



**CASE RESOLUTION WITHOUT A HEARING/
FINAL DECISION**

On June 17, 2025, Horseracing Integrity & Welfare Unit (“HIWU”) Sample Collection Personnel collected an Out-of-Competition hair Sample, designated as Sample #H200013411, from Summonyourcourage at Trackside at Churchill Downs in Louisville, Kentucky. On July 9, 2025, HIWU Sample Collection Personnel collected an Out-of-Competition hair Sample, designated as Sample #H200024893, from Geno’s Myth at Trackside at Churchill Downs.

Both A Samples were submitted to Industrial Laboratories (“Industrial”), a HEAL-accredited laboratory in Denver, Colorado. Industrial analyzed the A Samples in accordance with the Equine Standards for Laboratories and Accreditation and reported Adverse Analytical Findings (“AAFs”) in both Samples for the presence of albuterol. At the time, no albuterol prescription for Summonyourcourage or Geno’s Myth had been entered into the HISA portal. Analysis of the B Samples was not requested and was deemed waived.

Albuterol, a Beta-2 agonist, is a category S3 Banned Substance. Rule 4114(a), however, contains an exception for inhaled beta-2 agonists like albuterol when prescribed by a Veterinarian (in the context of a valid veterinarian-patient-client relationship) as a bronchodilator.

Trainer Jesus Esquivel was the Responsible Person for both Summonyourcourage and Geno’s Myth.

During searches of Trainer Esquivel’s barn on July 2 and July 15, 2025, HIWU investigators found a total of three boxes of albuterol ampules. None of the boxes had prescription labels compliant with Kentucky law. Trainer Esquivel stated that his veterinarian, Dr. Richard Costelle, had evaluated the horses for breathing issues and prescribed and dispensed albuterol for Summonyourcourage and Geno’s Myth.

Trainer Esquivel received Notice of an Alleged Equine Anti-Doping Violation for Summonyourcourage’s Sample on July 15, 2025, and he was charged with an Anti-Doping Rule Violation (“ADRV”) for this Sample on September 29, 2025. He received

Notice of an Alleged Equine Anti-Doping Violation for Geno's Myth's Sample on July 29, 2025, and he was charged with an ADRV on October 16, 2025. Trainer Esquivel requested a hearing on the merits under ADMC Program Rule 3261.

On March 3, 2026, HIWU consolidated the cases and initiated an arbitration through JAMS under the ADMC Program's Arbitration Procedures. The Hon. Bernetta Bush (Ret.) was appointed as the Arbitrator. The Arbitrator held a preliminary scheduling conference and set a briefing schedule.

As part of his pre-hearing written submission, Trainer Esquivel, through his counsel, submitted evidence showing that the albuterol had been prescribed for Summonyourcourage and Geno's Myth. This evidence included a signed statement from Dr. Costelle attesting to the fact that he had (1) prescribed and dispensed albuterol for both Summonyourcourage and Geno's Myth in May 2025, (2) had failed to appropriately label the medications as required by law, and (3) had belatedly entered the records into the HISA portal. Trainer Esquivel also provided veterinary records for both horses documenting that Dr. Costelle had prescribed Summonyourcourage and Geno's Myth albuterol starting in May 2025, and had performed endoscopic evaluations for breathing problems. Additionally, the records showed that Dr. Costelle had a valid veterinarian-client-patient relationship with both horses.

After receiving Trainer Esquivel's pre-hearing submission, HIWU conducted additional investigation to corroborate his evidence. HIWU spoke with a contract veterinarian who worked with Dr. Costelle and had treated both horses. The contract veterinarian corroborated that Dr. Costelle had prescribed the albuterol. Additionally, there was no evidence that the albuterol had been used as anything other than an inhaled bronchodilator. The albuterol seized was in ampule form designed to be nebulized and inhaled, and Trainer Esquivel did have a nebulizer in his barn.

HIWU conducted a comprehensive review of the case following receipt of this information. Because the evidence established that the albuterol use fell within Rule 4114(a)'s exception for prescribed beta-2 agonists used as inhaled bronchodilators, HIWU determined that withdrawal of the charges was appropriate.

Following this review, HIWU filed a Notice of Withdrawal of Charges under Rule 3249(a) and (c) on June 18, 2026.

This decision confirms the withdrawal of the Charges that were issued against Trainer Esquivel.