

**PUBLIC**

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:** **Andrew N. Ferguson, Chairman**  
**Mark R. Meador**

**IN THE MATTER OF**

**PHILIP SERPE,**

**Appellant.**

**MATTER No. D9441**

**COMBINED MOTION TO CONSIDER ADDITIONAL EVIDENCE;**  
**MOTION FOR LEAVE TO BRIEF ADDITIONAL ISSUES; AND**  
**SECOND MOTION FOR STAY OF SANCTION PENDING REVIEW**

Appellant Philip Serpe challenges the decision of a Horseracing Integrity and Welfare Unit (HIWU) arbitrator and Commission administrative law judge (ALJ) suspending him for two years and imposing a \$25,000 fine for the presence of a banned substance (clenbuterol) in a horse he was training (Fast Kimmie). He now seeks to introduce new evidence that identifies a likely alternate source of the clenbuterol and demonstrates serious conflicts of interest on the part of HIWU's expert witness.

First, material affidavits tend to exculpate Serpe from the charge that he is the source of the clenbuterol. Two of Serpe's employees aver that an independent contractor hired to help care for Serpe's horses often carried an inhaler in and around Serpe's barn. *See* Lopez-Martinez Affidavit, attached as **Exhibit A**; Ubillo Affidavit, attached as **Exhibit B**. This contractor frequently touched Fast Kimmie's mouth when putting a bridle on her, and horses readily absorb clenbuterol orally. **Ex. A**; **Ex.**

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**B**; AB1 Tab 24 (Respondent's Witness Statements), 1241. These affidavits thus identify a likely alternate source of the clenbuterol in Fast Kimmie's urine.

Second, Serpe recently discovered evidence that Dr. Daniel Eichner, HIWU's expert witness, has pecuniary relationships with HIWU that compromise his independence: not only does HIWU's general counsel sit on a board that determines Eichner's salary and bonuses, but Eichner also heads a private corporation that receives significant revenue by providing testing services for HIWU. *See* SMRTL Form 990 at 7, 26, 27–28, attached as **Exhibit C**; University of Kentucky Asset Transfer Agreement at 11, attached as **Exhibit D**. This evidence undermines the credibility of Eichner's testimony that the decision makers below relied upon in holding Serpe responsible for Fast Kimmie's positive test. Serpe therefore asks the Commission to consider this additional evidence under 16 CFR § 1.147(c)(2)(ii).<sup>1</sup> It is directly relevant to the appropriateness of Serpe's fine and suspension.

Further, Serpe requests that, based upon this additional evidence, the Commission reopen consideration of both his liability and two-year period of ineligibility. Finally, pursuant to 16 C.F.R. § 1.148, Serpe again requests a stay of his suspension while the Commission considers these issues.

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<sup>1</sup> The rules contain 1,000-word limits on applications for review (applied here to the request to consider new issues) and applications for a stay. 16 CFR § 1.147(b)(2)(i); § 1.148(b)(2)(ii). Section 1.147(c)(2)(ii) contains no word limit for motions to consider additional evidence, but Serpe applies the 1,000-word limit typical for non-dispositive motions in Subpart T. These limits together equal a 3,000-word total limit for Serpe's tripartite combined motion.

**PUBLIC****BACKGROUND**

Serpe is a longtime horse trainer and a Covered Person under the Horseracing Integrity and Safety Act (HISA). Appeal Book 1 (AB1) Tab 42 (Arb. Corrected Decision), 2777. On August 10, 2024, Fast Kimmie won a race at Saratoga Racetrack. Afterward, a HIWU test of Fast Kimmie's urine allegedly revealed the presence of clenbuterol. HIWU then charged Serpe with violating its Banned Substances Rule. *In the Matter of Philip Serpe*, ALJ No. 2025-9441, slip op. at 6–7 (ALJ Sept. 12, 2025) (ALJ Decision). HIWU's arbitrator concluded that Serpe violated the Rule and ordered a two-year suspension. *Id.* at 16. On appeal, a Commission ALJ affirmed HIWU's sanctions and added a \$25,000 fine. *Id.* at 55–56, 64–65.

The Commission selected the case for review, staying Serpe's \$25,000 fine but leaving the suspension in effect. *Philip Serpe*, Matter No. 9441 (FTC Sept. 15, 2025) (Partial Stay Ord.). At issue before the Commission are the following issues: whether (1) the ALJ was authorized to impose a civil sanction, (2) the fine was appropriate, (3) the Seventh Amendment applies, (4) this adjudication requires an Article III court, (5) HIWU's authority violates the private nondelegation doctrine, and (6) these private and administrative proceedings violate due process. *Philip Serpe*, Matter No. 9441 (FTC Sept. 30, 2025) (Clarification Ord.); *id.* (FTC Jan. 2, 2026) (Ord. on Mot. to Br. Addt'l Issues). Serpe filed his opening brief on December 23, 2025. Serpe's first motion for stay of sanction pending review, filed on December 10, 2025, is pending.

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## **DISCUSSION**

Serpe requests the following relief. First, the Commission should consider additional exculpatory evidence. Second, because of this evidence, the Commission should reconsider Serpe's liability for the presence of the clenbuterol and the appropriateness of his suspension. Third, the Commission should stay Serpe's suspension while his appeal is resolved.

### **I. The Commission Should Consider Serpe's Additional Evidence**

The Commission has discretion to consider new evidence on the motion of a party "any time before the issuance of a decision by the Commission." 16 CFR § 1.147(c)(2)(iii)(A). In such a motion, a party must demonstrate that the new evidence (1) "is material" and (2) "there were reasonable grounds for failure to submit the evidence previously." 16 CFR § 1.147(c)(2)(ii). Each new piece of evidence Serpe presents here meets these criteria.

#### **A. The new evidence is material**

The two affidavits from Serpe's employees speak directly to Serpe's lack of culpability for the presence of clenbuterol in Fast Kimmie's urine. They show that Fast Kimmie's caretaker carried an inhaler and regularly touched Fast Kimmie's mouth. **Ex. A; Ex. B.** Inhalers are used to administer bronchodilating medications in humans<sup>2</sup>, and these medications are well absorbed in horses when administered

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<sup>2</sup> Clenbuterol's only FDA-approved use is as a syrup administered orally to treat airway obstruction in horses. AB1 Tab 24 (Respondent's Witness Statements), 1241. Clenbuterol is available outside the United States as a prescription medication for asthma in humans, however, and is often illicitly distributed in the United States and abused for athletic performance and weight loss. U.S. Drug Enforcement Admin.,

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orally. AB1 Tab 24 (Respondent's Witness Statements), 1241. Therefore, it is likely that clenbuterol could have been inadvertently transferred to Fast Kimmie via “feed or water bucket, lip chain, or even [a caretaker’s] hands.” *Id.* at 1245.

This evidence would likely have caused the ALJ to meaningfully consider HISA Rules 3224 and 3225 allowing reduced penalties in the presence of mitigating circumstances. Without that evidence, the ALJ found the Rules inapplicable because “Serpe [had] not home[d] in on any specific contamination scenario” unrelated to his possible fault. ALJ Decision at 15. This new evidence now provides “specific fact[s] . . . that render[] inadvertent exposure the likely explanation’ for Fast Kimmie’s positive clenbuterol test results.” ALJ Decision at 15 (quoting AB1 2780, at ¶ 5.17 (Arb. Corrected Final Decision)). At least Serpe’s maximal fine and two-year suspension are inappropriate.

The evidence of Eichner’s bias directly undermines the credibility of his testimony—testimony that both the arbitrator and the ALJ relied upon. While the decider of fact in a non-jury proceeding enjoys greater flexibility in his gatekeeping duties, “the *Daubert* standards of relevance and reliability for scientific evidence must nevertheless be met.” *Seaboard Lumber Co. v. U.S.*, 308 F.3d 1283, 1302 (Fed. Cir. 2002). “Where an expert becomes an advocate for a cause, he therefore departs from the ranks of an objective expert witness, and any resulting testimony would be

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unfairly prejudicial and misleading.” *U.S. v. Kelley*, 6 F. Supp. 2d 1168, 1183 (D. Kan. 1998) (citations omitted).

Eichner is the president of a nonprofit testing organization—the Sports Medicine Research and Testing Laboratory (“SMRTL”). **Ex. C** at 26. According to SMRTL’s Form 990 for 2024, Michelle Pujals, HIWU’s general counsel, sits on SMRTL’s board: the body that determines Eichner’s salary and eligibility for substantial annual performance bonuses. **Ex. C** at 7, 27–28. Plaintiff has reason to believe Ms. Pujals remains on SMRTL’s board.

Eichner’s bias toward HIWU as President of SMRTL is compounded by his leadership<sup>3</sup> of another organization—Sports Drug Testing Laboratory—that benefits economically from its provision of testing services to HIWU. Sports Drug Testing Laboratory (d/b/a EQIAS Labs) was recently awarded probationary accreditation by HIWU<sup>4</sup> and is one of its only four testing providers.<sup>5</sup> Eichner’s interests thus lie in maintaining that business relationship rather than testifying against HIWU’s interests. *See Kelley*, 6 F. Supp. 2d at 1183 (considering an expert’s bias particularly

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<sup>3</sup> Public records establish that Eichner is President of both SMRTL and Sports Drug Testing Laboratory. When the University of Kentucky sold its testing laboratory in 2024, Eichner signed the purchase proposal as President of SMRTL, but signed the final Asset Transfer Agreement as the President of Sports Drug Testing Laboratory. University of Kentucky RFP to Sale Form at 7, attached as **Exhibit E**; **Ex. D** at 11. Sports Drug Testing Laboratory operates under multiple assumed names, one of which is EQIAS Labs. *See* State of Utah Business Entity Records Search Results, attached hereto as **Exhibit F**.

<sup>4</sup> HIWU Announcement dated Aug. 11, 2025, “Equine Integrity and Anti-Doping Sciences Labs Granted Probationary HEAL Accreditation,” <https://tinyurl.com/y4pa4hf4> (last visited Jan 13, 2026).

<sup>5</sup> ADMC Program Laboratories, HIWU, <https://tinyurl.com/2z43u79u>, last visited Jan. 13, 2026.

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unacceptable when they have “affirmatively sought employment from [one of the parties]”).

The ALJ dismissed Serpe’s alternate explanations for the positive test based on Eichner’s assertions that there was a “low level of likelihood” of inadvertent clenbuterol transfer from a human to Fast Kimmie. ALJ Decision at 29. He also cited Eichner’s statements that negative hair tests are incapable of superseding a positive urine test and favored Eichner’s various theories for purposeful administration of the clenbuterol. *Id.* at 25, 27. The HIWU arbitrator similarly relied on Eichner’s opinion. AB1 Tab 42 (Arb. Corrected Decision), 2778–83.

Eichner’s twofold pecuniary relationship with HIWU, both directly via EQIAS and indirectly through SMRTL and Ms. Pujals, vitiates his ability to provide an unbiased assessment of Serpe’s case. Considering the arbitrator’s and ALJ’s reliance on his testimony, the Commission should consider evidence of his bias in reviewing the decisions below.

**B. The new evidence was reasonably not submitted previously**

Serpe reasonably did not present this evidence earlier. First, this adjudication process requires that Serpe participate in a truncated arbitration that provides no facilitation for fact-seeking like the discovery available in court proceedings. Here, for example, HIWU disclosed Eichner as an expert witness and provided his expert report a mere six days before the hearing, meaning Serpe had only a few days to digest the substance of the report. AB1 Tab 27 (HIWU’s Responding Pre-Hearing Brief). The difficulty this timeline causes is compounded by the fact that HIWU and

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HISA processes require that the accused prove his innocence—no small task even in court.<sup>6</sup> *See, e.g., U.S. v. Bagley*, 473 U.S. 667, 694 (1985) (Marshall, J., dissenting). It is especially troublesome here, where this burden means Serpe—no trained investigator—must discover who might be the source of the minuscule amount of clenbuterol found in Fast Kimmie’s urine. HISA Rule 7260. Given this context, Serpe’s failure to submit this recently discovered evidence is reasonable.

Further, Serpe did not discover or adduce evidence of Eichner’s bias earlier because he reasonably assumed the parties involved would not hide their conflicts of interest. In his expert report, Eichner averred that he was unaware “of any conflict of interest or other matter that would compromise [his] independence.” AB1 Tab 28 (HIWU’s Book of Evidence and Exhibits), 1557. Eichner failed to disclose Ms. Pujals’s relationship to SMRTL and his business connections with HIWU through EQIAS. *Id.* at 1557–58. The evidence of Eichner’s bias was only recently discovered by virtue of contact from counsel in a different HIWU case who was able to uncover it during those separate proceedings based on his prior knowledge about SMRTL and EQIAS. The information provided was unknown to and hidden from Serpe during the HIWU and ALJ proceedings below.

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<sup>6</sup> The arbitrator’s decision illustrated the reality of this dynamic. *See* AB1 Tab 42 (Arb. Corrected Decision), 2784 (“Despite the findings of this Arbitrator, no one should read this decision as determining that Mr. Serpe is a cheater. The only determination that can be taken from the findings in this Final Decision is that Mr. Serpe was unable to meet his burden and standard of proof under the applicable rules.”).

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This new evidence is material because it undermines Serpe’s liability for the offense of which he is accused and calls into question the credibility of HIWU’s evidence against him. It has reasonably not been introduced until now because of the truncated nature of these proceedings and because Serpe reasonably relied on Eichner’s sworn statements claiming impartiality. This motion thus satisfies the requirements of 16 CFR § 1.147(c)(2)(ii).

## **II. The Commission Should Reconsider Serpe’s Liability and Suspension**

Serpe’s new evidence prompts reconsideration of Serpe’s liability and the length of his suspension.<sup>7</sup> When deciding whether to review an ALJ decision, the Commission considers in part whether “a decision of law or policy . . . warrants review.” 16 CFR § 1.147(b)(4)(ii)(B)(2). The ALJ’s decision “warrants review” here because Serpe’s new evidence undermines the contention that he is liable for the presence of clenbuterol in Fast Kimmie’s urine, which directly affects his period of suspension.

HISA Rules 3224 and 3225 closely tie the continuance and length of one’s suspension to the question of liability. Under those Rules, the period of ineligibility for a banned-substances violation depends on whether an individual can show “No Fault or Negligence” or “No Significant Fault or Negligence” for the charged Anti-Doping Rule violation. Because Serpe is charged with a violation of the Banned

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<sup>7</sup> The Commission need not grant the motion to consider new issues for the new evidence to be material to Serpe’s case because it also relates to the appropriateness of Serpe’s fine, which the Commission has already agreed to consider. *Philip Serpe*, Matter No. 9441 (FTC Sept. 30, 2025) (Clarification Ord.).

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Substances Rule, both standards require that he show by a preponderance of the evidence how the clenbuterol entered Fast Kimmie's system. HISA Rules 1020, 3121(b). Serpe's new evidence provides a likely alternative clenbuterol source which, on its own, would greatly reduce his culpability for the charged offense under HISA Rule 3225. And in the absence of Eichner's biased testimony (which discounted the possibility of an alternative source), the only expert evidence is that of Dr. Cole, who opined that the amount of clenbuterol was so minuscule that environmental factors could explain its presence. AB1 Tab 24 (Respondent's Witness Statements), 1245. This likelihood is highly relevant to the analysis of Serpe's fault or negligence under HISA Rule 3224.

### **III. The Commission Should Stay Serpe's Suspension**

Serpe again requests a stay of his suspension pending final decision in this case.<sup>8</sup> When presented with a stay application, the Commission considers "(1) the likelihood of the applicant's success on review; (2) whether the applicant will suffer irreparable harm if a stay is not granted; (3) the degree of injury to other parties or third parties if a stay is granted; [and] (4) whether the stay is in the public interest." 16 CFR § 1.148(d).

Given Serpe's new evidence, it is now even more likely that he will succeed on the merits than it was at the time of his first stay motion. Again, it is likely that clenbuterol could have been inadvertently transferred from the inhaler-carrying

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<sup>8</sup> As with Serpe's first motion to stay, he asks the Commission to consider new issues here. The seven-day time limit for filing a stay motion, therefore, should again run from the date of any Commission order granting review of those issues. This motion is thus timely.

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contractor’s hands to Fast Kimmie’s mouth. And the expert testimony discounting such a possibility is significantly undermined by Serpe’s new evidence of that witness’s bias, severely weakening HIWU’s contention that Serpe is culpable for the charged offense.

Serpe’s two-year suspension continues to irreparably harm him because his injuries “cannot be undone through monetary remedies.” *Ne. Fla. Chapter of Ass’n of Gen. Contractors of Am. v. City of Jacksonville*, 896 F.2d 1283, 1285 (11th Cir. 1990); 5 U.S.C. § 702 (limiting relief to that “other than money damages”). Serpe’s career, built over forty years and more than 9,000 races has been all but reduced to ash because he is losing customers and goodwill. *See* Ver. Compl. ¶¶ 90–91, *Serpe v. FTC*, No. 24-61939 (S.D. Fla. Oct. 17, 2024); *see Jackson v. NFL*, 802 F. Supp. 226, 230–31 (D. Minn. 1992); *BellSouth Telecomm., Inc. v. MCIMetro Access Transmission Servs., LLC*, 425 F.3d 964, 970 (11th Cir. 2005). If Serpe’s punishment continues while he is not liable or if his reduced level of culpability should result in a shorter suspension than originally imposed, the harm caused by Serpe serving his entire unwarranted two-year suspension while the Commission considers his case cannot be undone.

The Authority and HIWU will not be harmed by a stay of their unlawful sanctions against Serpe because “our system does not permit agencies to act unlawfully.” *Ala. Ass’n of Realtors v. DHHS*, 594 U.S. 758, 766 (2021). Further, throughout a more than 40-year career, none of Serpe’s horses have ever tested positive for a prohibited substance. Ver. Compl. ¶93. His new evidence confirms what this spotless record suggests: that Serpe is innocent and no harm will befall the

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horseracing profession by allowing him to continue training horses while the Commission considers his case.

The public interest decidedly weighs in Serpe's favor here. The Authority and HIWU serve laudable purposes: maintaining fairness and integrity in horseracing. But furthering these purposes depends on ensuring the integrity of the Authority's and HIWU's adjudicatory systems. Protecting Serpe's rights and ensuring fairness by preventing unjust punishment of innocent individuals helps maintain this integrity. Indeed, the public interest "favors protecting constitutional rights." *Leaders of a Beautiful Struggle v. Baltimore Police Dep't*, 2 F.4th 330, 346 (4th Cir. 2021).

**CONCLUSION**

For the foregoing reasons, Serpe respectfully requests that the Commission (1) consider the additional evidence he seeks to present, (2) allow further briefing on the issues of Serpe's liability and the continuance of his suspension from racing, and (3) stay his suspension pending its final decision.

DATED: January 22, 2026.

Respectfully submitted,

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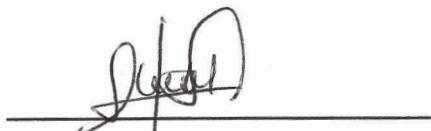
# EXHIBIT A

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DECLARATION OF IRIS LOPEZ-MARTINEZ

1. My name is Iris Lopez-Martinez. I worked as a hotwalker & day watch employee for Philip Serpe from 2/23/17 to 7/15/25. I have personal knowledge of the facts set forth in this declaration.
2. I was the day watch and a hotwalker for Philip Serpe during the 2024 Saratoga race meet. The race meet ran between the beginning of July through the end of August.
3. During that summer Mr. Serpe used the independent contractor services of an exercise rider named Gavin Coetzee. Gavin would exercise horses in the Serpe barn and would also work exercising horses for other trainers.
4. Gavin was the regular exercise rider for the horse named Fast Kimmie. He would put the horse's bridle in her mouth on the days that he exercised her.
5. Gavin would periodically carry an inhaler with him when he arrived at our barn to exercise horses trained by us. The inhaler was beige in color.
6. Gavin would periodically leave the inhaler on top of the ice machine in the barn when he was exercising one of the horses trained by us at the track.
7. I have no knowledge what substance or substances were in the inhaler.

**UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING DECLARATION AND THAT THE FACTS STATED IN IT ARE TRUE.**

  
\_\_\_\_\_  
IRIS LOPEZ-MARTINEZDate: 12/02/25

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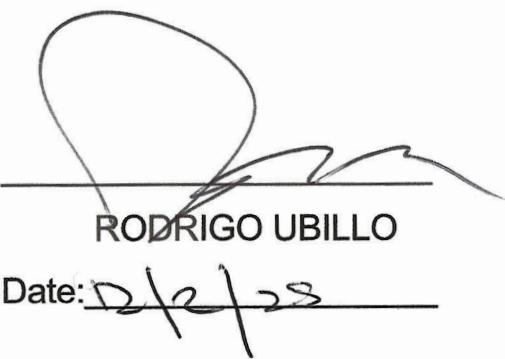
# EXHIBIT B

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**DECLARATION OF RODRIGO UBILLO**

1. My name is Rodrigo Ubillo. I worked as the assistant trainer for Philip Serpe from 9/13/19 to 7/15/25. I have personal knowledge of the facts set forth in this declaration.
2. I was the assistant trainer for Philip Serpe during the Saratoga race meet during the summer of 2024. The meet ran between the beginning of July and ran through the end of August
3. During that summer our barn used the independent contractor services of an exercise rider named Gavin Coetzee. Gavin would exercise some of the horses in the Serpe barn and would also work exercising horses for other trainers.
4. Gavin was the regular exercise rider for the horse named Fast Kimmie. He would put the bridle in her mouth on the days he exercised her.
5. Gavin periodically carried an inhaler with him when he arrived at our barn to exercise horses trained by us. The inhaler was beige in color.
6. Gavin would sometimes leave this inhaler on top of the stables ice machine when he was exercising horses trained by us at the track.
7. I have no knowledge of what substance or substances were in the inhaler.

**UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING DECLARATION AND THAT THE FACTS STATED IN IT ARE TRUE.**

  
RODRIGO UBILLODate: 2/2/23

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# EXHIBIT C

|                            |   |                 |
|----------------------------|---|-----------------|
| efile Public Visual Render | ObjectId: 202520809349300142 - Submission: 2025-03-21 | TIN: 42-1611957 |
|----------------------------|---|-----------------|

Form **990****Return of Organization Exempt From Income Tax**

OMB No. 1545-0047

**2023**Open to Public  
InspectionDepartment of the Treasury  
Internal Revenue Service**Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)**

Do not enter social security numbers on this form as it may be made public.

**Go to [www.irs.gov/Form990](http://www.irs.gov/Form990) for instructions and the latest information.****A For the 2023 calendar year, or tax year beginning 07-01-2023 , and ending 06-30-2024**

**B** Check if applicable:

Address change  
 Name change  
 Initial return  
 Final return/terminated  
 Amended return  
 Application pending

**C** Name of organization  
SPORTS MEDICINE RESEARCH AND TESTING  
LABORATORY

Doing business as

Number and street (or P.O. box if mail is not delivered to street address) 10644 S JORDAN GATEWAY  
Room/suiteCity or town, state or province, country, and ZIP or foreign postal code  
SOUTH JORDAN, UT 84095**D Employer identification number**

42-1611957

**E Telephone number**

(801) 994-9454

**G Gross receipts \$ 23,025,853****F** Name and address of principal officer:  
CHRIS WEST  
10644 S JORDAN GATEWAY  
SOUTH JORDAN, UT 84095**H(a)** Is this a group return for  
subordinates?  Yes  No**H(b)** Are all subordinates  
included?  Yes  No

If "No," attach a list. See instructions.

**H(c)** Group exemption number**I** Tax-exempt status:  501(c)(3)  501(c) ( ) (insert no.)  4947(a)(1) or  527**J Website:** WWW.SMRTL.ORG**K** Form of organization:  Corporation  Trust  Association  Other**L** Year of formation: 2003**M** State of legal domicile: UT**Part I Summary**

|   |           |        |
|---|-----------|--------|
| <b>1</b> Briefly describe the organization's mission or most significant activities:<br>THE CORPORATION'S MISSION IS TO PROMOTE THE PUBLIC'S HEALTH AND SAFETY THROUGH RIGOROUS TESTING OF SUBSTANCES THAT ENDANGER ONE'S HEALTH. |           |        |
|   |           |        |
|   |           |        |
|   |           |        |
| <b>2</b> Check this box <input type="checkbox"/>  |           |        |
| <b>3</b> Number of voting members of the governing body (Part VI, line 1a) . . . . .  | <b>3</b>  | 7      |
| <b>4</b> Number of independent voting members of the governing body (Part VI, line 1b) . . . . .  | <b>4</b>  | 6      |
| <b>5</b> Total number of individuals employed in calendar year 2023 (Part V, line 2a) . . . . .   | <b>5</b>  | 52     |
| <b>6</b> Total number of volunteers (estimate if necessary) . . . . .   | <b>6</b>  | 0      |
| <b>7a</b> Total unrelated business revenue from Part VIII, column (C), line 12 . . . . .  | <b>7a</b> | 39,138 |
| <b>b</b> Net unrelated business taxable income from Form 990-T, Part I, line 11 . . . . .   | <b>7b</b> | 42,298 |

|  |                   |                     |
|--|-------------------|---------------------|
| <b>8</b> Contributions and grants (Part VIII, line 1h) . . . . .                           | <b>Prior Year</b> | <b>Current Year</b> |
|  | 0                 | 218,866             |
| <b>9</b> Program service revenue (Part VIII, line 2g) . . . . .                            | 13,565,766        | 15,746,134          |
| <b>10</b> Investment income (Part VIII, column (A), lines 3, 4, and 7d ) . . . . .         | 742,609           | 2,852,282           |
| <b>11</b> Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)         | 665,543           | 688,586             |
| <b>12</b> Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12) | 14,973,918        | 19,505,868          |

|   |            |            |
|---|------------|------------|
| <b>13</b> Grants and similar amounts paid (Part IX, column (A), lines 1-3 ) . . . . .       | 0          | 0          |
| <b>14</b> Benefits paid to or for members (Part IX, column (A), line 4) . . . . .           | 0          | 0          |
| <b>15</b> Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10) | 5,794,272  | 7,057,014  |
| <b>16a</b> Professional fundraising fees (Part IX, column (A), line 11e) . . . . .          | 0          | 0          |
| <b>b</b> Total fundraising expenses (Part IX, column (D), line 25) 0                        |            |            |
| <b>17</b> Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e) . . . . .            | 6,241,689  | 7,350,778  |
| <b>18</b> Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25)         | 12,035,961 | 14,407,792 |
| <b>19</b> Revenue less expenses. Subtract line 18 from line 12 . . . . .                    | 2,937,957  | 5,098,076  |

|  |                                  |                    |
|--|----------------------------------|--------------------|
| <b>20</b> Total assets (Part X, line 16) . . . . .                             | <b>Beginning of Current Year</b> | <b>End of Year</b> |
|  | 76,991,416                       | 85,217,330         |
| <b>21</b> Total liabilities (Part X, line 26) . . . . .                        | 1,681,623                        | 1,772,271          |
| <b>22</b> Net assets or fund balances. Subtract line 21 from line 20 . . . . . | 75,309,793                       | 83,445,059         |

**Part II Signature Block**

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has

|  |  |                          |                       |  |                   |
|--|--|--------------------------|-----------------------|--|-------------------|
| <b>Sign Here</b>   | Signature of officer<br>CHRIS WEST CFO |                          | 2025-03-12<br>Date    |  |                   |
|  | Type or print name and title           |                          | Date<br>2025-03-12    | Check <input type="checkbox"/> if<br>self-employed | PTIN<br>P00170461 |
| <b>Paid Preparer Use Only</b>  | Print/Type preparer's name             | Preparer's signature     | Date<br>2025-03-12    | Check <input type="checkbox"/> if<br>self-employed | PTIN<br>P00170461 |
|  | Firm's name TANNER LLC                 |                          | Firm's EIN 20-2253063 |  |                   |
| Firm's address 36 S STATE STREET SUITE 600<br>SALT LAKE CITY, UT 84111 |  | Phone no. (801) 532-7444 |                       |  |                   |

May the IRS discuss this return with the preparer shown above? See Instructions.  Yes  No

For Paperwork Reduction Act Notice, see the separate instructions.

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**Part III Statement of Program Service Accomplishments**

Check if Schedule O contains a response or note to any line in this Part III

**1** Briefly describe the organization's mission:

THE CORPORATION'S MISSION IS TO PROMOTE THE PUBLIC'S HEALTH AND SAFETY THROUGH RIGOROUS TESTING OF SUBSTANCES THAT ENDANGER ONE'S HEALTH.

**2** Did the organization undertake any significant program services during the year which were not listed on

the prior Form 990 or 990-EZ?  Yes  No

If "Yes," describe these new services on Schedule O.

**3** Did the organization cease conducting, or make significant changes in how it conducts, any program

services?  Yes  No

If "Yes," describe these changes on Schedule O.

**4** Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

**4a** (Code: ) (Expenses \$ 6,057,654 including grants of \$ ) (Revenue \$ 15,446,042 )

SMRTL IS ACTIVELY ENGAGED IN TESTING FOR SUBSTANCES THAT ENDANGER THE PUBLIC'S HEALTH AND SAFETY. MANY OF OUR TESTS ARE PERFORMED ON PROFESSIONAL AND AMATEUR ATHLETES SUBJECT TO THE ANTI-DOPING PROGRAMS MANAGED BY THEIR SPONSORS. MANY OTHER TESTS ARE PERFORMED FOR NONPROFIT AND GOVERNMENTAL ENTITIES WITHOUT CHARGE OR AT REDUCED RATES. SMRTL PERFORMED OVER 60,000 TESTS DURING THE LAST YEAR.

**4b** (Code: ) (Expenses \$ 370,933 including grants of \$ ) (Revenue \$ 300,092 )

SMRTL IS ENGAGED IN RESEARCH AND DEVELOPMENT OF IDENTIFYING NEW METHODS OF DETECTION. DURING THE YEAR, SMRTL CONDUCTED SEVERAL GRANT-FUNDED RESEARCH AND DEVELOPMENT PROJECTS FOCUSED ON NEW ANALYTICAL METHODS, HUMAN DRUG ADMINISTRATION AND PHARMACOKINETIC STUDIES, ANALYSIS OF TESTING PATTERNS IN ATHLETES AND OTHER PARTIES AND NOVEL APPROACHES FOR ASSESSING DRUG USE BY ATHLETES AND OTHER PARTIES. SMRTL ALSO PROVIDES EDUCATIONAL SERVICES IN THE FORM OF PRESENTATIONS AT SCIENTIFIC MEETINGS AND ASSISTANCE TO TESTING PROGRAM ADMINISTRATORS. SMRTL ALSO ACTS IN AN ADVISORY CAPACITY TO THE WORLD ANTI-DOPING AGENCY SITTING ON VARIOUS WORKING GROUPS THAT FORM ATHLETE DRUG TESTING POLICIES.

**4c** (Code: ) (Expenses \$ including grants of \$ ) (Revenue \$ )

SMRTL IS ENGAGED IN RESEARCH AND DEVELOPMENT OF IDENTIFYING NEW METHODS OF DETECTION. DURING THE YEAR, SMRTL CONDUCTED SEVERAL GRANT-FUNDED RESEARCH AND DEVELOPMENT PROJECTS FOCUSED ON NEW ANALYTICAL METHODS, HUMAN DRUG ADMINISTRATION AND PHARMACOKINETIC STUDIES, ANALYSIS OF TESTING PATTERNS IN ATHLETES AND OTHER PARTIES AND NOVEL APPROACHES FOR ASSESSING DRUG USE BY ATHLETES AND OTHER PARTIES. SMRTL ALSO PROVIDES EDUCATIONAL SERVICES IN THE FORM OF PRESENTATIONS AT SCIENTIFIC MEETINGS AND ASSISTANCE TO TESTING PROGRAM ADMINISTRATORS. SMRTL ALSO ACTS IN AN ADVISORY CAPACITY TO THE WORLD ANTI-DOPING AGENCY SITTING ON VARIOUS WORKING GROUPS THAT FORM ATHLETE DRUG TESTING POLICIES.

**4d** Other program services (Describe in Schedule O.)  
(Expenses \$ including grants of \$ ) (Revenue \$ )

**4e** **Total program service expenses** 6,428,587

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Part IV Checklist of Required Schedules

## CHECKLIST OF REQUIRED SCHEDULES

PUBLIC

|     |   | Yes | No  |
|-----|---|-----|-----|
| 1   | Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? If "Yes," complete Schedule A    | 1   | Yes |
| 2   | Is the organization required to complete Schedule B, Schedule of Contributors? See instructions.  | 2   | No  |
| 3   | Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I  | 3   | No  |
| 4   | <b>Section 501(c)(3) organizations.</b> Did the organization engage in lobbying activities, or have a section 501(h) election in effect during the tax year? If "Yes," complete Schedule C, Part II   | 4   | No  |
| 5   | Is the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization that receives membership dues, assessments, or similar amounts as defined in Rev. Proc. 98-19? If "Yes," complete Schedule C, Part III  | 5   | No  |
| 6   | Did the organization maintain any donor advised funds or any similar funds or accounts for which donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? If "Yes," complete Schedule D, Part I   | 6   | No  |
| 7   | Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas, or historic structures? If "Yes," complete Schedule D, Part II   | 7   | No  |
| 8   | Did the organization maintain collections of works of art, historical treasures, or other similar assets? If "Yes," complete Schedule D, Part III    | 8   | No  |
| 9   | Did the organization report an amount in Part X, line 21 for escrow or custodial account liability; serve as a custodian for amounts not listed in Part X; or provide credit counseling, debt management, credit repair, or debt negotiation services? If "Yes," complete Schedule D, Part IV  | 9   | No  |
| 10  | Did the organization, directly or through a related organization, hold assets in temporarily restricted endowments, permanent endowments, or quasi endowments? If "Yes," complete Schedule D, Part V  | 10  | No  |
| 11  | If the organization's answer to any of the following questions is "Yes," then complete Schedule D, Parts VI, VII, VIII, IX, or X, as applicable.  |     |     |
| 11a | a Did the organization report an amount for land, buildings, and equipment in Part X, line 10? If "Yes," complete Schedule D, Part VI    | 11a | Yes |
| 11b | b Did the organization report an amount for investments—other securities in Part X, line 12 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part VII    | 11b | Yes |
| 11c | c Did the organization report an amount for investments—program related in Part X, line 13 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part VIII   | 11c | No  |
| 11d | d Did the organization report an amount for other assets in Part X, line 15 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part IX   | 11d | No  |
| 11e | e Did the organization report an amount for other liabilities in Part X, line 25? If "Yes," complete Schedule D, Part X    | 11e | Yes |
| 11f | f Did the organization's separate or consolidated financial statements for the tax year include a footnote that addresses the organization's liability for uncertain tax positions under FIN 48 (ASC 740)? If "Yes," complete Schedule D, Part XI    | 11f | Yes |
| 12a | 12a Did the organization obtain separate, independent audited financial statements for the tax year? If "Yes," complete Schedule D, Parts XI and XII   | 12a | Yes |
| 12b | b Was the organization included in consolidated, independent audited financial statements for the tax year? If "Yes," and if the organization answered "No" to line 12a, then completing Schedule D, Parts XI and XII is optional    | 12b | No  |
| 13  | 13 Is the organization a school described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E  | 13  | No  |
| 14a | 14a Did the organization maintain an office, employees, or agents outside of the United States?   | 14a | No  |
| 14b | b Did the organization have aggregate revenues or expenses of more than \$10,000 from grantmaking, fundraising, business, investment, and program service activities outside the United States, or aggregate foreign investments valued at \$100,000 or more? If "Yes," complete Schedule F, Parts I and IV   | 14b | No  |
| 15  | 15 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of grants or other assistance to or for any foreign organization? If "Yes," complete Schedule F, Parts II and IV   | 15  | No  |
| 16  | 16 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of aggregate grants or other assistance to or for foreign individuals? If "Yes," complete Schedule F, Parts III and IV   | 16  | No  |
| 17  | 17 Did the organization report a total of more than \$15,000 of expenses for professional fundraising services on Part IX, column (A), lines 6 and 11e? If "Yes," complete Schedule G, Part I. See instructions.  | 17  | No  |
| 18  | 18 Did the organization report more than \$15,000 total of fundraising event gross income and contributions on Part VIII, lines 1c and 8a? If "Yes," complete Schedule G, Part II   | 18  | No  |
| 19  | 19 Did the organization report more than \$15,000 of gross income from gaming activities on Part VIII, line 9a? If "Yes," complete Schedule G, Part III   | 19  | No  |
| 20a | 20a Did the organization operate one or more hospital facilities? If "Yes," complete Schedule H   | 20a | No  |
| 20b | b If "Yes" to line 20a, did the organization attach a copy of its audited financial statements to this return?  | 20b |     |
| 21  | 21 Did the organization report more than \$5,000 of grants or other assistance to any domestic organization or domestic government on Part IX, column (A), line 1? If "Yes," complete Schedule I, Parts I and II  | 21  | No  |

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## Part IV Checklist of Required Schedules (continued)

**22** Did the organization report more than \$5,000 of grants or other assistance to or for domestic individuals on Part IX, column (A), line 2? If "Yes," complete Schedule I, Parts I and III . . . . .

**23** Did the organization answer "Yes" to Part VII, Section A, line 3, 4, or 5, about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? If "Yes," complete Schedule J . . . . .

**24a** Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than \$100,000 as of the last day of the year, that was issued after December 31, 2002? If "Yes," answer lines 24b through 24d and complete Schedule K. If "No," go to line 25a . . . . .

**b** Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception? . . . . .

**c** Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds? . . . . .

**d** Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year? . . . . .

**25a** **Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations.** Did the organization engage in an excess benefit transaction with a disqualified person during the year? If "Yes," complete Schedule L, Part I . . . . .

**b** Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I . . . . .

**26** Did the organization report any amount on Part X, line 5 or 22 for receivables from or payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons? If "Yes," complete Schedule L, Part II . . . . .

**27** Did the organization provide a grant or other assistance to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or employee thereof, a grant selection committee member, or to a 35% controlled entity (including an employee thereof) or family member of any of these persons? If "Yes," complete Schedule L, Part III . . . . .

**28** Was the organization a party to a business transaction with one of the following parties (see the Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions):

**a** A current or former officer, director, trustee, key employee, creator or founder, or substantial contributor? If "Yes," complete Schedule L, Part IV . . . . .

**b** A family member of any individual described in line 28a? If "Yes," complete Schedule L, Part IV . . . . .

**c** A 35% controlled entity of one or more individuals and/or organizations described in line 28a or 28b? If "Yes," complete Schedule L, Part IV . . . . .

**29** Did the organization receive more than \$25,000 in non-cash contributions? If "Yes," complete Schedule M . . . . .

**30** Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? If "Yes," complete Schedule M . . . . .

**31** Did the organization liquidate, terminate, or dissolve and cease operations? If "Yes," complete Schedule N, Part I . . . . .

**32** Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? If "Yes," complete Schedule N, Part II . . . . .

**33** Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes," complete Schedule R, Part I . . . . .

**34** Was the organization related to any tax-exempt or taxable entity? If "Yes," complete Schedule R, Part II, III, or IV, and Part V, line 1 . . . . .

**35a** Did the organization have a controlled entity within the meaning of section 512(b)(13)?

**b** If 'Yes' to line 35a, did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," complete Schedule R, Part V, line 2 . . . . .

**36** **Section 501(c)(3) organizations.** Did the organization make any transfers to an exempt non-charitable related organization? If "Yes," complete Schedule R, Part V, line 2 . . . . .

**37** Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? If "Yes," complete Schedule R, Part VI . . . . .

**38** Did the organization complete Schedule O and provide explanations on Schedule O for Part VI, lines 11b and 19? **Note.** All Form 990 filers are required to complete Schedule O. . . . .

|            | Yes | No |
|------------|-----|----|
| <b>22</b>  |     | No |
| <b>23</b>  | Yes |    |
| <b>24a</b> |     | No |
| <b>24b</b> |     |    |
| <b>24c</b> |     |    |
| <b>24d</b> |     |    |
| <b>25a</b> |     | No |
| <b>25b</b> |     | No |
| <b>26</b>  |     | No |
| <b>27</b>  |     | No |
| <b>28a</b> |     | No |
| <b>28b</b> |     | No |
| <b>28c</b> |     | No |
| <b>29</b>  |     | No |
| <b>30</b>  |     | No |
| <b>31</b>  |     | No |
| <b>32</b>  |     | No |
| <b>33</b>  |     | No |
| <b>34</b>  | Yes |    |
| <b>35a</b> | Yes |    |
| <b>35b</b> | Yes |    |
| <b>36</b>  |     | No |
| <b>37</b>  |     | No |
| <b>38</b>  | Yes |    |

## Part V Statements Regarding Other IRS Filings and Tax Compliance

Check if Schedule O contains a response or note to any line in this Part V . . . . . 

**1a** Enter the number reported in box 3 of Form 1096. Enter -0- if not applicable . . . . .

**1b** Enter the number of Forms W-2G included on line 1a. Enter -0- if not applicable . . . . .

**c** Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners? . . . . .

| 1a | 24  | Yes | No |
|----|-----|-----|----|
| 1b | 0   |     |    |
| 1c | Yes |     |    |

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Part V **Statements Regarding Other IRS Filings and Tax Compliance (continued)**

|  |            |     |    |  |
|--|------------|-----|----|--|
| <b>2a</b> Enter the number of employees reported on Form W-3, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return . . . . .  | <b>2a</b>  |     |    |  |
| <b>b</b> If at least one is reported on line 2a, did the organization file all required federal employment tax returns? . . . . .  | <b>2b</b>  | Yes |    |  |
| <b>3a</b> Did the organization have unrelated business gross income of \$1,000 or more during the year? . . . . .  | <b>3a</b>  | Yes |    |  |
| <b>b</b> If "Yes," has it filed a Form 990-T for this year? <i>If "No" to line 3b, provide an explanation in Schedule O</i> . . . . .  | <b>3b</b>  | Yes |    |  |
| <b>4a</b> At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)? . . . . . | <b>4a</b>  |     | No |  |
| <b>b</b> If "Yes," enter the name of the foreign country: _____<br>See instructions for filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR). . . . .   |            |     |    |  |
| <b>5a</b> Was the organization a party to a prohibited tax shelter transaction at any time during the tax year? . . . . .  | <b>5a</b>  |     | No |  |
| <b>b</b> Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction? . . . . .  | <b>5b</b>  |     | No |  |
| <b>c</b> If "Yes," to line 5a or 5b, did the organization file Form 8886-T? . . . . .  | <b>5c</b>  |     |    |  |
| <b>6a</b> Does the organization have annual gross receipts that are normally greater than \$100,000, and did the organization solicit any contributions that were not tax deductible as charitable contributions? . . . . .                                    | <b>6a</b>  |     | No |  |
| <b>b</b> If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible? . . . . .   | <b>6b</b>  |     |    |  |
| <b>7</b> <b>Organizations that may receive deductible contributions under section 170(c).</b>  | <b>7a</b>  |     | No |  |
| <b>a</b> Did the organization receive a payment in excess of \$75 made partly as a contribution and partly for goods and services provided to the payor? . . . . .   | <b>7b</b>  |     |    |  |
| <b>b</b> If "Yes," did the organization notify the donor of the value of the goods or services provided? . . . . .   | <b>7c</b>  |     | No |  |
| <b>c</b> Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282? . . . . .  |            |     |    |  |
| <b>d</b> If "Yes," indicate the number of Forms 8282 filed during the year . . . . .   | <b>7d</b>  |     |    |  |
| <b>e</b> Did the organization receive any funds, directly or indirectly, to pay premiums on a personal benefit contract? . . . . .   | <b>7e</b>  |     | No |  |
| <b>f</b> Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract? . . . . .  | <b>7f</b>  |     | No |  |
| <b>g</b> If the organization received a contribution of qualified intellectual property, did the organization file Form 8899 as required? . . . . .  | <b>7g</b>  |     |    |  |
| <b>h</b> If the organization received a contribution of cars, boats, airplanes, or other vehicles, did the organization file a Form 1098-C? . . . . .  | <b>7h</b>  |     |    |  |
| <b>8</b> <b>Sponsoring organizations maintaining donor advised funds.</b> Did a donor advised fund maintained by the sponsoring organization have excess business holdings at any time during the year? . . . . .  | <b>8</b>   |     | No |  |
| <b>9</b> <b>Sponsoring organizations maintaining donor advised funds.</b>  | <b>9a</b>  |     |    |  |
| <b>a</b> Did the sponsoring organization make any taxable distributions under section 4966? . . . . .  | <b>9b</b>  |     |    |  |
| <b>10</b> <b>Section 501(c)(7) organizations.</b> Enter:   |            |     |    |  |
| <b>a</b> Initiation fees and capital contributions included on Part VIII, line 12 . . . . .  | <b>10a</b> |     |    |  |
| <b>b</b> Gross receipts, included on Form 990, Part VIII, line 12, for public use of club facilities . . . . .   | <b>10b</b> |     |    |  |
| <b>11</b> <b>Section 501(c)(12) organizations.</b> Enter:  |            |     |    |  |
| <b>a</b> Gross income from members or shareholders . . . . .   | <b>11a</b> |     |    |  |
| <b>b</b> Gross income from other sources. (Do not net amounts due or paid to other sources against amounts due or received from them.) . . . . .   | <b>11b</b> |     |    |  |
| <b>12a</b> <b>Section 4947(a)(1) non-exempt charitable trusts.</b> Is the organization filing Form 990 in lieu of Form 1041? . . . . .   | <b>12a</b> |     |    |  |
| <b>b</b> If "Yes," enter the amount of tax-exempt interest received or accrued during the year. . . . .  | <b>12b</b> |     |    |  |
| <b>13</b> <b>Section 501(c)(29) qualified nonprofit health insurance issuers.</b>  |            |     |    |  |
| <b>a</b> Is the organization licensed to issue qualified health plans in more than one state? . . . . .<br><b>Note.</b> See the instructions for additional information the organization must report on Schedule O.  | <b>13a</b> |     |    |  |
| <b>b</b> Enter the amount of reserves the organization is required to maintain by the states in which the organization is licensed to issue qualified health plans . . . . .   | <b>13b</b> |     |    |  |
| <b>c</b> Enter the amount of reserves on hand . . . . .  | <b>13c</b> |     |    |  |
| <b>14a</b> Did the organization receive any payments for indoor tanning services during the tax year? . . . . .  | <b>14a</b> |     | No |  |
| <b>b</b> If "Yes," has it filed a Form 720 to report these payments? <i>If "No," provide an explanation in Schedule O</i> . . . . .  | <b>14b</b> |     |    |  |
| <b>15</b> Is the organization subject to the section 4960 tax on payment(s) of more than \$1,000,000 in remuneration or excess parachute payment(s) during the year? . . . . .<br>If "Yes," see the instructions and file Form 4720, Schedule N.               | <b>15</b>  |     | No |  |
| <b>16</b> Is the organization an educational institution subject to the section 4968 excise tax on net investment income? . . . . .  | <b>16</b>  |     | No |  |

If "Yes," complete Form 4/20, Schedule O.

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**17 Section 501(c)(21) organizations.** Did the trust, or any disqualified or other person engage in any activities that would result in the imposition of an excise tax under section 4951, 4952, or 4953? . . . . .  
If "Yes," complete Form 6069.

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Part VI

**Governance, Management, and Disclosure.** For each "Yes" response to lines 2 through 7b below, and for a "No" response to lines 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions.

Check if Schedule O contains a response or note to any line in this Part VI . . . . .



### Section A. Governing Body and Management

|           |  | Yes       | No       |
|-----------|--|-----------|----------|
| <b>1a</b> | Enter the number of voting members of the governing body at the end of the tax year<br><br>If there are material differences in voting rights among members of the governing body, or if the governing body delegated broad authority to an executive committee or similar committee, explain in Schedule O. | <b>1a</b> | <b>7</b> |
| <b>1b</b> |  | <b>1b</b> | <b>6</b> |
| <b>2</b>  | Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee, or key employee? . . . . .  | <b>2</b>  | No       |
| <b>3</b>  | Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors or trustees, or key employees to a management company or other person? . . . . .  | <b>3</b>  | No       |
| <b>4</b>  | Did the organization make any significant changes to its governing documents since the prior Form 990 was filed? . . . . .   | <b>4</b>  | No       |
| <b>5</b>  | Did the organization become aware during the year of a significant diversion of the organization's assets? . . . . .   | <b>5</b>  | No       |
| <b>6</b>  | Did the organization have members or stockholders? . . . . .   | <b>6</b>  | No       |
| <b>7a</b> | Did the organization have members, stockholders, or other persons who had the power to elect or appoint one or more members of the governing body? . . . . .   | <b>7a</b> | No       |
| <b>7b</b> | Are any governance decisions of the organization reserved to (or subject to approval by) members, stockholders, or persons other than the governing body? . . . . .  | <b>7b</b> | No       |
| <b>8</b>  | Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following:<br><br>a The governing body? . . . . .<br>b Each committee with authority to act on behalf of the governing body? . . . . .  | <b>8a</b> | Yes      |
| <b>9</b>  | Is there any officer, director, trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? If "Yes," provide the names and addresses in Schedule O . . . . .   | <b>8b</b> | Yes      |
|           |  | <b>9</b>  | No       |

### Section B. Policies (This Section B requests information about policies not required by the Internal Revenue Code.)

|            |   | Yes        | No  |
|------------|---|------------|-----|
| <b>10a</b> | Did the organization have local chapters, branches, or affiliates? . . . . .  | <b>10a</b> | No  |
| <b>b</b>   | If "Yes," did the organization have written policies and procedures governing the activities of such chapters, affiliates, and branches to ensure their operations are consistent with the organization's exempt purposes? . . . . .  | <b>10b</b> |     |
| <b>11a</b> | Has the organization provided a complete copy of this Form 990 to all members of its governing body before filing the form? . . . . .   | <b>11a</b> | Yes |
| <b>b</b>   | Describe on Schedule O the process, if any, used by the organization to review this Form 990. . . . .   |            |     |
| <b>12a</b> | Did the organization have a written conflict of interest policy? If "No," go to line 13 . . . . .   | <b>12a</b> | Yes |
| <b>b</b>   | Were officers, directors, or trustees, and key employees required to disclose annually interests that could give rise to conflicts? . . . . .   | <b>12b</b> | Yes |
| <b>c</b>   | Did the organization regularly and consistently monitor and enforce compliance with the policy? If "Yes," describe on Schedule O how this was done . . . . .  | <b>12c</b> | Yes |
| <b>13</b>  | Did the organization have a written whistleblower policy? . . . . .   | <b>13</b>  | Yes |
| <b>14</b>  | Did the organization have a written document retention and destruction policy? . . . . .  | <b>14</b>  | Yes |
| <b>15</b>  | Did the process for determining compensation of the following persons include a review and approval by independent persons, comparability data, and contemporaneous substantiation of the deliberation and decision?<br><br>a The organization's CEO, Executive Director, or top management official . . . . .<br>b Other officers or key employees of the organization . . . . .<br>If "Yes" to line 15a or 15b, describe the process on Schedule O. See instructions. | <b>15a</b> | Yes |
| <b>16a</b> | Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a taxable entity during the year? . . . . .   | <b>15b</b> | Yes |
| <b>b</b>   | If "Yes," did the organization follow a written policy or procedure requiring the organization to evaluate its participation in joint venture arrangements under applicable federal tax law, and take steps to safeguard the organization's exempt status with respect to such arrangements? . . . . .  | <b>16a</b> | No  |
|            |   | <b>16b</b> |     |

### Section C. Disclosure

**17** List the states with which a copy of this Form 990 is required to be filed  
**18** Section 6104 requires an organization to make its Form 1023 (1024 or 1024-A, if applicable), 990, and 990-T (section

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501(c)(3)s only) available for public inspection. Indicate how you made these available. Check all that apply.

PUBLIC

 Own website  Another's website  Upon request  Other (explain in Schedule O)**19** Describe in Schedule O whether (and if so, how) the organization made its governing documents, conflict of interest policy, and financial statements available to the public during the tax year.**20** State the name, address, and telephone number of the person who possesses the organization's books and records:  
CHRIS WEST 10644 S JORDAN GATEWAY SUITE 200 SOUTH JORDAN, UT 84095 (801) 944-9454

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**Part VII Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors**Check if Schedule O contains a response or note to any line in this Part VII **Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees****1a** Complete this table for all persons required to be listed. Report compensation for the calendar year ending with or within the organization's tax year.List all of the organization's **current** officers, directors, trustees (whether individuals or organizations), regardless of amount of compensation. Enter -0- in columns (D), (E), and (F) if no compensation was paid.List all of the organization's **current** key employees, if any. See the instructions for definition of "key employee."List the organization's five **current** highest compensated employees (other than an officer, director, trustee or key employee) who received reportable compensation (box 5 of Form W-2, box 6 of Form 1099-MISC, and/or box 1 of Form 1099-NEC) of more than \$100,000 from the organization and any related organizations.List all of the organization's **former** officers, key employees, or highest compensated employees who received more than \$100,000 of reportable compensation from the organization and any related organizations.List all of the organization's **former directors or trustees** that received, in the capacity as a former director or trustee of the organization, more than \$10,000 of reportable compensation from the organization and any related organizations.

See the instructions for the order in which to list the persons above.

 Check this box if neither the organization nor any related organization compensated any current officer, director, or trustee.

| (A)<br>Name and title                            | (B)<br>Average<br>hours per<br>week (list<br>any hours<br>for related<br>organizations<br>below dotted<br>line) | (C)<br>Position (do not check more<br>than one box, unless person<br>is both an officer and a<br>director/trustee) |                       |         |              | (D)<br>Reportable<br>compensation<br>from the<br>organization<br>(W-2/1099-<br>MISC/1099-<br>NEC) | (E)<br>Reportable<br>compensation<br>from related<br>organizations<br>(W-2/1099-<br>MISC/1099-<br>NEC) | (F)<br>Estimated<br>amount of other<br>compensation<br>from the<br>organization and<br>related<br>organizations |        |
|--|---|--|-----------------------|---------|--------------|---|--|---|--------|
|  |   | Individual trustee<br>or director  | Institutional Trustee | Officer | Key employee | Highest compensated   | Former   |   |        |
| (1) JOHN LOMBARDO MD<br>DIRECTOR                 | 2.00<br>.....   | X  |                       |         |              |   | 4,500  | 0   | 0      |
| (2) JACK HENION PHD<br>DIRECTOR                  | 2.00<br>.....   |  | X                     |         |              |   | 4,500  | 0   | 0      |
| (3) TOM KUPIEC PHD<br>DIRECTOR                   | 2.00<br>.....   |  | X                     |         |              |   | 4,500  | 0   | 0      |
| (4) MARILYN HUESTIS PHD<br>DIRECTOR              | 2.00<br>.....   |  | X                     |         |              |   | 4,500  | 0   | 0      |
| (5) CAROLAYNE HENRY<br>DIRECTOR                  | 2.00<br>.....   |  | X                     |         |              |   | 4,500  | 0   | 0      |
| (6) MICHELLE PUJALS<br>DIRECTOR                  | 2.00<br>.....   |  | X                     |         |              |   | 4,500  | 0   | 0      |
| (7) LAWRENCE LAMADE<br>CHAIRMAN                  | 2.00<br>.....   | X  |                       | X       |              |   | 4,500  | 0   | 0      |
| (8) DANIEL EICHNER PHD<br>PRESIDENT/LAB DIRECTOR | 40.00<br>.....  |  |                       | X       |              |   | 548,182  | 0   | 22,097 |
| (9) VINOD NAIR PHD<br>ASSOCIATE LAB DIRECTOR     | 40.00<br>.....  |  |                       |         | X            |   | 182,285  | 0   | 22,097 |
| (10) RYAN VAN WAGONER PHD<br>.....               | 40.00<br>.....  |  |                       |         | X            |   | 174,205  | 0   | 22,097 |

Part VII Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees (Continued)

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4 For any individual listed on line 1a, is the sum of reportable compensation and other compensation from the organization and related organizations greater than \$150,000? If "Yes," complete Schedule J for such individual

| PUBLIC |     |
|--------|-----|
| 4      | Yes |
| 5      | No  |

5 Did any person listed on line 1a receive or accrue compensation from any unrelated organization or individual for services rendered to the organization? If "Yes," complete Schedule J for such person

### Section B. Independent Contractors

1 Complete this table for your five highest compensated independent contractors that received more than \$100,000 of compensation from the organization. Report compensation for the calendar year ending with or within the organization's tax year.

| (A)<br>Name and business address   | (B)<br>Description of services | (C)<br>Compensation |
|--|--------------------------------|---------------------|
|  |                                |                     |
|  |                                |                     |
|  |                                |                     |
|  |                                |                     |
|  |                                |                     |
| 2 Total number of independent contractors (including but not limited to those listed above) who received more than \$100,000 of compensation from the organization | 0                              |                     |

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### Part VIII Statement of Revenue

Check if Schedule O contains a response or note to any line in this Part VIII 

|  | (A)<br>Total revenue | (B)<br>Related or<br>exempt<br>function<br>revenue | (C)<br>Unrelated<br>business<br>revenue | (D)<br>Revenue<br>excluded from<br>tax under sections<br>512 - 514 |
|--|----------------------|--|---|--|
| <b>1a</b> Federated campaigns  |                      |  |   |  |
| Contributions,<br>Gifts, Grants,<br>and Membership dues  | <b>1b</b>            |  |   |  |
| OtherAmt   |                      |  |   |  |
| Similar<br>Amounts   |                      |  |   |  |
| Fundraising events   | <b>1c</b>            |  |   |  |
| <b>1d</b> Related organizations  |                      |  |   |  |
| <b>1e</b> Government grants (contributions)  | 218,866              |  |   |  |
| <b>1f</b> All other contributions, gifts, grants,<br>and similar amounts not included<br>above |                      |  |   |  |
| <b>1g</b> Noncash contributions included in<br>lines 1a - 1f:\$                                |                      |  |   |  |
| <b>h Total.</b> Add lines 1a-1f  | 218,866              |  |   |  |

| Program Service Revenue   | Business Code |            |            |           |
|---|---------------|------------|------------|-----------|
|   | 541380        | 15,446,042 | 15,446,042 |           |
| <b>2a</b> TESTING FEES  |               |            |            |           |
| <b>b</b> RESEARCH   | 541700        | 300,092    | 300,092    |           |
| <b>c</b>  |               |            |            |           |
| <b>d</b>  |               |            |            |           |
| <b>e</b>  |               |            |            |           |
| <b>f</b> All other program service revenue.   |               |            |            |           |
| <b>g Total.</b> Add lines 2a-2f   | 15,746,134    |            |            |           |
| <b>3</b> Investment income (including dividends, interest, and other similar amounts) | 3,046,767     |            |            | 3,046,767 |
| <b>4</b> Income from investment of tax-exempt bond proceeds                           |               |            |            |           |
| <b>e</b> Distributions  |               |            |            |           |

|  |   |                |            | PUBLIC |           |
|--|---|----------------|------------|--------|-----------|
|  |   |                |            |        |           |
| <b>Other Revenue</b>   | <b>6a</b> Gross rents   | 649,448        | 39,138     |        |           |
|  | <b>b</b> Less: rental expenses  | 0              | 0          |        |           |
|  | <b>c</b> Rental income or (loss)  | 649,448        | 39,138     |        |           |
|  | <b>d</b> Net rental income or (loss) . . . . .  | 688,586        |            |        | 649,448   |
|  | <b>7a</b> Gross amount from sales of assets other than inventory  | (i) Securities | (ii) Other |        |           |
|  | <b>7a</b>   | 3,325,500      |            |        |           |
|  | <b>7b</b> Less: cost or other basis and sales expenses  | 3,519,985      |            |        |           |
|  | <b>7c</b> Gain or (loss)  | -194,485       |            |        |           |
|  | <b>d</b> Net gain or (loss) . . . . .   | -194,485       |            |        | -194,485  |
|  | <b>a</b> Gross income from fundraising events (not including \$ _____ of contributions reported on line 1c). See Part IV, line 18 . . . . . | 8a             |            |        |           |
|  | <b>b</b> Less: direct expenses . . . . .  | 8b             |            |        |           |
|  | <b>c</b> Net income or (loss) from fundraising events . . . . .   |                |            |        |           |
|  | <b>9a</b> Gross income from gaming activities. See Part IV, line 19 . . . . .   | 9a             |            |        |           |
|  | <b>b</b> Less: direct expenses . . . . .  | 9b             |            |        |           |
|  | <b>c</b> Net income or (loss) from gaming activities . . . . .  |                |            |        |           |
|  | <b>10a</b> Gross sales of inventory, less returns and allowances . . . . .  | 10a            |            |        |           |
|  | <b>b</b> Less: cost of goods sold . . . . .   | 10b            |            |        |           |
|  | <b>c</b> Net income or (loss) from sales of inventory . . . . .   |                |            |        |           |
|  | <b>11a</b>  | Business Code  |            |        |           |
|  | <b>b</b>  |                |            |        |           |
|  OtherRevenueMiscAmt |   |                |            |        |           |
|  | <b>d</b> All other revenue . . . . .  |                |            |        |           |
|  | <b>e Total.</b> Add lines 11a-11d . . . . .   |                |            |        |           |
|  | <b>12 Total revenue.</b> See instructions . . . . .   | 19,505,868     | 15,746,134 | 39,138 | 3,501,730 |

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**Part IX Statement of Functional Expenses**

Section 501(c)(3) and 501(c)(4) organizations must complete all columns. All other organizations must complete column (A).

Check if Schedule O contains a response or note to any line in this Part IX 

| Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.  | (A)<br>Total expenses | (B)<br>Program service expenses | (C)<br>Management and general expenses | (D)<br>Fundraising expenses |
|---|-----------------------|---------------------------------|--|-----------------------------|
| 1 Grants and other assistance to domestic organizations and domestic governments. See Part IV, line 21 . . . . .                            |                       |                                 |  |                             |
| 2 Grants and other assistance to domestic individuals. See Part IV, line 22 . . . . .   |                       |                                 |  |                             |
| 3 Grants and other assistance to foreign organizations, foreign governments, and foreign individuals. See Part IV, lines 15 and 16. . . . . |                       |                                 |  |                             |

|  | PUBLIC     |           |           |
|--|------------|-----------|-----------|
| <b>4</b> Benefits paid to or for members . . . . .   | 1,746,189  | 365,578   | 1,380,611 |
| <b>5</b> Compensation of current officers, directors, trustees, and key employees . . . . .  |            |           |           |
| <b>6</b> Compensation not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B) . . . . .   |            |           |           |
| <b>7</b> Other salaries and wages . . . . .  | 3,948,115  | 826,569   | 3,121,546 |
| <b>8</b> Pension plan accruals and contributions (include section 401(k) and 403(b) employer contributions) . . . . .  | 270,620    | 56,656    | 213,964   |
| <b>9</b> Other employee benefits . . . . .   | 737,330    | 154,366   | 582,964   |
| <b>10</b> Payroll taxes . . . . .  | 354,760    | 74,272    | 280,488   |
| <b>11</b> Fees for services (non-employees):   |            |           |           |
| <b>a</b> Management . . . . .  |            |           |           |
| <b>b</b> Legal . . . . .   | 390,713    | 93,915    | 296,798   |
| <b>c</b> Accounting . . . . .  | 6,100      | 1,466     | 4,634     |
| <b>d</b> Lobbying . . . . .  |            |           |           |
| <b>e</b> Professional fundraising services. See Part IV, line 17   |            |           |           |
| <b>f</b> Investment management fees . . . . .  | 157,993    |           | 157,993   |
| <b>g</b> Other (If line 11g amount exceeds 10% of line 25, column (A) amount, list line 11g expenses on Schedule O)  | 351,526    | 220,889   | 130,637   |
| <b>12</b> Advertising and promotion . . . . .  |            |           |           |
| <b>13</b> Office expenses . . . . .  |            |           |           |
| <b>14</b> Information technology . . . . .   | 104,854    | 67,631    | 37,223    |
| <b>15</b> Royalties . . . . .  |            |           |           |
| <b>16</b> Occupancy . . . . .  | 395,299    |           | 395,299   |
| <b>17</b> Travel . . . . .   | 96,351     | 77,512    | 18,839    |
| <b>18</b> Payments of travel or entertainment expenses for any federal, state, or local public officials . . . . .   |            |           |           |
| <b>19</b> Conferences, conventions, and meetings . . . . .   | 68,646     |           | 68,646    |
| <b>20</b> Interest . . . . .   |            |           |           |
| <b>21</b> Payments to affiliates . . . . .   |            |           |           |
| <b>22</b> Depreciation, depletion, and amortization . . . . .  | 2,569,230  | 2,055,385 | 513,845   |
| <b>23</b> Insurance . . . . .  | 139,264    |           | 139,264   |
| <b>24</b> Other expenses. Itemize expenses not covered above (List miscellaneous expenses in line 24e. If line 24e amount exceeds 10% of line 25, column (A) amount, list line 24e expenses on Schedule O.)  |            |           |           |
| <b>a</b> SUPPLIES  | 1,836,548  | 1,825,815 | 10,733    |
| <b>b</b> CREDIT LOSSES   | 294,510    | 294,510   |           |
| <b>c</b> PERSONAL & PROPERTY TAX   | 248,380    |           | 248,380   |
| <b>d</b> REPAIRS & MAINTENANCE   | 198,805    | 160,070   | 38,735    |
| <b>e</b> All other expenses  | 492,559    | 153,953   | 338,606   |
| <b>25</b> <b>Total functional expenses.</b> Add lines 1 through 24e  | 14,407,792 | 6,428,587 | 7,979,205 |
| <b>26</b> <b>Joint costs.</b> Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation. Check here <input type="checkbox"/> if following SOP 98-2 (ASC 958-720). |            |           | 0         |

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Part X **Balance Sheet**Check if Schedule O contains a response or note to any line in this Part IX 

|   | (A)<br>Beginning of year | (B)<br>End of year |
|---|--------------------------|--------------------|
| <b>1</b> Cash-non-interest-bearing . . . . .              | 3,023,953                | 1 6,962,153        |
| <b>2</b> Savings and temporary cash investments . . . . . | 1,007,215                | 2 3,437,320        |
| <b>3</b> Pledges and grants receivable, net . . . . .     |                          | 3                  |

|                             |   | PUBLIC         |                           |
|-----------------------------|---|----------------|---------------------------|
| Assets                      | 4 Accounts receivable, net . . . . .  | 4,202,563      | 4 4,089,180               |
|                             | 5 Loans and other receivables from any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons . . . . . | 5              |                           |
|                             | 6 Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), and persons described in section 4958(c)(3)(B) . . . . .   | 6              |                           |
|                             | 7 Notes and loans receivable, net . . . . .   | 7              |                           |
|                             | 8 Inventories for sale or use . . . . .   | 8              |                           |
|                             | 9 Prepaid expenses and deferred charges . . . . .   | 264,692        | 9 216,566                 |
|                             | 10a Land, buildings, and equipment: cost or other basis. Complete Part VI of Schedule D   | 10a 40,796,197 |                           |
|                             | b Less: accumulated depreciation  | 10b 15,613,733 | 27,028,098 10c 25,182,464 |
|                             | 11 Investments—publicly traded securities . . . . .   |                | 11                        |
|                             | 12 Investments—other securities. See Part IV, line 11 . . . . .   | 40,217,645     | 12 44,670,898             |
|                             | 13 Investments—program-related. See Part IV, line 11 . . . . .  |                | 13                        |
|                             | 14 Intangible assets . . . . .  |                | 14                        |
|                             | 15 Other assets. See Part IV, line 11 . . . . .   | 1,247,250      | 15 658,749                |
|                             | 16 Total assets. Add lines 1 through 15 (must equal line 33) . . . . .  | 76,991,416     | 16 85,217,330             |
| Liabilities                 | 17 Accounts payable and accrued expenses . . . . .  | 1,647,266      | 17 1,737,914              |
|                             | 18 Grants payable . . . . .   |                | 18                        |
|                             | 19 Deferred revenue . . . . .   |                | 19                        |
|                             | 20 Tax-exempt bond liabilities . . . . .  |                | 20                        |
|                             | 21 Escrow or custodial account liability. Complete Part IV of Schedule D . . . . .  |                | 21                        |
|                             | 22 Loans and other payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons . . . . .     |                | 22                        |
|                             | 23 Secured mortgages and notes payable to unrelated third parties . . . . .   |                | 23                        |
|                             | 24 Unsecured notes and loans payable to unrelated third parties . . . . .   |                | 24                        |
|                             | 25 Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17 - 24). Complete Part X of Schedule D . . . . .  | 34,357         | 25 34,357                 |
|                             | 26 Total liabilities. Add lines 17 through 25 . . . . .   | 1,681,623      | 26 1,772,271              |
| Net Assets or Fund Balances | <b>Organizations that follow FASB ASC 958, check here <input checked="" type="checkbox"/> and complete lines 27, 28, 32, and 33.</b>  |                |                           |
|                             | 27 Net assets without donor restrictions . . . . .  | 75,309,793     | 27 83,445,059             |
|                             | 28 Net assets with donor restrictions . . . . .   |                | 28                        |
|                             | <b>Organizations that do not follow FASB ASC 958, check here <input type="checkbox"/> and complete lines 29 through 33.</b>   |                |                           |
|                             | 29 Capital stock or trust principal, or current funds . . . . .   |                | 29                        |
|                             | 30 Paid-in or capital surplus, or land, building or equipment fund . . . . .  |                | 30                        |
|                             | 31 Retained earnings, endowment, accumulated income, or other funds . . . . .   |                | 31                        |
|                             | 32 Total net assets or fund balances . . . . .  | 75,309,793     | 32 83,445,059             |
|                             | 33 Total liabilities and net assets/fund balances . . . . .   | 76,991,416     | 33 85,217,330             |

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## Part XI Reconciliation of Net Assets

Check if Schedule O contains a response or note to any line in this Part XI 

|   |   |            |
|---|---|------------|
| 1 Total revenue (must equal Part VIII, column (A), line 12) . . . . .                                 | 1 | 19,505,868 |
| 2 Total expenses (must equal Part IX, column (A), line 25) . . . . .                                  | 2 | 14,407,792 |
| 3 Revenue less expenses. Subtract line 2 from line 1 . . . . .  | 3 | 5,098,076  |
| 4 Net assets or fund balances at beginning of year (must equal Part X, line 32, column (A)) . . . . . | 4 | 75,309,793 |
| 5 Net unrealized gains (losses) on investments . . . . .  | 5 | 3,154,969  |
| 6 Donated services and use of facilities . . . . .  | 6 |            |
| 7 Investment expenses . . . . .   | 7 |            |
| 8 Prior period adjustments . . . . .  | 8 | -117,779   |
| 9 Other changes in net assets or fund balances (explain in Schedule O) . . . . .                      | 9 | 0          |

10 Net assets or fund balances at end of year. Combine lines 3 through 9 (must equal Part X, line 32, column (B)) | 10 | PUBLIC 83,445,059

Part XII

**Financial Statements and Reporting**Check if Schedule O contains a response or note to any line in this Part XII . . . . . **1** Accounting method used to prepare the Form 990:  Cash  Accrual  Other \_\_\_\_\_

If the organization changed its method of accounting from a prior year or checked "Other," explain on Schedule O.

**2a** Were the organization's financial statements compiled or reviewed by an independent accountant?

If 'Yes,' check a box below to indicate whether the financial statements for the year were compiled or reviewed on a separate basis, consolidated basis, or both:

\_\_\_\_ Separate basis  Consolidated basis  Both consolidated and separate basis**b** Were the organization's financial statements audited by an independent accountant?

If 'Yes,' check a box below to indicate whether the financial statements for the year were audited on a separate basis, consolidated basis, or both:

\_\_\_\_ Separate basis  Consolidated basis  Both consolidated and separate basis**c** If "Yes," to line 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant?

If the organization changed either its oversight process or selection process during the tax year, explain in Schedule O.

**3a** As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Uniform Guidance, 2 C.F.R. Part 200, Subpart F?**b** If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why in Schedule O and describe any steps taken to undergo such audits.

|           | Yes | No |
|-----------|-----|----|
| <b>2a</b> |     | No |
| <b>2b</b> | Yes |    |
| <b>2c</b> |     | No |
| <b>3a</b> |     | No |
| <b>3b</b> |     |    |

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**Additional Data****Return to Form****Software ID:****Software Version:****Form 990, Special Condition Description:****Special Condition Description**

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OMB No. 1545-0047

**SCHEDULE A**  
(Form 990)Department of the Treasury  
Internal Revenue Service

**Public Charity Status and Public Support**  
**Complete if the organization is a section 501(c)(3) organization or a section 4947(a)(1) nonexempt charitable trust.**  
**► Attach to Form 990 or Form 990-EZ.**  
**► Go to [www.irs.gov/Form990](http://www.irs.gov/Form990) for instructions and the latest information.**

**2023**Open to Public  
Inspection

**Name of the organization**  
SPORTS MEDICINE RESEARCH AND TESTING  
LABORATORY

**Employer identification number**  
42-1611957

**Part I Reason for Public Charity Status** (All organizations must complete this part.) See instructions.

The organization is not a private foundation because it is: (For lines 1 through 12, check only one box.)

**1**  A church, convention of churches, or association of churches described in **section 170(b)(1)(A)(i)**.

**2**  A school described in **section 170(b)(1)(A)(ii)**. (Attach Schedule E (Form 990).)

**3**  A hospital or a cooperative hospital service organization described in **section 170(b)(1)(A)(iii)**.

**4**  A medical research organization operated in conjunction with a hospital described in **section 170(b)(1)(A)(iii)**. Enter the hospital's name, city, and state:

**5**  An organization operated for the benefit of a college or university owned or operated by a governmental unit described in **section 170(b)(1)(A)(iv)**. (Complete Part II.)

**6**  A federal, state, or local government or governmental unit described in **section 170(b)(1)(A)(v)**.

**7**  An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in **section 170(b)(1)(A)(vi)**. (Complete Part II.)

**8**  A community trust described in **section 170(b)(1)(A)(vi)**. (Complete Part II.)

**9**  An agricultural research organization described in **170(b)(1)(A)(ix)** operated in conjunction with a land-grant college or university or a non-land grant college of agriculture. See instructions. Enter the name, city, and state of the college or university:

**10**  An organization that normally receives: (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions—subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See **section 509(a)(2)**. (Complete Part III.)

**11**  An organization organized and operated exclusively to test for public safety. See **section 509(a)(4)**.

**12**  An organization organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of one or more publicly supported organizations described in **section 509(a)(1)** or **section 509(a)(2)**. See **section 509(a)(3)**. Check the box on lines 12a through 12d that describes the type of supporting organization and complete lines 12e, 12f, and 12g.

**a**  **Type I.** A supporting organization operated, supervised, or controlled by its supported organization(s), typically by giving the supported organization(s) the power to regularly appoint or elect a majority of the directors or trustees of the supporting organization. **You must complete Part IV, Sections A and B.**

**b**  **Type II.** A supporting organization supervised or controlled in connection with its supported organization(s), by having control or management of the supporting organization vested in the same persons that control or manage the supported organization(s). **You must complete Part IV, Sections A and C.**

**c**  **Type III functionally integrated.** A supporting organization operated in connection with, and functionally integrated with, its supported organization(s) (see instructions). **You must complete Part IV, Sections A, D, and E.**

**d**  **Type III non-functionally integrated.** A supporting organization operated in connection with its supported organization(s) that is not functionally integrated. The organization generally must satisfy a distribution requirement and an attentiveness requirement (see instructions). **You must complete Part IV, Sections A and D, and Part V.**

**e**  Check this box if the organization received a written determination from the IRS that it is a Type I, Type II, Type III functionally integrated, or Type III non-functionally integrated supporting organization.

**f** Enter the number of supported organizations . . . . .

**g** Provide the following information about the supported organization(s).

| (i) Name of supported organization | (ii) EIN | (iii) Type of organization (described on lines 1- 10 above (see instructions)) | (iv) Is the organization listed in your governing document? |    | (v) Amount of monetary support (see instructions) | (vi) Amount of other support (see instructions) |
|------------------------------------|----------|--|---|----|---|---|
|                                    |          |  | Yes   | No |   |   |
|                                    |          |  |   |    |   |   |
|                                    |          |  |   |    |   |   |
| <b>Total</b>                       |          |  |   |    |   |   |

For Paperwork Reduction Act Notice, see the Instructions for Form 990 or 990-EZ.

Cat. No. 11285F

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**Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)**  
 (Complete only if you checked the box on line 5, 7, or 8 of Part I or if the organization failed to qualify under Part III.  
 If the organization failed to qualify under the tests listed below, please complete Part III.)

**Section A. Public Support**

Calendar year

<https://projects.propublica.org/nonprofits/organizations/421611957/202520809349300142/full>

14/31

**(or fiscal year beginning in) ►**

- 1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grant.") . . .
- 2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf . . . .
- 3 The value of services or facilities furnished by a governmental unit to the organization without charge..
- 4 **Total.** Add lines 1 through 3
- 5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f) . . .
- 6 **Public support.** Subtract line 5 from line 4.

|   | (a) 2019 | (b) 2020 | (c) 2021 | (d) 2022 | (e) 2023 | (f) Total |
|---|----------|----------|----------|----------|----------|-----------|
| 1 |          |          |          |          |          |           |
| 2 |          |          |          |          |          |           |
| 3 |          |          |          |          |          |           |
| 4 |          |          |          |          |          |           |
| 5 |          |          |          |          |          |           |
| 6 |          |          |          |          |          |           |

**Section B. Total Support****Calendar year****(or fiscal year beginning in) ►**

- 7 Amounts from line 4. . .
- 8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources. . . .
- 9 Net income from unrelated business activities, whether or not the business is regularly carried on. . .
- 10 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.). . .
- 11 **Total support.** Add lines 7 through 10
- 12 Gross receipts from related activities, etc. (see instructions) . . . . .
- 13 **First 5 years.** If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and **stop here** . . . . . ►

|    | (a) 2019 | (b) 2020 | (c) 2021 | (d) 2022 | (e) 2023 | (f) Total |
|----|----------|----------|----------|----------|----------|-----------|
| 7  |          |          |          |          |          |           |
| 8  |          |          |          |          |          |           |
| 9  |          |          |          |          |          |           |
| 10 |          |          |          |          |          |           |
| 11 |          |          |          |          |          |           |
| 12 |          |          |          |          |          | 12        |
| 13 |          |          |          |          |          |           |

**Section C. Computation of Public Support Percentage**

- 14 Public support percentage for 2023 (line 6, column (f) divided by line 11, column (f)) . . . . .
- 15 Public support percentage for 2022 Schedule A, Part II, line 14 . . . . .
- 16a **33 1/3% support test—2023.** If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box and **stop here.** The organization qualifies as a publicly supported organization . . . . . ►
- b **33 1/3% support test—2022.** If the organization did not check a box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box and **stop here.** The organization qualifies as a publicly supported organization . . . . . ►
- 17a **10%-facts-and-circumstances test—2023.** If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and **stop here.** Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization . . . . . ►
- b **10%-facts-and-circumstances test—2022.** If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and **stop here.** Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization . . . . . ►
- 18 **Private foundation.** If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions . . . . . ►

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**Part III****Support Schedule for Organizations Described in Section 509(a)(2)**

(Complete only if you checked the box on line 10 of Part I or if the organization failed to qualify under Part II. If the organization fails to qualify under the tests listed below, please complete Part II.)

**Section A. Public Support**

|   | (a) 2019 | (b) 2020 | (c) 2021 | (d) 2022 | (e) 2023 | (f) Total |
|---|----------|----------|----------|----------|----------|-----------|
| 1 |          |          |          |          |          |           |
| 2 |          |          |          |          |          |           |
| 3 |          |          |          |          |          |           |
| 4 |          |          |          |          |          |           |

5 The value of services or facilities furnished by a governmental unit to the organization without charge

6 **Total.** Add lines 1 through 5

7a Amounts included on lines 1, 2, and 3 received from disqualified persons

b Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of \$5,000 or 1% of the amount on line 13 for the year.

c Add lines 7a and 7b.

8 **Public support.** (Subtract line 7c from line 6.)

|  |  |  |  |  |  |
|--|--|--|--|--|--|
|  |  |  |  |  |  |
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**Section B. Total Support**

| Calendar year<br>(or fiscal year beginning in) ►  | (a) 2019 | (b) 2020 | (c) 2021 | (d) 2022 | (e) 2023 | (f) Total                  |
|---|----------|----------|----------|----------|----------|----------------------------|
| 9 Amounts from line 6.  |          |          |          |          |          |                            |
| 10a Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources.   |          |          |          |          |          |                            |
| b Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975.  |          |          |          |          |          |                            |
| c Add lines 10a and 10b.  |          |          |          |          |          |                            |
| 11 Net income from unrelated business activities not included on line 10b, whether or not the business is regularly carried on.   |          |          |          |          |          |                            |
| 12 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.)  |          |          |          |          |          |                            |
| 13 <b>Total support.</b> (Add lines 9, 10c, 11, and 12.)  |          |          |          |          |          |                            |
| 14 <b>First 5 years.</b> If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and <b>stop here</b> . |          |          |          |          |          | ► <input type="checkbox"/> |

**Section C. Computation of Public Support Percentage**

|   |    |
|---|----|
| 15 Public support percentage for 2023 (line 8, column (f) divided by line 13, column (f)) . . . . . | 15 |
| 16 Public support percentage from 2022 Schedule A, Part III, line 15 . . . . .                      | 16 |

**Section D. Computation of Investment Income Percentage**

|   |                            |
|---|----------------------------|
| 17 Investment income percentage for 2023 (line 10c, column (f) divided by line 13, column (f)) . . . . .  | 17                         |
| 18 Investment income percentage from 2022 Schedule A, Part III, line 17 . . . . .   | 18                         |
| 19a <b>33 1/3% support tests-2023.</b> If the organization did not check the box on line 14, and line 15 is more than 33 1/3%, and line 17 is not more than 33 1/3%, check this box and <b>stop here</b> . The organization qualifies as a publicly supported organization . . . . .        | ► <input type="checkbox"/> |
| b <b>33 1/3% support tests-2022.</b> If the organization did not check a box on line 14 or line 19a, and line 16 is more than 33 1/3% and line 18 is not more than 33 1/3%, check this box and <b>stop here</b> . The organization qualifies as a publicly supported organization . . . . . | ► <input type="checkbox"/> |
| 20 <b>Private foundation.</b> If the organization did not check a box on line 14, 19a, or 19b, check this box and see instructions . . . . .  | ► <input type="checkbox"/> |

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**Part IV Supporting Organizations**

(Complete only if you checked a box on line 12 of Part I. If you checked box 12a, of Part I, complete Sections A and B. If you checked box 12b, of Part I, complete Sections A and C. If you checked box 12c, of Part I, complete Sections A, D, and E. If you checked box 12d, of Part I, complete Sections A and D, and complete Part V.)

**Section A. All Supporting Organizations**

1 Are all of the organization's supported organizations listed by name in the organization's governing documents? If "No," describe in **Part VI** how the supported organizations are designated. If designated by class or purpose, describe the designation. If historic and continuing relationship, explain.

2 Did the organization have any supported organization that does not have an IRS determination of status under section 509(a)(1) or (2)? If "Yes," explain in **Part VI** how the organization determined that the supported organization was described in section 509(a)(1) or (2).

3a Did the organization have a supported organization described in section 501(c)(4), (5), or (6)? If "Yes," answer lines 3b and 3c below.

b Did the organization confirm that each supported organization qualified under section 501(c)(4), (5), or (6) and satisfied the public support tests under section 509(a)(2)? If "Yes," describe in **Part VI** when and how the organization made the determination.

c Did the organization ensure that all support to such organizations was used exclusively for section 170(c)(2)(B) purposes? If "Yes," explain in **Part VI** what controls the organization put in place to ensure such use.

|    | Yes | No |
|----|-----|----|
| 1  |     |    |
| 2  |     |    |
| 3a |     |    |
| 3b |     |    |
| 3c |     |    |

|           |   |               |
|-----------|---|---------------|
| <b>4a</b> | Was any supported organization not organized in the United States ("foreign supported organization")? If "Yes" and if you checked box 12a or 12b in Part I, answer lines 4b and 4c below.   | <b>PUBLIC</b> |
| <b>4a</b> |   |               |
| <b>4b</b> |   |               |
| <b>4c</b> |   |               |
| <b>5a</b> | Did the organization have ultimate control and discretion in deciding whether to make grants to the foreign supported organization? If "Yes," describe in <b>Part VI</b> how the organization had such control and discretion despite being controlled or supervised by or in connection with its supported organizations.  |               |
| <b>5a</b> |   |               |
| <b>5b</b> |   |               |
| <b>5c</b> |   |               |
| <b>5d</b> |   |               |
| <b>6</b>  | Did the organization add, substitute, or remove any supported organizations during the tax year? If "Yes," answer lines 5b and 5c below (if applicable). Also, provide detail in <b>Part VI</b> , including (i) the names and EIN numbers of the supported organizations added, substituted, or removed; (ii) the reasons for each such action; (iii) the authority under the organization's organizing document authorizing such action; and (iv) how the action was accomplished (such as by amendment to the organizing document). |               |
| <b>6</b>  |   |               |
| <b>7</b>  | Type I or Type II only. Was any added or substituted supported organization part of a class already designated in the organization's organizing document?   |               |
| <b>7</b>  |   |               |
| <b>8</b>  | Substitutions only. Was the substitution the result of an event beyond the organization's control?  |               |
| <b>8</b>  |   |               |
| <b>9</b>  | Did the organization provide support (whether in the form of grants or the provision of services or facilities) to anyone other than (i) its supported organizations, (ii) individuals that are part of the charitable class benefited by one or more of its supported organizations, or (iii) other supporting organizations that also support or benefit one or more of the filing organization's supported organizations? If "Yes," provide detail in <b>Part VI</b> .   |               |
| <b>9</b>  |   |               |
| <b>10</b> | Did the organization provide a grant, loan, compensation, or other similar payment to a substantial contributor (defined in section 4958(c)(3)(C)), a family member of a substantial contributor, or a 35% controlled entity with regard to a substantial contributor? If "Yes," complete Part I of Schedule L (Form 990).  |               |
| <b>10</b> |   |               |
| <b>11</b> | Did the organization make a loan to a disqualified person (as defined in section 4958) not described on line 7? If "Yes," complete Part I of Schedule L (Form 990).   |               |
| <b>11</b> |   |               |
| <b>12</b> | Was the organization controlled directly or indirectly at any time during the tax year by one or more disqualified persons, as defined in section 4946 (other than foundation managers and organizations described in section 509(a)(1) or (2))? If "Yes," provide detail in <b>Part VI</b> .   |               |
| <b>12</b> |   |               |
| <b>13</b> | Did one or more disqualified persons (as defined on line 9a) hold a controlling interest in any entity in which the supporting organization had an interest? If "Yes," provide detail in <b>Part VI</b> .   |               |
| <b>13</b> |   |               |
| <b>14</b> | Did a disqualified person (as defined on line 9a) have an ownership interest in, or derive any personal benefit from, assets in which the supporting organization also had an interest? If "Yes," provide detail in <b>Part VI</b> .  |               |
| <b>14</b> |   |               |
| <b>15</b> | Was the organization subject to the excess business holdings rules of section 4943 because of section 4943(f) (regarding certain Type II supporting organizations, and all Type III non-functionally integrated supporting organizations)? If "Yes," answer line 10b below.   |               |
| <b>15</b> |   |               |
| <b>16</b> | Did the organization have any excess business holdings in the tax year? (Use Schedule C, Form 4720, to determine whether the organization had excess business holdings).  |               |
| <b>16</b> |   |               |

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**Part IV Supporting Organizations (continued)**

|            |   |            |           |
|------------|---|------------|-----------|
| <b>11</b>  | Has the organization accepted a gift or contribution from any of the following persons?   | <b>Yes</b> | <b>No</b> |
| <b>11a</b> | A person who directly or indirectly controls, either alone or together with persons described on lines 11b and 11c below, the governing body of a supported organization? |            |           |
| <b>11b</b> |   |            |           |
| <b>11c</b> | A family member of a person described on 11a above?   |            |           |
|            | C A 35% controlled entity of a person described on line 11a or 11b above? If "Yes" to 11a, 11b, or 11c, provide detail in <b>Part VI</b> .                                |            |           |

**Section B. Type I Supporting Organizations**

|          |  |            |           |
|----------|--|------------|-----------|
| <b>1</b> | Did the officers, directors, trustees, or membership of one or more supported organizations have the power to regularly appoint or elect at least a majority of the organization's directors or trustees at all times during the tax year? If "No," describe in <b>Part VI</b> how the supported organization(s) effectively operated, supervised, or controlled the organization's activities. If the organization had more than one supported organization, describe how the powers to appoint and/or remove directors or trustees were allocated among the supported organizations and what conditions or restrictions, if any, applied to such powers during the tax year. | <b>Yes</b> | <b>No</b> |
| <b>1</b> |  |            |           |
| <b>2</b> | Did the organization operate for the benefit of any supported organization other than the supported organization(s) that operated, supervised, or controlled the supporting organization? If "Yes," explain in <b>Part VI</b> how providing such benefit carried out the purposes of the supported organization(s) that operated, supervised or controlled the supporting organization.  | <b>Yes</b> | <b>No</b> |
| <b>2</b> |  |            |           |

**Section C. Type II Supporting Organizations**

|          |  |            |           |
|----------|--|------------|-----------|
| <b>1</b> | Were a majority of the organization's directors or trustees during the tax year also a majority of the directors or trustees of each of the organization's supported organization(s)? If "No," describe in <b>Part VI</b> how control or management of the | <b>Yes</b> | <b>No</b> |
| <b>1</b> |  |            |           |

#### Section D. All Type III Supporting Organizations

1 Did the organization provide to each of its supported organizations, by the last day of the fifth month of the organization's tax year, (i) a written notice describing the type and amount of support provided during the prior tax year, (ii) a copy of the Form 990 that was most recently filed as of the date of notification, and (iii) copies of the organization's governing documents in effect on the date of notification, to the extent not previously provided? Yes No

2 Were any of the organization's officers, directors, or trustees either (i) appointed or elected by the supported organization(s) or (ii) serving on the governing body of a supported organization? If "No," explain in **Part VI** how the organization maintained a close and continuous working relationship with the supported organization(s). 1

3 By reason of the relationship described in line 2 above, did the organization's supported organizations have a significant voice in the organization's investment policies and in directing the use of the organization's income or assets at all times during the tax year? If "Yes," describe in **Part VI** the role the organization's supported organizations played in this regard. 2

3 By reason of the relationship described in line 2 above, did the organization's supported organizations have a significant voice in the organization's investment policies and in directing the use of the organization's income or assets at all times during the tax year? If "Yes," describe in **Part VI** the role the organization's supported organizations played in this regard. 3

#### Section E. Type III Functionally-Integrated Supporting Organizations

1 Check the box next to the method that the organization used to satisfy the Integral Part Test during the year (see instructions):

a  The organization satisfied the Activities Test. Complete **line 2** below.

b  The organization is the parent of each of its supported organizations. Complete **line 3** below.

c  The organization supported a governmental entity. Describe in **Part VI** how you supported a government entity (see instructions)

2 Activities Test. Answer lines 2a and 2b below.

a Did substantially all of the organization's activities during the tax year directly further the exempt purposes of the supported organization(s) to which the organization was responsive? If "Yes," then in **Part VI** identify those supported organizations and explain how these activities directly furthered their exempt purposes, how the organization was responsive to those supported organizations, and how the organization determined that these activities constituted substantially all of its activities. Yes No

b Did the activities described on line 2a, above constitute activities that, but for the organization's involvement, one or more of the organization's supported organization(s) would have been engaged in? If "Yes," explain in **Part VI** the reasons for the organization's position that its supported organization(s) would have engaged in these activities but for the organization's involvement. 2a

3 Parent of Supported Organizations. Answer lines 3a and 3b below.

a Did the organization have the power to regularly appoint or elect a majority of the officers, directors, or trustees of each of the supported organizations? If "Yes" or "No", provide details in **Part VI**. 3a

b Did the organization exercise a substantial degree of direction over the policies, programs and activities of each of its supported organizations? If "Yes," describe in **Part VI** the role played by the organization in this regard. 3b

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#### Part V Type III Non-Functionally Integrated 509(a)(3) Supporting Organizations

1  Check here if the organization satisfied the Integral Part Test as a qualifying trust on Nov. 20, 1970 (explain in **Part VI**). See instructions. All other Type III non-functionally integrated supporting organizations must complete Sections A through E.

| Section A - Adjusted Net Income  |           | (A) Prior Year | (B) Current Year (optional) |
|--|-----------|----------------|-----------------------------|
| 1 Net short-term capital gain  | 1         |                |                             |
| 2 Recoveries of prior-year distributions   | 2         |                |                             |
| 3 Other gross income (see instructions)  | 3         |                |                             |
| 4 Add lines 1 through 3  | 4         |                |                             |
| 5 Depreciation and depletion   | 5         |                |                             |
| 6 Portion of operating expenses paid or incurred for production or collection of gross income or for management, conservation, or maintenance of property held for production of income (see instructions) | 6         |                |                             |
| 7 Other expenses (see instructions)  | 7         |                |                             |
| <b>8 Adjusted Net Income</b> (subtract lines 5, 6 and 7 from line 4)   | <b>8</b>  |                |                             |
| Section B - Minimum Asset Amount   |           | (A) Prior Year | (B) Current Year (optional) |
| 1 Aggregate fair market value of all non-exempt-use assets (see instructions for short tax year or assets held for part of year):  | 1         |                |                             |
| a Average monthly value of securities  | 1a        |                |                             |
| b Average monthly cash balances  | 1b        |                |                             |
| c Fair market value of other non-exempt-use assets   | 1c        |                |                             |
| <b>d Total</b> (add lines 1a, 1b, and 1c)  | <b>1d</b> |                |                             |
| e Discount claimed for blockage or other factors (explain in detail in <b>Part VI</b> ):   |           |                |                             |

|   |  | PUBLIC       |  |
|---|--|--------------|--|
| <b>2</b>                                | Acquisition indebtedness applicable to non-exempt use assets   | <b>2</b>     |  |
| <b>3</b>                                | Subtract line 2 from line 1d   | <b>3</b>     |  |
| <b>4</b>                                | Cash deemed held for exempt use. Enter 0.015 of line 3 (for greater amount, see instructions).   | <b>4</b>     |  |
| <b>5</b>                                | Net value of non-exempt-use assets (subtract line 4 from line 3)   | <b>5</b>     |  |
| <b>6</b>                                | Multiply line 5 by 0.035   | <b>6</b>     |  |
| <b>7</b>                                | Recoveries of prior-year distributions   | <b>7</b>     |  |
| <b>8</b>                                | <b>Minimum Asset Amount</b> (add line 7 to line 6)   | <b>8</b>     |  |
| <b>Section C - Distributable Amount</b> |  | Current Year |  |
| <b>1</b>                                | Adjusted net income for prior year (from Section A, line 8, Column A)  | <b>1</b>     |  |
| <b>2</b>                                | Enter 85% of line 1  | <b>2</b>     |  |
| <b>3</b>                                | Minimum asset amount for prior year (from Section B, line 8, Column A)   | <b>3</b>     |  |
| <b>4</b>                                | Enter greater of line 2 or line 3  | <b>4</b>     |  |
| <b>5</b>                                | Income tax imposed in prior year   | <b>5</b>     |  |
| <b>6</b>                                | <b>Distributable Amount.</b> Subtract line 5 from line 4, unless subject to emergency temporary reduction (see instructions)   | <b>6</b>     |  |
| <b>7</b>                                | <input type="checkbox"/> Check here if the current year is the organization's first as a non-functionally-integrated Type III supporting organization (see instructions) |              |  |

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**Part V Type III Non-Functionally Integrated 509(a)(3) Supporting Organizations (continued)**

| <b>Section D - Distributions</b> |  | <b>Current Year</b> |
|----------------------------------|--|---------------------|
| <b>1</b>                         | Amounts paid to supported organizations to accomplish exempt purposes  | <b>1</b>            |
| <b>2</b>                         | Amounts paid to perform activity that directly furthers exempt purposes of supported organizations, in excess of income from activity              | <b>2</b>            |
| <b>3</b>                         | Administrative expenses paid to accomplish exempt purposes of supported organizations  | <b>3</b>            |
| <b>4</b>                         | Amounts paid to acquire exempt-use assets  | <b>4</b>            |
| <b>5</b>                         | Qualified set-aside amounts ( <i>prior IRS approval required - provide details in Part VI</i> )  | <b>5</b>            |
| <b>6</b>                         | Other distributions ( <i>describe in Part VI</i> ). See instructions   | <b>6</b>            |
| <b>7</b>                         | <b>Total annual distributions.</b> Add lines 1 through 6.  | <b>7</b>            |
| <b>8</b>                         | Distributions to attentive supported organizations to which the organization is responsive ( <i>provide details in Part VI</i> ). See instructions | <b>8</b>            |
| <b>9</b>                         | Distributable amount for 2023 from Section C, line 6   | <b>9</b>            |
| <b>10</b>                        | Line 8 amount divided by Line 9 amount   | <b>10</b>           |

| <b>Section E - Distribution Allocations</b><br>(see instructions)  | <b>(i)</b><br><b>Excess Distributions</b> | <b>(ii)</b><br><b>Underdistributions<br/>Pre-2023</b> | <b>(iii)</b><br><b>Distributable<br/>Amount for 2023</b> |
|--|---|---|--|
| <b>1</b> Distributable amount for 2023 from Section C, line 6  |   |   |  |
| <b>2</b> Underdistributions, if any, for years prior to 2023 (reasonable cause required-- <i>explain in Part VI</i> ). See instructions. |   |   |  |
| <b>3</b> Excess distributions carryover, if any, to 2023:  |   |   |  |
| <b>a</b> From 2018. . . . .  |   |   |  |
| <b>b</b> From 2019. . . . .  |   |   |  |
| <b>c</b> From 2020. . . . .  |   |   |  |
| <b>d</b> From 2021. . . . .  |   |   |  |
| <b>e</b> From 2022. . . . .  |   |   |  |
| <b>f Total</b> of lines 3a through e   |   |   |  |
| <b>g</b> Applied to underdistributions of prior years  |   |   |  |
| <b>h</b> Applied to 2023 distributable amount  |   |   |  |
| <b>i</b> Carryover from 2018 not applied (see instructions)  |   |   |  |
| <b>j</b> Remainder. Subtract lines 3g, 3h, and 3i from line 3f.  |   |   |  |
| <b>4</b> Distributions for 2023 from Section D, line 7:<br>\$  |   |   |  |
| <b>a</b> Applied to underdistributions of prior years  |   |   |  |
| <b>b</b> Applied to 2023 distributable amount  |   |   |  |

|  |  |  |  |
|--|--|--|--|
| <b>c</b> Remainder. Subtract lines 4a and 4b from line 4.  |  |  |  |
| <b>5</b> Remaining underdistributions for years prior to 2023, if any. Subtract lines 3g and 4a from line 2. If the amount is greater than zero, <i>explain in Part VI</i> . See instructions. |  |  |  |
| <b>6</b> Remaining underdistributions for 2023. Subtract lines 3h and 4b from line 1. If the amount is greater than zero, <i>explain in Part VI</i> . See instructions.                        |  |  |  |
| <b>7 Excess distributions carryover to 2024.</b> Add lines 3j and 4c.  |  |  |  |
| <b>8 Breakdown of line 7:</b>  |  |  |  |
| <b>a</b> Excess from 2019. . . . .   |  |  |  |
| <b>b</b> Excess from 2020. . . . .   |  |  |  |
| <b>c</b> Excess from 2021. . . . .   |  |  |  |
| <b>d</b> Excess from 2022. . . . .   |  |  |  |
| <b>e</b> Excess from 2023. . . . .   |  |  |  |

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**Supplemental Information.** Provide the explanations required by Part II, line 10; Part II, line 17a or 17b; Part III, line 12; Part IV, Section A, lines 1, 2, 3b, 3c, 4b, 4c, 5a, 6, 9a, 9b, 9c, 11a, 11b, and 11c; Part IV, Section B, lines 1 and 2; Part IV, Section C, line 1; Part IV, Section D, lines 2 and 3; Part IV, Section E, lines 1c, 2a, 2b, 3a and 3b; Part V, line 1; Part V, Section B, line 1e; Part V, Section D, lines 5, 6, and 8; and Part V, Section E, lines 2, 5, and 6. Also complete this part for any additional information. (See instructions).

Facts And Circumstances Test

Schedule A (Form 990) 2023

**Additional Data**[Return to Form](#)**Software ID:**  
**Software Version:**

PUBLIC

efile Public Visual Render

ObjectId: 202520809349300142 - Submission: 2025-03-21

TIN: 42-1611957

OMB No. 1545-0047

**SCHEDULE D**  
(Form 990)**Supplemental Financial Statements****2022**Department of the Treasury  
Internal Revenue Service► Complete if the organization answered "Yes," on Form 990,  
Part IV, line 6, 7, 8, 9, 10, 11a, 11b, 11c, 11d, 11e, 11f, 12a, or 12b.  
► Attach to Form 990.► Go to [www.irs.gov/Form990](http://www.irs.gov/Form990) for instructions and the latest information.Open to Public  
Inspection**Name of the organization**SPORTS MEDICINE RESEARCH AND TESTING  
LABORATORY**Employer identification number**

42-1611957

**Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts.**

Complete if the organization answered "Yes" on Form 990, Part IV, line 6.

|   | (a) Donor advised funds | (b) Funds and other accounts |
|---|-------------------------|------------------------------|
| 1 Total number at end of year . . . . .             |                         |                              |
| 2 Aggregate value of contributions to (during year) |                         |                              |
| 3 Aggregate value of grants from (during year)      |                         |                              |
| 4 Aggregate value at end of year . . . . .          |                         |                              |

|   |  |
|---|--|
| 5 Did the organization inform all donors and donor advisors in writing that the assets held in donor advised funds are the organization's property, subject to the organization's exclusive legal control? . . . . .  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 6 Did the organization inform all grantees, donors, and donor advisors in writing that grant funds can be used only for charitable purposes and not for the benefit of the donor or donor advisor, or for any other purpose conferring impermissible private benefit? . . . . . | <input type="checkbox"/> Yes <input type="checkbox"/> No |

**Part II Conservation Easements.**

Complete if the organization answered "Yes" on Form 990, Part IV, line 7.

|  |   |
|--|---|
| 1 Purpose(s) of conservation easements held by the organization (check all that apply).  | <input type="checkbox"/> Preservation of land for public use (e.g., recreation or education) <input type="checkbox"/> Preservation of an historically important land area |
|  | <input type="checkbox"/> Protection of natural habitat <input type="checkbox"/> Preservation of a certified historic structure  |
|  | <input type="checkbox"/> Preservation of open space   |
| 2 Complete lines 2a through 2d if the organization held a qualified conservation contribution in the form of a conservation easement on the last day of the tax year.  | <b>Held at the End of the Year</b>  |
| a Total number of conservation easements . . . . .   | 2a  |
| b Total acreage restricted by conservation easements . . . . .   | 2b  |
| c Number of conservation easements on a certified historic structure included in (a) . . . . .   | 2c  |
| d Number of conservation easements included in (c) acquired after July 25, 2006, and not on a historic structure listed in the National Register . . . . .   | 2d  |
| 3 Number of conservation easements modified, transferred, released, extinguished, or terminated by the organization during the tax year ►  |   |
| 4 Number of states where property subject to conservation easement is located ►  |   |
| 5 Does the organization have a written policy regarding the periodic monitoring, inspection, handling of violations, and enforcement of the conservation easements it holds? . . . . .   | <input type="checkbox"/> Yes <input type="checkbox"/> No  |
| 6 Staff and volunteer hours devoted to monitoring, inspecting, handling of violations, and enforcing conservation easements during the year ►  |   |
| 7 Amount of expenses incurred in monitoring, inspecting, handling of violations, and enforcing conservation easements during the year ► \$   |   |
| 8 Does each conservation easement reported on line 2(d) above satisfy the requirements of section 170(h)(4)(B)(i) and section 170(h)(4)(B)(ii)? . . . . .  | <input type="checkbox"/> Yes <input type="checkbox"/> No  |
| 9 In Part XIII, describe how the organization reports conservation easements in its revenue and expense statement, and balance sheet, and include, if applicable, the text of the footnote to the organization's financial statements that describes the organization's accounting for conservation easements. |   |

**Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets.**

Complete if the organization answered "Yes" on Form 990, Part IV, line 8.

|  |
|--|
| 1a If the organization elected, as permitted under FASB ASC 958, not to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide, in Part XIII, the text of the footnote to its financial statements that describes these items. |
| 1b If the organization elected, as permitted under FASB ASC 958, to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide the following amounts relating to these items:  |
| (i) Revenue included on Form 990, Part VIII, line 1 . . . . . ► \$   |
| (ii) Assets included in Form 990, Part X . . . . . ► \$  |
| 2 If the organization received or held works of art, historical treasures, or other similar assets for financial gain, provide the following amounts required to be reported under FASB ASC 958 relating to these items:   |
| a Revenue included on Form 990, Part VIII, line 1 . . . . . ► \$   |
| b Assets included in Form 990, Part X . . . . . ► \$   |

## Schedule D (Form 990) 2022

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**Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets (continued)****3** Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply):

|   |   |
|---|---|
| <b>a</b> <input type="checkbox"/> Public exhibition                   | <b>d</b> <input type="checkbox"/> Loan or exchange programs |
| <b>b</b> <input type="checkbox"/> Scholarly research                  | <b>e</b> <input type="checkbox"/> Other .....               |
| <b>c</b> <input type="checkbox"/> Preservation for future generations |   |

**4** Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIII.**5** During the year, did the organization solicit or receive donations of art, historical treasures or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? . . . Yes  No**Part IV Escrow and Custodial Arrangements.**

Complete if the organization answered "Yes" on Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

**1a** Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? . . . . .  Yes  No**b** If "Yes," explain the arrangement in Part XIII and complete the following table:

| Amount    |  |
|-----------|--|
| <b>1c</b> |  |
| <b>1d</b> |  |
| <b>1e</b> |  |
| <b>1f</b> |  |

**2a** Did the organization include an amount on Form 990, Part X, line 21, for escrow or custodial account liability? . . .  Yes  No**b** If "Yes," explain the arrangement in Part XIII. Check here if the explanation has been provided in Part XIII . . . **Part V Endowment Funds.**

Complete if the organization answered "Yes" on Form 990, Part IV, line 10.

|   | <b>(a)</b> Current year | <b>(b)</b> Prior year | <b>(c)</b> Two years back | <b>(d)</b> Three years back | <b>(e)</b> Four years back |
|---|-------------------------|-----------------------|---------------------------|-----------------------------|----------------------------|
| <b>1a</b> Beginning of year balance . . . . .                     |                         |                       |                           |                             |                            |
| <b>b</b> Contributions . . . . .                                  |                         |                       |                           |                             |                            |
| <b>c</b> Net investment earnings, gains, and losses               |                         |                       |                           |                             |                            |
| <b>d</b> Grants or scholarships . . . . .                         |                         |                       |                           |                             |                            |
| <b>e</b> Other expenditures for facilities and programs . . . . . |                         |                       |                           |                             |                            |
| <b>f</b> Administrative expenses . . . . .                        |                         |                       |                           |                             |                            |
| <b>g</b> End of year balance . . . . .                            |                         |                       |                           |                             |                            |

**2** Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as:

**a** Board designated or quasi-endowment

**b** Permanent endowment

**c** Term endowment

The percentages on lines 2a, 2b, and 2c should equal 100%.

**3a** Are there endowment funds not in the possession of the organization that are held and administered for the organization by:

**(i)** Unrelated organizations . . . . .

**(ii)** Related organizations . . . . .

**b** If "Yes" on 3a(ii), are the related organizations listed as required on Schedule R? . . . . .

**4** Describe in Part XIII the intended uses of the organization's endowment funds.

| Yes           | No |
|---------------|----|
| <b>3a(i)</b>  |    |
| <b>3a(ii)</b> |    |
| <b>3b</b>     |    |

**Part VI Land, Buildings, and Equipment.**

Complete if the organization answered "Yes" on Form 990, Part IV, line 11a. See Form 990, Part X, line 10.

| Description of property         | <b>(a)</b> Cost or other basis (investment) | <b>(b)</b> Cost or other basis (other) | <b>(c)</b> Accumulated depreciation | <b>(d)</b> Book value |
|---------------------------------|---|--|-------------------------------------|-----------------------|
| <b>1a</b> Land . . . . .        |   | 1,548,697                              |                                     | 1,548,697             |
| <b>b</b> Buildings . . . . .    |   | 20,331,916                             | 2,215,657                           | 18,116,259            |
| <b>c</b> Leasehold improvements |   | 2,619,230                              | 1,158,752                           | 1,460,478             |
| <b>d</b> Equipment . . . . .    |   | 16,296,354                             | 12,239,324                          | 4,057,030             |
| <b>e</b> Other . . . . .        |   |  |                                     |                       |

**Total.** Add lines 1a through 1e. (Column (d) must equal Form 990, Part X, column (B), line 10(c).) . . .  25,182,464

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## Schedule D (Form 990) 2022

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**Part VII Investments - Other Securities.**

Complete if the organization answered "Yes" on Form 990, Part IV, line 11b. See Form 990, Part X, line 12.

| (a) Description of security or category<br>(including name of security)   | (b) Book value | (c) Method of valuation:<br>Cost or end-of-year market value |
|---|----------------|--|
| (1) Financial derivatives   |                |  |
| (2) Closely-held equity interests   |                |  |
| (3) Other _____   |                |  |
| (A) BONDS   | 12,014,709     | F  |
| (B) STOCKS/EQUITY FUNDS   | 26,009,747     | F  |
| (C) PRIVATE EQUITY FUNDS  | 6,646,442      | F  |
| (C)   |                |  |
| (D)   |                |  |
| (E)   |                |  |
| (F)   |                |  |
| (G)   |                |  |
| (H)   |                |  |
| <b>Total.</b> (Column (b) must equal Form 990, Part X, col. (B) line 12.) | 44,670,898     |  |

**Part VIII Investments - Program Related.**

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11c. See Form 990, Part X, line 13.

| (a) Description of investment  | (b) Book value | (c) Method of valuation:<br>Cost or end-of-year market value |
|--|----------------|--|
| (1)  |                |  |
| (2)  |                |  |
| (3)  |                |  |
| (4)  |                |  |
| (5)  |                |  |
| (6)  |                |  |
| (7)  |                |  |
| (8)  |                |  |
| (9)  |                |  |
| <b>Total.</b> (Column (b) must equal Form 990, Part X, col.(B) line 13.) |                |  |

**Part IX Other Assets.**

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11d. See Form 990, Part X, line 15.

| (a) Description  | (b) Book value |
|--|----------------|
| (1)  |                |
| (2)  |                |
| (3)  |                |
| (4)  |                |
| (5)  |                |
| (6)  |                |
| (7)  |                |
| (8)  |                |
| (9)  |                |
| <b>Total.</b> (Column (b) must equal Form 990, Part X, col.(B) line 15.) |                |

**Part X Other Liabilities.**

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11e or 11f. See Form 990, Part X, line 25.

| 1.                       | (a) Description of liability | (b) Book value |
|--------------------------|------------------------------|----------------|
| (1) Federal income taxes |                              |                |

**Total.** (Column (b) must equal Form 990, Part X, col.(B) line 25.) ► 34,357

**2. Liability for uncertain tax positions.** In Part XIII, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FIN 48 (ASC 740). Check here if the text of the footnote has been provided in Part XIII

Schedule D (Form 990) 2022

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Schedule D (Form 990) 2022

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## Part XI Reconciliation of Revenue per Audited Financial Statements With Revenue per Return.

Reconciliation of Revenue per Audited Financial Statements with Form 990  
Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

|   |  |    |            |
|---|--|----|------------|
| 1 | Total revenue, gains, and other support per audited financial statements . . . . .                       | 1  | 22,660,837 |
| 2 | Amounts included on line 1 but not on Form 990, Part VIII, line 12:                                      |    |            |
| a | Net unrealized gains (losses) on investments . . . . .   | 2a | 3,154,969  |
| b | Donated services and use of facilities . . . . .   | 2b |            |
| c | Recoveries of prior year grants . . . . .  | 2c |            |
| d | Other (Describe in Part XIII.) . . . . .   | 2d |            |
| e | Add lines <b>2a</b> through <b>2d</b> . . . . .  | 2e | 3,154,969  |
| 3 | Subtract line <b>2e</b> from line <b>1</b> . . . . .   | 3  | 19,505,868 |
| 4 | Amounts included on Form 990, Part VIII, line 12, but not on line <b>1</b> :                             |    |            |
| a | Investment expenses not included on Form 990, Part VIII, line 7b . . . . .                               | 4a |            |
| b | Other (Describe in Part XIII.) . . . . .   | 4b |            |
| c | Add lines <b>4a</b> and <b>4b</b> . . . . .  | 4c | 0          |
| 5 | Total revenue. Add lines <b>3</b> and <b>4c</b> . (This must equal Form 990, Part I, line 12.) . . . . . | 5  | 19,505,868 |

Part XII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return.

**Reconciliation of Expenses per Audited Financial Statements with Form 990**  
Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

|   |   |    |            |
|---|---|----|------------|
| 1 | Total expenses and losses per audited financial statements . . . . .                                      | 1  | 14,407,792 |
| 2 | Amounts included on line 1 but not on Form 990, Part IX, line 25:   |    |            |
| a | Donated services and use of facilities . . . . .  | 2a |            |
| b | Prior year adjustments . . . . .  | 2b |            |
| c | Other losses . . . . .  | 2c |            |
| d | Other (Describe in Part XIII.) . . . . .  | 2d |            |
| e | Add lines <b>2a</b> through <b>2d</b> . . . . .   | 2e | 0          |
| 3 | Subtract line <b>2e</b> from line <b>1</b> . . . . .  | 3  | 14,407,792 |
| 4 | Amounts included on Form 990, Part IX, line 25, but not on line <b>1</b> :                                |    |            |
| a | Investment expenses not included on Form 990, Part VIII, line 7b . . .                                    | 4a |            |
| b | Other (Describe in Part XIII.) . . . . .  | 4b |            |
| c | Add lines <b>4a</b> and <b>4b</b> . . . . .   | 4c | 0          |
| 5 | Total expenses. Add lines <b>3</b> and <b>4c</b> . (This must equal Form 990, Part I, line 18.) . . . . . | 5  | 14,407,792 |

---

**Part XIII      Supplemental Information**

Provide the descriptions required for Part II, lines 3, 5, and 9; Part III, lines 1a and 4; Part IV, lines 1b and 2b; Part V, line 4; Part X, line 2; Part XI, lines 2d and 4b; and Part XII, lines 2d and 4b. Also complete this part to provide any additional information.

| Return Reference | Explanation   |
|------------------|---|
| PART X, LINE 2:  | DURING 2024, THE ORGANIZATION BELIEVES THAT IT HAS APPROPRIATE SUPPORT FOR ANY TAX POSITIONS TAKEN, AND AS SUCH, DOES NOT HAVE ANY UNCERTAIN TAX POSITIONS THAT ARE MATERIAL TO THE FINANCIAL STATEMENTS. |

**Schedule D (Form 990) 2022**

**Additional Data**

[Return to Form](#)

**Software ID:**  
**Software Version:**

|  |  |  |                   |
|--|--|--|-------------------|
| efile Public Visual Render   |  | ObjectId: 202520809349300142 - Submission: 2025-03-21  | TIN: 42-1611957   |
| Schedule J<br>(Form 990)   |  | Compensation Information   |                   |
| Department of the Treasury<br>Internal Revenue Service                         |  | For certain Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees<br>► Complete if the organization answered "Yes" on Form 990, Part IV, line 23.<br>► Attach to Form 990.<br>► Go to <a href="https://www.irs.gov/Form990">www.irs.gov/Form990</a> for instructions and the latest information. | OMB No. 1545-0047 |
| Name of the organization<br>SPORTS MEDICINE RESEARCH AND TESTING<br>LABORATORY |  | Employer identification number<br>42-1611957   |                   |

2023

Open to Public  
Inspection

## Part I Questions Regarding Compensation

|   | Yes  | No  |
|---|--|-----|
| 1a Check the appropriate box(es) if the organization provided any of the following to or for a person listed on Form 990, Part VII, Section A, line 1a. Complete Part III to provide any relevant information regarding these items.  |  |     |
| <input type="checkbox"/> First-class or charter travel<br><input type="checkbox"/> Travel for companions<br><input type="checkbox"/> Tax indemnification and gross-up payments<br><input type="checkbox"/> Discretionary spending account   | <input type="checkbox"/> Housing allowance or residence for personal use<br><input type="checkbox"/> Payments for business use of personal residence<br><input type="checkbox"/> Health or social club dues or initiation fees<br><input type="checkbox"/> Personal services (e.g., maid, chauffeur, chef) |     |
| 1b If any of the boxes on Line 1a are checked, did the organization follow a written policy regarding payment or reimbursement or provision of all of the expenses described above? If "No," complete Part III to explain.  | 1b   |     |
| 2 Did the organization require substantiation prior to reimbursing or allowing expenses incurred by all directors, trustees, officers, including the CEO/Executive Director, regarding the items checked on Line 1a?  | 2  |     |
| 3 Indicate which, if any, of the following the filing organization used to establish the compensation of the organization's CEO/Executive Director. Check all that apply. Do not check any boxes for methods used by a related organization to establish compensation of the CEO/Executive Director, but explain in Part III. |  |     |
| <input type="checkbox"/> Compensation committee<br><input type="checkbox"/> Independent compensation consultant<br><input type="checkbox"/> Form 990 of other organizations   | <input checked="" type="checkbox"/> Written employment contract<br><input checked="" type="checkbox"/> Compensation survey or study<br><input checked="" type="checkbox"/> Approval by the board or compensation committee   |     |
| 4 During the year, did any person listed on Form 990, Part VII, Section A, line 1a, with respect to the filing organization or a related organization:  |  |     |
| a Receive a severance payment or change-of-control payment?   | 4a   | No  |
| b Participate in, or receive payment from, a supplemental nonqualified retirement plan?   | 4b   | No  |
| c Participate in, or receive payment from, an equity-based compensation arrangement?  | 4c   | No  |
| If "Yes" to any of lines 4a-c, list the persons and provide the applicable amounts for each item in Part III.   |  |     |
| <b>Only 501(c)(3), 501(c)(4), and 501(c)(29) organizations must complete lines 5-9.</b>   |  |     |
| 5 For persons listed on Form 990, Part VII, Section A, line 1a, did the organization pay or accrue any compensation contingent on the revenues of:  |  |     |
| a The organization?   | 5a   | No  |
| b Any related organization?   | 5b   | No  |
| If "Yes," on line 5a or 5b, describe in Part III.   |  |     |
| 6 For persons listed on Form 990, Part VII, Section A, line 1a, did the organization pay or accrue any compensation contingent on the net earnings of:  |  |     |
| a The organization?   | 6a   | No  |
| b Any related organization?   | 6b   | No  |
| If "Yes," on line 6a or 6b, describe in Part III.   |  |     |
| 7 For persons listed on Form 990, Part VII, Section A, line 1a, did the organization provide any nonfixed payments not described in lines 5 and 6? If "Yes," describe in Part III.  | 7  | Yes |
| 8 Were any amounts reported on Form 990, Part VII, paid or accrued pursuant to a contract that was subject to the initial contract exception described in Regulations section 53.4958-4(a)(3)? If "Yes," describe in Part III.  | 8  | No  |
| 9 If "Yes" on line 8, did the organization also follow the rebuttable presumption procedure described in Regulations section 53.4958-6(c)?  | 9  |     |

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Cat. No. 50053T Schedule J (Form 990) 2023

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## Part II Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees. Use duplicate copies if additional space is needed.

For each individual whose compensation must be reported on Schedule J, report compensation from the organization on row (i) and from related organizations, described in the instructions, on row (ii). Do not list any individuals that are not listed on Form 990, Part VII.

Note. The sum of columns (B)(i)-(iii) for each listed individual must equal the total amount of Form 990, Part VII, Section A, line 1a, applicable column (D) and (E) amounts for that individual.

| (A) Name and Title                             | (B) Breakdown of W-2, 1099-MISC compensation, and/or 1099-NEC |                                     |                                     | (C) Retirement and other deferred compensation | (D) Nontaxable benefits | (E) Total of columns (B)(i)-(D) | (F) Compensation in column (B) reported as deferred on prior Form 990 |
|--|---|-------------------------------------|-------------------------------------|--|-------------------------|---------------------------------|---|
|  | (i) Base compensation   | (ii) Bonus & incentive compensation | (iii) Other reportable compensation |  |                         |                                 |   |
| 1 DANIEL EICHNER PHD<br>PRESIDENT/LAB DIRECTOR | (i) 381,986<br><br>(ii) 0                                     | 164,475<br><br>0                    | 1,721<br><br>0                      | 0<br><br>0                                     | 22,097<br><br>0         | 570,279<br><br>0                | 0<br><br>0  |
| 2 THANE CAMPBELL<br>COO                        | (i) 219,311<br><br>(ii) 0                                     | 63,804<br><br>0                     | 1,675<br><br>0                      | 0<br><br>0                                     | 22,097<br><br>0         | 306,887<br><br>0                | 0<br><br>0  |
| 3 GEOFF MILLER PHD<br>ASSIST LAB DIRECTOR      | (i) 135,965<br><br>(ii) 0                                     | 69,738<br><br>0                     | 2,560<br><br>0                      | 0<br><br>0                                     | 14,188<br><br>0         | 222,451<br><br>0                | 0<br><br>0  |
| 4 CHRIS WEST<br>CFO                            | (i) 164,543<br><br>(ii) 0                                     | 23,100<br><br>0                     | 1,887<br><br>0                      | 0<br><br>0                                     | 22,097<br><br>0         | 211,627<br><br>0                | 0<br><br>0  |

1/16/26, 12:08 PM

5 VINOD NAIR PhD  
ASSOCIATE LAB DIRECTOR

**Schedule J (Form 990) 2023**

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**Part III Supplemental Information**

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Provide the information, explanation, or descriptions required for Part I, lines 1a, 1b, 3, 4a, 4b, 4c, 5a, 5b, 6a, 6b, 7, and 8, and for Part II. Also complete this part for any additional information.

| Return Reference | Explanation  |
|------------------|--|
| PART 1, LINE 7   | THE PRESIDENT'S EMPLOYMENT AGREEMENT INCLUDES A PROVISION FOR BONUS THAT WILL BE DETERMINED BY THE BOARD ON THE ACHIEVEMENT OF SPECIFIC OBJECTIVES AND GOALS PROPOSED BY THE PRESIDENT AND AGREED TO BY THE BOARD. |

**Schedule J (Form 990) 2023**

## Additional Data

**Return to Form**

Software ID: **1234567890**

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efile Public Visual Render

ObjectId: 202520809349300142 - Submission: 2025-03-21

TIN: 42-1611957

OMB No. 1545-0047

2023

Open to Public  
Inspection**SCHEDULE O**  
(Form 990)Department of the Treasury  
Internal Revenue Service**Supplemental Information to Form 990 or 990-EZ**

Complete to provide information for responses to specific questions on

Form 990 or 990-EZ or to provide any additional information.

Attach to Form 990 or 990-EZ.

Go to [www.irs.gov/Form990](http://www.irs.gov/Form990) for the latest information.Name of the organization  
SPORTS MEDICINE RESEARCH AND TESTING  
LABORATORY

Employer identification number

42-1611957

| Return Reference                                | Explanation  |
|---|--|
| FORM 990,<br>PART VI,<br>SECTION B,<br>LINE 11B | A COPY OF THE FORM 990 IS GIVEN TO THE MEMBERS OF THE GOVERNING BOARD FOR THEIR REVIEW PRIOR TO FILING THE 990.  |
| FORM 990,<br>PART VI,<br>SECTION B,<br>LINE 12C | THE SENIOR MANAGERS AND THE DIRECTORS ARE REQUIRED TO DISCLOSE CONFLICTS OF INTEREST ON AN ANNUAL BASIS.   |
| FORM 990,<br>PART VI,<br>SECTION B,<br>LINE 15  | COMPENSATION FOR THE PRESIDENT IS BASED ON AN ANNUAL REVIEW CONDUCTED BY SMRTL'S BOARD OF DIRECTORS. DETERMINING FACTORS INCLUDE COMPARING COMPENSATION WITH LEADERS OF SIMILAR EDUCATION, EXPERIENCE AND CAPABILITY. THE BOARD ALSO EVALUATES THE PERFORMANCE OF SMRTL'S PRESIDENT AS WELL AS THE FINANCIAL PERFORMANCE OF THE COMPANY ANNUALLY. SMRTL'S PRESIDENT HAS AN EMPLOYMENT AGREEMENT WHICH ESTABLISHED HIS COMPENSATION FROM JULY 1, 2020 THROUGH JUNE 30, 2027. THE AGREEMENT PROVIDES FOR A BASE SALARY AND PERFORMANCE BONUS UP TO 20%, AS DETERMINED BY THE BOARD. IT ALSO PROVIDED A RETENTION BONUS OF \$400,000 TOTAL WITH EQUAL INSTALLMENTS PAID EACH YEAR OF THE CONTRACT. IN ADDITION, SMRTL REVIEWS LOCAL AND NATIONAL CHANGES TO THE CONSUMER PRICE INDEX (CPI) AS A GUIDE TO MAKING ADJUSTMENTS IN COMPENSATION TO THE PRESIDENT AND OTHER SENIOR LEADERS OF SMRTL. |
| FORM 990,<br>PART VI,<br>SECTION C,<br>LINE 19  | THE ORGANIZATION MAKES ITS FORM 1023 AND FORM 990 AVAILABLE FOR PUBLIC INSPECTION UPON REQUEST. NO OTHER DOCUMENTS AVAILABLE TO THE PUBLIC.  |

For Paperwork Reduction Act Notice, see the Instructions for Form 990 or 990-EZ.

Cat. No. 51056K

Schedule O (Form 990) 2023

**Additional Data**[Return to Form](#)**Software ID:****Software Version:**

|  |   |                              |
|--|---|------------------------------|
| efile Public Visual Render   | ObjectId: 202520809349300142 - Submission: 2025-03-21   | PUBLIC<br>TIN: 42-1611957    |
|  |   | OMB No. 1545-0047            |
| <b>SCHEDULE R<br/>(Form 990)</b>   | <h2>Related Organizations and Unrelated Partnerships</h2> <p>Complete if the organization answered "Yes" on Form 990, Part IV, line 33, 34, 35b, 36, or 37.<br/>Attach to Form 990.<br/>Go to <a href="http://www.irs.gov/Form990">www.irs.gov/Form990</a> for instructions and the latest information.</p> |                              |
| Department of the Treasury<br>Internal Revenue Service                         | 2023  | Open to Public<br>Inspection |
| Name of the organization<br>SPORTS MEDICINE RESEARCH AND TESTING<br>LABORATORY | Employer identification number<br>42-1611957  |                              |

**For Paperwork Reduction Act Notice, see the Instructions for Form 990.**

Cat. No. 50135Y

**Schedule R (Form 990) 2023**

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| Part IV Identification of Related Organizations Taxable as a Corporation or Trust. Complete if the organization answered "Yes" on Form 990, Part IV, line 34 because it had one or more related organizations treated as a corporation or trust during the tax year. |                         |   |                                  |   |                              |                                    |                             |  |    |
|--|-------------------------|---|----------------------------------|---|------------------------------|------------------------------------|-----------------------------|--|----|
| (a)<br>Name, address, and EIN of related organization  | (b)<br>Primary activity | (c)<br>Legal domicile<br>(state or foreign country) | (d)<br>Direct controlling entity | (e)<br>Type of entity<br>(C corp, S corp, or trust) | (f)<br>Share of total income | (g)<br>Share of end-of-year assets | (h)<br>Percentage ownership | (i)<br>Section 512(b)(13) controlled entity? |    |
|  |                         |   |                                  |   |                              |                                    |                             | Yes  | No |
| (1)SPORTS DRUG TESTING LABORATORY INC  | SUPPLEMENT TESTING      | UT  | SPORTS MEDICINE RESEARCH AND     | C   |                              | 1,702,697                          | 100.000 %                   | Yes  |    |

10644 S JORDAN GATEWAY SUITE 200  
SOUTH JORDAN, UT 84095  
47-3941659

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**Part V Transactions With Related Organizations.** Complete if the organization answered "Yes" on Form 990, Part IV, line 34, 35b, or 36.

**Note.** Complete line 1 if any entity is listed in Parts II, III, or IV of this schedule

|   |  |  |
|---|--|--|
| Note: Complete line 1 if any entity is listed in Parts II, III, or IV of this schedule.   |  |  |
| 1 During the tax year, did the organization engage in any of the following transactions with one or more related organizations listed in Parts II-IV? |  |  |
| a Receipt of (i) interest, (ii) annuities, (iii) royalties, or (iv) rent from a controlled entity . . . . .   |  | 1a <input type="checkbox"/> No             |
| b Gift, grant, or capital contribution to related organization(s) . . . . .   |  | 1b <input type="checkbox"/> No             |
| c Gift, grant, or capital contribution from related organization(s) . . . . .   |  | 1c <input type="checkbox"/> No             |
| d Loans or loan guarantees to or for related organization(s) . . . . .  |  | 1d <input checked="" type="checkbox"/> Yes |
| e Loans or loan guarantees by related organization(s) . . . . .   |  | 1e <input type="checkbox"/> No             |
| f Dividends from related organization(s) . . . . .  |  | 1f <input type="checkbox"/> No             |
| g Sale of assets to related organization(s) . . . . .   |  | 1g <input type="checkbox"/> No             |
| h Purchase of assets from related organization(s) . . . . .   |  | 1h <input type="checkbox"/> No             |
| i Exchange of assets with related organization(s) . . . . .   |  | 1i <input type="checkbox"/> No             |
| j Lease of facilities, equipment, or other assets to related organization(s) . . . . .  |  | 1j <input checked="" type="checkbox"/> Yes |
| k Lease of facilities, equipment, or other assets from related organization(s) . . . . .  |  | 1k <input type="checkbox"/> No             |
| l Performance of services or membership or fundraising solicitations for related organization(s) . . . . .  |  | 1l <input type="checkbox"/> No             |
| m Performance of services or membership or fundraising solicitations by related organization(s) . . . . .   |  | 1m <input type="checkbox"/> No             |
| n Sharing of facilities, equipment, mailing lists, or other assets with related organization(s) . . . . .   |  | 1n <input type="checkbox"/> No             |
| o Sharing of paid employees with related organization(s) . . . . .  |  | 1o <input checked="" type="checkbox"/> Yes |
| p Reimbursement paid to related organization(s) for expenses . . . . .  |  | 1p <input type="checkbox"/> No             |
| q Reimbursement paid by related organization(s) for expenses . . . . .  |  | 1q <input type="checkbox"/> No             |
| r Other transfer of cash or property to related organization(s) . . . . .   |  | 1r <input type="checkbox"/> No             |
| s Other transfer of cash or property from related organization(s) . . . . .   |  | 1s <input type="checkbox"/> No             |

**2** If the answer to any of the above is "Yes," see the instructions for information on who must complete this line, including covered relationships and transaction thresholds.

| <b>(a)</b><br>Name of related organization | <b>(b)</b><br>Transaction<br>type (a-s) | <b>(c)</b><br>Amount involved | <b>(d)</b><br>Method of determining amount involved |
|--|---|-------------------------------|---|
| (1) SPORTS DRUG TESTING LABORATORY INC     | D                                       | 527,901                       | ENDING LOAN BALANCE                                 |
| (2) SPORTS DRUG TESTING LABORATORY INC     | J                                       | 39,138                        | PAYMENTS FOR INSTRUMENT RENTAL                      |
| (3) SPORTS DRUG TESTING LABORATORY INC     | O                                       | 65,276                        | PAYMENTS FOR EMPLOYEE TIME                          |
|  |   |                               |   |
|  |   |                               |   |
|  |   |                               |   |

Schedule B (Form 990) 2023

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Schedule R (Form 990) 2023

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**Part VI Unrelated Organizations Taxable as a Partnership.** Complete if the organization answered "Yes" on Form 990, Part IV, line 37.

Provide the following information for each entity taxed as a partnership through which the organization conducted more than five percent of its activities (measured by total assets or gross revenue) that was not a related organization. See instructions regarding exclusion for certain investment partnerships.

## Schedule R (Form 990) 2023

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## Part VII      Supplemental Information

Provide additional information for responses to questions on Schedule R. See instructions.

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**Schedule R (Form 990) 2023**

## Additional Data

[Return to Form](#)

**Software ID:**

**Software Version:**

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# EXHIBIT D

OPENED AND READ PUBLIC

JB 11/26/24



## OFFICIAL RFP TO SALE FORM

**ATTENTION: This is not an order. Read all instructions, terms and conditions carefully.**

|                     |   |   |
|---------------------|---|---|
| PROPOSAL NO.:       | RE-0214-25  | RETURN ORIGINAL COPY OF PROPOSAL<br>TO:<br>UNIVERSITY OF KENTUCKY<br>PROCUREMENT SERVICES |
| Issue Date:         | 11/4/24   | 411 S LIMESTONE<br>ROOM 322 PETERSON SERVICE BLDG.<br>LEXINGTON, KY 40506-0005            |
| Title:              | Acquire Operating Equine Analytical Chemistry<br>Laboratory, Facilities Lease, Equipment, and Staff |   |
| Purchasing Officer: | Rebecca Purcell   |   |
| Phone:              | 859-257-5479  |   |
| Email:              | rpurcell@uky.edu  |   |

**IMPORTANT: PROPOSALS MUST BE RECEIVED BY: 11/22/24 3 P.M. LEXINGTON, KY TIME.**NOTICE OF REQUIREMENTS

1. The University's General Terms and Conditions and Instructions to Bidders, viewable at <https://purchasing.uky.edu/bid-and-proposal-opportunities>, apply to this RFP. When the RFP includes construction services, the University's General Conditions and Special Conditions for Construction and Instructions to Bidders, viewable at <https://purchasing.uky.edu/bid-and-proposal-opportunities>, apply to the RFP.
2. Contracts resulting from this RFP must be governed by and in accordance with the laws of the Commonwealth of Kentucky.
3. Any agreement or collusion among offerors or prospective offerors, which restrains, tends to restrain, or is reasonably calculated to restrain competition by agreement to bid at a fixed price or to refrain from offering, or otherwise, is prohibited.
4. Any person who violates any provisions of KRS 45A.325 shall be guilty of a felony and shall be punished by a fine of not less than five thousand dollars nor more than ten thousand dollars or be imprisoned not less than one year nor more than five years, or both such fine and imprisonment. Any firm, corporation, or association who violates any of the provisions of KRS 45A.325 shall, upon conviction, be fined not less than ten thousand dollars or more than twenty thousand dollars.

AUTHENTICATION OF BID AND STATEMENT OF NON-COLLUSION AND NON-CONFLICT OF INTEREST

I hereby swear (or affirm) under the penalty for false swearing as provided by KRS 523.040:

1. That I am the offeror (if the offeror is an individual), a partner, (if the offeror is a partnership), or an officer or employee of the bidding corporation having authority to sign on its behalf (if the offeror is a corporation);
2. That the attached proposal has been arrived at by the offeror independently and has been submitted without collusion with, and without any agreement, understanding or planned common course of action with, any other Contractor of materials, supplies, equipment or services described in the RFP, designed to limit independent bidding or competition;
3. That the contents of the proposal have not been communicated by the offeror or its employees or agents to any person not an employee or agent of the offeror or its surety on any bond furnished with the proposal and will not be communicated to any such person prior to the official closing of the RFP;
4. That the offeror is legally entitled to enter into contracts with the University of Kentucky and is not in violation of any prohibited conflict of interest, including, but not limited to, those prohibited by the provisions of KRS 45A.330 to .340, and 164.390;
5. That the offeror, and its affiliates, are duly registered with the Kentucky Department of Revenue to collect and remit the sale and use tax imposed by Chapter 139 to the extent required by Kentucky law and will remain registered for the duration of any contract award;
6. That I have fully informed myself regarding the accuracy of the statement made above.

SWORN STATEMENT OF COMPLIANCE WITH CAMPAIGN FINANCE LAWS

In accordance with KRS45A.110 (2), the undersigned hereby swears under penalty of perjury that he/she has not knowingly violated any provision of the campaign finance laws of the Commonwealth of Kentucky and that the award of a contract to a bidder will not violate any provision of the campaign finance laws of the Commonwealth of Kentucky.

CONTRACTOR REPORT OF PRIOR VIOLATIONS OF KRS CHAPTERS 136, 139, 141, 337, 338, 341 & 342

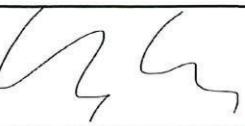
The contractor by signing and submitting a proposal agrees as required by 45A.485 to submit final determinations of any violations of the provisions of KRS Chapters 136, 139, 141, 337, 338, 341 and 342 that have occurred in the previous five (5) years prior to the award of a contract and agrees to remain in continuous compliance with the provisions of the statutes during the duration of any contract that may be established. Final determinations of violations of these statutes must be provided to the University by the successful contractor prior to the award of a contract.

CERTIFICATION OF NON-SEGREGATED FACILITIES

The contractor, by submitting a proposal, certifies that he/she is in compliance with the Code of Federal Regulations, No. 41 CFR 60-1.8(b) that prohibits the maintaining of segregated facilities.

**SIGNATURE REQUIRED:** This proposal cannot be considered valid unless signed and dated by an authorized agent of the offeror. Type or print the signatory's name, title, address, phone number and fax number in the spaces provided. Offers signed by an agent are to be accompanied by evidence of his/her authority unless such evidence has been previously furnished to the issuing office.

PLEASE TYPE OR PRINT IN INK (EXCEPT SIGNATURE)

|  |                               |   |
|--|-------------------------------|---|
| Name:<br><b>Sports Medicine Research and Testing Lab (SMRTL)</b>   | Email:<br><b>de@smrtl.org</b> | Telephone no:<br><b>801-994-9454</b>  |
| Address (if bid is made by co., give co. name & address):<br><b>10644 S Jordan Gateway, Suite 200, South Jordan, UT 84095</b>              |                               |   |
| Sales tax exempt no:<br><br><small>(if claiming exemption additional documentation will be required if you are the winning bidder)</small> | Date:<br><b>11/22/2024</b>    | Signature:<br> |

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## Sports Medicine Research and Testing Laboratory

**To:** University of Kentucky

**Re:** Request for Proposal for the Purchase of the Equine Analytical Chemistry Laboratory (EACL) RE-0214-25

**From:** Sport Medicine Research and Testing Laboratory

### **A commitment to continue to operate as an analytical chemistry laboratory serving the equine industry**

Kentucky's storied horse racing heritage is deeply woven into the state's cultural identity and economy. From the iconic Kentucky Derby at Churchill Downs to the prestigious Keeneland Race Course and its renowned thoroughbred auctions, the state's commitment to equine excellence is undeniable. SMRTL is dedicated to preserving this legacy by continuing to operate the Equine Analytical Chemistry Laboratory (EACL) and providing essential analytical chemistry services to the equine industry. Our commitment is to remain deeply connected to EACL's clients and be actively engaged in Kentucky's horse racing community, ensuring SMRTL upholds the integrity, legacy, and trust that this cherished industry represents.

### **A track record of running an analytical chemistry lab of similar size and score in a highly regulated environment**

With nearly two decades of experience, SMRTL has consistently demonstrated excellence in anti-doping testing for a wide range of clients, including the US Olympic and Paralympic organizations, professional and amateur sports leagues, international federations, and federal and state agencies, including the Department of Defense.

Since 2006, SMRTL has maintained World Anti-Doping Agency (WADA) and ISO17025 accreditation. These accreditations are retained through rigorous adherence to international standards, including regular proficiency testing (single-blinded and double-blinded programs), on-site audits, ongoing education, research and development, and continuous quality and operational improvements. Through our state-of-the-art laboratory, SMRTL possesses advanced analytical capabilities for the detection WADA prohibited substances, including anabolic steroids, peptide hormones, hormone and metabolic modulators, diuretics and masking agents, and other prohibited substances also relevant to equine testing.



801-994-9454



801-994-9455

10644 S. Jordan Gateway, Suite 200  
South Jordan, UT 84095



## Sports Medicine Research and Testing Laboratory

SMRTL's commitment to quality and efficiency has led to significant growth, making it the largest WADA-accredited laboratory globally, analyzing over 60,000 samples annually. Additionally, SMRTL's client-focused approach has been instrumental in its growth and success. By prioritizing the needs of our clients and delivering high-quality, timely results, we have built strong relationships and a reputation for excellence.

Our team of highly skilled scientists includes eight Ph.D.-level scientists, with over 70 years of cumulative experience, which underscores SMRTL's commitment to expertise and employee retention. SMRTL also manages all aspects of laboratory operation, including financial management, human resources, and IT infrastructure. Our highly competent IT department oversees a robust Laboratory Information Management System (LIMS) that streamlines workflows, improves data accuracy, and enhances overall efficiency.

In recent years, SMRTL has expanded its scope into equine anti-doping, collaborating with the Horse Integrity Welfare Unit (HIWU) by performing specialized forensic testing of various matrices such as powders, pills, and hair, as well as providing essential B-sample analysis of HIWU samples.

Furthermore, SMRTL has direct experience transitioning from a university setting to an independent lab. In 2008 SMRTL successfully and amicably transitioned from the University of Utah department of Pharmacology and Toxicology to an independent company. SMRTL maintained relationships with the University of Utah through adjunct professor positions, collaborative research, and student internship and hiring programs, demonstrating our ability to adapt to changing environments and maintain strong partnerships.

### **A commitment to hire the existing EACL staff, allowing them to remain in their current positions**

SMRTL deeply values the knowledge and expertise of the EACL team. To ensure a seamless transition and maintain operational excellence, we are committed to retaining all qualified staff members in their current positions. By preserving the existing team, we can leverage their invaluable knowledge of lab processes, analytical methods, and client relationships. This continuity will facilitate a smooth transition and minimize potential disruptions to the lab's operations.



801-994-9454



801-994-9455

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South Jordan, UT 84095



## Sports Medicine Research and Testing Laboratory

SMRTL has a proven track record of successfully retaining employees by providing competitive compensation, excellent benefits, and a positive work environment. Our commitment to our staff has fostered a loyal and dedicated workforce, which has been pivotal in our success. We will provide the same commitment to the retained EACL staff to foster a positive and productive work culture, ultimately benefiting the lab's overall future performance.

**A commitment to collaborate with the Martin-Gatton College of Agriculture, Food, and Environment (M-G CAFE) on scientific research that supports the equine industry and the testing done by the lab**

SMRTL enthusiastically commits to collaborate with the M-G CAFE on scientific research supporting the equine industry and testing conducted by the laboratory. While running a highly productive analytical testing laboratory, SMRTL has always placed a strong emphasis on research and development designed to advance the field of anti-doping and to improve laboratory efficiency and effectiveness. With a research team led by five Ph.D.-level scientists, SMRTL is highly experienced in conducting research projects subject to full regulatory (medical and ethical) approvals, strongly values external collaboration, and continues to strive to be one of the global leaders in anti-doping research.

While some projects focus on purely analytical improvements and animal-based studies, the bulk of the research conducted by SMRTL involves drug administrations and human volunteers, which go through the full Institutional Review Board (IRB), and, in some instances, FDA Investigational New Drug approval processes. Importantly, data obtained from this style of project result in direct applications to everyday anti-doping work.

Over the past ten years, SMRTL has conducted over 20 IRB-approved human volunteer studies. These studies, and others, have led to SMRTL being the lead or co-authors on 50 publications. The focus of these publications ranges widely and include:

- Improving the interpretation of analytical data for results management
- Characterizing metabolism patterns of prohibited substances (in animals and humans)
- Expanding the analytical detectability of prohibited substances
- Understanding confounding factors that affect doping detection and results
- Identifying the feasibility of environmental contaminants in dietary supplements and animal meat to cause analytical findings
- Implications for public health and human medical testing



801-994-9454



801-994-9455

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South Jordan, UT 84095



## Sports Medicine Research and Testing Laboratory

Recognizing its standing outside of a university system, SMRTL has proven success with external collaboration in achieving its research goals. Of the major projects conducted in the last ten years, including many of the published works, SMRTL has collaborated with ten different universities and research institutes, nine different anti-doping laboratories, and five different anti-doping organizations, professional sporting organizations, and pharmaceutical companies. SMRTL continues to maintain a strong collaboration with the Utah State University College of Veterinary Medicine, where experience with IACUC-approval was gained in multiple projects designed to test the feasibility of large animals as metabolic models of clearance and organ sequestration for commonly abused anabolic steroids.

From a staffing perspective, SMRTL has a designated research-focused team that also maintain dual-appointments with routine testing and data approval roles. This specific organizational alignment allows our research leadership to identify areas of routine testing procedures, data analysis, and data interpretation where improvements and clarifications are needed. Based on these experiences, our research team designs studies and projects to address these unresolved issues. SMRTL also has an exceptional track record of involving interested analysts and technicians in the research work. Over the last three years, 12 current SMRTL employees (over 20% of the lab staff) have contributed as lead or co-authors on peer-reviewed publications.

As one of the global leaders in anti-doping research, SMRTL understands the importance of sharing their anti-doping knowledge and research discoveries on both national and international levels. SMRTL contributes multiple podium lectures annually to various international and domestic conferences in the medical and scientific community. With over 50 individual contributions to scientific conferences and workshops over the last 10 years, SMRTL hopes to maintain this cadence in the equine industry in the future. Outside of official conferences, SMRTL scientists also annually deliver lectures and seminars to students in university settings.

Finally, SMRTL has an excellent history of applying for and receiving external funding to conduct anti-doping research, with multiple grants received in the last few years from the Partnership for Clean Competition, World Anti-Doping Agency, and the Department of Defense. While this process is beneficial, SMRTL also frequently sponsors its own research, especially in cases where urgent results are required.



801-994-9454



801-994-9455

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South Jordan, UT 84095

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## Sports Medicine Research and Testing Laboratory

Noting our extensive experience in the research field, we stress that a strong research collaboration with the University of Kentucky and M-G CAFE would not only be embraced, but ultimately is paramount to the laboratory's success in the future.

### **The creation of operational and scientific advisory boards with membership that includes M-G CAFE and other industry stakeholders**

SMRTL strongly supports the establishment of an advisory board comprised of representatives from M-G CAFE and other key industry stakeholders. This collaborative approach will ensure that EACL's research and operations remain aligned with the evolving needs of the equine industry. By engaging with leading experts from M-G CAFE and other key stakeholders, SMRTL can leverage their insights to contribute to operational efficiencies, scientific research, and emerging trends. We believe that this advisory board will strengthen SMRTL's succession of EACL to be a world-class analytical chemistry lab for production and research in the equine industry.

### **Summary**

SMRTL is uniquely positioned to acquire and operate the EACL while preserving its vital role within Kentucky's equine community. Our proven track record in managing high-quality analytical labs, commitment to research, and dedication to staff retention and collaboration make us the ideal partner to carry forward the legacy and mission of the EACL.

We look forward to the opportunity to discuss this proposal further and to address any additional questions or considerations.



801-994-9454



801-994-9455

10644 S. Jordan Gateway, Suite 200  
South Jordan, UT 84095

PROPOSAL NO. RE-0214-25

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10

## 4.0 BID PROPOSAL FORM

FOR THE PURCHASE OF THE LABORATORY EQUIPMENT, COMPUTERS, SOFTWARE, OFFICE EQUIPMENT, CONSUMABLES AND ALL OTHER TANGIBLE ASSETS OF THE UNIVERSITY OF KENTUCKY EQUINE ANALYTICAL CHEMISTRY LABORATORY (the "EACL") AND TO ASSUME THE LEASE FOR THE EACL FACILITY LOCATED IN THE CORE BUILDING, 824 BULL LEA RUN, STE. 105, LEXINGTON, KY 40511.

UNIVERSITY OF KENTUCKY  
Request for Proposal NO. RE-0214-25

\$ 1,300,000.00

\* This total must be the net amount payable to the University and shall EXCLUDE any and all commissions or fees which shall be paid by bidder.

SIGNATURE: 

SIGNER'S NAME: Daniel Eichner

COMPANY: Sports Medicine Research and Testing Laboratory

DATE: 11/22/2024

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# EXHIBIT E

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## ASSET TRANSFER AGREEMENT

**THIS ASSET TRANSFER AGREEMENT** (“Agreement”) is made and entered into effective as of the 1<sup>st</sup> day of April, 2025, by and between (i) University of Kentucky, for its Martin-Gatton College of Agriculture, Food & Environment, an educational institution, independent body politic, and state agency of the Commonwealth of Kentucky (“University”), and (ii) Sports Drug Testing Laboratory, Inc., a Utah corporation, d/b/a Eagle Diagnostics (“Eagle”).

### RECITALS:

WHEREAS, University owns and operates the Equine Analytical Chemistry Laboratory (the “Business”);

WHEREAS, pursuant to FCR 14, the University Board of Trustees authorized the negotiated disposition of the Business’s personal property at its meeting held December 3, 2024;

WHEREAS, University issued Request for Proposal No. RE-0214-25, which sought proposals to acquire the Business operations, including the facilities lease, equipment, and existing staff;

WHEREAS, following an evaluation of RFP responses, the University now desires to transfer to Eagle and Eagle desires to acquire from University certain assets used in connection with the operation of the Business, including the facilities lease, equipment, and existing staff; and

NOW, THEREFORE, for good and valuable consideration, the parties hereto agree as follows:

#### 1. Transferred Assets.

1.1. Transferred Assets. Subject to and upon the terms and conditions set forth in this Agreement, at Closing (as hereinafter defined), University shall convey, assign, transfer, and deliver to Eagle, and Eagle shall receive and acquire from University, all of University’s right, title, and interest in and to all of the following assets used exclusively in connection with the operation of the Business (collectively, the “Transferred Assets”):

- (a) All tangible personal property used exclusively in connection with the operation of the Business and related software necessary to maintain the operation of the laboratory testing equipment (e.g., the laboratory information management system, etc.), free and clear of any liens and claims, and listed on Schedule 1.1(a) (the “Tangible Personal Property”);
- (b) all books, records, and other documents used exclusively in connection with the operation of the Business other than any permanent books, records, and other documents which University is required by law, regulation, or ethical obligation to retain (copies of which shall be provided to Eagle at the Closing or upon request); and

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(c) the contracts and agreements, including the lease for the space currently occupied by the Business in the CoRE Building at 824 Bull Lea Run, Ste. 105, Lexington, KY 40511, of real or tangible personal property used by University exclusively in connection with the operation of the Business, listed on Schedule 1.1(d)(i) (the “Assigned Contracts”) and Schedule 1.1(d)(ii) (the “Assigned Leases”).

1.2. Excluded Assets. It is expressly understood by the parties hereto that University shall retain all assets, real and personal, tangible and intangible, not expressly conveyed to Eagle hereunder or not used exclusively in connection with the operation of the Business (collectively, the “Excluded Assets”).

1.3. Disclaimer and Release. Subject to the representation contained in Section 8.3, Eagle acknowledges and agrees that all Tangible Personal Property is being sold “AS IS, WHERE IS, AND WITH ALL FAULTS,” meaning that University makes no representations or warranties, express or implied, regarding the nature and condition of the Tangible Personal Property, including fitness for a particular purpose, except as expressly set forth in this Agreement. Eagle acknowledges that it has sufficient opportunity as set forth in Section 10.1 regarding due diligence to make such independent, factual, physical, and legal examinations and inquiries as Eagle deems necessary or appropriate with respect to the Tangible Personal Property and the transaction contemplated by this Agreement. Eagle releases University from any and all liability arising from the condition of the Tangible Personal Property, whether known or unknown at the time of Closing Date.

2. Assumed Liabilities. Eagle agrees to assume only those obligations that arise from activities that occur after the Closing Date under the Assumed Contracts and Assumed Leases and do not relate to any pre-Closing period or any failure to perform, improper performance, warranty or other breach, default or violation by University on or prior to the Closing (the “Assumed Liabilities”). Eagle is not assuming any liability of any kind whatsoever other than the Assumed Liabilities (the “Excluded Liabilities”), and University shall be solely responsible for all such Excluded Liabilities. Without limiting the generality of the foregoing, Eagle is not assuming, and shall not be or become liable or responsible for, subject to, or obligated to pay any liability, indebtedness, claim, trade payables, commitment, or obligation relating to the University, the Business or the Transferred Assets, whether known or unknown, fixed or contingent, recorded or unrecorded, that arises from activities occurring prior to the Closing (whether such claim or liability is asserted before or after the Closing), and all such obligations shall be the sole responsibility of University.

3. University Employees. Prior to Closing (defined below), Eagle shall provide offers of “at-will” employment to all qualified individuals currently employed by University in connection with the operation of the Business (“University Employees”) for employment with Eagle as a continuing employee in their current positions as set forth in Schedule 3, to be effective as of first business day following the Closing Date (defined below). Such “at-will” offers of employment will: (i) be contingent on Closing; (ii) be set forth in offer letters (each, an “Offer Letter”); (iii) be subject to and in compliance with Eagle’s applicable policies and procedures; and (iv) have terms, including position (other than titles), salary, and benefits, which in the case of salary shall be at least equal to what University Employees currently receives. University shall

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assume full responsibility to pay University employees all compensation, benefits, and related taxes earned and accrued up to and including the Closing Date (defined below).

4. Purchase Price. The purchase price to be paid by Eagle to University for the Transferred Assets shall be One Million Three Hundred Thousand and 00/100 US Dollars (\$1,300,00.00) (the “Purchase Price”). The Purchase Price shall be paid at the Closing by Eagle to University in immediately available funds by wire transfer to a bank account designated by University (the “Closing Payment”).

5. Advisory Boards. Eagle supports the creation of operational and scientific advisory boards, with membership that includes University and other key industry stakeholders.

6. Allocation. The parties agree that the Purchase Price and the Assumed Liabilities (plus other relevant items) shall be allocated among the Transferred Assets for all purposes (including Tax and financial accounting) based on the fair market value requirements of Section 1060 of the internal revenue code.

7. Closing.

7.1. Date, Time, and Place. Unless otherwise agreed upon by the parties hereto, the closing of the transactions contemplated by this Agreement (the “Closing”) shall take place on or before \_\_\_\_\_, 2025 (the “Closing Date”), at such time and place as may be mutually agreed upon by the parties.

7.2. Deliveries by University at Closing. At Closing, University shall deliver to Eagle all of the following:

- (a) a duly executed bill of sale or other document evidencing transfer of the Tangible Personal Property to Eagle;
- (b) a duly executed Assignment and Assumption Agreement(s) transferring to Eagle all of University’s right, title, and interest in and to the Assigned Contracts;
- (c) a duly executed copy of an Assignment, Assumption, and Amendment of the Assigned Lease; and
- (d) such other documents and instruments as are required to be delivered to Eagle pursuant to the terms of this Agreement or as may be reasonably required in order to consummate the transactions contemplated hereby.

7.3. Deliveries by Eagle at Closing. At Closing, Eagle shall deliver to University all of the following:

- (a) payment as contemplated in Section 4 herein;

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- (b) a duly executed Assignment and Assumption Agreement(s), pursuant to which Eagle agrees to assume and perform all obligations under the Assigned Contracts following the Closing;
- (c) a duly executed copy of an Assignment, Assumption, and Amendment of the Assigned Lease; and
- (d) such other documents and instruments as reasonably are required to be delivered to University pursuant to the terms of this Agreement or as reasonably may be required to consummate the transactions contemplated hereby.

8. Representations and Warranties by University. University represents and warrants to Eagle as follows:

8.1. Status of University. University is an institution of higher education, independent body politic, and state agency of the Commonwealth of Kentucky.

8.2. Execution, Delivery, and Performance. The execution, delivery, and performance of this Agreement and all documents executed in connection herewith and the consummation of the transactions contemplated herein will not conflict with, or constitute a breach or violation of (i) the regulations or policies of University or its Board of Trustees, (ii) any law applicable to the University or the Transferred Assets, or (iii) any Transferred Asset. The execution, delivery, and performance of this Agreement and all documents executed in connection herewith and the consummation of the transactions contemplated herein will not require the consent, notice, approval or authorization of, or declaration, filing or registration with, any governmental entity or any other person or entity, other than the consents obtained by the University prior to the Closing.

8.3. Title to Transferred Assets. University owns and has good and marketable title to (or a valid leasehold interest in) all of the Transferred Assets of the Business, free and clear of all liens or encumbrances of any kind.

8.4. Litigation. There are no actions, suits, proceedings, hearings, orders, investigations, audits, inquiries, grievances, arbitrations, charges, complaints or claims (collectively, "Proceedings") pending or, to University's knowledge, threatened against or affecting (i) University as it relates to the Business or the Transferred Assets, (ii) the Business or (iii) the Transferred Assets, or to which University may be bound or affected, at law or in equity, or before or by any governmental entity, and to University's knowledge, there is no basis for any of the foregoing. There is no outstanding judgment, order, decree of any court or governmental entity, settlement, award, stipulation or injunction with respect to the Business or the Transferred Assets. There is no Proceeding pending, or to University's knowledge, threatened against University that could prevent or delay the consummation of the transactions contemplated by this Agreement.

8.5. Compliance with Law and Permits. University is and has been in compliance in all material respects with all applicable laws and regulations with respect to the Business and the Transferred Assets. No notice, claim, charge, complaint, action, suit, proceeding,

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investigation or hearing has been received by University or filed, commenced or, to University's knowledge, threatened against University alleging a violation of or liability or potential responsibility under any such applicable law with respect to the Business which has not heretofore been duly cured and for which there is no remaining liability. University holds all permits, registrations, accreditations or approvals necessary to for the conduct of Business or the use of the Transferred Assets (collectively the "Permits"). University is and has been in compliance in all material respects with the Permits, all of which are in full force and effect, and University has not received any notice (written or oral) to the contrary.

8.6. Authority. University has full power and authority to enter into, deliver, and perform this Agreement and each document executed in connection herewith, and to consummate the transactions contemplated herein. This Agreement and all documents executed in connection herewith constitute the valid and binding obligations of University and are enforceable against University in accordance with their terms.

8.7. No Breach or Default. University has not breached and is not in breach of any Assigned Contract or any Assigned Lease. University has performed in all material respects all of its obligations required to be performed by it under such Assigned Contracts and Assigned Leases. University has not received any claim, whether written or oral, that is in breach of an Assigned Contract or an Assigned Lease, and to the University's knowledge, no other party to any Assigned Contract or Assigned Lease is in breach of its obligations thereunder or has threatened any breach of such Assigned Contracts or Assigned Leases.

8.8. Brokers. University represents and warrants that neither it nor any person or entity acting on its behalf has incurred any liability for any finders' or brokers' fees, commissions, or other similar charges in connection with the transaction contemplated by this Agreement.

9. Representations and Warranties of Eagle. Eagle represents and warrants to University as follows:

9.1. Authority. Eagle has full power and authority to enter into, deliver, and perform this Agreement and each document executed in connection herewith, and to consummate the transactions contemplated herein. This Agreement and all documents executed in connection herewith constitute the valid and binding obligations of Eagle enforceable against Eagle in accordance with their terms.

9.2. Brokers. Eagle represents and warrants that neither it nor any person or entity acting on its behalf has incurred any liability for any finders' or brokers' fees, commissions, or other similar charges in connection with the transaction contemplated by this Agreement.

10. Covenants of the Parties.

10.1. Due Diligence Investigation. Prior to the Closing, University will afford to Eagle and its agents and representatives reasonable access to and the right to inspect the Business and the Transferred Assets. Eagle's rights of access and inspection will be made available at dates and times mutually agreed upon by the parties and in such a manner as not to interfere unreasonably with the operation of the Business.

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10.2. Consents and Approvals. The parties hereto shall cooperate with each other in seeking and obtaining all consents and approvals as may be necessary or desirable in connection with the Closing of the transactions contemplated herein, including, without limitation, any consents required to the assignment of the Transferred Assets, including, without limitations, the Assigned Contracts and the Assigned Leases.

10.3. Further Assurances. At any time, and from time to time, after execution of this Agreement and after Closing, as requested by either party hereto and without further consideration, the parties shall take such action as the requesting party, person, or entity may reasonably request in order to carry out the transactions contemplated by this Agreement.

10.4. Expenses. Except as otherwise provided herein, each of the parties shall be responsible for and shall pay all of its own expenses incurred in connection with this Agreement and the transactions contemplated herein, whether or not said transactions are consummated.

10.5. Pre-Closing Liabilities. Notwithstanding anything to the contrary in this Agreement, University acknowledges and agrees that it shall timely pay when due all pre-Closing liabilities relating to the Business and the Transferred Assets, including, without limitation, (a) all trade payables, (b) claims, audits or proceedings relating to pre-Closing activities, and (c) all liabilities associated with Excluded Assets and Excluded Liabilities. Further, University shall pay for any claims, liabilities, or injuries which may result or arise out of any alleged negligence or alleged breach to have been caused by University or its employees or representatives in the performance or omission of any act or responsibility of University under this Agreement.

10.6. Post-Closing Liabilities. Notwithstanding anything to the contrary in this Agreement, Eagle acknowledges and agrees that it shall be solely responsible to timely pay when due the Assumed Liabilities. Further, Eagle shall pay for any claims, liabilities, or injuries which may result or arise out of any alleged negligence or alleged breach to have been caused by Eagle or its employees or representatives in the performance or omission of any act or responsibility of Eagle under this Agreement.

## 11. Conditions Precedent.

11.1. Eagle's Conditions Precedent. Eagle's obligation to close the transactions contemplated by this Agreement shall be subject to the satisfaction of each of the following conditions on or prior to the Closing Date unless specifically waived in writing by Eagle in whole or in part at or prior to Closing:

- (a) Representations and Warranties of University. All representations and warranties of University in this Agreement shall be true and correct in all material respects at and as of the Closing Date as though such representations and warranties were made at and as of such time.
- (b) No Breach or Non-Performance. Any and all of the covenants and obligations that University is required to perform or to comply with pursuant to this Agreement at or prior to the Closing Date shall have been duly performed and complied with in all material respects.

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- (c) No Legal Prohibition. No action, proceeding, investigation, regulation, or legislation shall have been instituted, threatened, or proposed before any court, governmental agency, or legislative body to enjoin, restrain, prohibit, or obtain substantial damages in respect of, or which is related to, or arises out of, this Agreement or the consummation of the transactions contemplated to occur at the Closing.
- (d) Consents and Approvals. The parties hereto shall have received such consents and approvals as may be necessary to consummate the transactions contemplated to occur at the Closing, including, without limitation, any consents required to the assignment of the Assigned Contracts or the Assigned Leases.

11.2. University's Conditions Precedent. University's obligation to close the transactions as contemplated by this Agreement shall be subject to the satisfaction of each of the following conditions on or prior to the Closing Date unless specifically waived in writing by University in whole or in part at or prior to Closing:

- (a) Representations and Warranties of Eagle. All representations and warranties of Eagle contained in this Agreement shall be true and correct in all material respects at and as of the Closing Date as though such representations and warranties were made at and as of such time.
- (b) No Breach or Non-Performance. Any and all of the covenants and obligations that Eagle is required to perform or to comply with pursuant to this Agreement at or prior to the Closing Date shall have been duly performed and complied with in all material respects.
- (c) No Legal Prohibition. No action, proceeding, investigation, regulation, or legislation shall have been instituted, threatened, or proposed before any court, governmental agency, or legislative body to enjoin, restrain, prohibit, or obtain substantial damages in respect of, or which is related to, or arises out of, this Agreement or the consummation of the transactions contemplated hereby.
- (d) Consents and Approvals. The parties hereto shall have received such consents and approvals as may be necessary to consummate the transactions contemplated to occur at the Closing, including, without limitation, any consents required to the assignment of the Assigned Contracts or the Assigned Leases.

12. Termination.

12.1. This Agreement may be terminated as follows:

- (a) by Eagle, if any of the conditions set forth in Section 11.1, to which the obligations of Eagle are subject, have not been fulfilled in all material respects or waived in writing by Eagle on or prior to the Closing Date,

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unless such fulfillment has been frustrated or made impossible by any act or failure to act of Eagle;

- (b) by University, if any of the conditions set forth in Section 11.2, to which the obligations of University are subject, have not been fulfilled in all material respects or waived in writing by University on or prior to the Closing Date, unless such fulfillment has been frustrated or made impossible by any act or failure to act of University;
- (c) by mutual written agreement of the parties hereto; or
- (d) by either party if any of the representations and warranties of the other party in the Agreement are determined to be inaccurate or if any of the agreements or covenants of this Agreement are breached by the other party and, if capable of being cured, such inaccuracy or breach is not cured within 30 days after written notice by the terminating party.

12.2. In the event this Agreement is terminated pursuant to Section 12.1, all further obligations of the parties under this Agreement shall terminate. In the event termination occurs because of a party's breach of the terms of this Agreement, the other party shall be entitled to all legal remedies against the breaching party, including specific performance.

13. Miscellaneous.

13.1. Headings. The headings in this Agreement are included for purposes of convenience only and shall not be considered a part of this Agreement in construing or interpreting any provision hereof.

13.2. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Kentucky, without reference to any conflict of law principles.

13.3. Binding Agreement; Amendment. This Agreement shall be binding upon and inure to the benefit of each of the parties hereto, and their respective successors, affiliated entities, and assigns. This Agreement may only be amended in writing, duly executed by each of the parties hereto.

13.4. Severability of Provisions. Wherever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law. If any provision of this Agreement or the application thereof to any person or circumstance shall to any extent be held in any proceeding to be invalid or unenforceable, the remainder of this Agreement, or the application of such provision to persons or circumstances other than those in which it was held to be invalid or unenforceable, shall not be affected thereby, and shall be valid and enforceable to the fullest extent permitted by law, but only if and to the extent such enforcement would not materially and adversely frustrate the parties' essential objectives as expressed herein.

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13.5. Entire Agreement. This Agreement, and all schedules, attachments, and exhibits attached hereto, and all agreements, instruments, and other documents executed and delivered in connection herewith constitute the entire Agreement between the parties pertaining to the subject matter hereof, and supersede all prior written or oral agreements, representations, and understandings of the parties.

13.6. Waiver. A waiver of any rights under this Agreement must be in writing to be effective. The failure of any party hereto to enforce at any time any of the provisions of this Agreement shall in no way be construed to be a waiver of any such provision, nor in any way to affect the validity of this Agreement or any part hereof or the right of any party thereafter to enforce each and every such provision. No waiver of any breach of this Agreement shall be held to be a waiver of any other or subsequent breach or of any other provision.

13.7. Notices. All notices or other communications which are required or permitted hereunder shall be in writing and sufficient if (a) delivered personally, (b) sent by registered or certified mail, postage prepaid, (c) sent by overnight courier with a nationally recognized courier, or (d) sent by e-mail of a PDF document (with confirmation of transmission):

If to University:

University of Kentucky  
Martin-Gatton College of Agriculture, Food &  
Environment  
S-123 Agriculture Science Center North  
1100 S. Limestone  
Lexington, KY 40508  
Attn: Dean's Office  
Email: [timothy.west@uky.edu](mailto:timothy.west@uky.edu)

with a copy to (which shall not constitute notice):

University of Kentucky  
Office of Legal Counsel  
301 Main Building  
Lexington, KY 40506-0032  
Email: [UKOfficeofLegalCounsel@uky.edu](mailto:UKOfficeofLegalCounsel@uky.edu)

If to Eagle:

Sports Drug Testing Laboratory, Inc.  
d/b/a Eagle Diagnostics  
10644 Jordan Gateway  
South Jordan, Utah 84095  
Attention: Daniel Eichner  
Email: [de@smrtl.org](mailto:de@smrtl.org)

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with a copy to (which shall not constitute notice):

Dorsey & Whitney LLP  
111 South Main Street, 21<sup>st</sup> Floor  
Salt Lake City, Utah 84111  
Attention: Alan Bell  
Email: bell.alan@dorsey.com

If sent by mail, notice shall be considered delivered 3 business days after the date of mailing, if sent by overnight courier with a nationally recognized courier, notice shall be considered delivered the next business day after the date of mailing, if sent by e-mail, notice shall be considered delivered on the day the e-mail was sent if it was sent during normal business hours of the recipient and the next business day if sent after normal business hours of the recipient, and if sent by any other means set forth above, notice shall be considered delivered upon delivery thereof. Any party may by notice to the other parties change the address to which notice or other communications to it are to be delivered or mailed

13.8. Third-Party Beneficiaries. None of the provisions of this Agreement are intended by the parties, nor shall they be deemed, to confer any benefit on any person not a party to this Agreement.

13.9. Counterparts. This Agreement, and any document or instrument required or permitted hereunder, may be executed in counterparts (including by means of facsimile), each of which will be deemed an original and all of which together will constitute but one and the same instrument.

[Signature page follows.]

PUBLIC

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

**UNIVERSITY OF KENTUCKY:**

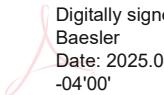
By: \_\_\_\_\_

Dr. Eric N. Monday  
Executive Vice President for Finance &  
Administration

Examined for form & legality  
University of Kentucky  
Office of Legal Counsel

Caroline B.  
By: Baesler

Attorney at Law

  
Digitally signed by Caroline B.  
Baesler  
Date: 2025.04.07 09:33:54  
-04'00'

**SPORTS DRUG TESTING LABORATORY,  
INC. (D/B/A EAGLE DIAGNOSTICS):**

By: 

Name: DANIEL EICHNER

Title: PRESIDENT

PUBLIC

# EXHIBIT F

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## DBA DETAILS

## ENTITY INFORMATION

Entity Name: SPORTS DRUG TESTING  
LABORATORY, INC.

Entity Number: 9394896-0142

Entity Type: Domestic Business Corporation

Entity Subtype: Domestic Business Corporation      Formation Date: 04/24/2015

Profession: N/A      Formation Effective Date: 04/24/2015

Entity Status: Active      Renew By Date: 04/30/2026

Entity Status Details: Current      Last Renewed Date: 04/08/2025

Status Updated On: 04/08/2025

## ASSOCIATED DBA DETAIL

| Entity Name         | Entity Type        | Entity Status | Ownership Status |
|---------------------|--------------------|---------------|------------------|
| EAGLE DX            | Assumed Name (DBA) | Active        |                  |
| EAGLE DIAGNOSTICS   | Assumed Name (DBA) | Active        |                  |
| TRUSHIELD CERTIFIED | Assumed Name (DBA) | Active        |                  |
| EQIAS LABS          | Assumed Name (DBA) | Active        |                  |

Page 1 of 1, records 1 to 4 of 4

**PUBLIC****CERTIFICATE OF SERVICE**

Pursuant to 16 CFR § 1.146(a) and 16 CFR § 4.4(b), I certify that on January 22, 2026, I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of the filing. A courtesy copy will be sent via email to the following:

|  |   |
|--|---|
| April Tabor<br>Office of the Secretary<br>Federal Trade Commission<br>600 Pennsylvania Avenue NW<br>Suite CC-5610<br>Washington, DC 20580<br>electronicfilings@ftc.gov | Hon. D. Michael Chappell<br>Office of Administrative Law Judges<br>Federal Trade Commission<br>600 Pennsylvania Avenue NW<br>Washington, DC 20580<br>oalj@ftc.gov<br>electronicfilings@ftc.gov  |
| James Bunting<br>Tyr LLP<br>488 Wellington Street West,<br>Suite 300-302<br>Toronto, ON M5V 1E3<br>jbunting@tyrllp.com   | Michelle C. Pujals<br>Allison Farrell<br>4801 Main Street, Suite 350<br>Kansas City, MO 64112-2749<br>afarrell@hiwu.org<br><i>Counsel for HIWU</i>  |
| John L. Forgy<br>830 Vermillion Peak Pass<br>Lexington, KY 40515<br>johnforgy1@gmail.com<br><br><i>Counsel for HISA</i>  | Bryan H. Beauman<br>Rebecca C. Price<br>Sturgill Turner Barker & Moloney, PLLC<br>333 W. Vine St., Ste 1500<br>Lexington, KY 40507<br>bbeauman@sturgillturner.com<br>rprice@sturgillturner.com<br><br><i>HISA Enforcement Counsel</i> |

/s/ Joshua M. Robbins

JOSHUA M. ROBBINS

**PUBLIC**

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:** **Andrew N. Ferguson, Chairman**  
**Mark R. Meador**

**IN THE MATTER OF**

**PHILIP SERPE,**

**Appellant.**

**MATTER No. D9441**

**[PROPOSED] ORDER**

On January 22, 2026, Mr. Serpe moved for the Commission to consider new evidence, reopen consideration of his liability and suspension from horseracing, and stay his suspension. His motion is **GRANTED**.

The Commission agrees to consider Serpe's new evidence in accordance with 16 CFR § 1.147(c)(2)(iii). The parties are **ORDERED** to brief the following issues in light of this evidence:

- (1) Whether Serpe is liable for the Anti-Doping Rule violation in question;
- (2) Whether his suspension should continue under HISA Rules 3224 and 3225.

The parties are further **ORDERED** to adhere to the following schedule:

Mr. Serpe's brief on the above issues, not to exceed 2,500 words, is due 30 days from the issuance of this order. The Authority's brief on the above issues, not to exceed 2,500 words, is due within 30 days of the date that Serpe's brief is submitted.

Serpe's suspension is **STAYED** pending final decision of the Commission.

By the Commission.

Date: \_\_\_\_\_

April Tabor  
Secretary of the Commission