

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

ADMINISTERED BY JAMS, CASE NO. 1501001085

In the Matter of the Arbitration Between:

HORSE RACING INTEGRITY WELFARE UNIT,
Claimant

v.

ANTONIO MERAZ,
Respondent.

CORRECTED FINAL DECISION

I, the undersigned Arbitrator, having been designated, authorized, and duly sworn, and having heard and considered the arguments, allegations, submissions, proofs, testimony, and evidence submitted by the Parties, and after a full evidentiary hearing occurring by agreement of the Parties on September 5, 2025 in person in Lexington, Kentucky, with some witnesses testifying via Zoom, 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 Claimant is the Horseracing Integrity & Welfare Unit (“Agency” or “HIWU”), which is responsible for sample collection and results management in the anti-doping testing of thoroughbred racehorses in the United States, pursuant to the Horseracing Integrity and Safety Act of 2020, 15 U.S.C. §§ 3051-3060. During this Arbitration, the Agency has been represented by attorneys Allison Farrell of the Agency and Alexandria Matic of Tyr LLP.

1.2 Respondent is Antonio Meraz. Mr. Meraz, referred to herein as “Trainer Meraz,” is a trainer of thoroughbred racehorses. It is undisputed that Trainer Meraz is a “Covered Person” and a “Responsible Person” for the Covered Horse First Kitten under the law and rules applicable to this Arbitration. During this Arbitration, Trainer Meraz has been represented pro bono by attorneys Craig Robertson and Brandon Girdley of Wyatt, Tarrant & Combs LLP. To ensure due process, Trainer Meraz, whose native language is Spanish, was provided with an English-Spanish language interpreter during the hearing pursuant to Rule 7240 of the Arbitration Procedures.

1.3 The Agency and Trainer Meraz are referred to individually as “Party” and collectively as “Parties.”

1.4 The Agency charged Trainer Meraz with an Anti-Doping Rule Violation (“ADRV”) of the

Equine Anti-Doping and Controlled Medication Control Protocol, specifically the presence of a Banned Substance (Cobalt in excess of the Threshold of 0.025 mcg/mL in the blood sample of Covered Horse First Kitten) in violation of Rule 3212 of the Protocol.

1.5 In determining the material and relevant facts and resolving the legal issues in this Final Decision, the Arbitrator has considered all allegations; evidence (including documents and witness testimony); oral and written legal arguments; and legal authorities submitted by the Parties in this Arbitration.

II. THE FACTS

2.1 This section summarizes the facts determined by the Arbitrator based on the Parties' Uncontested Stipulation of Facts, their respective written submissions and pleadings, and the evidence introduced at the September 5, 2025 Hearing, which are material and relevant to the legal issues resolved by the Arbitrator in this Final Decision.

2.2 Trainer Meraz began training Covered Horse First Kitten in 2018.

2.3 On February 12, 2025, First Kitten competed in Race 5 at Mahoning Valley Race Course in Youngstown, Ohio. Following the race, Sample Collection Personnel collected a blood Sample, designated as Sample #B101304418, from First Kitten.

2.4 First Kitten's A Sample was submitted to The Ohio Department of Agriculture Analytical Toxicology Laboratory ("Ohio Lab") for analysis.

2.5 On March 3, 2025, the Ohio Lab reported that Cobalt was detected at a concentration of 30.5 +/- 0.3 nanograms per milliliter of serum in First Kitten's A Sample. This reported concentration exceeds Horseracing Integrity and Safety Authority's ("HISA" or the "Authority") threshold of 25 nanograms per milliliter (i.e., 0.025 mcg/mL) (the "Threshold") in blood plasma, which indicates that Cobalt Salts were administered to First Kitten.

2.6 Cobalt is naturally present in the body of a horse, generally in very low amounts (i.e., < 1 ng/mL) in blood plasma. It is an essential trace micronutrient required by the intestinal bacteria of horses to synthesize vitamin B12 (cobalamin). Cobalt is individually metabolized and excreted differently by different horses.

2.7 Cobalt is a substance found in horses' natural environment (e.g., in soil and water), and it is a listed ingredient of various horse feeds and supplements.

2.8 Cobalt Salts, which are inexpensive, readily accessible, and not regulated, are a category S2 Banned Substance on the Authority's Prohibited List and Technical Document. The administration of Cobalt Salts resulting in a concentration of Cobalt in a horse's system exceeding the Threshold is prohibited because there is no documented endogenous cobalt deficiency in horses; it provides no known benefits to a healthy horse; and it may cause toxic (i.e., harmful) effects in a horse at very high levels of Cobalt concentration. For example, injections of horses with high doses of Cobalt Salts resulting in cobalt blood plasma concentration of 10,000-17,000 ng/mL caused muscle tremors, pawing, straining to urinate, cardiac arrhythmias, hypertension, and

laboratory abnormalities. There is no scientific evidence that the administration of Cobalt Salts enhances equine performance.

2.9 On March 12, 2025, HIWU Investigator Eddie Arriola (“Investigator Arriola”) served Trainer Meraz with an unannounced Equine Anti-Doping (“EAD”) Notice of an Alleged Anti-Doping Rule Violation (“Notice”) at Barn 8 of the Hawthorne Racecourse stable area in Hawthorne, Illinois.

2.10 In tandem with serving the Notice, HIWU investigators conducted a compliance check of Trainer Meraz’s barn, personal vehicle, and other areas under his control and responsibility. Trainer Meraz identified the following areas under his care and control: (i) an office located on the southwest corner of Barn 8; (ii) a feed and tack room on the south end of Barn 8; (iii) an additional storage room located on the south end of Barn 8 for tack, feed, and supplements; and (iv) his Black Toyota Rav 4. Trainer Meraz also informed HIWU investigators that he was assigned stalls 1-27 but only had twelve (12) horses and two (2) ponies.

2.11 During the search, Trainer Meraz was cooperative and provided full access to his barn, personal vehicle, and other areas under his control and responsibility. Investigator Arriola found a one-gallon container of the supplement Furlong Gold located on a shelving unit in Trainer Meraz’s feed and tack room. The container of Furlong Gold listed cobalt as an ingredient. The container’s label states that there are 5 mg of cobalt in 2 fluid ounces of Furlong Gold. He did not find or observe any needles or syringes in Trainer Meraz’s barn, personal vehicle, and other areas under his control and responsibility.

2.12 During the interview, Investigator Arriola informed Trainer Meraz that Theresa Martinez was listed as the Responsible Person on the post-race sample collection document for the sample. Trainer Meraz advised that Martinez helped him on February 11 and 12, 2025 but did not feed, or have any responsibility for feeding, First Kitten.

2.13 Trainer Meraz requested analysis of First Kitten’s B Sample. First Kitten’s B Sample was submitted to the California Animal Health and Food Safety Laboratory at the University of California, Davis (“UC Davis Lab”) for analysis.

2.14 On March 27, 2025, the UC Davis Lab reported that Cobalt was detected at a concentration of 32.8 ng/mL in First Kitten’s B Sample, which exceeds HISA’s Threshold.

III. PROCEDURAL HISTORY

3.1 On March 12, 2025, the Agency served Trainer Meraz with an EAD Notice stating that the February 12, 2025 blood sample, designated as Sample #B101304418, from the Covered Horse First Kitten had returned an adverse analytical finding (“AAF”) because it detected Cobalt, a category S2 Banned Substance, in excess of the Threshold of 0.025mcg/mL.

3.2 On April 8, 2025, following testing of the B Sample, the Agency notified Trainer Meraz that it was charging him with a violation of Rule 3212 for the presence of Cobalt in excess of the Threshold of 0.025 mcg/mL in First Kitten’s blood sample #B101304418, collected on February 12, 2025, at Mahoning Valley Race Course in Youngstown, Ohio.

3.3 On April 28, 2025, Trainer Meraz's counsel submitted a formal response to the Charge Letter, which acknowledged that Trainer Meraz had provided Furlong Gold to First Kitten.

3.4 On May 29, 2025, the Agency initiated this arbitration against Trainer Meraz asserting he committed an ADRV in violation of Rule 3212 pursuant to Rule 7060(a).

3.5 On June 18, 2025, the Arbitrator held a preliminary conference hearing. At the hearing, the Agency was represented by attorneys Allison Farrell and Alexandria Matic, and Trainer Meraz was represented by attorneys Craig Robertson and Brandon Girdley. Danielle Menitove, the Law Clerk in this arbitration proceeding, participated in the preliminary conference hearing.

3.6 At the preliminary hearing and in the days that followed, the Parties agreed to a hearing date and location as well as to dates for pre-hearing briefs.

3.7 Pursuant to Scheduling Order No. 1, dated July 8, 2025, the Parties and the Arbitrator agreed on an in-person arbitration hearing on September 5, 2025 at 9:00 a.m. ET at the offices of Wyatt, Tarrant & Combs LLP in Lexington, Kentucky and a pre-hearing briefing schedule.

3.8 On August 15, 2025, Trainer Meraz timely filed his prehearing brief, witness disclosures, exhibits, and expert report.

3.9 On August 29, 2025, the Agency timely filed its prehearing brief, witness disclosure, book of evidence (including expert report), and book of authorities.

3.10 The hearing began at 9 a.m. ET on September 5, 2025 and ended at approximately 6:30 p.m. Trainer Meraz and his legal counsel as well as the Agency's counsel attended the hearing. Isaul Gonzalez, the owner of First Kitten, and Ms. Menitove observed the hearing virtually

3.11 At the hearing, the Arbitrator admitted all of the Parties' submitted exhibits as evidence and heard the in-person testimony of Trainer Meraz and Eddie Arriola, an investigator employed by the Agency, as well as four witnesses who testified virtually: Dr. Benjamin Burris, the Chemical Lab Supervisor for the Ohio Lab; Joey Kingstad, Laboratory Research Supervisor for the Toxicology Section of the UC Davis Lab; Dr. Steven Barker, an expert witness for Trainer Meraz; and Dr. Lara Maxwell, an expert witness for the Agency. Each Party had a full and fair opportunity to examine or cross-examine each of the witnesses. Throughout the hearing, Trainer Meraz had the assistance of an in-person English-Spanish interpreter.

3.12 At the conclusion of the hearing, both Parties and their legal counsel acknowledged each had been given a full and fair opportunity to be heard.

3.13 In lieu of oral closing arguments at the hearing, the Parties agreed to submit post-hearing briefs on September 26, 2025.

3.14 After both Parties timely submitted their post-hearing briefs, the Arbitrator closed the hearing as of September 26, 2025 and requested that Trainer Meraz's counsel promptly submit photos of the Platinum Performance and Purina Race Ready feeds proffered and admitted into

evidence during the hearing.

3.15 On October 5, 2025, Trainer Meraz’s counsel submitted photos of the Platinum Performance and Purina Race Ready feeds as requested by the Arbitrator.

3.16 Because of the complex nature of this case (which included approximately seven hours of very detailed expert scientific testimony), the Parties agreed to allow the Arbitrator thirty (30) days from the closing of the hearing (i.e., until October 27, 2025) to issue a Final Decision in accordance with Rule 7340.

IV. JURISDICTION

General Overview

4.1 The Horseracing Integrity and Safety Act of 2020, 15 U.S.C. §§ 3051-3060 (the “Act”) recognizes and empowers HISA, a private non-profit organization, for “purposes of developing and implementing a horseracing anti-doping medication and control program and a racetrack safety program for covered horses, covered persons, and covered horseraces,” which is commonly referred to as the “ADMC Program.” 15 U.S.C. § 3052(a).

4.2 The ADMC Program initially proposed by the Authority under the Act, was approved by the Federal Trade Commission on March 27, 2023, and implemented on May 22, 2023.

4.3 The ADMC Program sets out the applicable rules that govern this Arbitration and the jurisdiction of the Panel over all participants. Rule Series 1000 contains general provisions, including those relating to interpretation and definitions. Rule Series 3000 establishes the Equine Anti-Doping and Controlled Medication Protocol. Rule Series 7000 establishes the Arbitration Procedures for hearing and adjudicating violations of the Protocol.

4.4 Pursuant to its authority under the Act, HISA entered into an agreement with the Agency “to act as the anti-doping and medication control enforcement agency . . . for services consistent with the [ADMC Program].” 15 U.S.C. § 3054(e)(1)(B).

Jurisdiction

4.5 Rule 3020 provides, in pertinent part, that the anti-doping rules set out in the ADMC Program apply to and are binding on Covered Persons.

4.6 Covered Persons are defined under Rule 1020 as follows:

. . . all Trainers, Owners, Breeders, Jockeys, Racetracks, Veterinarians, Persons licensed by a State Racing Commission, and the agents, assigns, and employees of such Persons; any other Persons required to be registered with the Authority; and any other horse support personnel who are engaged in the care, treatment, training, or racing of Covered Horses.

4.7 Pursuant to Section 3054 of the Act, “Covered Persons” must register with the Authority.

They are bound by the Protocol by undertaking the activity (or activities) that make(s) them a Covered Person, whether or not they register with the Authority.

4.8 Rule 3030(a) defines a “Responsible Person” as “the Trainer of the Covered Horse.”

4.9 Under Rule 1020, a “Covered Horse” is defined as:

[A]ny thoroughbred horse, or any other horse made subject to the Act by election of the applicable State Racing Commission or the breed governing organization for such horse under section 3054(l), during the period: (A) beginning on the date of the horse’s first Timed and Reported Workout at a Racetrack that participates in Covered Horseraces or at a training facility; and (B) ending on the date on which the horse is deemed retired pursuant to Rule 3050(b).

4.10 There is no dispute that Trainer Meraz is a trainer who is required to be—and is—registered with the HISA. As such, Trainer Meraz is both a “Responsible Person” and a “Covered Person” bound by and subject to the ADMC Program. It is undisputed that First Kitten is a “Covered Horse.”

4.11 The Rule 7000 Series establishes the arbitration procedures governing a charged violation of the ADMC Program:

Rule 7010 Applicability

The Arbitration Procedures set forth in this Rule 7000 Series shall apply to all adjudications arising out of the Rule 3000 Series.

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. . . .

4.12 Where the Agency issues a Charge Letter to a Covered Person, an arbitral proceeding is 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.

4.13 In this case, arbitration proceedings were commenced before JAMS, the designated arbitration provider. Trainer Meraz was provided with adequate notice of the charged EAD Violation against him. The Parties have fully participated in this Arbitration without any objection to the Arbitrator's jurisdiction or the arbitrability of any issues raised in this arbitration.

4.14 The Arbitrator concludes, without objection from either Party, that the Arbitrator has jurisdiction over the Agency's EAD Violation charge against Trainer Meraz at issue in this matter. *See* Rule 7090 (arbitrator has authority to rule on his jurisdiction; party must object to challenge jurisdiction).

V. APPLICABLE LEGAL RULES

5.1 The applicable rules regarding the Agency's EAD Violation charge against Trainer Meraz are as follows. Other rules may be cited, where relevant, in connection with the Arbitrator's analysis of the legal issues to be resolved in this Final Decision.

5.2 Rule 3121 provides as follows:

Rule 3121. Burden and Standard of Proof

(a) The Agency shall have the burden of establishing that a violation of the Protocol has occurred to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegation that is made. This standard of proof in all cases is greater than a mere balance of probability (*i.e.*, a preponderance of the evidence) but less than clear and convincing evidence or proof beyond a reasonable doubt.

(b) Where the Protocol places the burden of proof on a Covered Person to rebut a presumption or to establish specified facts or circumstances, the standard of proof shall be by a balance of probability (*i.e.*, a preponderance of the evidence), except as provided in Rules 3122(c) and 3122(d).

5.3 Rule 3122, Methods of Establishing Facts and Presumptions, states in relevant part:

Facts related to violations may be established by any reliable means, including admissions. The following rules of proof shall apply:

(a) Analytical methods, Minimum Reporting Levels, Thresholds, Screening Limits, Decision Limits, and any other Laboratory reporting requirements approved by the Commission are presumed to be scientifically valid.

(b) Compliance with the Standards (as opposed to an alternative standard, practice, or procedure) will be sufficient to conclude that the procedures addressed by those Standards were performed properly.

(c) Laboratories are presumed to have conducted Sample analysis and custodial procedures in accordance with the 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.

(d) Departures from any other Standards or any provisions of the Protocol shall not invalidate analytical results or other evidence of a violation, and shall not constitute a defense to a charge of such violation; provided, however, that if the Covered Person establishes that a departure from any other Standards or any provisions of the Protocol could reasonably have caused the Adverse Analytical Finding or other factual basis for the violation charged, the Agency shall have the burden to establish that such departure did not cause the Adverse Analytical Finding or other factual basis for the violation.

5.4 Regarding arbitral interpretation of the Protocol, Rule 3070 provides in pertinent part:

(b) 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.

...

(d) The World Anti-Doping Code and related International Standards, procedures, documents, and practices (WADA Code Program), 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.

5.5 Rule 3040 imposes several “core” obligations on a trainer, including Trainer Meraz, as an undisputed Covered Person, including the following personal responsibility:

(a) Responsibilities of All Covered Persons

It is the personal responsibility of each Covered Person: (1) to be knowledgeable of and to comply with the Protocol and related rules at all times. All Covered Persons shall be bound by the Protocol and related rules, and any revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all Covered Persons to familiarize themselves with the most up-to-date version of the Protocol and related rules and all revisions thereto; . . .

5.6 Rule 3212, Presence of a Banned Substance, states:

- (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.
- (b) Sufficient proof of a Rule 3212 Anti-Doping Rule Violation is established by any of the following:
 - (1) the presence of a Banned Substance or its Metabolites or Markers in the Covered Horse's A Sample where the Responsible Person waives analysis of the B Sample and the B Sample is not analyzed;
 - (2) 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; or
 - (3) where, in exceptional circumstances, the Laboratory (on instruction from the Agency) further splits the A or B Sample into two parts in accordance with the Laboratory Standards, the analysis of the second part of the resulting split Sample confirms the presence of the same Banned Substance or its Metabolites or Markers as were found in the first part of the split Sample, or the Responsible Person waives analysis of the second part of the split Sample.
- (c) The general rule is that the presence of any amount of a Banned Substance or its Metabolites or Markers in a Sample collected from a Covered Horse constitutes an Anti-Doping Rule Violation by the Responsible Person of that Covered Horse.
- (d) As an exception to the general rule of Rule 3212(c), the Prohibited List, Standards, or Technical Documents may establish special criteria for the reporting or the evaluation of certain Banned Substances, including a Minimum Reporting Level, Screening Limit, Threshold, or Decision Limit.

5.7 Pursuant to Rule 3221, a Covered Horse's race results are automatically disqualified if an ADRV arises from its Post-Race Sample and all purses and other compensation, prizes, trophies, points, and rankings are forfeited.

5.8 Pursuant to Rule 3222(a), for a violation of Rule 3212 (presence of a banned substance), a Covered Horse "shall be Ineligible for the period designated in the Prohibited List for the Banned Substance."

5.9 Under Rule 3223, the consequences for a first ADRV related to Rule 3212 (presence) include two years of ineligibility, a fine up to \$25,000 or 25% of the purse (whichever is greater), and payment of some or all of the adjudication costs and the Agency's legal costs.

5.10 When a violation of the ADMC Program is established by the Agency, the respondent may be entitled to a mitigation of the foregoing consequences if the respondent establishes, on a balance of probabilities, that he acted with either "No Fault or Negligence" or "No Significant Fault or Negligence."

5.11 Rule 1020 defines "Fault" 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.

5.12 "No Fault or Negligence" is governed by Rule 3224, which provides:

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). When the violation is of Rule 3212 (presence of a Banned Substance), the Covered Person must also establish how the Banned Substance entered the Covered Horse's system as a pre-condition to application of this Rule 3224(a). . . .

(b) Rule 3224 only applies in exceptional circumstances. In particular, it will not apply where the Banned Substance found to be present in a Sample: (1) came from a mislabelled or contaminated supplement; or (2) was administered to the Covered Horse by veterinary or other support personnel without the knowledge of the Responsible Person.

(c) A finding that the Covered Person bears No Fault or Negligence for an Anti-Doping Rule Violation shall not affect the Consequences of that violation that apply to the Covered Horse (*i.e.*, Ineligibility in accordance with Rule 3222(a) and Disqualification of results in accordance with Rule 3221).

5.13 Under Rule 1020, “No Fault or Negligence” means “[t]he 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.”

5.14 “No Significant Fault or Negligence” is governed by Rule 3225, which provides:

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 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. . . .

5.15 Under Rule 1020, “No Significant Fault or Negligence” means “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 In their pre-hearing and post-hearing briefs and during the hearing, the Parties presented various arguments regarding their respective positions in this Arbitration, including each Party’s

expert witness testimony regarding the reliability and validity of the laboratory analysis of First Kitten's blood sample and the source of the presence of cobalt above the Threshold therein as well as other issues. The essence of the Parties' respective positions regarding the factual and legal issues to be resolved by the Arbitrator is summarized as follows.

HIWU

6.2 "As a preliminary point, HIWU agrees with the Arbitrator's comments at the Hearing confirming that he does not have jurisdiction to determine whether Cobalt should be on HISA's Prohibited List, or at what Threshold." HIWU's Closing Brief at 10.

6.3 The Agency claims that Trainer Meraz has committed a violation of Rule 3212(b)(2) based on the presence of Cobalt above the threshold of 25 ng/mL (0.025 mcg/mL) in the blood sample of First Kitten, as confirmed by both the A Sample and B Sample.

6.4 The Agency contends that the Ohio Lab properly analyzed First Kitten's A Sample in accordance with its Standard Operating Procedure ("SOP") for cobalt analysis, and Dr. Barker's critiques of the lab's analysis procedures "have either been disproven, have no material outcome on the case, or are otherwise misplaced." HIWU's Closing Brief at 1.

6.5 The Agency further contends that the UC Davis Lab properly analyzed First Kitten's B Sample in accordance with its SOP for cobalt analysis, and Dr. Barker's critiques of the B Sample analysis are "incorrect and unreliable." HIWU's Closing Brief at 1.

6.6 The Agency also contends that Trainer Meraz has failed to establish the source of Cobalt above the Threshold in First Kitten's blood sample. According to HIWU, even accepting, *arguendo*, that First Kitten was receiving each of the three Cobalt-containing supplements and feed identified by Trainer Meraz at the hearing, as Dr. Maxwell explained, "it is highly unlikely that regular administration of these supplements and feed would cause a Cobalt concentration in the range of 30 ng/mL" in a horse's blood sample. Instead, the Cobalt concentration detected in First Kitten's sample "is more consistent with the administration of a Cobalt injection." HIWU's Closing Brief at 1.

6.7 The Agency asserts that if the Arbitrator concludes Trainer Meraz has established source, he nevertheless failed to take any precautions to assess and monitor the provision of Cobalt-containing feeds and supplements to First Kitten; therefore, his conduct "does not meet the "utmost caution" standard or warrant any significant reduction in his sanction." HIWU's Closing Brief at 10. In other words, Trainer Meraz bears a significant degree of fault for the presence of Cobalt in First Kitten's blood sample above the Threshold because he gave the horse supplements and feed whose labels "clearly list Cobalt (or a variation thereof) as an ingredient." *Id.*

6.8 Based on Trainer Meraz's charged violation of Rule 3212, the Agency asks that the Arbitrator impose on Trainer Meraz a period of ineligibility of 2 years, a fine of \$25,000, and adjudication costs. The Agency also asks that the Arbitrator order a period of ineligibility of 6 months beginning on February 12, 2025 for First Kitten, and disqualification of the results First Kitten obtained on February 12, 2025, in Race 5 at Mahoning Valley Race Course in Youngstown, Ohio, including forfeiture of all purses and other compensation, prizes, trophies, points, and

rankings and repayment or surrender (as applicable) to the Race Organizer.

Respondent

6.9 According to Trainer Meraz,

This case involves a matter of gross overreaching by the Health Integrity & Welfare Unit (“HIWU”). Cobalt is a common substance naturally found in a horse’s body and present in many feeds and supplements. Here, HIWU seeks to impose a career-ending two-year suspension on a trainer with a clean record who did nothing more than give his horses common, everyday feed and supplements. HIWU’s case is based on inaccurate and unreliable test results and it lacks rationality given that the alleged presence of Cobalt was barely above the Threshold. This case demonstrates, at most, an unintentional and accidental Cobalt finding—which clearly came from feed and supplements. Instead, HIWU is treating the matter as an intentional administration, contending that Meraz injected his horse with Cobalt for competitive advantage—despite the fact that there is no evidence to support that accusation. In fact, the evidence before this tribunal was that no one would ever engage in an intentional administration of Cobalt because it has no performance enhancing effect. However, instead of applying common sense to this matter, HIWU seeks to impose the death penalty.

Respondent’s Closing Brief at 1-2.

6.10 Moreover, Trainer Meraz asserts “[t]his case should have never been called a positive.” “[T]he analysis of the samples showed a maximum concentration of only 32.8 ng/ml, barely above the 25 ng/ml Threshold.” “The fact that feed and supplements can trigger a finding above 25 ng is why the ARCI [Association of Racing Commissioners International] recognized that anything between 25-50 ng/ml is a ‘grey area’ that warrants a warning, not a harsh penalty.” Respondent’s Closing Brief at 2.

6.11 Trainer Meraz contends that the Ohio Lab’s analysis of the A Sample is unreliable because the lab equipment was calibrated improperly and overestimated its Cobalt concentration. According to his expert Dr. Barker, its analysis also was based on a flawed mathematical approach that forced the origin of the calibration curve through zero. “Here, because every nanogram counts, even the slightest margin of error cannot be tolerated. HIWU bears the burden of proof and [it] simply cannot meet it in this case.” Respondent’s Closing Brief at 4.

6.12 Based on Dr. Barker’s testimony, Trainer Meraz contends that the UC Davis Lab’s analysis of the B Sample is also unreliable because HISA Rule 6306 requires that for Threshold substances like Cobalt, “[t]he range of the quantitative Confirmation procedure shall be documented from at least 50% to 200% of the Threshold value.” “Thus, a proper analysis of the B Sample would have analyzed the sample against a standard curve that bracketed the Threshold, and which was at least 50% and up to 200% of the threshold value. The Cobalt Threshold is 25 ng/ml, so a standard curve should have run at 0.0, 12.5, 25 and 50 ng/ml.” Respondent’s Pre-Hearing Brief at 9. “The B Sample analysis did not do that.” Respondent’s Closing Brief at 4-5. Trainer Meraz contends the B Sample analysis is unreliable for the additional reason that it used a

different matrix when testing the standards than it did when testing the actual sample. “The standards were tested in a solvent with no plasma, so there were no effects of plasma ions or plasma matrix on the standards results. The actual sample, on the other hand, contained plasma ions or plasma matrix that would alter the results.” Respondent’s Closing Brief at 5.

6.13 Trainer Meraz asserts that he has satisfied his burden of establishing that the source of the Cobalt in First Kitten’s blood sample was feed and supplements. Trainer Meraz asserts that an intentional injection of Cobalt would have resulted in significantly higher levels of Cobalt in the horse’s blood plasma, and HIWU investigators found no needles or syringes during the March 12, 2025 search of his barn, vehicle, and other areas under his control and responsibility, or any other evidence of injections being given to First Kitten.

6.14 Trainer Meraz contends he bears No Fault or Negligence or No Significant Fault or Negligence for the presence of Cobalt above the Threshold in First Kitten’s blood sample because he did not know or suspect, even with the exercise of utmost caution, that a positive test could be caused by common, everyday feed and supplements provided to all 12 of his horses in normal amounts for several years. “This case simply involves a faulty test, or a horse that metabolizes slowly, or is an outlier.” Respondent’s Closing Brief at 7. “The only proof in the record is that the Cobalt came from feed and supplements.” “HIWU did not even suggest, much less attempt to prove, an alternative source of the Cobalt. Accordingly, Meraz has satisfied his burden for establishing No Fault or Negligence or No Significant Fault or Negligence.” Respondent’s Closing Brief at 8.

6.15 Trainer Meraz requests that the matter be dismissed or, alternatively, that he be issued a warning because the “ARCI recognized that feed and supplements can trigger positive tests which is why it found anything within the 25-50 ng/ml [cobalt] level to be a ‘gray area’ that merited a warning” and no fine. Respondent’s Closing Brief at 10.

VII. TESTIMONY OF WITNESSES AND EXPERTS

7.1 The following is a brief summary of the testimony of the witnesses who testified at the Hearing, which both Parties had a full and fair opportunity to question and cross-examine.

7.2 For Claimant:

(a) Eddie Arriola, HIWU Investigator

- Investigator Arriola served Trainer Meraz with an EAD Notice on March 12, 2025, and he and two other investigators conducted a search of Trainer Meraz’s barn (at Barn 8 of the Hawthorne Racecourse stable area), feed room, and vehicle. Trainer Meraz was cooperative throughout the search, and his conversations with him were primarily in English.
- Trainer Meraz advised him that all 12 of the horses he was training there received the same feed and supplements, including Race 13, Furlong Gold, Acti-Flex, Apple A Day,

and U7.

- During the search, a one-gallon container of Furlong Gold, which lists Cobalt as an ingredient, was located in plain view in Trainer Meraz's feed room. The container was seized by the investigators, and HIWU sent a sample of it for testing, which confirmed the Furlong Gold contained Cobalt.
- The investigators found no other feed or supplements during the search with Cobalt listed as an ingredient, nor did they find any needles, syringes, or other evidence that First Kitten or other horses had been injected with Cobalt.
- During the search, blood and hair samples were collected from three of Trainer Meraz's other horses for testing. Investigator Arriola was not aware of the results of the testing from those horses.

(b) Benjamin Burris, Ph.D, Chemical Lab Supervisor for the Ohio Lab

- The Ohio Lab has the following accreditations: ISO/IEC 17025/2017 accreditation with specific scope for animal testing; accreditation from the Racing Medication and Testing Consortium ("RMTC").
- The Ohio Lab began testing for Cobalt concentrations in blood samples from horses in 2016.
- The Ohio Lab has a Standard Operating Procedure ("SOP") for Cobalt analysis, which has been approved by its accrediting bodies and was followed during testing of First Kitten's A Sample.
- The Ohio Lab's A Sample analysis did not use a calibration curve that plots Cobalt intensity as a function of concentration. The A Sample analysis calculated the concentration of Cobalt by plotting the peak area ratio ("PAR") value as a function of concentration.
- The Ohio Lab used a weighted calibration curve with the intercept forced through the origin (*i.e.*, zero), consistent with the SOP.
- The SOP has been reviewed by external auditors, and no issue has been raised.
- The average estimated concentration of Cobalt in First Kitten's A Sample was 30.5 ng/mL, which is "accurate", with a 0.3 ng/mL "scientifically reasonable margin for error." Hearing Transcript at 257-258.
- Dr. Burris reviewed the Ohio Lab documentation packet for First Kitten's A Sample

and found no deviations from the SOP or any other errors.

(c) Joey Kingstad, Laboratory Research Supervisor at UC Davis Lab

- The UC Davis Lab is accredited by ISO/IEC 17025/2017 and the American Association of Veterinary Laboratory Diagnosticians.
- Ms. Kingstad reviewed the data packet for First Kitten's B Sample and confirmed the accuracy of its results and consistency with the UC Davis Lab's SOP.
- After Ms. Kingstad conducted her review of the data packet, it was sent to the lab's toxicologist for final approval.
- The UC Davis Lab detected Cobalt in the B Sample at an estimated concentration of 32.8 ng/mL, with a measurement of uncertainty of 1.06 ng/mL.
- The B Sample was diluted by a factor of 25 to test for Cobalt, in accordance with the lab's SOP for preparing a blood sample for Cobalt analysis.
- The calibration curve in the lab packet covers 1% to 1000% of the 25 ng/mL Threshold for Cobalt in blood plasma.

(d) Lara Maxwell, Doctor of Veterinary Medicine and Ph.D (Veterinary Science), Professor of Pharmacology at Oklahoma State University's College of Veterinary Medicine. Dr. Maxwell's expert report and testimony were admitted as evidence to rebut Trainer Meraz's contention that his provision of feeds and supplements containing cobalt was the source of Cobalt in First Kitten's blood plasma exceeding the 25 ng/mL Threshold as well as to provide general scientific background information regarding Cobalt's effects on horses:

- "[H]orses seem pretty consistent in their handling of cobalt . . . all being well below 2 nanograms per mil, as long as you don't start throwing supplements, IV administration, all that stuff into the mix." Hearing Transcript at 333.
- "The need for Cobalt supplementation has not been established in horses, and Cobalt deficiency has never been diagnosed in this species. Instead, Cobalt toxicity has been well documented in horses. In the United States, there have been reports of unexplained deaths in racehorses with elevated blood Cobalt concentrations. Additionally, when high doses of Cobalt were administered intravenously to horses, signs of toxicity included muscle tremors, pawing, straining to urinate, cardiac arrhythmias, hypertension, and laboratory abnormalities." Expert Report of Dr. Lara Maxwell, DVM, PhD, DACVCP at 6.
- There is no scientific evidence that Cobalt has performance-enhancing effects in horses. Hearing Transcript at 304, 322-323, and 330.
- "Regular administration of First Kitten's feed and supplements" either "couldn't cause" or were "extremely unlikely" to cause the horse's blood plasma concentration to exceed

the Threshold of 0.25 ng/mL. Hearing Transcript at 287 and 311-312.

- The Ho study (2014), “Controlling the misuse of cobalt in horses,” tested several oral supplements at daily Cobalt doses of 0.19-4.99 mg per day, administered to horses for three consecutive days. Only the supplement that contained the highest tested dose of 5 mg per day elevated blood plasma Cobalt above baseline concentrations. In the two horses administered the highest dose supplement, the peak plasma Cobalt concentrations were 1.2-1.5 ng/mL. At the hearing, Dr. Maxwell explained that based on the similar concentration of Cobalt found in the high dose supplement as in Furlong Gold, she would expect a single dose of Furlong Gold would result in similar peak blood plasma concentrations of approximately 1.2-1.5 ng/mL.
- It is possible that repeated daily administration of a Cobalt-containing substance to horses for a prolonged period could lead to increased Cobalt concentrations above the 1.2-1.5 ng/mL concentrations reported in the Ho study. The Wenzel study (2019), “Cobalt accumulation in horses following repeated administration of cobalt chloride,” reported that weekly IV administrations of 25 mg of Cobalt for 42 days resulted in a 2-3-fold increase in serum concentrations. A similar 3-fold increase to about 4-5 ng/mL of Cobalt concentrations in plasma would be expected from daily Furlong Gold administration.
- Further insights into Cobalt concentrations in equine supplements are provided in Dr. Mary Robinson’s presentation “Pharmacokinetics of the cobalt-containing supplements, Vita 15 and iron power, following a multi-dose regimen.” Cobalt-containing products were administered orally at approximately 42 mg per day for the first two weeks, then 21 mg per day for the third week. Over the first week, plasma Cobalt concentration increased approximately 3-fold, then became consistent, indicating steady state conditions. After the dose was halved for the third week, Cobalt plasma concentrations became consistent, again indicating steady state conditions. The final daily dose of liquid Cobalt was 21 mg/day, about 4 times higher than that of the labeled dose of Furlong Gold. Even at that much higher dose, plasma Cobalt concentrations did not exceed about 14 ng/mL at steady state. These data are consistent with those in the Wenzel study (2019) but were not peer reviewed.
- To produce plasma Cobalt concentrations in the magnitude of 30 ng/mL, either Furlong Gold would need to be administered at 6-times the daily labeled dose or five other doses of supplements containing similar Cobalt doses would need to be co-administered along with Furlong Gold.
- Testimony provided by Trainer Meraz that he gave First Kitten Race Ready feed and Platinum Performance in addition to Furlong Gold did not change her opinion. Because Platinum Performance contains only 0.5 mg of Cobalt per dose, even if added to Furlong Gold, the total Cobalt dose would be 5.5 mg/day, at most increasing the peak plasma concentration to 4.5-5.5 ng/mL. Adding Race Ready feed, which does not specifically identify the Cobalt concentration, could not increase First Kitten’s blood plasma concentration above the 25 ng/mL Threshold because studies have found normal feed, including sweet feed that is a known source of Cobalt, does not contain

sufficient Cobalt to elevate plasma levels.

- “[T]here is a very low chance” of a blood plasma concentration of Cobalt above the Threshold of 25 ng/mL “after ordinary administration of feed and supplements to horses,” which is approximately “1 in 62,000.” Hearing Transcript at 305-306.
- She acknowledged that the scientific studies, which are “limited length of time administration” of Cobalt Salts to very small sample sizes of horses, do not approximate the multiple feeds and supplements Trainer Meraz contends he provided to First Kitten over several years. Hearing Transcript at 340-342. She testified that “there is not a study that would replicate what has been administered to the horse in this case” and that “so far, no one has done . . . repeated dosing to show accumulation” of Cobalt concentration in a horse’s blood plasma over a lengthy period of time. Hearing Transcript at 345 and 348.
- A 30 ng/mL plasma Cobalt concentration is more consistent with the administration of injectable Cobalt. The 2019 Wenzel study reported that weekly injections of Cobalt Chloride (i.e., salts) resulted in blood plasma Cobalt concentrations of approximately 30 ng/mL after the second dose.
- She acknowledged there is no evidence Trainer Meraz injected First Kitten with Cobalt salts and stated “I don’t feel like I’m in a position to believe him or not believe him” (Hearing Transcript at 320-321) after hearing his testimony denying that he ever injected any of his horses with any substances. Hearing Transcript at 178.

7.3 For Respondent:

(a) Trainer Meraz testified that:

- He never intentionally administered Cobalt to any of his horses nor has anyone else in his barn to his knowledge, and he has never given “any injections to any of his horses.” Hearing Transcript at 178.
- At the time of First Kitten’s sample collection, he was giving his horses Race Ready feed, Furlong Gold, Platinum Performance, U7, Apple A Day, and Acti-Flex. Race Ready, Furlong Gold and Platinum Performance were the only three products that he gave to his horses that have Cobalt listed as an ingredient.
- He gave all twelve of his horses the same feed and supplements every day.
- He gave his horses 30cc’s of Furlong Gold twice a day. He has been giving Furlong Gold to his horses for as long as he can remember.
- First Kitten is similar in size to the other horses that Trainer Meraz trains, though she is very active.
- Although he read HISA’s Prohibited List at the end of 2023, he did not know that

Cobalt was a threshold substance on this list.

- He had no knowledge that horse feed or supplements in ordinary or normal amounts could cause a horse's blood plasma concentration to exceed 25 ng/mL.
- Before receiving the March 12, 2025 EAD Notice regarding First Kitten, he never read the labels of any feed or supplements given to First Kitten.

(b) Steven Barker, Ph.D (Chemistry/Neurochemistry), former Director of Analytical Systems Laboratory, Louisiana State University's School of Veterinary Medicine submitted an expert report and testified that:

- "The ability to regulate the use or abuse of the element cobalt (Co) is complicated by the fact that 1) it is a naturally occurring and essential element in the body [of a horse], and 2) it is impossible to differentiate internal Co absorbed from dietary sources and Co that is intentionally supplied in the form of mineral or vitamin supplements. While cobalt is a trace mineral, it is vital for healthy gut function and overall metabolism in horses." Expert Submission of Steven A. Barker, MS, PhD at 3.
- "Normal cobalt levels in horses are typically low, ranging from about 1 to 8 ng/mL. However, administration of a typical dietary supplement such as cobalt salts or B12, or consuming a diet otherwise high in cobalt, can cause a temporary spike in cobalt levels that surpasses the current [HISA blood] plasma threshold for horseracing, 25 ng/mL, for this substance. Such a spike can last 1-3 hours or for days. This raises the possibility that some Co overage cases detected at levels just over the threshold (by 15-20%) may arise from less than suspicious events. Intentional administrations to supposedly gain an advantage cause levels to rise to hundreds or even thousands of ng/mL in blood." *Id.* at 3.
- The concentration of Cobalt in First Kitten's A sample reported by the Ohio Lab is neither valid nor accurate because the concentration was calculated based on intensity vs. concentration and was not corrected for the use of the internal standard. If the ratio of the sample intensity/Germanium intensity is plotted against the concentration, the proper curve calculates the concentration to be 28.09 ng/mL not 30.5 ng/mL.
- The Ohio Lab further erred by improperly forcing the calibration curve through zero despite the method blank containing Cobalt at 2.2 ng/mL. When the calibration curve is not forced through zero, the concentration is 28 ng/mL.
- The Ohio Lab also erred by failing to subtract the 2.2 ng/mL of Cobalt detected in the method blank from the reported concentration. The correct concentration is therefore 25.8 ng/mL.
- The concentration of Cobalt in First Kitten's B Sample reported by the UC Davis Lab cannot be accepted because the lab failed to apply a method that complies with the accepted scientific methodology and the rules set out by HISA and RMTC. Specifically, the standards analyzed by the UC Davis Lab were 0.01, 0.1 and 10 ng/mL.

Under HISA Rule 6306 and RMTC Laboratory Accreditation Requirements and Operating Standards 3.4.4.2.2, the laboratory was required to analyze the sample against a standard curve that bracketed the threshold and that was at least 50% and 200% of the threshold value (*i.e.*, a standard curve running at 0.0, 12.5, 25 and 50 ng/mL). UC Davis Lab's failure to do so "could have caused error to be introduced that . . . caused this sample to be shown as positive." Hearing Transcript at 217-218.

- "Taken together, the inaccurate results from the Ohio Lab and the unacceptable B sample results from the UC Davis Lab, there is insufficient evidence to charge a violation in this case." Expert Submission of Steven A. Barker, MS, PhD at 9.
- The Cobalt concentrations reported for First Kitten's blood sample (30.5 and 32.8 ng/mL) are "nowhere near what's necessary to cause toxic effects" in a horse. These concentration levels are "just over" HISA's 25 ng/mL Threshold and "really not of any concern in terms of toxicity or negative effects on the horse." Hearing Transcript at 338-339.
- Cobalt is not a performance-enhancing substance for a horse. Hearing Transcript at 339-340.

VIII. ANALYSIS

8.1 While all of the Parties' evidence and legal authorities were considered by the Arbitrator, the following analysis references only the specific evidence and relevant legal precedent that the Arbitrator relied on in resolving the following disputed factual and legal issues in this Final Decision.

8.2 At the outset, the Arbitrator recognizes his duty to interpret and apply the HISA ADMC Program Rules that govern this Arbitration and establish the scope of his jurisdiction and authority in this arbitration proceeding. Rule 7350 provides that "Arbitrators . . . may grant any remedy or relief authorized by the Act or the Rules issued pursuant to the Act." In *Lindland v. USA Wrestling Ass'n, Inc.*, 227 F.3d 1000 (7th Cir. 2000), the Seventh Circuit observed that "Arbitrators are not ombudsmen; they are authorized to resolve disputes under contracts and rules, not to declare how the world should work in the large." This judicial guidance is important to follow, especially when the governing arbitral rules are established or authorized by a federal regulatory statute such as the Horseracing Integrity and Safety Act of 2020.

8.3 The Agency correctly points out that the Arbitrator does not have "jurisdiction to determine whether Cobalt should be on HISA's Prohibited List, or at what Threshold." Nor does the Arbitrator have jurisdiction or authority to modify any provisions or requirements of the ADMC Program, including but limited to, the Parties' respective evidentiary burdens; Laboratory Standards and presumption that laboratories have conducted sample analysis in accordance with them; presumptive periods of Ineligibility and mitigation conditions and requirements; and other consequences for an ADRV. The Arbitrator has no jurisdiction or authority to invalidate any provisions or requirements of the ADMC Program or to dismiss this proceeding because of his disagreement with the decision by HISA and/or HIWU to prosecute a Covered Person for an alleged ADRV in a particular case.

8.4 Therefore, the Arbitrator acknowledges he is required to interpret and apply the HISA ADMC Program Rules as written, not to substitute different rules proposed by a Party or alternative rules he believes are more fair to a Covered Person that would not conflict with or contravene the Act's objectives of protecting the integrity of thoroughbred horseracing as well as the health and safety of thoroughbred horses.

ADRV for Presence of Cobalt Above HISA's 25 ng/mL Threshold in First Kitten's Blood Sample

8.5 Trainer Meraz is charged with an ADRV under Rule 3212 for the presence of Cobalt, a Banned Substance at threshold levels exceeding 25 ng/mL, in First Kitten's blood sample collected on February 12, 2025.

8.6 Pursuant to Rule 3212(a), the presence of a Banned Substance in a Covered Horse is a strict liability offense for which "intent, Fault, negligence, or knowing Use on the part of the Responsible Person" is not required to establish a violation:

- (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.

8.7 Pursuant to Rule 3121(a), the Agency has the burden of establishing the violation to the "comfortable satisfaction" of the Arbitrator, which is greater than a preponderance of the evidence "but less than clear and convincing evidence or proof beyond a reasonable doubt." Under Rule 3212(b)(2), sufficient proof of a Rule 3212 violation 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." Here, analysis of the B Sample analysis confirmed the presence of Cobalt above the Threshold of 25 ng/mL found in the A Sample. Accordingly, the ADRV is established under Rule 3212(b)(2).

8.8 Trainer Meraz argues that alleged errors committed by the Ohio Lab and UC Davis Lab in connection with their respective analysis of First Kitten's blood sample render the lab results inaccurate and unreliable.

8.9 Rule 3122(c) states that laboratories are "presumed to have conducted Sample analysis and custodial procedures in accordance with the Laboratory Standards," which are defined as the ADMC Program Series 6000 rules. It provides: "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.”

8.10 Pursuant to Rule 3122(d), departures from any standards or provisions of the ADMC Program are presumed to not invalidate an AAF:

(d) Departures from any other Standards or any provisions of the Protocol shall not invalidate analytical results or other evidence of a violation, and shall not constitute a defense to a charge of such violation; provided, however, that if the Covered Person establishes that a departure from any other Standards or any provisions of the Protocol could reasonably have caused the Adverse Analytical Finding or other factual basis for the violation charged, the Agency shall have the burden to establish that such departure did not cause the Adverse Analytical Finding or other factual basis for the violation.

8.11 Thus, to invalidate the AAF, Trainer Meraz must rebut the Rule 3122(d) presumption that the laboratories complied with the ADMC Rules. To do so, he must first establish that there has been a departure from the Rules of the ADMC Program, and second, that this departure could reasonably have caused the alleged AAF, both by a balance of probabilities (i.e., preponderance of the evidence) pursuant to Rule 3121(b). This must be done with scientifically reliable, relevant, and valid evidence establishing these requirements, not mere speculation. Third, if and only if Trainer Meraz rebuts the presumption by establishing both requirements does the burden shift to the Agency to establish that the departures did not cause the AAF.

The Ohio Lab’s Analysis of the A Sample

8.12 To rebut the presumption that the Ohio Lab’s analysis resulting in a reported blood plasma concentration of 30.5 ng/mL of Cobalt in First Kitten’s A sample was conducted in accordance with the applicable Laboratory Standards, Trainer Meraz’s expert, Dr. Barker, raised three criticisms of its analysis procedures.

8.13 First, Dr. Barker opined that the Ohio Lab calculated the concentration of Cobalt in First Kitten’s blood plasma based on intensity rather than its concentration and failed to correct for its use of this internal standard. But, as Dr. Burris explained during the hearing, the lab calculated the concentration of Cobalt in the horse’s A Sample by plotting the peak area ration (PAR) value as a function of concentration. At the hearing, based on Dr. Burris’s explanation, Dr. Barker acknowledged that his criticism of the Ohio Lab on this ground is not valid.

8.14 Second, Dr. Barker testified that the Ohio Lab erred by improperly forcing the calibration curve through zero despite the method blank containing Cobalt at 2.2 ng/mL. Dr. Burris testified that forcing the intercept of the curve through zero is consistent with the Ohio Lab’s SOP for Cobalt analysis, which was approved for Cobalt analysis by its accrediting bodies and was followed during testing of First Kitten’s A Sample and has been subject to review by external auditors who have raised no issue with this practice. While Dr. Barker may disagree with the Ohio Lab’s SOP, his critique does not identify any departure from any standards or any provisions or requirements of the ADMC Program.

8.15 Third, Dr. Barker opined that the Ohio Lab also erred by failing to subtract the 2.2 ng/mL

of Cobalt detected in the method blank from the reported concentration. Dr. Burris testified that the Ohio Lab's SOP for Cobalt analysis was followed in this case, and Dr. Barker failed to identify any departures from any specific standards, requirements, or provisions of the ADMC Program.

8.16 The Arbitrator rejects Trainer Meraz's arguments that the Ohio Lab's analysis of First Kitten's A Sample is inaccurate and unreliable because he has failed to establish, by a balance of probabilities, that its alleged departures from ADMC Program standards could reasonably have caused the AAF for Cobalt above the HISA Threshold. Even accepting, *arguendo*, that Dr. Barker's testimony establishes that the Ohio Lab's analysis procedures departed from the ADMC Program standards (which it does not), Dr. Barker calculated the blood plasma concentration of Cobalt in First Kitten's A sample to be 25.8 ng/mL, which is above the Threshold of 25 ng/mL. As Dr. Burris noted, reducing the reported concentration both by recalculating the calibration curve to not pass through zero and applying a further reduction for the 2.2 ng/mL of Cobalt found in the method blank seemingly overcorrects for the purported issues identified by Dr. Barker by applying two separate reductions to address the concern that 2.2 ng/mL of Cobalt appeared in the method blank. Because Dr. Barker's purportedly corrected concentration level of 25.8 ng/mL of Cobalt in the A Sample exceeds the Threshold of 25 ng/mL, Trainer Meraz has failed to prove by a balance of probabilities that the alleged errors by the Ohio Lab could reasonably have caused the AAF to be inaccurately determined to be above HISA's Threshold.

The UC Davis Lab's Analysis of the B Sample

8.17 Trainer Meraz argues, relying on the opinion of Dr. Barker, that the UC Davis Lab's analysis of the B Sample reporting a concentration of 32.8 ng/mL "is not sufficiently reliable to be used as evidence against [him] in this case" because it deviated from HISA's own rules governing standards for laboratory analysis of horse blood samples to determine their concentration of Cobalt. Respondent's Closing Brief at 6. Specifically, Trainer Meraz contends that under HISA Rule 6306 and RMTC Standards, a proper analysis of the B Sample would have analyzed the sample against a standard curve that bracketed the Threshold and was run at 0, 12.5, 25 and 50 ng/mL, but "the standards analyzed were 0.01, 1.0 and 10 ng/mL, well short of even the mid-range of a proper dynamic range, and nowhere near what the upper range should have been." Trainer Meraz contends the B Sample analysis is unreliable for the additional reason that the UC Davis Lab used a different matrix when testing the standards than it did when testing the actual sample.

8.18 Trainer Meraz again fails to establish by a balance of probabilities either that 1) the UC Davis Lab departed from the standards or provisions of the ADMC Program when analyzing the B Sample or that 2) the alleged departure could reasonably have caused the AAF for Cobalt in it to be inaccurately reported as exceeding the 25 ng/mL Threshold.

8.19 First, Dr. Barker's critique of the UC Davis Lab's analysis failed to account for the fact that the UC Davis Lab, in accordance with its SOP for Cobalt analysis, diluted the sample 25-fold.

8.20 At the hearing, upon learning that the sample had been diluted, Dr. Barker revised his critique of the UC Davis Lab, opining that the lab nevertheless failed to comply with HISA Rule 6306 because the lab did not specifically plot the 50% and 200% concentrations.

8.21 Dr. Barker's critique is not consistent with the language of Rule 6306. Rule 6306 provides

that “[t]he range of the quantitative Confirmation Procedure shall be documented from at least 50% to 200% of the Threshold value.” The express language of the Rule does not explicitly require the lab to document specifically 50% and 200% of the Threshold value, but rather “from at least 50% to 200% of the Threshold value.” It is undisputed that the UC Davis Lab’s calibration curve covered and exceeded the range of values to be considered in Rule 6306. Therefore, the UC Davis Lab’s analysis, which was conducted in accordance with its SOP, complied with Rule 6306.

8.22 Although Trainer Meraz contends that the UC Davis Lab’s B Sample analysis used a different matrix when testing the standards than it did when testing the sample, he has failed to specifically identify a departure from the applicable Laboratory Standards or any other provisions of the ADMC Program governing this proceeding. Ms. Kingstad, on the other hand, testified that the UC Davis Lab conducted its analysis in compliance with its SOP for Cobalt analysis.

8.23 Second, Trainer Meraz has failed to provide any scientific evidence that the purported flaw in the UC Davis Lab’s calibration curve or use of a different matrix for testing the sample and standards could reasonably be the cause of the AAF. Trainer Meraz’s only evidence in this regard was Dr. Barker’s testimony that the lab’s purported error “could have caused error to be introduced that . . . caused this sample to be shown as positive.” Dr. Barker provided no scientific support for his opinion. Dr. Barker’s conclusory and unsupported statement falls well short of satisfying Trainer Meraz’s burden of establishing, by a balance of probabilities, that the UC Davis Lab’s alleged departure from an applicable Laboratory Standard or provisions of the ADMC Program could reasonably have caused the AAF.¹

8.24 Accordingly, for the foregoing reasons, the Agency has established to the comfortable satisfaction of the Arbitrator that Trainer Meraz has committed an ADRV, specifically the presence of Cobalt in excess of 25 ng/mL in First Kitten’s blood sample in violation of Rule 3212(b)(2), for which he is strictly liable pursuant to Rule 3212(a). Under the express terms of Rule 3212(a), it is “not necessary for [the Agency] to demonstrate [Trainer Meraz’s] intent, Fault, negligence, or knowing Use” of Cobalt Salts regarding the presence of Cobalt in excess of 25 ng/mL in First Kitten’s blood sample to establish his ADRV.

Ineligibility and Other Consequences of Trainer Meraz’s ADRV

Period of Ineligibility

8.25 Pursuant to Rule 3223, the presumptive period ineligibility for a first ADRV by a Covered Person under Rule 3212 (Presence) is two (2) years of Ineligibility. It is undisputed that Trainer

¹ Trainer Meraz asserts that the UC Davis Lab’s analysis was also inconsistent with RMTC Standard 3.4.4.2.2 requiring that “confirmation methods for Threshold Substances shall be validated. Factors to be investigated to demonstrate that a method is Fit-for-Purpose include but are not limited to . . . [l]inearity shall be documented at 50% to 200% of the threshold value, unless otherwise stipulated in a technical document.” While the language of the RMTC Standard does seemingly require documentation specifically “at 50% to 200% of the threshold value,” it is the ADMC Program that applies to these proceedings. And, in any event, Trainer Meraz has failed to satisfy his burden of establishing that this alleged departure from the standard could reasonably have caused the AAF.

Meraz is a Covered Person and that his February 12, 2025 violation of Rule 3212(b)(2) is his first ADRV.

8.26 Trainer Meraz's presumptive 2-year period of Ineligibility for his Rule 3212 ADRV may be eliminated under Rule 3224 ("No Fault or Negligence") or reduced under Rule 3225 ("No Significant Fault or Negligence") only if he first "establish[es] how the Prohibited Substance entered the Covered Horse's system" (see Rules 3224(a) and 1020), which requires him to prove the source of the AAF for Cobalt in excess of 25 ng/mL in First Kitten's blood sample by a preponderance of the evidence. Rule 3121(b).

8.27 Trainer Meraz contends that the source of First Kitten's AAF was a combination of feed and supplements containing Cobalt, specifically Furlong Gold, Platinum Performance, and Race Ready, which he had given to all horses he trained in ordinary amounts for years. He was unaware that a combination of Cobalt-containing feed and supplements could trigger a Cobalt test exceeding the threshold.

8.28 Trainer Meraz credibly testified that he did not inject First Kitten or any of his other horses with Cobalt. Trainer Meraz's testimony is supported by the fact that HIWU investigators found no needles, syringes, or other evidence of horse injections during their unannounced EAD search of his barn, personal vehicle, and other areas under his control at the Hawthorne Racecourse stable area on March 12, 2025. Furthermore, there is no apparent reason why Trainer Meraz would have injected First Kitten with Cobalt, which the experts agreed does not provide performance-enhancing benefits to horses.

8.29 Although I find no evidence that Trainer Meraz injected First Kitten with Cobalt Salts, Trainer Meraz nevertheless has failed to meet his burden of establishing, by a balance of probabilities, that the source of the AAF in excess of the 25 ng/mL Threshold was the three Cobalt-containing feeds and supplements he identified and provided to First Kitten. He did not provide any evidence that any of these feeds or supplements contained a higher amount of Cobalt than the amount or quantity of its labeled or listed ingredients. Nor did he submit any evidence that First Kitten has a unique digestive system that metabolizes or excretes Cobalt in feed or supplements in a manner or has an otherwise outlier physiology for a horse, which likely caused the Cobalt concentration of its blood plasma to exceed 25 ng/mL when its blood sample was collected on February 12, 2025. The Arbitrator declines to infer First Kitten has any such individualized characteristics simply because March 12, 2025 blood samples from three other Hawthorne Racecourse stable horses similar in size to First Kitten and given the same feeds and supplements by Trainer Meraz apparently did not have a Cobalt concentration in excess of the 25 ng/mL Threshold.

8.30 Trainer Meraz did not assert or provide any evidence that First Kitten's ingestion of or exposure to Cobalt or Cobalt Salts from sources in its environment such as water or soil at the Hawthorne Racecourse stable area were an additional source of Cobalt, which combined with the three feeds or supplements he provided to the horse daily over a prolonged period of time, was the likely source of the AAF for Cobalt in excess of the 25 ng/mL Threshold.

8.31 Contrary to Trainer Meraz's apparent assertion, the Agency does not have the burden of producing evidence of "an alternative source of the Cobalt" in First Kitten's system other than "the

feed and supplements that [he] gave to all his horses.” Moreover, the absence of any evidence that Trainer Meraz injected First Kitten with Cobalt Salts does not satisfy his burden of proving the source of the Cobalt in excess of the 25 ng/mL Threshold in the horse’s February 12, 2025 blood sample by a preponderance of evidence.

8.32 As Dr. Maxwell explained, based on the scientific studies involving Cobalt administration, it appears “extremely unlikely” that administration of only the Cobalt-containing feed and supplements identified by Trainer Meraz caused First Kitten’s blood plasma concentration to exceed the Cobalt threshold of 25 ng/mL. While no scientific study has directly replicated the facts here—namely, daily oral administration of multiple feeds and supplements containing Cobalt over a period of years—the studies collectively support Dr. Maxwell’s opinion that the identified feeds and supplements Trainer Meraz provided to First Kitten would result in peak blood plasma concentration well below the 25 ng/mL Threshold.

8.33 Relying on the Ho study (2014), which found peak plasma Cobalt concentrations of 1.2-1.5 ng/mL for two horses given a supplement containing 4.99 mg of Cobalt, Dr. Maxwell explained she would expect a single dose of Furlong Gold, which contains 5 mg/mL of Cobalt, to result in a similar peak plasma concentration of approximately 1.2-1.5 ng/mL.

8.34 Trainer Meraz testified that he provided First Kitten 30 ccs of Furlong Gold twice per day, which equates to approximately 2 ounces, consistent with the labelled dose.

8.35 Trainer Meraz further testified that he has given Furlong Gold to First Kitten and his other horses every day for as long as he can remember.

8.36 Relying on the Wenzel study (2019), which reported that weekly intravenous administrations of 25 mg of Cobalt for 42 days resulted in a 2-3-fold increase in serum concentrations, Dr. Maxwell opined that she would expect a similar 3-fold increase to approximately 4-5 ng/mL from daily administration of Furlong Gold. While the Wenzel study evaluated Cobalt concentrations over a 6-week period, whereas Trainer Meraz testified he had been providing Furlong Gold to his horses for years, the study evidenced that Cobalt under various dosing regimens accumulated with repeated doses and then plateaued, reflecting steady-state conditions. Dr. Maxwell testified that the study reflected accumulation of Cobalt to a steady state at approximately 2-3 times the single dose. Dr. Maxwell thus opined that a similar 3-fold increase in Cobalt concentration to approximately 4-5 ng/mL in plasma would be expected from daily Furlong Gold administration.

8.37 Dr. Maxwell’s opinions regarding the likely quantity of accumulated Cobalt in a horse’s blood plasma from repeated administration of Cobalt is further supported by the presentation of Dr. Mary Robinson, “Pharmacokinetics of the cobalt-containing supplements, Vita 15 and iron power, following a multi-dose regimen.” She acknowledged that the presentation was not peer reviewed, and I do not give it the same weight as the studies discussed above. The presentation does, however, further support Dr. Maxwell’s opinion that repeated administration of Cobalt-containing products are likely to cause plasma Cobalt concentration to increase approximately only 3-fold before reaching steady state conditions.

8.38 I thus accept Dr. Maxwell’s opinion that if the 5 mg of Cobalt contained in a labelled dose

of Furlong Gold was administered daily to First Kitten, as Trainer Meraz truthfully testified it was, the concentration of Cobalt in the horse's blood plasma probably would not exceed 4-5 ng/mL.

8.39 Trainer Meraz has identified Race Ready feed and Platinum Performance supplement as two other Cobalt containing products he provided to First Kitten. Although the Agency disputes whether Trainer Meraz was actually giving these products to First Kitten prior to her blood sample being collected on February 12, 2025, I found Trainer Meraz to be credible and accept his testimony regarding the feed and supplements given to First Kitten. Nevertheless, there is no evidence that the amount of Cobalt in these products, when combined with the labelled amount of Cobalt in Furlong Gold, likely resulted in the horse's blood plasma Cobalt concentrations above the Threshold of 25 ng/mL.

8.40 The concentration of Cobalt in the Platinum Performance supplement is identified on its label as 0.5 mg per dose, increasing First Kitten's total Cobalt dose to 5.5 mg/day. Based on the scientific studies discussed above, Dr. Maxwell testified that repeated administration of Platinum Performance in addition to Furlong Gold would be expected to increase peak plasma concentration to approximately 4.5-5.5 ng/mL, which is well below the Threshold of 25 ng/mL.

8.41 With respect to the Race Ready feed, "cobalt carbonate" is listed as an ingredient but its amount or concentration is not identified on its label. Dr. Maxwell opined that the Race Ready feed could not increase a horse's blood plasma concentration of Cobalt to the > 25 ng/mL levels detected for First Kitten. To support her opinion, she noted that studies have found normal feed, including sweet feed (a known source of Cobalt), does not contain sufficient Cobalt to elevate blood plasma levels of Cobalt. Trainer Meraz failed to provide any evidence to rebut her expert testimony.

8.42 While Dr. Barker opined that administration of a typical dietary supplement or consuming a diet otherwise high in Cobalt can cause a temporary spike in Cobalt levels that surpasses the current HISA Threshold of 25 ng/mL, he could not identify any scientific study supporting his opinion, nor was any evidentiary support for his opinion submitted by Trainer Meraz.

8.43 Trainer Meraz argues that the ARCI has recognized that Cobalt blood plasma concentrations between 25-50 ng/mL are in a "gray area" in which it is possible that concentrations in this range could be caused by a horse's ingestion of feed and supplements. But Dr. Maxwell testified, and Trainer Meraz did not dispute, that "[T]here is a very low chance" of a blood plasma concentration of Cobalt above the Threshold of 25 ng/mL "after ordinary administration of feed and supplements to horses," which is approximately "1 in 62,000."

8.44 Based on the evidence of record and for the foregoing reasons, the Arbitrator determines that Trainer Meraz has not satisfied his burden of establishing, by a balance of probabilities, how the Cobalt resulting in First Kitten's blood plasma concentration in excess of the 25 ng/mL entered its system (i.e., the Cobalt's source) as required by the ADMC Program Rules, which is required to eliminate or reduce the presumptive 2-year period of Ineligibility for his Rule 3212(b)(2) ADRV.

8.45 Therefore, Trainer Meraz is sanctioned with a 2-year period of Ineligibility for his Rule 3212(b)(2) ADRV pursuant to Rule 3223 of HISA's ADMC Program Rules without any

consideration of whether he has “No Fault or Negligence” or “No Significant Fault or Negligence” for his ADRV. See *HIWU v. Mario Dominguez*, Case No. 15010000577 (JAMS Sept. 12, 2023) at ¶ 7.14 (imposing 2-year period of Ineligibility for Rule 3212 Presence ADRV because trainer “is unable to meet the Rule 3212 pre-condition of identifying the source of the Cobalt in [horse’s system preventing him from a No Fault or Negligence or No Significant Fault or Negligence defense”). For the reasons previously discussed, the Arbitrator has no authority to impose a lesser alternative sanction (e.g., ARCI’s recommended reprimand or warning for blood plasma cobalt concentrations in the range of 25-50 ng/mL).

8.46 Although the Arbitrator accepts and has abided by his duty to impose a 2-year period of Ineligibility on Trainer Meraz without any consideration of his level of fault or negligence for his ADRV, he is concerned about the fairness and proportionality of his 2-year sanction based on the record evidence. The ADMC Program Rules impose strict liability for a Rule 3212 threshold presence of a banned substance ARDV and require him to prove, by a balance of probabilities, the source of the Cobalt resulting in First Kitten’s blood plasma concentration in excess of the 25 ng/mL Threshold. This is a substantial burden of proof that is very difficult for a Covered Person whose limited financial resources qualify him for pro bono legal representation to satisfy before an Arbitrator may consider their level of fault or negligence for a strict liability ADRV for a prohibited substance above a particular threshold, which is endogenous in horses, in a horse’s natural environment (e.g., in soil and water), and an ingredient of feeds and supplements.

8.47 In this case, although the Agency’s expert credibly testified it is “extremely unlikely” that the provision of only Cobalt-containing feed and supplements caused First Kitten’s blood plasma concentration to exceed the Threshold, she acknowledged that the scientific studies, which are “limited length of time administration” of Cobalt Salts to very small sample sizes of horses, do not approximate the multiple feeds and supplements Trainer Meraz contends he provided to First Kitten over several years. Dr. Maxwell also testified that “there is not a study that would replicate what has been administered to the horse in this case” and that “so far, no one has done . . . repeated dosing to show accumulation” of Cobalt concentration in a horse’s blood plasma over a lengthy period of time. She testified that First Kitten’s blood plasma 30.5-32.8 ng/mL concentration level is more consistent with the horse’s injection with Cobalt Salts, but I found no evidence that Trainer Meraz injected First Kitten with Cobalt Salts and it is unlikely he did so because Cobalt is not a performance-enhancing substance in horses. Although no evidence was submitted regarding this issue, the Arbitrator seriously doubts that Trainer Meraz has the individual financial resources to prove that any of the feeds or supplements he gave to First Kitten contained a higher amount of Cobalt than the quantity listed on its label or that this horse has a unique digestive system that metabolizes or excretes Cobalt in feed or supplements in a manner or has an otherwise outlier physiology for a horse, which likely caused the Cobalt concentration of its blood plasma to exceed 25 ng/mL.

8.48 If Trainer Meraz did not have the substantial and difficult burden of proving the source of the Cobalt causing First Kitten’s blood plasma concentration to exceed the Threshold by a balance of probability, the Arbitrator likely would have concluded he had No Significant Fault or Negligence for his ADRV. Considering the totality of the circumstances and that he could not reasonably have known or suspected, even with the exercise of utmost caution, that the feed and supplements he regularly provided to First Kitten may have caused its blood plasma level to exceed the Threshold, his fault or negligence was not significant regarding his ADRV. Based on the record

evidence, he has a low level of fault warranting a period of Ineligibility of 3 months pursuant to Rule 3225(a).

Other Consequences

8.49 Pursuant to Rule 3221, First Kitten's race results in Race 5 at Mahoning Valley Race Course in Youngstown, Ohio on February 12, 2025 are automatically disqualified because an ADRV arose from its Post-Race Sample and all purses and other compensation, prizes, trophies, points, and rankings from its race results are forfeited with repayment or surrender (as applicable) to the Race Organizer. First Kitten won this race, but there is no record evidence regarding the purses and other compensation, prizes, trophies, points, and rankings from its race results.

8.50 Pursuant to Rule 3222(a), for a violation of Rule 3212 (presence of a banned substance), First Kitten "shall be Ineligible for the period designated in the Prohibited List for the Banned Substance" (six months for Cobalt), which the Agency acknowledged has already been served.

8.51 Under the ADMC Program, a Covered Person's sanction for a first offense ADRV includes, in addition to a period of Ineligibility, a "Fine of up to \$25,000 or 25% of the total purse (whichever is greater) and Payment of some or all of the adjudication costs and the Agency's legal costs." Rule 3223(b).

8.52 *In the Matter of Philip Serpe*, Dkt. No. 9441 (F.T.C. Sept. 12, 2025), the Federal Trade Commission Administrative Law Judge ruled that an arbitrator has "discretion to determine the amount of any fine awarded," which requires a fact-specific determination and "could conceivably be as low as \$0." Although an arbitrator is not required to "always impose a fine . . . upon a finding of liability," "an explanation for the decision to dispense with any fine at all [is] necessary."

8.53 The Agency requests that the Arbitrator impose a fine of \$25,000 on Trainer Meraz for his ADRV. Trainer Meraz requests that no fine be imposed on him.

8.54 Based on the specific facts and circumstances of this case, including the mandatory imposition of a 2-year period of Ineligibility and absence of any evidence and implausibility that Trainer Meraz injected First Kitten with Cobalt or Cobalt Salts as well as that he could not reasonably have known or suspected, even with the exercise of utmost caution, that the feed and supplements he regularly provided to First Kitten may have caused its blood plasma level to exceed the Threshold, the Arbitrator determines the appropriate amount of his fine is \$5,000, to be paid by the end of his period of Ineligibility. The amount of Trainer Meraz's \$5,000 fine is the same as that imposed on the trainer based on similar facts and circumstances in *HIWU v. Mario Dominguez*, Case No. 15010000577 (JAMS Sept. 12, 2023) ("no definitive evidence that [trainer] intentionally fed [horse] Cobalt containing substances that he knew could exceed the 25 ng/ml threshold levels"; 2-year period of Ineligibility; reducing maximum potential \$25,000 fine to \$5,000 based on circumstances and "other penalties to be suffered by [trainer]").

8.55 In its April 8, 2025 EAD Charge of Alleged Anti-Doping Rule Violation to Trainer Meraz, the Agency requested "payment of some or all of the adjudication costs and HIWU's legal costs." Considering the specific facts and circumstances of this case, including the substantial

consequences already imposed on him and that his limited financial resources qualified him for pro bono legal representation in this arbitration proceeding, the Arbitrator determines that Trainer Meraz should not be required to pay any adjudication costs or HIWU's legal costs.

8.56 All other claims and defenses by the Parties have been considered and rejected.

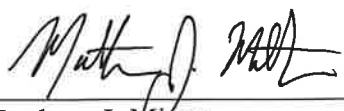
IX. AWARD

9.1 Based on the foregoing fact determinations and legal analysis, the Arbitrator renders the following decision.

- a. Trainer Meraz, a Covered Person, is found to have committed his first ADRV for the Presence of a Banned Substance in the Covered Horse First Kitten. As a result:
 - i. Trainer Meraz shall be suspended for a period of Ineligibility of two (2) years, commencing on the date the Notice of Sanction is served on Trainer Meraz.
 - ii. Trainer Meraz shall be fined \$5,000 to be paid to the Agency by the end of his foregoing period of Ineligibility.
 - iii. A six (6) month period of Ineligibility is imposed on the Covered Horse, First Kitten, beginning on February 12, 2025 (which already has been served).
 - iv. The results of First Kitten's race results in Race 5 at Mahoning Valley Race Course in Youngstown, Ohio on February 12, 2025 are disqualified, including forfeiture of all purses and other compensation, prizes, trophies, points, and rankings and repayment or surrender (as applicable) to the Race Organizer.
- b. Each Party shall bear its own costs and legal fees.
- c. There will be public disclosure of these findings in accordance with the ADMC Rules.
- d. This decision fully and finally resolves all claims and defenses submitted to this arbitration. All claims and defenses not expressly accepted herein are hereby denied.

IT IS SO ORDERED.

Dated: November 10, 2025


Matthew J. Mitten
Arbitrator