

Agenda item # 4 (a)

**INDIANA HORSE RACING COMMISSION
BEFORE ADMINISTRATIVE LAW JUDGE**

| | | | |
|----------------------|---|--------------------------|------------------|
| DONALD R. GREGO |) | In Re: | AN APPEAL OF |
| |) | | STEWARDS' |
| |) | | RULING NO. 14703 |
| Petitioner, |) | | |
| |) | | |
| vs. |) | | |
| |) | | |
| INDIANA HORSE RACING |) | Bernard L. Pylitt, | |
| COMMISSION STAFF, |) | Administrative Law Judge | |
| |) | | |
| Respondent. |) | | |

NOTICE OF OPPORTUNITY TO PRESENT BRIEFS AND ORAL ARGUMENT

This matter is pending before the Indiana Horse Racing Commission (“Commission”) on the Recommended Administrative Penalty against Donald R. Grego. On August 10, 2015, the Administrative Law Judge (“ALJ”) designated by the Commission, The Honorable Bernard Pylitt, issued his Amended Recommended Order Granting Indiana Horse Racing Commission Staff’s Motion For Summary Judgment (“Recommended Order”) in this case, superseding his August 4, 2015 ruling. This, in effect, moved the timely response date from August 19, 2015, to August 25, 2015. On August 25, 2015, at 7:19 p.m., after the Commission office was officially closed, Grego, by counsel, untimely filed his objections to the Recommended Order. On August 26, 2015, ALJ Pylitt issued his Order Denying Email Request To ALJ For Extension Of Time To File Exceptions And Vacating September 29, 2015 Hearing.

Notice is hereby given that the Commission will afford both parties an opportunity to present briefs concerning this case. Any briefs filed by Grego or the Commission Staff must be received in the offices of the Commission by 4:00 p.m. on October 30, 2015. The Commission will accept electronic filing at ellingwood@hrc.in.gov

The Commission will also consider oral argument at its meeting on November 4, 2015.

Oral argument will be limited to ten minutes per side.

SO ORDERED, 26th day of October 2015.

THE INDIANA HORSE RACING COMMISSION

A handwritten signature in black ink, appearing to read "Thomas Weatherwax". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

BY: _____
Thomas Weatherwax
Chairperson
Indiana Horse Racing Commission

Copies forwarded by electronic mail sent on October 26, 2015.

DISTRIBUTION

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

DONALD R. GREGO,
Petitioner,

v.

INDIANA HORSE RACING COMMISSION
STAFF,

Respondent.

In Re: AN APPEAL OF STEWARDS'
RULING NO. 14703

**AMENDED RECOMMENDED ORDER GRANTING INDIANA HORSE RACING
COMMISSION STAFF'S MOTION FOR SUMMARY JUDGMENT¹**

This matter comes before Administrative Law Judge Bernard Pylitt following Stewards' Ruling No. 14703, Indiana Horse Racing Commission Staff's Motion for Summary Judgment, and Donald Grego's ("Grego") Response in opposition. Following review of the pleadings, Affidavits submitted in support of Commission Staff's Motion, and briefs filed by the parties, ALJ Pylitt renders his Findings of Fact, Conclusions of Law, and Recommended Order granting Commission Staff's Motion for Summary Judgment. Any Finding of Fact more appropriately deemed a Conclusion of Law, or conversely, shall be so treated.

PROCEDURAL BACKGROUND

Grego was licensed as a trainer by the Indiana Horse Racing Commission during the 2014 Thoroughbred Race Meet. Grego trained the thoroughbred race horse Cielo Classic which finished third in the seventh race at Indiana Grand Racing and Casino on July 24, 2014. Blood and urine samples were taken from Cielo Classic following the race which were tested for

¹ On August 4, 2015, ALJ Pylitt issued a Recommended Order Granting Commission Staff's Motion For Summary Judgment which contained an obvious scrivener's error in the title describing the Motion as seeking Summary Suspension. This Amended Recommended Order correctly states that the Motion at issue was a Motion for Summary Judgment. Nothing else contained in this Amended Recommended Order changed other than this error in the title, for which the ALJ apologizes for any confusion.

unauthorized substances. Blood samples were found to be suspicious for ibuprofen, a non-permissible substance, and triamcinolone acetonide, in excess of threshold limits.

Following a telephone hearing with the Stewards on December 29, 2014, they found that Grego violated the Trainer responsibility rule, 71 IAC 5.5-3-2 (a) (2), and ORDERED the following:

1. Trainer Grego is fined \$1,000 for exceeding the allowable level of Triamcinolone in Cielo Classic;
2. Trainer Grego is fined \$1,000 for the presence of Ibuprofen, a non-permissible drug in Cielo Classic;
3. Cielo Classic is disqualified from third place in the seventh race on July 24, 2014 for the purpose of receiving purse money and Owner Donald Grego is ORDERED to return the purse money earned by Cielo Classic in that race and the Horsemen's Bookkeeper is directed to redistribute the purse.

Grego filed a timely appeal from the Stewards Ruling claiming that he was not notified of rule changes and questioned the accuracy of the labs test results. Grego further claimed that the fines imposed were improperly increased after he had his hearing.

On January 17, 2015, Bernard Pylitt was appointed as the Administrative Law Judge to handle Grego's Appeal from Stewards Ruling No.14703 issued on January 5, 2015.

A Second Prehearing Order was entered by ALJ Pylitt on June 5, 2015 which required that any Motion for Summary Judgment be filed on or before June 19, 2015. The Prehearing Order made it clear that any Motion for Summary Judgment be considered under Indiana Trial Rule 56.

LEGAL STANDARD FOR SUMMARY JUDGMENT

Indiana Rule of Trial Procedure 56 provides, in pertinent part:

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

Ind. Code 4-21.5-3-23 is the Administrative Orders and Procedures Act provision that governs Summary Judgment motions. Section (b) provides that an Administrative Law Judge “shall consider a [summary judgment] motion . . . as would a court that is considering a motion for summary judgment filed under Trial Rule 56...” I.C. 4-21.5-3-23(b)

RELEVANT REGULATIONS

At all times relevant hereto, the following regulations were in full force and effect:

71 IAC 8.5-1-2 Foreign substances prohibited

Sec. 2. (a) No horse participating in a race shall carry in its body any foreign substance except as provided by these rules. A finding by the chemist or commission designee that a foreign substance is present in the test sample shall be prima facie evidence that such foreign substance was administered and carried in the body of the horse while participating in a race. Such a finding shall also be taken as prima facie evidence that the trainer and his or her agents responsible for the care or custody of the horse have been negligent in the handling or care of the horse.

(b) Upon a finding of a violation of this section, the owners or lessees of the horse from which the specimen was obtained shall forfeit any purse money and any trophy or award. However, forfeiture of any purse, trophy, or award for an overage of phenylbutazone, flunixin, ketoprofen, or furosemide in violation of these rules shall be consistent with recommended penalties of the Association of Racing Commissioners, International.

71 IAC 5-3-2 Trainer responsibility

(a) The Trainer is responsible for:

- (1) . . .
 - (2) The presence of any prohibited drug, medication or other substance . . . In absence of substantial evidence to the contrary, the trainer shall be responsible.
- (b) The Trainer shall prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these Rules.

COMMISSION STAFF'S MOTION FOR SUMMARY JUDGMENT

On June 19, 2015, Commission Staff filed its Motion for Summary Judgment with Affidavits which set forth undisputed material facts to support the entry of Summary Judgment in the Commission Staff's favor. The Motion designated material facts contained within (1) the Affidavit of IHRC Executive Director Joe Gorajec (with attached exhibits); (2) the Affidavit of Petra Hartmann, Drug Testing Services Director, Industrial Laboratories (Hartmann Aff.); and (3) the Affidavit of Stanley Bowker, Senior State Steward of the Indiana Horse Racing Commission.

Grego chose not to file a Motion for Summary Judgment. On July 20, 2015, Grego timely filed his Response to Commission Staff's Motion for Summary Judgment which failed to designate any material issue of fact or include any opposing Affidavits.

On July 21, 2015, ALJ Pylitt issued a *Supplemental Second Pre-Hearing Order*, specifically requesting that Commission Staff file a Reply to Grego's Response on or before July 28, 2015, and allowed Grego an opportunity to file a Surreply, if he desired. Commission Staff filed its Reply and pointed out that Grego failed to designate any disputed material issue of fact precluding the granting of Summary Judgment.

Grego filed a timely Surreply on August 3, 2015 disputing that portion of the Commission Staff's Reply arguing that Grego failed to follow Trial Rule 56 by failing to designate evidence. To the contrary, Grego suggests that the exhibits he attached to his original

Response and “the inferences drawn therefrom” created issues of fact. What Grego’s Surreply ignores is the mandate in Trial Rule 56 that required that the non-moving party (Grego) “shall designate each material issue of fact” which that party asserts precludes the entry of Summary Judgment and “the evidence relevant thereto”. It is not the job of the ALJ to draw inference and attempt to make the designation.

Notwithstanding the lack of specific designation by Grego in his Response, viewing the exhibits attached to his Response most favorably to Grego, and any reasonable inference thereto, ALJ Pylitt concludes that there are no genuine issues as to any material fact that preclude the Commission Staff from receiving judgment as a matter of law.

UNDISPUTED MATERIAL FACTS

Donald R. Grego was licensed as a Thoroughbred owner and trainer by the Commission in 2014. (Affidavit of Joe Gorajec ¶¶6 and 7 “Gorajec Aff.”) Grego was the trainer of Cielo Classic, a thoroughbred racehorse that competed in the seventh race at Indiana Grand on July 24, 2014. (Gorajec Aff. ¶¶5 and 7) Cielo Classic placed third in the race, and was awarded a purse of \$3,400. (Gorajec Aff. ¶5)

After the race, and pursuant to 71 IAC 8.5-2-3(b)(2), post-race blood (serum) and urine specimens were taken from Cielo Classic. (Gorajec Aff. ¶12) On July 25, 2014, Cielo Classic’s specimens, labeled Sample No. 54901, were sent to the Commission’s primary approved laboratory, LGC Sport Science, Inc. (“LGC”), for analysis pursuant to the Commission’s regulations. (Gorajec Aff. ¶14) However, due to LGC’s delayed reporting, IHRC Director of Security Terry Richwine and Investigator Kevin Tompkins seized the sample from LGC and shipped it overnight by FedEx to Industrial Laboratories on October 9, 2014. (Gorajec Aff. ¶15) Industrial Laboratories received the sample on October 10, 2014. (Affidavit of Petra Hartmann

Aff. ¶4 “Hartmann Aff.”) On October 28, 2014, Industrial Laboratories reported to the Commission Staff that Sample No. 0054901 tested positive for triamcinolone acetonide at a level of 171 picograms per milliliter (“pg/mL”) (+/-19 pg/mL). (Hartmann Aff. ¶8 and 9) Industrial Laboratories also reported that Sample No. 0054901 had tested positive for ibuprofen. (Hartmann Aff. ¶7) Grego, upon being notified of the positive test results and advised of his rights to have the split sample sent to an independent laboratory approved by the Commission, waived his right to have the split sample tested. (Gorajec Aff. ¶20; Affidavit of Stanley Bowker ¶¶9 and 10 “Bowker Aff.”)

Triamcinolone acetonide and ibuprofen are both substances foreign to the natural horse and are classified by the ARCI Uniform Classification Guidelines for Foreign Substances and Recommended Penalties and Model Rule, Version 7.00, revised January 2014^[1], as a Class 4 drug with a category “C” penalty classification (“Class 4-C foreign substance”). (Gorajec Aff. ¶¶17 and 18) 71 IAC 8.5-1-7, which was in full force and effect at all times relevant, directs the Commission to consider and impose penalties consistent with the ARCI Uniform Guidelines. The primary factors in determining the severity of a licensed trainer or owner’s penalty are the number and recency of any past violations. (Gorajec Aff. ¶11) After further investigation, the Commission learned that Grego had not been sanctioned for any other incidents taking place within 365 days of the July 24, 2014 race at Indiana Grand involving the presence of a foreign substances in a race horse for which he was responsible. (Gorajec Aff. ¶21) Taking all of these facts into consideration, the ARCI Uniform Guidelines recommends a penalty of a \$1,000.00 fine for each medication infraction (a total of a \$2,000.00 fine in Grego’s case), as well as disqualification of the horse, and redistribution of any purse won by the horse. (Gorajec Aff. ¶19)

^[1] The January 2014 Uniform Guidelines were in effect at the time of the race at issue. The Guidelines have been revised 15 times since January 2014, but Version 7.0 is applicable to the matter before the ALJ. No revisions occurred between January 2014 and July 24, 2014.

GREGO'S RESPONSE FAILED TO DESIGNATE ANY MATERIAL ISSUE OF FACT IN DISPUTE

Grego's Response failed to "designate to the court each material issue of fact," as required by Rule 56(C). Further, Grego's Response failed to provide any opposing Affidavits or designation in opposition required to be filed pursuant to Rule 56 at the time his Response was filed. Indiana courts have consistently determined that the requirement that a Response to a Motion for Summary Judgment and opposing Affidavits be filed is a "bright-line" rule. In *Desai v. Croy*, 805 N.E. 2d 844, 849 (Ind. Ct. App. 2004), the Court reviewed a line of cases that established this "bright-line" rule for trial courts and the parties who litigate Summary Judgment motions. The *Desai* court further held:

[W]here a nonmoving party fails to respond within thirty days by either (1) filing affidavits showing issues of material fact, (2) filing his own affidavit under Rule 56(F) indicated why the facts necessary to justify his opposition are unavailable, or (3) requesting an extension of time in which to file his response under 56(I), the trial court lacks discretion to permit that party to thereafter file a response.

Id. at 850

Parties may choose the placement of evidence designated in opposition to Summary Judgment. *Nat'l Bd. Of Examiners for Osteopathic Physicians and Surgeons, Inc. v. Am. Osteopatics Ass'n*, 645 N.E. 2d 608, 615 (Ind. Ct. App. 1994). The only requirement is that the designation must clearly identify materials in support of its opposition.

Grego presented three (3) reasons why his initial appeal should be granted, and arguably that Summary Judgment be denied:

1. He was not notified of the changes of rules;
2. He questions the accuracy of the testing results; and
3. He claims that the Stewards changed his penalty after he requested a hearing.

The Commission changed its rules in 2014. However, the Commission was under no obligation to notify licensees of rule changes. It was, and remains, the express obligation of a licensee to be aware of the rules regulating pari-mutuel racing in Indiana. 71 IAC 5.5-1-27(a) provides: “A licensee shall be knowledgeable of these rules and, by acceptance of the license, agrees to abide by these rules.” Grego accepted a license from the IHRC, and he accordingly accepted the responsibility of being aware of and abiding by all Indiana rules.

Grego attempted to question the accuracy of the tests that yielded the positive results. However, he failed to identify a single expert witness. Pursuant to the *Second Pre-Hearing Order* issued in this matter, both parties were required to disclose all experts on or before June 29, 2015. Grego further failed to designate any fact to dispute the accuracy of the tests done or their results. The Response to Staff’s Motion included no Affidavits from any purported expert that would support his assertion that the tests results were inaccurate.

Finally, Grego makes a confusing claim about the amount of the fines assessed by the Stewards. However, there is nothing in the record that supports the claim that the Stewards somehow increased the fine in retaliation for Grego requesting a hearing. Grego offered no Affidavit and designated no facts that support this contention.

In his Response, Grego simply argued his theory of the facts. However, he failed to designate any material issues of fact in dispute which would preclude the entry of Summary Judgment as a matter of law. The ALJ recognizes that the lack of an adequate response to a Motion for Summary Judgment does not automatically entitle the moving party to a judgment as a matter of law. *Countrywide Home Loans, Inc. v. Holland*, 993 N.E. 2d 184, 189 (Ind. Ct. App. 2013). Once the Staff filed its Motion for Summary Judgment, designating evidence and

Affidavits to establish that there were no issues of material fact, the burden shifted to Grego to present evidence in a timely fashion with his Response as required by IND. R. TRIAL P. 56(C).

When the non-moving party fails to properly respond or designate evidence before the response deadline as required by Trial Rule 56, and the moving party has shown that it is entitled to Summary Judgment, Summary Judgment must be entered against the non-moving party as a matter of law. *Morton v. Moss*, 694 N.E.2d 1148, 1152 (Ind. Ct. App. 1998).

In Seufert v. RWB Med. Income Props. I Ltd. P'ship, 649 N.E.2d 1070, 1073 (Ind. Ct. App. 1995), the Court held that “If the non-moving party does not respond to a properly supported motion by setting forth specific facts showing a genuine issue for trial, then T.R. 56(E) mandates that summary judgment, if appropriate, be entered against him.”

**BASIS FOR RECOMMENDED ORDER GRANTING SUMMARY JUDGMENT
IN FAVOR OF COMMISSION STAFF**

The Indiana Pari-Mutuel Horse Racing Act (the “Horse Racing Act”), is codified at Ind. Code § 4-31 *et seq.* The Horse Racing Act provides that the purpose of the article is to “permit pari-mutuel wagering on horse races in Indiana **and to ensure that pari-mutuel wagering on horse races in Indiana will be conducted with the highest of standards and the greatest level of integrity.**” Ind. Code § 4-31-1-2 (emphasis added).

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

prohibition and the related legislative forfeiture directive have been incorporated into the applicable Commission regulations at 71 IAC 8.5-1-2.

The Commission Staff has shown that it is entitled to Summary Judgment as a matter of law since there are no genuine issues of material fact in dispute that: (1) a horse racing in Indiana is prohibited from having illegal foreign substances in its system at the time of a race; (2) Cielo Classic had illegal foreign substances in his system at the time of the race;(3) Grego was responsible for the presence of these substances; and (4) the sanction imposed by the Stewards against Grego was reasonable and appropriate.

Once the Commission Staff met its obligation pursuant to Indiana Trial Rule 56 and I.C. 4-21.5-4-23, the obligation shifted to Grego. Given the fact that Grego failed to designate any genuine issue of material fact in dispute, the Commission Staff's Motion must be granted as a matter of law.

FINDINGS OF FACT

1. The IHRC acted within its statutory authority when it promulgated 71 IAC 10-2-3, pursuant to IC 4-31-13-2(a) and IC 4-31-12-15(a).
2. A horse racing in Indiana is prohibited from having illegal foreign substances in its system at the time of a race.
3. Cielo Classic had illegal foreign substances in his system at the time of the race at Indiana Grand on July 24, 2014.
4. His trainer, Donald R. Grego, was licensed as a trainer by the Indiana Horse Racing Commission during 2014.
5. Grego was the trainer of Cielo Classic, a thoroughbred racehorse that participated in the seventh race on July 24, 2014.

6. Cielo Classic placed third in that race and was awarded a purse of \$3,400.
7. Grego was responsible for the presence of foreign substances found in Cielo Classic on July 24, 2014 pursuant to 71 IAC 5-3-2.
8. Following the race, post-race blood and urine samples were taken from Cielo Classic (No. 54901) and sent to LGC Science, Inc. for analysis.
9. The samples were transferred to Industrial Laboratories who reported on October 28, 2014 that the sample tested positive for ibuprofen, and triamcinolone acetonide in excess of threshold limits.
10. Grego was offered the opportunity to have a split sample test but declined that offer
11. Ibuprofen is a substance foreign to the natural horse that is classified by the ARCI Uniform Guidelines as a Class 4 drug with a category “C” penalty. (“Class 4-C foreign substance”).
12. Triamcinolone acetonide is a substance foreign to the natural horse that is classified by the ARCI Uniform Guidelines as a Class 4-C foreign substance.
13. 71 IAC 8.5-1-7, which was in full force and effect at all times relevant, directs the Commission to consider and impose penalties consistent with ARCI Uniform Guidelines.
14. The ARCI Uniform Guidelines recommend a \$1,000.00 fine for each Class 4-C violation.
15. The monetary sanction imposed by the Stewards against Grego was reasonable and appropriate since the ARCI Uniform Guidelines suggested a penalty of a \$1,000.00 fine for each medication infraction, disqualification of the horse, and redistribution of any purse won by the horse.

16. Cielo Classic placed third in the race and was awarded a purse of \$3,400.

17. Cielo Classic is disqualified from third place and the purse money it earned is forfeited, returned, and redistributed pursuant to the provisions of 71 IAC 8.5-1-2 (b) and the Stewards January 5, 2015 Ruling.

CONCLUSIONS OF LAW

1. A horse participating in a pari-mutuel race in Indiana is prohibited from carrying in its body any foreign substance that is not specifically authorized by Commission rules. I.C. 4-31-12-2; 71 IAC 8.5-1-1(a); 71 IAC 8.5-1-2.

2. A horse participating in a pari-mutuel race in Indiana is prohibited from carrying in its body triamcinolone acetonide in excess of 100 pg/mL. 71 IAC 8.5-1-4.2(21).

3. The Commission rules direct the Staff to consider the ARCI Uniform Guidelines in both classifying a foreign substance and when imposing penalties and sanctions. 71 IAC 8.5-1-7.

4. A finding at a Commission-approved laboratory that a test sample taken from a horse contains a foreign substance creates a presumption that “the procedures of collection, preservation, transfer to the laboratory, and analysis of the sample are correct and accurate.” 71 IAC 8.5-2-1(2).

5. The finding that a foreign substance is present creates a presumption that the foreign substance was in the horse’s body at the time the race was run. 71 IAC 8.5-1-2(a).

6. Positive laboratory tests are prima facie evidence that the foreign substance has been administered to the horse in violation of the Commission’s rules. 71 IAC 8.5-2-1.

7. A positive test creates a prima facie case that the trainer (or his or her agents) responsible for the care and custody of the horse were negligent in handling the care of the horse. 71 IAC 8.5-1-2(a).

8. There is a duty on the trainer to “prevent the administration of any drug or medication or other substance that may cause a violation of these rules.” 71 IAC 5.5-3-2(b).

9. The trainer is responsible for the condition of the horse regardless of any acts of third persons. 71 IAC 5.5.-3-2(a)(2).

10. All IHRC licensees are responsible for knowing the rules that govern pari-mutuel racing in Indiana. 71 IAC 5.5-1-27(a).

11. Indiana law mandates the forfeiture of a purse when any prohibited substance is detected in a horse participating in a race. I.C. 4-31-12-13; 71 IAC 8.5-1-2(b).

12. The ARCI Uniform Guidelines recommend a \$1,000.00 fine for each violation involving a Class 4-C substance, such as ibuprofen and triamcinolone acetonide.

13. There is no genuine issue in dispute of any material fact with respect to any of the findings in Stewards’ Ruling No. 14703.

ULTIMATE FINDING OF FACT

The findings by Industrial Laboratories clearly established that Trainer Donald Grego violated two Commission equine medication rules, specifically 71 IAC 8.5-1-2 and 71 IAC 8.5-1-4.2 (21).

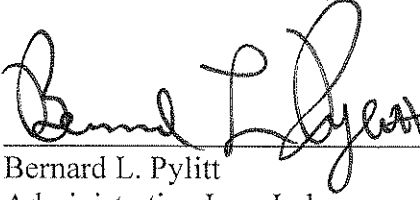
RECOMMENDED DECISION

Based upon the findings of fact and conclusions of law herein, ALJ Pylitt recommends that the Commission Staff’s Motion for Summary Judgment be GRANTED pursuant to IC 4-21.5-3-23 (b), Grego’s appeal be DENIED/DISMISSED, and that Stewards Ruling No. 14703 be AFFIRMED in all respects.

Since ALJ Pylitt may only render a Recommended Decision, the evidentiary hearing presently scheduled for September 29, 2015 at 9:30 a.m. and all previously ordered deadlines shall remain in full force and effect pending a final ruling by the Indiana Horse Racing Commission.

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

IT IS SO RECOMMENDED THIS 10TH DAY OF AUGUST, 2015.



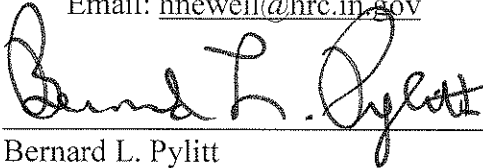
Bernard L. Pylitt
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been duly served via first-class United States mail, postage prepaid, and via email, this 10th day of August, 2015 to the following counsel of record:

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**INDIANA HORSE RACING COMMISSION
APPEAL BEFORE AN ADMINISTRATIVE LAW JUDGE
STEWARDS RULING 14703
DONALD R. GREGO**

**ORDER DENYING EMAIL REQUEST TO ALJ FOR EXTENSION OF TIME
TO FILE EXCEPTIONS AND VACATING SEPTEMBER 29, 2015 HEARING**

On August 4, 2015, ALJ Pylitt issued a Recommended Order granting the Commission Staff's Motion for Summary Judgment which advised counsel that pursuant to IC 4-21.5-3-29(d), either party hereto, had 15 days following receipt of this Recommended Order, or by no later than Wednesday, August 19, 2015, to file written exceptions with the Indiana Horse Racing Commission. The Recommended Order was emailed to counsel.

Upon realizing a typographical error in the caption of the Recommended Order, ALJ Pylitt issued an Amended Recommended Order granting Commission Staff's Motion for Summary Judgment on August 10, 2015 which simply changed one word in the caption of the Order, and again reminded counsel that pursuant to IC 4-21.5-3-29(d), either party hereto, had 15 days following receipt of this Recommended Order, or by no later than the close of business on Tuesday, August 25, 2015, to file written exceptions with the Indiana Horse Racing Commission. The Amended Recommended Order was emailed to counsel,

At 5:47 p.m. on Tuesday, August 25, 2015, ALJ Pylitt emailed counsel:

Today was the deadline for Mr. Grego to file exceptions to my Amended Recommended Order granting the Commission Staff's Motion for Summary Judgment. I have not been notified that any exceptions have been filed, and the Commission Office is now closed.

The Commission may not meet until November. If Mr. Grego has already filed timely exceptions to my Recommended Order, my Recommended Decision will be pending on September 29, the day of our scheduled hearing. If Mr. Grego has filed exception to my Recommended Order, let me suggest that the September 29 hearing be continued by agreement until an agreeable date the week of

December 14 which would allow the Commission an opportunity to rule. Again, if no exceptions were filed in a timely fashion, the hearing will be vacated.

Please advise.

Later that evening, at 7:19 p.m., ALJ Pylitt received the following response from counsel for Grego, Bernie Ritchie, Jr.:

Exceptions to the recommended order were timely prepared but due to a an unavoidable conflict in paralegals schedule as she was in trial the Exceptions were not filed. Accordingly we would ask for an agreed extension till Friday August 28 to file the Exceptions

Thanks,

Bernie

On Wednesday morning, August 26, 2015, Holly Newell, counsel for the Commission Staff responded and objected to any request for an extension of time addressed to the ALJ to file exceptions to the ALJ's Amended Recommended Order:

Commission Staff respectfully objects to Mr. Grego's request for an extension.

The statute is clear: "To preserve an objection to an order of an administrative law judge for judicial review, a party must not be in default under this chapter and must object to the order in a writing that: (1) identifies the basis of the objection with reasonable particularity; and (2) is filed with the ultimate authority responsible for reviewing the order within fifteen (15) days (or any longer period set by statute) after the order is served on the petitioner." I.C.4-21.5-3-29(d). There is no statute that sets a longer period in this case.

Further, Mr. Grego's request should have been made to the Commission, rather than the ALJ, because it is the agency that must receive the objections within the identified statutory deadline. Even if the request for enlargement was timely directed to the appropriate party (which it was not), Staff will argue that the Commission's hands are tied with respect to the relevant deadline.

Shortly thereafter, Lea Ellingwood, General Counsel for the Commission responded:

I agree that AOPA requires a request for extension for filing objections to be filed with the Commission and further that pursuant to IC 4-21.5-3-29(d), the Commission does not have the authority to grant such a request.

Counsel for Grego's untimely email request addressed to the ALJ seeking an extension of time to file exceptions is DENIED. Grego and his counsel have been aware of the ALJ's Recommended Order and the statutory deadline to file written exceptions since August 4, 2015. Counsel for Grego made no effort to seek an extension of time to file exceptions from the ALJ (or the Commission) until the ALJ emailed counsel last evening inquiring about their respective positions concerning the scheduled hearing in light of the pending Amended Recommended Decision. Additionally, there is no provision in IOPA which authorizes an ALJ to grant an exception to file exceptions. Any request should have been submitted to the Commission. No such request has yet been made.

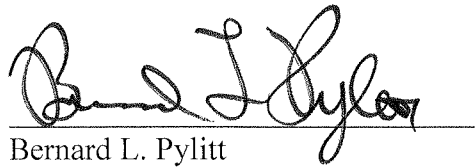
On June 5, 2015, ALJ Pylitt issued a Second Prehearing Order following a telephonic Prehearing Conference. During said Prehearing Conference, ALJ Pylitt reminded counsel that since he is not the ultimate authority, he can only render a recommended decision concerning any Motion filed, which the Indiana Horse Racing Commission would need to review. Therefore, the hearing originally scheduled for Wednesday, July 8, 2015 needed to be rescheduled. During said Prehearing Conference counsel for the parties agreed that the matter should be continued to Tuesday, September 29, 2015.

Since the Commission may not meet again until November to consider the Amended Recommended Order granting Summary Judgment, it would be a waste of everyone's time to conduct a hearing until the Commission rules. Therefore, the ALJ vacates the hearing presently

scheduled for September 29, 2015. In the event that the Commission rejects the ALJ's Amended Recommended Order granting Summary Judgment in favor of the Commission Staff and orders that a hearing be conducted, said hearing shall be conducted on Thursday, December 17, 2015 beginning promptly at 9:00 a.m. at the Commission's office located at 1302 N. Meridian Street, Suite 175, Indianapolis, IN 46202.

A party who fails to attend or participate in a pre-hearing conference, hearing, or other later stage of the proceeding may be held in default or have a proceeding dismissed under I.C. 4-21.5-3-24. If Mr. Grego fails to attend the scheduled hearing, his appeal will be dismissed.

IT IS SO ORDERED THIS 26th DAY OF AUGUST, 2015.

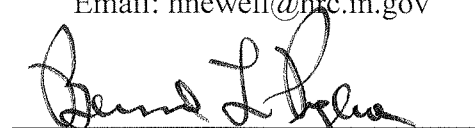

Bernard L. Pylitt
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been duly served via first-class United States mail, postage prepaid, and via email, this 26th day of August, 2015 to the following counsel of record:

Bernard S. Ritchie, Jr.
10405 Crosswell Trace
Louisville, Kentucky 40223
Dkincaid02@gmail.com

Holly Newell
Indiana Horse Racing Commission
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Indianapolis, IN 46202
Email: hnewell@hrc.in.gov


Bernard L. Pylitt

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

DONALD R. GREGO,
Petitioner,

v.

INDIANA HORSE RACING COMMISSION
STAFF,

Respondent.

15 JUN 19 P 1:40
In Re: AN APPEAL OF STEWARDS'
RULING NO. 14703

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

The Indiana Horse Racing Commission Staff (hereinafter the "Commission Staff"), by counsel, pursuant to Ind. Code § 4-21.5-3-23, respectfully submits its Motion for Summary Judgment requesting that the Administrative Law Judge (hereinafter the "ALJ") issue a recommended Order in favor of the Commission Staff that affirms the violation found in and the sanctions proposed by the Stewards' Ruling No. 14703 (the "Ruling"). In support of this motion, the Commission designates: (1) the Affidavit of IHRC Executive Director Joe Gorajec (with attached exhibits); (2) the Affidavit of Petra Hartmann, Drug Testing Services Director, Industrial Laboratories (Hartmann Aff.); and (3) the Affidavit of Stanley Bowker, Senior State Steward of the Indiana Horse Racing Commission. The Commission respectfully submits that there is no genuine issue of material fact with respect to the matters referenced in Stewards' Ruling No. 14703. In support of its motion, the Commission submits the following Memorandum:

I. INTRODUCTION

The Commission has been established by the Indiana Pari-Mutuel on Horse Racing Act (the "Horse Racing Act"), codified at Ind. Code § 4-31 *et seq.* The Horse Racing Act provides

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

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

II. UNDISPUTED MATERIAL FACTS

Donald R. Grego was licensed as a Thoroughbred owner and trainer by the Commission in 2014. (Affidavit of Joe Gorajec ¶¶6 and 7 “Gorajec Aff.”) Mr. Grego was the trainer of Cielo Classic, a thoroughbred racehorse that competed in the seventh race at Indiana Grand on July 24, 2014. (Gorajec Aff. ¶¶5 and 7) Cielo Classic placed third in the race, and was awarded a purse of \$3,400. (Gorajec Aff. ¶5)

After the race, and pursuant to 71 Ind. Admin. Code 8.5-2-3(b)(2), post-race blood (serum) and urine specimens were taken from Cielo Classic. (Gorajec Aff. ¶12) On July 25, 2014, Cielo Classic’s specimens, labeled Sample No. 54901, were sent to the Commission’s primary approved laboratory, LGC Sport Science, Inc. (“LGC”), for analysis pursuant to the Commission’s regulations. (Gorajec Aff. ¶14) However, due to LGC’s delayed reporting, IHRC

Director of Security Terry Richwine and Investigator Kevin Tompkins seized the sample from LGC and shipped it overnight by FedEx to Industrial Laboratories on October 9, 2014. (Gorajec Aff. ¶15) Industrial Laboratories received the sample on October 10, 2014. (Affidavit of Petra Hartmann Aff. ¶4 “Hartmann Aff.”) On October 28, 2014, Industrial Laboratories reported to the Commission Staff that Sample No. 0054901 tested positive for triamcinolone acetonide at a level of 171 picograms per milliliter (“pg/mL”) (+/-19 pg/mL). (Hartmann Aff. ¶8 and 9) Industrial Laboratories also reported that Sample No. 0054901 had tested positive for ibuprofen. (Hartmann Aff. ¶7) Mr. Grego, upon being notified of the positive test results and advised of his rights to have the split sample sent to an independent laboratory approved by the Commission, waived his right to have the split sample tested. (Gorajec Aff. ¶20; Affidavit of Stanley Bowker ¶¶9 and 10 “Bowker Aff.”)

Triamcinolone acetonide and ibuprofen are both substances foreign to the natural horse and are classified by the ARCI Uniform Classification Guidelines for Foreign Substances and Recommended Penalties and Model Rule, Version 7.00, revised January 2014¹, as a Class 4 drug with a category "C" penalty classification (“Class 4-C foreign substance”). (Gorajec Aff. ¶¶17 and 18) 71 Ind. Admin. Code 8.5-1-7, which was in full force and effect at all times relevant, directs the Commission to consider and impose penalties consistent with the ARCI Uniform Guidelines. The primary factors in determining the severity of a licensed trainer or owner's penalty are the number and recency of any past violations. (Gorajec Aff. ¶11) After further investigation, the Commission learned that Mr. Grego had not been sanctioned for any other incidents taking place within the past 365 days of the July 24, 2014, race at Indiana Grand involving the presence of a foreign substances in a race horse for which he was responsible.

¹ The January 2014 Uniform Guidelines were in effect at the time of the race at issue. The Guidelines have been revised 15 times since January 2014, but Version 7.0 is applicable to the matter before the ALJ. No revisions occurred between January 2014 and July 24, 2014.

(Gorajec Aff. ¶21) Taking all of these facts into consideration, the ARCI Uniform Guidelines suggest a penalty of a \$1,000.00 fine for each medication infraction (a total of a \$2,000.00 fine in Grego's case), as well as disqualification of the horse, and redistribution of any purse won by the horse. (Gorajec Aff. ¶19)

III. PROCEDURAL HISTORY

The IHRC Stewards are charged with ensuring that the race meeting is conducted in accordance with the laws and rules of Indiana. 71 Ind. Admin. Code 3.5-2-1. On December 29, 2014, the IHRC Stewards conducted a telephonic hearing on the Grego matter. (Bowker Aff., ¶11) On January 5, 2015, the Indiana Grand Stewards issued Ruling No. 14703, fining Mr. Grego Two Thousand Dollars (\$2,000), and disqualifying Cielo Classic from the seventh race at Indiana Grand on July 24, 2014, resulting in Cielo Classic's (third place) purse forfeiture and redistribution. (Id., ¶¶13, 16 and 17) Grego appealed the Stewards' ruling, and this case was subsequently assigned to Administrative Law Judge Bernard Pylitt at the request of the Commission. (Gorajec Aff., ¶¶ 23, 24 and 25)

IV. ARGUMENT

A. Summary judgment standard in administrative proceedings.

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

Indiana Trial Rule 56(C) provides that summary judgment is appropriate when there are no genuine issues of material fact and when the moving party is entitled to judgment as a matter of law. Ind. Rule Trial 56(C); *Parker v. Ind. State Fair Bd.*, 992 N.E.2d 969, 976 (Ind. Ct. App.

2013). "A genuine issue of material fact exists where facts concerning an issue which would dispose of the litigation are in dispute or where the undisputed facts are capable of supporting conflicting inferences on such an issue." *Parker*, 992 N.E.2d at 976 (internal citations omitted). "The party moving for summary judgment bears the burden of making a *prima facie* showing that there is no genuine issue of material fact and that he or she is entitled to a judgment as a matter of law." *Id.* "Once the moving party meets these two requirements, the burden shifts to the non-moving party to show the existence of a genuine issue of material fact by setting forth specifically designated facts." *Id.* Here, the Commission has shown that it is entitled to summary judgment in these proceedings because there can be no dispute that: (1) a horse racing in Indiana is prohibited from having illegal foreign substances in its system at the time of a race; (2) Cielo Classic had illegal foreign substances in his system at the time of the race, and his trainer, Donald R. Grego, is responsible for the presence of these substances under the applicable law and regulations; and (3) the sanction imposed by the Stewards on Grego is reasonable and appropriate.

B. A horse racing in Indiana is prohibited from having illegal foreign substances in its system at the time of the race, and Cielo Classic's blood was found to contain such substances.

A horse participating in a race in Indiana is prohibited from carrying in its body any foreign substance that is not specifically authorized by Commission regulations. I.C. § 4-31-12-1. The Commission regulations direct the Executive Director to consider the ARCI Uniform Guidelines in both classifying a foreign substance and when imposing penalties and proposing sanctions. 71 I.A.C. 8.5-1-7. According to the ARCI Uniform Guidelines in effect on July 24, 2014, triamcinolone acetonide is a Class 4 drug with a "C" penalty classification. (Gorajec Aff. ¶17) Commission regulations provide that the threshold level in a horse for triamcinolone acetonide is "[n]ot to exceed one hundred (100) picograms per milliliter . . . in serum or plasma."

71 Ind. Admin. Code 8.5-1-4.2(21). Accordingly, triamcinolone acetonide's presence in Cielo Classic on July 24, 2014, constitutes an unquestionable violation of the Commission's threshold levels rule 71 I.A.C. 8.5-1-4.2(21).

According to the ARCI Uniform Guidelines in effect on July 24, 2014, ibuprofen is a Class 4 drug with a "C" penalty classification. (Gorajec Aff. ¶18) There is no Commission regulation that authorizes the presence of ibuprofen in a horse at any level at the time of a race. Accordingly, ibuprofen is considered an unauthorized foreign substance under the Commission's regulations and its presence in Cielo Classic on July 24, 2014, constitutes an unquestionable violation of the Commission's foreign substances rule. (71 I.A.C. 8.5-1-2(a).)

A finding at a Commission-approved laboratory that a test sample taken from a horse contains a drug or its metabolites or analogs or a foreign substance, creates a presumption that "the procedures of collection, preservation, transfer to the laboratory, and analysis of the sample are correct and accurate." 71 Ind. Admin. Code 8.5-2-1(2). Moreover, the presence of "**any quantity**" of a foreign substance, such as ibuprofen, supports a finding of a foreign substance and compels the attendant consequences. 71 Ind. Admin. Code 8.5-3-3(g) (emphasis added). In other words, it is not relevant under this Commission's regulation of ibuprofen how someone might characterize the amount of the drug that was present upon testing (i.e., minimal, moderate, substantial, etc.) or what the precise quantity of the drug was that may have been found in the horse's system.

The finding of a drug positive also creates a presumption that the foreign substance was in the horse's body at the time the race was run. 71 I.A.C. 8.5-1-2(a). Positive laboratory results are *prima facie* evidence that the foreign substance has been administered to the horse in violation of the Commission's rules. 71 I.A.C. 8.5-2-1. In addition, a positive test creates a

prima facie case that the trainer (or his or her agents) responsible for the care and custody of the horse were negligent in the handling or care of the horse. 71 I.A.C. 8.5-1-2(a). This is consistent with the regulation that imposes a duty on a trainer to “prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules.” 71 Ind. Admin. Code 5.5-3-2(b). Stated another way, any claim that the triamcinolone acetonide and/or ibuprofen may have entered Cielo Classic’s body via the act of a third person are unavailing because Mr. Grego, as the trainer, was responsible for the condition of his horse regardless of any acts of third persons. 71 I.A.C. 5.5-3-2(a)(2) (emphasis added).

Participating in pari-mutuel racing in Indiana is a privilege, and not a right. (Gorajec Aff. ¶8) Licensees are fully responsible for being aware of Commission regulations. 71 Ind. Admin. Code 5.5-1-27. Any assertion that Grego did not have an affirmative duty to be aware of the Commission’s rules relating to medications fails. Any assertion that the Commission has an affirmative duty to individually notify licensees of rule changes similarly fails.

Serum collected from Cielo Classic was analyzed by Industrial Laboratories and found to contain triamcinolone acetonide at a level in excess of threshold limits, and ibuprofen, which cannot be present in a horse at any level. (Hartmann Aff., ¶¶ 7 and 8)

Mr. Grego, upon being notified of the positive test results and advised of his rights to have the split sample sent to an independent laboratory approved by the Commission, waived his right to have a split sample tested. (Gorajec Aff., ¶20; Bowker Aff. ¶¶9 and 10) The facts lead to the inevitable conclusion of a positive test result for the presence of both triamcinolone acetonide (in excess of threshold limits) and ibuprofen, which establishes the Commission’s *prima facie* case that such illegal foreign substances were in Cielo Classic's body at the time it ran the race, in violation of Indiana law and the Commission’s rules.

C. The sanctions imposed upon Grego were both reasonable and appropriate.

Indiana law mandates the forfeiture of a purse when any prohibited foreign substance is detected in a horse participating in a race. See I.C. 4-31-12-13; 71 I.A.C. 8.5-1-2(b). Furthermore, the ARCI Uniform Guidelines' recommended minimum penalty for a first violation² (in any jurisdiction within 365 days) involving a Class 4-C foreign substance, such as triamcinolone acetonide or ibuprofen, is a minimum of a \$1,000.00 fine (absent mitigating circumstances), plus disqualification and purse redistribution. (Gorajec Aff., ¶¶17 and 18; Gorajec Aff., Ex. 4, p.29.) The actual sanction the Stewards imposed upon Mr. Grego was the minimum \$2,000.00 fine, and the loss of the purse, which is required by Indiana law. The penalty imposed by the Stewards for two (2) first violations within 365 days is reasonably related to the minimum recommended penalties, and, accordingly, cannot be determined to be unreasonable. In fact, the penalty imposed by the Stewards is in line with the ARCI Uniform Guidelines' recommendation for a horse trainer facing two first violations in a 365-day period in any jurisdiction related to Class C violations (penalty includes loss of purse, minimum \$1,000.00 in fines absent mitigating circumstances). (Gorajec Aff., ¶19; Gorajec Aff., Ex. 4, p. 29.)

V. CONCLUSION

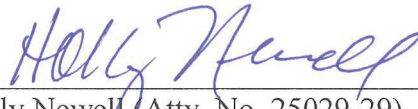
As the trainer of Cielo Classic, Mr. Grego is responsible for violations of 71 I.A.C. 8.5-1-2 that prohibits a horse from carrying any foreign substance in its body, based upon a positive drug test. The presence of triamcinolone acetonide and ibuprofen in the serum of Cielo Classic as measured by Industrial Laboratories is a *prima facie* violation of 71 I.A.C. 8.5-2-1, which prohibits a race horse from carrying a foreign substance in its body during a race. In the absence

² Although the horse had present in its system two separate substances, Commission Staff and the Stewards consider each to be a first offense, because the violations occurred in the same horse, during the same race.

of "substantial evidence" that a third person was responsible for the administration, Mr. Grego (as trainer) is responsible. 71 I.A.C. 5.5-3-2(a) and (b); 71 I.A.C. 8.5-2-1.

WHEREFORE, the Indiana Horse Racing Commission Staff respectfully requests that the Administrative Law Judge enter an Order granting Summary Judgment in favor of the Commission Staff, denying Grego's appeal, and thereby adopting Ruling No. 14703 issued by the Stewards, which imposed a Two Thousand Dollar \$2,000.00 fine and the forfeiture and redistribution of the third-place purse (\$3,400.00).

Respectfully submitted,



Holly Newell (Atty. No. 25029-29)

Deputy General Counsel

INDIANA HORSE RACING COMMISSION

1302 North Meridian, Suite 175

Indianapolis, IN 46204

*Counsel for the Indiana Horse Racing Commission
Staff*

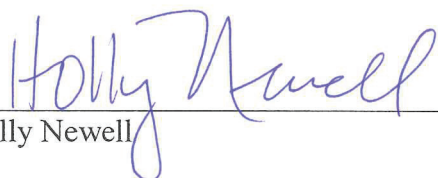
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served via electronic mail and deposited in the U.S. mail, first-class postage prepaid, on the 19th day of June, 2015, to:

Bernard Pylitt
Administrative Law Judge
Indiana Horse Racing Commission
Katz & Korin, P.C.
The Emelie Building
334 North Senate Avenue
Indianapolis, IN 46204-1708
bpylitt@katzkorin.com

Bernard S. Ritchie, Jr.
10405 Crosswell Trace
Louisville, KY 40233

Joe Gorajec
Executive Director
Indiana Horse Racing Commission
1302 N. Meridian Street
Indianapolis, IN 46204
jgorajec@hrc.IN.gov



Holly Newell

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

DONALD R. GREGO,
Petitioner,

v.

INDIANA HORSE RACING COMMISSION
STAFF,

Respondent.

25 JUN '9 P 1:41

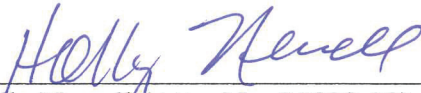
In Re: AN APPEAL OF STEWARDS'
RULING NO. 14703

DESIGNATION OF EVIDENCE

The Indiana Horse Racing Commission Staff (hereinafter the "Commission Staff"), by its counsel, Holly Newell, Deputy General Counsel, pursuant to Ind. Trial Rule 56(C), designates the following evidence in support of its Motion for Summary Judgment:

1. Respondent's Motion for Summary Judgment and Memorandum in Support Thereof, including;
 - a. Affidavit of Joe Gorajec,
 - b. Affidavit of Petra Hartmann,
 - c. Affidavit of Stanley Bowker;and all exhibits therein.
2. Respondent asks this Court to take judicial notice of Ind. Code § 4-31-13-1, 71 Ind. Admin. Code 10-3-20, 71 Ind. Admin. Code 8.5 *et seq*, and all applicable statutes and rules.

Respectfully submitted,



Holly Newell (Atty. No. 25029-29)

Deputy General Counsel

INDIANA HORSE RACING COMMISSION

1302 North Meridian, Suite 175

Indianapolis, IN 46204

*Counsel for the Indiana Horse Racing Commission
Staff*

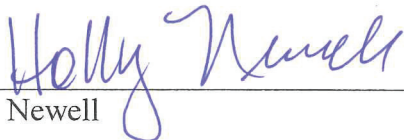
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Bernard Pylitt
Administrative Law Judge
Indiana Horse Racing Commission
Katz & Korin, P.C.
The Emelie Building
334 North Senate Avenue
Indianapolis, IN 46204-1708
bpylitt@katzkorin.com

Bernard S. Ritchie, Jr.
10405 Crosswell Trace
Louisville, KY 40233

Joe Gorajec
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Holly Newell

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

DONALD R. GREGO,

Petitioner,

v.

INDIANA HORSE RACING COMMISSION
STAFF,

Respondent.

In Re: AN APPEAL OF STEWARDS'
RULING NO. 14703

Exhibits

Joe Gorajec Affidavit:

- Exhibit 1 Program for Race 7 at the Indiana Grand Race Course
- Exhibit 2 Equibase Chart – Initial
- Exhibit 3 Equibase Chart – Revised
- Exhibit 4 ARCI Uniform Guidelines
- Exhibit 5 Sample Tag 54901
- Exhibit 6 Commission Test Barn Report
- Exhibit 7 Sample Shipment Sheet to LGC
- Exhibit 8 Paperwork for transfer from LGC to Industrial Laboratories
- Exhibit 9 Affidavit from Industrial Laboratories showing positive findings
- Exhibit 10 Donald R. Grego's ARCI Ruling Report
- Exhibit 11 Donald R. Grego's Appeal
- Exhibit 12 Donald R. Grego's Amended Appeal

Petra Hartmann Affidavit:

- Exhibit 9 Affidavit from Industrial Laboratories showing positive findings

Stanley Bowker Affidavit:

- Exhibit 1 Program for Race 7 at the Indiana Grand Race Course
- Exhibit 2 Equibase Chart – Initial
- Exhibit 3 Equibase Chart – Revised
- Exhibit 13 Stewards' Ruling No. 14703

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

DONALD R. GREGO,
Petitioner,

v.

INDIANA HORSE RACING COMMISSION
STAFF,

Respondent.

In Re: AN APPEAL OF STEWARDS'
RULING NO. 14703

AFFIDAVIT OF JOE GORAJEC

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

1. I am an adult, over eighteen (18) years of age, of sound mind, have personal knowledge of and am competent to testify as to the matters contained herein.
2. I am the Executive Director of the Indiana Horse Racing Commission (the "Commission"). I commenced my duties on October 15, 1990. The Executive Director is the highest ranking member of the Commission Staff.
3. As Executive Director of the Commission, I am a custodian of records that are maintained by the Commission in the ordinary course of its business.
4. As Executive Director, I have familiarity with the foreign substance screening program.
5. My review of information relating to the seventh race conducted at Indiana Grand on July 24, 2014 reveals that Cielo Classic finished third and was awarded a \$3,400.00 purse. The Program for Race 7 at the Indiana Grand Race Course is attached to this Affidavit as Exhibit 1. The Equibase report

showing the race results and purse for Race 7 at the Indiana Grand Race Course is attached to this Affidavit as Exhibit 2.¹

6. At all times relevant, Cielo Classic was owned by Donald Grego, who was licensed by the Commission as an owner.
7. At all times relevant, Cielo Classic was trained by Donald Grego, who was licensed by the Commission as a trainer.
8. Participation in pari-mutuel racing in Indiana is a privilege, and not a right.
9. Any horse participating in a pari-mutuel race is subject to 71 IAC 8.5-2-3(b), and can be selected for post-race blood and urine analysis.
10. Commission regulations dictate that the Stewards shall consider the classification level of the violation as currently established by the Uniform Classification Guidelines of Foreign Substances and Recommended Penalties and Model Rule published by the ARCI, and impose penalties and disciplinary measures consistent with the recommendations therein. 71 IAC 8.5-1-7. The version of the ARCI Uniform Guidelines in effect at the time of the July 24, 2014 race at issue is attached to this Affidavit as Exhibit 4.
11. The primary factors in determining the severity of a licensed trainer or owner's penalty are the number and recency of any past violations.
12. Blood and urine samples were collected from Cielo Classic after the July 24, 2014 race.

¹ Equibase Chart results have been updated to reflect Stewards' Ruling No. 14703. The revised Chart is attached as Exhibit 3.

13. The blood (serum) of Cielo Classic was assigned Sample No. 54901. The sample tag is attached to this Affidavit as Exhibit 5. The Commission Test Barn Report is attached to this Affidavit as Exhibit 6.
14. Pursuant to Commission regulations, the blood and urine of Cielo Classic was sent to LGC Sport Science, Inc., in Lexington, Kentucky (“LGC”) on July 25, 2014. The Sample Shipment Sheet reflecting the shipment is attached to this Affidavit as Exhibit 7.
15. Due to work flow issues at LGC, on October 9, 2014, the Commission seized untested samples from LGC, and sent them to Industrial Laboratories in Wheat Ridge, Colorado. The paperwork relating to the transfer of samples is attached to this Affidavit as Exhibit 8.
16. On October 28, 2014, Industrial Laboratories identified Sample No. 54901 as being positive for two substances: triamcinolone acetonide (in excess of threshold limits) and ibuprofen. The Affidavit from Industrial Laboratories showing the positive findings is attached to this Affidavit as Exhibit 9.
17. Triamcinolone acetonide is a Class 4 drug with a Category “C” penalty. Exhibit 4, pg. 11.
18. Ibuprofen is a Class 4 drug with a Category “C” penalty. *Id.*, pg. 6.
19. The Uniform Guidelines recommend a minimum of a \$1,000.00 fine (per violation) and disqualification/purse redistribution for violations due to the presence of a drug carrying a Category “C” penalty. *Id.*, pg. 29.
20. Grego was notified of the positive tests and declined to have a split sample tested.

21. Grego had not been sanctioned for any other incidents taking place within the past 365 days of the July 24, 2014 race. Donald Grego's ARCI ruling report is attached to this Affidavit as Exhibit 10.
22. The IHRC stewards heard the matter on December 29, 2014, and issued Ruling No. 14703 on January 5, 2015.
23. On January 12, 2015 Grego appealed the stewards' ruling. Grego's appeal is attached to this Affidavit as Exhibit 11.
24. On February 11, 2015, Grego submitted an amended appeal of the stewards' ruling. Grego's amended appeal is attached to this Affidavit as Exhibit 12.²
25. IHRC Chairman Tom Weatherwax directed that the matter be heard by Administrative Law Judge Bernard Pylitt ("ALJ Pylitt").
26. The matter was forwarded to ALJ Pylitt for consideration on January 17, 2015.
27. Attached Exhibits 1 through 12 reflect entries, reports, records and/or data compilations that were made at or near the time of the occurrence of the matters set forth in each of the records, by or from information transmitted by a person with knowledge of the existence of the matters recorded therein.
28. Attached Exhibits 1 through 12 and the entries, reports, records and/or data compilations that they reflect are, and were, kept in the course of regularly conducted business activities of the Commission.
29. Attached Exhibits 1 through 12 and the entries, reports, records and/or data compilations that they reflect are, and were, made and gathered as a part of the regular business practice and activity of the Commission.

² Note, the date on the amended appeal is 01/09/2015. However, it should be 02/09/2015.

COMPARATIVE RANKINGS

Table with columns: Wins At Distance, Last 3 Finishes, Lifetime Wins, In The Money, J/T Meet Wins, Class Rating, Avg Last 3 Speed, Best Overall. Rows include He Will Shine, Cielo Classic, Kela's Boy, Steel Guitar, Discreet Treat, Lil Posh.

Daily Double / Exacta / Trifecta / 50 Cent Trifecta / Superfecta / 10 Cent Superfecta / 50 Cent Pick 3 (Races 7-8-9)

7

Indiana Grand Race Course

31 ALLOWANCE OPTIONAL CLAIMING 25,000

Purse \$34,000. (Plus 40% State Bred Supplement) For Three Year Olds and Upward Which Have Never Won A Race Other Than Maiden, Claiming, Starter Or Indiana Bred or Claiming Price \$25,000. Three Year Olds, 120 Lbs; Older, 124 Lbs Non-winners Of A Race On The Turf Since June 24 Allowed 2 Lbs. Claiming Price \$25,000 (Races where entered for \$15,000 or less not considered in allowances) (Condition Eligibility Preferred). If this race is taken off the turf, it will be run at 5 furlongs on the main track. FIVE FURLONGS (Turf)



equibase.com/QR

Track Record: Chamberlain Bridge(5), 124 lbs; :55.40 (5-27-09)

Table for race 1: Discreet Treat. Includes horse name, jockey, pedigree, owner, trainer, and performance data. Class Rating: 77. With Jockey: 101 28% \$1.88.

Table for race 2: West Malibu. Includes horse name, jockey, pedigree, owner, trainer, and performance data. Class Rating: 67. With Jockey: 2 0% \$0.00.

Table for race 3: Sold Out. Includes horse name, jockey, pedigree, owner, trainer, and performance data. Class Rating: 69. With Jockey: 14 0% \$0.00.

Table for race 4: Kela's Boy. Includes horse name, jockey, pedigree, owner, trainer, and performance data. Class Rating: 72. With Jockey: 0 0% \$0.00.

EXHIBIT 1 tabbies

10 He Will Shine

Purple RAMON RECHY (50-4-3-1 8%) 16%

30-1 Black, White "KK", Black Bars on Red Sleeves

Dk B/Br g. 5 (Feb 13, 2009) (KEE NOV BRDG 09 \$1,000)
 Will He Shine (\$6,500) (Silver Deputy) - Eve's Valentine (Deerhound)
 Br: Millennium Farms (MI)
 Own: Kimbra Hobson
 Tr: Tim Reidy (11-2-2-2 18%) 55%

Life: 7 4 1 2 \$23,750 Dirt: 7 4 1 2 \$23,750
 2014: 2 1 0 1 \$5,250 Wet Dirt: 1 1 0 0 \$4,800
 2013: 0 0 0 0 \$0 Turf: 0 0 0 0 \$0
 Ind Turf: 0 0 0 0 \$0 Wet Turf: 0 0 0 0 \$0
 Distance: 1 1 0 0 \$4,500 Synthetic: 2 1 0 1 \$5,250

| | | | | | | | | | | | | | | | | | |
|---|-----------------|-------------------------------|-------|-------|-----------------------|-----------------|--------|-----|---|-----------|-----|-----|-------|--------------------------------|--------------------------------|------------------------------------|--------------------------|
| 12Jan14 TP3 | ft | 5 $\frac{1}{2}$ ³⁴ | :2225 | :4599 | 1:05 ⁵⁹ 41 | Cm 5000nw2/6m-c | 102-74 | 5 5 | 3nk 3nk 2 $\frac{1}{2}$ 3 $\frac{1}{2}$ | Ouzts P W | 124 | bfl | *1.90 | Storm Snow124 $\frac{1}{2}$ | Desert Bay124ns | He Will Shine1241 | Class Rating: 78 |
| Claimed by Richardville Tianna from Carden, Jerry and Hammond, Kha for \$5,000, Hammond Kim - Trainer | | | | | | | | | | | | | | | | | |
| 03Jan14 TP2 | ft | 5 $\frac{1}{2}$ ³⁴ | :2245 | :4625 | :59 ³² 41 | Cm 5000nw1/y/x | 82-90 | 1 5 | 4 $\frac{1}{2}$ 4 $\frac{1}{2}$ 2 $\frac{1}{2}$ 1 $\frac{1}{2}$ | Ouzts P W | 124 | bfl | 2.00 | He Will Shine124 $\frac{1}{2}$ | Dalamar124 $\frac{1}{2}$ | Dynamite Lonnie D124 $\frac{1}{2}$ | 6w, up in final stride 7 |
| 25Jun12 Ind7 | ft | 5 $\frac{1}{2}$ ²⁸ | :2239 | :4600 | 1:05 ⁰⁰ 31 | Cm 5500cnd | 81-72 | 4 5 | 1 $\frac{1}{2}$ 1hd 2hd 2 $\frac{1}{2}$ | RusseII C | 118 | bfl | *.70 | Mr. Green120 $\frac{1}{2}$ | He Will Shine184 $\frac{1}{2}$ | Daddy J U120 $\frac{1}{2}$ | pace, yielded late 7 |
| 05Jun12 Ind7 | ft | 6 $\frac{1}{2}$ ²⁸ | :2258 | :4527 | 1:08 ⁵⁷ 31 | Cm 5500nw3/L | 57-97 | 4 1 | 2hd 1 $\frac{1}{2}$ 1 $\frac{1}{2}$ 1 $\frac{1}{2}$ | RusseII C | 117 | bl | *.60 | He Will Shine117 $\frac{1}{2}$ | Homer T119nk | Timber Wildcat119nk | 4path turn, drew off 6 |
| 15May12 Ind7 | ft | 6 $\frac{1}{2}$ ²⁸ | :2274 | :4641 | 1:11 ⁷⁷ 31 | Cm 5000nw2/L | 69-77 | 2 3 | 1 $\frac{1}{2}$ 1hd 1 $\frac{1}{2}$ 1 $\frac{1}{2}$ | RusseII C | 116 | bfl | 3.80 | He Will Shine161 $\frac{1}{2}$ | Ruler Boy119 $\frac{1}{2}$ | Pallaso121 $\frac{1}{2}$ | 3path turn, drew clear 8 |
| 28Apr12 Ind1 | sy ⁵ | 5 $\frac{1}{2}$ ²⁸ | :2242 | :4693 | 1:06 ¹⁰ 35 | Mcl 5000 | 90-71 | 1 2 | 1 $\frac{1}{2}$ 1 $\frac{1}{2}$ 1 $\frac{1}{2}$ 1 $\frac{1}{2}$ | RusseII C | 116 | bfl | *.40 | He Will Shine16 $\frac{1}{2}$ | Dry Ridge123 $\frac{1}{2}$ | Impys Star116 $\frac{1}{2}$ | widened, drifted late 5 |
| Works: 15 Jul 14 Ind 3F ft :37.20 b 2/5 7 Jun 14 Ind 4F ft :49.00 b 20/67 20 May 14 Ind 3F ft :41.00 b 15/18 28 Dec 13 TP 4F ft :1.02.80 b 16/20 20 Dec 13 TP 4F ft :48.60 b 6/19 | | | | | | | | | | | | | | | | | |
| Trainer (Last 365 days): All: 19 11% \$1.13 180+Days: 2 0% \$0.00 1stTurf: 1 0% \$0.00 With Jockey: 2 0% \$0.00 | | | | | | | | | | | | | | | | | |

11 Wingate Hall

Grey ORLANDO MOJICA (153-15-17-20 10%) 34%

15-1 Red, White "GG" on Green Triangle Yoke, Red Band on Green Sleeves

B g. 3 (Apr 27, 2011) (KEE SEP YRLG 12 \$130,000)
 Street Sense (\$50,000) (Street Cry (IRE)) - Fruhl's Gold (Crafty Prospector)
 Br: Liberation Farm, Brandywine Farm & Darley (KY)
 Own: Bruce Murphy and Genaro Garcia
 Tr: Genaro Garcia (43-5-5-6 12%) 37%

Life: 11 1 2 0 \$22,705 Dirt: 9 1 2 0 \$22,203
 2014: 7 1 2 0 \$21,042 Wet Dirt: 0 0 0 0 \$0
 2013: 4 0 0 0 \$1,663 Turf: 2 0 0 0 \$502
 Ind Turf: 0 0 0 0 \$0 Wet Turf: 1 0 0 0 \$192
 Distance: 0 0 0 0 \$0 Synthetic: 2 0 0 0 \$367

| | | | | | | | | | | | | | | | | | |
|---|----|--------------------------------|-------|--------------------|-----------------------|-----------------------|-------|-------------------|---|------------------|-----|-------|-----------------------------------|---------------------------------|------------------------------------|----------------------------|--|
| 07Jun14 CD7 | ft | 6 $\frac{1}{2}$ ¹⁸⁰ | :2190 | :4560 | 1:10 ⁵⁹ 31 | Cm 3000 30-25nw2/L | 87-75 | 1 6 | 5 $\frac{1}{2}$ 4 $\frac{1}{2}$ 4 $\frac{1}{2}$ 4 $\frac{1}{2}$ | Goncalves LR 118 | bfl | 8.10 | So Rise Yourself124 $\frac{1}{2}$ | Herd Mentality124 $\frac{1}{2}$ | Smoking Romance118 $\frac{1}{2}$ | steady, checked backstr 8 | |
| 18May14 CD6 | ft | 6 $\frac{1}{2}$ ³⁴ | :2313 | :4629 | 1:17 ⁷⁶ 31 | Cm 15000 15-10nw2/L-c | 70-84 | 1 4 | 3 $\frac{1}{2}$ 2 $\frac{1}{2}$ 2 $\frac{1}{2}$ 2 $\frac{1}{2}$ | Leparoux JR 118 | bfl | 2.50 | Barber Shop Rock124 $\frac{1}{2}$ | Wingate Hall118 $\frac{1}{2}$ | Classic Stance124 $\frac{1}{2}$ | tracked, led, gave in 6 | |
| Claimed by Garcia Genaro from Miles, Jr. A. Stevens for \$15,000, Wilkes Ian R. - Trainer | | | | | | | | | | | | | | | | | |
| 29Apr14 CD4 | ft | 6 $\frac{1}{2}$ ¹⁸⁰ | :2205 | :4569 | 1:10 ⁸⁴ 31 | Cm 15000 15-10nw2/L | 73-81 | 7 6 | 4 $\frac{1}{2}$ 3 $\frac{1}{2}$ 2 $\frac{1}{2}$ 2 $\frac{1}{2}$ | Leparoux JR 118 | bfl | 5.50 | Miraculousmo124 $\frac{1}{2}$ | Wingate Hall118 $\frac{1}{2}$ | Kamchatka124 $\frac{1}{2}$ | 5pth turn, bid, weakened 8 | |
| 12Apr14 Kee1 | ft | 7 $\frac{1}{2}$ ³⁴ | :2346 | :4714 | 1:23 ⁸⁵ 3 | Str 4000cnd | 77-60 | 2 1 | 2hd 3nk 4 $\frac{1}{2}$ 7 $\frac{1}{2}$ | Leparoux JR 118 | bl | 17.20 | Wallyanna121 $\frac{1}{2}$ | Smartified118 $\frac{1}{2}$ | Silver Rocket Man118 $\frac{1}{2}$ | ►bmpd str, pressed btw 8 | |
| 12Mar14 GP4 | ft | 1m ⁵ | :4564 | 1:10 ⁹² | 1:37 ⁹⁴ 3 | SOC 25000 - N | 77-50 | 5 2 $\frac{1}{2}$ | 2 $\frac{1}{2}$ 3nk 3 $\frac{1}{2}$ 4 $\frac{1}{2}$ | Leparoux JR 118 | bl | 3.80 | Predicting118 $\frac{1}{2}$ | Quarnton Lake118 $\frac{1}{2}$ | El Bietz118 $\frac{1}{2}$ | vied, faltered 5 | |
| 07Feb14 GP4 | ft | 6 $\frac{1}{2}$ ¹⁰ | :2312 | :4594 | 1:11 ³⁵ 3 | Mcl 20000 | 53-80 | 2 5 | 4 $\frac{1}{2}$ 3 $\frac{1}{2}$ 2 $\frac{1}{2}$ 1 $\frac{1}{2}$ | Leparoux JR 122 | bfl | 2.40 | Wingate Hall122 $\frac{1}{2}$ | Soccerho122 $\frac{1}{2}$ | Larcenyinyheart122 $\frac{1}{2}$ | shifted 3wd, took over 6 | |
| Works: 5 Jul 14 Ind 3F ft :35.80 b 2/30 8 Apr 14 Sky 4F ft :48.60 b 1/6 29 Mar 14 Pm 5F ft :1.01.45 b 14/20 24 Mar 14 Pm 4F ft :49.35 b 10/19 6 Mar 14 Pm 4F ft :48.00 b 3/24 | | | | | | | | | | | | | | | | | |
| Scratch(es): 13 Jul 14 Elp 6F ft Alw 30500; Trainer 09 Jul 14 Mnr 7F ft Alw 22200; Early | | | | | | | | | | | | | | | | | |
| Trainer (Last 365 days): All: 163 18% \$2.01 Dist/Surf: 3 0% \$0.00 31-60Days: 8 12% \$0.88 Dirt/Turf: 4 0% \$0.00 Allowance: 12 8% \$1.10 With Jockey: 26 15% \$1.42 | | | | | | | | | | | | | | | | | |

12 Buster Rose

Time JEREMY ROSE (187-39-31-31 21%) 54%

4-1 Hunter Green, White "B"

Dk B/Br g. 6 (Mar 19, 2008)
 Pioneering (\$5,000) (Mr. Prospector) - Sister Rose (Service Stripe)
 Br: Michael W. Ball (IN)
 Own: Michael Ball
 Tr: Stephen D. Dunn (15-1-1-1 7%) 20%

Life: 23 5 8 5 \$192,129 Dirt: 22 5 7 5 \$175,008
 2014: 4 1 2 1 \$32,850 Wet Dirt: 1 0 0 0 \$440
 2013: 6 1 1 2 \$15,280 Turf: 1 0 1 0 \$17,121
 Ind Turf: 1 0 1 0 \$17,121 Wet Turf: 0 0 0 0 \$0
 Distance: 0 0 0 0 \$0 Synthetic: 4 1 2 1 \$16,350

| | | | | | | | | | | | | | | | | | |
|--|----|--------------------------------|-------|-------|-----------------------|----------------------|--------|------|---|------------------|-------------------|-------|------------------------------|----------------------------------|---------------------------------|-----------------------------------|----------------------------------|
| 20Jun14 Ind7 | ft | 6 $\frac{1}{2}$ ²⁸ | :2207 | :4495 | 1:11 ¹⁸ 31 | Alw 3800nw2/x | 40-76 | 7 9 | 8 $\frac{1}{2}$ 6 $\frac{1}{2}$ 2 $\frac{1}{2}$ 2 $\frac{1}{2}$ | Rose J | 122 | bl | *1.50 | Pico Suave122 $\frac{1}{2}$ | Buster Rose122 $\frac{1}{2}$ | Country Minister114 $\frac{1}{2}$ | Sw, forced out, bumped, Pt1st 10 |
| 07Feb14 TP9 | ft | 6 $\frac{1}{2}$ ³⁴ | :2234 | :4473 | 1:17 ⁴⁸ 41 | Aoc 4000nw2S/x | 98-87 | 4 6 | 2 $\frac{1}{2}$ 1 $\frac{1}{2}$ 1 $\frac{1}{2}$ 2 $\frac{1}{2}$ | Creed B | 121 | bl | *.70 | Bee Line's Edge121 $\frac{1}{2}$ | Buster Rose121 $\frac{1}{2}$ | Sunday Mass121 $\frac{1}{2}$ | ►broke awkward, rushed 6 |
| 18Jan14 TP8 | ft | 6 $\frac{1}{2}$ ³⁴ | :2223 | :4460 | 1:16 ⁶⁴ 41 | Stk - ForegoB - 60k | 74-101 | 1 12 | 9 $\frac{1}{2}$ 6 $\frac{1}{2}$ 1hd 3 $\frac{1}{2}$ | Creed B | 120 | bl | 27.70 | Point Finish124nk | Ghost Is Clear120 $\frac{1}{2}$ | Buster Rose120 $\frac{1}{2}$ | ►off slow, bumped 1/812 |
| 01Jan14 TP8 | ft | 6 $\frac{1}{2}$ ³⁴ | :2255 | :4405 | 1:16 ²⁷ 41 | Aoc 2000nw1S/x | 75-102 | 6 2 | 3 $\frac{1}{2}$ 1 $\frac{1}{2}$ 1 $\frac{1}{2}$ 2ns | Morales R | 121 | bl | 5.60 | Silver Lining John121ns | Buster Rose121 $\frac{1}{2}$ | Schmooze121 $\frac{1}{2}$ | long drv, outfinished 9 |
| 12Dec13 TP3 | ft | 6 $\frac{1}{2}$ ³⁴ | :2225 | :4518 | 1:10 ³⁸ 31 | Cm 12500 (12.5-10.5) | 73-87 | 5 5 | 3 $\frac{1}{2}$ 2 $\frac{1}{2}$ 2 $\frac{1}{2}$ 1 $\frac{1}{2}$ | Arroyo, Jr. N121 | bl | *1.80 | Buster Rose121 $\frac{1}{2}$ | High Mystery121 $\frac{1}{2}$ | Elusive Vidar121 $\frac{1}{2}$ | 3 wide, drew clear 6 | |
| 06Nov13 CD7 | ft | 6 $\frac{1}{2}$ ¹⁸⁰ | :2186 | :4506 | 1:10 ⁰⁷ 31 | Cm 10000 | 54-81 | 5 7 | 7 $\frac{1}{2}$ 5 $\frac{1}{2}$ 4 $\frac{1}{2}$ 3 $\frac{1}{2}$ | Davis D | 115 $\frac{1}{2}$ | bl | 21.30 | Grand Sensation120 $\frac{1}{2}$ | Santo Gato120 $\frac{1}{2}$ | Buster Rose153 $\frac{1}{2}$ | ►broke slow, carried out 7 |
| Works: 12 Jul 14 Hpt 4F ft :48.00 b 3/9 5 Jul 14 Hpt 3F ft :38.00 b 4/6 7 Jun 14 Hpt 5F ft :1:02.00 b 1/2 2 Jun 14 Hpt 4F ft :50.00 b 1/1 25 May 14 Hpt 5F ft :1:00.60 b 1/3 | | | | | | | | | | | | | | | | | |
| Trainer (Last 365 days): All: 64 16% \$2.36 31-60Days: 20 25% \$2.46 Dirt/Turf: 5 40% \$5.56 WonLastStart: 11 0% \$0.00 Allowance: 13 8% \$0.38 With Jockey: 3 33% \$1.67 | | | | | | | | | | | | | | | | | |

ALSO ELIGIBLE - Evacuation Route may run if any late scratches occur.

13 Evacuation Route

Brown RODNEY A. PRESCOTT (265-31-29-24.12%) 32%

6-1 Black, Black "LMR" on White Ball, Black and White Sleeves

B g. 8 (Mar 5, 2006) (OBS WNT MIX 07 \$30,000)
 Omega Code (\$7,500) (Elusive Quality) - Lil Sissy Girl (El Prado (IRE))
 Br: Bob Myers (FL)
 Own: Lindsey M. Raines
 Tr: Lindsey M. Raines (0-0-0-0 0%) 0%

Life: 48 3 8 10 \$171,140 Dirt: 15 0 4 4 \$39,321
 2014: 5 0 1 0 \$6,170 Wet Dirt: 0 0 0 0 \$0
 2013: 10 0 1 2 \$12,134 Turf: 33 3 4 6 \$131,819
 Ind Turf: 0 0 0 0 \$0 Wet Turf: 10 0 1 1 \$23,381
 Distance: 7 1 1 1 \$26,975 Synthetic: 13 0 4 4 \$36,421

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|---|----|----------------------------------|-------|--------------------|-----------------------|-----------------|-------|-------------------|--|--------------|-----|----|-------|----------------------------------|-----------------------------------|------------------------------------|-------------------------|
| 07Jul14 Pid4 | ft | 6 $\frac{1}{2}$ ⁴⁰ | :2220 | :4500 | 1:03 ⁵¹ 31 | Str 7500 | 65-81 | 6 7 | 7 $\frac{1}{2}$ 6 $\frac{1}{2}$ 4 $\frac{1}{2}$ 4 $\frac{1}{2}$ | Garcia JA | 119 | L | 10.30 | Porter Central122nk | Midnight Medic119hd | Drunken Love119nk | cut corner, gaining 7 |
| 22Jun14 Pid6 | ft | 6 $\frac{1}{2}$ ⁴⁸ | :2209 | :4487 | 1:09 ⁵⁹ 31 | Str 7500 | 66-99 | 1 3 | 5 $\frac{1}{2}$ 4 $\frac{1}{2}$ 2 $\frac{1}{2}$ 2 $\frac{1}{2}$ | Morales P | 119 | L | 13.10 | Porter Central122 $\frac{1}{2}$ | Evacuation Route119 $\frac{1}{2}$ | Last Heartbreaker119 $\frac{1}{2}$ | circled, gaining 5 |
| 15Mar14 Tam10 | fm | 22 5 $\frac{1}{2}$ ⁵⁶ | :2072 | :4351 | :55 ²⁰ 41 | Aoc 4000nw2/x | 49-86 | 4 9 | 9 $\frac{1}{2}$ 9 $\frac{1}{2}$ 9 $\frac{1}{2}$ 7 $\frac{1}{2}$ | Rossi O | 118 | L | 97.30 | Hold On Smokey118 $\frac{1}{2}$ | Rojo Verde118nk | Cactus Son120nk | improved position 9 |
| 22Jan14 Tam5 | fm | 12 1 $\frac{1}{2}$ ⁷² | :4844 | 1:12 ⁵⁵ | 1:42 ²⁴ 41 | Cm 16000 | 67-79 | 2 7 $\frac{1}{2}$ | 104 $\frac{1}{2}$ 107 9 $\frac{1}{2}$ 8 $\frac{1}{2}$ | Cartwright A | 118 | L | 83.40 | Sammy Alexander118 $\frac{1}{2}$ | Majestic Man123 $\frac{1}{2}$ | Family Foundation118nk | settled, no threat, 10 |
| 04Jan14 Tam10 | gd | 1m ⁵⁶ | :4818 | 1:12 ¹² | 1:36 ⁹³ 41 | Cm 16000 | 73-73 | 8 9 $\frac{1}{2}$ | 9 $\frac{1}{2}$ 10 $\frac{1}{2}$ 10 $\frac{1}{2}$ 10 $\frac{1}{2}$ | Marin AA | 118 | fl | 49.30 | It Takes Heart118 $\frac{1}{2}$ | Yankee Fourtune118 $\frac{1}{2}$ | Family Foundation118 $\frac{1}{2}$ | no factor 10 |
| 14Dec13 Tam10 | fm | 22 5 $\frac{1}{2}$ ⁵⁶ | :2092 | :4416 | :55 ⁹³ 31 | Aoc 3200nw2/x-N | 69-87 | 4 9 | 10 $\frac{1}{2}$ 10 $\frac{1}{2}$ 8 $\frac{1}{2}$ 7 $\frac{1}{2}$ | De La Cruz W | 120 | fl | 82.50 | Hold On Smokey120nk | Cactus Son120 $\frac{1}{2}$ | Rojo Verde120 $\frac{1}{2}$ | passed tiring rivals 10 |
| Works: 7 Jun 14 Ind 4F ft :50.20 b 40/67 28 May 14 Ind 4F ft :49.60 b 8/36 13 May 14 Ind 3F ft :37.20 b 2/7 7 Mar 14 Tam 3F gd :36.60 b 1/2 30 Nov 13 Tam 3F ft :37.40 b 6/20 | | | | | | | | | | | | | | | | | |
| Trainer (Last 365 days): All: 38 11% \$1.72 Dist/Surf: 2 0% \$0.00 ATWb/Trf: 1 0% \$0.00 Claiming: 30 13% \$2.17 With Jockey: 0 0% \$0.00 | | | | | | | | | | | | | | | | | |

B-Butte; L-Lasik; LI-First time on Lasik; LX-Off Lasik; J - Indiana Bred/Indiana Sired

Selections: 5-1-12-7

INDIANA GRAND RACE COURSE - July 24, 2014 - Race 7

ALLOWANCE OPTIONAL CLAIMING - For Thoroughbred Three Year Old and Upward (NW1 X) Claiming Price: \$25,000
Five Furlongs On The Turf Track Record: (Chamberlain Bridge - 55.40 - May 27, 2009)


EQUIBASE
COMPANY

Purse: \$34,000

Plus: \$8,160 State Bred

Available Money: \$42,160

Value of Race: \$42,160 1st \$28,560, 2nd \$6,800, 3rd \$3,400, 4th \$1,700, 5th \$340, 6th \$340, 7th \$170, 8th \$170, 9th \$170, 10th \$170, 11th \$170, 12th \$170

 [Video Race Replay](#)

Weather: Cloudy Track: Firm

Off at: 5:00 Start: Good for all except 8

| Last Raced | Pgm | Horse Name (Jockey) | Wgt | M/E | PP | Start | 3/16 | 3/8 | Str | Fin | Odds | Comments |
|---------------------------------------|-----|---------------------------------------|-----|------|----|-------|-------------------------------|-------------------------------|---------------------------------|---------------------------------|-------|------------------------|
| 20Jun14 ⁷ IND ¹ | 12 | Buster Rose (Rose, Jeremy) | 119 | L b | 12 | 8 | 3 ¹ / ₂ | 2 ² | ¹ Head | 1 ¹ | 3.10 | rallied, 3w, driving |
| 21Jun14 ⁴ IND ³ | 1 | Discreet Treat (De La Cruz, Fernando) | 122 | L f | 1 | 5 | 1 ² | ¹ Head | 2 ² / _{1/2} | 2 ³ / ₄ | 2.90 | pace, led, tired late |
| 21Jun14 ⁴ CD ² | 5 | Cielo Classic (McKee, John) | 122 | L | 5 | 11 | 10 ² | 8 ¹ | ⁵ Head | 3 ¹ / ₂ | 2.40* | angled 4w, willingly |
| 19Jun14 ⁷ CD ⁷ | 9 | Penny's Deputy (Franklin, Malcolm) | 122 | L | 9 | 2 | 4 ^{Head} | 3 ¹ / ₂ | 3 ⁴ | 4 ¹ / ₄ | 23.30 | chased, 3w, hung late |
| 21Jun14 ⁴ IND ² | 7 | Steel Guitar (Theriot, Jamie) | 122 | L b | 7 | 9 | 9 ¹ | 7 ¹ | 4 ^{Head} | 5 ¹ / ₂ | 6.90 | 4w stretch, no threat |
| 2Jul14 ² IND ¹ | 2 | West Malibu (Ayuso, Armando) | 122 | L | 2 | 6 | 7 ^{Head} | 6 ¹ | 6 ¹ / ₂ | 6 ⁵ / ₂ | 12.50 | inside turn, no menace |
| 26Jun14 ² CD ⁵ | 6 | Lil Posh (Kuntzweiler, Greta) | 119 | L | 6 | 1 | 8 ^{Head} | 10 ¹⁰ | 9 ¹ | 7 ³ / ₄ | 50.10 | unhurried, no threat |
| 7Jun14 ⁷ CD ⁴ | 11 | Wingate Hall (Mojica, Orlando) | 118 | L b | 11 | 10 | 6 ^{Head} | 5 ¹ / ₂ | 7 ^{Head} | 8 ^{Head} | 31.00 | 4 wide turn, no rally |
| 12Jan14 ³ TP ³ | 10 | He Will Shine (Rechy, Ramon) | 122 | L bf | 10 | 7 | 2 ^{Head} | 4 ^{Head} | 8 ² | 9 ⁶ / ₂ | 62.10 | chased, 2w, used up |
| 1Jul14 ⁴ IND ³ | 3 | Sold Out (Creed, Ben) | 119 | L | 3 | 3 | 5 ¹ / ₂ | 9 ¹ / ₂ | 10 ¹² | 10 ⁴ / ₂ | 70.80 | through early, inside |
| 4Jul14 ¹ IND ¹ | 8 | Paddy's Notes (Rossi, Oriana) | 119 | L b | 8 | 12 | 12 | 12 | 11 ¹⁰ | 11 ¹⁶ / ₂ | 8.50 | broke in air, outrun |
| 7Oct13 ⁹ IND ⁷ | 4 | Kela's Boy (Wilkinson, Erin) | 122 | L | 4 | 4 | 11 ⁸ | 11 ¹ | 12 | 12 | 94.10 | brief foot, stopped |

Fractional Times: 21.70 45.18

Final Time: 57.56

Split Times: (23:48) (12:38)

Run-Up: 28 feet Temporary Rail: 12 feet

Winner: Buster Rose, Dark Bay or Brown Gelding, by Pioneering out of Sister Rose, by Service Stripe. Foaled Mar 19, 2008 in Indiana.

Breeder: Michael W. Ball. Winning Owner: Michael Ball

Claiming Prices: 5 - Cielo Classic: \$25,000; 7 - Steel Guitar: \$25,000; 6 - Lil Posh: \$25,000;

Scratched Horse(s): Evacuation Route (Also-Eligible)

Total WPS Pool: \$48,299

| Pgm | Horse | Win | Place | Show | Wager Type | Winning Numbers | Payoff | Pool |
|-----|----------------|------|-------|------|---------------------|-----------------------|----------|--------|
| 12 | Buster Rose | 8.20 | 4.40 | 3.40 | \$2.00 Exacta | 12-1 | 40.20 | 42,111 |
| 1 | Discreet Treat | | 4.00 | 2.80 | \$2.00 Trifecta | 12-1-5 | 125.20 | 35,076 |
| 5 | Cielo Classic | | | 2.60 | \$2.00 Superfecta | 12-1-5-9 | 1,703.40 | 24,152 |
| | | | | | \$2.00 Pick 3 | 5/10-2-12 (3 correct) | 201.00 | 2,555 |
| | | | | | \$2.00 Daily Double | 2-12 | 69.20 | 2,012 |

Past Performance Running Line Preview

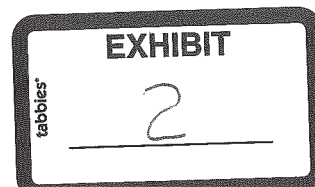
| Pgm | Horse Name | Start | 3/16 | 3/8 | Str | Fin |
|-----|----------------|-------|---------------------------------|-----------------------------------|---------------------------------|-----------------------------------|
| 12 | Buster Rose | 8 | 3 ² | ² Head | ¹ Head | 1 ¹ |
| 1 | Discreet Treat | 5 | 1 ² | ¹ Head | 2 ^{Head} | 2 ¹ |
| 5 | Cielo Classic | 11 | 10 ⁵ / ₂ | 8 ⁶ / ₄ | 5 ⁶ / _{3/4} | 3 ¹ / _{3/4} |
| 9 | Penny's Deputy | 2 | 4 ³ / ₂ | 3 ² | 3 ² / ₂ | 4 ³ / ₄ |
| 7 | Steel Guitar | 9 | 9 ⁴ / ₂ | 7 ⁵ / ₄ | 4 ⁶ / ₂ | 5 ⁴ / ₂ |
| 2 | West Malibu | 6 | 7 ⁴ / ₄ | 6 ⁴ / ₄ | 6 ⁶ / _{3/4} | 6 ⁶ |
| 6 | Lil Posh | 1 | 8 ⁴ / ₂ | 10 ⁷ / _{3/4} | 9 ¹⁰ / ₂ | 7 ¹¹ / ₂ |
| 11 | Wingate Hall | 10 | 6 ⁴ / ₄ | 5 ³ / _{3/4} | 7 ⁸ / ₄ | 8 ¹² / ₄ |
| 10 | He Will Shine | 7 | 2 ² | 4 ³ / ₂ | 8 ⁸ / ₂ | 9 ¹² / ₄ |
| 3 | Sold Out | 3 | 5 ³ / _{3/4} | 9 ⁷ / ₄ | 10 ¹¹ / ₂ | 10 ¹⁸ / _{3/4} |
| 8 | Paddy's Notes | 12 | 12 ¹⁵ / ₂ | 12 ¹⁸ / _{3/4} | 11 ²³ / ₂ | 11 ²³ / _{1/4} |
| 4 | Kela's Boy | 4 | 11 ⁷ / ₂ | 11 ¹⁷ / _{3/4} | 12 ³³ / ₂ | 12 ³⁹ / _{3/4} |

Trainers: 12 - Dunn, Stephen; 1 - Johnson, Marvin; 5 - Grego, Donald; 9 - Thornbury, Jeffrey; 7 - Holthus, Paul; 2 - McBride, Barbara; 6 - Vaughn, Terry; 11 - Garcia, Genaro; 10 - Reidy, Tim; 3 - Clark, Phillip; 8 - Glyshaw, Tim; 4 - Nasby, Dale

Owners: 12 - Michael Ball; 1 - Gibler, Lou, Johnson, Marvin A. and Widman, Larry A.; 5 - Donald R. Grego; 9 - Fortune Racing LLC; 7 - N P H Stable, Summers, Robert and Bridget and Quien Sabe Racing Stables; 2 - Just For Fun Stables; 6 - Terry Vaughn; 11 - Murphy, Bruce and Garcia, Genaro; 10 - Kimbra Hobson; 3 - Norma Clark; 8 - Grothaus, Dr. Ronald and Kay; 4 - Dale R. Nasby;

Footnotes

BUSTER ROSE was settle then rallied on the turn while three wide, was in a long dive on the outside and powered to the front in late stretch and proved best in the end. DISCREET TREAT set the early pace then was in a long drive in the stretch while inside, dug in but tired in late stretch. CIELO CLASSIC was unhurried early while inside then rallied in upper stretch, angled out in mid stretch to be four wide and closed willingly in late stretch. PENNY'S DEPUTY chased the pace then rallied on the turn three wide, made a bid but hung in late stretch. STEEL GUITAR was unhurried early then rallied on the turn, was four wide in the stretch but was no threat in the end. WEST MALIBU was inside on the turn then was no menace in the stretch. LIL POSH was unhurried early then was no threat in the stretch. WINGATE HALL raced four wide into the turn then lacked a rally in the stretch. HE WILL SHINE chased the early pace while two wide, was used up then stopped. SOLD OUT was through early while inside and stopped. PADDY'S NOTES broke in the air and was outrun. KELA'S BOY showed brief foot and stopped.



INDIANA GRAND RACE COURSE - July 24, 2014 - Race 7

ALLOWANCE OPTIONAL CLAIMING - Thoroughbred

FOR THREE YEAR OLDS AND UPWARD WHICH HAVE NEVER WON A RACE OTHER THAN MAIDEN, CLAIMING, STARTER OR INDIANA BRED OR CLAIMING PRICE \$25,000. Three Year Olds, 120 lbs.; Older, 124 lbs. Non-winners Of A Race On The Turf Since June 24 Allowed 2 lbs. Claiming Price \$25,000 (Races where entered for \$15,000 or less not considered in allowances) (Condition Eligibility Preferred). If this race is taken off the turf, it will be run at 5 furlongs on the main track. (NW1 X) Claiming

Price: \$25,000

Five Furlongs On The Turf Track Record: (Chamberlain Bridge - 55.40 - May 27, 2009)

Purse: \$34,000

Plus: \$8,160 State Bred

Available Money: \$41,990

Value of Race: \$41,990 1st \$28,560, 2nd \$6,800, 3rd \$3,400, 4th \$1,700, 5th \$340, 6th \$340, 7th \$170, 8th \$170, 9th \$170, 10th \$170, 11th \$170

Weather: Cloudy Track: Firm

Off at: 5:00 Start: Good for all except 8

EQUIBASE
COMPANY

 Video Race Replay

| Last Raced | Pgm | Horse Name (Jockey) | Wgt | M/E | PP | Start | 3/16 | 3/8 | Str | Fin | Odds | Comments |
|---------------------------------------|-----|---------------------------------------|-----|-------|----|-------|--------------------|--------------------|--------------------|----------------------|-------|------------------------|
| 20Jun14 ⁷ IND ¹ | 12 | Buster Rose (Rose, Jeremy) | 119 | L b | 12 | 8 | 3 ¹ 1/2 | 2 ² | 1 ^{Head} | 1 ¹ | 3.10 | rallied, 3w, driving |
| 21Jun14 ⁴ IND ³ | 1 | Discreet Treat (De La Cruz, Fernando) | 122 | L f | 1 | 5 | 1 ² | 1 ^{Head} | 2 ² 1/2 | 2 ^{3/4} | 2.90 | pace, led, tired late |
| 21Jun14 ⁴ CD ² | 5 | DQ-Cielo Classic (McKee, John) | 122 | L | 5 | 11 | 10 ² | 8 ¹ | 5 ^{Head} | 3 ¹ 1/2 | 2.40* | angled 4w, willingly |
| 19Jun14 ⁷ CD ⁷ | 9 | Penny's Deputy (Franklin, Malcolm) | 122 | L | 9 | 2 | 4 ^{Head} | 3 ¹ 1/2 | 3 ⁴ | 4 ¹ 1/4 | 23.30 | chased, 3w, hung late |
| 21Jun14 ⁴ IND ² | 7 | Steel Guitar (Theriot, Jamie) | 122 | L b | 7 | 9 | 9 ¹ | 7 ¹ | 4 ^{Head} | 5 ¹ 1/2 | 6.90 | 4w stretch, no threat |
| 2Jul14 ² IND ¹ | 2 | West Malibu (Ayuso, Armando) | 122 | L | 2 | 6 | 7 ^{Head} | 6 ¹ | 6 ¹ 1/2 | 6 ⁵ 1/2 | 12.50 | inside turn, no menace |
| 26Jun14 ² CD ⁵ | 6 | Lil Posh (Kuntzweiler, Greta) | 119 | L | 6 | 1 | 8 ^{Head} | 10 ¹⁰ | 9 ¹ | 7 ^{3/4} | 50.10 | unhurried, no threat |
| 7Jun14 ⁷ CD ⁴ | 11 | Wingate Hall (Mojica, Orlando) | 118 | L b | 11 | 10 | 6 ^{Head} | 5 ^{1/2} | 7 ^{Head} | 8 ^{Head} | 31.00 | 4 wide turn, no rally |
| 12Jan14 ³ TP ³ | 10 | He Will Shine (Rechy, Ramon) | 122 | L b f | 10 | 7 | 2 ^{Head} | 4 ^{Head} | 8 ² | 9 ⁶ 1/2 | 62.10 | chased, 2w, used up |
| 1Jul14 ⁴ IND ³ | 3 | Sold Out (Creed, Ben) | 119 | L | 3 | 3 | 5 ^{1/2} | 9 ^{1/2} | 10 ¹² | 10 ⁴ 1/2 | 70.80 | through early, inside |
| 4Jul14 ¹ IND ¹ | 8 | Paddy's Notes (Rossi, Oriana) | 119 | L b | 8 | 12 | 12 | 12 | 11 ¹⁰ | 11 ¹⁶ 1/2 | 8.50 | broke in air, outrun |
| 7Oct13 ⁶ IND ⁷ | 4 | Kela's Boy (Wilkinson, Erin) | 122 | L | 4 | 4 | 11 ⁸ | 11 ¹ | 12 | 12 | 94.10 | brief foot, stopped |

Fractional Times: 21.70 45.18

Final Time: 57.56

Split Times: (23:48) (12:38)

Run-Up: 28 feet Temporary Rail: 12 feet

Winner: Buster Rose, Dark Bay or Brown Gelding, by Pioneering out of Sister Rose, by Service Stripe. Foaled Mar 19, 2008 in Indiana.

Breeder: Michael W. Ball. Winning Owner: Michael Ball

Claiming Prices: 5 - Cielo Classic: \$25,000; 7 - Steel Guitar: \$25,000; 6 - Lil Posh: \$25,000;

Disqualification(s): # 5 Cielo Classic from 3 to 12

Scratched Horse(s): Evacuation Route (Also-Eligible)

Total WPS Pool: \$48,299

| Pgm | Horse | Win | Place | Show | Wager Type | Winning Numbers | Payoff | Pool |
|-----|----------------|------|-------|------|---------------------|-----------------------|----------|--------|
| 12 | Buster Rose | 8.20 | 4.40 | 3.40 | \$2.00 Exacta | 12-1 | 40.20 | 42,111 |
| 1 | Discreet Treat | | 4.00 | 2.80 | \$2.00 Trifecta | 12-1-5 | 125.20 | 35,076 |
| 5 | Cielo Classic | | | 2.60 | \$2.00 Superfecta | 12-1-5-9 | 1,703.40 | 24,152 |
| | | | | | \$2.00 Pick 3 | 5/10-2-12 (3 correct) | 201.00 | 2,555 |
| | | | | | \$2.00 Daily Double | 2-12 | 69.20 | 2,012 |

Past Performance Running Line Preview

| Pgm | Horse Name | Start | 3/16 | 3/8 | Str | Fin |
|-----|----------------|-------|----------------------|----------------------|----------------------|----------------------|
| 12 | Buster Rose | 8 | 3 ² | 2 ^{Head} | 1 ^{Head} | 1 ¹ |
| 1 | Discreet Treat | 5 | 1 ² | 1 ^{Head} | 2 ^{Head} | 2 ¹ |
| 5 | Cielo Classic | 11 | 10 ⁵ 1/2 | 8 ⁶ 1/4 | 5 ⁶ 3/4 | 3 ¹ 3/4 |
| 9 | Penny's Deputy | 2 | 4 ³ 1/2 | 3 ² | 3 ² 1/2 | 4 ³ 1/4 |
| 7 | Steel Guitar | 9 | 9 ⁴ 1/2 | 7 ⁵ 1/4 | 4 ⁶ 1/2 | 5 ⁴ 1/2 |
| 2 | West Malibu | 6 | 7 ⁴ 1/4 | 6 ⁴ 1/4 | 6 ⁶ 3/4 | 6 ⁶ |
| 6 | Lil Posh | 1 | 8 ⁴ 1/2 | 10 ⁷ 3/4 | 9 ¹⁰ 1/2 | 7 ¹¹ 1/2 |
| 11 | Wingate Hall | 10 | 6 ⁴ 1/4 | 5 ³ 3/4 | 7 ⁸ 1/4 | 8 ¹² 1/4 |
| 10 | He Will Shine | 7 | 2 ² | 4 ³ 1/2 | 8 ⁸ 1/2 | 9 ¹² 1/4 |
| 3 | Sold Out | 3 | 5 ³ 3/4 | 9 ⁷ 1/4 | 10 ¹¹ 1/2 | 10 ¹⁸ 3/4 |
| 8 | Paddy's Notes | 12 | 12 ¹⁵ 1/2 | 12 ¹⁸ 3/4 | 11 ²³ 1/2 | 11 ²³ 1/4 |
| 4 | Kela's Boy | 4 | 11 ⁷ 1/2 | 11 ¹⁷ 3/4 | 12 ³³ 1/2 | 12 ³⁹ 3/4 |

Trainers: 12 - Dunn, Stephen; 1 - Johnson, Marvin; 5 - Grego, Donald; 9 - Thornbury, Jeffrey; 7 - Holthus, Paul; 2 - McBride, Barbara; 6 - Vaughn, Terry; 11 - Garcia, Genaro; 10 - Reidy, Tim; 3 - Clark, Phillip; 8 - Glyshaw, Tim; 4 - Nasby, Dale

Owners: 12 -Michael Ball; 1 -Gibler, Lou, Johnson, Marvin A. and Widman, Larry A.; 5 -Donald R. Grego; 9 -Fortune Racing LLC; 7 -N P H Stable, Summers, Robert and Bridget and Quien Sabe Racing Stables; 2 -Just For Fun Stables; 6 -Terry Vaughn; 11 -Murphy, Bruce and Garcia, Genaro; 10 -Kimbra Hobson; 3 -Norma Clark; 8 -Grothaus, Dr. Ronald and Kay; 4 -Dale R. Nasby;

Footnotes

BUSTER ROSE was settle then rallied on the turn while three wide, was in a long dive on the outside and powered to the front in late stretch and proved best in the end. DISCREET TREAT set the early pace then was in a long drive in the stretch while inside, dug in but tired in late stretch. CIELO CLASSIC was unhurried early while inside then rallied in upper stretch, angled out in mid stretch to be four wide and closed willingly in late stretch. PENNY'S DEPUTY chased the pace then rallied on the turn three wide, made a bid but hung in late stretch. STEEL GUITAR was unhurried early then rallied on the turn, was four wide in the stretch but was no threat in the end. WEST MALIBU was inside on the turn then was no menace in the stretch. LIL POSH was unhurried early then was no threat in the stretch. WINGATE HALL raced four wide into the turn then lacked a rally in the stretch. HE WILL SHINE chased the pace then was no threat in the stretch.

EXHIBIT

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tables

3

pace while two wide, was used up then stopped. SOLD OUT was through early while inside and stopped. PADDY'S NOTES broke in the air and was outrun. KELA'S BOY showed brief foot and stopped. CIELO CLASSIC WAS DISQUALIFIED FROM THIRD TO UNPLACED FOR A MEDICATION VIOLATION.

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



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

Version 7.00
Revised January 2014

EXHIBIT

4

tabbles

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

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Preamble to the Uniform Classification Guidelines of Foreign Substances

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

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

Notes Regarding Classification Guidelines

- Where the use of a drug is specifically permitted by a jurisdiction, then the jurisdiction's rule supersedes these penalty guidelines.
- Regulators should be aware that a laboratory report may identify a drug only by the name of its metabolite. The metabolite might not be listed here, but the parent compound may be.
- These classes of drugs are intended only as guidelines and should be employed only to assist persons adjudicating facts and opinions in understanding the seriousness of the alleged offenses.
- The facts of each case are different and there may be mitigating circumstances that should be considered.
- These drug classifications will be reviewed periodically. New drugs will be added or some drugs may be reclassified when appropriate.
- **Found substances or drugs not included in these guidelines should be treated as Class 1 violations warranting a Class A penalty unless otherwise advised by consultation with Racing Commissioners International (RCI) and/or the Racing Medication and Testing Consortium (RMTC).**

Classification Criteria

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

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

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

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

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

Classification Definitions

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

- **Prohibited Practices:**

- A) The possession and/or use of a drug, substance or medication, specified below, on the premises of a facility under the jurisdiction of the regulatory body for which a recognized analytical method has not been developed to detect and confirm the administration of such substance; or the use of which may endanger the health and welfare of the horse or endanger the safety of the rider or driver; or the use of which may adversely affect the integrity of racing:
 - 1) Erythropoietin
 - 2) Darbepoietin
 - 3) Oxyglobin
 - 4) Hemopure
- B) The possession and/or use of a drug, substance, or medication on the premises of a facility under the jurisdiction of the regulatory body that has not been approved by the United States Food and Drug Administration (FDA) for use in the United States.
- C) The practice, administration, or application of a treatment, procedure, therapy or method identified below, which is performed on the premises of a facility under jurisdiction of a regulatory body and which may endanger the health and welfare of the horse or endanger the safety of the rider or driver, or the use of which may adversely affect the integrity of racing:

Drug Classification Scheme

- **Class 1:** Opiates, opium derivatives, synthetic opioids, psychoactive drugs, amphetamines, and all DEA Schedule I substances (see <http://www.deadiversion.usdoj.gov/schedules#list1>), and many DEA Schedule II drugs. Also found in this class are drugs that are potent stimulants of the CNS. Drugs in this class have no generally accepted medical use in the racing horse and their pharmacologic potential for altering the performance of a racing horse is very high.

- **Class 2:** Drugs placed in this category have a high potential for affecting the outcome of a race. Most are not generally accepted as therapeutic agents in the racing horse. Many are products intended to alter consciousness or the psychic state of humans, and have no approved or indicated use in the horse. Some, such as injectable local anesthetics, have legitimate use in equine medicine, but should not be found in a racing horse. The following groups of drugs are placed in this class:

- A. Opiate partial agonists, or agonist-antagonists.
- B. Non-opiate psychotropic drugs. These drugs may have stimulant, depressant, analgesic or neuroleptic effects.
- C. Miscellaneous drugs, which might have a stimulant effect on the CNS.
- D. Drugs with prominent CNS depressant action.
- E. Anti-depressant and antipsychotic drugs, with or without prominent CNS stimulatory or depressant effects.
- F. Muscle blocking drugs - those that have a direct neuromuscular blocking action.
- G. Local anesthetics that have a reasonable potential for use as nerve-blocking agents (except procaine).
- H. Snake venoms and other biologic substances that may be used as nerve-blocking agents.

- **Class 3:** Drugs placed in this class may or may not have an accepted therapeutic use in the horse. Many are drugs that affect the cardiovascular, pulmonary and autonomic nervous systems. They all have the potential of affecting the performance of a racing horse. The following groups of drugs are placed in this class:

- A. Drugs affecting the autonomic nervous system that do not have prominent CNS effects, but which do have prominent cardiovascular or respiratory system effects. Bronchodilators are included in this class.
- B. A local anesthetic that has nerve-blocking potential but also has a high potential for producing urine residue levels from a method of use not related to the anesthetic effect of the drug (procaine).
- C. Miscellaneous drugs with mild sedative action, such as the sleep-inducing antihistamines.
- D. Primary vasodilating/hypotensive agents.
- E. Potent diuretics affecting renal function and body fluid composition.
- F. Anabolic and/or androgenic steroids and other drugs.

- **Class 4:** Drugs in this category comprise primarily therapeutic medications routinely used in racehorses. These may influence performance, but generally have a more limited ability to do so. Groups of drugs assigned to this category include the following:

A. Non-opiate drugs that have a mild central antipyretic effect.
B. Drugs affecting the autonomic nervous system that do not have prominent CNS, cardiovascular, or respiratory effects:

1. Drugs used solely as topical vasoconstrictors or decongestants.
2. Drugs used as gastrointestinal antispasmodics.
3. Drugs used to void the urinary bladder.
4. Drugs with a major effect on CNS vasculature or smooth muscle of visceral organs.

C. Antihistamines that do not have a significant CNS depressant effect. This does not include the H2 blocking agents, which are in Class 5.

D. Mineralocorticoid drugs.

E. Skeletal muscle relaxants.

F. Anti-inflammatory drugs. These drugs may reduce pain as a consequence of their anti-inflammatory action.

1. Non-steroidal anti-inflammatory drugs (NSAIDs). (Aspirin-like drugs).

2. Corticosteroids (glucocorticoids).

3. Miscellaneous anti-inflammatory agents.

G. Less potent diuretics.

H. Cardiac glycosides and antiarrhythmic agents.

1. Cardiac glycosides.

2. Antiarrhythmic agents (exclusive of lidocaine, bretylium, and propranolol).

3. Miscellaneous cardiotoxic drugs.

I. Topical Anesthetics - agents not available in injectable formulations.

J. Antidiarrheal drugs.

K. Miscellaneous drugs:

1. Expectorants with little or no other pharmacologic action.
2. Stomachics.
3. Mucolytic agents.

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

Alphabetical Substance List

| Drug/Substance | Trade Name(s) | Drug Class | Penalty Class |
|---|-----------------------------|------------|---------------|
| 3,4-methylenedioxypropylvalerone | MDPV, "bath salts" | 1 | A |
| Acebutolol | Sectral | 3 | B |
| Acecarbromal | | 2 | A |
| Acenocoumarol | | 5 | C |
| Acepromazine | Atrovet, Notensil, PromAce® | 3 | B |
| Acetaminophen (Paracetamol) | Tylenol, Tempra, etc. | 4 | C |
| Acetamidid | | 4 | B |
| Acetazolamide | Diamox, Vetamox | 4 | B |
| Acetophenazine | Tindal | 2 | A |
| Acetophenetidin (Phenacetin) | | 4 | B |
| Acetylsalicylic acid (Aspirin) | | 4 | C |
| Alclomethasone | Aclovate | 4 | C |
| Adinazolam | | 2 | A |
| Adrenochrome monosemicarbazone salicylate | | 4 | B |
| Albuterol (Salbutamol) | Proventil, Ventolin | 3 | B |
| Alclufenac | | 2 | |
| Alcurnonium | Alloferin | 2 | A |
| Aldosterone | Aldocortin, Electrococtin | 4 | B |
| Alfentanil | Alfenta | 1 | A |
| Almotriptan | Axert | 3 | A |
| Alphaprodine | Nisentil | 2 | A |
| Alpidem | Anaxyl | 2 | A |
| Alprazolam | Xanax | 2 | A |
| Alprenolol | | 3 | A |
| Althesin | Saffan | 2 | A |
| Ambenonium | Mytelase, Myeuran | 3 | B |
| Ambroxol | Ambril, etc. | 4 | C |
| Amezinonide | Cyclocort | 4 | C |
| Amitilorde | Moduretic; Midamor | 4 | B |
| Aminocaproic acid | Amicar, Caprocid | 4 | C |
| Amiodarone | | 4 | B |
| 2-Aminoheptane | Tuamine | 4 | B |
| Aminophylline | Aminophyllin, etc. | 3 | B |
| Aminopyrine | | 4 | B |
| Amisometradine | Rolietron | 4 | B |
| Amisulpride | Solian | 2 | A |
| Amitraz | Mitaban | 3 | A |

| Drug/Substance | Trade Name(s) | Drug Class | Penalty Class |
|-------------------------------------|---|------------|---------------|
| Amitriptyline | Elavil, Amitril, Endep | 2 | A |
| Amlodipine | Ammivin, Norvasc | 4 | B |
| Amobarbital | Amytal | 2 | A |
| Amoxapine | Asendin | 2 | A |
| Amperozide | | 2 | A |
| Amphetamine | | 1 | A |
| Aminone | | 4 | B |
| Amyl nitrite | | 3 | A |
| Anileridine | Leritine | 1 | A |
| Anilopam | Anisine | 2 | A |
| Anisindione | | 5 | C |
| Anisotropine | Valpin | 4 | B |
| Antipyrine | | 4 | B |
| Apazone (Azapropazone) | Rheumox | 4 | B |
| Aponorphine | | 1 | A |
| Aprindine | | 4 | B |
| Aprobarbital | Alurate | 2 | A |
| Arecoline | | 3 | A |
| Arformoterol | | 3 | A |
| Articaine | Septocaine; Ultracaine, etc. | 2 | A |
| Atenolol | Tenormin | 3 | B |
| Atomoxetine | Strattera | 2 | A |
| Atracurium | Tracrium | 2 | A |
| Atropine | | 3 | B |
| Azacylonol | Frenque | 2 | A |
| Azapertone | Stresnil, Suicalm, Fentaz (with Fentanyl) | 2 | A |
| Baclofen | Lioresal | 4 | B |
| Barbital | Veronal | 2 | A |
| Barbiturates | | 2 | A |
| Beclomethasone | Propaderm | 4 | C |
| Bemegride | Megimide, Mikedimide | 2 | A |
| Benazeprilat, Benazepril and MC-tab | Lotrel, Lotensin | 3 | A |
| Bendroflumethiazide | Naturetin | 4 | B |
| Benoxaprofen | | 2 | A |
| Benoxinate | Dorsacaine | 4 | C |
| Benperidol | Anquil | 2 | A |

Alphabetical Substance List (Cont)

| Drug/Substance | Trade Name(s) | Drug Class | Penalty Class |
|---------------------------------|-------------------------------------|------------|---------------|
| Benzazepam | Tiadipona | 2 | A |
| Benzactazine | Deprol, Bronchodilietten | 2 | A |
| Benzocaine | | 4 | B |
| Benzocetamine | | 2 | A |
| Benzodiazepines | | 2 | A |
| Benzonate | Tessalon, Tessalon Perles, Zonatuss | 2 | A |
| Benzphetamine | Didrex | 2 | A |
| Benzthiazide | | 4 | B |
| Benztropine | Cogentin | 2 | A |
| Benzylpiperazine (BZP) | | 1 | A |
| Bepiridil | Bepadin | 4 | B |
| Betamethasone | Betasone, etc. | 4 | C |
| Betaxolol | Kerlone | 3 | B |
| Bethanechol | Urecholine, Duvoid | 4 | C |
| Bethanidine | Esbatal | 3 | A |
| Biperiden | Akineton | 3 | A |
| Biriperone | | 2 | A |
| Bisoprolol | Zebeta, Bisobloc, etc. | 3 | B |
| Bitolterol | Effectin | 3 | A |
| Bolasterone | | 3 | A |
| Boldenone | | 3 | B |
| Boldione | Equipoise | 3 | A |
| Bretylum | Bretylol | 3 | B |
| Brimonidine | Alphagan | 2 | A |
| Bromazepam | Lexotan, Lectopam | 2 | A |
| Bromfenac | Duract | 3 | A |
| Bromhexine | Oleto, etc. | 4 | B |
| Bromisovalum | Diffucord, etc. | 2 | A |
| Bromocriptine | Parlodel | 2 | A |
| Bromodiphenhydramine | | 3 | B |
| Bromperidol | Bromidol | 2 | A |
| Brompheniramine | Dimetane, Disomer | 4 | B |
| Brotizolam | Brotocol | 2 | A |
| Budesonide | Pulmacort, Rhinocort | 4 | C |
| Bufexamac | | 3 | A |
| Bumetanide | Bumex | 3 | B |
| Bupivacaine | Marcaine | 2 | A |
| Buprenorphine | Temgesic | 2 | A |
| Bupropion | Wellbutrin | 2 | A |
| Buspiron | Buspar | 2 | A |
| Butabarbital (Secbutobarbitone) | Butacaps, Butasol, etc. | 2 | A |
| Butacaine | Butyn | 4 | B |

| Drug/Substance | Trade Name(s) | Drug Class | Penalty Class |
|---|------------------------------|------------|---------------|
| Butalbital (Talbutal) | Fiorinal | 2 | A |
| Butamben (butyl aminobenzoate) | Butesin | 4 | C |
| Butamitacaine | Hostacain | 2 | A |
| Butaperazine | Repoise | 2 | A |
| Butoctamide | Listomin | 2 | A |
| Butorphanol | Stadol, Torbugesic | 3 | B |
| Butoxycaine | Stadacain | 4 | B |
| N-Butylscopolamine | | 3 | B |
| Caffeine | | 2 | B |
| Calusterone | Methosorb | 3 | B |
| Camazepam | Paxor | 2 | A |
| Camphor | | 4 | C |
| Candesartan | Atcand | 3 | B |
| Captodiamine | Covatine | 2 | A |
| Captopril | Capolen | 3 | B |
| Carazolol | Carbacel, Conducton | 3 | A |
| Carbachol | Lentin, Doryl | 3 | B |
| Carbamezapine | Tegretol | 3 | B |
| Carbazochrome | | 4 | C |
| Carbidopa + levodopa | Sinemet | 2 | A |
| Carbinoxamine | Clistin | 3 | B |
| Carbromol | Mifudorm | 2 | A |
| Carfentanil | | 1 | A |
| Carisoprodol | Rela, Soma | 2 | B |
| Carphenazine | Proketazine | 2 | A |
| Carpiramine | Prazinil | 2 | A |
| Carprofen | Rimadyl | 4 | B |
| Carteolol | Cartrol | 3 | B |
| Carticaine (see articaine) | Septocaine; Ultracaine, etc. | 2 | A |
| Carvedilol | Coreg | 3 | B |
| Cathinone (khat, kat, quat, chat, catha, Abyssinian tea, African tea) | | 1 | A |
| Celecoxib | Celebrex | 3 | B |
| Cetirizine | Zyrtec | 4 | B |
| Chloral betaine | Beta-Chlor | 2 | A |
| Chloral hydrate | Nactec, Oridrate, etc. | 2 | A |
| Chloraldehyde (chloral) | | 2 | A |
| Chloralose (Alpha-Chloralose) | | 2 | A |
| Chlordiazepoxide | Librium | 2 | A |
| Chlorhexidol | | 2 | A |
| Chlormerodrin | Neohydrin | 4 | B |
| Chlormezanone | Trancopal | 2 | A |

Alphabetical Substance List (Cont)

| Drug/Substance | Trade Name(s) | Drug Class | Penalty Class |
|---------------------------------|---------------------------|------------|---------------|
| Chloroform | | 2 | A |
| Chlorophenesin | Maolate | 4 | C |
| Chloroprocaine | Nesacaine | 2 | A |
| Chloroquine | Avloclor | 4 | C |
| Chlorothiazide | Diuril | 4 | B |
| Chlorpheniramine | Chlortrimeton, etc. | 4 | B |
| Chlorprothazine | Newipleg | 2 | A |
| Chlorpromazine | Thorazine, Largactil | 2 | A |
| Chlorprothixene | Taractan | 2 | A |
| Chlorthalidone | Hydroton | 4 | B |
| Chlorzoxazone | Paraflex | 4 | B |
| Ciclesonide | | 4 | B |
| Cilostazol | Pletal | 5 | C |
| Cimetrol | | 3 | A |
| Cimetidine | Tagamet | 5 | D |
| Cinchocaine | Nupercaine | 4 | C |
| Citalopram | Celex | 2 | A |
| Clanbutin | | 4 | B |
| Clemastine | Tavist | 3 | B |
| Glenbuterol | Ventipulmin | 3 | B |
| Clibucaine | Batrax | 4 | C |
| Clidinium | Quarezan, Clindex, etc. | 3 | B |
| Clobazam | Urbanyl | 2 | A |
| Clobetasol | Temovate | 4 | C |
| Clocapramine | | 2 | A |
| Clocortolone | Cloderm | 4 | C |
| Clofenamide | | 4 | B |
| Clomethiazole (Chlormethiazole) | | 2 | A |
| Clomipramine | Anafranil | 2 | A |
| Clonazepam | Klonopin | 2 | A |
| Clonidine | Catapres | 3 | B |
| Clorazepate | Tranxene | 2 | A |
| Clormecaine | Placacid | 4 | C |
| Clostebol | | 3 | B |
| Clothiapine | Entermin | 2 | A |
| Clotiazepam | Trecalmo, Rize | 2 | A |
| Clozapolam | Enadel, Sepazon, Tolestan | 2 | A |
| Clozapine | Clozaril, Leponex | 2 | A |
| a-Cobratroxin | | 1 | A |
| Cocaine | | 1 | B |
| Codeine | | 1 | A |
| Colchicine | | 4 | B |

| Drug/Substance | Trade Name(s) | Drug Class | Penalty Class |
|---------------------------------|--|------------|---------------|
| Conorphone | | | |
| Corticaine | Ultracain | 2 | A |
| Cortione, etc. | | 2 | A |
| Cortone, etc. | | 4 | C |
| Cromolyn | Intel | 5 | C |
| Crotetamide | | 2 | A |
| Cyanemazine | Tercian | 2 | A |
| Cyclospasmol | Cyclospasmol | 3 | A |
| Cyclizine | Merazine | 4 | B |
| Cyclobarbitol | Phanodorm | 2 | A |
| Cyclobenzaprine | Flexeril | 4 | B |
| Cyclomethycaine | Surfacaine | 4 | C |
| Cyclothiazide | Anhydron, Renazide | 4 | B |
| Cycrimine | Pagitane | 3 | B |
| Cyproheptadine | Periactin | 4 | C |
| Danazol | Danocrine | 3 | B |
| Dantrolene | Dantrium | 4 | C |
| Darbepoetin | Aranesp | 2 | A |
| Decamethonium | Syncurine | 2 | A |
| Dehydrochloromethyltestosterone | | 3 | B |
| Dembroxol (Dembrexine) | Sputolysin | 4 | C |
| Demoxepam | | 2 | A |
| Deoxycorticosterone | Percortin, DOCA, Descotone, Dorcostrin | 4 | C |
| DeraAcoxib | Deremaxx | 3 | B |
| Dermorphin | | 1 | A |
| Desipramine | Norpromine, Pertofrane | 2 | A |
| Desonite | Des Owen | 4 | C |
| Desoximetasone | Topicort | 4 | C |
| Desoxymethyltestosterone | | 3 | B |
| Detomidine | Dormosedan | 3 | B |
| Dexamethasone | Azium, etc. | 4 | C |
| Dextromethorphan | | 4 | B |
| Dextromoramide | Palfium, Narcolo | 1 | A |
| Dextropropoxyphene | Darvon | 3 | B |
| Dezocine | Dalgan | 2 | A |
| Diamorphine | | 1 | A |
| Diazepam | Valium | 2 | B |
| Diazoxide | Proglycem | 3 | B |
| Dibucaine | Nupercainal, Cinchocaine | 4 | C |
| Dichloralphenazone | Febenol, Isocom | 2 | A |
| Dichlorphenamide | Daramide | 4 | C |
| Diclofenac | Voltaren, Voltarol | 4 | C |

Alphabetical Substance List (Cont)

| Drug/Substance | Trade Name(s) | Drug Class | Penalty Class |
|--------------------------|--|------------|---------------|
| Dicumarol | Dicumarol | 5 | C |
| Diethylpropion | Tepanil, etc. | 2 | A |
| Diethylthiambutene | Themalon | 2 | A |
| Diflorasone | Florone, Maxiflor | 4 | C |
| Diflucortolone | Flu-Cortinest, etc. | 4 | C |
| Diflunisal | | 3 | B |
| Digitoxin | Crytostiglin | 4 | B |
| Digoxin | Lanoxin | 4 | B |
| Dihydrocodeine | Parcodin | 2 | A |
| Dihydroergotamine | | 4 | B |
| Dilorzepam | Briantum | 2 | A |
| Diltiazem | Cardizem | 4 | B |
| Dimeflin | | 3 | A |
| Dimethisoquin | Quotane | 4 | B |
| Dimethylsulfoxide (DMSO) | Domoso | 4 | C |
| Dimethylsulphone (MSM) | | 5 | C |
| Diphenadone | | 5 | C |
| Diphenhydramine | Benadryl | 3 | B |
| Difenoxylate | Difenoxin, Lomotil | 4 | B |
| Diprenorphine | M50/50 | 2 | A |
| Dipyridamole | Persantine | 3 | B |
| Dipyrrone | Novin, Methampyrone | 4 | C |
| Disopyramide | Norpace | 4 | B |
| Divalproex | Depakote | 3 | A |
| Dixyrazine | Estucos | 2 | A |
| Dobutamine | Dobutrex | 3 | B |
| Dopamine | Intropin | 2 | A |
| Donepezil | Aricept | 1 | A |
| Doxacurium | Nuromax | 2 | A |
| Doxapram | Dopram | 2 | A |
| Doxazosin | | 3 | A |
| Doxefazepam | Doxans | 2 | A |
| Doxepin | Adapin, Sinequan | 2 | A |
| Doxylamine | Decapryn | 3 | B |
| Dromostanolone | Drolban | 3 | B |
| Droperidol | Inapsine, Droleptan, Innovar-Vet (with Fentanyl) | 2 | A |
| Duloxetine | | 2 | A |
| Dyclonine | Dyclone | 4 | C |
| Dyphylline | | 3 | B |
| Edrophonium | Tensilon | 3 | B |
| Eletripan | Relpax | 3 | A |

| Drug/Substance | Trade Name(s) | Drug Class | Penalty Class |
|--|------------------------------|------------|---------------|
| Eltencic | | 4 | C |
| Enalapril (metabolite enalaprilat) | Vasotec | 3 | B |
| Enciprazine | | 2 | A |
| Endorphins | | 1 | A |
| Enkephalins | | 1 | A |
| Ephedrine | | 2 | A |
| Epibatidine | | 2 | A |
| Epinephrine | | 2 | A |
| Ergoloid mesylates (dihydroergococaine mesylate, dihydroergocristine mesylate, and dihydroergocryptine mesylate) | | 2 | A |
| Ergonovine | Ergotrate | 4 | C |
| Ergotamine | Gynergen, Cafergot, etc. | 4 | B |
| Erdurityl tetranitrate | Cardilate | 3 | A |
| Erythropoietin(EPO) | Epogen, Procrit, etc. | 2 | A |
| Esmolol | Brevibloc | 3 | B |
| Esomeprazole | Nexium | 5 | D |
| Estazolam | Domnamid, Eurodin, Nuactalon | 2 | A |
| Etamiphylline | | 3 | B |
| Etanercept | Enbrel | 4 | B |
| Ethacrynic acid | Edecrin | 3 | B |
| Ethamivan | | 2 | A |
| Ethanol | | 2 | A |
| Ethchlorvynol | Placidyl | 2 | A |
| Ethinamate | Valmid | 2 | A |
| Ethioheptazine | Zactane | 4 | B |
| Ethiopropazine | Parsidol | 2 | A |
| Ethosuximide | Zarontin | 3 | A |
| Ethotoin | Peganone | 4 | B |
| Ethoxzolamide | Cardrase, Ethamide | 4 | C |
| Ethylaminobenzoate (Benzocaine) | Semets, etc. | 4 | C |
| Ethylestrenol | Maxibolin, Organon | 3 | B |
| Ethylisobutrazine | Diquel | 2 | A |
| Ethylmorphine | Dionin | 1 | A |
| Ethylnorepinephrine | Bronkheprine | 3 | A |
| Ethioacaine | Duranest | 2 | A |
| Etilofxin | Stresam | 2 | A |
| Etizolam | Depas, Pasaden | 2 | A |
| Etodolac | Lodine | 3 | B |
| Etodroxizine | Indunox | 2 | A |
| Etomidate | | 2 | A |

Alphabetical Substance List (Cont)

| Drug/Substance | Trade Name(s) | Drug Class | Penalty Class |
|--------------------|--|------------|---------------|
| Etorphine HCl | M99 | 1 | A |
| Famotidine | Gaster, etc. | 5 | D |
| Felbamate | Felbatol | 3 | A |
| Felodipine | Piendil | 4 | B |
| Fenarbamate | Tymium | 2 | A |
| Fenbufen | Cincopal | 3 | B |
| Fenclozic acid | Myalex | 2 | A |
| Fenfluramine | Pondimin | 2 | A |
| Fenofibrate | Corlopam | 3 | B |
| Fenpropion | Nalfon | 3 | B |
| Fenpropion | Berotec | 3 | B |
| Fenspiride | Respiride, Respan, etc | 3 | B |
| Fentanyl | Sublimaze | 1 | A |
| Fentiazac | | 3 | B |
| Fexofenadine | Allegra | 4 | C |
| Firocoxib | | 4 | B |
| Flecainide | Idalon | 4 | B |
| Floctafine | Idalon, Idarac | 4 | B |
| Flunafone | Sedalande | 2 | A |
| Flucinolone | Synalar, etc. | 4 | C |
| Fludiazepam | Erispan | 2 | A |
| Fludrocortisone | Alforone, etc. | 4 | C |
| Flufenamic acid | | 3 | B |
| Flumethasone | Flucort, etc. | 4 | C |
| Flumethiazide | Adenol | 4 | B |
| Flunarizine | Sibelium | 4 | B |
| Flumisolide | Bronilide, etc. | 4 | C |
| Flunitrazepam | Rohypnol, Narcozep, Darkene, Hypnodorm | 2 | A |
| Flunixin | Banamine | 4 | C* |
| Fluocinolone | Synalar | 4 | C |
| Fluocinonide | Licon, Lidex | 4 | C |
| Fluopromazine | Psyquil, Siquil | 2 | A |
| Fluoresone | Caducid | 2 | A |
| Fluorometholone | FML | 4 | B |
| Fluoroprednisolone | Predef-2X | 4 | C |
| Fluoxetine | Prozac | 2 | A |
| Fluoxymesterone | Halotestin | 3 | B |
| Flupenthixol | Depixol, Fluaxol | 2 | A |
| Fluphenazine | Prolixin, Permittil, Anatsol, etc. | 2 | A |
| Flupirtine | Katadolone | 3 | A |
| Fluprednisolone | Alphadrol | 4 | C |

| Drug/Substance | Trade Name(s) | Drug Class | Penalty Class |
|---------------------------------------|------------------------|------------|---------------|
| Flurandrenolide | Cordan | 4 | C |
| Flurazepam | Dalmane | 2 | A |
| Flurbiprofen | Froben | 3 | B |
| Fluspirilene | Imap, Rdeptin | 2 | A |
| Fluticasone | Flixonase, Flutide | 4 | C |
| Flutoprazepam | Restas | 2 | A |
| Fluvoxamine | Dumirox, Faverin, etc. | 2 | A |
| Formebolone | | 3 | B |
| Formoterol | Altram | 3 | B |
| Fosinopril, metabollite, Fosinoprilat | Monopril | 3 | A |
| Fosphenytoin | Cerebyx | 3 | B |
| Furazabol | | 3 | B |
| Furosemide | Lasix | N/A | |
| Gabapentin | Neurontin | 4 | B |
| Galantamine | Reminyl | 2 | A |
| Gallamine | Flaxedil | 2 | A |
| Gepirone | | 2 | A |
| Gestronone | | 3 | A |
| Glutethimide | | 2 | A |
| Glycopyrrolate | Doriden | 2 | A |
| | Robinul | 3 | B |
| Guafenesin (glycerol guaiacolate) | Gecolate | 4 | C |
| Guanadrel | Hylarel | 3 | A |
| Guanethidine | Ismelin | 3 | A |
| Guanabenz | Wyntensin | 3 | B |
| Halazepam | Paxipam | 2 | A |
| Halcinonide | Halog | 4 | C |
| Halobetasol | Ultravate | 4 | C |
| Haloperidol | Haldol | 2 | A |
| Haloxazolam | Somelin | 2 | A |
| Hemoglobin glutamers | Oxyglobin Hemopure | 2 | A |
| Heptaminol | Corofundol | 3 | B |
| Heroin | | 1 | A |
| Hexafluorenum | Myalexen | 2 | A |
| Hexobarbital | Evipal | 2 | A |
| Hexocyclium | Tral | 4 | C |
| Hexylcaine | Cyclaine | 4 | C |
| Homatropine | Homapin | 3 | B |
| Homophenazine | Pelvichthol | 2 | A |
| Hydralazine | Apresoline | 3 | B |
| Hydrochlorothiazide | Hydrodiuril | 4 | B |
| Hydrocodone (dihydrocodienone) | Hycodan | 1 | A |
| Hydrocortisone (Cortisol) | Cortef, etc. | 4 | C |

Alphabetical Substance List (Cont)

| Drug/Substance | Trade Name(s) | Drug Class | Penalty Class |
|-----------------------|-----------------------------------|------------|---------------|
| Hydroflumethiazide | Saluron | 4 | B |
| Hydromorphone | Dilaudid | 1 | A |
| Hydroxyamphetamine | Paradrine | 1 | A |
| 4-Hydroxytestosterone | | 3 | B |
| Hydroxyzine | Aiarax | 2 | B |
| Ibomal | Noctal | 2 | A |
| Ibuprofen | Motrin, Advil, Nurpin, etc. | 4 | C |
| Ibutilide | Corvert | 3 | B |
| Iloprost | Ventavis | 3 | A |
| Imipramine | Imavate, Presamine, Tofranil | 2 | A |
| Indomethacin | Indocin | 3 | B |
| Infliximab | Remicade | 4 | B |
| Ipratropium | | 3 | B |
| Irbesartan | Avapro | 3 | A |
| Isapirone | | 2 | A |
| Isocarboxazid | Marplan | 2 | A |
| Isoetharine | Bronkosol | 3 | B |
| Isoflupredone | Predief | 4 | C |
| Isomethadone | | 2 | A |
| Isometheptene | Octin, Octon | 4 | B |
| Isopropamide | Darbid | 4 | B |
| Isoproterenol | Isoprel | 2 | A |
| Isosorbide dinitrate | Isordil | 3 | B |
| Isoxicam | Maxicam | 2 | A |
| Isoxsuprine | Vasodilan | 4 | C |
| Isradipine | DynaCirc | 4 | B |
| Kebuzone | | 3 | B |
| Ketamine | Ketalar, Ketaset, Vetalar | 2 | B |
| Ketazolam | Anxon, Laftram, Solatran, Loftran | 2 | A |
| Ketoprofen | Orudis | 4 | C* |
| Ketorolac | Toradol | 3 | A |
| Labetalol | Normodyne | 3 | B |
| Lamotrigine | Lamictal | 3 | A |
| Lansoprazole | | 5 | D |
| Lenperone | Elanone-V | 2 | A |
| Letosteine | Viscotol, Visiotal | 4 | C |
| Levamisole | | 2 | B |
| Levobunolol | Betagan | 3 | B |
| Levomethorphan | | 2 | A |
| Levorphanol | Levo-Dremoran | 1 | A |

| Drug/Substance | Trade Name(s) | Drug Class | Penalty Class |
|-------------------------------------|---------------------------|------------|---------------|
| Lidocaine | Xylocaine | 2 | B |
| Lisinopril | Prinivil, Zestril | 3 | A |
| Lithium | Lithizine, Duralith, etc. | 2 | A |
| Lobeline | | 2 | A |
| Lofentanil | | 1 | A |
| Loflazepate, Ethyl | Victan | 2 | A |
| Loperamide | Imodium | 2 | A |
| Loprazolam | Dormonort, Havlane | 2 | A |
| Loratidine | Claritin | 4 | B |
| Lorazepam | Ativan | 2 | A |
| Lormetazepam | Noctamid | 2 | A |
| Losartan | Hyzaar | 3 | B |
| Loxapine | Laxitane | 2 | A |
| Mabuterol | | 3 | A |
| Maprotiline | Ludiomil | 2 | A |
| Mazindol | Sanorex | 1 | A |
| Mebutamate | Axiten, Dormate, Capla | 2 | A |
| Mecamylamine | Inversine | 3 | B |
| Mecizine | Antivert, Bonine | 4 | B |
| Meclofenamic acid | Arquel | 4 | C |
| Meclofenoxate | Lucidril, etc. | 2 | A |
| Medazepam | Nobrium, etc. | 2 | A |
| Medetomidine | Domitor | 3 | B |
| Medrysone | Medriusar, etc. | 4 | C |
| Mefenamic acid | Ponstel | 3 | B |
| Meloxicam | Mobic | 4 | B |
| Melperone | Eunerpan | 2 | A |
| Memantine | Namenda | 2 | A |
| Meparfynol | Oblivon | 2 | A |
| Mepazine | Pacatal | 2 | A |
| Mepenzolate | Cantil | 3 | A |
| Meperidine | Demerol | 1 | A |
| Mephensin | Tolserol | 4 | B |
| Mephexalone | Control, etc. | 2 | A |
| Mephentermine | Wyamine | 1 | A |
| Mephentoin | Mesantoin | 2 | A |
| Mephobarbital (Methylphenobarbital) | Mebaral | 2 | A |
| Mepivacaine | Carbocaine | 2 | B |
| Meprobamate | Equanil, Miltown | 2 | A |
| Meralluride | Merehydriin | 4 | B |
| Merbaphen | Novasural | 4 | B |
| Mercaptopmerin | Thiomerin | 4 | B |

Alphabetical Substance List (Cont)

| Drug/Substance | Trade Name(s) | Drug Class | Penalty Class |
|------------------------|---------------------------|------------|---------------|
| Mercurmalitin | Cumertilin | 4 | B |
| Mersaryl | Salyrgan | 4 | B |
| Mesalamine | Asacol | 5 | C |
| Mesoridazine | Serentil | 2 | A |
| Mestanolone | | 3 | B |
| Mesterolone | | 3 | B |
| Metaclozepam | Talis | 2 | A |
| Metaproterenol | Alupent, Metaprel | 3 | B |
| Metaraminol | Aramine | 1 | A |
| Metaxalone | Skelaxin | 4 | B |
| Metazocine | | 2 | A |
| Metenolone | | 3 | B |
| Methachlolone | | 3 | A |
| Methadone | Dolophine | 1 | A |
| Methamphetamine | Desoxyn | 1 | A |
| Methandienone | | 3 | B |
| Methandriol | Probolin | 3 | B |
| Methandrostenolone | Dianabol | 3 | A |
| Methantheoline | Banthane | 3 | B |
| Methapyrilene | Histadyl, etc. | 4 | B |
| Methaqualone | Quaalude | 1 | A |
| Metharbital | Gemonil | 2 | A |
| Methasterone | | 3 | A |
| Methazolamide | Naptazane | 4 | C |
| Methcathinone | | 1 | A |
| Methdilazine | Tacaryl | 4 | B |
| Methixene | Trest | 3 | A |
| Methocarbamol | Robaxin | 4 | C |
| Methohexital | Brevital | 2 | A |
| Methotrexate | Folex, Nexate, etc. | 4 | B |
| Methotrimeprazine | Levoprome, Neurocil, etc. | 2 | A |
| Methoxamine | Vasoxyl | 3 | A |
| Methoxyphenamine | Orthoxide | 3 | A |
| Methscopolamine | Pamine | 4 | B |
| Methsuximide | Celontin | 3 | A |
| Methylatropine | | 3 | B |
| Methylchlorothiazide | Enduron | 4 | B |
| Methyldienolone | | 3 | B |
| Methyldopa | Aldomet | 3 | A |
| Methylhexaneamine | Geranamine | 1 | A |
| Methylgonovine | Methergine | 4 | C |
| Methylnorttestosterone | | 3 | B |

| Drug/Substance | Trade Name(s) | Drug Class | Penalty Class |
|---------------------------------------|------------------------------|------------|---------------|
| Methylphenidate | Ritalin | 1 | A |
| Methylprednisolone | Medrol | 4 | C |
| Methyltestosterone | Metandren | 3 | A |
| Methyl-1-testosterone | | 3 | A |
| Methyprylon | Noludar | 2 | A |
| Methysergide | Sansert | 4 | B |
| Metiamide | | 4 | B |
| Metoclopramide | Reglan | 4 | C |
| Metocurine | Metubine | 2 | A |
| Metolazone | | 3 | B |
| Metomidate | Hypnodil | 2 | A |
| Metopon (methyldihydromorphinone) | | 1 | A |
| Metoprolol | Lopressor | 3 | B |
| Mexazolam | Melex | 2 | A |
| Mexilitine | Mexillil | 4 | B |
| Mibefradil | Posicor | 3 | B |
| Mibolerone | | 3 | B |
| Midazolam | Versed | 2 | A |
| Midodrine | Pro-Amiline | 3 | B |
| Milrinone | | 4 | B |
| Minoxidil | Loniten | 3 | B |
| Mirtazepine | Remeron | 2 | A |
| Misoprostel | Cytotec | 5 | C |
| Mivacurium | Mivacron | 2 | A |
| Modafinil | Provigil | 2 | A |
| Moexipril (metabolite, moexiprilat) | Uniretic | 3 | B |
| Molindone | Moban | 2 | A |
| Mometasone | Elocon | 4 | C |
| Montelukast | Singulair | 4 | C |
| Moperone | Luvatron | 2 | A |
| Morphine | | 1 | B |
| Mosaprimine | | 2 | A |
| Muscartine | | 3 | A |
| myo-Inositol Trispyrophosphate (ITPP) | | 1 | A |
| Nabumetone | Anthranax, Relafen, Reliflex | 3 | A |
| Nadol | Corgard | 3 | B |
| Naepaine | Amylaine | 4 | C |
| Nalbuphine | Nubain | 2 | A |
| Nalorphine | Nalline, Lethidrone | 2 | A |
| Naloxone | Narcan | 3 | A |
| Naltrexone | Revia | 3 | A |

Alphabetical Substance List (Cont)

| Drug/Substance | Trade Name(s) | Drug Class | Penalty Class |
|-------------------------------|------------------------|------------|---------------|
| Nandrolone | Nandrolin, Laurabolin, | 3 | B |
| Durabolin | | | |
| Naphazoline | Privine | 4 | B |
| Naproxen | Equiproxen, Naprosyn | 4 | C |
| Naratriptan | Amerge | 3 | B |
| Nebivolol | | 3 | A |
| Nedocromil | Tilade | 5 | C |
| Nefazodone | Serzone | 2 | A |
| Nefopam | | 3 | A |
| Neostigmine | Prostigmine | 3 | B |
| Nicardipine | Cardine | 4 | B |
| Nifedipine | Procardia | 4 | B |
| Niflumic acid | Nifluril | 3 | B |
| Nikethamide | Coramine | 1 | A |
| Nimesulide | | 3 | B |
| Nimetazepam | Erimin | 2 | A |
| Nimodipine | Nemotop | 4 | B |
| Nitrazepam | Mogadon | 2 | A |
| Nitroglycerin | | 3 | B |
| Nizatidine | Axid | 5 | C |
| 19-Norandrostenediol | | 3 | B |
| 19-Norandrostenedione | | 3 | B |
| Norbolethone | | 3 | B |
| Norclosterbol | | 3 | B |
| Nordiazepam | Calmday, Nordaz, etc. | 2 | A |
| Norepinephrine | | 2 | A |
| Norethandrolone | | 3 | A |
| Nortestosterone | | 4 | C |
| Nortriptyline | Aventyl, Pamelor | 2 | A |
| Nylidrine | Arlidin | 3 | A |
| Olanzapine | Zyprexa | 2 | A |
| Olmesartan | Benicar | 3 | A |
| Olsalazine | Dipentum | 4 | B |
| Omeprazole | Prilosec, Losec | 5 | D |
| Orphenadrine | Norflex | 4 | B |
| Oxabolone | | 3 | B |
| Oxandrolone | Anavar | 3 | B |
| Oxaprozin | Daypro, Deflam | 4 | C |
| Oxazepam | Serax | 2 | A |
| Oxazolam | Serenal | 2 | A |
| Oxcarbazepine | Trileptal | 3 | A |
| Oxilofrine (hydroxyephedrine) | | 2 | A |
| Oxprenolol | Trasicor | 3 | B |

| Drug/Substance | Trade Name(s) | Drug Class | Penalty Class |
|-------------------------------|----------------------|------------|---------------|
| Oxycodone | Percodan | 1 | A |
| Oxymesterone | | 3 | B |
| Oxymetazoline | Afrin | 4 | B |
| Oxymetholone | Adroyd, Anadrol | 3 | B |
| Oxymorphone | Numorphan | 1 | A |
| Oxyperitine | Forit, Integrin | 2 | A |
| Oxyphenbutazone | Tandearil | 4 | C |
| Oxyphenycyclimine | Daricon | 4 | B |
| Oxyphenonium | Antrenyl | 4 | B |
| Paliperidone | | 2 | A |
| Pancuronium | Pavulon | 2 | A |
| Pantoprazole | Protonix | 5 | D |
| Papaverine | Pavagen, etc. | 3 | A |
| Paraldehyde | Paral | 2 | A |
| Paramethadione | Paradione | 3 | A |
| Paramethasone | Haldione | 4 | C |
| Pargyline | Eutonyl | 3 | A |
| Paroxetine | Paxil, Seroxat | 2 | A |
| Penolone | Cylert | 1 | A |
| Penbutolol | Levato | 3 | B |
| Penfluridol | Cyperon | 2 | A |
| Pentaerythritol tetranitrate | Duotrate | 3 | A |
| Pentazocine | Talwin | 3 | B |
| Pentobarbital | Nembutal | 2 | A |
| Pentoxyfylline | Trental, Vazofrin | 4 | C |
| Pentylenetetrazol | Metrazol, Nioric | 1 | A |
| Perazine | Taxilan | 2 | A |
| Perfluorodecolin | | 2 | A |
| Perfluorodecahydronophthalene | | 2 | A |
| Perfluorooctylbromide | | 2 | A |
| Perfluorotripropylamine | | 2 | A |
| Perfluorocarbons | | 2 | A |
| Pergolide | Permax | 3 | B |
| Periciazine | Alodept, etc. | 2 | A |
| Perindopril | Biprel | 3 | A |
| Perlapine | Hypnodin | 2 | A |
| Perphenazine | Trilafon | 2 | A |
| Phenacemide | Phenurone | 4 | B |
| Phenaglycodol | Acalo, Alcamid, etc. | 2 | A |
| Phenazocine | Narphen | 1 | A |
| Phencyclidine (PCP) | Sernylan | 1 | A |
| Phendimetrazine | Bontril, etc. | 1 | A |
| Phenelzine | Nardelzine, Nardil | 2 | A |

Alphabetical Substance List (Cont)

| Drug/Substance | Trade Name(s) | Drug Class | Penalty Class |
|--|--------------------------|------------|---------------|
| Risperidone | | 2 | A |
| Ritanserin | | 2 | A |
| Ritodrine | Yutopar | 3 | B |
| Rivastigmine | Exelon | 3 | B |
| Rizatriptan | Maxalt | 3 | B |
| Rocuronium | Zemuron | 2 | A |
| Rofecoxib | Vioxx | 2 | A |
| Romifidine | Sedivet | 2 | B |
| Ropivacaine | Naropin | 2 | A |
| Salicylamide | | 4 | C |
| Salicylate | | 4 | C |
| Salmeterol | | 3 | B |
| Scopolamine (Hyoscine) | Triptone | 3 | B |
| Secobarbital (Quinalbarbitone) | Seconal | 2 | A |
| Selegiline | Eldepryl, Jumex, etc. | 2 | A |
| Sertraline | Lustral, Zoloft | 2 | A |
| Sibutramine | Meridia | 3 | B |
| Sildenafil | Viagra | 3 | A |
| Snake Venoms | | 2 | A |
| Somatropin | Nutropin | 2 | A |
| Somatrem | Protropin | 2 | A |
| Sotalol | Betapace, Sotacor | 3 | B |
| Spiclomazine | | 2 | A |
| Spiroperone | | 2 | A |
| Spirapril, metabolite Spiraprilat | Renomax | 3 | A |
| Spironalactone | Aldactone | 4 | B |
| Stanozolol | Winstrol-V | 3 | B |
| Stenbolone | | 3 | B |
| Strychnine | | 1 | B |
| Succinylcholine | Sucostrin, Queilin, etc. | 2 | A |
| Sufentanil | Sufenta | 1 | A |
| Sulfasalazine | Azulfidine, Azaline | 4 | C |
| Sulfondiethylmethane | | 2 | A |
| Sulfonmethane | | 2 | A |
| Sulfuridiazine | Inofal | 2 | A |
| Sulindac | Clinoril | 3 | A |
| Sulpiride | Aiglonyl, Sulpiril | 2 | A |
| Sultopride | Barnetil | 2 | A |
| Sumatriptan | Imitrex | 3 | B |
| Synthetic cannabis | Spice, K2, Kronic | 1 | A |
| Tadalafil | Cialis | 3 | A |
| Talbutal | Lotusate | 2 | A |
| Tandospirone | | 2 | A |
| Telmisartan | Micardis | 3 | B |
| Tenazepam | Restoril | 2 | A |
| Tenoxicam | Alganex, etc. | 3 | B |
| Tepoxalin | | 3 | B |
| Terazosin | Hytrin | 3 | A |
| Terbutaline | Brethine, Bricanyl | 3 | B |
| Terfenadine | Seldane, Triludan | 4 | B |
| Testolactone | Teslac | 3 | B |
| Testosterone | | 3 | B |
| Tetrabenazine | Nitoman | 2 | A |
| Tetraacaine | Pontocaine | 2 | A |
| Tetrahydrogestronone | | 3 | A |
| Tetrahydrozoline | Tyzine | 4 | B |
| Tetrazepam | Musaril, Myolastin | 2 | A |
| Thebaïne | | 2 | A |
| Theobromine | | 4 | B |
| Theophylline | Aqualphyllin, etc. | 3 | B |
| Thialbarbital | Kemithal | 2 | A |
| Thiamylal | Surital | 2 | A |
| Thiethylperazine | Torecan | 2 | A |
| Thiopental | Pentothal | 2 | A |
| Thiopropazate | Dartal | 2 | A |
| Thiopropazine | Majeptil | 2 | A |
| Thioridazine | Mellaril | 2 | A |
| Thioisocylate | | 4 | C |
| Thiothixene | Navane | 2 | A |
| Thiphenamil | Trocinat | 4 | B |
| Tiaprider | Italprid, Luxoben, etc. | 2 | A |
| Tiaprofenic acid | Surgam | 3 | B |
| Tiletamine | Component of Telazol | 2 | A |
| Timiperone | Tolopelon | 2 | A |
| Timolol | Blocardrin | 3 | B |
| Tocainide | Tonocard | 4 | B |
| Tofisopam | Grandaxain, Seriel | 2 | A |
| Tolazoline | Priscoline | 3 | B |
| Tolmetin | Tolectin | 3 | B |
| Topiramate | Topamax | 2 | A |
| Torsemide (Torasemide) | Demadex | 3 | A |
| Tramadol | Ultram | 2 | A |
| Trandolapril (and metabolite,trandolaprilat) | Tarka | 3 | B |
| Tranexamic acid | | 4 | C |
| Tranylcypromine | Parnate | 2 | A |

Alphabetical Substance List (Cont)

| Drug/Substance | Trade Name(s) | Drug Class | Penalty Class |
|---------------------------|-----------------------|------------|---------------|
| Trazodone | Desyrel | 2 | A |
| Trenbolone | Finoplix | 3 | B |
| Tretinoin | Inolin | 2 | A |
| Triamcinolone | Vetalog, etc. | 4 | C |
| Triamterene | Dyrenium | 4 | B |
| Triazolam | Halcion | 2 | A |
| Tribromethanol | | 2 | A |
| Tricaine methanesulfonate | Finquel | 2 | A |
| Trichloroethanol | Naqua, Naquasone | 4 | C |
| Trichloroethylene | Trilene, Trimar | 2 | A |
| Triclofos | Triclos | 2 | A |
| Tridihexethyl | Pathilon | 4 | B |
| Trifluomethazine | Nortran | 2 | A |
| Trifluoperazine | Stelazine | 2 | A |
| Trifluoperidol | Triperidol | 2 | A |
| Trifluoromazine | Vetame, Vesprin | 2 | A |
| Trihexyphenidyl | Artane | 3 | A |
| Trimepazine | Tenaril | 4 | B |
| Trimethadione | Tridione | 3 | B |
| Trimethaphan | Arfonad | 3 | A |
| Trimipramine | Surmontil | 2 | A |
| Tripelennamine | PBZ | 3 | B |
| Tripolidine | Actidil | 4 | B |
| Tubocurarine (Curare) | Metubin | 2 | A |
| Tybamate | Benvil, Nospan, etc. | 2 | A |
| Urethane | | 2 | A |
| Valdecoxib | | 2 | A |
| Valeric acid | | 3 | A |
| Valnoctamide | Nirvanyl | 2 | A |
| Valsartan | Diovan | 3 | B |
| Vardenafil | Levitra | 3 | A |
| Vedaprofen | | 4 | B |
| Venlafaxine | Effexor | 2 | A |
| Veralipride | Accional, Veralipril | 2 | A |
| Verapamil | Calan, Isoptin | 4 | B |
| Vercuronium | Noreuron | 2 | A |
| Viloxazine | Catrol, Vivalan, etc. | 2 | A |
| Vinbarbital | Delvinol | 2 | A |
| Vinylbital | Optanox, Speda | 2 | A |
| Warfarin | Coumadin, Coufarin | 5 | C |
| Xylazine | Rompun, Bay Va 1470 | 3 | B |
| Xylometazoline | Otrivin | 4 | B |

| Drug/Substance | Trade Name(s) | Drug Class | Penalty Class |
|----------------------------|--------------------|------------|---------------|
| Yohimbine | | 2 | A |
| Zafirlukast | Accolate | 4 | C |
| Zaleplon | Sonata | 2 | A |
| Zeranol | Ralgro | 4 | C |
| Ziconotide | | 1 | A |
| Zileuton | Zyflo | 4 | C |
| Zilpaterol hydrochloride | Zilpaterol | 2 | A |
| Ziprasidone | Geodon | 2 | A |
| Zolazepam | | 2 | A |
| Zolmitriptan | Zomig | 3 | B |
| Zolpidem | Ambien, Stilnox | 2 | A |
| Zomepirac | Zomax | 2 | A |
| Zonisamide | Zonegran | 3 | B |
| Zopiclone | Imovan | 2 | A |
| Zotepine | Lodopin | 2 | A |
| Zuclopenthixol | Ciatyl, Cesordinol | 2 | A |
| Δ-1-androstene-3, 17-diol | | 3 | A |
| Δ-1-androstene-3, 17-dione | | 3 | A |
| Δ-1-dihydrotestosterone | | 3 | A |

*See Recommended Penalty Section of Document