PUBLIC

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES
FTC DOCKET NO. D-9450

ADMINISTRATIVE LAW JUDGE: **HON. DANIA L. AYOUBI**

IN THE MATTER OF:

JENA ANTONUCCI **APPELLANT**

THE AUTHORITY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER, AND SUPPORTING LEGAL BRIEF

Comes now the Horseracing Integrity and Safety Authority, Inc. ("**HISA**" or the "**Authority**") pursuant to the Administrative Law Judge's Order Setting Briefing Schedule, dated May 14, 2026, and submits the following Proposed Findings of Fact, Conclusions of Law, Order, and Supporting Legal Brief.

CERTIFICATE OF SERVICE

Pursuant to Federal Trade Commission Rules of Practice 4.2(c) and 4.4(b), a copy of the Authority's Proposed Findings of Fact, Conclusions of Law, Order and Supporting Legal Brief is being served on June 10, 2026, via Administrative E-File System and by emailing a copy to the below listed. I further certify that no portion of the filing was drafted by generative artificial intelligence ("AI") and any language in the filing that was drafted by generative AI was checked for accuracy by human attorneys or paralegals using printed legal reporters or online legal databases.

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PROPOSED FINDINGS OF FACT

I. Background to the Charge

1. On June 14, 2025, Appellant was the Trainer of Record and Responsible Person for the Covered Horse, Bee a Queen.[1] On June 14, 2025, Bee a Queen ran in Race 4 at Gulfstream Park in Hallandale Beach, Florida ("**Bee a Queen's Race**") and placed first.[2]

2. Following Bee a Queen's Race, Sample Collection Personnel collected a blood Sample from Bee a Queen, designated as Sample #B200011290 ("**Bee a Queen's Sample**").[3]

3. Bee a Queen's Sample was submitted to Industrial Laboratories in Denver, Colorado ("Industrial") for analysis.[4]

4. Industrial analyzed and detected 3-Hydroxylidocaine, a metabolite of Lidocaine, a Class B Controlled Medication Substance, in Bee a Queen's Sample and issued a Certificate of Analysis on June 30, 2025 for the Adverse Analytical Finding ("**AAF**").[5]

5. On July 8, 2025, based upon Industrial's finding, the Horseracing Integrity & Welfare Unit ("**HIWU**" or the "**Agency**") served Appellant with a Notice of an Alleged Equine Controlled Medication Violation ("**ECM Notice**").[6] The ECM Notice contained both an invitation to provide an explanation regarding the AAF and to request analysis of Bee a Queen's B Sample.[7]

6. On July 9, 2025, Appellant emailed HIWU and stated she was "obviously shocked beyond words to receive notification."[8]

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[1] HISA's Appeal Book ("**AB**"), p. 42 (Tab 6, Equibase Chart).
[2] AB, p. 42 (Tab 6, Equibase Chart).
[3] AB, p. 44 (Tab 6, Sample Collection Form).
[4] AB, p. 52-55 (Tab 6, Industrial's A Sample Laboratory Documentation Package).
[5] AB, p. 82 (Tab 6, Industrial's Certificate of Analysis).
[6] AB, pp. 84-93 (Tab 6, ECM Notice).
[7] AB, pp. 86-87, §§ IV-V (Tab 6, ECM Notice).
[8] AB, p. 97 (Tab 6, Email Response to ECM Notice).

7. On July 13, 2025, Appellant requested analysis of Bee a Queen's B Sample.[9]

8. On July 19, 2025, Appellant emailed HIWU again and stated she had "taken a lot of time since receiving this [Notice Letter] to go through our business with a fine tooth comb to ensure we have not inadvertently made a misstep."[10] She also attached documents which detailed her investigation into the AAF.

9. On July 25, 2025, HIWU emailed Appellant and the Owner of Bee a Queen an invitation to witness Bee a Queen's B Sample opening; the same day, Appellant notified HIWU via email that she would not be present for the B Sample opening.[11]

10. The Analytical Toxicology Laboratory in Reynoldsburg, Ohio (the "**Ohio Laboratory**"), analyzed Bee a Queen's B Sample, and confirmed that Bee a Queen's B Sample contained the Metabolite for Lidocaine.[12]

11. On October 7, 2025, HIWU served Appellant with a Charge of Equine Controlled Medication Rule Violation ("**ECM Charge**")[13] pursuant to ADMC Program Rule 3312.

II. Procedural History

12. On October 6, 2025, Appellant requested a hearing before the Internal Adjudication Panel ("**IAP**").[14]

13. An initial pre-hearing scheduling conference was held via Zoom on October 14, 2025, and the following persons were present: IAP Member Anne Mitchell; Appellant; and HIWU's Litigation Counsel, Geneva N. Gnam.[15] A written submission schedule was agreed to, which extended beyond the seven (7) days permitted by ADMC Program Rule 7180(c). The

[9] AB, p. 95 (Tab 6, Email Request for B Sample)
[10] AB, p. 100 (Tab 6, Email dated July 19, 2025).
[11] AB, p. 115, 117 (Tab 6, B Sample Opening Invite Email; Response).
[12] AB, p. 192 (Tab 6, Ohio Laboratory's B Sample Laboratory Documentation Package).
[13] AB, pp. 196-240 (Tab 6, ECM Charge Letter).
[14] AB, p. 242 (Tab 6, Email Requesting IAP Hearing).
[15] AB, p.8 (Tab 2, Video of October 14, 2025 IAP Scheduling Conference).

Parties agreed that: (1) Appellant's written submission would be due on October 28, 2025; (2) HIWU's written submission would be due on November 11, 2025; and (3) a hearing on the merits would be held on November 25, 2025.[16]

14. On October 27, 2025, Appellant requested an extension on her written submission, indicating that she had "identified source but need[ed] more time to provide evidence to the panel."[17] HIWU did not object to her request, and the IAP agreed. The previously agreed upon schedule was amended as follows: (1) Appellant's written submission was due on November 11, 2025; (2) HIWU's written submission was due on November 25, 2025; and (3) a hearing on the merits would be held on December 2, 2025 at 1:00 p.m. (EST).[18]

15. On November 11, 2025, Appellant provided a written statement which contained an explanation that detailed her suspicion that the Jockey who rode Bee a Queen during her June 14, 2025 race was the source of the AAF.[19] Appellant stated she came to this conclusion after she and another trainer with an AAF for Lidocaine had both utilized the same Jockey and were the only Post Race AAFs for Lidocaine in 2025.[20] The Jockey is a Covered Person registered with HISA.

16. As an exhibit, Appellant included a statement from the Jockey, dated November 11, 2025, wherein he stated that after he was advised of the Lidocaine positive by Appellant, he "went through everything I do very carefully and find out a new massage therapy person was using a cream that had some [Lidocaine] in it to help with sore muscle. I only found out about the cream

[16] AB, p. 246 (Tab 6, Email dated October 14, 2025, re Submission Deadlines and Hearing Date).
[17] AB pp. 302-304 (Tab 6, Emails dated October 12,2025 through October 27, 2025).
[18] AB pp. 302-304 (Tab 6, Emails dated October 12,2025 through October 27, 2025).
[19] AB p. 10 (Tab 3, Appellant's Statement dated November 11, 2025).
[20] AB p. 10 (Tab 3, Appellant's Statement dated November 11, 2025). This statement is not accurate as evidenced by the public disclosures on HIWU.org. In 2025, there were 13 Lidocaine Post-Race cases, with 3 coming out of Gulfstream Park. *See* Lidocaine - Resolutions - HIWU.org. The third Gulfstream Park AAF for Lidocaine involved a different Jockey and the resolution is publicly disclosed on HIWU.org. *See* Summary_of_FD-Maragh.pdf; Equibase - Gulfstream Park - Feb 14, 2025 Race 4.

when I asked my massage therapist. [It is called Lidocaine Cream and it is manufactured by Healthwise] I realized that this must have caused the positive when I found out that another trainer I ride for . . . got the same positive."[21] He further stated "the only possible explanation for the overage of lidocaine in Bee A Queen is from the massage cream used on me by a massage therapist."[22]

17. On November 26, 2025, and after receiving HIWU's written submission, Appellant requested additional time to "consult with a lawyer and/or scientific expert."[23] IAP Member Mitchell agreed, but stated, "in the interest of concluding this case, this must be the last adjustment."[24] The following amended schedule was agreed upon: (1) Appellant's supplemental written submission was due on January 6, 2026; (2) HIWU's supplemental written submission was due on February 10, 2026; and (3) a hearing on the merits was scheduled for March 3, 2026.[25]

18. On January 5, 2026, Appellant provided a response to HIWU's written submission, arguing that "it is more likely than not the lidocaine came from the jockey who rode my horse."[26] She also included a report prepared by Professor Pascal Kintz, a professor of legal medicine at the University of Strasbourg in France, wherein he stated it was "possible that the lidocaine positive was a result of unintentional transfer from the jockey to the horse."[27]

19. The March 3, 2026 IAP hearing was later rescheduled to March 17, 2026 after Appellant retained counsel.

20. On March 16, 2026, Appellant submitted a "Second Affirmation" from the Jockey (dated March 13, 2026) to supplement her submission, which contradicted the Jockey's earlier

[21] AB p. 12-13 (Tab 4, Witness Statement of Jose Morelos dated November 11, 2025).
[22] AB, p. 13 (Tab 4, Witness Statement of Jose Morelos dated November 11, 2025).
[23] AB, pp. 307-311 (Tab 9, Emails dated between November 25, 2025 and December 1, 2025).
[24] AB, pp. 307-311 (Tab 9, Emails dated between November 25, 2025 and December 1, 2025).
[25] AB, pp. 307-311 (Tab 9, Emails dated between November 25, 2025 and December 1, 2025).
[26] AB, pp. 288-289 (Tab 7, Appellant's Response to HIWU's Written Submission).
[27] AB, pp. 15-20 (Tab 5, Witness Statement of Prof Pascal Kintz).

statement on January 6. In his revised statement, the Jockey asserted that he too applied the Lidocaine cream to his own legs.[28] The Jockey also claimed that he did not wash his hands and that he was "certain" his hands made contact with Bee a Queen's face between June 13 and June 14. The Jockey also included a photo of the cream which read in large white letters across a blue background, "LIDOCAINE CREAM."[29]

III. IAP Merits Hearing

21. On March 17, 2026, the IAP hearing was held virtually via Zoom.[30]

22. Appellant introduced testimony from Professor Pascal Kintz who testified consistently with the report he provided on December 9, 2025, wherein he stated the estimated concentration level was not consistent with a recent administration of Lidocaine.[31]

23. Yet, during cross examination, Professor Kintz stated it was possible the administration of Lidocaine could have been the result of an intentional, earlier administration of Lidocaine.[32]

24. Professor Kintz acknowledged that no information had been provided regarding how long after the Lidocaine was applied to the Jockey that the Jockey came into contact with Bee a Queen.[33] Professor Kintz also acknowledged that no information had been provided regarding what part of Bee a Queen's head the Jockey allegedly came into contact with.[34] Professor Kintz confirmed there was no information about the route of administration of Lidocaine into Bee a Queen's body.[35]

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[28] AB, pp. 335-336 (Tab 10, Second Witness Statement of Jose Morelos).
[29] AB, pp. 335-336 (Tab 10, Second Witness Statement of Jose Morelos).
[30] AB, p. 338 (Tab 11, Video Recording of 3.18.26 Hearing); AB, p. 365-469 (Tab 16, Transcript).
[31] AB, p. 396, lines 8-22 (Tab 16, Transcript) (Jacobs, Kintz).
[32] AB, p. 407, lines 3-16 (Tab 16, Transcript) (Gnam, Kintz).
[33] AB, p. 405, lines 10-16 (Tab 16, Transcript) (Gnam, Kintz).
[34] AB, pp. 406, lines 6-12 (Tab 16, Transcript) (Gnam, Kintz).
[35] AB, pp. 406-407, lines 14-1 (Tab 16, Transcript) (Gnam, Kintz).

25. Professor Kintz confirmed the reported estimated concentration level reported by Industrial was 0.119 ng per mL.[36]

26. Appellant testified that she reached out to the Jockey, talked to him extensively about the situation involving Bee a Queen's AAF, and assured him that he would not get into trouble if he came forward.[37]

27. During cross examination, Appellant acknowledged that she understood, pursuant to ADMC Program Rules, she was strictly liable for the presence of a Controlled Medication Substance detected in the Post-Race Sample of her Covered Horse.[38]

28. Appellant also affirmed that she regularly spoke with the Jockeys of her Covered Horses prior to their races. Appellant specifically attested to speaking with the Jockey who rode Bee a Queen on June 14, 2025 prior to Bee a Queen's race. Appellant stated that she phoned the Jockey to encourage him and further opined that her role is not to engage Jockeys in a way that would "leave them on a negative note," but to instead leave them feeling positive. [39]

29. Upon inquiry by the IAP Member, Appellant acknowledged that the Jockey was known to her, had previously worked Bee a Queen at her barn, and was familiar with Appellant's outfit. Appellant denied employing freelance exercise riders and stated her riding staff were all salaried employees. [40]

30. When asked by the IAP Member whether she would characterize the Jockey as a member of Appellant's racing support staff, Appellant was nonresponsive.[41]

[36] AB, p. 408, lines 8-20 (Tab 16, Transcript) (Mitchell, Kintz).
[37] AB, p. 429, lines 11-22 (Tab 16, Transcript) (Antonucci).
[38] AB, p. 436, lines 13-22 (Tab 16, Transcript) (Gnam, Antonucci).
[39] AB, pp. 437, lines 1-19 (Tab 16, Transcript) (Gnam, Antonucci).
[40] AB, pp. 443-444, lines 10-24 (Tab 16, Transcript) (Mitchell, Antonucci).
[41] AB, pp. 445-447, lines 21-22 (Tab 16, Transcript) (Mitchell, Antonucci).

31. Appellant did not call the Jockey as a witness. No other witnesses testified on behalf of Appellant besides Appellant and Professor Kintz.

IV. Final Decision

32. IAP Member Mitchell issued her Corrected Final Decision, dated March 30, 2026, and determined the Agency had established that Appellant was responsible for violating ADMC Program Rule 3312.[42] Specifically, the IAP found the Agency established Bee a Queen's A Sample contained 0.119 ng/mL of 3-Hydroxylidocaine, a metabolite of Lidocaine, as reported by Industrial, and Bee a Queen's B Sample was subsequently confirmed to contain 3-Hydroxylidocaine by the Ohio Laboratory.[43]

33. While the IAP found Appellant maintained the AAF was the result of contamination from the Jockey, the IAP determined the Appellant never questioned the Jockey about drug usage and the expert testimony she introduced during the hearing to support her claim was "purely speculative."[44] The IAP held that the Appellant, as the Responsible Person, was the absolute insurer of the condition of all of her horses.[45]

34. As a result and in accordance with the Protocol, IAP Member Mitchell ordered the following Consequences: (1) a period of Ineligibility of 15 days; (2) a fine of $1,000; (3) Disqualification of Bee a Queen's Race results obtained in Race 4 at Gulfstream Park in Hallandale Beach, Florida, on June 14, 2025, and forfeiture of all purses and other compensation, prizes, trophies, points, and rankings, and repayment or surrender (as applicable) to the Race Organizer; (4) assignment of 2 penalty points; and (5) Public Disclosure.[46]

[42] AB, pp. 358-363 (Tab 15, Corrected Final Ruling of the IAP).
[43] AB, p. 359 (Tab 15, Corrected Final Ruling of the IAP).
[44] AB, p. 359 (Tab 15, Corrected Final Ruling of the IAP).
[45] AB, p. 359 (Tab 15, Corrected Final Ruling of the IAP).
[46] AB, p. 363 (Tab 15, Corrected Final Ruling of the IAP).

PROPOSED CONCLUSIONS OF LAW

1. Lidocaine is a Prohibited Substance, which is a Class B Controlled Medication Substance, pursuant to Appendix 1 to Rule Series 4000: Technical Document—Prohibited Substance. Lidocaine contains a Screening Limit of "0.02 ng/mL as 3-Hydroxylidocaine in serum or plasma."

2. The Presence of 3-Hydroxylidocaine, a metabolite of Lidocaine, in Bee a Queen's Sample is a violation of ADMC Program Rule 3312.

3. Appellant had the burden to establish she was entitled to a finding of No Fault or Negligence or No Significant Fault or Negligence (under ADMC Program Rule 3324 or 3325) in connection with her Rule 3312 violation.

4. Appellant had the burden to prove the source of the Prohibited Substance found in the Sample as a pre-condition for reduced or eliminated Consequences under both Rule 3324 and Rule 3325.

5. Appellant failed to establish the source of the Lidocaine or that she bore No Fault or Negligence or No Significant Fault or Negligence.

6. Appellant failed to establish that she was entitled to a reduction in Consequences.

7. The IAP Member's assessment of Fault was correct, and the Consequences she imposed should be affirmed.

PROPOSED ORDER

Based on the foregoing findings of fact and conclusions of law, incorporated herein, the undersigned Administrative Law Judge ("ALJ") **ORDERS AND ADJUDGES** that:

a. Appellant violated ADMC Program Rule 3312 for the Presence of a Class B Controlled Medication in her Covered Horse's Post-Race Sample.

b. Appellant failed to establish that she bore No Fault or Negligence or No Significant Fault or Negligence for the Presence of a Class B Controlled Medication in her Covered Horse's Post-Race Sample.

c. Appellant should not receive a reduction of the imposed Consequences.

d. The automatic Disqualification of Bee a Queen's Race Results obtained in Race 4 at Gulfstream Park in Hallandale Beach, Florida on June 14, 2025, and forfeiture of all purses and other compensation, prizes, trophies, points, and rankings, and repayment or surrender (as applicable) to the Race Organizer imposed by the IAP Member is affirmed.

e. The 15-day period of Ineligibility imposed by the IAP Member is affirmed.

f. The $1,000 fine imposed by the IAP Member is affirmed.

g. The automatic assignment of 2 penalty points imposed by the IAP Member is affirmed.

SUPPORTING LEGAL BRIEF

I. Introduction

This proceeding concerns a review initiated by Appellant challenging the IAP's Final Decision and the resulting Consequences. Specifically, Appellant seeks to have the ALJ reverse or reduce the sanctions imposed by the IAP on the basis that, in Appellant's opinion, the IAP came to the wrong legal conclusion. On March 30, 2026, the IAP issued a Corrected Final Decision which concluded Appellant violated ADMC Program Rule 3312.[47] Pursuant to that ruling, the IAP determined the Agency had established that Bee a Queen's A Sample contained 3-Hydroxylidocaine, a metabolite of Lidocaine, as reported by Industrial, as well as Bee a Queen's B Sample, which was confirmed by the Ohio Laboratory.[48]

The IAP also determined Appellant had not established that she was entitled to a finding of No Fault or No Significant Fault, opining that any argument concerning contamination was "purely speculative."[49] Thus, the IAP imposed the resulting Consequences: (1) a period of Ineligibility of 15 days; (2) a fine of $1,000; (3) Disqualification of Bee a Queen's Race Results obtained in Race 4 at Gulfstream Park in Hallandale Beach, Florida, on June 14, 2025; (4) assignment of 2 Penalty Points; and (5) Public Disclosure.[50]

Based upon the existing factual record, it is evident that Appellant violated ADMC Program Rule 3312. Appellant did not provide evidence which would have reduced her degree of Fault, let alone evidence which established the Final Decision of the IAP was arbitrary, capricious, an abuse of discretion, prejudicial, or otherwise not in accordance with the law. The Consequences

[47] Proposed Findings of Fact ("**PFF**") #32.
[48] PFF #32.
[49] PFF #33.
[50] PFF #34.

imposed were in accordance with ADMC Program Rules 3321-3323 and 3328 and are rationally connected to the relevant evidence. Therefore, the Final Decision should be affirmed.

II. Standard of Review

Pursuant to 15 U.S.C. §3058(b)(1), whether Appellant violated ADMC Program Rule 3312 is a determination made *de novo* by an ALJ of the Commission. Where no facts are sought to be supplemented or contested, such determination is made on the basis of the existing factual record. A HISA civil sanction is also subject to *de novo* review by an ALJ. However, the review is limited to a determination of whether "the final civil sanction of the Authority was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law."[51]

Despite the fact that the ALJ conducts an independent review of the record,[52] a decision or sanction will not be considered arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law where (i) the decision abides by the applicable rules,[53] and (ii) the sanction is rationally connected to the facts.[54] Similarly, to find an abuse of discretion, the record must reveal a clear error of judgment.[55] This standard of review has been confirmed in FTC appeals from HISA civil sanctions, including *In the Matter of Jeffrey Poole*[56] and *In the Matter of Luis Jorge Perez*.[57]

III. Applicable ADMC Program Rules and Jurisprudence

The Authority was created pursuant to the federal Horseracing Integrity and Safety Act of 2020, as amended (the "**Act**"),[58] to implement a national, uniform set of integrity and safety rules that are applied consistently to every Thoroughbred racing participant and racetrack facility in the

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[51] 15 U.S.C. § 3058(b)(2)(A)(iii).
[52] *Agyeman v. INS*, 296 F.3d 871, 876 (9th Cir. 2002)).
[53] *Guier v. Teton County Hosp. Dist.,* 2011 WY 31, 248 P.3d 623, 636 (Wyo. 2011)).
[54] *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).
[55] *Nat'l Wildlife Fed'n v. Nat'l Marine Fisheries Serv.*, 422 F.3d 782, 798 (9th Cir. 2005)).
[56] *In the Matter of Jeffrey Poole*, Docket No. 9417 (November 13, 2023) at p. 5.
[57] *In the Matter of Luis Jorge Perez*, Docket No. 9420 (August 8, 2024) at p. 4.
[58] 15 U.S.C. §§3051–3060.

United States.[59] Appellant trains horses defined as Covered Horses that participate in Covered Horseraces.[60] As such, she is both a Responsible Person and a Covered Person who is bound by and subject to ADMC Program Rules.[61]

Appellant was required to register, and did register, with HISA as a Covered Person, in accordance with HISA Rule 9000.[62] Under that rule, Appellant "agree[d] to be subject to and comply with the rules, standards, and procedures of the Authority developed and approved under 15 U.S.C. 3054(c)." Jockeys are also Covered Persons bound by and subject to ADMC Program Rules.[63] The Jockey discussed in this case is registered with HISA as a Covered Person.[64] It is further not disputed that Bee a Queen is a Covered Horse enveloped by the same registration requirements under HISA Rule 9000(h), and Bee a Queen is registered with HISA.[65]

ADMC Program Rule 3312 imposes strict liability on the Responsible Person when a Controlled Medication Substance is found to be present in the Post-Race Sample of a Covered Horse.[66] The Responsible Person also "bear[s] strict liability for any violations of the Protocol by such Covered Persons (including Veterinarians), employees, personnel, agents, and other Persons involved in the care, treatment, training, or racing of his or her Covered Horses."[67] The Responsible Person is also personally responsible for "inform[ing] all Covered Persons . . . or other Persons involved with the care, treatment, training, or racing of their Covered Horse of their respective obligations under the Protocol,"[68] and must "clearly communicat[e] to such Persons that

[59] ADMC Program Rule 3010(a).
[60] PFF #1.
[61] ADMC Program Rule 3030.
[62] PFF #1.
[63] HISA Rule 9000(c).
[64] PFF #15.
[65] PFF #1.
[66] ADMC Program Rule 3312(a).
[67] ADMC Program Rule 3040(b)(6)
[68] ADMC Program Rule 3040(b)(4).

compliance with the Protocol is a condition of employment or continuing engagement in the care, treatment, training, or racing of his or her Covered Horses."[69]

The Protocol does not delineate between regular staff of the Responsible Person or periodic contractors, friends, or other persons; instead, the Protocol attaches strict liability to the Responsible Person for actions by all Covered and other persons engaged or involved with the care, treatment, training, or racing of the Responsible Person's Covered Horse.

HIWU does not need to prove "intent, Fault, negligence, or knowing Use on the part of the Responsible Person in order to establish that the Responsible Person has committed a Rule 3312 Controlled Medication Rule Violation."[70] "Sufficient proof of a Rule 3312 Controlled Medication Rule Violation is established [when] . . . the Covered Horse's B Sample is analyzed, and the analysis of the B Sample confirms the presence of the Controlled Medication Substance, or its Metabolites or Markers found in the A Sample."[71]

Sanctions for a first offense Rule 3312 violation involving Lidocaine, a Class B Controlled Medication Substance, are: (1) a period of Ineligibility of 15 days;[72] (2) a fine of up to $1,000;[73] (3) Disqualification of the Covered Horse's race results and forfeiture of all purses, prizes, trophies, points, rankings, and repayment or surrender (as applicable) to the Race Organizer;[74] (4) assignment of 2 penalty points;[75] and (5) Public Disclosure.[76]

When a Rule 3312 Violation is established for a Class B Controlled Medication Substance, a Covered Person *may* be entitled to the potential reduction of the Consequences where she is able

[69] ADMC Program Rule 3040(b)(5)(ii).
[70] ADMC Program Rule 3312(a).
[71] ADMC Program Rule 3312(b).
[72] ADMC Program Rule 3323.
[73] ADMC Program Rule 3323.
[74] ADMC Program Rule 3321.
[75] ADMC Program Rule 3328.
[76] ADMC Program Rule 3331.

to establish by a balance of the probabilities that she acted with No Fault or Negligence or No Significant Fault or Negligence[77]. In order to establish either No Fault or No Significant Fault, the Covered Person must first establish the source of the Controlled Medication Substance.[78] "It is not enough to suggest possibilities or speculate. [The Covered Person] has a stringent requirement to offer persuasive evidence of how such contamination occurred."[79] A determination of No Fault is rare, and a finding only applies in "exceptional circumstances."[80] Similarly, a finding of No Significant Fault applies "where the circumstances are truly exceptional and not in the vast majority of cases."[81]

IV. IAP Submissions and Hearing

After receiving her ECM Notice and Charge letter from HIWU, Appellant stated she believed her Jockey contaminated Bee a Queen with Lidocaine via bodily-transfer after the Jockey had been massaged with a Lidocaine cream.[82] Appellant explained that she deduced the AAF must have been the result of Jockey-contamination after she and another Trainer had both utilized the same Jockey and were the only Responsible Persons with Post-Race AAFs for Lidocaine in 2025.[83] This statement was not accurate, however. In 2025, there were 13 total Post-Race AAFs for Lidocaine, with 3 coming from Gulfstream Park.[84] The third case at Gulfstream Park involved a different Jockey.[85]

[77] ADMC Program Rule 3324 and 3325.
[78] ADMC Program Rules 3324 and 3325.
[79] *In the Matter of Jonathan Wong*, JAMS No. 1501000584 (Feb. 9, 2024), at para. 7.18.
[80] *In the Matter of Eusabio Juarez-Ruffino*, Docket No. 9444 (Apr. 28, 2026), at §V(A)(1).
[81] *Id*.
[82] PFF #15.
[83] PFF #15.
[84] PFF #15.
[85] PFF #15.

In support of her defense, Appellant included a statement from the Jockey as part of her initial submission on November 11, 2025.[86] In his written statement, the Jockey asserted that after being approached by Appellant about the AAF, he discovered a "new massage therapy person was using a cream that had some [Lidocaine] in it to help with sore muscle." The Jockey asserted the cream was called "Lidocaine Cream and it is manufactured by Healthwise." He further offered, "the only possible explanation for the overage of lidocaine in Bee A Queen is from the massage cream used on me by a massage therapist."[87] The Jockey did not include the name of the massage therapist or the commercial name of the business; he did not provide a timeline of the massage in relation to the Bee a Queen's Race; he did not explain where the massage therapist rubbed the cream on his body; he did not state whether he showered after receiving the massages; and he did not explain how the cream would have transferred from his body to Bee a Queen's body.

One day prior to the IAP hearing, on March 16, 2026, Appellant submitted a new statement from the Jockey.[88] In this statement, the Jockey now asserted that, in addition to the cream being massaged on him by a new massage therapist, he himself applied the cream to his legs in the days leading up to Bee a Queen's race. He further asserted that he did not wash his hands, and that he was "certain" there was contact between his hands and Bee a Queen's face during that period. The Jockey also included a photo of the cream which read in large white letters across a blue background, "LIDOCAINE CREAM."[89]

It is worth noting here that the March 2026 statement by the Jockey is a substantively different statement from his November 2025 statement. In his first statement, the Jockey asserted that he "went through everything [he did] carefully" and discovered a new massage therapist used

[86] PFF #16.
[87] PFF #16
[88] PFF #20.
[89] PFF #20.

the cream on him. He stated, "the overage of lidocaine in Bee A Queen is from the massage cream used on me by a massage therapist." In the March 2026 statement, the Jockey implied that he possessed the Lidocaine Cream by suddenly asserting that he applied the cream, clearly labeled "Lidocaine Cream," onto his legs multiple times a day prior to Bee a Queen's Race. He also stated that he did not wash his hands afterwards, and that he engaged with Bee a Queen's head during said period. At no time after submitting the Jockey's second statement did Appellant offer any explanation for the contradictory accounts.

During the IAP hearing, Appellant testified that, after receiving information about the AAF, she reached out to the Jockey, talked to him extensively about the situation, and assured him that he would not get into trouble if he came forward.[90] Appellant also stated that she spoke with the Jockey via phone on the morning of Bee a Queen's race to encourage him prior to Bee a Queen's race. She opined that her role was not to engage Jockeys in a way that would "leave them on a negative note prior to a race.[91] When questioned whether Appellant viewed the Jockey as part of Appellant's racing staff, Appellant was nonresponsive but ultimately acknowledged that he regularly worked for her and was familiar with her barn.[92] Appellant did not call the Jockey to testify on her behalf, and the Jockey did not testify.[93]

Appellant introduced testimony from Professor Kintz, who stated the estimated concentration level was not consistent with a recent administration of Lidocaine.[94] Yet Professor Kintz also acknowledged on cross-examination that it was possible the administration of Lidocaine could have been the result of an intentional, earlier administration of Lidocaine.[95] Professor Kintz

[90] PFF #26.
[91] PFF #28.
[92] PFF #29, #30.
[93] PFF #31.
[94] PFF #22.
[95] PFF #23.

further confirmed the reported estimated concentration level reported by Industrial was 0.119 ng per mL.[96] The Screening Limit for 3-Hydroxylidocaine, a Metabolite of Lidocaine, in blood is 0.02 ng per mL.[97]

Professor Kintz conceded that no information had been provided regarding how long after the Lidocaine was applied to the Jockey that the Jockey came into contact with Bee a Queen, and that no information had been provided regarding what part of Bee a Queen's head the Jockey allegedly came into contact with.[98] Professor Kintz agreed there was no information about the route of administration of Lidocaine into Bee a Queen's body.[99]

In *In the Matter of Philip Serpe*, a case also involving a Presence violation, the ALJ found the trainer's No Fault and No Significant Fault arguments failed because each "require[] that he prove the 'source' of the contamination."[100] The proof adduced at arbitration did not answer the source question and the trainer himself acknowledged his own investigation did not enable him to determine how the Prohibited Substance entered the body of his Covered Horse.[101] The ALJ ruled that "[m]erely eliminating possibilities is not enough."[102]

In *HIWU v. Cano*, the Arbitrator explained "[t]he Rules expressly place the burden on the Covered Person to establish how the Prohibited Substance entered the horse's system."[103] In that case, the trainer suggested a Prohibited Substance must have entered his horses' systems via environmental contamination since he had never administered the Prohibited Substance to his horses, and none of the horses had ever been prescribed the Prohibited Substance.[104] After a review

[96] PFF #25.
[97] Appendix 1 to ADMC Rule Series 4000: Prohibited List—Technical Document.
[98] PFF #24.
[99] PFF #24.
[100] *In the Matter of Philip Serpe*, Docket No. 9331 (Sep. 12, 2025), at p.14.
[101] *Id.* at p. 32.
[102] *Id.* at p. 33.
[103] *HIWU v. Juan Cano*, JAMS No. 1501001058 (Sep. 30, 2025), at para. 8.30.
[104] *Id.* at paras. 7.3(a)-(b).

of the evidence, the Arbitrator found the trainer failed to present any evidence supporting his theory of contamination as the source of [the Prohibited Substance] in his Covered Horses and thus failed to meet his burden of proving source by a balance of probabilities.[105]

In *Khaled Abdullaziz Al Eid & Abdullah Waleed Sharbatly v. FEI*,[106] a CAS panel examined the issue of whether Appellant Al Eid established by a balance of probabilities how a Prohibited Substance entered his horse's system. Al Eid put forward evidence which he argued had the "cumulative effect" of showing inadvertent contamination:[107] Al Eid denied administering the Prohibited Substance to his horse; Al Eid introduced statements from the treating veterinarian about the wide availability and use of the Prohibited Substance at the event facility; Al Eid offered evidence about the unclean state of the event's stables and an exceptional weather condition during the event; and Al Eid provided evidence that he had taken some steps to avoid contamination.[108] Nevertheless, the CAS panel found Al Eid had not established by a balance of probabilities how the Prohibited Substance entered his horse's system.[109]

The CAS panel opined: "Explanations as to the possible cause of the positive test, however plausible, will, as noted above, not be enough absent more than tangible evidence."[110] It agreed with the FEI Tribunal which concluded: "[T]he Tribunal holds that insufficient evidence has been adduced to establish the causal link between the alleged contamination and the positive test result. It is therefore the opinion of the Tribunal that the [appellant] has failed to prove that ingestion by means of exposure to a contaminated stable environment was more likely than not to be the source of the [the Prohibited Substance] …"[111] The CAS panel further stated the danger of accepting a

[105] *Id.* at para. 8.36.
[106] *Khaled Abdullaziz Al Eid & Abdullah Waleed Sharbatly v. FEI*, CAS 2012/A/2807 & 2808 (17 July 2012)).
[107] *Id.* at para. 6.7.
[108] *Id.* at paras. 6.2-6.9.
[109] *Id.* at paras. 10.5-10.6.
[110] *Id.* at para. 10.8
[111] *Id.*

theory of inadvertent contamination, in the absence of any other explanation or evidence, would require "that the theory be accepted, by default."[112]

Similarly, Appellant failed to establish Bee a Queen's AAF was the result of contamination by the Jockey. Appellant did not introduce evidence that would demonstrate by a balance of the probabilities the source of Lidocaine was the Jockey. Nor did Appellant establish the route of administration, i.e., the causal link between the alleged contamination and the AAF. Furthermore, Appellant did not explain to the IAP why the Jockey's attestations varied from one another, nor did she call Jockey to testify in order that he might explain his statements to the IAP Member. This decision was made solely by Appellant, as HIWU did not object to the production of the Jockey as a witness and, in fact, expected him to testify. This decision did, however, prevent HIWU and the IAP Member from questioning the Jockey about his two statements.

Appellant's expert witness, Professor Kintz, acknowledged an earlier intentional administration of Lidocaine before the race could not be ruled out and also conceded that he had no information on how the Lidocaine would have been introduced into Bee a Queen's body. Thus, the IAP correctly observed Appellant's contamination defense was "purely speculative."[113]

In addition, even if Appellant had adduced evidence sufficiently demonstrating that the Jockey did, in fact, expose Bee a Queen to Lidocaine, Appellant has clearly not met the standard for the application of ADMC Program Rule 3324 (No Fault or Negligence), which requires "exceptional circumstances." The contamination of a Covered Horse by an individual working with that horse who is using or taking the substance at issue is *not* an exceptional circumstance. It is, in fact, a defense claimed by many Covered Persons charged with violations of Rule 3312.

[112] *Id.* at para. 10.7.
[113] PFF #33.

V. The Final Decision

The IAP Member correctly found that Appellant had committed a Presence violation under ADMC Program Rule 3312.[114] The IAP Member summarized the testimony and evidence presented in the Final Decision:

1) 3-Hydroxylidocaine, a metabolite of Lidocaine, is a Class B Controlled Medication Substance.
2) Appellant was the Responsible Person for Bee a Queen on June 14, 2025 and during Race 4 at Gulfstream Park in Hallandale Beach, Florida.
3) A Post-Race blood Sample was collected from taken from Bee a Queen after she won her race on June 14, 2025 at Gulfstream Park and was sent to Industrial for analysis.
4) Industrial reported Bee a Queen's blood A Sample as an AAF for the presence of 3-Hydroxylidocaine, a metabolite of Lidocaine.
5) The Ohio Laboratory confirmed Bee a Queen's B Sample contained the presence of 3-Hydroxylidocaine, a metabolite of Lidocaine.
6) The evidence presented by Appellant to support her contamination defense was "purely speculative."
7) Appellant did not establish that she was entitled to a finding of No Fault or Negligence or No Significant Fault or Negligence.[115]

Based on the IAP's finding that Appellant failed to establish she was entitled to No Fault or No Significant Fault, it was incumbent upon the IAP to impose the applicable Consequences. The Consequences are rationally connected to the evidence and in accordance with ADMC

[114] PFF ##32-34.
[115] PFF ##32-34.

Program Rule 3323(b) and 3328: (1) a period of Ineligibility of 15 days; (2) a fine of $1,000; (3) Disqualification of Bee a Queen's results obtained in Race 4 at Gulfstream Park in Hallandale Beach, Florida on June 14, 2025, and forfeiture of all purses, prizes, trophies, points, ranking, and repayment or surrender (as applicable) to the Race Organizer; (4) assignment of 2 penalty points; and (5) Public Disclosure.

VI. Conclusion

The Final Decision properly considered and applied the ADMC Program Rules in imposing liability for the Presence of a Category S7, Class B Controlled Medication Substance pursuant to ADMC Program Rule 3312(a) and civil sanctions in accordance with ADMC Program Rules 3323(b) and 3328. The IAP's findings of liability and Consequences imposed are consistent with the statutory framework, rationally connected to the evidence, and were made with adequate consideration of the circumstances. The Final Decision should be affirmed, and the Consequences imposed upheld.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 10th day of June, 2026.

/s/*Bryan H. Beauman*

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