BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of:	)	
	)	
Horseracing Integrity and Safety Unit	)	
	)	Case No. 1501001151
vs.	)	
	)	
Erin Thompson	)	

PETITION FOR APPELLATE REVIEW and COMBINED MOTION TO STAY SUSPENSION ORDER

Pursuant to 15 U.S.C. § 3053(e), Appellant Erin Thompson petitions the Federal Trade Commission for review of the June 30, 2026 Final Decision imposing a 24 month period of ineligibility and a $25,000 fine. Appellant also requests an immediate administrative stay because HIWU has advised that the suspension becomes effective July 10, 2026, well before meaningful review can occur.

Grounds for Review

This appeal presents substantial legal questions concerning the Arbitrator's application of ADMC Rule 3225 governing No Significant Fault or Negligence. The issues presented are:

1. Whether the Arbitrator improperly treated Appellant's inability to identify the precise source of Clenbuterol as dispositive rather than

evaluating her degree of fault under the totality of the circumstances required by Rule 3225.

2. Whether the Arbitrator failed to give appropriate weight to undisputed mitigating evidence, including Appellant's spotless integrity record, absence of motive, absence of evidence of intentional administration, absence of concealment, lack of financial incentive, and complete cooperation throughout the investigation.
3. Whether the Arbitrator improperly discounted evidence that the horse shipped into Belterra Park on race day, was housed in a transient receiving barn with repeated stall turnover and unrestricted third-party access, circumstances directly relevant to comparative fault even if they do not conclusively establish the precise source of exposure.
4. Whether the resulting twenty-four-month suspension and $25,000 civil fine constitute an excessive sanction under the ADMC Program.

Summary of the Appeal

Strict liability establishes the presence of a prohibited substance but does not eliminate the mitigation provisions contained in Rules 3224 and 3225. Those rules require an individualized evaluation of fault. The record established Appellant has no prior integrity violations involving prohibited substances, possessed no Clenbuterol, denied administering the substance,

fully cooperated with investigators, trained a horse competing in a modest $5,000 claiming race with no evidence of unusual wagering or meaningful financial incentive, and presented unrebutted evidence that the horse had been shipped into Belterra Park only hours before racing and housed in a receiving barn utilized by numerous unrelated horses. Rather than weighing these undisputed circumstances collectively, the Arbitrator effectively concluded that because Appellant could not identify the exact source of Clenbuterol, mitigation under Rule 3225 necessarily failed. That analysis misapplies Rule 3225. While source is an important consideration, it is not the sole inquiry. The Rule requires evaluation of the Covered Person's degree of fault under the totality of the evidence. By elevating inability to identify the precise source into the controlling factor, the Decision substantially narrows Rule 3225 and deprives Covered Persons of the individualized assessment expressly contemplated by the ADMC Program. The extraordinarily high urinary concentration likewise presents a substantial appellate question. An experienced licensed trainer would understand that intentionally administering Clenbuterol sufficiently close to race time to produce such a concentration would virtually guarantee lab detection, lengthy suspension, substantial financial penalties, and severe professional consequences. Those undisputed circumstances bear directly

upon the degree of fault and deserved meaningful consideration during the mitigation analysis. Accordingly, this appeal presents significant legal questions concerning the proper interpretation and application of Rule 3225 warranting Commission review.

Emergency Motion for Stay

A stay is necessary to preserve meaningful appellate review.First, Appellant has demonstrated a substantial likelihood of success because this appeal presents serious legal questions concerning interpretation of Rule 3225 and the treatment of undisputed mitigating evidence. Second, absent a stay, Appellant will suffer immediate and irreparable harm. Training horses is her livelihood. Once the suspension begins, owners will be forced to remove horses from her care, business relationships will be lost, employees may lose their employment, and Appellant's professional reputation will suffer injuries that cannot be remedied even if the Commission later reverses or modifies the Decision. See *Barry v. Barchi*, 443 U.S. 55 (1979). Third, maintaining the status quo during appellate review will not materially prejudice HIWU. The investigation is complete, and the appeal presents legal issues concerning application of the ADMC Rules.

Finally, the public interest favors a stay. Public confidence depends not only upon vigorous enforcement but also upon fair application of governing rules and meaningful appellate review before career-ending sanctions become effective. Allowing a lengthy suspension to commence before Commission review substantially diminishes the statutory right of appeal.

Prayer for Relief

Appellant respectfully requests that the Commission:

1. Accept jurisdiction over this Petition for Appellate Review;
2. Immediately enter a temporary administrative stay preventing the July 10, 2026 effective date of the suspension;
3. Stay enforcement of all sanctions pending final disposition of this appeal;
4. Reverse or vacate the Final Arbitration Decision because it misapplied Rule 3225; or
5. Alternatively, remand this matter for reconsideration under the proper legal standard before a different arbitrator, together with such further relief as justice requires.

/s/ John Mac Hayes

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CERTIFICATE OF SERVICE

This is to certify that on this 9th day of July 2026, a true and correct copy of the above and foregoing document was e-mailed to the following interested parties:

HIWU Counsel
Christy Heath
cheath@hiwu.org
By email only

John Forgy
HISA Counsel

/s/ John Mac Hayes

BEFORE THE HORSERACING INTEGRITY AND SAFETY AUTHORITY'S ANTI-DOPING AND MEDICATION CONTROL PROGRAM ARBITRATION PANEL

ADMINISTERED BY JAMS, CASE NO. 1501001151

In the Matter of the Arbitration Between:

HORSE RACING INTEGRITY WELFARE UNIT ("**HIWU**" or "**Agency**")

Claimant

v.

ERIN THOMPSON (Trainer Thompson")

Respondent

FINAL DECISION

I, THE UNDERSIGNED ARBITRATOR, having been designated, and having been duly sworn, and having duly heard the allegations, arguments, submissions, proofs, and evidence submitted by the Parties, after a full evidentiary hearing occurring via Zoom on June 16, 2026, pursuant to the Horseracing Integrity and Safety Act of 2020 and its implementing regulations, do hereby FIND and DECIDE as follows:

I. INTRODUCTION

1.1 This case involves allegations of violation of ADMC Program Rule 3212 for the presence of a banned substance and/or its metabolites or markers. The substance in question is Clenbuterol.

EXH 1

1.2 HIWU is the United States government-recognized entity responsible for sample collection and results management in the anti-doping testing of thoroughbred racehorses in the United States, pursuant to the Horseracing Integrity Act of 2020, 15 U.S.C. secs. 3051- 3060. HIWU was represented at the hearing by Christy Heath, Esq.

1.3 Erin Thompson ("Trainer Thompson") is a Trainer of Thoroughbred racehorses, and is registered with the Horseracing Integrity and Safety Authority, Inc. ("HISA"). Trainer Thompson is a Responsible Person under Anti-Doping and Medication Control Program ("ADMC Program") Rule 3030(a). Trainer Thompson was represented by John Mac Hayes, Esq.

1.4 Throughout this Final Award, HIWU and Trainer Thompson shall be referred to individually as "Party" and collectively as "Parties".

II. THE FACTS

2.1 Below is a summary of the relevant facts and allegations based on the Parties' written submissions, pleadings, and evidence adduced at the hearing. Additional facts and allegations found in the Parties' written submissions, pleadings and evidence may be set out, where relevant, in connection with the legal discussion that follows. While the Arbitrator has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, the Arbitrator refers in this Final Award only to the submissions and evidence the Arbitrator considers necessary to explain his reasoning.

2.2 Most of the facts are not in dispute. Prior to the hearing, the parties submitted an Uncontested Stipulation of Facts, all of which are set forth below. Where the parties disagree on the facts, the facts as found are based on the Arbitrator's assessment of the evidence, including the credibility of the witness, together with reasonable inferences drawn therefrom.

Joint Stipulation of Facts

2.3 On June 5, 2025, Trainer Erin Thompson was the Trainer of Record and Responsible Person for the Covered Horse, Motion to Adjourn.

2.4 On June 5, 2025, Motion to Adjourn competed in Race 7 at Belterra Park in Cincinnati, Ohio. Sample Collection Personnel then collected a Post-Race urine Sample, designated #U200014219, from Motion to Adjourn.

2.5 Motion to Adjourn's Sample was submitted to the Ohio Department of Agriculture's Analytical Toxicology Laboratory (the "Ohio Lab") in Reynoldsburg, Ohio for analysis.

2.6 The Ohio Lab analyzed Motion to Adjourn's Sample in accordance with the Laboratory Standards and reported an Adverse Analytical Finding ("AAF") for the presence of the banned substance Clenbuterol.

2.7 Unless Clenbuterol is prescribed to a Covered Horse by a Veterinarian in the context of a valid veterinarian-patient-client relationship for a duration not to exceed 30 days in a 6-month period and other regulatory requirements are met, Clenbuterol is a category S3 Banned Substance and beta-2 agonist-bronchodilator pursuant to Rule 4114.

2.8 Based on the Ohio Lab's finding, on July 8, 2025, Trainer Thompson was served with an Equine Anti-Doping ("EAD") Notice.

2.9 The EAD Notice contained both an invitation to provide a written explanation regarding the AAF and outlined her right to request analysis of Motion to Adjourn's B Sample. On July 14, 2025, Trainer Thompson requested analysis of Motion to Adjourn's B Sample.

2.10 Motion to Adjourn's B Sample was then analyzed by the Kenneth L. Maddy Equine Analytical Chemistry Laboratory ("UC Davis") in Davis, California, in accordance with the Laboratory Standards, and on August 28, 2025, UC Davis confirmed Motion to Adjourn's Sample contained Clenbuterol.

2.11 On September 4, 2025, HIWU served Trainer Thompson with a Charge letter for an Anti-Doping Rule Violation ("EAD Charge") pursuant to ADMC Program Rule 3212.

2.12 The EAD Charge contained both an opportunity to admit and accept consequences for the violation or request a hearing before the Arbitral Body. On September 11, 2025, Trainer Thompson, through her representative, Mr. John Mac Hayes, requested a hearing before the Arbitral Body.

2.13 HIWU initiated a hearing before the Arbitral Body with JAMS on September 12, 2025.

2.14 On March 31, 2026, assigned Arbitrator Hugh L. Fraser signed Procedural Order No. 3, which outlined the procedural history, including delays, involving Trainer Thompson's case, and set forth the following deadlines: Trainer Thompson's Pre-Hearing Brief was due on May 11, 2026; and HIWU's Response Brief was due on May 25, 2026.

2.15 On May 11, 2026, Trainer Thompson, through Mr. Hayes, filed her Pre-Hearing Brief. HIWU submitted its Response Brief on May 25, 2026.

III. PROCEDURAL HISTORY

3.1 Hon. Hugh L. Fraser was appointed as Arbitrator in this proceeding on September 18, 2025.

3.2 A preliminary case management hearing was held on October 2, 2025, and was attended by both parties.

3.3 On October 6, 2025, the Arbitrator issued Procedural Order No. 1.

3.4 Subsequent to the issuance of Procedural Order No. 1 by the Arbitrator, the Parties conferred and agreed to consolidate a second charge for an alleged Possession violation against Trainer Thompson and also agreed to convert the in-person hearing to a virtual hearing to be conducted by Zoom.

3.5 An Amended Procedural Order No. 1 was issued by Arbitrator Hugh L. Fraser on December 15, 2025, which reflected new dates for the exchange of briefs by the Parties.

3.6 On December 22, 2025, a motion for continuance was granted by the Arbitrator on the basis that the Scheduling Order provided in Amended Procedural Order No. 1, would be extended for a period of 60 days and the hearing set for February 6, 2026, would be rescheduled to a later date.

3.7 On January 9, 2026, Arbitrator Hugh L. Fraser issued Procedural Order No. 2 which reflected the new schedule for the exchange of briefs.

3.8 On March 3, 2026, HIWU confirmed that it had withdrawn the Possession Charge from adjudication, leaving only the Presence Charge to be adjudicated.

3.9. On March 16, 2026, the Respondent's second Motion for Continuance was granted by the Arbitrator in order to permit the Respondent to retain an expert of her

choosing to examine the Laboratory Documentation Package. A new briefing schedule was therefore arranged and agreed to by the parties.

3.10 On March 31, 2026, Arbitrator Fraser issued Procedural Order No. 3, which set out the new dates for the filing of the parties briefs, and confirmed the hearing date of June 16, 2026 by Zoom.

3.11 The evidentiary hearing proceeded as scheduled on June 16, 2026, by Zoom commencing at 9:00 a.m. EDT.

3.12 HIWU was represented at the hearing by Christy Heath, Esq. Trainer Thompson was represented by John Mac Hayes, Esq.

3.13. Trainer Erin Thompson was the only witness who testified at the hearing.

3.14 Upon the completion of final arguments, the hearing was declared closed.

IV. JURISDICTION

4.1 HIWU was created pursuant to the Horseracing Integrity and Safety Act of 2020, 15 U.S.C. secs. 3051-3060 ("Act"), and is charged with administering the rules and enforcement mechanisms of the Horseracing Integrity and Safety Authority's ("HISA") Anti-Doping and Medication Control Program ("ADMC Program"). The ADMC Program was created pursuant to the Act, approved by the Federal Trade Commission on March 27, 2023, and implemented on May 22, 2023. See 88 Fed. Reg. 5084-5201 (January 26, 2023). The ADMC Program sets out the applicable rules that govern this proceeding and ground the jurisdiction of the Panel over all participants. Rule 3020 provides that the anti-doping rules set out in the ADMC Program apply to and are binding on violations by Covered Persons, and Covered Persons are defined under ADMC Program Rule 1020.

4.2 Under ADMC Program Rule 3020, the ADMC Program applies to all Covered Persons, and under HISA Rule 1020 the definition of Covered Persons includes "all Trainers…who are engaged in the care, treatment, training, or racing of Covered Horses." In addition ADMC Program Rule 3030 (a) defines a "Responsible Person" to mean "the Trainer of the Covered Horse."

4.3 Trainer Thompson trains horses defined as Covered Horses that participate in Covered Horseraces. As such, she is both a Responsible Person and a Covered Person who is bound by and subject to the ADMC Program Rules. Moreover, Trainer

Thompson, as she was required to do, had registered with HISA as a Covered Person in accordance with Rule 9000. Under that rule, Trainer Thompson "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). ADMC Program Rule 3040 (a) also states Covered Persons have an obligation to be knowledgeable of and to comply with the ADMC Program.

4.4 Where the Agency issues a Charge Letter effecting charges on a Covered Person, arbitral proceedings are initiated pursuant to Rule 7060:

> "Rule 7060. Initiation by the Agency
>
> *i. EAD Violations. Unless Rule 3249 applies, if the Agency charges a Covered Person with an EAD Violation, the Agency shall initiate proceedings with the Arbitral Body. If a Covered Person is charged with both an EAD Violation and an ECM or Other Violation, the procedures for EAD Violations apply. The parties to the proceeding shall be the Agency and the Covered Person(s) charged. The Owner and the Authority shall be invited to join in the proceedings as observers and, if accepted as such, receive copies of the filings in the case. In the context of EAD Violation cases, the Owner may be permitted to intervene and make written or oral submissions."*

4.5 As the Arbitral Body selected by mutual agreement of the Authority and Agency, JAMS has jurisdiction to adjudicate any ADRV matter that arises from the Rule 3000 Series of the Program.

4.6 In this case, arbitration proceedings were commenced before JAMS, the designated arbitration provider, as Case No. 1501001151, with Arbitrator Hugh L. Fraser serving as sole arbitrator. No Party disputed jurisdiction.

4.7 Accordingly, the Arbitrator finds that he has been duly assigned by JAMS and has jurisdiction to adjudicate this dispute.

V. RELEVANT LEGAL STANDARDS

5.1 These proceedings are governed fully and exclusively by the ADMC Program. The Preamble and Rule 3010(f) expressly state that the ADMC Program pre-empts state laws. Rule 3070(b) provides that "subject to Rule 3070(d) the Protocol shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes".

5.2 Rule 3070(d) further provides that:

> *The World Anti-Doping Code and related International Standards, procedures, documents, and practices,...the comments annotating provisions of the WADA Code program, and any case law interpreting or applying any provisions, comments or other aspects of the WADA Code Program, may be considered when adjudicating cases relating to the Protocol, where appropriate.*

5.3 The jurisprudence interpreting and applying the WADC (commonly referred to as the *lex sportiva)* is of great assistance in applying the relevant legal standards. There is a well-established body of international anti-doping jurisprudence from specialized sporting arbitral tribunals including the international leader, the Court of Arbitration for Sport (the "CAS") which can inform the interpretation of the ADMC Program.

5.4 Pursuant to ADMC Program Rule 3212 (a), "It is the personal and non-delegable duty of the Responsible Person to ensure that no Banned Substance is present in the body of his or her Covered Horse(s)." The Rule states that "The Responsible Person is [ ] strictly liable for any Banned Substance or its Metabolites or Markers found to be present in a Sample collected from his or her Covered Horse(s). Accordingly, it is not necessary to demonstrate 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 3212 Anti-Doping Rule Violation".

5.5 Rule 3040 addresses *Core Responsibilities of Covered Person.* Under Rule 3040, Responsible Persons are charged with informing all Covered Persons involved with the care, treatment, training, or racing of their Covered Horse of their respective obligations under the Protocol; adequately supervising said persons; conducting appropriate due diligence in the hiring of said persons; clearly communicating that compliance with the Protocol is a condition of said persons' employment; creating and maintaining systems to ensure said persons comply with the Protocol; adequately monitoring and overseeing the services provided to their Covered Horse by said persons; and to "bear 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 Horse."

5.6 Pursuant to ADMC Program Rule 3113, Validity of the Prohibited List and Related Technical Documents, "the Authority's determination of the Prohibited Substances and Prohibited Methods included on the Prohibited List" is "final and shall

not be subject to any challenge by any Covered Person or other Person on any basis, including any challenge based on an argument that the substance or method is not a masking agent or does not have the potential to enhance the performance of Covered Horses or have a detrimental impact on horse welfare."

5.7 Pursuant to ADMC Program Rule 3121, "[t]he Agency shall have the burden of establishing that a violation of the Protocol has occurred to the comfortable satisfaction of the hearing panel…[t]his standard of proof in all cases is greater than a mere balance of probability (i.e., a preponderance of the evidence) but less than clear and convincing evidence or proof beyond a reasonable doubt."

5.8 ADMC Program Rule 3212(b) states that "[s]ufficient proof of a Rule 3212 Anti-Doping 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 Banned Substance or its Metabolites or Markers found in the A Sample." The general rule is that the presence of any amount of a Banned Substance or its Metabolites or Markers in a Post-Race Sample…collected from a Covered Horse constitutes an Anti-Doping Rule Violation by the Responsible Person of that Covered Horse."

5.9 Pursuant to Rule 6312 (g), "the B Sample results shall only confirm the presence of the Prohibited Substance or its Metabolite or Marker identified in the A Sample…for the Adverse Analytical Finding to be valid, unless otherwise specified by the Agency. No quantification or estimation of concentrations of such Prohibited Substance, or its Metabolite or Marker is necessary." "For Non-Threshold Substances, irrespective of whether they have a Minimum Reporting Level, the Laboratory result for the B Sample shall only establish the presence (i.e., the identity) of the Prohibited substance or its Metabolite or Marker in accordance with any reporting requirements established by the Agency or in relevant Technical Document(s). The Laboratory is not required to quantify or estimate the concentration of such Prohibited substance, or its Metabolite or Marker.

5.10 Program Rule 3122 (a) states that "Laboratory reporting requirements approved by the Commission are presumed to be scientifically valid. Further, Laboratories are presumed to have conducted Sample analysis and custodial procedures in accordance with the Laboratory Standards. In order to rebut this presumption, a Covered Person must demonstrate both that '[1] a departure from the Laboratory Standards occurred that [2] could reasonably have caused the Adverse Analytical Finding'."

5.11 In accordance with Program Rule 3121(b), "[w]here the Protocol places the burden of proof on a Covered Person to rebut a presumption…the standard of proof shall be by a balance of probability."

5.12 Where a Violation of the ADMC Program is established, the Covered Person may be entitled to a mitigation of the applicable Consequences, only where he/she establishes on a balance of probabilities, that he/she acted with either No Fault or Negligence, or No Significant Fault or Negligence. Fault is defined in the ADMC Program as:

> "any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing a Covered Person's degree of Fault include (but are not limited to) the Covered Person's experience and special considerations such as impairment, the degree of risk that should have been perceived by the Covered Person, and the level of care and investigation exercised by the Covered Person in relation to what should have been the perceived level of risk. With respect to supervision, factors to be taken into consideration are the degree to which the Covered Person conducted appropriate due diligence, educated, supervised, and monitored Covered Persons (including Veterinarians), employees, personnel, agents, and other Persons involved in any way with the care, treatment, training, or racing of his or her Covered Horses, and created and maintained systems to ensure compliance with the Protocol. In assessing the Covered Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Covered Person's departure from the expected standard of behavior. Thus, for example, the fact that the Covered Person would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Covered Person or Covered Horse only has a short time left in a career, or the timing of the horseracing calendar, would not be relevant factors to be considered in reducing the period of Ineligibility based on degree of Fault."

5.13 ADMC Program Rule 3224 permits the reduction of sanctions where there is No Fault or Negligence, as follows:

> *"Rule 3224. Elimination of the Period of Ineligibility Where There Is No Fault or Negligence (a) If a Covered Person establishes in an individual case that he or she bears No Fault or Negligence for the Anti-Doping Rule Violation(s) charged, the otherwise applicable period of Ineligibility and other Consequences for such Covered Person shall be eliminated (except for those set out in Rule 3221(a) and Rule 3620)... (b) Rule 3224 only applies in exceptional circumstances..."*

5.14 No Fault or Negligence is defined by the ADMC Program as:

"the Covered Person establishing that he or she did not know or suspect, and could not reasonably have known or suspected, even with the exercise of utmost caution, that he or she had administered to the Covered Horse (or that the Covered Horse's system otherwise contained) a Banned Substance or a Controlled Medication Substance, or that he or she had Used on the Covered Horse a Banned Method or a Controlled Medication Method, or otherwise committed an Anti-Doping Rule Violation or Controlled Medication Rule Violation. For any violation of Rule 3212 or Rule 3312, the Covered Person must also establish how the Prohibited Substance entered the Covered Horse's system in order to establish No Fault or Negligence."

5.15 ADMC Program Rule 3225 also allows for the reduction of sanctions where there is No Significant Fault or Negligence, as follows:

"Rule 3225. Reduction of the Period of Ineligibility Where There Is No Significant Fault or Negligence Reductions under this Rule 3225 are mutually exclusive and not cumulative, i.e., no more than one of them may be applied in a particular case.

(a) General rule.

Where the Covered Person establishes that he or she bears No Significant Fault or Negligence for the Anti-Doping Rule Violation in question, then... the period of Ineligibility shall be fixed between 3 months and 2 years, depending on the Covered Person's degree of Fault."

5.16 No Significant Fault or Negligence is defined in the ADMC Program as:

"the Covered Person establishing that his or her fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the Anti-Doping Rule Violation or Controlled Medication Rule Violation in question. For any violation of Rule 3212 or 3312, the Covered Person must also establish how the Prohibited Substance entered the Covered Horse's system in order to establish No Significant Fault or Negligence."

VI. THE PARTIES' CONTENTIONS AND CLAIMS FOR RELIEF

6.1 The Parties asserted various arguments in their pre-hearing briefs and at the hearing. Their fundamental positions are summarized below. To the extent necessary, the Arbitrator will address various arguments that were made in the Analysis section below.

HIWU's Contentions

6.2 HIWU's position may be summarized as follows:

(a) The evidence demonstrates that Trainer Thompson is responsible for violating ADMC Program Rule 3212 for the presence of Clenbuterol, a category S3 Banned Substance, in Motion to Adjourn's Post-Race urine Sample.

(b) Trainer Thompson was the Trainer of Record and Responsible Person for the Covered Horse, Motion to Adjourn, on June 5, 2025, when the horse participated in a Covered Horserace at Belterra Park, and provided a Post-Race urine Sample.

(c) The Post-Race urine Sample was analyzed by the Ohio Lab, which detected Clenbuterol. Thus the presence of Clenbuterol in Motion to Adjourn's Sample constitutes a violation of ADMC Program Rule 3212.

(d) Trainer Thompson has not submitted any evidence to rebut the validity of the AAF reported by the Ohio Lab and has essentially conceded that Clenbuterol was present in Motion to Adjourn's A Sample. Trainer Thompson has not offered any evidence which —is her burden to present pursuant to ADMC Program Rule 3122 (c)—to establish a departure from Laboratory Standards occurred which could have reasonably caused Motion to Adjourn's Sample to contain Clenbuterol.

(e) The Ohio Lab reported Motion to Adjourn's A Sample as an AAF on June 27, 2025. The Ohio Lab's probationary HEAL accreditation was not suspended until eight months later, on February 9, 2026. Prior to the suspension, HIWU's Science department reviewed data from reported AAFs out of the Ohio Lab to ensure the analyses and methodologies related to those Samples complied with HEAL accreditation standards.

(f) Motion to Adjourn's B Sample was then analyzed by UC Davis and the UC Davis Lab confirmed the presence of Clenbuterol. Trainer Thompson has not submitted any evidence to rebut the validity of the AAF reported by UC Davis.

(g) Trainer Thompson is not entitled to a reduction of Consequences pursuant to ADMC Program Rules 3224 or 3225. Trainer Thompson is only entitled to a reduction of Consequences pursuant to ADMC Program Rules 3224 and 3225 (No Fault or Negligence and No Significant Fault or Negligence) if she establishes as a pre-condition how Clenbuterol entered Motion to Adjourn's system, which she has failed to do.

(h) Trainer Thompson's defense that it would be career suicide if she administered Clenbuterol to Motion to Adjourn; that Belterra Park presented contamination risks; and that she has a spotless professional record with no history of Clenbuterol or other medication violations are illogical and unsupported arguments, and thus, unavailing.

(i) A violation of ADMC Program Rule 3212, *Presence of a Banned Substance,* is a strict liability offense; "accordingly, it is not necessary to demonstrate 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 3212 Anti-Doping Rule Violation." It is irrelevant whether Clenbuterol came to be present in Motion to Adjourn's body as a result of an intentional administration, same-day administration, negligent administration, or knowing administration.

(j) A finding of No Fault would only apply in exceptional circumstances if a Covered Person is able to (1) first prove the source of the Banned Substance, and (2) demonstrate that they could not have known or suspected or reasonably known or suspected a Banned Substance would be present in their Covered Horse's system, even with the exercise of utmost caution. Regarding No Significant Fault, the Covered Person must establish that (1) "her fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the Anti-Doping Rule Violation in question" and (2) "must also establish how the Prohibited Substance entered the Covered Horse's system."

(k) As was the case in the matter of *In re Philip Serpe*, a case which also involves a Rule 3212 Presence violation for Clenbuterol, in which the Trainer's No Fault and No Significant Fault arguments failed because he was unable to prove the 'source' of the contamination, Trainer Thompson has not been able to adduce sufficient proof of the source question and has only offered potential possibilities.

(l) Trainer Thompson has not established that she bears No Fault or No Significant Fault under ADMC Program Rules 3224 or 3225. She presented no evidence

demonstrating Clenbuterol was present in Motion to Adjourn's surrounding environment, nor any evidence of how it would have come to be present in Motion to Adjourn's body.

(m) Trainer Thompson falsely equivalates the estimated concentration level of Clenbuterol reported by the Ohio Lab as ruling out the possibility of intentional administration. This has no bearing on Trainer Thompson's degree of Fault, nor does her declaration of having a "spotless record".

(n) Trainer Thompson could have taken reasonable and practical steps to request a clean stall or keeping Motion to Adjourn out of the stall until it had been thoroughly cleaned, if she had been legitimately concerned about contamination as the result of an unclean stall.

(o) Most importantly, Trainer Thompson has not satisfied the fundamental pre-condition to either Rule 3224 or 3225 to apply in that she has not introduced any evidence that would demonstrate, by a balance of probabilities, the source of the Clenbuterol. Previous HIWU cases have held that "Self-serving blanket denials" that a trainer did not administer a Banned Substance to their Covered Horse "is not a substitute for actually proving source."

(p) Given that the ADRV has been sufficiently established and Trainer Thompson failed to meet her burden to demonstrate by a balance of probabilities that she is entitled to a finding of No Fault or No Significant Fault, Trainer Thompson is not entitled to a reduction of Consequences as outlined in ADMC Program Rules 3224 and 3225.

(q) For the Anti-Doping Rule Violation, which is being treated as a first violation under ADMC Program Rule 3212, HIWU seeks imposition of the following Consequences on Trainer Thompson:

1. A period of Ineligibility of two years for Trainer Thompson, to be served consecutively to any Consequences imposed in any other matters, pursuant to ADMC Program Rule 3223 (c) (2);

2. A period of Ineligibility of 60 days for the Covered Horse, Motion to Adjourn, and subject to a Re-Entry Test, in accordance with ADMC Program Rule 3230 (b) (2);

3. A fine of up to $25,000 USD and payment of some adjudication costs;

4. Automatic Disqualification of the results Motion to Adjourn obtained on June 5, 2025, in Race 7 at Belterra Park Racing in Cincinnati, Ohio; and forfeiture of all purses and other compensation, prizes, trophies, points, and ranking and repayment or surrender (as applicable) to the Race Organizer (ADMC Program Rule 3620); and

5. Automatic Public disclosure pursuant to ADMC Program Rules 3620 and 3231.

6.3 Trainer Thompson's Contentions

The Respondent's position may be summarized as follows:

1. Trainer Thompson is a longtime Thoroughbred horseman with a spotless record and no history whatsoever of prohibited substance violations or integrity concerns.

2. The extraordinarily high Clenbuterol concentration of 2500 pg is suggestive of near-race administration, and any experienced trainer would know that such near-race administration would guarantee detection.

3. The test occurred following a low-level $5,000. claiming race with no unusual wagering activity or meaningful economic upside.

4. The horse was housed in a transient receiving-barn environment after shipping into Belterra Park, where the stall conditions, third-party access, and lack of exclusive custody created opportunities for accidental exposure, contamination, or unauthorized conduct outside the Trainer's control.

5. HIWU has proven only the presence of Clenbuterol in a post-race sample; it has not proven intentional administration by the Respondent, nor identified any motive, source, administration evidence, concealment activity, or corroborating misconduct. At minimum, the surrounding circumstances support substantial mitigation and a finding of no significant fault or negligence.

6. If the horse was dosed the day of the race or the day before, it is a near certainty that the Lab would find a positive Sample. Doping the day of the race would be equivalent to giving up a license to practice a profession, which is highly unlikely.

7. Motion to Adjourn finished 5th at 9-1 odds against the lowest level competition at Belterra. The horse has only one win in twenty-eight starts.

8. The barn where the Respondent keeps her horses was searched and no Clenbuterol or indicia of Clenbuterol was found.

9. The Laboratory's Wash Samples were positive for Clenbuterol for unexplained reasons, when they should always be negative for the substance.

10. The most practical explanation given the limited time frame in which the horse could have been dosed to a 2500 pg level is that the Haul in Barn was likely contaminated.

11. Motion to Adjourn was shipped into Belterra Park on race day and was placed into a receiving barn stall bedded with straw. The trainer saddled the horse and a different assistant took the horse to the paddock and the test barn. The receiving stalls were not completely stripped as horses came in and out of the stalls. There was urine-soaked organic material, including hay and straw remnants, which remained present within the stall environment. The horse remained in the transient receiving-barn environment before racing. During this period multiple third parties had access to the horse and surrounding areas. The horse was exposed to a non-secure environment, by no fault of the Trainer.

12. The Respondent exercised all reasonable care possible under the circumstances and made every effort to safeguard the horse on the grounds.

13. Accepted scientific evidence suggests a ten day withdrawal time in blood and twenty-one day withdrawal in urine. That historical context is critically important. The extraordinarily high urinary concentration alleged strongly suggests exposure occurring extremely close in time to the race itself—likely same day exposure. Such a result is fundamentally inconsistent with the profile of a calculated, "sophisticated doping effort" by a veteran Thoroughbred trainer with a spotless record.

14. Rather than supporting intentional administration by Respondent, the anomalous concentration level and surrounding circumstances instead undermine the theory of purposeful doping and raise substantial questions concerning accidental exposure, environmental contamination, unauthorized third-party conduct, or other non-purposeful mechanisms of exposure.

15. Scientific literature and racing regulatory history recognize that Clenbuterol contamination and inadvertent exposure events occur. Clenbuterol historically existed in legitimate equine therapeutic use, including through products such as Ventipulmin ® syrup, long prescribed by veterinarians for respiratory conditions before widespread abuse by illicit compounders seeking exaggerated anabolic and bronchodilator effects. The Respondent provided as exhibits, several articles which address withdrawal periods for Clenbuterol, timing of administration, racetrack stall contamination and effects of purposeful administration producing high pharmacologic exposure.

16. The transient receiving-barn environment, incomplete stripping of stalls, residual organic material, third-party access, and lack of exclusive custody materially undermine any inference that Respondent intentionally administered Clenbuterol. The stable conditions included reused straw bedding, residual urine-soaked organic material, incomplete stripping between horses, and repeated occupancy turnover. Additionally the horse's location and movement exposed it to numerous unknown individuals during a relatively short but critical time period.

17. Respondent submits that these facts materially distinguish this matter from classic intentional administration cases involving controlled barn environments, prolonged exclusive custody, systematic administration evidence, or repeated prohibited substance findings.

18. Respondent notes that the laboratory associated with the analytical findings has itself been subjected to a six-month suspension unrelated to this specific Sample. Respondent does not contend that the laboratory suspension automatically invalidates the present result. However, the suspension unquestionably raises legitimate credibility and reliability concerns warranting careful scrutiny of analytical methodology, calibration procedures, quality assurance practices, contamination controls, quantitation methodology, chain of custody, and uncertainty measurements. Given the extraordinary consequences attached to an allegation of intentional Clenbuterol administration, heightened scrutiny is appropriate.

19. Even assuming arguendo that an Anti-Doping Rule Violation is established, this case overwhelmingly supports substantial mitigation. The undisputed evidence establishes an isolated incident. There is a lack of motive and concealment. Trainer Simpson was cooperative. Any sanction imposed should be substantially mitigated accordingly.

20. Respondent respectfully requests:

1. Dismissal or reduction of the charged violation where appropriate;

2. A finding of No Significant Fault or Negligence;

3. Substantial mitigation of any sanction.

VII. TESTIMONY OF ERIN THOMPSON

7.1 The following is a summary of the testimony of Erin Thompson, the only witness who testified in the present arbitration.

7.2 Trainer Thompson received her license in 2013. She testified that she was introduced to the sport of horse racing by her father. The Respondent is licensed in Florida, Ohio, Kentucky and Indiana. Indiana is her home base.

7.3 Trainer Thompson owns all the horses that she trains along with her life partner Brian Schling. She testified that she trains all the horses that she owns. Ms. Thompson stated that she established her horse breeding program in Indiana and regularly competes against trainers with more valuable horses.

7.4 Trainer Thompson remarked that no one is getting rich at her level of involvement, but for her its more about the horses, watching the horses grow, and learning as she goes along. She testified that she is aware of the HISA medication rules. Trainer Thompson acknowledged that she has one medication violation for dexamethasone overage, used in a pre-race incident. She recalled that the violation occurred in 2019. Ms. Thompson testified that she has never been charged with an integrity violation in this sport.

7.5 Trainer Thompson stated that her operation is a family operation with involvement by her mother and her life partner, Brian. Trainer Thompson maintained that her horses are competing for allowance purses in the $35,000. range.

7.6 Trainer Thompson recalled acquiring Motion to Adjourn from a good friend who was sick at the time and asked her to take the horse off her hands. The Respondent recalled that the horse had six second place finishes in claiming races and was mid pack in the race that resulted in the positive test. Trainer Thompson recalled that there did not seem to be an unusual betting pattern in the race.

7.7 Trainer Thompson denied ever administering Clenbuterol to Motion to Adjourn. She maintained that she never had Clenbuterol on the premises. Trainer Thompson stated that she was shocked when HIWU investigators showed up at her barn one morning, adding that she could not fathom how the Clenbuterol finding could have occurred. Trainer Thompson stated that she used to train quarter horses but found that the use of Clenbuterol was getting out of hand and that was one of the reasons why she ceased her involvement with quarter horses.

7.8 When asked how Motion to Adjourn appeared forty-eight hours before the race at Belterra Park, Trainer Thompson replied that the horse was not perspiring excessively, was not excited, and did not display any uncommon characteristics. Trainer Thompson noted that forty-eight hours before the race, Motion to Adjourn was in her shed row which is equipped with cameras. She added that Brian is the only one who would have contact with the horses during that period. Trainer Thompson added that to her knowledge, no one else had any contact with the horse.

7.9 Trainer Thompson introduced a video at the hearing which showed the immediate area around the stall where Motion to Adjourn had been placed prior to the race at Belterra Park. The stall was one of several that were beside each other in a row. The video was taken some time after Trainer Thompson had received her EAD Notice.

7.10 Trainer Thompson observed that it's a long walk from the paddock to the track and when she is at Belterra Park she hires a groom to walk the horse after giving it a bath. The groom was Santiago Ramos. The Respondent recalled that Mr. Ramos prepared the horse while the horse was in the stall, after which he would walk the horse over to the race track. Trainer Thompson added that the horse would be in close contact with a pony horse before going to the assistant starter.

7.11 Trainer Thompson gave evidence that on an overnight race, only the winner would normally go to the test barn to be tested. Trainer Thompson testified that she wasn't surprised that her fifth place finishing horse was chosen for testing, but was annoyed at the fact that she would have to wait around for the horse to urinate before they could leave.

7.12 Trainer Thompson was questioned about her knowledge of Clenbuterol. She confirmed that she was familiar with Clenbuterol from the time when she used to race quarter horses. Trainer Thompson recalled that there used to be at least three weeks clearance time with blood and urine tests for Clenbuterol, with a less predictable clearance time when hair was tested. Trainer Thompson expressed that the amount of time in which Clenbuterol would stay with a horse seemed very unpredictable.

7.13 Trainer Thompson testified that she was aware of the substantial risk of detection by administering Clenbuterol so close to a race and she was aware that the presence of a banned substance could result in a two-year suspension. Trainer Thompson stated that such a suspension would destroy everything that she had worked for over the past few years.

7.14 Trainer Thompson testified that she did not have a financial incentive to cheat because the winner of the race at Belterra Park would have received a purse of $5,000. The Respondent stated her belief that there had to have been a mistake. She recalled being cooperative with the HIWU investigators. Trainer Thompson acknowledged that with Clenbuterol in the A Sample at a level of 2500 picograms, the chances were very high that the B Sample would confirm the presence of Clenbuterol.

7.15 Trainer Thompson testified that she found the stall conditions at Belterra Park to be substandard compared to those at other facilities. The Respondent recalled that the stalls at Belterra Park were wooded and were back to back. The stall floor was covered with straw on top of dirt and limestone. Trainer Thomspon noted that other barns had mats on the ground but that was not the case at Belterra Park. Trainer Thompson added that the Indiana barn that she is most familiar with has metal or plastic covers on the wall and the floors are concrete. The Respondent recalled that in between races, the stalls were completely stripped and sanitized at the Indiana facility.

7.16 Trainer Thompson speculated that Motion to Adjourn's positive test must have been due to something that the horse picked up in the receiving barn at Belterra Park. She noted that since Motion to Adjourn's positive test, her other horses have been tested, including several out of competition tests in which blood and hair have been tested, without any positive findings.

7.17 Trainer Thompson confirmed that Motion to Adjourn has never been prescribed Clenbuterol. The Respondent testified that she spoke to her veterinarians after the positive test and also questioned her partner Brian, who was the only other person who worked with her horses. Trainer Thompson testified that none of her other horses have been prescribed Clenbuterol and there was no accidental administration of Clenbuterol by herself or her staff.

7.18 Trainer Thompson stated that she had no idea how Motion to Adjourn came into contact with Clenbuterol. The Trainer recalled that ten horses were shipped to Belterra Park on June 5, 2025. Trainer Thompson estimated that she her horses had raced at Belterra Park between eight to ten times without incident. She and her partner Brian were responsible for transporting the horses to Belterra Park. Trainer Thompson recalled that

they had arrived at Belterra Park about four hours before the race. The Respondent also recalled that the stalls at Belterra Park were in the same condition on June 5, 2025, than on other occasions when she attended the facility.

7.19 In the words of Trainer Thompson, "the horses pee and pee and pee. Its kind of messy, the barn smells, there is always urine present in the underneath, in the flooring of the barn. Every time I have been to Belterra it has been the same…hot, humid, smelly." Trainer Thompson maintained that on June 5, 2025, no one stall was worse than any other and that is why she did not ask for Motion to Adjourn to be moved to a different stall.

7.20 Trainer Thompson recalled that Motion to Adjourn was in his stall at Belterra Park for about four hours. The Respondent confirmed that she was not aware of any other horses testing positive at Belterra Park in 2025. Trainer Thompson stated that she doesn't really ship horses to Belterra Park anymore, she will ship to other tracks but not to Belterra Park.

VIII. ANALYSIS

8.1 While all evidence and legal authorities submitted were considered by the Arbitrator, this section necessarily refers only to the evidence and law that the Arbitrator relied upon in reaching this Final Decision.

8.2 Pursuant to Rule 3121, the burden of proof is on the Agency to establish that a violation of the ADMC Program has occurred to the comfortable satisfaction of the Panel. This standard of proof is higher than a balance of probabilities but lower than clear and convincing evidence or proof beyond a reasonable doubt.

8.3 The presence of Clenbuterol in Motion to Adjourn's Post-Race Sample constitutes an Equine Anti-Doping Rule Violation of the ADMC Program. The Respondent has conceded that Clenbuterol was found in the post-race Sample taken from Motion to Adjourn.

8.4 Trainer Thompson has not claimed or introduced evidence that the Clenbuterol detected in Motion to Adjourn's Sample was the result of a valid veterinarian-patient client relationship, nor is it claimed that Motion to Adjourn participated in Clearance or Re-Entry Testing prior to its Covered Horserace on June 5, 2025.

8.5 ADMC Program Rule 3212 (a) states that "the Responsible Person is strictly liable for any Banned Substance or its Metabolites or Markers found to be present in a Sample collected from his or her Covered Horse(s). The rule adds that "it is not necessary to demonstrate 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 3212 Anti-Doping Rule Violation.

8.6 In analyzing the allegations against Trainer Thompson, I have evaluated the evidence using the "comfortable satisfaction" standard described above.

8.7 I am well satisfied to a degree of comfortable satisfaction that Trainer Thompson is responsible for violating ADMC Program Rule 3212 for the presence of Clenbuterol, a category S3 Banned Substance in Motion to Adjourn's Post-Race Sample taken on June 5, 2025.

8.8 Given the strict liability standard imposed by the ADMC Program, the only remaining issue is whether Trainer Thompson has presented credible evidence that would entitle her to mitigated consequences under the No Fault or Negligence or No Significant Fault or Negligence standards set forth in Rules 3224 and 3225.

8.9 The thrust of Trainer Thompson's defense has focused on her argument that based on the evidence presented in this proceeding, she should be entitled to a reduction of consequences based of a finding of No Fault or No Significant Fault.

Is Trainer Thompson Entitled to a Reduction of Consequences?

8.10 I have determined that Trainer Thompson committed a violation of Rule 3212. The question now to be determined is whether the otherwise applicable Consequences should be reduced after an assessment of Trainer Thompson's fault.

No Fault or Negligence

8.11 No Fault or Negligence is a defined term under the ADMC Program and sets a high standard for a Covered Person to meet. The definition of No Fault or Negligence is as follows:

> *No Fault or Negligence means the Covered Person establishing that he or she did not know or suspect, and could not reasonably have known or suspected, even with the utmost caution, that he or she had administered to the Covered Horse (or that*

the Covered Horse's system otherwise contained) a Banned Substance or a Controlled Medication Substance, or that he or she had Used on the Covered Horse a Banned Method or a Controlled Medication Method, or otherwise committed an Anti-Doping Rule Violation. For any violation of Rule 3212 or Rule 3312, the Covered Person must also establish how the Prohibited Substance entered the Covered Horse's system in order to establish No Fault or Negligence.

8.12 The ADMC Program defines No Significant Fault or Negligence as:

the Covered Person establishing that his or her fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the Anti- Doping Rule Violation or Controlled Medication Rule Violation in question. For any violation of Rule 3212 or 3312, the Covered Person must also establish how the Prohibited Substance entered the Covered Horse's system in order to establish No Significant Fault or Negligence.

8.13 It is well established that No Fault is reserved for the most exceptional circumstances. It is not sufficient for the Covered Person to deny intentional administration or to argue that the only logical explanation must be inadvertent ingestion. Nor is it enough to establish that inadvertent contamination is a possible explanation on the facts and the science as was determined in the case of *Khaled Abdullaziz Al Eid & Abdullah Waleed Sharbatly v. FEI, CAS 2012/A/2807 & 2808.*

8.14 As a pre-condition to applying either the No Fault or No Significant Fault provisions, Trainer Thompson must demonstrate how Clenbuterol entered Motion to Adjourn's system.

8.15 Trainer Thompson has not offered any evidence of source. She has offered instead a theory that it would be illogical and career suicide for a Trainer with a clean record to intentionally dope a horse with Clenbuterol within forty-eight hours of a race, when such contravention of the rules would almost certainly be detected.

8.16 Trainer Thompson offers a number of possibilities for the Arbitrator to choose from regarding the source of the Clenbuterol. Accidental exposure is one possibility, as is environmental contamination. Unauthorized third-party conduct is suggested as another possibility as to how Clenbuterol might have entered Motion to Adjourn's System. "Other non-purposeful mechanisms of exposure" is offered as a catch-all possibility to cover scenarios that were not expressly mentioned.

8.17 Evidence of source is a pre-requisite in order for Trainer Thompson to benefit from the provisions of ADMC Program Rule 3224 or 3225. Trainer Thompson has not offered any evidence that any other horse at Belterra Park was taking Clenbuterol at any relevant time. Trainer Thompson has only offered a theory that the messy, urine soaked stall might have been a contributing factor to Motion to Adjourn's positive test.

8.18 No evidence was presented from Brian Schling or Santiago Ramos, the two other individuals who had authorized access to Motion to Adjourn on June 5, 2025. In the absence of that testimony, Trainer Thompson is unable to satisfactorily demonstrate that she exercised the "utmost caution". Trainer Thompson cannot meet the "extreme and exceptional circumstances" threshold required in order to benefit from a finding of No Fault.

8.19 ADMC Program Rule 3225 alternatively allows for the reduction of sanction where there is a finding of No Significant Fault or Negligence:

> (a) General Rule
>
> Where the Covered Person establishes that he or she bears No Significant Fault or Negligence for the Anti-Doping Rule Violation in question, then...the period of Ineligibility shall be fixed between 3 months and 2 years, depending on the Covered Person's degree of Fault.

8.20 To benefit from Rule 3225, Trainer Thompson must demonstrate how Clenbuterol entered Motion to Adjourn's system and that her fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the Anti-Doping Rule Violation. As stated above, Trainer Thompson has only offered a series of possible theories as to how Clenbuterol entered Motion to Adjourn's system. Source must be proven by a balance of probabilities.

8.21 Trainer Thompson did not offer any expert evidence demonstrating that there was cross-contamination of Clenbuterol or that Motion to Adjourn was susceptible to environmental contamination after being placed in the stall at Belterra Park. Just prior to the commencement of the hearing, the Respondent filed two articles on Clenbuterol. Those articles have limited relevance. They state that Clenbuterol has a clearance time ranging between fourteen and twenty-one days, but offer no assistance in determining how Clenbuterol entered Motion to Adjourn's system.

8.22 As ALJ Himes stated *In the Matter of Philip Serpe, ...* "speculation is not proof. Similarly speculative is the notion that contamination occurred in the test barn itself. Procedures exist to minimize that risk, and there is no evidence they weren't followed here, or that anyone in the test barn handled clenbuterol when Fast Kimmie was tested."

8.23 When considering the totality of the circumstances, I find that Trainer Thompson undertook a somewhat cursory investigation after learning of the positive test for Clenbuterol. She testified that she asked questions of her staff, viewed some camera footage from the barn where Motion to Adjourn was housed, but made limited inquiries of personnel at Belterra Park. Trainer Thompson has argued that contamination in the stall at Belterra Park is the only logical conclusion. That contention is not supported by the evidence.

8.24 While I have addressed some of the perceived shortcomings in the Respondent's argument that she should benefit from the No Fault or No Significant Fault provisions of the Rules, Trainer Thompson's inability to prove the source of the Clenbuterol by a preponderance of the evidence obviated the need to consider the other requirements of either No Fault or No Significant Fault.

8.25 Trainer Thompson appears to have been cooperative with regard to the HIWU Investigation. She testified in a straightforward and sincere manner. The Respondent has argued that she is a good faith participant who would not have committed such a serious violation of the rules for the chance at a $5,000 purse. Trainer Thompson has asked for mercy under these circumstances.

8.26 Trainer Thompson's case relies on her own denial that she or anyone working with her administered Clenbuterol to Motion to Adjourn; her suggestion that the high level of Clenbuterol found in Motion to Adjourn's system was indicative of administration within 24 to 48 hours of the race; the possibility of environmental contamination; and the possibility of sabotage by persons unknown. Trainer Thompson has also argued that it would not make sense for someone in her position to be involved in administering Clenbuterol to a horse less than 48 hours before a race with a small purse of $5,000.

8.27 As ALJ Himes stated *in the Matter of Philip Serpe*, "denial is the coin of the realm, available to the innocent and the guilty alike. According it too much weight would weaken the fight against doping in equine and human sport alike, and disserve the very Rules that must be enforced."

8.28 A violation of ADMC Program Rule 3212 has been established and Trainer Thompson failed to meet her burden to demonstrate by a balance of probabilities that she is entitled to a finding of No Fault or No Significant Fault. Trainer Thompson is therefore not entitled to a reduction of Consequences as outlined in ADMC Program Rules 3224 and 3225.

8.29 The Arbitrator determines based on the specific facts and circumstances of this case, including Trainer Thompson's failure to meet the threshold requirement of establishing the source of the AAF in order to be eligible to receive a reduction in sanction based on the degree of fault, the fine should be set at $25,000, to be paid by the end of the period of Ineligibility.

8.30 The Agency seeks payment of some or all adjudication costs. The Arbitrator in exercising his discretion, declines to shift payment of any adjudication costs to the Respondent. The Arbitrator concludes that the consequences so ordered are sufficient, adequate and appropriate, given the circumstances and nature of the ADRV in this case.

IX. AWARD

9.1 On the basis of the foregoing facts, legal analysis, and conclusions of fact, the Arbitrator renders the following decision:

(a) Trainer Thompson is found to have committed one (1) first-offence Rule 3212 Presence Anti-Doping Rule Violation as described above.

(b) Trainer Thompson shall serve a period of Ineligibility of two (2) years to be served consecutively to any Consequences imposed in any other matters, pursuant to ADMC Program Rule 3223 (c) (2);

(c) Trainer Thompson shall pay a fine of $25,000 USD to the Agency, by the end of the period of Ineligibility described above;

(d) A period of Ineligibility of 60 days for the Covered Horse, Motion to Adjourn, and subject to a Re-Entry Test, in accordance with ADMC Program Rule 3230 (b)(2);

(e) Automatic Disqualification of the results of Motion to Adjourn obtained June 5, 2025, in Race 7 at Belterra Park Racing in Cincinnati, Ohio; and forfeiture of all purses and other compensation, prizes, trophies, points, and ranking and

repayment or surrender (as applicable) to the Race Organizer (ADMC Program Rule 3620); and

(f) Automatic Public disclosure pursuant to ADMC Program Rules 3620 and 3231.

This Decision shall be in full and final resolution of all claims and counterclaims submitted to this arbitration. All claims not expressly granted herein and hereby denied.

IT IS SO ORDERED AND AWARDED.

Dated: June 30, 2026

Hugh Fraser

Hon. Hugh L. Fraser, O.C.

Arbitrator