



## **FINAL DECISION OF HORSERACING INTEGRITY & WELFARE UNIT**

### **Anti-Doping Rule Violation/ADMC Program Rule 3214(a) Covered Person: Gabriel Hilardo Rivera**

On March 27, 2024, an HIWU Investigator observed Gabriel Hilardo Rivera carry and attempt to conceal a black tackle box behind the rear tire of a vehicle while he was working at Mahoning Valley Race Course in Youngstown, Ohio. Another HIWU Investigator then joined the first HIWU Investigator and they photographed and searched the tackle box. Inside they found various injectable medications, needles, and syringes.

Among the bottles of injectable medications, three Banned Substances were found: (1) a bottle labeled Dolor, containing Pitcher Plant Extract, which is a category S6 Banned Substance on the Prohibited List; (2) a bottle labeled Buta-fenil, which is a category S0 Banned Substance on the Prohibited List; and (3) a bottle labeled Dexalan, which is a category S0 Banned Substance on the Prohibited List.

Pitcher Plant Extract is specifically listed as a Banned Substance on the Prohibited List. Both Buta-fenil and Dexalan are foreign-made pharmacological substances not approved for use in the United States and are therefore Banned Substances pursuant to ADMC Program Rule 4111, which states that “[a]ny pharmacological substance that (i) is not addressed by Rules 4112 through 4117, (ii) has no current approval by any governmental regulatory health authority for veterinary or human use, and (iii) is not universally recognized by veterinary regulatory authorities as a valid veterinary use, is prohibited at all times.”

#### **I. EAD Notice**

On June 6, 2024, Mr. Rivera was served with an EAD Notice, pursuant to ADMC Program Rule 3245 of the ADMC Program in which he was advised of: (a) the resulting potential violations of ADMC Program Rule 3214(a) for the Possession of a Banned Substance; and (b) the required Consequences for these potential violations of ADMC Program Rule 3214(a). Mr. Rivera was also Provisionally Suspended as of that date under ADMC Program Rule 3247 and given the opportunity to, by June 11, 2024, request a Provisional Suspension Hearing to determine if that Suspension should be lifted or maintained. Under the ADMC Program, he also had until June 13, 2024 to provide HIWU with an explanation for the potential violations of ADMC Program Rule 3214(a).

He received the EAD Notice by U.S. mail, sent to the mailing address provided by Mr. Rivera in the HISA Portal. Notice by U.S. mail is permitted under ADMC Program Rule 3250. In addition, the fact of the potential EAD violation and Mr. Rivera’s Provisional Suspension were publicly posted on HIWU’s website on June 7, 2024.

Mr. Rivera failed to request a Provisional Suspension Hearing or provide an explanation to HIWU by June 13, 2024.

## **II. EAD Charge**

On June 28, 2024, after his failure to respond to the EAD Notice, Mr. Rivera was served with an EAD Charge by HIWU via U.S. Mail. He was given, under ADMC Program Rule 3248(d), until July 5, 2024 to: (a) accept the Consequences proposed by HIWU, in which case HIWU would issue a decision under ADMC Program Rule 3249; (b) seek to agree to mitigated Consequences with HIWU pursuant to ADMC Program Rule 3249, failing which the Consequences could still be disputed at a hearing; or (c) dispute or seek to mitigate the proposed Consequences at a hearing in accordance with ADMC Program Rule 3261 and the Arbitration Procedures. Mr. Rivera was also given the option to deny the Anti-Doping Rule Violation charged and dispute the proposed Consequences at a hearing in accordance with ADMC Program Rule 3261 and the Arbitration Procedures.

The Consequences proposed by HIWU were:

1. A period of Ineligibility of six (6) years, beginning on June 6, 2024, the date his Provisional Suspension was imposed (ADMC Program Rule 3223);
2. A fine of up to USD \$75,000 and payment of some or all of the adjudication costs and HIWU's legal costs (ADMC Program Rule 3223); and
3. Public Disclosure as required by ADMC Program Rule 3620, in accordance with ADMC Program Rule 3231.

Mr. Rivera did not inform HIWU of his election pursuant to the EAD Charge by July 5, 2024. On numerous occasions, HIWU attempted to locate Mr. Rivera to attempt to get him to make his election with respect to this Charge. Mr. Rivera has never responded to HIWU concerning his election. As of August 22, 2024, more than six (6) weeks after the deadline set forth in the EAD Charge Letter, Mr. Rivera has not elected any of the options available under the ADMC Program and set forth in the EAD Charge Letter.

## **III. Imposition of Consequences**

Given Mr. Rivera's failure to respond in a timely manner to the EAD Charge, he is in default and, as he was notified in the EAD Charge, Mr. Rivera has waived his right to a hearing, admitted the charged ADMC Program Rule Violation, and accepted the Consequences proposed by HIWU. Consequently, HIWU imposes the following Consequences against him under the ADMC Program, pursuant to 15 U.S.C. 3057(d):

- A. A period of Ineligibility of six (6) years, beginning on June 6, 2024, and continuing through June 5, 2030;
- B. A fine of \$75,000 in accordance with ADMC Program Rule 3323; and
- C. Public Disclosure in accordance with ADMC Program Rule 3620.

**THE HORSERACING INTEGRITY & WELFARE UNIT  
DATED: AUGUST 22, 2024**