penalty Class omission in Alphabetical Listing section of document	1, 18
3.00	December 2011	Naltrexone	Corrected Penalty Class omission in Alphabetical Listing section of document	7, 20
3.00	December 2011	Amiloride	Corrected Penalty Class omission in Alphabetical Listing section of document	1, 22

Version	Date	Drug/Substance	Notes	Approx. Page(s)
3.00	December 2011	Butanilcaine	Corrected Penalty Class omission in Alphabetical Listing section of document	2, 13
3.00	December 2011	3,4-methylenedioxy-pyrovalerone, aka MDPV, "Bath Salts"	Corrected typographical error in Trade Name sections	1, 12
3.00	December 2011	Carbazochrome	Added as Class 4, Penalty C	2, 22
2.01	August 2011	Dimethylsulfoxide (DMSO)	Edited Drug Classification definitions to remove mention of DMSO from Class 5 definition	vii
2.00	July 2011	<<Drugs Not Listed>>	Language pertaining to all drugs/substances not found in this document shall be considered a Class I, Penalty A Substance	ii
2.00	July 2011	Phenylbutazone	Penalties for tests over 2.0 micrograms per milliliter of plasma or serum but less than 5.0 micrograms per milliliter of plasma or serum added.	29
2.00	July 2011	Dermorphin	Added as Class 1, Penalty A	3, 12
2.00	July 2011	3,4-methylenedioxy-pyrovalerone, aka MDPV, "Bath Salts"	Added as Class 1, Penalty A	1, 12
2.00	July 2011	Synthetic cannabis	Added as Class 1, Penalty A	10, 12
2.00	July 2011	Alclomethasone	Corrected typographical error in spelling	1, 22
1.01	January 2011	Methocarbamol	Corrected typographical error on Penalty Class from Class B to Class C	7, 23
1.00	December 2010	Zilpaterol	Added as Class 3, Penalty a	11, 17
1.00	December 2010	Dimethylsulfoxide (DMSO)	Changed from Class 5 to Class 4	4, 23



E200819

TRACK/
EVENT

Indiana Downs

Dawn Martin, RVT
Collection Supervisor

Date 8/27/14

INDUSTRIAL LABORATORIES
Sample Submission Card

DUPLICATE SAMPLE



E200819

TRACK

Indiana Downs

Dawn Martin, RVT
Collection Supervisor

Date 8/27/14

Split Sample Card

INDUSTRIAL LABORATORIES

In



E200819

Date

8/27/14

Horse Dog Other

Blood Urine Other

Bute Furosemide Flunixin

TC02 Keto

Name Mr Fool Me Twice

Tattoo No. 36102

Color Sor Sex G Age 3

Finish 3 Race 10

Track Indiana Downs

Trainer Roy Moore

Urine Sampled By [Signature] (Signature)

Blood Sampled By [Signature] (Signature)

Witness [Signature] (Signature Trainer, Owner or Representative)

Witness License # 982768

Remarks _____

Client Copy

KEEP FOR YOUR RECORDS

E200819 8/27/14 Date

E200819 8/27/14 Date



1092

COMMISSION TEST BARN REPORT
INDIANA GRAND

SALIX CONTROL #	RACE #	HORSE #	TATTOO #	NAME OF HORSE	SEX	QHC	CLAIM	TRAINER	Day: 8/27/16		Blood Drawn By	Blood Sealed By	TIME	WELTS YES/NO
									TIME HORSE ARRIVED/DISMISSED	URINE				
1	X	E200803	1	War Eagle's Return	G			Thomas Amoss	6:19	6:45	JK	DM	6:44	no
2	X	E200804	1	Over Yonder	G			Wayne Calabano	6:18	6:48	JK	DM	6:47	no
3	X	E200805	2	Wags Left Nap	G			Kathryn Allen	6:47	7:27	JK	DM	7:25	no
4	X	E200806	3	Officer Griffin	G			Genaro Garcia	7:14	7:52	JK	DM	7:51	no
5	X	E200807	3	Kelo's Boy	G			Dale Nasby	7:12	7:40	JK	DM	7:37	no
6	X	E200808	4	Allie's Little Cat	F			Aaron West	7:42	8:05	JK	DM	8:04	no
7	X	E200809	5	Secret Trick	F			Ben Calabrook	8:12	9:27	JK	DM	9:25	no
8	X	E200810	6	Almost English	G			Brad Cox	9:39	9:31	JK	DM	9:30	no
9	X	E200811	6	Check Or a Wreck	F			Marvin Johnson	9:07	9:41	JK	DM	9:40	no
10	X	E200812	7	Killa	F			Mura Sharma	9:06	9:35	JK	DM	9:33	no
11	X	E200813	8	My Country Narnor	F			claimed by: Chris Richardson	9:39	10:25	JK	DM	10:22	no
12	X	E200814	9	Shinkin Rich	G			Matt Frazier	10:03	10:33	JK	JK	10:32	no
		E200815	9	Beach Card	G			Randy Smith	10:01	10:38	JK	DM	10:36	no
		E200816	9	Wh Design by Dash	G			Paul Martin	10:02	10:29	JK	DM	10:28	no

G - Gelding
H - Stud/Colt
F - Mare/Filly

Vet Tech: Dawn Minto, RVT

Signature of Veterinarian: 

tabbles

EXHIBIT

5

2 of 2

COMMISSION TEST BARN REPORT
INDIANA GRAND

SALIX CONTROL #	RACE #	HORSE #	TATTOO #	NAME OF HORSE	SEX	QE/Claim	TRAINER	TIME HORSE ARRIVED/DISSMISSED	URINE TIME	Date: Blood Drawn By	Date: Blood Sealed By	WELTS YES/NO	NAME					
														TIME	TIME	TIME	TIME	
1	X	E200817	10	6	59109	My Louisiana	F	X	Kandy Smith	10:24	10:51	Beth	10:46	JK	DM	10:50	no	JK
2	X	E200818	10	5	57309	Coco Beach	F	X	Kandy Smith	10:25	10:54	Beth	10:48	JK	DM	10:53	no	JK
3	X	E200819	10	4	34102	Mr Edal Metwice	G	X	Roy Moore	10:24	10:47	Michael	10:41	JK	DM	10:45	no	JK
4		E200820	11	8	94608	Up Come Fly N Hrn	F	X	Joe Davis	10:51	11:15	Michael	11:08	JK	DM	11:14	no	JK
5	X	E200821	11	7	88508	Mrs N horse your body	F	X	Kandy Smith	10:50	11:14	Beth	11:07	JK	DM	11:11	no	JK
6	X	E200822	11	9	14005	Tress Seis Delight	G	X	Anthony Lunning	10:49	11:17	Jodi	11:14	JK	DM	11:16	no	JK
7																		
8																		
9																		
10																		
11																		
12																		
13																		
14																		

[Handwritten signature]
8/27/10

Vet Tech: *[Handwritten signature]*

G - Gelding
H - Stud/Colt
F - Mare/Filly

Signature of Veterinarian: *[Handwritten signature]*



Chain of Custody Form

(Page 1 of 2)

Track or Event Name: Indiana Grand Collection Date: 8/27/14

Shipping Container Seal #: 9191064 Sample Collection Supervisor: Dawn Martin, RVT

Sample Number	Sample Type			Gender	Notes (Ex: Lasix use, special test requests, euthanasia, Claim, etc.)	For Lab use: check if sample is present and in good condition, verify tube total #
	Urine (Check if collected)	Serum /Plasma (Check if collected, record # of tubes sent)	Other (please specify)			
E200803 <small>Date</small> <u>8/27/14</u>	✓	✓ ₂		G	Lasix	
E200804 <small>Date</small> <u>8/27/14</u>	✓	✓ ₂		G	Lasix	
E200805 <small>Date</small> <u>8/27/14</u>	✓	✓ ₂		G	Lasix	
E200806 <small>Date</small> <u>8/27/14</u>	✓	✓ ₂		G	Lasix	
E200807 <small>Date</small> <u>8/27/14</u>	✓	✓ ₂		G	Lasix	
E200808 <small>Date</small> <u>8/27/14</u>	✓	✓ ₂		F	Lasix	
E200809 <small>Date</small> <u>8/27/14</u>	✓	✓ ₂		F	Lasix	
E200810 <small>Date</small> <u>8/27/14</u>	✓	✓ ₂		G	Claim Lasix	
E200811 <small>Date</small> <u>8/27/14</u>	✓	✓ ₂		F	Lasix	
E200812 <small>Date</small> <u>8/27/14</u>	✓	✓ ₂		F	Claim Lasix	
Total # of samples on this page: <u>10</u>	<u>10</u>	<u>20</u>				Checked by: On:

PAB DM





Chain of Custody Form

(Page 2 of 2)

Track or Event Name: Indiana Grand Collection Date: 8/27/16

Shipping Container Seal #: 9191064 Sample Collection Supervisor: Down Martin, RVT

Sample Number	Sample Type			Gender	Notes (Ex: Lasix use, special test requests, euthanasia, Claim, etc.)	For Lab use: check if sample is present and in good condition, verify tube total #
	Urine (Check if collected)	Serum /Plasma (Check if collected), record # of tubes sent	Other (please specify)			
E200813 <small>Date</small> <u>8/27/16</u>	✓	✓		F	Lasix	
E200814 <small>Date</small> <u>8/27/16</u>	✓	✓		G	Lasix	
E200815 <small>Date</small> <u>8/27/16</u>	✓	✓		G	Lasix	
* E200816 <small>Date</small> <u>8/27/16</u>	✓	✓		G	Lasix	
E200817 <small>Date</small> <u>8/27/16</u>	✓	✓		F	Lasix	
E200818 <small>Date</small> <u>8/27/16</u>	✓	✓		F	Lasix	
E200819 <small>Date</small> <u>8/27/16</u>	✓	✓		G	Lasix	
E200820 <small>Date</small> <u>8/27/16</u>	✓	✓		F	—	
E200821 <small>Date</small> <u>8/27/16</u>	✓	✓		F	Lasix	
E200822 <small>Date</small> <u>8/27/16</u>	✓	✓		G	Lasix	
Total # of samples on this page: 10	10	19				Checked by: On:

DM

*see stop 20



Industrial Laboratories is your full-service
independent third party analytical laboratory

Report # Rpt-16091559

Indiana Horse Racing Commission
1302 N. Meridian Street
Suite 175
Indianapolis, IN 46202

AFFIDAVIT

I hereby certify that The Industrial Laboratories Company, 4046 Youngfield Street,
Wheat Ridge, Colorado; has analyzed the sample identified below:

E200819
Indiana Grand
August 27, 2016

The sample was received in condition on: September 1, 2016

SampleCode: 16090109-056

The sample was analyzed using:

Liquid Chromatography - Tandem Mass Spectrometry (LC-MS/MS)

Results: **Confirmed in blood:**

Bupivacaine (~75.4pg/mL), Ketamine (~291pg/mL)

Norketamine (~24.0pg/mL)

Comment :

SIGNED:

Petra Hartmann

Petra Hartmann

Director, DTS

Sworn to me this day:

15 day of September, 2016.

Date: September 15th, 2016

Michelle M-Stringer

NOTARY PUBLIC

MICHELLE STRINGER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20134033071
MY COMMISSION EXPIRES MAY 23, 2017

4046 Youngfield St., Wheat Ridge, CO 80033 (303) 287-9691 (303) 287-0964 Fax www.industrialabs.net

Submission of samples is considered a contracting service and this acknowledges

and accepts Industrial Laboratories' terms and conditions at

www.industrialabs.net/terms.html

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SANTA BARBARA • SANTA CRUZ

CALIFORNIA ANIMAL HEALTH & FOOD SAFETY
LABORATORY SYSTEM
P.O. BOX 1770
DAVIS, CALIFORNIA 95617

PHONE: (530) 752-8700
FAX: (530) 752-6253

November 12, 2016

Dawn Martin, RVT
Indiana Horse Racing Commission
1302 N. Meridian, Suite 175
Indianapolis, IN 46202

RE: IHRC No. E200819

Received: September 29, 2016
Laboratory No.: EACL-160929-9
No. of Samples: 1
Veterinarian Tech: D. Martin

INVESTIGATION: Split Sample Analysis: Prohibited
(Bupivacaine/ketamine/norketamine)

Dear Ms. Martin,

The one blood (serum) samples submitted from the IHRC, Indiana Grand, #E200819, was delivered on September 29th, 2016 by FedEx #8086 2033 8080. The sample was in good condition upon arrive.

The one blood (serum) sample was subjected to quantitative analysis for the presence of bupivacaine/ketamine/norketamine. Detection, identification and quantitation were completed utilizing liquid chromatography - mass spectrometry. Bupivacaine /ketamine/norketamine were all confirmed in sample (#E200819). No further testing has been assigned.

If you have any questions or require additional information, please don't hesitate to contact me.

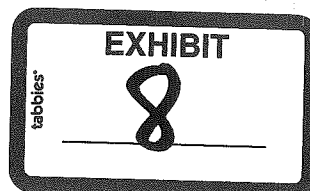
The remainder of the original sample will be storage at the Maddy Lab and disposed of after 1 months.

Sincerely,

Handwritten signature of Scott D. Stanley in cursive.

Scott D. Stanley, PhD
Professor
University of California – Davis

Cc: Deena Pitman



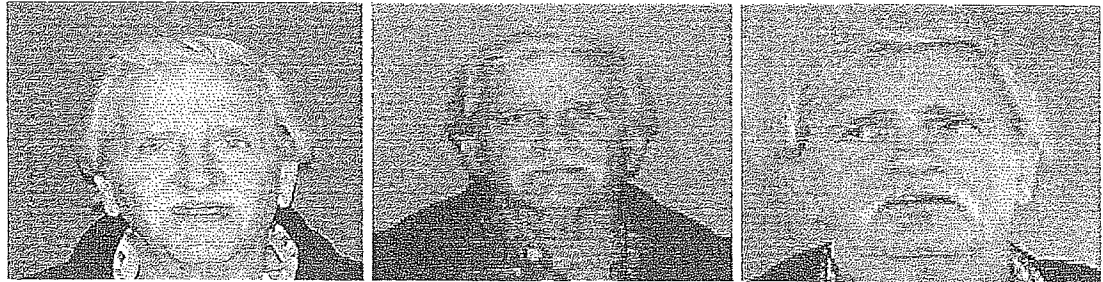


licenses

Licensee Search

Licensee: ROY E. MOORE

Reports on ROY E. MOORE
Comprehensive Ruling Report
Comprehensive Licensee Report



Identification Information

Add a New Identification Record

Date of Birth	Federal ID/SSN	Country	Sex
9/19/1943	3912		
9/19/1943	3462		
9/19/1943	3962		
9/19/1943		USA	Unknown

Name Information

Add a New Name Record

Name Type	Prefix	First Name	Middle Name	Last Name	Suffix
Current Legal Name		ROY	E.	MOORE	
Previous Legal		ROY	ELLSWORT	MOORE	
Previous Legal		ROY	ELLSWORTH	MOORE	
Previous Legal		ROY	E	MOORE	

Address Information

Address Type	Street Address	City	State	Zip Code
Mailing	3880 LUCE RD	BATTLE CREEK	MI	49017

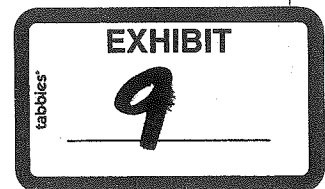
Phone Information

Phone Number Type	Phone Number
Home	2699621006

License Information

Add a New License Record

License Number	License Type	Issued Date	Expiration Date	Licensing Commission
982770	Owner/Trainer	4/16/2016	12/31/2016	Indiana Racing Commission
	Owner/Trainer	4/6/2015	12/31/2015	Indiana Racing Commission
	Owner/Trainer	5/3/2014	12/31/2014	Indiana Racing Commission
	Owner/Trainer	4/23/2013	12/31/2013	Indiana Racing Commission
	Owner/Trainer	4/7/2012	12/31/2012	Indiana Racing Commission



	Owner/Trainer	4/6/2011	12/31/2011	Indiana Racing Commission
	Owner/Trainer	4/6/2011	12/31/2011	Indiana Racing Commission
500836	Owner/Trainer	7/10/2010	12/31/2010	Michigan Racing Commission
982770	Trainer	4/12/2010	12/31/2010	Indiana Racing Commission
	Trainer	4/14/2009	12/31/2009	Indiana Racing Commission
	Owner/Trainer	6/14/2008	12/31/2008	Indiana Racing Commission
	Trainer	9/2/2007	12/31/2007	Indiana Racing Commission
	Trainer	8/29/2006	12/31/2006	Indiana Racing Commission
*N*1715077	Trainer	5/8/2005	12/31/2005	Illinois Racing Board
982770	Owner/Trainer	4/9/2005	12/31/2005	Indiana Racing Commission
	Trainer	4/10/2004	12/31/2004	Indiana Racing Commission
	Trainer	10/18/2003	12/31/2003	Indiana Racing Commission
2003	Owner	2/3/2003	12/31/2003	Oklahoma Horse Racing Commission
371443962	Owner	2/3/2003	12/31/2003	Oklahoma Horse Racing Commission
982770	Trainer	11/5/2000	12/31/2000	Indiana Racing Commission
	Owner/Trainer	11/5/2000	12/31/2000	Indiana Racing Commission
*N*763526	Trainer	10/13/2000	12/31/2000	Ohio Racing Commission
*N*761564	Trainer	7/9/2000	12/31/2000	Illinois Racing Board
*N*604123	Trainer	10/15/1999	12/31/1999	Ohio Racing Commission
982770	Owner/Trainer	9/13/1999	12/31/1999	Indiana Racing Commission
	Owner	10/25/1998	12/31/1998	Indiana Racing Commission
*N*39870	Owner	1/1/1996	12/31/1998	Oklahoma Horse Racing Commission
371443962	Owner	1/1/1996	12/31/1998	Oklahoma Horse Racing Commission
1996	Owner	1/1/1996	12/31/1998	Oklahoma Horse Racing Commission
1997	Owner	1/1/1996	12/31/1998	Oklahoma Horse Racing Commission
1998	Owner	1/1/1996	12/31/1998	Oklahoma Horse Racing Commission
1994	Owner	2/5/1994	12/31/1994	Oklahoma Horse Racing Commission
371443962	Owner	2/5/1994	12/31/1994	Oklahoma Horse Racing Commission
*N*39869	Owner	2/5/1994	12/31/1994	Oklahoma Horse Racing Commission
29565	Owner	2/17/1993	2/28/2003	Texas Racing Commission
371443962	Owner/Trainer	2/9/1990	12/31/1992	Oklahoma Horse Racing Commission
1991	Owner/Trainer	2/9/1990	12/31/1992	Oklahoma Horse Racing Commission
1992	Owner/Trainer	2/9/1990	12/31/1992	Oklahoma Horse Racing Commission

Fingerprint Information

Processing Commission	Date Taken	Status	Notes	Add a New Fingerprint Record
				RCI Card Submitted Date
Oklahoma Horse Racing Commission	2/5/1994	Yes	PS94PD94	
Oklahoma Horse Racing Commission	2/3/2003	Yes	2003PD03	
Racing Commissioners International	5/4/2009	Unknown	RCI Multi-Jurisdiction Card	5/4/2009

Ruling Number	Ruling Type	Ruling Date	Fine	Fine Paid?	Suspension Start	Suspension End
2016-HIA-19	Medication/Drug Violation - Animal	5/3/2016	250	Yes		
14660	Medication/Drug Violation - Animal	10/4/2014	1000	No		

Applicable Reports

- Comprehensive Ruling Report
- Comprehensive Licensee Report

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Comprehensive Ruling Report

Rulings Against: ROY E. MOORE

Legal Name: ROY E. MOORE



Birth Date: 9/19/1943

2 Total Ruling(s) Listed

1 Advisory Multiple Medication Violation Point(s) Including 0 Official Multiple Medication Violation Point(s)

"Multiple medication violation points and point totals are for advisory and informational purposes only to indicate the existence of regulatory medication violation determinations made by racing regulatory entities in order to notify officials of possible aggravating factors that should be reviewed by officials prior to taking regulatory action. Confirmation of violations should be made directly with the racing regulatory entity responsible."

Ruling #: 1

Ruling Number:	2016-HIA-19	Date:	5/3/2016
Issued By:	Florida Division of Pari-Mutuel Wagering	Facility:	Hialeah Park
Ruling Type:	Medication/Drug Violation - Animal		
Division:	Horse	Breed:	Quarter Horse
Effective Date:	5/3/2016	Race Date:	2/13/2016
Infraction Date:	2/13/2016	Infraction Facility:	Hialeah Park
Race Number:	7	Animal Name:	MR. FOOL FOR ME TWICE
Under Appeal:	False	Appeal Date:	N/A
Drug:	Betamethasone		
Fine Amount:	\$ 250	Fine Paid:	Yes
Suspension Start:	None	Suspension End:	None
Actions:			

Alpha Ruling: 2016-HIA-19

Action Type: Initial Ruling

Issue Date: 5/3/2016

Action Text:

Consent Order # 2016013133, F.S. 550.2415 violation.

Ruling #: 2

Ruling Number:	14660	Date:	10/4/2014
Issued By:	Indiana Racing Commission	Facility:	Indiana Grand
Ruling Type:			

Medication/Drug
Violation - Animal

Division:	Horse	Breed:	Quarter Horse
Effective Date:	10/4/2014	Race Date:	9/13/2014
Infraction Date:	9/13/2014	Infraction Facility:	Indiana Grand
Race Number:	9	Animal Name:	Ms Fool Me Once
Under Appeal:	False	Appeal Date:	N/A
Drug:	Methylprednisolone		
Fine Amount:	\$ 1000	Fine Paid:	No
Suspension Start:	None	Suspension End:	None
Actions:			

Alpha Ruling: 14660

Action Type: Initial Ruling

Issue Date: 10/4/2014

Action Text:

On October 3, 2014, the Board of Stewards at Indiana Grand Racecourse received notice from Industrial Laboratories, of Wheat Ridge, CO, the official testing laboratory for the Indiana Horse Racing Commission, of the positive drug test results for methylprednisolone found in the blood samples #54048. The Stewards determined the blood samples #54048 was obtained from "Ms Fool Me Once", winner of the ninth race on September 13, 2014. The owner/trainer of record for "Ms Fool Me Once" was Roy E. Moore.

Owner/Trainer Roy E. Moore was notified of the positive test results and was advised of his rights to have the split sample sent to an independent laboratory approved by the Stewards and for a hearing before the Stewards. Owner/Trainer Roy E. Moore waived his rights to a split sample and to a hearing and agreed to the penalty established by the Uniform Classification Guidelines for Foreign Substances and Recommended Penalties approved by the Indiana Horse Racing Commission.

Pursuant to those Guidelines, the Stewards hereby ORDER the following:

1. Owner/Trainer Roy E. Moore is fined \$1,000 for the positive test for methylprednisolone of 473 picograms per milliliter in the blood sample of "Ms Fool Me Once", winner of the ninth race on September 13, 2014, which is in excess of the regulatory limit of 100 picograms per milliliter of blood, a violation of IHRC Rule #71 IAC 8.5-1-4.2 (10)(A); and;
2. "Ms Fool Me Once" is disqualified from first place and is unplaced for the purpose of receiving purse money. Owner Roy E. Moore is ORDERED to return any purse money he has received from the race, and the Horsemen's Bookkeeper is directed to redistribute the purse money for the ninth race on September 13, 2014 as follows:
 1. #1 Fast Man Vic, 2. #8 Jess Jr First Down, 3. #5 Docs First Dynasty, 4. #2 DNA Dales Quick Cat, 5. #9 This Wagon Is Mine, 6. #6 Kt Gone For A Corona, 7. #3 DNA Ivory Chrystal

This ruling does not affect the pari-mutuel payoffs.