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

ADMINISTERED BY JAMS, CASE NO. 15010001079

In the Matter of the Arbitration Between:

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

v.

SHIVANANDA PARBHOO ("**Mr. Parbhoo**" or **"Respondent"**) Respondent

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FINAL DECISION

I, THE UNDERSIGNED ARBITRATOR, having been designated, and having been duly sworn, and having duly heard the allegations, arguments, submissions, proofs, and evidence submitted by the Parties, after a full evidentiary hearing occurring in person at Gulfstream Park, 901 S Federal Hwy, Hallandale Beach, Florida on August 13, 2025, pursuant to the Horseracing Integrity and Safety Act of 2020, and its implementing regulations, do hereby FIND and DECIDE as follows:

I. INTRODUCTION

1.1 This case involves allegations of violation of ADMC Program Rule 3212 for the presence of Clenbuterol in the Covered Horse American Speed's blood Sample collected Post Race of Race 6 on January 5, 2025, at Gulfstream Park in Hallandale Beach, Florida.

1.2 HIWU is the United States government-recognized entity responsible for sample collection and results management in the anti-doping testing of thoroughbred racehorses in the United States, pursuant to the Horseracing Integrity Act of 2020, 15 U.S.C. secs. 3051-3060. HIWU was represented by Allison J. Farrell, Esq., Senior Litigation Counsel of HIWU, and Adam Klevinas, Esq. of Sportlex, Montreal, Canada.

1.3 Shivananda Parbhoo has been trainer of record for American Speed since he was "claimed" from American Speed's owner after an August 4, 2024, race. Mr. Parbhoo occupies a stabling barn at Gulfstream Park Racetrack. Mr. Parbhoo was represented in these proceedings by Bradford J. Beilly, Esq. of Fort Lauderdale, Florida.

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

II. THE FACTS

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

2.2 A number of facts are in dispute. The version of those facts, according to each party, are set forth below. The facts as found are based on the Arbitrator's assessment of the evidence, including the credibility of the witnesses, together with reasonable inferences drawn therefrom.

The Facts According to HIWU

2.3 On January 5, 2025, Sample Collection Personnel collected the following Samples from Covered Horse American Speed following his second-place finish in Race 6 at Gulfstream.

a. Two bottles of urine sample code U101258283; and
b. Four tubes of blood bearing sample code B101258283 (collectively, the "Samples").

2.4 On January 6, 2025, the Samples were received by the Industrial Laboratory in Denver, Colorado, after delivery by courier from Gulfstream. Upon receipt of the Samples, one tube of blood and one bottle of urine were separated as the "B" Sample. The remaining bottle of urine and tubes of blood were prepared for testing by Industrial as the "A" Sample.

2.5 Industrial analyzed the "A" Sample. The blood sample reported an Adverse Analytical Finding (AAF) for Clenbuterol, and Industrial issued a Certificate of Analysis ("COA") to this effect on January 15, 2025.

2.6 Clenbuterol is a B-2-agonist bronchodilator. It is FDA-approved and indicated for the management of horses affected with airway obstruction. Clenbuterol can only be administered to a Covered Horse in the context of a valid veterinarian-client-patient relationship as a bronchodilator and in accordance with the conditions set forth in ADMC Program Rule 4114(b). If these conditions are not met, Clenbuterol is considered to be a

category S3 Banned Substance.

2.7 On January 30, 2025, HIWU Investigators attended Gulfstream in order to serve Mr. Parbhoo with an Equine Anti-Doping ("EAD") Notice letter of the same date advising that American Speed's A Sample had returned an AAF for Clenbuterol. Upon their arrival at Gulfstream, the Investigators met with assistant trainer Roger Moore who advised that Mr. Parbhoo was not present at that time.

2.8 Mr. Parbhoo arrived at Gulfstream at approximately 10:15 a.m. on January 30, 2025, and was served with the EAD Notice letter and interviewed by the Investigators.

2.9 Following service of the EAD Notice, a Provisional Suspension was imposed on American Speed with immediate effect, but not on Mr. Parbhoo.

2.10 Mr. Parbhoo told the Investigators that he had not used Clenbuterol since 2010. He subsequently requested analysis of American Speed's "B" Sample.

2.11 On February 14, 2025, the Pennsylvania Equine Toxicology Research Laboratory ("PETRL") received American Speed's "B" Sample from Industrial. PETRL's "B" Sample analysis confirmed the presence of Clenbuterol in American Speed's "B" blood Sample and PETRL issued a COA to this effect on March 13, 2025.

2.12 On March 19, 2025, HIWU charged Mr. Parbhoo with an ADRV under ADMC Program Rule 3212 for the presence of Clenbuterol in American Speed's January 5, 2025, Post-Race sample.

2.13 HIWU was subsequently informed by Mr. Parbhoo's attorney, that Mr. Parbhoo believed a supplement used on American Speed, called "Body Builder", might be the source of the Clenbuterol. An open bottle of Body Builder had been sent to the Equine Analytical Chemistry Laboratory at the University of Kentucky for analysis, and was found to contain Clenbuterol.

2.14 HIWU subsequently obtained an unopened bottle of Body Builder from the manufacturer, BL Bio Lab, from the same lot number as Mr. Parbhoo's supply, and had that bottle analyzed by the Industrial laboratory. The Certificate of Analysis confirmed that the unopened bottle was negative for Clenbuterol.

2.15 On May 21, 2025, counsel for Mr. Parbhoo confirmed that two sealed bottles of Body Builder that had been sent to the UK laboratory, tested negative for Clenbuterol. Mr. Parbhoo then requested a hearing before an Arbitrator.

The Facts According to Mr. Parbhoo

2.16 Since Mr. Parbhoo took over the training of American Speed, the horse raced three times prior to the January 5, 2025, race at Gulfstream. American Speed's blood and urine were tested after he won his race on November 3, 2024. The samples taken from that race

tested negative for any prohibited substances.

2.17 American Speed's blood sample taken after the January 5, 2025, race was analyzed by the Industrial laboratory and that analysis resulted in a positive finding of Clenbuterol at an estimated concentration of 20 pg/mL.

2.18 Upon being notified of the positive "A" sample, Mr. Parbhoo requested a "B" sample analysis. The "B" sample analysis was performed at HIWU's testing Laboratory in Pennsylvania, PETRL. PETRL allegedly confirmed the finding of Clenbuterol in American Speed's "B" sample.

2.19 The PETRL's Lab packet dated June 23, 2025, was emailed to Mr. Parbhoo's counsel on June 24, 2025.

2.20 On July 9, 2025, HIWU announced that it had suspended the Pennsylvania Equine Toxicology and Research Laboratory's (PETRL) probationary Horseracing Integrity and Safety Authority (HISA) Equine Analytical Laboratory (HEAL) accreditation status, for a minimum of six months, beginning July 8, 2025. That announcement also stated that effective immediately, samples collected in Pennsylvania would be sent to Industrial Laboratories for analysis.

2.21 On July 14, 2025, Mr. Beilly, counsel for Mr. Parbhoo, received a Withdrawal of EAD Notice of Alleged Anti-Doping Rule Violation in another HIWU proceeding. That withdrawal notice indicated that HIWU had identified certain deficiencies with respect to PETRL's Laboratory Documentation Packages, including PETRL's processing of the "A" sample for *Night Quest,* the horse involved in that alleged ADRV.

2.22 After service of the EAD Notice, HIWU investigators conducted a search of Mr. Parbhoo's stabling barn and Mr. Parbhoo's personal vehicle. Clenbuterol was not found in the barn or in Mr. Parbhoo's vehicle.

III. PROCEDURAL HISTORY

3.1 On January 30, 2025, Mr. Parbhoo was served with an EAD Notice of Alleged Anti-Doping Rule Violations ("Notice Letter") for an Adverse Analytical Finding ("AAF") for Clenbuterol. HIWU advised Mr. Parbhoo that it was not imposing a Provisional Suspension on him as the Responsible Person, at that time. However, Mr. Parbhoo was informed that a Provisional Suspension effective on January 30, 2025, was being imposed on American Speed. The Notice Letter also advised Mr. Parbhoo of his right to request a Provisional Hearing on a timely basis provided that such hearing was requested in writing by 5 pm CST on February 4, 2025.

3.2 On March 27, 2025, Attorney Beilly sent HIWU a letter stating that Mr. Parbhoo believed that the source of Clenbuterol detected in American Speed's blood sample taken on January 5, 2025, came from a supplement called Body Builder. Attorney Beilly also

contended that since the Body Builder label did not indicate that Clenbuterol was contained in the supplement, Mr. Parbhoo was "wholly without fault or negligence for the clenbuterol positive in the post-race blood sample taken from American Speed."

3.3 HIWU informed Attorney Beilly that it did not accept Mr. Parbhoo's contamination explanation after being informed that unopened bottles of Body Builder had tested negative for Clenbuterol.

3.4 On May 21, 2025, Mr. Parbhoo requested a hearing.

3.5 On May 22, 2025, Hon. Hugh L. Fraser was appointed as Arbitrator in this proceeding.

3.6 A preliminary case management hearing was held on June 10, 2025, and was attended by both parties.

3.7 On June 12, 2025, the Arbitrator issued Procedural Order No. 1, providing in pertinent part as follows.

3.8 By agreement of the Parties as established during the preliminary hearing and by Order of the Arbitrator, the following is now in effect:

1. Regarding Briefs and Exhibits.

a. Each party shall serve and file electronically a prehearing Brief on all significant disputed issues, setting forth briefly the party's positions and the supporting arguments and authorities on the dates specified below:

a. Respondent's Pre-Hearing Brief: **July 28, 2025.**

b. Agency's Reply Brief: **August 11, 2025.**

b. The parties shall submit their exhibits to be used at the hearing, electronically to the Arbitrator and to the other party on the dates their respective initial pre-hearing briefs are due. The parties shall also include with their respective submissions an index to the exhibits. All briefs, and any witness statements, shall be transmitted electronically in MS Word versions to the Arbitrator. The parties pre-hearing submission briefs shall not exceed 30 double-spaced single-sided pages and shall include all exhibits, schedules, witness statements, experts reports, and all other evidence that they intend to rely on at the hearing.

c. The Claimant shall use letters and the Respondent shall use numbers to mark their exhibits. To the extent that one party has submitted an exhibit that another party also intends to use (such as the World Anti-Doping Code or the USADA Protocol), the other should not include a second copy of that document in its own exhibits but should otherwise refer to the exhibit submitted by the other side. The Parties shall endeavor to agree on a joint set of exhibits to minimize duplication. If possible, to make the hearing proceed more efficiently electronically, the Parties shall file their exhibits as an indexed .pdf file such

that the Arbitrator and any Party can click on the index and be taken directly to the exhibit within the .pdf file of all exhibits.

2. Regarding Stipulations of Uncontested Facts and Procedure.

a. In each case, if they are able to agree, the Parties shall submit a Stipulation of Uncontested Facts **on or before August 12, 2025.**

b. The Parties shall, in advance of the hearing, and **no later than August 12, 2025**, agree upon and submit to the Arbitrator the order of witnesses expected to testify at the hearing that they have been able to agree upon; if the Parties are unable to so agree, they shall submit their respective positions by said deadline.

3. Regarding Witnesses.

a. The Respondent shall serve and file a disclosure of all witnesses reasonably expected to be called by him **on or before the due date of his pre-hearing brief.**

b. The Claimant shall serve and file a disclosure of all witnesses they reasonably expect to call on **or before the due date of its pre-hearing reply brief.**

c. The disclosure of witnesses shall include the full name of each witness, a short summary of anticipated testimony sufficient to give notice to the other side of the general areas in which testimony shall be given, copies of experts' reports and a written C.V. of any experts. If certain required information is not available, the disclosures shall so state. Each party shall be responsible for updating its disclosures as such information becomes available. The duty to update the information continues up to and including the date that hearing(s) in this matter terminate. The Arbitrator encourages the Parties to submit sworn witness statements which would constitute their direct testimony, requiring only cross-examination after a witness confirms their witness statement.

d. The parties shall coordinate and make arrangements to schedule the attendance of witnesses at the Hearing so that the case can proceed with all due expedition and without any necessary delay.

4. Regarding the Hearing.

The Hearing in this matter will commence before the Arbitrator on **August 13, 2025,** starting at 9:00 a.m. The hearing will take place at Gulfstream Park Racing, 901 S Federal Hwy, Hallandale Beach, Florida. The hearing will also be recorded on Zoom.

5. Regarding Submission of Documents.

All documents due to be submitted hereunder shall be submitted electronically by email to the Arbitrator at hfraser@jamsadr.com using the JAMS Access system. The Parties shall not communicate with the Arbitrator directly and alone; all communications with the Arbitrator are to be copied to the opposing party, and the JAMS case manager, at the same

time as the communications are made to the Arbitrator and in the same form.

6. Further Disputes Process

To the extent any dispute arises between the Parties beyond what has been stated already, any Party wishing to bring that dispute to the attention of the Arbitrator shall do so promptly, after such dispute arises by sending a brief email to the Arbitrator, copied to the other side and JAMS (and filed on the JAMS Access system), outlining in basic, brief, general terms, the nature of the dispute and their position thereon. There shall be no response to that email. The Arbitrator will, based on these two emails, determine the next steps with respect to resolving the dispute.

7. Miscellaneous Provisions

a. The Respondent is waiting for the "B" sample results. If there is no issue with those results, he will provide stipulations regarding the laboratory package findings.

b. All deadlines and requirements stated herein will be strictly enforced. Any deviation requires the permission of the Arbitrator based on a showing of good cause by the Party seeking an extension of time.

c. This order shall continue in effect unless and until amended by subsequent order of the Arbitrator.

d. Unless specified otherwise herein, for all deadlines for any Party to take any action under this Order, the time by which such action shall be due for each such designated action shall be **midnight Pacific Time** on the date given.

e. The Parties' attention is drawn to the relevant provisions of the procedural rules that limit the liability of the Arbitrator in these proceedings. The Arbitrator agrees to participate in these proceedings on the basis that, and in reliance on the fact that, those provisions apply and the Parties agree to be bound by them. If any Party disagrees that those provisions apply here, they must notify the Arbitrator **within seven (7) days of the date of this order** in writing.

3.9 On June 16, 2025, a Notice of Hearing was issued, confirming the date, time and hearing location for the hearing scheduled to take place on August 13, 2025.

3.10 On July 28, 2025, the Respondent requested a one day extension of the time given to submit his designation of an expert witness and to provide the expert's report.

3.11 On July 28, 2025, the Arbitrator granted the Respondent an extension to July 29, 2025, to submit his designation of an expert witness and to provide the expert's report.

3.12 On July 28, 2025, the Respondent requested an Order that HIWU produce whatever reports it had received that led to the suspension of the PETRL's HEAL certification, including the deficiencies that were identified in the lab's sample processing. The

Respondent also requested that the Arbitrator issue Subpoenas for the appearance of Mary Robinson, PETRL's acting lab director and David Tiffany, one of HIWU's Laboratory Expert Members responsible for HEAL certification of HIWU's laboratories.

3.13 On August 6, 2025, the Arbitrator issued Procedural Order No. 3, denying the Respondents two requests.

3.14 The evidentiary hearing proceeded as scheduled on August 13, 2025, at the Gulfstream Park Racing Conference Room, commencing at 9:00 a.m. Prior to the start of the hearing, a hearing schedule was agreed upon by the Parties and the Arbitrator.

3.15 HIWU was represented in person at the hearing by Allison J. Farrell, Esq. and Adam Klevinas, Esq. Bradford J. Beilly, Esq. appeared for Mr. Shivananda Parbhoo.

3.16 The Agency called one witness during the hearing, Dr. Mary Robinson. The Respondent, Shivananda Parbhoo testified on his own behalf, and called three witnesses, Dr. Philip Aleong, Mr. Roger Moore, and Dr. Cynthia Cole.

3.17 Both parties made final submissions and the hearing was closed.

IV. JURISDICTION

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

4.2 There is no dispute that Mr. Parbhoo is a Trainer and by definition, a Covered Person under Rule 3020 (a)(3) and a Responsible Person under ADMC Program Rule 3030 with responsibilities as outlined under Rule 3212(a).

4.3 The Rule 7000 Series of the ADMC Program sets out the arbitration procedures governing a charged violation of the ADMC Program, providing as follows:

> *Rule 7020. Delegation of Duties*
>
> *(a) Subject to Rule 3249, Anti-Doping Rule Violations arising out of the Rule 3000 Series and violations of Rule 3229 (together, ''EAD Violations'') shall be adjudicated by an independent arbitral body (the*

''Arbitral Body'') in accordance with the Rule 3000 Series and these Arbitration Procedures. The Arbitral Body may also adjudicate any other matter referred to it under the Protocol, and any other matter that might arise from time to time under the Protocol that the Agency considers should be determined by the Arbitral Body.

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

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

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

4.5 In this case, arbitration proceedings were commenced before JAMS, the designated arbitration provider. No Party disputed jurisdiction.

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

V. RELEVANT LEGAL STANDARDS

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

5.2 Rule 3070(d) further provides that:

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

cases relating to the Protocol, where appropriate.

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

5.4 Pursuant to ADMC Program Rule 3223, the ineligibility, and financial penalties for a first Anti-Doping Rule Violation of Rule 3212(a) are:

a. *Two (2) years of Ineligibility, and*

b. A "*Fine up to $25,000 . . . and Payment of some or all of the adjudication costs and [HIWU]'s legal costs*."

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

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

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

> *"Rule 3224. Elimination of the Period of Ineligibility Where There Is No Fault or Negligence (a) If a Covered Person establishes in an individual case*

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

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

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

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

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

(a) General rule.

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

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

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

VI. THE PARTIES' CONTENTIONS AND CLAIMS FOR RELIEF

6.1 The Parties asserted various arguments in their pre-hearing briefs and at the hearing. Their fundamental positions are summarized below. To the extent necessary, the Arbitrator

will address various arguments that were made in the Analysis section below.

HIWU's Contentions

6.2 HIWU's position may be summarized as follows:

1. Under Rule 3212 (a) the presence of a Banned Substance in a Covered Horse is a strict liability offense for which the intent, Fault, negligence, or knowing Use on the part of the Responsible Person is not required to establish a violation. The rule states that:

   a. *It is the personal and non-delegable duty of the Responsible Person to ensure that no Banned Substance is present in the body of his or her Covered Horse(s). The Responsible Person is therefore strictly liable for any Banned Substance or its Metabolites or Markers found to be present in a Sample collected from his or her Covered Horse(s). Accordingly, it is not necessary to demonstrate intent, Fault, negligence, or knowing Use on the part of the Responsible Person in order to establish that the Responsible Person has committed a Rule 3212 Anti-Doping Rule Violation.*

2. HIWU has the burden of establishing a Presence-based violation to the "comfortable satisfaction" of the Arbitrator. Under Rule 3212 (b)(2) sufficient proof of a Rule 3212 ADRV is established when:

   The Covered Horse's "B" Sample is analyzed and the analysis of the "B" Sample confirms the presence of the Banned Substance or its Metabolites or Markers found in the "A" Sample.

3. Pursuant to Rule 3040(b), as a Responsible Person, Mr. Parbhoo has a personal responsibility to "ensure that treatments and medications administered to his or her Covered Horses…do not contain a Banned Substance or involve a Banned Method". As such, Mr. Parbhoo has a personal responsibility to ensure that any supplements, food, medications, or treatments administered to American Speed do not contain a Banned Substance.

4. Mr. Parbhoo cannot simply deny having administered Clenbuterol to American Speed, deny having knowledge of any administration of Clenbuterol to American Speed, or deny possessing Clenbuterol, as a defense to the ADRV asserted against him. Neither can he shift the blame to an unidentified competitor or someone with a grudge against him or another Covered Person who might have been involved in the care, treatment, training or racing of his Covered Horses.

5. Where pursuant to Rule 3121(b), the ADMC Program places the burden of proof on the Covered Person to rebut a presumption or to establish facts or circumstances, the standard of proof to be met is on a balance of probabilities.

6. Pursuant to Rules 3122 (c) and (d), a Covered Person may defeat an alleged ADRV by both (i) identifying a specific alleged departure from a Laboratory Standard Testing and Investigation Standard and (ii) establishing this alleged departure from the Standard "could reasonably have caused the AAF". HIWU contends that the Covered Person has failed to meet both requirements and therefore HIWU has adduced sufficient proof of the ADRV against Mr. Parbhoo pursuant to Rule 3212(b)(2).

7. HIWU denies that PETRL departed from any of the mandatory requirements set out in the AORC guidelines and the ILAC-G7, and denies that the result that it reported for American Speed's B blood Sample was a false positive.

8. PETRL's Standard Operating Procedures ("SOPs") have been in place and have been used to confirm the presence of Clenbuterol in Samples for several years. These SOP's are reviewed annually by external auditors for PETRL to maintain its accreditation status and have never been identified as non-compliant by any accreditation body.

9. The Laboratory Documentation Package ("LDP") indicates that when PETRL conducted its analysis, the following steps were taken in the following order:

    i. A blank solvent (i.e., the system blank or reagent blank) was injected twice in the LC-MS instrument to ensure that it was clean after analysis of other samples and before running the column check;

    ii. A column check containing Clenbuterol (50 pg/mL Clenbuterol spiked into negative serum) was run to make sure the LC-MS instrument is operating correctly and consistently for the analyte when compared to historical data for this analyte on this instrument;

    iii. A blank solvent (i.e., the system blank) was injected twice into the LC-MS instrument again to ensure the instrument was clean and did not contain any Clenbuterol after the column check;

    iv. A negative control (without internal standard) and negative control (with internal standard) were run to demonstrate that no Clenbuterol was detected in the negative controls;

    v. Positive controls (i.e., the Reference Sample in the AORC Guidelines) at 1 pg/mL, 2 pg/mL, 10 pg/mL, 25 pg/mL and 50 pg/mL were run, to verify that the LC-MS instrument was detecting Clenbuterol at these concentrations and to generate a calibration curve for estimating the concentration of Clenbuterol in the test sample if found;

    vi. A blank solvent was run twice again to ensure that the LC-MS

instrument was clean and did not contain any Clenbuterol after the positive controls and before running Sample #B101258283;

vii. Sample #B101258283 was analyzed;

viii. Finally, a blank solvent was run twice to ensure that the LC-MS instrument was clean and did not contain any Clenbuterol found in Sample #B101258283 before any further samples were analyzed.

10. As required by Clause 14.1 of Part B of ILAC-G7, a blank solvent was run before and after each time that Clenbuterol was deliberately run through the LC-MS instrument (i.e., during the column check, the positive controls, and Sample #B101258283) to ensure that the instrument was clean and clear at each step of the analytical testing process.

11. The "cleanliness" of the LC-MS instrument was demonstrated by the absence of a peak for the most abundant Clenbuterol ion monitored by the test for all blank solvent injections on page 20 of the LDP, and by each of the blank solvent chromatograms for the confirmatory Clenbuterol ions on pages 22 through 24 of the LDP.

12. HIWU contends that the "clean" chromatograms for each of the blank solvents demonstrated that the presence of Clenbuterol in the column check and positive controls could not have contaminated the instrument when Sample #B101258283 was analyzed.

13. HIWU maintains that the sequence followed by PETRL when analyzing Sample #B 101258283 did not depart from the AORC Guidelines and ILAC-G7 because the laboratory followed the sequence in its SOPs when analyzing the B sample and also because PETRL complied with the sequence provided in the AORC guidelines which stated that the injection sequence <u>should</u> be consistent with the ILAC-G7 Part B Clause 14.

14. HIWU also contends that Clause 14.1 of Part B of ILAC-G7 requires a concurrent analysis of a system blank to demonstrate the absence of contamination during analysis and that PETRL analyzed a system blank at the start of the analytical process for the "B" Sample after the column check, and after the positive controls. HIWU notes that Clause 14.1 states that the system blank should be injected immediately before the test sample and that PETRL did this before it analyzed Sample #B101258283.

15. HIWU adds that the chromatograms for each of these system blanks – including the system blank injected before the "B" Sample were completely clean (i.e., no Clenbuterol was detected).

16. HIWU submits that since it is not possible to inject both a system blank and a negative control immediately before the test sample, and Clauses 14.1 and 14.2 contain only recommendations and not requirements (using the word

"should" in both Clauses), and since PETRL was not strictly required to follow one Clause or the other, it satisfied Clause 14.1 by injecting a system blank immediately before analyzing American Speed's "B" blood Sample and satisfied Clause 14.2 by demonstrating the elimination of an 'injector memory' effect, by injecting a negative control as part of the confirmatory sequence before the test samples were analyzed.

17. HIWU points to Dr. Robinson's report indicating that the estimated concentrations of Clenbuterol in the four test samples demonstrate that there was no carryover – and, therefore, no injector memory – from the Positive Controls after the system blank was run. As such HIWU argues that PETRL demonstrated the elimination of any "injector memory" effect, and also satisfied Clause 14.2.

18. Page 20 of the unredacted LDP indicates that the estimated concentrations of Clenbuterol in the four test samples were as follows: 23.7 pg/mL, 24.7 pg/mL, 22.7 pg/mL and 24.5 pg/mL. HIWU observes that the average estimated concentration of Clenbuterol from the second to fourth injections was 24.0 pg/mL, while the estimated concentration of Clenbuterol from the first injection was 23.7 pg/mL, which was similar to and not higher than 24.0 pg/mL.

19. HIWU maintains that since the estimated concentrations of Clenbuterol from all four injections of the test sample were similar, and that the first injection was not higher than the average of the subsequent three injections, there is no evidence of observable "carryover" of Clenbuterol from the injections of the calibrators (i.e. Positive Controls) to the injections of the test sample extracts, which demonstrates that PETRL did not report a false positive result in American Speed's B blood Sample.

20. HIWU also observes that PETRL was not required to apply Clause 14.3, since Clenbuterol is an exogenous substance and this clause only applies to endogenous substances.

21. HIWU contends that the results of PETRL's confirmatory analysis of American Speed's "B" blood Sample satisfies the requirements set out in the AORC and ILAC-G7 guidelines.

22. HIWU submits that the opinion provided by Mr. Parbhoo's expert witness, Dr. Cole, is unfounded. The Claimant further submits that Dr. Cole's concerns about a false positive are inconsistent with the positive result for Clenbuterol in American Speed's "A" blood Sample from the Industrial laboratory, which followed the sequence that Dr. Cole preferred, but was left unchallenged by Dr. Cole.

23. HIWU asks the Arbitrator to find that PETRL did not depart from HISA's Laboratory Standards when it analyzed American Speed's "B" blood Sample and to uphold the ADRV.

Shivananda Parbhoo Contentions

6.3 The Respondent Shivananda Parbhoo contends that he has never had a single positive drug test result and has never committed an anti-doping violation since he began training horses in 2008. He also states that the positive test result was an outlier from American Speed's post-race blood and urine collected on November 3, 2024, which tested negative for any non-permitted medications.

6.4 Mr. Parbhoo denies administering Clenbuterol to American Speed or having any knowledge of anyone administering Clenbuterol to the horse or to any of the horses that he trained since HIWU's anti-doping medication program went into effect in May of 2023.

6.5 Mr. Parbhoo contends that he upheld his duty to ensure that American Speed did not come into contact with any banned substance. He also contends that if American Speed was exposed to Clenbuterol, that exposure was due to an intentional transfer of Clenbuterol by an unknown party into a supplement being administered to American Speed.

6.6 Mr. Parbhoo also asserts that American Speed's post-race "B" blood sample was not analyzed by the testing laboratory in accordance with the HISA regulations governing sample analysis, and that those deviations could have resulted in a "false positive". This contention was outlined as follows:

1. HISA's Rule 6301 addresses the "Application of ISO/IEC 17025 to the Analysis of Samples" and states that:

   "This section of the Laboratory Standards is intended as an extension of the application of ISO/IEC 17025 and ILAC-G7 to the field of Doping Control. Any aspect of Analytical Testing or management not specifically discussed in this document or in any relevant Technical Documents, Technical Letters or Laboratory Guidelines shall be governed by ISO/IEC 17025.

   Section 21.7 of ILAC-G7 provides that:

   Where relevant, the AORC Guidelines for the Minimum Criteria for Identification by Chromatography and Mass Spectrometry (August 2016 or later version) should be followed, a copy of which can be found on the AORC website under the following link: http://www.aaorc-online.org/AORCMS Criteria.pdf.

   Paragraph 4 of the "General Analytical Requirements" of the AORC Guidelines for the Minimum Criteria for Identification by Chromatography and Mass Spectrometry sets forth the proper injection sequence for a confirmatory analysis and states:

   > 4. The injection sequence for a confirmatory analysis should be consistent with ILAC-G7 Part B Clause 14. An example of a sequence appropriate to a range of analytical circumstances is as follows:

- Negative control (may also serve as a system blank for non-threshold substances);
- System blank;
- Test sample;
- Reagent blank or negative control;
- Reference sample (reference material or other positive control).

2. According to the PETRL's Lab Packet, the AORC "injection sequence" was not followed. Instead, the "reference samples" which included Clenbuterol were injected into the LC-MS instrument prior to American Speed's "test samples". The Respondent submits that this injection sequence used by PETRL exposed the LC-MS Instrument to Clenbuterol before testing the split sample for Clenbuterol, leaving open the possibility that the Clenbuterol in the reference samples may have bled over into American Speed's test samples and could have reasonably led to a false positive.

6.7 Mr. Parbhoo also contends that a competitor of his could have spiked a supplement container later administered to American Speed with Clenbuterol. The Respondent submits that his burden is not to conclusively prove the source of Clenbuterol, but that the alleged source of Clenbuterol is more probable than not, using the balance of probabilities standard.

6.8 Mr. Parbhoo asserts that while unsupported speculation is insufficient to meet Mr. Parbhoo's burden, circumstantial factors may be considered when determining whether the burden of proof has been met. In support of this contention, he cites *CAS 2022/ADD/46 UWW v. Nathan Dyamin Jackson* where the panel considered both physical and scientific factors when determining whether the Respondent met his burden of proving that consumed meat was contaminated.

6.9 Mr. Parbhoo further contends that the sanctions against him should be eliminated, or alternatively, reduced because there was no fault or negligence or no significant fault or negligence on his part. ADMC Rule 3224 provides that if the Covered Person establishes that they bear no fault or negligence for the violation charged, the period of ineligibility and other consequences for the Covered Person shall be eliminated. If the Covered Person establishes that they bear no significant fault or negligence for the violation charged, the period of ineligibility is fixed at a range between three months to two years.

6.10 Mr. Parbhoo submits that he did not administer Clenbuterol to American Speed and did not have any intent, knowledge, or control over any transfer of Clenbuterol to American Speed and should therefore have the sanctions against him eliminated or at the very least reduced. He maintains that proof of the source of the Clenbuterol has been established with the testing of the open bottle of Body Builder that tested positive for Clenbuterol at the University of Kentucky laboratory.

6.11 Alternatively, Mr. Parbhoo contends that if there is a finding that he had some degree of fault, he should be on the lowest end of the slight to insignificant range of fault which would result in a significant reduction of the two year maximum suspension sought by HIWU in this case.

6.12 Mr. Parbhoo observes that the Arbitral Body and the Administrative Law Judges of the Federal Trade Commission have followed the reasoning of HIWU v. Poole, JAMS CASE NO. 1501000576, which adopted the methodology and framework first established in *Cilic v. International Tennis Federation,* CAS 2013/A/3327.

6.13 Mr. Parbhoo states that Cilic suggests that there are both objective and subjective elements of fault that should be considered in determining consequences for an ADRV. The objective elements determine what standard of care is expected from a reasonable person in the Covered Person's situation. The subjective element describes what is expected from that particular individual, in light of his or her personal capacities.

6.14 The Cilic case established three ranges of objective fault: slight or insignificant fault; moderate fault; and significant fault. The recommended range for slight or insignificant fault was 3 to 10 months; for moderate fault, 10 to 17 months; and for significant fault, 17 to 24 months. Those numbers can be increased or decreased within the ranges by taking into account mitigating and/or aggravating circumstances. As noted in Cilic, if the subjective elements are significant enough, they may move a Responsible Person's degree of fault into a completely different category.

6.15 Mr. Parbhoo asserts that as the trainer of American Speed he did everything in his power to ensure that the horse was properly cared for and that no banned or controlled substance was administered to him. He adds that any administration of Clenbuterol to American Speed was completely outside of his control and he therefore could not have done anything more to prevent it.

6.16 Furthermore, Mr. Parbhoo contends that he did not have any intent to cheat by administering Clenbuterol to American Speed, had never used the banned substance on his horse, and had never had any previous anti-doping rule violations. He also submits that the other negative tests including the November 2024, negative post-race result should be considered in the analysis of his level of fault.

VII. TESTIMONY OF WITNESSES AND EXPERTS

7.1 The following is a summary of the testimony of the witnesses called in the present arbitration.

For the Claimant:

Dr. Mary Robinson

Dr. Mary Robinson is the Acting Director of the Pennsylvania Equine Toxicology and Research Laboratory ("PETRL") in West Chester, Pennsylvania. She has been the Acting Director of PETRL since her appointment by the Pennsylvania Racing Commission in 2014. Dr. Robinson has a Ph.D. in Pharmacological Science, a Veterinary Medicine Degree from the University of Pennsylvania, and she is also a diplomate of the American College of Veterinary Clinical Pharmacology. Dr. Robinson also serves as an Associate Professor of Veterinary Pharmacology for the University of Pennsylvania School of Veterinary

Medicine.

Dr. Robinson stated that PETRL is an ISO/IEC 17025-2017 accredited laboratory. The International Organization for Standardization (ISO) is an independent, non-governmental organization with a membership of 162 national standard bodies. Dr. Robinson noted that ISO/IEC 17025 – *General requirements for the competence of testing and calibration laboratories* is the international reference for analytical laboratories to demonstrate their capacity and competence to deliver reliable results. This certification is granted biannually by the American Association of Laboratory Accreditation (A2LA).

Dr. Robinson stated that PETRL is also accredited pursuant to the A2LA R203 – *Competition Animal Drug Testing Laboratory Accreditation Program,* which is designed to meet the requirements of the AORC and the International Laboratory Accreditation Cooperation's (ILAC) *Accreditation Requirements and Operating Criteria for Horseracing Laboratories* (ILAC G7:04/2021).

Dr. Robinson observed that since 2015, PETRL has been accredited by the Racing Medication and Testing Consortium ("RMTC") demonstrating that it has met the requirements and operating criteria for horseracing laboratories. She noted that on January 1, 2025, PETRL received a probationary Horseracing Integrity and Safety Authority ("HISA") Equine Analytical Laboratory **("HEAL")** accreditation.

Dr. Robinson confirmed that since the inception of the Anti-Doping and Medication Control Program ("ADMC Program") on May 22, 2023, until July 8, 2025, PETRL served HIWU as one of the approved laboratories to analyze Samples collected under the HISA ADMC Program.

Dr. Robinson testified that the blood Sample bearing HIWU Code #B101258283 collected from American Speed on January 5, 2025, was received by PETRL on February 14, 2025, and was assigned the internal identification #1(B101258283F). The blood Sample #1(B101258283F) confirmation test for Clenbuterol was conducted on March 10, 2025. Dr. Robinson stated that testing resulted in an Adverse Analytical Finding ("AAF") for Clenbuterol in blood, confirming the finding by the Industrial Program Laboratory, in the horse's "A" Sample (HIWU Sample #A101258283). PETRL then issued a Certificate of Analysis to that effect on March 13, 2025. That Certificate of Analysis was included in the Laboratory Documentation Package ("LDP") for HIWU Sample #B101258283.

Dr. Robinson maintained that as required by PETRL's A2LA R203 accreditation, PETRL complied with the requirements of the AORC Guidelines for the Minimum Criteria for Identification by Chromatography and Mass Spectrometry ("AORC Guidelines") and the ILAC G7:04/2021 when it analyzed HIWU Sample #B101258283.

Dr. Robinson testified that the Standard Operating Procedures which PETRL applied, have been in place and have been used to confirm the presence of drugs in samples at their laboratory for many years, including the drug, Clenbuterol. She added that the Standard Operating Procedures are reviewed annually by external auditors in order for PETRL to maintain its accreditation status and have never been identified as non-compliant as a result of the sequence used by PETRL.

Dr. Robinson stated that when PETRL analyzed Sample #B101258283F, they took the following steps in the order listed:

a. Blank Solvent (i.e. the system blank or reagent blank (see AORC Guidelines) was injected twice to ensure that the LC-MS instrument was clean after analysis of other samples and before running the column check);

b. Column check containing Clenbuterol (i.e., 50 pg/mL Clenbuterol spiked into negative serum with an internal standard to make sure the LC-MS instrument is operating correctly and consistently for the analyte when compared to historical data for this analyte on this instrument);

c. Blank Solvent (i.e., the system blank injected twice to ensure the LC-MS instrument was clean and did not contain any Clenbuterol after the Column Check);

d. Negative Control (NC: serum without internal standard) and negative control NCIS: serum with internal standard; i.e., to demonstrate that no Clenbuterol is detected in the negative controls);

e. Positive Controls (i.e., the Reference Sample in the AORC Guidelines) at 1 pg/mL, 2 pg/mL, 5 pg/mL, 10 pg/mL, 25 pg/mL and 50 pg/mL (i.e., to verify that the LC-MS instrument is detecting Clenbuterol at these concentrations and to generate a calibration curve for estimating the concentration of Clenbuterol in the test sample if found);

f. Blank Solvent (i.e., the system blank injected twice to ensure that the LC-MS instrument was clean and did not contain any Clenbuterol after the positive controls and before running HIWU Sample #B101258283);

g. HIWU Sample #B101258283 (i.e. the Test Sample in the AORC Guidelines);

h. Blank Solvent (i.e., the system blank injected twice to ensure that the LC-MS instrument was clean and did not contain any Clenbuterol found in HIWU Sample #B101258283 before any further samples were analyzed).

Dr. Robinson observed that blank solvent, (i.e., a system blank) was run before and after any time that Clenbuterol was deliberately run through the LC-MS instrument (i.e., after the Column Check, the Positive controls, and HIWU Sample #B101258283 to ensure that the instrument was clean and clear before proceeding to the next step of the analytical testing process.

Dr. Robinson stated that the "cleanliness" of the LC-MS instrument was demonstrated by the absence of a peak for the most abundant Clenbuterol ion (i.e. 203.000 Da) monitored by

the test for all Blank Solvent injections on page 20 of her report and by each of the Blank Solvent chromatograms for all of the confirmatory Clenbuterol ions (i.e. 203.000 Da, 139, 900 Da, and 132.100 Da) on pages 22 through 24 of the LDP where no peaks are identified in the Blank Solvent, demonstrating that no Clenbuterol was present in any of the blank solvents.

Dr. Robinson maintained that the "clean" chromatograms for each of the blank solvents demonstrated that the presence of Clenbuterol in the column check and positive controls could not have contaminated the instrument when HIWU Sample #B101258283 was analyzed. She asserted that the sequence followed by PETRL when analyzing this Sample, was not a departure from the AORC Guidelines and ILAC G7:04/2021 for the following reasons:

- PETRL followed the sequence in its SOPs when analyzing HIWU Sample #B101258283, which has been approved consistently by PETRL's external auditors.

- The AORC Guidelines say that the injection sequence should be consistent with the ILAC-G7 Part B Clause 14. It then sets out an example of a sequence (i.e., how the samples may be loaded into the instrument). PETRL included all components of the sequence when analyzing HIWU Sample #B101258283, even if it did not follow the chronological order in which the example sequence was presented in the AORC Guidelines.

- ILAC- G7 Part B Clause 14 has three subparts. As it relates to Clause 14.1, PETRL analyzed a System Blank (i.e., the Blank Solvent, referred to as a "buffer" in Clause 14.1) at the start of the analytical process for HIWU Sample #B101258283, after the Column Check, and after the Positive Controls. Clause 14.1 specifically requires that the System Blank is injected immediately before the test sample, which PETRL did before it analyzed the "B" Sample.

Dr. Robinson reiterated that the chromatograms for each of these System Blanks – including the System Blank that was injected right before HIWU Sample #B101258283 – were completely clean (i.e., no Clenbuterol was detected). Dr. Robinson added that when analyzing a negative serum sample after running a spiked serum sample, two solvent blanks in between the spiked samples and the negative samples ensured that there was no "injector memory".

Dr. Robinson acknowledged that PETRL did not run a Negative Control (i.e., negative serum) immediately before HIWU Sample #B101258283 and after the Positive Controls; however she notes that Clause 14.2 states that "Elimination of an 'injector memory' effect should, (with emphasis on the word "should") be demonstrated by injection of a negative control (biological sample or extract negative for the analyte in question) as part of the confirmatory sequence, before the test sample and after any earlier injection which may have contained the analyte in question". Dr. Robinson maintained that PETRL evaluated the Negative Controls using the same sequence used for the test samples and demonstrated an absence of Clenbuterol with this sequence for a negative serum sample.

Dr. Robinson stated that Clause 14.2 therefore does not require running a Negative Control

immediately before the test sample, and PETRL was sufficiently satisfied that any "injector memory" was eliminated by running the Blank Solvent before the test samples, which is confirmed by the Blank Solvent chromatograms.

Dr. Robinson testified that PETRL was not required to apply Clause 14.3 because that clause only applies to endogenous substances, whereas Clenbuterol is an exogenous substance.

Dr. Robinson after examining the expert witness report prepared by Dr. Cynthia Cole, noted that the AORC Guidelines do not define a specific sequence, but instead say that the injection sequence for a confirmatory analysis **should** be consistent with ILAC-G7 Part B Clause 14. Dr. Robinson stated that for the purpose of interpretation, ILAC – G7 uses the word "should" to indicate a recommendation as opposed to the word "shall" or "must" which would have indicated a requirement.

Dr. Robinson also observes that Dr. Cole omitted the reference to the word "example" in her comment on the AORC Guidelines. Dr. Robinson stated her belief that the word "example" indicates that other sequences could be followed.

In her testimony, Dr. Robinson also stated that there was nothing in Dr. Cole's report which identified any actual evidence from the LDP for HIWU Sample #B101258283 demonstrating that there was any carryover from the calibrators (i.e., the Positive Controls) in the LC-MS instrument when the test samples were analyzed.

Dr. Robinson concluded her evidence in chief by stating that there is no way that there was carryover of the positive control into the Gulfstream sample. Dr. Robinson remarked that there was no peak in the negative control serum; that the Gulfstream injections were all very similar to each other.

Dr. Robinson maintained that if there had been carryover, it would affect the first sample in the sequence and then diminish. She added that the samples are all very similar to each other from one to four, whereas had there been carryover, one would expect to see a significant decrease from the first sample to the last. With regard to the false positive allegation from the Respondent, Dr. Robinson replied that there is no evidence that there was a false positive.

On cross-examination, Dr. Robinson confirmed that PETRL no longer performs any "A" or "B" sample analysis for HIWU following the suspension of their HEAL certification on July 8, 2025. She noted that the PETRL laboratory still has RMTC certification and has other certifications apart from HEAL.

For the Respondent:

Shivananda Parbhoo:

Shivananda Parbhoo has been a licensed horse trainer in Florida for 16 years. In 2012, his horse won the Breeders Cup, one of the most prestigious horse races in the world. Mr. Parbhoo is also a licensed trainer in the state of New York. He stopped training horses from

2014 to 2023 in order to concentrate on horse breeding. In 2023, he returned to his profession as a trainer. Mr. Parbhoo recalled that when he returned to training he had no horses to work with and begged for a stall or two.

Mr. Parbhoo explained the process whereby an interested party can "claim" a horse. In 2024, Mr. Parbhoo successfully "claimed" the horse American Speed for $16,000. He testified that other trainers sometimes become upset when you claim a horse and you can lose friends and colleagues over the claiming process. American Speed won a race on November 3, 2024, at Gulfstream Park. His post-race blood and urine samples tested negative for any banned substances. Mr. Parbhoo recalled the excitement and optimism when another horse won the first race of the year on January 1, 2025. American Speed raced at Gulfstream Park on January 5, 2025, and finished second.

On January 30, 2025, Mr. Parbhoo received a call advising him that he needed to get back to the stabling barn as soon as possible because HIWU representatives had been there for an hour looking through everything. Mr. Parbhoo arrived at the barn within an hour of the call to learn that HIWU agents had searched the barn, the medications that were in the barn, the offices and even the car belonging to his assistant trainer. Mr. Parbhoo testified that no incriminating evidence was found at the site, nor in his personal vehicle. Mr. Parbhoo stated that he was served with a notice alleging that American Speed had tested positive for Clenbuterol following the January 5, 2025 race.

Mr. Parbhoo recalled having conversations with HIWU counsel who advised him of the process and recommended that he secure legal representation. He testified that he was advised at one point to find the source of the Clenbuterol. Mr. Parbhoo stated that "we checked every single thing in the barn". He also maintained that he spoke to every employee connected to the barn but none had any idea how Clenbuterol could have gotten into American Speed's system.

Mr. Parbhoo testified that the investigation that he conducted into the source of the Clenbuterol led him to a supplement called "Body Builder" that he had purchased for administration to American Speed. The product had been administered to American Speed by assistant trainer, Roger Moore. American Speed was given one tablespoon a day of the Body Builder supplement which was mixed in his feed.

Mr. Parbhoo recalled that one bottle of "Body Builder" could last as long as two months. He arranged to have the opened bottle of the supplement sent to the testing laboratory at the University of Kentucky for analysis. The analysis confirmed the presence of Clenbuterol in the open bottle of "Body Builder". Mr. Parbhoo testified that he then sent an unopened bottle of "Body Builder" to the same laboratory for testing. The contents of that bottle tested negative for Clenbuterol. Mr. Parbhoo concluded thereafter that a competitor or someone with a grudge against him had spiked the opened bottle of "Body Builder" with Clenbuterol, resulting in the positive test for that substance.

Mr. Parbhoo testified that he has not raced since January 30th. He decided not to race American Speed again even after the horse was cleared to compete. He gave evidence that he felt a sense of shame, that everyone was looking at him with suspicion. He sent all his horses to a farm.

On cross-examination, Mr. Parbhoo confirmed that claiming races are run every day at Gulfstream and that a trainer knows when they enter a horse in a claiming race that they could lose the horse.

Mr. Parbhoo confirmed that he had heard that new rules were in place when he came to training horses at the end of 2023, but he did not attend any seminars, did not watch any educational videos, and did not read the new rules. He stated that he had a general understanding of the new rules and was aware that he could get into trouble if he did something illegal. Mr. Parbhoo recalled using Clenbuterol in 2010 but when he learned of the new rules, he no longer used that substance. Mr. Parbhoo stated that he had no clue as to how American Speed tested positive for Clenbuterol.

Mr. Parbhoo recalled that "Body Builder" along with another powder supplement, whose name he could not recall, were given to American Speed. He added that all the good horses were receiving "Body Builder" along with the other powder supplement. Mr. Parbhoo testified that the supplements were normally given to the horses up to three or four days prior to a race. He stated that the assistant trainer, Roger Moore, is the only person who gives supplements to the horses and that he tells Mr. Moore what supplements to give and when to give them. Mr. Parbhoo confirmed that no supplements other than the "Body Builder" were sent for testing by a laboratory.

Mr. Parbhoo gave evidence about a camera surveillance system that is installed at the barn. It was his evidence that he had upgraded the system at additional cost to ensure that it would capture video for up to 28 days. Mr. Parbhoo recalled looking at the camera video footage, two days after he received the notice from HIWU to see what it had captured over the previous twenty-eight days. He stated that by the time he decided to look at the camera it was too late, the footage from the days prior to January 5th had been erased. Mr. Parbhoo acknowledged that he had no video evidence to support any claim that the "Body Builder" supplement was spiked by someone with ill intent.

Mr. Parbhoo stated that he has never given Clenbuterol to American Speed and has never instructed any one in his employ to administer Clenbuterol to American Speed. Mr. Parbhoo confirmed his understanding that as a Responsible Person, he is strictly liable for everyone who handles his horses or interacts with them. He also confirmed his understanding of the ultimate insurer concept as this is known in the industry; that the ultimate responsibility for actions of his staff falls on Mr. Parbhoo as the trainer or Covered Person.

Dr. Philip Aleong

Dr. Philip Aleong has been a veterinarian since 1996. He testified that he is the treating veterinarian for all horses trained by the Respondent. He gave evidence that he has never prescribed Clenbuterol or dispensed Clenbuterol to any of Mr. Parbhoo's horses.

Roger Moore

Roger Moore was the sole employee of Mr. Parbhoo authorized to dispense any supplements or veterinary ordered prescriptions to the horses trained by Mr. Parbhoo. Mr.

Moore testified that he has been in the horse racing business for thirty years. During that time he has been employed as a jockey, assistant trainer and trainer. He started working for Mr. Parbhoo in January 2024.

Mr. Moore testified that he mixed one tablespoon of the "Body Builder" product with American Speed's feed on a daily basis. He stated that he did not finish the first full bottle of "Body Builder" since Mr. Parbhoo instructed him to stop using the product following the positive finding of Clenbuterol.

Mr. Moore recalled that in January, 2025, he was responsible for 12 of Mr. Parbhoo's horses. He confirmed that he was the only person who gave supplements to the horses. Mr. Moore added that only the best horses would receive the "Body Builder" supplement. It was his recollection that the only supplement that American Speed received was "Body Builder". Mr. Moore also confirmed that the trainer, Mr. Parbhoo, gave him instructions on what supplements to give each horse, and that they did not keep a written record of the supplements that he gave to the horses.

Mr. Moore followed a practice in which he stopped giving supplements to the horse two days prior to a race. He recalled that January 3rd was the last day that he gave "Body Builder" to American Speed. Mr. Moore did not conduct his own search of the stabling barn after the positive finding for Clenbuterol.

When questioned about the security system in the barn, Mr. Moore recalled that there are cameras over every stall. He stated that only the people working in the barn are allowed to go inside and the camera would show anyone who comes in or out, but would not show the table inside the feed room.

It was Mr. Moore's belief that Clenbuterol had not been used for three or four years. He repeatedly asserted that he could not believe it when he heard that American Speed had tested positive for Clenbuterol, adding that "nobody knows where it came from".

Expert Witness

Dr. Cynthia Cole:

Dr. Cynthia Cole holds a Bachelor's Degree in Zoology, a Doctor of Veterinary Medicine Degree and a PhD in Cardiovascular Pharmacology, all from the University of Florida. She is also boarded in the American College of Veterinary Clinical Pharmacology. Dr. Cole has extensive experience in clinical equine pharmacology. Her specialty focuses on the study of the action medications and drugs have in horses, as well as in other species. She has been a licensed veterinarian in the state of Florida since 1989.

Dr. Cole has extensive experience in the area of equine forensic analytical testing and the operation and standards associated with laboratory testing of equine urine and blood samples.

Dr. Cole was an Assistant/Associate Clinical Professor at the KL Maddy Equine Analytical Chemistry Laboratory at UC Davis from 1995-2002, and from 2002-2006, was Associate

Professor and Director of the University of Florida Racing Laboratory ("UFRL"). In 2013, Dr. Cole accepted a role as Adjunct Clinical Professor in support of the UFRL and in 2018, she returned as a Clinical Associate Professor of the UFRL until June 2023, when the laboratory closed due to funding issues.

Working at UC Davis and UFRL, gave Dr. Cole extensive experience in the validation of testing methodologies, including overseeing Measurements of Uncertainty ("MOU") determinations for those analytes with quantitative thresholds within the state of Florida. As Director, Dr. Cole was ultimately responsible for the quality control and quality assurance processes within the laboratory and was tasked with assuring that the laboratory adhered to ISO/ISEC 17025 and ILAC – G7 standards. From April 2024 to April 2025, Dr. Cole was Interim Director at the University of Kentucky Equine Analytical Laboratory.

Dr. Cole has been qualified as an expert witness by courts in numerous states (including California, Pennsylvania, Florida and Louisiana), as well as in Australia, in the area of equine forensic analytical testing and clinical pharmacology. She was recently qualified in another HISA proceeding, as an expert in the areas of equine pharmacology, equine forensic analytical testing, analytical testing, and standards for equine urine and blood analysis, including in regard to determining measurement uncertainty.

HIWU was content to have Dr. Cole qualified as an expert witness in the above referenced areas, but had some questions regarding her independence. Questions were to put to Dr. Cole regarding her time as Director of the University of Florida racing lab. Dr. Cole acknowledged that she was part of discussions with HIWU regarding whether the University of Florida lab was going to be part of the ADMC program.

When questioned about her role as an expert witness and her previous connection to HIWU, Dr. Cole confirmed that her role was to assist both parties, not to advocate for either side and to be impartial and independent. Dr. Cole also confirmed her understanding that she was not to disclose any confidential information that she had acquired through her time at the University of Florida.

The Arbitrator was satisfied that Dr. Cole could be qualified as an expert witness in the present proceeding and that she understood her duties to provide testimony as an independent witness without breaching any prior Non-Disclosure or confidentiality agreements that she had entered into.

Dr. Cole confirmed that she had been asked by the Respondent to review the laboratory packet, in particular the PETRL packet, and that she intended to testify regarding the lack of PETRL conformity to AORC and ILAC -G7 guidelines in the analysis of American Speed's "B" Sample and her views that this lack of conformity could have resulted in a false positive result.

Dr. Cole in giving her evidence, stated her belief that the PETRL failure to include negative controls after the Clenbuterol was run through the system, could have resulted in a false positive.

Dr. Cole testified that the AORC Guidelines for the Minimum Criteria for Identification by

Chromatography and Mass Spectrometry defined the following sequence as appropriate:

- Negative control (may also serve as a system blank for non-threshold substances);
- System blank;
- Test sample;
- Reagent blank or negative control;
- Reference sample (reference material or other positive control).

Dr. Cole was critical of the sequence used by PETRL in the analysis of the "B" sample because that sequence analyzed the calibrators before the test sample(s) thereby exposing the LC-MS instrument to the target analyte (clenbuterol) before testing the "B" sample. Dr. Cole opined that placing a Reagent blank sample in the sequence between the calibrators and the "B" sample does not prove the absence of carryover of the analyte from the calibrators (made in serum) and the "B" Sample (serum) because the Reagent blank was not prepared from serum. Dr. Cole added that the presence of serum components in the sample extract may release the analyte from absorption sites in the instrument. She maintained that because those serum components are not present in the Reagent blank, injection of the Reagent blank does not prove absence of carryover.

Dr. Cole testified that ILAC 14.2 and 15.2 specifically say that you should include a biological sample for the extract. She agreed that the word "should" does not mean "must" but opined that best practices would have required two more blank test samples to properly assure that there was no chance of carryover in the analysis.

On cross-examination, Dr. Cole agreed that the use of the word "should" in ILAC G-7 indicates a recommendation as opposed to a requirement. When questioned as to whether she had any evidence that there was Clenbuterol carryover in American Speed's "B" sample, Dr. Cole acknowledged that there was no Clenbuterol in the negative control and no observable carryover from the one injection. She noted that the blank solvents are fine but she would have added two negative controls afterwards as a matter of critical quality control. It was Dr. Cole's belief that it was absolutely necessary to do so.

Dr. Cole acknowledged that the four Gulfstream concentrations are consistent with each other and that the fourth is actually higher than the first concentration. She agreed that the average of the four concentrations was 23.97g.

Dr. Cole was asked whether one might expect to see first concentration at a higher level if there had been carryover. She responded that Clenbuterol could be one of those drugs that allows a certain amount to be leached over in equal concentrations among several samples. Dr. Cole could not state with any certainty whether carryover of Clenbuterol existed in the present case.

VIII. ANALYSIS

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

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

8.3 The evidence that Clenbuterol was found in the "A" Sample of American Speed is unchallenged and undisputed. The first issue to be determined is whether the "B" Sample analyzed by the PETRL laboratory is confirmatory of the "A" Sample AAF for the presence of Clenbuterol, found by the Industrial laboratory.

Was American Speed's "B" Sample analysis conducted in accordance with the Laboratory Standards?

8.4 Rule 3122 (c) contains a presumption of regularity. That rule states that:

> *Laboratories are presumed to have conducted Sample analysis and custodial procedures in accordance with Laboratory Standards. A Covered Person who is alleged to have committed a violation may rebut this presumption by establishing that a departure from the Laboratory Standards occurred that could reasonably have caused the Adverse Analytical Finding or other factual basis for any other violation asserted. Where the presumption is rebutted, the Agency shall have the burden of establishing that such departure did not cause the Adverse Analytical Finding or other factual basis for the violation asserted.*

8.5 Dr. Robinson acknowledged that PETRL did not run a Negative Control (i.e., negative serum) immediately before the B Sample and after the Positive Controls, but she emphasized that there was a recommendation for the injection of a negative control. It was not a mandatory requirement. Dr. Robinson also noted that the AORC Guidelines do not define a specific sequence, instead they recommend that the injection sequence be consistent with ILAC-G7.

8.6 Dr. Robinson noted that the sequence used by PETRL has been consistently approved by their external auditors and was not a departure from the AORC Guidelines.

8.7 Dr. Cole acknowledged in her testimony that there are variations as to how the AORC Guidelines can be carried out. Dr. Cole has a strong preference for a different injection sequence from the one used by the PETRL laboratory. She considers her preferred method to be the best practice. But at its highest, Dr. Cole's opinion and belief was that the PETRL laboratory failure to include a negative control after the Clenbuterol was run through the system could have resulted in a false positive.

8.8 Dr. Robinson has noted that there is nothing in Dr. Cole's report which identified any actual evidence from the laboratory data package for the "B" Sample that demonstrated any carryover of Clenbuterol in American Speed's "B" Sample.

8.9 Dr. Cole agreed that the four Gulfstream concentrations were consistent with each other. As Dr. Robinson maintained, had there been carryover of the positive control into the Gulfstream example, one would have expected a peak in the negative control serum and a first sample that would be higher in concentration than the subsequent three samples. The concentrations recorded by Dr. Robinson had a fourth sample that was actually higher than the first sample, although all samples were quite similar to each other. Dr. Cole's only explanation for this finding was that Clenbuterol could be one of those drugs that allows a certain amount to be leached over in equal concentrations among several samples.

8.10 In summary, I am satisfied that the PETRL laboratory carried out the testing of American Speed's "B" Sample in a manner consistent with laboratory standards and the AORC Guidelines. I find that ILAC G-7 was complied with. Dr. Cole's opinion that her best practice sequence could have reduced the risk of a false positive is speculative and not particularly helpful. There is no evidence that the "B" Sample analysis in this case resulted in a false positive. The presumption of regularity has not been rebutted. HIWU has established to the comfortable satisfaction of the panel, that the Respondent committed an anti-doping rule violation.

Is the Respondent entitled to a reduction of sanction for no fault or no significant fault as a victim of sabotage?

8.11 The Arbitrator having found that there was no irregularity in the analysis of American Speed's "B" Sample, that would have resulted in a false positive, and as this AAF is a strict liability offence, the remaining question for consideration is whether the Respondent is entitled to a reduction of sanction in accordance with Rule 3224 or Rule 3225.

8.12 Mr. Parbhoo has submitted that after conducting his own internal investigation at the stabling barn, he determined that the opened bottle of "Body Builder" should be sent to a laboratory for analysis. The analysis of the contents of the opened bottle of "Body Builder" returned a positive finding for Clenbuterol.

8.13 Mr. Parbhoo argues therefore that he has determined the source of the Clenbuterol and since he did not spike the "Body Builder" supplement and has no knowledge of any of his employees spiking the supplement with Clenbuterol, he must have been the victim of sabotage by another trainer or someone who was upset with him for having won American Speed in a Claiming Race. Mr. Parbhoo understood that a determination of the source of the AAF was an important first step in seeking a reduction of sanction.

8.14 There are several challenges surrounding Mr. Parbhoo's submission that a person or persons unknown may have spiked American Speed's food supplement with Clenbuterol. One of the first and most obvious issues is that there is no evidence to substantiate the sabotage theory. There are cameras placed around every stall. The only evidence presented during the hearing regarding their functionality is that Mr. Parbhoo checked with the company that does the monitoring and was told that the video footage is available for twenty-eight days only, and after that it is erased or recorded over.

8.15 Mr. Parbhoo testified that while he was notified of the AAF by HIWU on January 30, 2025, he did not turn his mind to viewing any surveillance footage until two days later, by which time the footage from January 1st to 3rd was no longer available. Mr. Moore testified that he stopped giving "Body Builder" to American Speed on January 3, 2025. It did not appear from Mr. Parbhoo's testimony that he checked the video on a regular basis, so there was no evidence presented with regard to his diligence in monitoring the activity in his barn.

8.16 There was conflicting evidence presented by Mr. Parbhoo and Mr. Moore regarding the number of supplements that American Speed was being administered. Mr. Parbhoo testified that there was at least one other supplement that was administered to American Speed in powder form, but he could not recall the name of the supplement. Mr. Moore testified that American Speed received only one supplement, that being the "Body Builder" which he gave to the horse every morning.

8.17 If American Speed was receiving more than one supplement, the obvious question is why the "Body Builder" supplement was the only one sent for analysis. The source of the Clenbuterol could not be properly determined until everything ingested by the horse was analyzed. Mr. Moore testified that he administered supplements to Mr. Parbhoo's horses once he had received instruction from the trainer as to who was to receive the supplement. This inconsistency in recollection between Mr. Parbhoo and Mr. Moore is compounded by the fact that no records were kept regarding the administration of supplements or medication. As stated earlier, Mr. Parbhoo hadn't even made note of the name of the powder supplement that was administered to American Speed.

8.18 Furthermore, Mr. Parbhoo has not adduced any evidence to demonstrate that he took appropriate steps to ensure that American Speed's supplements were safely secured to prevent them from being interfered with or spiked with Clenbuterol or any other Banned Substance. His theory of sabotage is entirely speculative, and is built around the analysis of a single open bottle of Body Builder that was in his possession. As HIWU has submitted, the circumstances around which the open bottle of Body Builder tested positive for Clenbuterol, while the sealed bottles tested negative for Clenbuterol, does not rule out the possibility that Clenbuterol could have been added to American Speed's Body Builder supplement after Mr. Parbhoo had been served with the EAD Notice.

8.19 Mr. Parbhoo's protestation of innocence (i.e, it wasn't me) and his declaration that none of the people working with him can offer any explanation for the presence of Clenbuterol in American Speed, falls far short of what is required for him to satisfy the required standard of proof, on a balance of probabilities.

8.20 Mr. Parbhoo has presented evidence that was only in his possession and control to support his spiking theory. He has not identified who might have spiked American Speed's Body Builder supplement, when the spiking could have occurred, and whether the timing of administration and the amount of Clenbuterol detected in the open bottle of Body Builder supplement could have caused American Speed's AAF at an estimated concentration of 20 pg/mL.

8.21 In order to establish No Fault, Covered Persons must establish that despite the

exercise of the utmost caution, they could not have reasonably known or suspected that they were committing an ADRV. The World Anti-Doping Code contains a commentary that underlines the standard that has to be met in order to achieve this threshold.

> *A reduction of sanctions, due to no fault or negligence will only apply in exceptional circumstances, for example where an athlete could prove that despite all due care, he or she was sabotaged by a competitor.*

8.22 It is well established, therefore, that No Fault is reserved for the most exceptional circumstances. The sabotage theory advanced by Mr. Parbhoo is highly speculative and is far from persuasive. His argument that he did all that he could and had no fault or no significant fault for the Clenbuterol positive, falls far short of what is expected of a Covered Person in order to benefit from the No Fault or Negligence or No Significant Fault of Negligence provisions of the ADMC Program Rules 3224 and 3225.

8.23 For these reasons, the Arbitrator is satisfied that HIWU has met its burden to prove that Mr. Parbhoo has committed a Presence-Based ADMC Rule 3212(b) violation.

8.24 Accordingly, the Arbitrator finds that there is no mitigation or reduction of sanction applicable to Mr. Parbhoo's case.

Punishment-Fine, Payment Toward Legal Fees and Arbitration Costs.

8.25 Under the ADMC Program Rules 3221, 3222 and 3223, HIWU seeks the imposition of the following Consequences for the ADRV:

i. The disqualification of the results that American Speed obtained in Race 6 on January 5, 2025, at Gulfstream Racing and in Race 10 on January 24, 2025, including forfeiture of all purses and other compensation, prizes, trophies, points, and rankings and repayment or surrender (as applicable) to the Race Organizer (ADMC Program Rule 3221);

ii. A period of Ineligibility of two (2) years for Trainer Parbhoo as Covered Person (ADMC Program Rule 3223);

iii. A fine of $25,000 USD and payment of the costs of adjudication (ADMC Program Rule 3223);

iv. Public disclosure in accordance with Rule 3620 (ADMC Program Rule 3231).

8.26 In accordance with ADMC Program Rule 3221, an Anti-Doping Rule Violation that arises from a Race Day Test, or that occurs during the Race Period, automatically leads to Disqualification of the results of the Covered Horse obtained on the Race Day. Any other results that the Covered Horse obtained from the date of the Anti-Doping Rule Violation first occurred, as well as during any retroactive Ineligibility Period shall be Disqualified,

unless it is established that fairness requires otherwise.

8.27 In accordance with ADMC Program Rule 3223, Mr. Parbhoo can be sanctioned with a period of Ineligibility of two (2) years as a Covered Person and may receive a fine of $25,000 or 25% of the total purse (whichever is greater) in addition to payment of some or all of the adjudication costs and the Agency's legal costs.

8.28 In these circumstances the results obtained by American Speed on January 5, 2025, and January 24, 2025, shall be disqualified.

8.29 If the amount of fine should follow the fault, or be commensurate with the amount of fault found, then the Arbitrator sees no reason to reduce the fine of $25,000 which is being sought by HIWU in this case. Accordingly, in light of Mr. Parbhoo's inability to present a persuasive argument regarding the sabotaging of American Speed's Body Builder supplement, the lack of reduction in his period of Ineligibility, and the charge of Presence, the Arbitrator finds that $25,000 is the appropriate fine in these circumstances.

8.30 With regard to the costs of the adjudication, the Arbitrator notes that HIWU has not sought reimbursement of or contribution to its legal fees. HIWU does however seek payment of the costs of the adjudication, pursuant to ADMC Program Rule 3223. In light of the findings made above, the Arbitrator determines that Mr. Parbhoo should make a significant contribution of $10,000 to the arbitration costs of HIWU.

IX AWARD

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

Mr. Parbhoo is found to have committed his first Anti-Doping Rule Violation of Presence. As a result, the following consequences have been imposed:

1. Mr. Parbhoo shall be suspended for a period of Ineligibility of twenty-four (24) months, commencing on August 27, 2025, and ending on August 26, 2027;

2. Disqualification of the results that American Speed obtained at Gulfstream Park in Race 6 on January 5, 2025, and in Race 10 on January 24, 2025, and forfeiture of all purses and other compensation, prizes, trophies, points, and rankings and repayment or surrender (as applicable) to the Race Organizer;

3. Mr. Parbhoo shall pay a fine in the amount of $25,000 USD to HIWU by the end of the period of Ineligibility; and

4. Mr. Parbhoo shall pay a contribution of $10,000 USD to HIWU towards their share of the arbitration costs of this proceeding by the end of his period of Ineligibility.

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

IT IS SO ORDERED AND AWARDED.

Dated: August 26, 2025

Hon. Hugh L. Fraser, O.C.
Arbitrator