

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES
FTC DOCKET NO. D09418**

**ADMINISTRATIVE LAW JUDGE: D. MICHAEL CHAPPELL
CHIEF ADMINISTRATIVE LAW JUDGE**

IN THE MATTER OF:

MILTON PINEDA

APPELLANT

**RESPONSE TO NOTICE OF APPEAL
AND APPLICATION FOR REVIEW**

The Horseracing Integrity and Safety Authority (the “Authority”) files this Response to Appellant Milton Pineda’s Notice of Appeal and Application for Review. The Authority moves the Commission to uphold the imposition of sanctions (the “Imposed Sanctions”) by the Horseracing Integrity & Welfare Unit (“HIWU”) under the Authority’s Anti-Doping and Medical Control (“ADMC”) Program and deny Appellant’s request for an evidentiary hearing. In addition, Appellant’s request to stay the Imposed Sanctions during the pendency of the Administrative Law Judge’s (“ALJ”) review should be denied, as Appellant has made no effort to meet the four-prong test set forth in 16 CFR 1.148(d).

The Imposed Sanctions in this case were not based upon a Final Decision of HIWU, the Arbitral Body, or the Internal Adjudication Panel. They were based upon an Admission of Equine Anti-Doping Rule Violations and Acceptance of Consequences (the “Admission”), which was signed by Mr. Pineda himself. (See Exhibit 1). The Admission states: “I admit that I have committed eight (8) Equine Anti-Doping (“EAD”) Rule Violations pursuant to Anti-Doping Medication Control (“ADMC”) Program Rule 3212, (Presence of a Prohibited Substance in a Post

Race Sample) under the Protocol and I accept the following Consequences”; those “following Consequences” are the Imposed Sanctions at issue here. It also states:

“I knowingly and voluntarily waive my right to a hearing under the Protocol.

I acknowledge that I have the right to seek my own legal counsel. I acknowledge that I have either consulted with my own counsel regarding the terms and conditions of this agreement, or I knowingly and affirmatively waive the right to do so.

By signing below, I acknowledge that I have read and fully understand this Admission of an EAD Rule Violations and Acceptance of Consequences form and admit to the above violations and accept the resulting Consequences set forth above.”

The Appellant was represented by counsel at the time that he executed the Admission. In fact, his counsel submitted the signed Admission to HIWU.

Prior to the Admission, under the ADMC Program Arbitration Procedures, Mr. Pineda requested a hearing before the Arbitral Body, which was initiated on August 22, 2023 (See Exhibit 2), and Arbitrator Nancy Holtz was selected by JAMS (the administrator of the Arbitral Body) to hear the case. Instead of proceeding to a hearing under the ADMC Program, Mr. Pineda voluntarily signed the Admission. Based upon the Admission, notice of the Imposed Sanctions were served on Mr. Pineda on September 21, 2023. Between that date and the filing of this appeal, Appellant never contacted HIWU to request the withdrawal of Admission and/or to reassert his request for a hearing before the Arbitral Body. It is a request that HIWU would have permitted. (In fact, HIWU accepted such a withdrawal today. (See Exhibit 3.) Allowing the first evidentiary hearing at the appeal stage after the execution of the Admission would allow Mr. Pineda to improperly circumvent the procedures and process of the ADMC Program. He expressly waived his right to a hearing, and, as a result, forfeited all arguments on the merits as to whether he committed the eight ADMC Program violations at issue.

Appellant challenges the Imposed Sanctions and requests *de novo* review under 15 U.S.C. § 3058(b)(1)-(3) and 16 C.F.R. 1.1 46(b) for multiple reasons. First, Appellant states that the penalty assessed is “arbitrary, capricious, an abuse of discretion, prejudicial, or otherwise not in accordance with law.” The Imposed Sanctions were based upon the Admission, which was voluntarily signed by Mr. Pineda, who was free to refuse to sign it and move forward with the procedures before the Arbitral Body. He should not be able to “skip the line” and move straight to an evidentiary hearing before the Commission because he now has “buyer’s remorse.” That result would allow Appellant to completely ignore a vital part of the ADMC Program, the Arbitration Procedures, and would be an assault on the integrity of the ADMC Program itself. Such gamesmanship should not be permitted.

Second, Appellant argues that the “Imposed Sanctions” violate “accepted standards established in the decisional law of the FEI and CSA as to how the punishment must follow and be commensurate with the violation.” The Admission which provided the basis for the Imposed Sanctions is consistent with, and complies with, the requirements of the ADMC Program with respect to Consequences and the determination of Anti-Doping Rules Violations. In addition, this is not the proper forum to challenge the requirements of the ADMC Program itself, which are federal regulations that have been approved by the Commission.

Lastly, Appellant claims that the Imposed Sanctions are unconstitutional under the Eighth Amendment. This is also not the proper forum for any claims that the ADMC Program or the provisions thereof are unconstitutional. However, the Authority again notes that Appellant was free to reject the Admission and not accept the Consequences include therein.

For the reasons set forth above, the Imposed Sanctions should be upheld and Appellant’s request for an evidentiary hearing should be denied. If Appellant wishes to withdraw his

Admission, the Authority will accept that withdrawal and re-initiate the Arbitration Procedures before the ADMC Program's Arbitral Body.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 23rd day of October, 2023.

**STURGILL, TURNER, BARKER, &
MOLONEY, PLLC**

/s/ Bryan Beauman

BRYAN BEAUMAN

REBECCA PRICE

333 W. Vine Street, Suite 1500

Lexington, Kentucky 40507

Telephone: (859) 255-8581

bbeauman@sturgillturner.com

rprice@sturgillturner.com

HISA ENFORCEMENT COUNSEL

CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2023, pursuant to Federal Trade Commission Rules of Practice 4.2(c) and 4.4(b), I caused the foregoing Response to Notice of Appeal to be filed and served as follows:

Hon. D. Michael Chappell
Chief Administrative Law Judge
Office of Administrative Law Judges
Federal Trade Commission
600 Pennsylvania Ave. NW
Washington DC 20580
Via e-mail to OALJ@ftc.gov

April Tabor
Office of the Secretary
Federal Trade Commission
600 Pennsylvania Ave. NW
Washington, DC 20580
Via email to electronicfilings@ftc.gov

Darrell J. Vienna CA SBN: 163794
5256 S. Mission Road, Ste. 703-808
Bonsall, CA 92003
626.590.9999
horselawyer@gmail.com

Carlo Fisco CA SBN: 166274
P.O. Box 2554
Culver City, CA 90231
310.390.3311
cfisco@aol.com

/s/Bryan Beauman
Counsel for Horseracing Integrity and Safety
Authority



Admission of Equine Anti-Doping Rule Violations and Acceptance of Consequences

I, Milton Pineda, hereby acknowledge that I have violated Rule Series 3000 Equine Anti-Doping and Controlled Medication Protocol (the “Protocol”) as a result of Diisopropylamine, a Banned Substance, being detected in the following Samples:

- (i) Bella Renella’s Sample #U100276435 collected Post Race at Santa Anita Park on June 2, 2023;
- (ii) Flatterwithjewels Sample #U100332446 collected Post Race at Santa Anita Park on June 9, 2023;
- (iii) Big Splash’s Sample #U100332311 collected Post Race at Santa Anita Park on June 10, 2023;
- (iv) Bella Renella’s Sample #U100331404 collected Post Race at Santa Anita Park on June 18, 2023;
- (v) Chollima’s Sample #U100187889 collected Post Race at Los Alamitos Race Course on June 23, 2023;
- (vi) Catbernay’s Sample #U100331628 collected Post Race at Los Alamitos Race Course on July 1, 2023;
- (vii) Keep You Coil’s Sample #U100330497 collected Post Race at Los Alamitos Race Course on July 2, 2023; and
- (viii) Wagonahavagoodtime’s Sample #U100331040 collected Post Race at Los Alamitos Race Course on July 4, 2023.

I admit that I have committed eight (8) Equine Anti-Doping (“EAD”) Rule Violations pursuant to Anti-Doping Medication Control (“ADMC”) Program Rule 3212, (Presence of a Prohibited Substance in a Post Race Sample) under the Protocol and I accept the following Consequences:

1. Disqualification of the results of Bella Renella obtained on June 2, 2023, with resulting Consequences of Disqualification of results including forfeiture of all purses and other compensation, prizes, trophies, points, and rankings and repayment or surrender (as applicable) of such to the Race Organizer (ADMC Program Rule 3221);
2. Disqualification of the results of Flatterwithjewels obtained on June 9, 2023, with resulting Consequences of Disqualification of results including forfeiture of all purses and other compensation, prizes, trophies, points, and rankings and repayment or surrender (as applicable) of such to the Race Organizer (ADMC Program Rule 3221);
3. Disqualification of the results of Big Splash obtained on June 10, 2023 and June 24, 2023, with resulting Consequences of Disqualification of results including forfeiture of all purses



and other compensation, prizes, trophies, points, and rankings and repayment or surrender (as applicable) of such to the Race Organizer (ADMC Program Rule 3221);

4. Disqualification of the results of Bella Renella obtained on June 18, 2023, with resulting Consequences of Disqualification of results including forfeiture of all purses and other compensation, prizes, trophies, points, and rankings and repayment or surrender (as applicable) of such to the Race Organizer (ADMC Program Rule 3221);
5. Disqualification of the results of Chollima obtained on June 23, 2023 and July 4, 2023, with resulting Consequences of Disqualification of results including forfeiture of all purses and other compensation, prizes, trophies, points, and rankings and repayment or surrender (as applicable) of such to the Race Organizer (ADMC Program Rule 3221);
6. Disqualification of the results of Catbernay obtained on July 1, 2023, with resulting Consequences of Disqualification of results including forfeiture of all purses and other compensation, prizes, trophies, points, and rankings and repayment or surrender (as applicable) of such to the Race Organizer (ADMC Program Rule 3221);
7. Disqualification of the results of Keep Your Coil obtained on July 2, 2023, with resulting Consequences of Disqualification of results including forfeiture of all purses and other compensation, prizes, trophies, points, and rankings and repayment or surrender (as applicable) of such to the Race Organizer (ADMC Program Rule 3221); and
8. Disqualification of the results of Wagonahavagoodtime obtained on July 4, 2023, with resulting Consequences of Disqualification of results including forfeiture of all purses and other compensation, prizes, trophies, points, and rankings and repayment or surrender (as applicable) of such to the Race Organizer (ADMC Program Rule 3221).
9. A fine of \$100,000.00 (\$12,500 per violation) in accordance with ADMC Program Rule 3223;
10. A 12 year (144 month) period of Ineligibility (18 months per violation) in accordance with ADMC Program Rule 3223; and
11. Public reporting in accordance with ADMC Program Rule 3610(b) and Public Disclosure in accordance with ADMC Program Rule 3620.

I understand that during my period of Ineligibility, my Covered Horses cannot participate in any Timed and Reported Workouts or Covered Horseraces. I understand I may engage in caring for and exercising my Covered Horses. In addition, I understand that I: (i) must take down or cover any personal signage bearing my name where the Covered Horses are located at the racetrack; (ii) cannot claim Covered Horses or bring new Covered Horses into my barn; and (iii) cannot be



employed in any capacity involving Covered Horses (including, but not limited to, acting as an agent for an Owner of Covered Horses or working as an exercise rider for Covered Horses.)

As a Trainer, I understand that my Covered Horse(s) may not participate in any Timed and Reported Workout or Covered Horserace unless and until they have been transferred to another Responsible Person. For the “transfer” to be valid, I understand it must be (i) approved by the stewards, and (ii) registered with HISA. If I am an Owner of any Covered Horses, I understand that ownership of the Covered Horse must be transferred in order for it to be eligible to participate in any Timed and Reported Workout or Covered Horserace. Failure to comply may result in an Anti-Doping Rule Violation under Rule 3216(c).

If, during the period of Ineligibility, I violate the prohibition against participation as described in ADMC Program Rule 3229 (Protocol), I understand that any results obtained from such participation shall be Disqualified and a new period of Ineligibility equal in length to the original period of Ineligibility shall be added to the end of my original period of Ineligibility. By admitting the EAD Rule Violations and accepting the Consequences, I agree that HIWU shall determine whether there has been a violation of the prohibition against participation and apply the appropriate consequences pursuant to ADMC Program Rule 3261 (Protocol).

I understand that to be reinstated I must have respected the period of Ineligibility and repaid or surrendered any purses and other compensation, prizes, trophies, points, and rankings forfeited, and paid any fines and reimbursed any costs imposed or accepted to HIWU, unless an installment plan was established pursuant to ADMC Program Rule 3232(b) (Protocol), in which case I must have made all payments due under that plan. Where fairness requires, HIWU or the Arbitral Body may establish an installment plan for repayment of amounts due to be paid or reimbursed under the Protocol. The payment schedule may extend beyond any period of Ineligibility imposed upon me.

Where fairness requires, the Horseracing Integrity & Welfare Unit (“HIWU”) or the Arbitral Body may establish an installment plan for repayment of amounts due to be paid or reimbursed under the Protocol. The payment schedule may extend beyond any period of Ineligibility imposed upon me.

If any installment(s) subsequently become(s) overdue under that plan (i.e., after reinstatement), myself and the Covered Horse(s) under my ownership and/or training may not participate in any Timed and Reported Workout or Covered Horserace until such overdue installment(s) is/are paid in full. An installment plan can be requested from the HIWU attorney that handled your matter.

I acknowledge and understand that HIWU will communicate the Decision related to my admission of the EAD Rule Violations and my acceptance of the Consequences to the Horseracing Integrity and Safety Authority (“HISA”).



I agree to update HISA's online registration portal regarding any changes to my Covered Horses' whereabouts information.

I knowingly and voluntarily waive my right to a hearing under the Protocol.

I acknowledge that I have the right to seek my own legal counsel. I acknowledge that I have either consulted with my own counsel regarding the terms and conditions of this agreement, or I knowingly and affirmatively waive the right to do so.

By signing below, I acknowledge that I have read and fully understand this Admission of an EAD Rule Violations and Acceptance of Consequences form and admit to the above violations and accept the resulting Consequences set forth above.

[Handwritten signature]

9-18-23

Signature of Milton Pineda

Date

Milton Pineda

Printed Name of Milton Pineda



HIWU
Allison J. Farrell
Sr. Litigation Counsel
afarrell@hiwu.org

August 22, 2023

VIA EMAIL

JAMS

160 W. Santa Clara St. #1600

San Jose, CA 95113

msatterthwaite@jamsadr.com

NHutchinson@jamsadr.com

DTkaczuk@jamsadr.com

Re: Initiating Letter for Binding Arbitration
HIWU v. Milton Pineda
HIWU Case EAD2023-12; EAD2023-30

To JAMS:

In accordance with ADMC Program Rule 7060(a) (Arbitration Procedures), the Horseracing Integrity & Welfare Unit (“HIWU”) is initiating a binding arbitration against Covered Person Milton Pineda. Enclosed please find copies of HIWU’s Notice Letters and Charge Letters for your reference.

HIWU requests that JAMS commence an Arbitration pursuant to ADMC Program Rule 7060(a) (Arbitration Procedures) and the Best Practices for the Arbitral Body as approved by the Horseracing Integrity and Safety Authority (“HISA”).

By copy of this Initiating Letter, HIWU is notifying both HISA and the Owner of the Covered Horses at issue in this case, Lizbeth Medina, of their right under ADMC Program Rule 7060(a) (Arbitration Procedures) to join the Proceeding as observers. If they wish to accept and thus receive copies of the filings in this case, they should notify all Parties and JAMS immediately. In addition, under Rule 7060(a), the Owner may be permitted to intervene and make written or oral submissions. Unless otherwise agreed by the Arbitral Body, only the following Owners may attend hearings before the Arbitral Body: (1) if the Covered Horse is owned by one individual, that individual; and (2) if the Covered Horse is owned by more than one individual or by a partnership, corporation, limited liability company, syndicate, or other association or entity, either or both the Designated Owner or Managing Owner (or their designee).

Should you have any questions, please do not hesitate to contact me.



Sincerely,

Encls.: EAD Notice Letters
EAD Charge Letters

Allison Farrell
Allison J. Farrell

cc (w/ encls.): Counsel for Covered Person, Darrell Vienna
HISA
Lizbeth Medina, Owner of Bella Renella, Wagonahavagoodtime per HISA portal



CONFIDENTIAL

Allison J. Farrell
Senior Litigation Counsel
Horseracing Integrity & Welfare Unit
4801 Main Street
Suite 350
Kansas City, MO 64112-2749

July 6, 2023

DELIVERED VIA PERSONAL SERVICE

Milton Pineda



***Re: EAD Notice of Alleged Anti-Doping Rule Violation
Covered Horse: Bella Renella
Sample #U100331404***

Dear Mr. Pineda,

This Equine Anti-Doping (“EAD”) Notice letter is issued pursuant to Anti-Doping Medication Control (“ADMC”) Program Rule 3245 of the Protocol (defined below) and serves to inform you that a Sample collected from the Covered Horse Bella Renella as part of a Sample Collection Session conducted under the authority of the Horseracing Integrity & Welfare Unit (“HIWU”) has resulted in an Adverse Analytical Finding (“AAF”) and may result in Anti-Doping Rule Violation(s) and related Consequences. The violations, as described below, may only be committed by Covered Persons, but the Consequences may apply to both you and Bella Renella.

I. Anti-Doping Rules - General

You and Bella Renella are subject to the Equine Anti-Doping and Controlled Medication Protocol codified as Rule Series 3000 of the ADMC Program (the “Protocol”), including its supporting rules and documents. Results Management of this matter is the responsibility of HIWU.



HIWU conducts Results Management in accordance with ADMC Program Rule 3240 of the Protocol and the Equine Testing and Investigations Standards. Capitalized terms used, but not defined within this letter, are as defined in Rule 1020 of the General Provisions and the Protocol.

II. Alleged Anti-Doping Rule Violation(s) and Potential Consequences - Specific

Specifically, as a Responsible Person as defined in ADMC Program Rule 3030 of the Protocol, ADMC Program Rule 3212 holds you strictly liable for any Banned Substance and/or its Metabolites or Markers present in a Sample collected from your Covered Horse(s). Pursuant to the Protocol, the AAF may result in the following Anti-Doping Rule Violation(s): Presence of a Banned Substance and/or its Metabolites or Markers (ADMC Program Rule 3212) – Diisopropylamine.

If it is agreed or determined that an Anti-Doping Rule Violation has occurred, the following Consequences may be imposed pursuant to ADMC Program Rules 3221, 3222, and 3223, including, but not limited to, Disqualification of Covered Horse's results; forfeiture of compensation, prizes, purses, trophies, points, and rankings; fines; a period of two years of Ineligibility for you and a period of up to fourteen (14) months of Ineligibility for Bella Renella; a fine of up to \$25,000 USD or 25% of the purse, whichever is greater; payment of adjudication costs and some or all of HIWU's legal fees; and Public Disclosure pursuant to ADMC Program Rule 3620 of the Protocol.

Note that, in the event that Bella Renella's results are subject to automatic Disqualification under ADMC Program Rule 3221(a) of the Protocol, the Responsible Person, the Owner, and HIWU may agree to apply ADMC Program Rule 3221 (Protocol) immediately or any one of them may request that the Arbitral Body apply ADMC Program Rule 3221 (Protocol) immediately.

III. AAF Testing and Results

On June 18, 2023, Sample Collection Personnel collected a urine Sample, designated as Sample #U100331404 from Bella Renella Post Race from Race 4 at Santa Anita Park. Bella Renella's A Sample was submitted the Kenneth L. Maddy Analytical Chemistry Laboratory ("UC Davis Lab") in Davis, CA for analysis. The UC Davis Lab analyzed the A Sample in accordance with the Equine Standards for Laboratories and Accreditation and reported an AAF because it detected Diisopropylamine. Diisopropylamine is a category S0 Banned Substance on the Prohibited List and Technical Document–Prohibited Substances. The UC Davis Lab's A Sample certificate of analysis is enclosed for your reference, as well as a copy of the Sample Collection Documentation.



You, as the Responsible Person, and the Owner of Bella Renella both have the right to receive copies of the A Sample Laboratory Documentation Package after the B Sample analysis has been completed or the analysis of the B Sample is waived. The details regarding the B Sample are set forth below.

IV. B Sample Analysis

You and the Owner have the right to request the analysis of the B Sample. You or the Owner will be required to pay the cost, in advance, to have the B Sample analyzed and B Sample Laboratory Documentation Package prepared. If you or the Owner would like the B Sample analyzed, please submit a request, in writing, to results@hiwu.org by **July 11, 2023, on or before 5pm CST**. If such request is not made by the deadline, then the B Sample analysis will be deemed waived.

Provided HIWU receives a request by **July 11, 2023, on or before 5pm CST**, HIWU will notify you and the Owner, in writing, of the scheduled date, time, and Laboratory where the B Sample analysis will be completed, the amount due, and date on which the payment must be received. Payment for the analysis must be received by HIWU before the Laboratory will begin such analysis. Please submit your payment on the Horseracing Integrity and Safety Authority's ("HISA") online portal. If such payment is not made on time, then the B Sample analysis will be deemed waived.

You and the Owner, if agreed upon, may waive analysis of the B Sample and accept the A Sample results. If you and the Owner choose to accept the A Sample results, please sign the enclosed Acceptance of A Sample Results and B Sample Waiver Form and return it to results@hiwu.org no later than **July 11, 2023**. Please note that, regardless of said waiver, HIWU retains the right to proceed with the B Sample analysis at its own expense.

V. Provisional Suspension

As required by ADMC Program Rule 3247(a)(1) of the Protocol, HIWU has imposed a Provisional Suspension on you as the Responsible Person and Bella Renella effective as of today, **July 6, 2023**. Bella Renella may not participate in any Timed and Reported Workout or Covered Horserace and shall remain subject to Testing. You may not participate in any capacity in any activity involving Covered Horses, or in any other activity (other than authorized anti-doping education or rehabilitation programs) taking place at a Racetrack or Training Facility, or permit anyone to participate in any capacity on your behalf in any such activities, except to the extent that you are an Owner and the activity is necessary to ensure the safekeeping and wellbeing of the horse during the Provisional Suspension.



As a Trainer, your Covered Horse(s) may not participate in any Timed and Reported Workout or Covered Horserace unless and until your Covered Horse(s) have been transferred to another Covered Person. For the 'transfer' to be valid, (i) it must be registered with HISA, and (ii) the Covered Horse(s) must be physically relocated to facilities under the care or control of a Covered Person who is not affiliated with you. Failure to comply may result in an Anti-Doping Rule Violation under ADMC Program Rule 3216(c) of the Protocol. To transfer your Covered Horse(s), please contact Linda Lankester, System Integrity & Operations Assistance at HISA, at (859) 514-0287. Please be advised that, during your Provisional Suspension, you will not have access to the full functionality of the HISA Portal.

Additionally, the Covered Horse of an Owner who is subject to Provisional Suspension or period of Ineligibility may not participate in any Timed and Reported Workout or Covered Horserace unless they have been transferred in a bona fide transaction to a different Owner. If an Immediate Family Member has any ownership or property interest in the Covered Horse following such transfer, the transfer shall not constitute a bona fide transaction to a different Owner.

You, on your own behalf and on behalf of Bella Renella, have the opportunity for a Provisional Hearing on a timely basis after imposition of the Provisional Suspension or an opportunity for an expedited hearing in accordance with ADMC Program Rule 3262 (Protocol) on a timely basis after imposition of the Provisional Suspension.

Please inform HIWU, in writing, by **July 11, 2023, on or before 5pm CST** if you intend to exercise your right to a Provisional Hearing. Provisional Hearings will be conducted by the Arbitral Body and heard via telephone or video conference. Arbitral Body will only make a determination regarding whether HIWU's decision to impose a Provisional Suspension shall be maintained; the Arbitral Body will not take up any other issues in the Provisional Hearing. ADMC Program Rule 3247(c) (Protocol) requires that HIWU's decision to impose a Provisional Suspension shall be maintained unless the Responsible Person/Covered Person requesting the lifting of the Provisional Suspension establishes one of the four criteria set forth in ADMC Program Rule 3247(c)(1-4) (Protocol). Note that if you and Bella Renella respect the Provisional Suspension, the time served under the Provisional Suspension will be credited against any period of Ineligibility that may ultimately be imposed.

If you or Bella Renella intends to participate in a Covered Horserace within forty-five (45) days, HIWU may, in its sole discretion, choose to address the case on an expedited basis to ensure resolution of the matter prior to the Covered Horserace. Please notify HIWU, in writing, immediately if you or Bella Renella intends to participate in any Covered Horserace within forty-five (45) days.



VI. Resolution and Your Rights Under the Protocol: Substantial Assistance, Early Admission, and Explanation

In accordance with ADMC Program Rule 3226 of the Protocol, you have the opportunity to provide Substantial Assistance or admit the alleged Anti-Doping Rule Violation(s) with the potential benefit of receiving a reduction to any period of Ineligibility that may be imposed. Further, you may seek to enter into a case resolution without a hearing pursuant to ADMC Program Rule 3249 (Protocol). In this case, early admittance and acceptance of the violations under ADMC Program Rule 3226(d)(2) would reduce your period of Ineligibility by six (6) months. Please note, at any time during or after the Results Management of your matter, you can provide Substantial Assistance and HIWU will evaluate if a suspension of all or part of any resulting Consequences is appropriate.

At this time prior to the issuance of formal charges, you have the opportunity to provide an explanation to HIWU. Please submit all applicable information along with your explanation to HIWU's Senior Litigation Counsel, Allison Farrell, by email to afarrell@hiwu.org by **July 13, 2023**. Furthermore, if you seek to enter into a case resolution without a hearing, please notify HIWU, in writing, immediately.

VII. Other Information

As a reminder, Bella Renella remains subject to Testing pending the outcome of this matter.

Pursuant to ADMC Program Rule 3610(b) of the Protocol, HIWU will use its reasonable endeavors to ensure that Persons under its control do not publicly identify Covered Horses or Covered Persons who are alleged to have committed a violation under the Protocol, unless and until: (i) in presence cases, the B Sample confirms the results of the A Sample analysis, or the B Sample analysis is waived; (ii) a Provisional Suspension has been imposed or voluntarily accepted; (iii) a charge has been brought; or (iv) a violation has been admitted, whichever is earlier. In such circumstances (except where the Covered Person is a Minor), HIWU shall publicly report: (i) the identity of any Covered Person who is the subject of the alleged violation; (ii) the identity of any relevant Covered Horses(s); and (iii) the rule violated and, where appropriate, the basis of the asserted violation. HIWU shall not be required to publicly report a matter if it would risk compromising an ongoing investigation or proceeding. If HIWU determines that an ongoing investigation or proceeding will no longer be compromised by public reporting, HIWU shall at such time make any public reporting. HIWU shall Publicly Disclose the resolution of an alleged violation of the Protocol in accordance with ADMC Program Rule 3620.



By copy of this EAD Notice letter, HIWU is notifying HISA and the California Horseracing Board.

Please read this EAD Notice letter carefully and take note of the deadlines set forth herein. You have the right to contact an attorney of your choosing in an effort to seek legal advice, should you desire to do so. If you have any questions regarding this letter, please contact me at (816) 602-0945 or afarrell@hiwu.org.

Sincerely,

A handwritten signature in black ink that reads 'Allison Farrell'. The signature is written in a cursive, flowing style.

Allison J. Farrell
Senior Litigation Counsel

Encls.: A Sample Certificate of Analysis
Sample Collection Documentation
B Sample Analysis Waiver Form

cc (w/ encls.): California Horseracing Board
John Roach, HISA
Samuel Reinhardt, HISA
Lisa Lazarus, HISA



Kenneth L. Maddy Equine Analytical Chemistry Laboratory

California Animal Health and Food Safety Laboratory System

PO Box 1770
Davis, California 95617

Phone: (530) 752-8700
Fax: (530) 752-6253

Jun 29, 2023

HIWU

Horseracing Integrity & Welfare Unit
4801 Main Street
Suite 350
Kansas City, MO, 64112

Attention: Dr. Mary Scollay

Certificate of Analysis:

Laboratory Number: 230619-465512
Sample Number: U100331404
Sample Status: ADVERSE FINDING
Delivery Date: Jun 20, 2023
Sample Date: Jun 18, 2023
Racetrack: Santa Anita

Urine sample number U100331404 taken on Jun 18, 2023 at Santa Anita was found to contain Diisopropylamine.

Detection, identification and confirmation were performed utilizing liquid chromatography - mass spectrometry.

Respectfully,
Equine Analytical Chemistry Laboratory

Benjamin Moeller, PhD
Associate Professor

Equine Analytical Chemistry Laboratory
ISO/IEC 17025:2017
Testing Laboratory - Certificate #2205-01



Sample Collection Form

Test Session

Notification Information

06/18/2023 <small>Notification Date (month/day/year)</small>	1:52 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM <small>Time of Notification/Tagging</small>	Sample Collection Personnel named here is authorized by HIWU to tag the identified horse and provide notice to the Nominated/Responsible Person to report for testing. Antonio Torres <small>Notified By (print name)</small>	
Santa Anita <small>Location of Test (city/state)</small>	SA-PR-06182023 <small>Mission Code</small>	1:48 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM <small>Time of Arrival</small>	Bella Renella <small>Name of Covered Horse</small>
By signing, I acknowledge and accept the notification that the Covered Horse named on this form has been selected for Sample collection. / Al firmar, reconozco y acepto la notificación de que el caballo cubierto mencionado en esta forma ha sido seleccionado para la recolección de Muestras. Jorge Zeledon <small>Nominated/Responsible Person (print and sign)</small>			<input checked="" type="checkbox"/> Winner <input type="checkbox"/> Special <small>Post-Race Test Reason</small>
<input checked="" type="checkbox"/> Photo ID verified <small>IF APPLICABLE: By signing, I acknowledge and accept the notification that the Covered Horse named on this form has been selected for Sample collection. / Al firmar, reconozco y acepto la notificación de que el caballo cubierto mencionado en esta forma ha sido seleccionado para la recolección de Muestras.</small>			IF APPLICABLE (print): Willy Oswaldo Loiza <small>Additional Covered Person Name</small>
<input type="checkbox"/> Photo ID verified <small>Replacement Nominated/Responsible Person (print and sign)</small>			

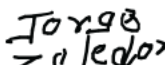
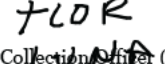
Covered Horse Information

Milton Pineda <small>Responsible Person Name (Print)</small>	<small>Means of Validating Horse ID</small> <input checked="" type="checkbox"/> Microchip <u>981020023310956</u> <input type="checkbox"/> Tattoo/Brand _____ <input type="checkbox"/> Recorded Horse Markings <input type="checkbox"/> Photo Taken	<small>Color of Horse</small> <input checked="" type="checkbox"/> B (bay) <input type="checkbox"/> Gr/Ro (gray or roan) <input type="checkbox"/> Blk (black) <input type="checkbox"/> Pal (palomino) <input type="checkbox"/> Ch (chestnut) <input type="checkbox"/> Wh (white) <input type="checkbox"/> Dk B (dark bay/brown)
<small>Lasix</small> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<small>Sex of Horse</small> <input type="checkbox"/> Filly <input checked="" type="checkbox"/> Mare <input type="checkbox"/> Colt <input type="checkbox"/> Stallion <input type="checkbox"/> Ridgling <input type="checkbox"/> Gelding	

Sample Information

<small>Test Type:</small> <input checked="" type="checkbox"/> Post-Race <input type="checkbox"/> Out-of-Competition <input type="checkbox"/> Claimed <input type="checkbox"/> Fatality/Injury (Post-Race) <input type="checkbox"/> Vets' List <input type="checkbox"/> Clearance <input type="checkbox"/> Post-Work <input type="checkbox"/> Fatality/Injury (Other)	<small>As Sample Collection Personnel authorized by HIWU, by signing 'Collected by I affirm that collection equipment used was examined and found to be intact, and that the Sample collected was from the identified horse.</small> <small>As Sample Collection Personnel authorized by HIWU, by signing 'Sealed by I affirm that the Sample collected and containers used are properly sealed, and Sample Codes match.</small>					
BLOOD	B100331404 <small>Sample Code</small>	4 # of Tubes Sealed	<input checked="" type="checkbox"/> YES (≥ 30mL) <input type="checkbox"/> NO (< 30mL) <small>Adequate Sample</small>	06/18/2023 Sample Sealed Date	2:23 Sample Sealed Time	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM <small>Collected by (print & sign)</small> Nolton Pattio <small>Sealed by (print & sign)</small> FLOR LUNA
URINE	U100331404 <small>Sample Code</small>	2 # of Bottles Sealed	<input checked="" type="checkbox"/> YES (≥ 50mL) <input type="checkbox"/> NO (< 50mL) <small>Adequate Sample</small>	06/18/2023 Sample Sealed Date	2:35 Sample Sealed Time	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM <small>Collected by (print & sign)</small> FLOR LUNA <small>Sealed by (print & sign)</small> FLOR LUNA
HAIR	Sample Code	<small>Source</small> <input type="checkbox"/> Mane <input type="checkbox"/> Tail <input type="checkbox"/> Tail	<small>Method</small> <input type="checkbox"/> Pulled <input type="checkbox"/> Cut	Sample Sealed Date	Sample Sealed Time	<input type="checkbox"/> AM <input type="checkbox"/> PM <small>Collected by (print & sign)</small> <small>Sealed by (print & sign)</small>

Signatures

I declare that this documentation accurately reflects the details of this Sample Collection Session. I further declare that, subject to the statement(s) made on a Supplementary Report(s), if any, this Sample collection was conducted in compliance with the applicable procedures for HIWU Sample collections. / Yo declaro que esta documentación refleja con precisión los detalles de esta Sesión de Recolección de Muestras. Además, declaro que, sujeto a la(s) declaración(es) hecha(s) en el(los) Formulario(s) de Reporte(s) Suplementario(s), si hay alguno, esta recolección de Muestras se realizó en cumplimiento con los procedimientos aplicables para la recolección de muestras de HIWU.		Jorge Zeledon <small>Nominated/Responsible Person – print name</small>  <small>Nominated/Responsible Person – signature</small> FLOR LUNA <small>Collection Officer (DCO/BCO) – print name</small>  <small>Collection Officer (DCO/BCO) – signature</small>	Test Session Concluded Date: <u>06/18/2023</u> <input type="checkbox"/> AM Time: <u>2:37</u> <input checked="" type="checkbox"/> PM
--	--	--	---

There are _____ Supplementary Report(s) associated with this Sample Collection Session.

Pursuant to HIWU Regulations:

The Covered Horse named on this form is required to undergo Sample collection. The Covered Horse must be brought to the Test Barn as soon as practicable, unless there are valid reasons for delay (as determined by Sample Collection Personnel).

As the Nominated/Responsible Person, your responsibilities are:

- To report to the Test Barn located on the backside of this racetrack;
- To comply and cooperate with Sample collection procedures and processes, your failure of which may result in significant penalties;
- To ensure that the Covered Horse remains under continuous observation of the Sample Collection Personnel, to the extent possible, until the completion of the Sample collection process;
- To remain with the Covered Horse, to the extent possible, until completion of the Sample collection process;
- On request, to produce identification for yourself and facilitate the identification of the Covered Horse;
- To ensure that the Covered Horse is not administered any medications or supplements from notification of Sample collection until completion of the Sample collection process, unless there is a medical emergency (as determined by the Test Barn Veterinarian or a Regulatory Veterinarian);
- To confirm that the Covered Horse's water bucket is clean and acceptable and ensure that it is only used for your Covered Horse during the Sample collection process.

AVISO DE SELECCIÓN: RECOLECCIÓN DE PRUEBAS DESPUES DE LA CARRERA

De acuerdo con las regulaciones de HIWU:

El Caballo cubierto mencionado en esta forma debe someterse a la recolección de muestras. El caballo cubierto debe llevarse al establo de prueba tan pronto como sea posible, a menos que existan razones válidas para demorarse (según lo determine el personal de recolección de muestras).

Como Persona Designada/Responsable, sus responsabilidades son:

- Presentarse al Establo de Pruebas ubicado en la parte trasera del hipódromo;
- Cumplir y cooperar con los procedimientos y procesos de recolección de Muestras, incumplimiento puede resultar en sanciones significativas;
- Garantizar que el Caballo cubierto permanezca bajo la observación continua del Personal de recolección de Muestras, en la medida posible, en todo momento hasta la finalización del proceso de recolección de Muestras;
- Permanecer con el Caballo cubierto, lo más posible, hasta que se complete el proceso de recolección de Muestras;
- Bajo pedido, debe presentar identificación de usted y facilitar la identificación del Caballo cubierto;
- Asegurarse de que al Caballo cubierto no se le administren medicamentos o suplementos desde la notificación de la recolección de Muestras hasta la finalización del proceso de recolección de Muestras, a menos que haya una emergencia médica (según lo determine el Veterinario del Establo de pruebas o un Veterinario regulador);
- Confirmar que el balde de agua del Caballo cubierto esté limpio y aceptable y asegurarse de que solo se use para su Caballo cubierto durante el proceso de recolección de muestras.

NOTICE OF SELECTION: OUT-OF-COMPETITION TESTING

Pursuant to HIWU Regulations:

The Covered Horse named on this form is required to undergo Sample collection. Immediate access to the Covered Horse shall be granted and the Sample collection process shall take place immediately in a secure location, unless there are valid reasons for delay (as determined by Sample Collection Personnel). Failure to produce the Covered Horse for Sample collection within six (6) hours of notification may result in significant penalties for the Responsible Person.

As the Nominated/Responsible Person, your responsibilities are:

- To comply and cooperate with Sample collection procedures and processes, your failure of which may result in significant penalties;
- To ensure that the Covered Horse remains under continuous observation of the Sample Collection Personnel at all times until the completion of the Sample collection process;
- To remain with the Covered Horse until completion of the Sample collection process;
- On request, to produce identification for yourself and facilitate the identification of the Covered Horse;
- To ensure that the Covered Horse is not administered any medications or supplements from notification of Sample collection until completion of the Sample collection process, unless there is a medical emergency (as determined by a Regulatory Veterinarian, or, if not available, a Veterinarian).

AVISO DE SELECCIÓN: RECOLECCIÓN DE PRUEBAS FUERA DE COMPETICIÓN

De acuerdo con las regulaciones de HIWU:

El Caballo cubierto mencionado en esta forma debe someterse a la recolección de muestras. Debe otorgarnos acceso inmediato al Caballo cubierto, el proceso de recolección de muestras se llevará a cabo de inmediato en un lugar seguro, a menos que existan razones válidas para demorarse (según lo determine el Personal de recolección de muestras). Falta de no presentar el Caballo cubierto para la recolección de muestras dentro de las seis (6) horas posteriores a la notificación puede resultar en sanciones significativas para la Persona responsable.

Como Persona Designada/Responsable, sus responsabilidades son:

- Cumplir y cooperar con los procedimientos y procesos de recolección de Muestras, incumplimiento puede resultar en sanciones significativas;
- Garantizar que el Caballo cubierto permanezca bajo la observación continua del Personal de recolección de Muestras en todo momento hasta la finalización del proceso de recolección de Muestras;
- Permanecer con el Caballo cubierto hasta que se finalice el proceso de recolección de Muestras;
- Bajo pedido, presentar una identificación de usted y facilitar la identificación del Caballo cubierto;
- Asegurarse de que al Caballo cubierto no se le administren medicamentos o suplementos desde la notificación de la recolección de Muestras hasta la finalización del proceso de recolección de Muestras, a menos que haya una emergencia médica (según lo determine un Veterinario regulador o, si no está disponible, un Veterinario).



Acceptance of A Sample Analytical Results and B Sample Analysis Waiver Form

Covered Horse: Bella Renella

Sample #U100331404

Responsible Person: Milton Pineda

Owner: Milton Pineda

I accept the result of the Kenneth L. Maddy Analytical Chemistry Laboratory (“UC Davis Lab”) in Davis, CA that Bella Renella’s urine Sample #U100331404, collected Post-Race from Race 4 on June 18, 2023 at Santa Anita Park, was reported as an Adverse Analytical Finding (“AAF”) because it detected Diisopropylamine.

I understand that in accordance with the Equine Anti-Doping and Controlled Medication Protocol, Bella Renella’s Sample #U100331404 shall not be considered an AAF until the B Sample analysis confirms the A Sample analysis, the Responsible Person or the Owner does not timely request the B Sample analysis, or the Responsible Person and the Owner, if agreed upon, waive the B Sample analysis by signing this form. I understand that the UC Davis Lab’s result is based on the analysis of the A Sample of Sample #U100331404 only.

I understand that I have the right to have the B Sample analysis completed and I voluntarily, knowingly, and intelligently waive the right to have the B Sample analysis completed. I do not contest the UC Davis Lab’s results of Bella Renella’s Sample #U100331404.

Signature of Responsible Person

Date

Printed Name of Responsible Person

Signature of Owner

Date

Printed Name of Owner



CONFIDENTIAL

Allison J. Farrell
Senior Litigation Counsel
Horseracing Integrity & Welfare Unit
4801 Main Street
Suite 350
Kansas City, MO 64112-2749

July 21, 2023

DELIVERED VIA EMAIL

Darrell J. Vienna
5256 S. Mission Road, Suite 723
Bonsall, CA 92003
Horselawyer@gmail.com
(626) 590-9999

Counsel For:

Milton Pineda



Re: EAD Charge of Anti-Doping Rule Violation
Covered Horse: Bella Renella
Sample #U100331404

Dear Mr. Pineda:

You were notified on July 6, 2023 that Bella Renella's A Sample was submitted to the Kenneth L. Maddy Analytical Chemistry Laboratory ("UC Davis Lab") in Davis, CA for analysis. The UC Davis Lab reported an Adverse Analytical Finding ("AAF") because it detected Diisopropylamine. Because you did not request the analysis of Bella Renella's B Sample by the



deadline, the B Sample was not analyzed and your opportunity to request the analysis of the B Sample has been waived.

I. Charge and Proposed Consequences

In the initial Equine Anti-Doping (“EAD”) Notice letter, HIWU invited you to provide an explanation regarding Bella Renella’s reported AAF. As we did not receive any explanation from you, HIWU is satisfied that you have committed Anti-Doping Rule Violation(s). This EAD Charge Letter is issued pursuant to Anti-Doping Medication Control (“ADMC”) Program Rule 3248 of the Equine Anti-Doping and Controlled Medication Protocol (the “Protocol”) and constitutes formal notice that HIWU is charging you with Anti-Doping Rule Violation(s) for the (i) Presence of Diisopropylamine in Bella Renella’s urine Sample collected Post-Race on June 18, 2023 at Race 4, at Santa Anita Park.

Our records indicate that you have no prior Anti-Doping Rule Violations. Therefore, HIWU is seeking imposition of the following proposed Consequences:

- Disqualification of the results of Bella Renella subsequent to June 18, 2023, and any period of retroactive Ineligibility, including forfeiture of all purses and other compensation, prizes, trophies, points, and rankings and repayment or surrender (as applicable) to the Race Organizer (ADMC Program Rule 3221) (Protocol);
- A period of Ineligibility of 14 months for Bella Renella, beginning on June 18, 2023 (ADMC Program Rule 3222) (Protocol);
- A period of Ineligibility of 2 years, for you as a Covered Person, beginning on July 6, 2023, the date you received notice of your Provisional Suspension (ADMC Program Rule 3223) (Protocol);
- A fine of USD 25,000 or 25% of the total purse (whichever is greater) and payment of some or all of the adjudication costs and HIWU’s legal costs (ADMC Program Rule 3223) (Protocol);
- Public disclosure in accordance with Rule 3620 (ADMC Program Rule 3231) (Protocol); and
- All other Consequences which may be required by the Protocol, including its supporting rules and documents.



Please be advised that in accordance with ADMC Program Rule 3227 of the Protocol, your period of Ineligibility can be increased by up to two (2) additional years and an additional fine of up to USD 10,000 or an additional 10% of the total purse (whichever is greater) for Aggravating Circumstances.

II. Your Options Under the Protocol

A. Rights Provided by ADMC Program Rule 3248(d).

Under ADMC Program Rule 3248(d) of the Protocol you as the Covered Person, on or before **5pm CST on July 28, 2023**, can either:

Admit the Anti-Doping Rule Violation(s) charged and:

- (i) accept the Consequences proposed by HIWU, in which case HIWU will issue a decision under ADMC Program Rule 3249(b) of the Protocol;
- (ii) seek to agree to mitigated Consequences with HIWU pursuant to ADMC Program Rule 3249 (Protocol), failing which the Consequences may still be disputed at a hearing; or
- (iii) dispute or seek to mitigate the proposed Consequences at a hearing in accordance with ADMC Program Rule 3261 (Protocol) and the Arbitration Procedures; or

Deny the Anti-Doping Rule Violation(s) charged and dispute the proposed Consequences at a hearing in accordance with ADMC Program Rule 3261 (Protocol) and Arbitration Procedures.

B. Further Detail on Resolution Options.

- (i) **Early Admittance and Acceptance** – You have the right to an automatic 6 month reduction in your 2 year period of Ineligibility by making an early admittance of the alleged violation(s) and accepting the mandated Period of Ineligibility within seven (7) calendar days of the date of this EAD Charge Letter, which deadline is **5PM CST on July 28, 2023**. Pursuant to ADMC Program Rule 3226 of the Protocol, no further reduction shall be allowed under any other Rule. See enclosed Early Admittance and Acceptance Form.
- (ii) **Case Resolution Without a Hearing** – Pursuant to ADMC Program Rule



3249(a) (Protocol), a Covered Person has the right – at any time prior to a Final Decision under the Arbitration Procedures – to agree to admit the violation(s) charged and accede to specified Consequences consistent with the Protocol. In this event, HIWU will issue a Final Decision confirming the commission of the Anti-Doping Rule Violation(s) and setting forth the factual basis for the decision and all the Consequences to be imposed (unless doing so could compromise an ongoing investigation or proceeding) and will send notice of the decision to each Interested Party. Public Disclosure is also required in accordance with ADMC Program Rule 3620 of the Protocol.

Thus, if you have or discover exculpatory evidence or evidence that you contend establishes that you committed No Fault or Negligence or No Significant Fault or Negligence, you could be entitled to the elimination or a reduction in your period of Ineligibility as provided for in ADMC Program Rules 3224 or 3225 of the Protocol. Please provide said evidence to HIWU. HIWU will evaluate your evidence, and, if it determines you have met your burden under the Protocol, it has the ability to enter into an agreed Case Resolution Without a Hearing consistent with the framework of ADMC Program Rule 3249 (Protocol).

- (iii) **Proceed to a Hearing on the Merits of the Case** – You have the right to deny the Anti-Doping Rule Violation(s) charged and dispute the proposed Consequences at a hearing before an adjudicator from the Arbitral Body in accordance with ADMC Program Rule 3261 of the Protocol and Arbitration Procedures codified at Rule Series 7000. You must exercise this option by requesting a hearing on the merits in writing via email sent to me at afarrell@hiwu.org on or before **5PM CST July 28, 2023**.

C. Substantial Assistance.

Additionally, you also have the option to provide **Substantial Assistance** in an effort to eliminate or reduce your period of Ineligibility and/or other Consequences. Under ADMC Program Rule 3226(a) (Protocol), HIWU may suspend all or part of the Consequences imposed on a Covered Person in any one case (other than Disqualification of results as required by ADMC Program Rule 3221 of the Protocol) based upon the following:



PUBLIC

- (1) The Covered Person provides Substantial Assistance to HIWU, the Horseracing Integrity and Safety Authority (“HISA”), or a State Racing Commission, a criminal authority, or a professional disciplinary body that results in:
 - (i) HIWU discovering or bringing forward an Anti-Doping Rule Violation or a Controlled Medication Rule Violation by another Covered Person; or
 - (ii) a criminal or disciplinary body discovering or bringing forward a sport-related criminal offense or the breach of professional or sports rules by another Person, including offenses arising out of a sport integrity violation or sport safety violation, or the violation of any rule or requirement in the Act, and the information provided by the Covered Person providing Substantial Assistance is also made available to HIWU.
- (2) The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the Anti-Doping Rule Violation committed by the Covered Person and the degree to which the Substantial Assistance provided by the Covered Person assists the effort to promote doping-free racing, compliance with the Protocol, or the integrity of racing. **In any event, no more than three-quarters of the otherwise applicable period of Ineligibility may be suspended.** If the otherwise applicable period of Ineligibility is a lifetime, the non-suspended period under this section must be no less than 8 years. For purposes of this Rule 3226, the otherwise applicable period of Ineligibility shall not include any period of Ineligibility that could be added under Rule 3228(c)(2).
- (3) If so requested, HIWU shall allow the Covered Person who seeks to provide Substantial Assistance to provide the information to HIWU subject to a Without Prejudice Agreement.
- (4) If the Covered Person fails to continue to cooperate or fails to provide the complete, accurate, and credible Substantial Assistance promised, HIWU shall reinstate the original Consequences. That decision is not subject to review.

Please inform HIWU, in writing at afarrell@hiwu.org, by **5pm CST on July 28, 2023**, which option you choose. If you are willing to admit and accept the violation(s) and Consequences set forth in this EAD Charge Letter, please complete the enclosed Admission of Equine Anti-Doping Rule Violation(s) and Acceptance of Consequences form and return by **5pm CST on July**



28, 2023 by email to afarrell@hiwu.org. Note that, if you admit the violation(s) and accept the period of Ineligibility by the above-stated deadline, the period of Ineligibility to be served will be automatically reduced by one (1) year without any further reduction allowed under any other Rules.

If you choose to deny and challenge the Anti-Doping Rule Violations, you have the right to request a hearing. Please inform HIWU, in writing, by **5pm CST on July 28, 2023**, of your request for a hearing (including any request for an expedited hearing) before the Arbitral Body.

Note that, if you do not respond to HIWU's assertion of an Anti-Doping Rule Violation or the proposed Consequences by the above-stated deadline you shall be deemed to have waived your right to a hearing, admitted the Anti-Doping Rule Violation(s) charged, and accepted the Consequences specified by HIWU in this EAD Charge Letter without any mitigation of those Consequences.

III. Provisional Suspension

As a reminder and as set forth in detail in your EAD Notice letter, HIWU has imposed a Provisional Suspension on you as the Responsible Person and Bella Renella, effective as of July 6, 2023. Provided that you and Bella Renella respect the Provisional Suspension, the time served under the Provisional Suspension will be credited against any period of Ineligibility that may ultimately be imposed.

IV. Other Information

As a reminder, Bella Renella remains subject to Testing pending the outcome of this matter.

Please note, at any time during or after the Results Management of your matter, you can provide Substantial Assistance in accordance with ADMC Program Rule 3226 (Protocol) and HIWU will evaluate if a suspension of all or part of any resulting Consequences is appropriate.

By copy of this EAD Charge Letter, HIWU is notifying the Owner, the Horseracing Integrity and Safety Authority ("HISA"), and the California Horseracing Board. Pursuant to ADMC Program Rule 7060(a) (Arbitration Procedures), the Owner and HISA are invited to participate as observers in this case. If they accept by sending an acceptance email to HIWU at afarrell@hiwu.org they will receive copies of the filings in the case. Except as provided in the Protocol, HIWU will not publicly disclose the specifics of this matter until resolution of the case.

PUBLIC



Please read this EAD Charge Letter carefully and take note of the deadlines set forth in this letter. You have the right to contact an attorney of your choosing in an effort to seek legal advice, should you desire to do so. If you have any questions regarding this letter, please contact me at (816) 602-9045 or afarrell@hiwu.org.

Sincerely,

A handwritten signature in black ink that reads 'Allison Farrell'. The signature is written in a cursive, flowing style.

Allison J. Farrell
Senior Litigation Counsel

Encl.: Admission of EAD Rule Violation(s) and Acceptance of Consequences

cc (w/ encl.): California Horseracing Board
John Roach, HISA
Samuel Reinhardt, HISA
Lisa Lazarus, HISA



Early Admission of Equine Anti-Doping Rule Violation(s) and Acceptance of Consequences

I, Milton Pineda, hereby acknowledge that I have violated Rule Series 3000 Equine Anti-Doping and Controlled Medication Protocol (the “Protocol”) as a result of Diisopropylamine in Bella Renella’s Sample #U100331404 collected on June 18, 2023 at Santa Anita Park. I admit that I have committed Equine Anti-Doping (“EAD”) Rule Violation(s) pursuant to Anti-Doping Medication Control (“ADMC”) Program Rule 3212 (Presence of a Banned Substance) under the Protocol and I accept the following Consequences:

1. A period of Ineligibility for myself of 18 months as described in ADMC Program Rule 3223 (Protocol) from June 18, 2023 to December 18, 2024;
2. A period of Ineligibility for Bella Renella of at least 60 days with reinstatement being subject to a Negative Finding in an Out of Competition test administered by HIWU, beginning on June 18, 2023;
3. Disqualification of the results pursuant to ADMC Program Rule 3221 (Protocol) of Bella Renella obtained on June 18, 2023, with resulting Consequences of Disqualification of results including forfeiture of all purses and other compensation, prizes, trophies, points, and rankings and repayment or surrender (as applicable) to the Race Organizer;
4. A fine of \$12,500 USD in accordance with ADMC Program Rule 3223 (Protocol);
5. Public disclosure in accordance with ADMC Program Rule 3620 (Protocol); and
6. All other Consequences which may be required by the Protocol, including its supporting rules and documents.

I understand and acknowledge that Bella Renella may not participate in any Timed and Reported Workout or Covered Horserace while serving a period of Ineligibility. Further, I may not participate in any capacity in any activity involving Covered Horses, or in any other activity (other than authorized anti-doping education or rehabilitation programs) taking place at a Racetrack or Training Facility; nor shall I permit anyone to participate in any capacity on my behalf in any such activities, except to the extent that I am an Owner, and the activity is necessary to ensure the safekeeping and wellbeing of the horse during my period of Ineligibility.

If, during the period of Ineligibility, I violate the prohibition against participation as described in ADMC Program Rule 3229 (Protocol), I understand that any results obtained from such participation shall be Disqualified and a new period of Ineligibility equal in length to the original period of Ineligibility shall be added to the end of my original period of Ineligibility. By admitting the EAD Rule Violation(s) and accepting the Consequences, I agree that HIWU shall



determine whether there has been a violation of the prohibition against participation and apply the appropriate consequences pursuant to ADMC Program Rule 3261 (Protocol).

If, during Bella Renella's period of Ineligibility, Bella Renella participates in any Timed and Reported Workout or Covered Horserace in violation of the prohibition against participation as described in ADMC Program Rule 3229(a)(2) (Protocol), I understand that any results obtained from such participation shall be Disqualified and that I shall receive the following period of Ineligibility: (i) if subject to an original period of Ineligibility, a new period of Ineligibility equal in length to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. If the original period of Ineligibility has already expired, the new period of Ineligibility shall start on the date that it is accepted or imposed; or (ii) if not subject to an original period of Ineligibility, the period of Ineligibility for violating ADMC Program Rule 3229 (Protocol) shall be from a reprimand to one (1) year, depending on my degree of Fault.

I understand and acknowledge as a Trainer who is subject to a period of Ineligibility that those Covered Horse(s) under my training may not participate in any Timed and Reported Workout or Covered Horserace unless and until they have been transferred to another Covered Person. For the 'transfer' to be valid, (i) the transfer must be registered with the Horseracing Integrity and Safety Authority ("HISA") in accordance with its procedures, and (ii) the Covered Horses must also be physically relocated to facilities under the care or control of a Covered Person who is not affiliated with the suspended Trainer (and failure to comply may constitute an Anti-Doping Rule Violation under Rule 3216(c), i.e., Prohibited Association).

I understand that to be reinstated I must have respected the period of Ineligibility and repaid or surrendered any purses and other compensation, prizes, trophies, points, and rankings forfeited, and paid any fines and reimbursed any costs imposed or accepted to HIWU, unless an installment plan was established pursuant to ADMC Program Rule 3232(b) (Protocol), in which case I must have made all payments due under that plan. Where fairness requires, HIWU or the Arbitral Body may establish an installment plan for repayment of amounts due to be paid or reimbursed under the Protocol. The payment schedule may extend beyond any period of Ineligibility imposed upon me.

If any installment(s) subsequently become(s) overdue under that plan (i.e., after reinstatement), myself and the Covered Horse(s) under my ownership and/or training may not participate in any Timed and Reported Workout or Covered Horserace until such overdue installment(s) is/are paid in full.

I understand that Bella Renella shall be reinstated once its period of Ineligibility ends, provided that (i) the Ineligibility has been respected in full throughout that period in accordance with ADMC Program Rule 3229 (Protocol), (ii) Bella Renella has been made available for Testing during that period in accordance with ADMC Program Rule 3132(d) (Protocol), and (iii) Bella Renella has completed any Vets' List Workout(s) required by the Racetrack Safety Program or



HIWU (for the avoidance of doubt, such workouts may be scheduled prior to the expiry of the period of Ineligibility and will not constitute a violation of ADMC Program Rule 3229 (Protocol)). Any reinstatement pursuant to this ADMC Program Rule 3233 (Protocol) is without prejudice to any rest or stand down period that may be imposed on Bella Renella (e.g., due to injuries), and any requirements for release from the Veterinarians’ List, pursuant to the Racetrack Safety Program.

I acknowledge and understand that HIWU will communicate the decision related to my admission of the EAD Rule Violation(s) and my acceptance of the Consequences to HISA.

I understand that in accordance with the Protocol, Bella Renella shall remain subject to testing while serving a period of Ineligibility. I agree to update HISA’s online registration portal regarding any changes to Bella Renella’s whereabouts information. I understand that any failure to comply with whereabouts obligations during a period of Ineligibility may result in a Whereabouts Failure and resulting fine from HISA.

I knowingly and voluntarily waive my right to a hearing under the Protocol.

I acknowledge that I have either consulted with my own counsel regarding the terms and conditions of this agreement, or I knowingly and affirmatively waive the right to do so.

By signing below, I acknowledge that I have read and fully understand this Admission of Equine Anti-Doping Rule Violation(s) and Acceptance of Consequences form and agree to the above Anti-Doping Rule Violation(s) and resulting Consequences and provisions of the Protocol.

Signature of Milton Pineda

Date

Printed Name of Milton Pineda



CONFIDENTIAL

Allison J. Farrell
Senior Litigation Counsel
Horseracing Integrity & Welfare Unit
4801 Main Street
Suite 350
Kansas City, MO 64112-2749

August 9, 2023

DELIVERED VIA EMAIL

Darrell Vienna, Esq.
5256 S. Mission Road, Suite 723-808
Bonsall, CA 92003
(626) 590-9999
horselawyer@gmail.com

Counsel for:

Milton Pineda



***Re: EAD Notice of Alleged Anti-Doping Rule Violation
Covered Horse: Wagonahavagoodtime
Sample #U100331040***

Dear Mr. Pineda:

This Equine Anti-Doping (“EAD”) Notice letter is issued pursuant to Anti-Doping Medication Control (“ADMC”) Program Rule 3245 of the Protocol (defined below) and serves to inform you that a Sample collected from the Covered Horse Wagonahavagoodtime as part of a Sample Collection Session conducted under the authority of the Horseracing Integrity & Welfare Unit (“HIWU”) has resulted in an Adverse Analytical Finding (“AAF”) and may result in Anti-



Doping Rule Violation(s) and related consequences. The violations, as described below, may only be committed by Covered Persons, but the Consequences may apply to both you and Wagonahavagoodtime.

I. Anti-Doping and Controlled Medication Rules - General

You and Wagonahavagoodtime are subject to the Equine Anti-Doping and Controlled Medication Protocol codified as Rule Series 3000 of the ADMC Program (the “Protocol”), including its supporting rules and documents. Results Management of this matter is the responsibility of HIWU. HIWU conducts Results Management in accordance with ADMC Program Rule 3240 of the Protocol and the Equine Testing and Investigations Standards. Capitalized terms used, but not defined within this letter, are as defined in Rule 1020 of the General Provisions and the Protocol.

II. Alleged Anti-Doping Rule Violation(s) and Potential Consequences - Specific

Specifically, as a Responsible Person as defined in ADMC Program Rule 3030 of the Protocol, ADMC Program Rule 3212 holds you strictly liable for any Banned Substance and/or its Metabolites or Markers present in a Sample collected from your Covered Horse(s). Pursuant to the Protocol, the AAF may result in the following Anti-Doping Rule Violation(s): Presence of a Banned Substance and/or its Metabolites or Markers (ADMC Program Rule 3212) – Diisopropylamine.

If it is agreed or determined that an Anti-Doping Rule Violation has occurred, the following Consequences may be imposed pursuant to ADMC Program Rules 3221, 3222, and 3223, including, but not limited to, Disqualification of Covered Horse’s results; forfeiture of compensation, prizes, purses, trophies, points, and rankings; fines; a period of two years of Ineligibility for you as a Covered Person and a period of up to fourteen (14) months of Ineligibility for Wagonahavagoodtime; a fine of up to \$25,000 USD or 25% of the purse, whichever is greater; payment of adjudication costs and some or all of HIWU’s legal fees; and Public Disclosure pursuant to ADMC Program Rule 3620 of the Protocol.

Note that, in the event that Wagonahavagoodtime’s results are subject to automatic Disqualification under ADMC Program Rule 3221(a) of the Protocol, the Responsible Person, the Owner, and HIWU may agree to apply ADMC Program Rule 3221 (Protocol) immediately or any one of them may request that the Arbitral Body apply ADMC Program Rule 3221 (Protocol) immediately.



PUBLIC

III. AAF Testing and Results

On July 4, 2023, Sample Collection Personnel collected a urine Sample, designated as Sample #U100331040 from Wagonahavagoodtime Post-Race of Race 6 from Los Alamitos Race Course. Wagonahavagoodtime's A Sample was submitted to the Kenneth L. Maddy Equine Analytical Chemistry Laboratory ("UC Davis Lab") in Davis, CA for analysis. The UC Davis Lab analyzed the A Sample in accordance with the Equine Standards for Laboratories and Accreditation and reported and AAF because it detected Diisopropylamine. Diisopropylamine is a category S0 Banned Substance on the Prohibited List and Technical Document – Prohibited Substances. The UC Davis Lab's A Sample certificate of analysis is enclosed for your reference, as well as a copy of the Sample Collected Documentation.

You, as the Responsible Person, and the Owner of Wagonahavagoodtime both have the right to request a copy of the A Sample Laboratory Documentation Package after the B Sample analysis has been completed or the analysis of the B Sample is waived. The details regarding the B Sample are set forth below.

IV. B Sample Analysis

You and the Owner have the right to request the analysis of the B Sample. You or the Owner will be required to pay the cost, in advance, to have the B Sample analyzed and B Sample Laboratory Documentation Package prepared. If you or the Owner would like the B Sample analyzed, please submit a request, in writing, to banalysis@hiwu.org by **August 14, 2023, on or before 5pm CST**. If such request is not paid withing seven (7) days of the date of the invoice, then the B Sample analysis will be deemed waived.

Provided HIWU receives a request by **August 14, 2023, on or before 5pm CST**, HIWU will notify you and the Owner, in writing, of the scheduled date, time, and Laboratory where the B Sample analysis will be completed, the amount due, and date on which the payment must be received. Payment for the analysis must be received by HIWU before the Laboratory will begin such analysis. Please submit your payment on the Horseracing Integrity and Safety Authority's ("HISA") online portal. If such payment is not made on time, then the B Sample analysis will be deemed waived.

You and the Owner, if agreed upon, may waive analysis of the B Sample and accept the A Sample results. If you and the Owner choose to accept the A Sample results, please sign the enclosed Acceptance of A Sample Results and B Sample Waiver Form and return it to banalysis@hiwu.org no later than **August 14, 2023**. Please note that, regardless of said waiver, HIWU retains the right to proceed with the B Sample analysis at its own expense.



PUBLIC

V. Provisional Suspension

As required by ADMC Program Rule 3247(a)(1) of the Protocol, as modified by the HISA and HIWU Policy Change regarding Provisional Suspensions effective July 28, 2023, HIWU has imposed a Provisional Suspension on you as the Responsible Person and Wagonahavagoodtime effective as of today, **August 9, 2023**. You are not eligible for delayed imposition of a Provisional Suspension under the Policy Change because you are a Responsible Person with more than one horse that has tested positive for the same Banned Substance within a six (6) month-period.

During a Provisional Suspension, your Covered Horses cannot participate in any Timed and Reported Workouts or Covered Horseraces. You may engage in caring for and exercising your Covered Horses. In addition, you: (i) must take down or cover any personal signage bearing your name where the Covered Horses are located at the racetrack; (ii) cannot claim Covered Horses or bring new Covered Horses into your barn; and (iii) cannot be employed in any capacity involving Covered Horses (including, but not limited to, acting as an agent for an Owner of Covered Horses or working as an exercise rider for Covered Horses.)

As a Trainer, your Covered Horse(s) may not participate in any Timed and Reported Workout or Covered Horserace unless and until your Covered Horse(s) have been transferred to another Covered Person. For the “transfer” to be valid, it must be (i) approved by the stewards, and (ii) registered with HISA. If you are an Owner of any Covered Horses, ownership of the Covered Horse must be transferred in order for it to be eligible to participate in any Timed and Reported Workout or Covered Horserace. Failure to comply may result in an Anti-Doping Rule Violation under Rule 3216(c). To transfer your Covered Horse(s), please contact Linda Lankester, System Integrity & Operations Assistance at HISA, at (859) 514-0287. Please be advised that, during your Provisional Suspension, you will not have access to the full functionality of the HISA Portal.

Additionally, the Covered Horse of an Owner who is subject to Provisional Suspension or period of Ineligibility may not participate in any Timed and Reported Workout or Covered Horserace unless they have been transferred in a bona fide transaction to a different Owner. If an Immediate Family Member has any ownership or property interest in the Covered Horse following such transfer, the transfer shall not constitute a bona fide transaction to a different Owner.

Because Wagonahavagoodtime tested positive for a category S0 Banned Substance as classified in the Prohibited List – Technical Document, he is suspended for a minimum of sixty days and his return to participation is subject to a Negative Finding in an Out of Competition test that it is to be administered by HIWU. This test must be coordinated through the regulatory veterinarian and can be scheduled such that the Covered Horse can return to participation on day 61 if he tests Negative.



You, on your own behalf and on behalf of Wagonahavagoodtime, have the opportunity for a Provisional Hearing on a timely basis after imposition of the Provisional Suspension or an opportunity for an expedited hearing in accordance with ADMC Program Rule 3262 (Protocol) on a timely basis after imposition of the Provisional Suspension.

Please inform HIWU, in writing, by **August 14, 2023, on or before 5pm CST** if you intend to exercise your right to a Provisional Hearing. Provisional Hearings will be conducted by the Arbitral Body and heard via telephone or video conference. The Arbitral Body will only make a determination regarding whether HIWU's decision to impose a Provisional Suspension shall be maintained; the Arbitral Body will not take up any other issues in the Provisional Hearing. ADMC Program Rule 3247(c) (Protocol) requires that HIWU's decision to impose a Provisional Suspension shall be maintained unless the Responsible Person/Covered Person requesting the lifting of the Provisional Suspension establishes one of the four criteria set forth in ADMC Program Rule 3247(c)(1-4) (Protocol). Note that if you and Wagonahavagoodtime respect the Provisional Suspension, the time served under the Provisional Suspension will be credited against any period of Ineligibility that may ultimately be imposed.

If you or Wagonahavagoodtime intends to participate in a Covered Horserace within forty-five (45) days, HIWU may, in its sole discretion, choose to address the case on an expedited basis to ensure resolution of the matter prior to the Covered Horserace. Please notify HIWU, in writing, immediately if you intend to participate in any Covered Horserace within forty-five (45) days.

VI. Resolution and Your Rights Under the Protocol: Substantial Assistance, Early Admission, and Explanation

In accordance with ADMC Program Rule 3226 of the Protocol, you have the opportunity to provide Substantial Assistance or admit the alleged Anti-Doping Rule Violation(s) with the potential benefit of receiving a reduction to any period of Ineligibility that may be imposed. Further, you may seek to enter into a case resolution without a hearing pursuant to ADMC Program Rule 3249 (Protocol). In this case, early admittance and acceptance of the violations under ADMC Program Rules 3226(d)(2) would reduce your period of Ineligibility by six (6) months. Please note, at any time during or after the Results Management of your matter, you can provide Substantial Assistance and HIWU will evaluate if a suspension of all or part of any resulting Consequences is appropriate.

At this time prior to the issuance of formal charges, you have the opportunity to provide an explanation to HIWU. Please submit all applicable information along with your explanation to HIWU's Senior Litigation Counsel, Allison Farrell, by email to afarrell@hiwu.org by **August 16,**



2023. Furthermore, if you seek to enter into a case resolution without a hearing, please notify HIWU, in writing, immediately.

VII. Other Information

As a reminder, Wagonahavagoodtime remains subject to Testing pending the outcome of this matter.

Pursuant to ADMC Program Rule 3610(b) of the Protocol, HIWU will use its reasonable endeavors to ensure that Persons under its control do not publicly identify Covered Horses or Covered Persons who are alleged to have committed a violation under the Protocol, unless and until: (i) in presence cases, the B Sample confirms the results of the A Sample analysis, or the B Sample analysis is waived; (ii) a Provisional Suspension has been imposed or voluntarily accepted; (iii) a charge has been brought; or (iv) a violation has been admitted, whichever is earlier. In such circumstances (except where the Covered Person is a Minor), HIWU shall publicly report: (i) the identity of any Covered Person who is the subject of the alleged violation; (ii) the identity of any relevant Covered Horses(s); and (iii) the rule violated and, where appropriate, the basis of the asserted violation. HIWU shall not be required to publicly report a matter if it would risk compromising an ongoing investigation or proceeding. If HIWU determines that an ongoing investigation or proceeding will no longer be compromised by public reporting, HIWU shall at such time make any public reporting. HIWU shall Publicly Disclose the resolution of an alleged violation of the Protocol in accordance with ADMC Program Rule 3620.

By copy of this EAD Notice letter, HIWU is notifying the Owner, the current Responsible Person for this Covered Horse, HISA and the California Horseracing Board.

Please read this EAD Notice letter carefully and take note of the deadlines set forth herein. You have the right to contact an attorney of your choosing in an effort to seek legal advice, should you desire to do so. If you have any questions regarding this letter, please contact me at (816) 602-0945 or afarrell@hiwu.org.

Sincerely,

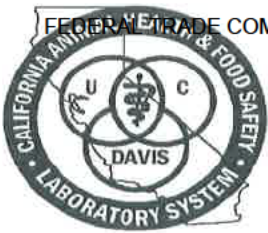
A handwritten signature in black ink that reads "Allison Farrell". The signature is written in a cursive, flowing style.

Allison J. Farrell
Senior Litigation Counsel



Encls.: A Sample Certificate of Analysis
Sample Collection Documentation
B Sample Analysis Waiver Form

cc (w/ encls.): Lizbeth Medina, Owner
Salvador Naranjo, Current Trainer
California Horseracing Board
John Roach, HISA
Samuel Reinhardt, HISA
Lisa Lazarus, HISA



Kenneth L. Maddy Equine Analytical Chemistry Laboratory

California Animal Health and Food Safety Laboratory System

PO Box 1770
Davis, California 95617

Phone: (530) 752-8700
Fax: (530) 752-6253

Jul 21, 2023

HIWU

Horseracing Integrity & Welfare Unit
4801 Main Street
Suite 350
Kansas City, MO, 64112

Attention: Dr. Mary Scollay

Certificate of Analysis:

Laboratory Number: 230706-467427

Sample Number: U100331040

Sample Status: ADVERSE FINDING

Delivery Date Jul 06, 2023

Sample Date Jul 04, 2023

Racetrack Los Alamitos Race (

Urine sample number U100331040 taken on Jul 04, 2023 at Los Alamitos Race Course was found to contain Diisopropylamine.

Detection, identification and confirmation were performed utilizing liquid chromatography - mass spectrometry.

Respectfully,
Equine Analytical Chemistry Laboratory

Benjamin Moeller, PhD
Associate Professor

Equine Analytical Chemistry Laboratory

ISO/IEC 17025:2017

Testing Laboratory - Certificate #2205-01



Sample Collection Form

Test Session

Notification Information

07/04/2023 Notification Date (month/day/year)	3:34 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM Time of Notification/Tagging	Sample Collection Personnel named here is authorized by HIWU to tag the identified horse and provide notice to the Nominated/Responsible Person to report for testing. Notified By (print name) Celina Munoz	
Los Alamitos Race Course Location of Test (city/state)	LRC-PR-07042023 Mission Code	3:40 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM Time of Arrival	Wegonahavagoodtime Name of Covered Horse
By signing, I acknowledge and accept the notification that the Covered Horse named on this form has been selected for Sample collection. / Al firmar, reconozco y acepto la notificación de que el caballo cubierto mencionado en esta forma ha sido seleccionado para la recolección de Muestras. Veronica Mendez <input checked="" type="checkbox"/> Photo ID verified Nominated/Responsible Person (print and sign)			<input checked="" type="checkbox"/> Winner <input type="checkbox"/> Special Post-Race Test Reason
IF APPLICABLE: By signing, I acknowledge and accept the notification that the Covered Horse named on this form has been selected for Sample collection. / Al firmar, reconozco y acepto la notificación de que el caballo cubierto mencionado en esta forma ha sido seleccionado para la recolección de Muestras. <input type="checkbox"/> Photo ID verified Replacement Nominated/Responsible Person (print and sign)			IF APPLICABLE (print): Jorge Zeledon Additional Covered Person Name

Covered Horse Information

Milton Pineda Responsible Person Name (Print)	Means of Validating Horse ID <input checked="" type="checkbox"/> Microchip <u>981020031361659</u> <input type="checkbox"/> Tattoo/Brand _____ <input type="checkbox"/> Recorded Horse Markings <input type="checkbox"/> Photo Taken		Color of Horse <input type="checkbox"/> B (bay) <input checked="" type="checkbox"/> Gr/Ro (gray or roan) <input type="checkbox"/> Blk (black) <input type="checkbox"/> Pal (palomino) <input type="checkbox"/> Ch (chestnut) <input type="checkbox"/> Wh (white) <input type="checkbox"/> Dk B (dark bay/brown)	
	Lasix <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Sex of Horse <input type="checkbox"/> Filly <input type="checkbox"/> Mare <input type="checkbox"/> Colt <input type="checkbox"/> Stallion <input type="checkbox"/> Ridgling <input checked="" type="checkbox"/> Gelding		

Test Type: Post-Race Out-of-Competition Claimed Fatality/Injury (Post-Race)
 Vets' List Clearance Post-Work Fatality/Injury (Other)

BLOOD

As Sample Collection Personnel authorized by HIWU, by signing 'Collected by I affirm that collection equipment used was examined and found to be intact, and that the Sample collected was from the identified horse.
 As Sample Collection Personnel authorized by HIWU, by signing 'Sealed by I affirm that the Sample collected and containers used are properly sealed, and Sample Codes match.

B100331040 Sample Code	4 # of Tubes Sealed	<input checked="" type="checkbox"/> YES (≥ 30mL) <input type="checkbox"/> NO (< 30mL) Adequate Sample	07/04/2023 Sample Sealed Date	4:11 Sample Sealed Time	Collected by (print & sign) Nolton Pattio <i>NOLTON PATTIO MW</i>
					Sealed by (print & sign) Alfredo Morfin <i>ALFREDO MORFIN</i>

URINE

U100331040 Sample Code	2 # of Bottles Sealed	<input checked="" type="checkbox"/> YES (≥ 50mL) <input type="checkbox"/> NO (< 50mL) Adequate Sample	07/04/2023 Sample Sealed Date	4:21 Sample Sealed Time	Collected by (print & sign) <i>Alfredo Morfin</i> Alfredo Morfin
					Sealed by (print & sign) <i>Alfredo Morfin</i> Alfredo Morfin

HAIR

Sample Code	Source <input type="checkbox"/> Mane <input type="checkbox"/> Tail	Method <input type="checkbox"/> Pulled <input type="checkbox"/> Cut	Sample Sealed Date	Sample Sealed Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Collected by (print & sign)
					Sealed by (print & sign)

Signatures

I declare that this documentation accurately reflects the details of this Sample Collection Session. I further declare that, subject to the statement(s) made on a Supplementary Report(s), if any, this Sample collection was conducted in compliance with the applicable procedures for HIWU Sample collections. / Yo declaro que esta documentación refleja con precisión los detalles de esta Sesión de Recolección de Muestras. Además, declaro que, sujeto a la(s) declaración(es) hecha(s) en el(los) Formulario(s) de Reporte(s) Suplementario(s), si hay alguno, esta recolección de Muestras se realizó en cumplimiento con los procedimientos aplicables para la recolección de muestras de HIWU.

Veronica Mendez Nominated/Responsible Person – print name	<i>Veronica Mendez</i> Nominated/Responsible Person – signature	Test Session Concluded Date: <u>07/04/2023</u> Time: <u>4:22</u> <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM
Alfredo Morfin Collection Officer (DCO/BCO) – print name	<i>Alfredo Morfin</i> Collection Officer (DCO/BCO) – signature	

There are _____ Supplementary Report(s) associated with this Sample Collection Session.

Pursuant to HIWU Regulations:

The Covered Horse named on this form is required to undergo Sample collection. The Covered Horse must be brought to the Test Barn as soon as practicable, unless there are valid reasons for delay (as determined by Sample Collection Personnel).

As the Nominated/Responsible Person, your responsibilities are:

- To report to the Test Barn located on the backside of this racetrack;
- To comply and cooperate with Sample collection procedures and processes, your failure of which may result in significant penalties;
- To ensure that the Covered Horse remains under continuous observation of the Sample Collection Personnel, to the extent possible, until the completion of the Sample collection process;
- To remain with the Covered Horse, to the extent possible, until completion of the Sample collection process;
- On request, to produce identification for yourself and facilitate the identification of the Covered Horse;
- To ensure that the Covered Horse is not administered any medications or supplements from notification of Sample collection until completion of the Sample collection process, unless there is a medical emergency (as determined by the Test Barn Veterinarian or a Regulatory Veterinarian);
- To confirm that the Covered Horse's water bucket is clean and acceptable and ensure that it is only used for your Covered Horse during the Sample collection process.

AVISO DE SELECCIÓN: RECOLECCIÓN DE PRUEBAS DESPUES DE LA CARRERA

De acuerdo con las regulaciones de HIWU:

El Caballo cubierto mencionado en esta forma debe someterse a la recolección de muestras. El caballo cubierto debe llevarse al establo de prueba tan pronto como sea posible, a menos que existan razones válidas para demorarse (según lo determine el personal de recolección de muestras).

Como Persona Designada/Responsable, sus responsabilidades son:

- Presentarse al Establo de Pruebas ubicado en la parte trasera del hipódromo;
- Cumplir y cooperar con los procedimientos y procesos de recolección de Muestras, incumplimiento puede resultar en sanciones significativas;
- Garantizar que el Caballo cubierto permanezca bajo la observación continua del Personal de recolección de Muestras, en la medida posible, en todo momento hasta la finalización del proceso de recolección de Muestras;
- Permanecer con el Caballo cubierto, lo más posible, hasta que se complete el proceso de recolección de Muestras;
- Bajo pedido, debe presentar identificación de usted y facilitar la identificación del Caballo cubierto;
- Asegurarse de que al Caballo cubierto no se le administren medicamentos o suplementos desde la notificación de la recolección de Muestras hasta la finalización del proceso de recolección de Muestras, a menos que haya una emergencia médica (según lo determine el Veterinario del Establo de pruebas o un Veterinario regulador);
- Confirmar que el balde de agua del Caballo cubierto esté limpio y aceptable y asegurarse de que solo se use para su Caballo cubierto durante el proceso de recolección de muestras.

NOTICE OF SELECTION: OUT-OF-COMPETITION TESTING

Pursuant to HIWU Regulations:

The Covered Horse named on this form is required to undergo Sample collection. Immediate access to the Covered Horse shall be granted and the Sample collection process shall take place immediately in a secure location, unless there are valid reasons for delay (as determined by Sample Collection Personnel). Failure to produce the Covered Horse for Sample collection within six (6) hours of notification may result in significant penalties for the Responsible Person.

As the Nominated/Responsible Person, your responsibilities are:

- To comply and cooperate with Sample collection procedures and processes, your failure of which may result in significant penalties;
- To ensure that the Covered Horse remains under continuous observation of the Sample Collection Personnel at all times until the completion of the Sample collection process;
- To remain with the Covered Horse until completion of the Sample collection process;
- On request, to produce identification for yourself and facilitate the identification of the Covered Horse;
- To ensure that the Covered Horse is not administered any medications or supplements from notification of Sample collection until completion of the Sample collection process, unless there is a medical emergency (as determined by a Regulatory Veterinarian, or, if not available, a Veterinarian).

AVISO DE SELECCIÓN: RECOLECCIÓN DE PRUEBAS FUERA DE COMPETICIÓN

De acuerdo con las regulaciones de HIWU:

El Caballo cubierto mencionado en esta forma debe someterse a la recolección de muestras. Debe otorgarnos acceso inmediato al Caballo cubierto, el proceso de recolección de muestras se llevará a cabo de inmediato en un lugar seguro, a menos que existan razones válidas para demorarse (según lo determine el Personal de recolección de muestras). Falta de no presentar el Caballo cubierto para la recolección de muestras dentro de las seis (6) horas posteriores a la notificación puede resultar en sanciones significativas para la Persona responsable.

Como Persona Designada/Responsable, sus responsabilidades son:

- Cumplir y cooperar con los procedimientos y procesos de recolección de Muestras, incumplimiento puede resultar en sanciones significativas;
- Garantizar que el Caballo cubierto permanezca bajo la observación continua del Personal de recolección de Muestras en todo momento hasta la finalización del proceso de recolección de Muestras;
- Permanecer con el Caballo cubierto hasta que se finalice el proceso de recolección de Muestras;
- Bajo pedido, presentar una identificación de usted y facilitar la identificación del Caballo cubierto;
- Asegurarse de que al Caballo cubierto no se le administren medicamentos o suplementos desde la notificación de la recolección de Muestras hasta la finalización del proceso de recolección de Muestras, a menos que haya una emergencia médica (según lo determine un Veterinario regulador o, si no está disponible, un Veterinario).



Acceptance of A Sample Analytical Results and B Sample Analysis Waiver Form

Covered Horse: Wegonahavagoodtime

Sample #U100331040

Responsible Person: Milton Pineda

Owner: Lizbeth Medina

I accept the result of the Kenneth L. Maddy Equine Analytical Chemistry Laboratory (“UC Davis Lab”) in Davis, CA that Sample #U100331040 from Wagonahavagoodtime collected Post Race of Race 6 at Los Alamitos Race Course on July 4, 2023 was reported as an Adverse Analytical Finding (“AAF”) because it detected Diisopropylamine.

I understand that in accordance with the Equine Anti-Doping and Controlled Medication Protocol, Sample #U100331040 from Wagonahavagoodtime shall not be considered an AAF until the B Sample analysis confirms the A Sample analysis, the Responsible Person or the Owner does not timely request the B Sample analysis, or the Responsible Person and the Owner, if agreed upon, waive the B Sample analysis by signing this form. I understand that the UC Davis Lab’s result is based solely on the analysis of the A Sample of Sample #U100331040.

I understand that I have the right to have the B Sample analysis completed and I voluntarily, knowingly, and intelligently waive the right to have the B Sample analysis completed. I do not contest the UC Davis Lab’s results of Sample #U100331040 from Wagonahavagoodtime.

Signature of Milton Pineda

Date

Printed Name of Milton Pineda

Signature of Lizbeth Medina

Date

Printed Name Lizbeth Medina



PUBLIC

CONFIDENTIAL

Allison J. Farrell
Senior Litigation Counsel
Horseracing Integrity & Welfare Unit
4801 Main Street
Suite 350
Kansas City, MO 64112-2749

August 21, 2023

SENT VIA EMAIL

Darrell Vienna, Esq.
5256 S. Mission Road, Suite 723-808
Bonsall, CA 92003
(626) 590-9999
horselawyer@gmail.com

Counsel for:



**Re: EAD Charge of Anti-Doping Rule Violation
Covered Horse: Wagonahavagoodtime
Sample #U100331040**

Dear Mr. Pineda,

You were notified on August 9, 2023 that Wagonahavagoodtime's A Sample was submitted to the Kenneth L. Maddy Equine Analytical Chemistry Laboratory ("UC Davis Lab") in Davis, CA for analysis. The UC Davis Lab reported an Adverse Analytical Finding ("AAF") because it detected Diisopropylamine. Because you did not request the B Sample analysis by the deadline, the B Sample analysis has been deemed waived.



PUBLIC

I. Charge and Proposed Consequences

In the initial Equine Anti-Doping (“EAD”) Notice letter, HIWU invited you to provide an explanation regarding Wagonahavagoodtime’s reported AAF. Because HIWU has received no explanation from you, HIWU is satisfied that you have committed an Anti-Doping Rule Violation. This EAD Charge Letter is issued pursuant to Anti-Doping Medication Control (“ADMC”) Program Rule 3248 of the Equine Anti-Doping and Controlled Medication Protocol (the “Protocol”) and constitutes formal notice that HIWU is charging you with an Anti-Doping Rule Violation for the Presence of Diisopropylamine in Wagonahavagoodtime’s urine Sample #U100331040 collected on July 4, 2023 at Los Alamitos Race Course post-race from Race 6.

Our records indicate that you have no prior Anti-Doping Rule Violations. Therefore, HIWU is seeking imposition of the following proposed Consequences for a first-time Violation:

- Disqualification of the results of Wagonahavagoodtime obtained on July 4, 2023 and subsequent to the date of Sample collection and any period of retroactive Ineligibility, including forfeiture of all purses and other compensation, prizes, trophies, points, and rankings and repayment or surrender (as applicable) to the Race Organizer (ADMC Program Rule 3221) (Protocol);
- A period of Ineligibility of up to 14 months for Wagonahavagoodtime beginning on July 4, 2023, (ADMC Program Rule 3222) (Protocol);
- A period of Ineligibility of two years, for you as a Covered Person, beginning on August 9, 2023, the date you received notice of your Provisional Suspension (ADMC Program Rule 3223) (Protocol);
- A fine of USD \$25,000 or 25% of the total purse (whichever is greater) and payment of some or all of the adjudication costs and HIWU’s legal costs (ADMC Program Rule 3223) (Protocol);
- Public disclosure in accordance with Rule 3620 (ADMC Program Rule 3231) (Protocol); and
- All other Consequences which may be required by the Protocol, including its supporting rules and documents.

Please be advised that in accordance with ADMC Program Rule 3227 of the Protocol, your period of Ineligibility can be increased by up to two (2) additional years and an additional fine of



up to USD 10,000 or an additional 10% of the total purse (whichever is greater) for Aggravating Circumstances.

II. Your Options Under the Protocol

A. Rights Provided by ADMC Program Rule 3248(d).

Under ADMC Program Rule 3248(d) of the Protocol you as the Covered Person, on or before **5pm CST on August 28, 2023**, can either:

Admit the Anti-Doping Rule Violation(s) charged and:

- (i) accept the Consequences proposed by HIWU, in which case HIWU will issue a decision under ADMC Program Rule 3249(b) of the Protocol;
- (ii) seek to agree to mitigated Consequences with HIWU pursuant to ADMC Program Rule 3249 (Protocol), failing which the Consequences may still be disputed at a hearing; or
- (iii) dispute or seek to mitigate the proposed Consequences at a hearing in accordance with ADMC Program Rule 3261 (Protocol) and the Arbitration Procedures; or

Deny the Anti-Doping Rule Violation(s) charged and dispute the proposed Consequences at a hearing in accordance with ADMC Program Rule 3261 (Protocol) and Arbitration Procedures.

B. Further Detail on Resolution Options.

- (i) **Early Admittance and Acceptance** – You have the right to an automatic six month reduction in your two-year period of Ineligibility by making an early admittance of the alleged violation(s) and accepting the mandated Period of Ineligibility within seven (7) calendar days of the date of this EAD Charge Letter, which deadline is **5PM CST on August 28, 2023**. Pursuant to ADMC Program Rule 3226 of the Protocol, no further reduction shall be allowed under any other Rule.
- (ii) **Case Resolution Without a Hearing** – Pursuant to ADMC Program Rule 3249(a) (Protocol), a Covered Person has the right – at any time prior to a Final Decision under the Arbitration Procedures – to agree to admit the violation(s) charged and accede to specified Consequences consistent with



PUBLIC

the Protocol. In this event, HIWU will issue a Final Decision confirming the commission of the Anti-Doping Rule Violation(s) and setting forth the factual basis for the decision and all the Consequences to be imposed (unless doing so could compromise an ongoing investigation or proceeding) and will send notice of the decision to each Interested Party. Public Disclosure is also required in accordance with ADMC Program Rule 3620 of the Protocol.

Thus, if you have or discover exculpatory evidence or evidence that you contend establishes that you committed No Fault or Negligence or No Significant Fault or Negligence, you could be entitled to the elimination or a reduction in your period of Ineligibility as provided for in ADMC Program Rules 3224 or 3225 of the Protocol. Please provide said evidence to HIWU. HIWU will evaluate your evidence, and, if it determines you have met your burden under the Protocol, it has the ability to enter into an agreed Case Resolution Without a Hearing consistent with the framework of ADMC Program Rule 3249 (Protocol).

- (iii) **Proceed to a Hearing on the Merits of the Case** – You have the right to deny the Anti-Doping Rule Violation(s) charged and dispute the proposed Consequences at a hearing before an adjudicator from the Arbitral Body in accordance with ADMC Program Rule 3261 of the Protocol and Arbitration Procedures codified at Rule Series 7000. You must exercise this option by requesting a hearing on the merits in writing via email sent to me at afarrell@hiwu.org on or before **5PM CST August 28, 2023**.

C. Substantial Assistance.

Additionally, you also have the option to provide **Substantial Assistance** in an effort to eliminate or reduce your period of Ineligibility and/or other Consequences. Under ADMC Program Rule 3226(a) (Protocol), HIWU may suspend all or part of the Consequences imposed on a Covered Person in any one case (other than Disqualification of results as required by ADMC Program Rule 3221 of the Protocol) based upon the following:

- (1) The Covered Person provides Substantial Assistance to HIWU, the Horseracing Integrity and Safety Authority (“HISA”), or a State Racing Commission, a criminal authority, or a professional disciplinary body that results in:



- (i) HIWU discovering or bringing forward an Anti-Doping Rule Violation or a Controlled Medication Rule Violation by another Covered Person; or
 - (ii) a criminal or disciplinary body discovering or bringing forward a sport-related criminal offense or the breach of professional or sports rules by another Person, including offenses arising out of a sport integrity violation or sport safety violation, or the violation of any rule or requirement in the Act, and the information provided by the Covered Person providing Substantial Assistance is also made available to HIWU.
- (2) The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the Anti-Doping Rule Violation committed by the Covered Person and the degree to which the Substantial Assistance provided by the Covered Person assists the effort to promote doping-free racing, compliance with the Protocol, or the integrity of racing. **In any event, no more than three-quarters of the otherwise applicable period of Ineligibility may be suspended.** If the otherwise applicable period of Ineligibility is a lifetime, the non-suspended period under this section must be no less than 8 years. For purposes of this Rule 3226, the otherwise applicable period of Ineligibility shall not include any period of Ineligibility that could be added under Rule 3228(c)(2).
- (3) If so requested, HIWU shall allow the Covered Person who seeks to provide Substantial Assistance to provide the information to HIWU subject to a Without Prejudice Agreement.
- (4) If the Covered Person fails to continue to cooperate or fails to provide the complete, accurate, and credible Substantial Assistance promised, HIWU shall reinstate the original Consequences. That decision is not subject to review.

Please inform HIWU, in writing at afarrell@hiwu.org by **5pm CST on August 28, 2023**, which option you choose. If you are willing to admit and accept the violation(s) and Consequences set forth in this EAD Charge Letter, please complete the enclosed Admission of Equine Anti-Doping Rule Violation(s) and Acceptance of Consequences form and return by **5pm CST on August 28, 2023** by email to afarrell@hiwu.org. Note that if you admit the Violation and accept the period of Ineligibility by the above deadline, the period of Ineligibility to be served will be automatically reduced by six (6) months without any further reduction allowed under any other Rules.



PUBLIC

If you choose to deny and challenge the Anti-Doping Rule Violations, you have the right to request a hearing. Please inform HIWU, in writing, by **5pm CST on August 28, 2023**, of your request for a hearing (including any request for an expedited hearing) before the Arbitral Body.

Note that, if you do not respond to HIWU's assertion of an Anti-Doping Rule Violation or the proposed Consequences by the above-stated deadline you shall be deemed to have waived your right to a hearing, admitted the Anti-Doping Rule Violation(s) charged, and accepted the Consequences specified by HIWU in this EAD Charge Letter without any mitigation of those Consequences.

III. Provisional Suspension

As a reminder and as set forth in detail in your EAD Notice letter, HIWU has imposed a Provisional Suspension on you as the Responsible Person and Wagonahavagoodtime, effective as of August 9, 2023. Provided that you and Wagonahavagoodtime respect the Provisional Suspension, the time served under the Provisional Suspension will be credited against any period of Ineligibility that may ultimately be imposed.

At this time, Wagonahavagoodtime may not participate in any Timed and Reported Workout or Covered Horserace and shall remain subject to Testing. Because Wagonahavagoodtime tested positive for a category S0 Banned Substance as classified in the Prohibited List – Technical Document, Wagonahavagoodtime is suspended for a minimum of sixty days from the date of initial suspension (August 9, 2023), and his return to participation is subject to a Negative Finding in a Re-Entry Test for all Banned Substances that is to be administered by HIWU. This Test must be coordinated through the regulatory veterinarian in the state where the Covered Horse is located and can be scheduled such that the Covered Horse can return to participation on day 61 if he tests Negative. The regulatory veterinarian can request the Test through the HIWU iPad.

IV. Other Information

As a reminder, Wagonahavagoodtime remains subject to Testing pending the outcome of this matter.

Please note, at any time during or after the Results Management of your matter, you can provide Substantial Assistance in accordance with ADMC Program Rule 3226 (Protocol) and HIWU will evaluate if a suspension of all or part of any resulting Consequences is appropriate.

PUBLIC



By copy of this EAD Charge Letter, HIWU is notifying the Owner, the Horseracing Integrity and Safety Authority (“HISA”), and the California Horse Racing Board. Pursuant to ADMC Program Rule 7060(a) (Arbitration Procedures), the Owner and HISA are invited to participate as observers in this case. If they accept by sending an acceptance email to HIWU at afarrell@hiwu.org they will receive copies of the filings in the case. In addition, under Rule 7060(a), the Owner may be permitted to intervene and make written or oral submissions. Unless otherwise agreed by the Arbitral Body, only the following Owners may attend hearings before the Arbitral Body: (1) if the Covered Horse is owned by one individual, that individual; and (2) if the Covered Horse is owned by more than one individual or by a partnership, corporation, limited liability company, syndicate, or other association or entity, either or both the Designated Owner or Managing Owner (or their designee). Except as provided in the Protocol, HIWU will not publicly disclose the specifics of this matter until resolution of the case.

Please read this EAD Charge Letter carefully and take note of the deadlines set forth in this letter. You have the right to contact an attorney of your choosing in an effort to seek legal advice, should you desire to do so. If you have any questions regarding this letter, please contact me at (816) 602-0945 or afarrell@hiwu.org.

Sincerely,

Allison J. Farrell
Senior Litigation Counsel

Encl.: Admission of EAD Rule Violation and Acceptance of Consequences

cc (w/ encl.): Lizbeth Medina, Owner
California Horse Racing Board
John Roach, HISA
Samuel Reinhardt, HISA
Lisa Lazarus, HISA



Early Admission of Equine Anti-Doping Rule Violation(s) and Acceptance of Consequences

I, Milton Pineda, hereby acknowledge that I have violated Rule Series 3000 Equine Anti-Doping and Controlled Medication Protocol (the “Protocol”) as a result of Diisopropylamine in Wagonahavagoodtime’s A Sample #U100331040 collected on July 4, 2023 at Los Alamitos Race Course. I admit that I have committed an Equine Anti-Doping (“EAD”) Rule Violation pursuant to Anti-Doping Medication Control (“ADMC”) Program Rule 3212 (Presence of a Banned Substance) under the Protocol and I accept the following Consequences:

1. A period of Ineligibility for myself of 18 months as described in ADMC Program Rule 3223 (Protocol) with credit for time served under the Provisional Suspension that was imposed;
2. A period of Ineligibility for Wagonahavagoodtime of at least 60 days, beginning on August 9, 2023, with reinstatement of Wagonahavagoodtime being subject to a Negative Finding from a Re-Entry Test for all Banned Substances to be administered by HIWU and coordinated by the regulatory veterinarian;
3. Disqualification of the results pursuant to ADMC Program Rule 3221 (Protocol) that Wagonahavagoodtime obtained on July 4, 2023, with resulting Consequences of Disqualification of results including forfeiture of all purses and other compensation, prizes, trophies, points, and rankings and repayment or surrender (as applicable) to the Race Organizer;
4. A fine of \$12,500 USD in accordance with ADMC Program Rule 3223 (Protocol);
5. Public disclosure in accordance with ADMC Program Rule 3620 (Protocol); and
6. All other Consequences which may be required by the Protocol, including its supporting rules and documents.

I understand and acknowledge that Wagonahavagoodtime may not participate in any Timed and Reported Workout or Covered Horserace while serving a period of Ineligibility. During my period of Ineligibility, I understand my Covered Horses cannot participate in any Timed and Reported Workouts or Covered Horseraces. I understand I may engage in caring for and exercising my Covered Horses. In addition, I understand that I: (i) must take down or cover any personal signage bearing my name where the Covered Horses are located at the racetrack; (ii) cannot claim Covered Horses or bring new Covered Horses into my barn; and (iii) cannot be employed in any capacity involving Covered Horses (including, but not limited to, acting as an agent for an Owner of Covered Horses or working as an exercise rider for Covered Horses.)



PUBLIC

As a Trainer, I understand that my Covered Horse(s) may not participate in any Timed and Reported Workout or Covered Horserace unless and until they have been transferred to another Responsible Person. For the “transfer” to be valid, I understand it must be (i) approved by the stewards, and (ii) registered with HISA. If I am an Owner of any Covered Horses, I understand that ownership of the Covered Horse must be transferred in order for it to be eligible to participate in any Timed and Reported Workout or Covered Horserace. Failure to comply may result in an Anti-Doping Rule Violation under Rule 3216(c).

If, during the period of Ineligibility, I violate the prohibition against participation as described in ADMC Program Rule 3229 (Protocol), I understand that any results obtained from such participation shall be Disqualified and a new period of Ineligibility equal in length to the original period of Ineligibility shall be added to the end of my original period of Ineligibility. By admitting the EAD Rule Violation(s) and accepting the Consequences, I agree that HIWU shall determine whether there has been a violation of the prohibition against participation and apply the appropriate consequences pursuant to ADMC Program Rule 3261 (Protocol).

If, during Wagonahavagoodtime’s period of Ineligibility, Wagonahavagoodtime participates in any Timed and Reported Workout or Covered Horserace in violation of the prohibition against participation as described in ADMC Program Rule 3229(a)(2) (Protocol), I understand that any results obtained from such participation shall be Disqualified and that I shall receive the following period of Ineligibility: (i) if subject to an original period of Ineligibility, a new period of Ineligibility equal in length to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. If the original period of Ineligibility has already expired, the new period of Ineligibility shall start on the date that it is accepted or imposed; or (ii) if not subject to an original period of Ineligibility, the period of Ineligibility for violating ADMC Program Rule 3229 (Protocol) shall be from a reprimand to one (1) year, depending on my degree of Fault.

I understand that to be reinstated I must have respected the period of Ineligibility and repaid or surrendered any purses and other compensation, prizes, trophies, points, and rankings forfeited, and paid any fines and reimbursed any costs imposed or accepted to HIWU, unless an installment plan was established pursuant to ADMC Program Rule 3232(b) (Protocol), in which case I must have made all payments due under that plan. Where fairness requires, HIWU or the Arbitral Body may establish an installment plan for repayment of amounts due to be paid or reimbursed under the Protocol. The payment schedule may extend beyond any period of Ineligibility imposed upon me.

If any installment(s) subsequently become(s) overdue under that plan (i.e., after reinstatement), myself and the Covered Horse(s) under my ownership and/or training may not participate in any Timed and Reported Workout or Covered Horserace until such overdue installment(s) is/are paid in full.



I understand that Wagonahavagoodtime shall be reinstated once his period of Ineligibility ends, provided that (i) the Ineligibility has been respected in full throughout that period in accordance with ADMC Program Rule 3229 (Protocol), (ii) Wagonahavagoodtime has been made available for Testing during that period in accordance with ADMC Program Rule 3132(d) (Protocol), and (iii) Wagonahavagoodtime has completed any Vets' List Workout(s) required by the Racetrack Safety Program or HIWU (for the avoidance of doubt, such workouts may be scheduled prior to the expiry of the period of Ineligibility and will not constitute a violation of ADMC Program Rule 3229 (Protocol)). Any reinstatement pursuant to this ADMC Program Rule 3233 (Protocol) is without prejudice to any rest or stand down period that may be imposed on Wagonahavagoodtime (e.g., due to injuries), and any requirements for release from the Veterinarians' List, pursuant to the Racetrack Safety Program.

I acknowledge and understand that HIWU will communicate the decision related to my admission of the EAD Rule Violation(s) and my acceptance of the Consequences to HISA.

I understand that in accordance with the Protocol, Wagonahavagoodtime shall remain subject to testing while serving a period of Ineligibility. I agree to update HISA's online registration portal regarding any changes to Wagonahavagoodtime's whereabouts information. I understand that any failure to comply with whereabouts obligations during a period of Ineligibility may result in a Whereabouts Failure and resulting fine from HISA.

I knowingly and voluntarily waive my right to a hearing under the Protocol.

I understand and acknowledge that I have the right to seek my own legal counsel. I acknowledge that I have either consulted with my own counsel regarding the terms and conditions of this agreement, or I knowingly and affirmatively waive the right to do so.

By signing below, I acknowledge that I have read and fully understand this Admission of Equine Anti-Doping Rule Violation(s) and Acceptance of Consequences form and agree to the above Anti-Doping Rule Violation(s) and resulting Consequences and provisions of the Protocol.

Signature of Milton Pineda

Date

Printed Name of Milton Pineda

PUBLIC



CONFIDENTIAL

Michelle Pujals, Esq.
HIWU General Counsel
Horseracing Integrity & Welfare Unit
4801 Main Street
Suite 350
Kansas City, MO 64112-2749

October 23, 2023

SENT VIA EMAIL

John Pimental



***Re: EAD Notice of Alleged Anti-Doping Rule Violations/Rules 3212 and 3214(a)
Covered Horse: Golovkin (Rule 3212 only)***

Dear Mr. Pimental:

I am writing to notify you that the Horseracing Integrity & Welfare Unit (“HIWU”) has received your signed letter requesting a withdrawal of the Admission of Equine Anti-Doping Violations and Acceptance of Consequences executed by you in connection with the above-referenced Equine Anti-Doping (“EAD”) matters.

HIWU will accept your withdrawal, and, as a result, is withdrawing the Notice of Sanctions that was served upon you on September 26, 2023. As of today’s date, your period of Ineligibility will end; however, you will once again be Provisionally Suspended pending the resolution of the two EAD Charges that have been filed against you. HIWU will also re-initiate the hearing process before the Arbitral Body on your behalf.



PUBLIC

By copy of this letter, HIWU is notifying the Owner of Golovkin, the New Jersey Racing Commission and HISA of this withdrawal of sanctions. If you have any questions regarding this letter, please contact me at (816) 291-1864 or mpujals@hiwu.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'MPujals', is positioned above the typed name.

Michelle Pujals
HIWU General Counsel

cc: Sanjay Sirju, Owner
New Jersey Racing Commission
John Roach, HISA
Samuel Reinhardt, HISA
Lisa Lazarus, HISA