



CASE RESOLUTION WITHOUT A HEARING/FINAL DECISION

On July 22, 2025, Sample Collection Personnel collected a Post-Race hair Sample, designated as Sample #H200016726, from Can't Stop a Chub following the mare's fatality after Race 3 at Parx Casino and Racing in Bensalem, Pennsylvania ("Parx"). On August 22, 2025, Sample Collection Personnel collected an Out-of-Competition hair Sample, designated as Sample #H200005820, from the filly Rock Me Gently at Parx. On September 15, 2025, Sample Collection Personnel collected a Post-Race hair Sample, designated as Sample #H200048794, from the mare Silver City Kitty following Race 5 at Parx.

All three A Samples were submitted to the Industrial Laboratories in Denver, Colorado ("Industrial"), which is a HEAL-Accredited Laboratory, for analysis. Industrial analyzed the A Samples in accordance with the Equine Standards for Laboratories and Accreditation and reported three Atypical Findings, having detected the Banned Substance Testosterone in each Sample. Testosterone is a category S1 Banned Substance on the Prohibited List and Technical Document–Prohibited Substances. There is no Threshold for Testosterone in hair for female horses. Testosterone, as an endogenous substance, is subject to the Protocol's Atypical Findings Policy.

J. Guadalupe Guerrero, as the Responsible Person for Rock Me Gently, Silver City Kitty, and Can't Stop a Chub, was served with Atypical Finding Notices on September 18, 2025, October 7, 2025, and January 6, 2026, for the three Covered Horses, respectively. Test results conducted on biological samples collected from each of the three Covered Horses indicated that the presence of Testosterone in their respective hair Samples was not the result of a medical condition, such as an ovarian tumor. Accordingly, all three Atypical Findings were deemed Adverse Analytical Findings ("AAFs").

On December 1, 2025, HIWU served Mr. Guerrero with EAD Notices relating to the AAFs for Rock Me Gently and Silver City Kitty, and Provisional Suspensions were immediately imposed on both Covered Horses. Mr. Guerrero requested analysis of the B Samples for Rock Me Gently and Silver City Kitty. The B Sample analysis was performed at the HEAL-Accredited Equine Integrity and Anti-Doping Sciences Laboratory in Lexington, Kentucky, which confirmed the presence of Testosterone in both B Samples.

On December 30, 2025, Mr. Guerrero brought a motion to lift the Provisional Suspensions on Rock Me Gently and Silver City Kitty. A Provisional Hearing was held

before Hearing Officer Armand Leone on January 12, 2026. On January 14, 2026, Hearing Officer Leone denied the motion and the Provisional Suspensions were maintained.

On January 20, 2026, HIWU served Mr. Guerrero with an EAD Charge Letter for Rock Me Gently and Silver City Kitty's AAFs. Mr. Guerrero exercised his right to a hearing on the merits for the two charges before an adjudicator from the Arbitral Body in accordance with ADMC Program Rule 3261 of the Protocol and Arbitration Procedures codified at Rule Series 7000.

On February 2, 2026, HIWU initiated an arbitration for the charges relating to Rock Me Gently and Silver City Kitty against Mr. Guerrero with JAMS, the designated Arbitral Body. On February 3, 2026, JAMS commenced arbitration proceedings and appointed Laura Abrahamson, Esq., as the arbitrator.

On February 4, 2026, HIWU served Mr. Guerrero with an EAD Notice relating to the AAF for Can't Stop a Chub. On February 9, 2026, Mr. Guerrero expressly waived analysis of Can't Stop a Chub's B Sample.

On February 25, 2026, HIWU served Mr. Guerrero with an EAD Charge Letter for Can't Stop a Chub's AAF. On February 26, 2026, HIWU initiated an arbitration against Mr. Guerrero with JAMS for the charge relating to Can't Stop a Chub.

All three matters were consolidated into a single arbitration proceeding before Arbitrator Abrahamson.

As part of Mr. Guerrero's pre-hearing submissions, he provided documentation and other evidence relating to the source of Testosterone:

- Mr. Guerrero provided reliable evidence of a diagnosed medical condition for which his doctor prescribed AndroGel 1.62% ("Testosterone Gel"). For about a decade he had been applying the Testosterone Gel to his arms daily to treat his condition.
- Mr. Guerrero was aware that his use of the Testosterone Gel posed risks of doping violations and discussed his concerns with his doctor, who reassured him that the risk of inadvertent transfer was low.
- Mr. Guerrero personally groomed some of his Covered Horses, including the three Covered Horses at issue in this case, it was particularly hot and humid during the summer of 2025 when he was handling his horses, and he wore a t-shirt at work during the summer months.
- Mr. Guerrero took precautionary measures when using the Testosterone Gel, including applying the product to his arms in the morning at his house, washing his hands before going to work, applying an alcohol-based hand rub at the track, and wearing gloves when handling his horses' mouths.

- After receiving notice of the first Adverse Finding in September 2025, Mr. Guerrero contacted his doctor to switch to an alternative treatment for his condition. As of October 14, 2025, Mr. Guerrero had stopped using the Testosterone Gel.

Following a thorough examination of all the evidence presented by Mr. Guerrero in his defense, including new and previously undisclosed evidence adduced by Mr. Guerrero that was received by HIWU approximately two weeks ago, HIWU has determined as follows.

ADRV Charge for Can't Stop a Chub

HIWU is not comfortably satisfied, based on the totality of the evidence (including that Can't Stop a Chub's four-inch hair Sample collected on July 22, 2025, was not segmentally analyzed), that she was exposed to Testosterone after being claimed by Mr. Guerrero on April 8, 2025. Accordingly, HIWU has withdrawn the ADRV Charge for Can't Stop a Chub (#H200016726) pursuant to ADMC Program Rule 3249(a)(1).

ADRV Charges for Rock Me Gently and Silver City Kitty

HIWU has determined that there are violations of ADMC Program Rule 3212 due to the presence of Testosterone in hair Samples collected from Rock Me Gently (#H200005820) and Silver City Kitty(#H200048794), and that both Covered Horses were exposed to Testosterone while they were under Mr. Guerrero's care. As a result, the proposed Consequences must be determined by HIWU.

HIWU agrees that Mr. Guerrero was able to establish the source of Testosterone by a balance of probability as inadvertent transfer of his prescribed Testosterone Gel to his Covered Horses' manes during his handling of the Covered Horses as their groom.

Under ADMC Program Rule 3224, the elimination of the Period of Ineligibility for "No Fault or Negligence" is limited to "exceptional circumstances," and the presence of a human prescription drug in a Covered Horse's Sample due to inadvertent transfer by an individual working with that Covered Horse is not such an "exceptional circumstance."

Under ADMC Program Rule 3225(a), there can be a reduction of the period of Ineligibility if there is No Significant Fault or Negligence on the part of the Covered Person. If the Covered Person establishes No Significant Fault or Negligence for the ADRV by a balance of probability (*i.e.*, a preponderance of the evidence), the period of Ineligibility can be fixed between 3 months and 2 years, depending on the Covered Person's degree of Fault.

Under ADMC Program Rule 1020, "No Significant Fault or Negligence" is defined as the Covered Person establishing that his or her fault or negligence, "when viewed in the totality of the circumstances . . . was not significant in relationship to the Anti-Doping Rule Violation." For any violation of Rule 3212, the Covered Person must also establish how the Prohibited Substance entered the Covered Horse's system. Under Rule 1020, "Fault means any breach of duty or any lack of care appropriate to a particular situation.

... 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.”

Under CAS 2013/A/3327 *Cilic v. International Tennis Federation*, as applied in multiple arbitrations and appeals under the ADMC Program, there are both objective and subjective elements of Fault that should be considered in determining Consequences. The objective element describes what standard of care could have been expected from a reasonable person in the Covered Person's situation. The subjective element describes what could have been expected from that particular individual, in light of his personal capacities.

There are three ranges of objective Fault: light or insignificant Fault; moderate Fault; and significant Fault. In cases under ADMC Program Rule 3225(a), HIWU will consider the following ranges for periods of Ineligibility: light or insignificant Fault—3 to 9 months; moderate Fault—10 to 16 months; and significant Fault—17 to 24 months.

In this matter, HIWU has determined that, based on the circumstances, Mr. Guerrero has established on a balance of probability that he bears No Significant Fault or Negligence for two violations of ADMC Program Rule 3212.

As to the objective element of Fault, Mr. Guerrero was aware that his Testosterone Gel posed a potential risk of inadvertent transfer to his Covered Horses but took precautionary steps to minimize that risk as described above, including: (1) discussing his concerns with his doctor, who reassured him that the risk was low; (2) applying the Testosterone Gel in the morning at his house before going to the track; (3) washing his hands and applying an alcohol-based hand rub before handling his Covered Horses; (4) wearing gloves when bridling his Covered Horses; and (5) switching to an alternative treatment for his condition shortly after being notified of the first Adverse Analytical Finding.

As to the subjective element of Fault, the following mitigating factors are present in this case which place Mr. Guerrero's degree of fault at the low end of the light degree of fault range: (1) the AAFs arose from inadvertent transfer (as opposed to intentional administration); (2) Mr. Guerrero had a current, valid, and legal prescription for Testosterone Gel for a genuine medical condition; and (3) Mr. Guerrero had been using the Testosterone Gel for many years without incident.

In light of these factors, Mr. Guerrero's period of Ineligibility for each of the two ADRVs will be four months each, to be served consecutively for a total period of Ineligibility of eight months. Pursuant to ADMC Program Rule 3223(c)(3), the period of Ineligibility is deemed backdated to September 15, 2025 (the Sample collection date for Silver City Kitty) and, as a result, Mr. Guerrero will not serve any period of Ineligibility going forward.

Pursuant to ADMC Program Rule 3223, HIWU has determined that a fine of \$2,500 for each of the two ADRVs, for a cumulative total fine of \$5,000, is appropriate in

this case, including in light of Mr. Guerrero's Admission and Acceptance of Consequences delivered pursuant to ADMC Program Rule 3249(a)(2).

Pursuant to ADMC Program Rule 3221, the results Silver City Kitty obtained in Race 5 at Parx on September 15, 2025 will be disqualified, with resulting Consequences of Disqualification of results including forfeiture of all purses and other compensation, prizes, trophies, points, and rankings and repayment or surrender (as applicable) to the Race Organizer. There will also be Public Disclosure in accordance with ADMC Program Rule 3620.¹

**THE HORSERACING INTEGRITY & WELFARE UNIT
JUNE 3, 2026**

¹ Rock Me Gently and Silver City Kitty were each also subject to a period of Ineligibility ending on February 22, 2026, and March 15, 2026, respectively, with reinstatement conditioned on a Negative Finding from a Re-Entry Test for all Banned Substances. Since Negative Findings for both Covered Horses' respective Re-Entry Tests have already been reported, both Covered Horses are currently eligible to race.