



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

### **Controlled Medication Rule Violation/ADMC Program Rules 3312**

**Covered Person: Joel Gonzales**

**Covered Horse: Desert Danger**

On December 6, 2023, Horseracing Integrity & Welfare Unit (HIWU) Sample Collection Personnel collected a blood Sample, designated as #B100568344, from Desert Danger after a Vet's List Workout at Zia Park in Hobbs, New Mexico under the Anti-Doping and Medication Control (ADMC) Program. Pursuant to ADMC Program Rule 3132(e), any Sample collected following a Vets' List Workout constitutes a Post-Race Sample, and, as a result, is subject to all of the same requirements that apply to Sample collection at Covered Horseraces.

Desert Danger's A Sample was submitted to the Industrial Laboratories in Denver, Colorado ("Industrial") for analysis. Industrial analyzed the A Sample in accordance with the Equine Standards for Laboratories and Accreditation and reported an Adverse Analytical Finding ("AAF") because it detected Phenylbutazone in the Sample. Phenylbutazone is in the category of S7, Class C, of Controlled Medication Substances on the Prohibited List and Technical Document-Prohibited Substances.

#### **I. ECM Notice**

On January 11, 2024, Mr. Gonzales was served an ECM Notice pursuant to ADMC Program Rule 3345 of the ADMC Program in which he was advised of: (a) the resulting potential violation of ADMC Program Rule 3312 for the Presence of a Controlled Medication Substance and/or its Metabolites or Markers in a Vet's List/Post-Race Sample; (b) the required Consequences for this potential violation of ADMC Program Rule 3312; (c) that he had until January 16, 2024 to request B Sample analysis; and (d) that he had until January 18, 2024 to provide HIWU with an explanation for the potential violation of ADMC Program Rule 3312.

He received the ECM Notice by U.S. mail, sent to the mailing address provided by Mr. Gonzales in the HISA Portal. Notice by email is permitted under ADMC Program Rule 3250. Mr. Gonzales did not request B Sample analysis by January 16, 2024, and did not provide any explanation by January 18, 2024.

#### **II. ECM Charge**

On January 22, 2024, Mr. Gonzales was served an ECM Charge from HIWU, pursuant to ADMC Program Rule 3348. In that ECM Charge, he was given, under ADMC Program Rule 3348(d), until January 29, 2024 to: (a) accept the Consequences proposed by HIWU, in which case HIWU would issue a decision under ADMC Program Rule 3349; (b) seek to agree to mitigated Consequences with HIWU pursuant to ADMC Program Rule 3349, failing which the Consequences could still be disputed at a hearing; or (c) dispute or seek to mitigate the proposed Consequences at a hearing in accordance with ADMC Program Rule 3361 and the Arbitration Procedures. Mr. Gonzales was also given the option to deny the Controlled



Medication Rule Violation charged and dispute the proposed Consequences at a hearing in accordance with ADMC Program Rule 3361 and the Arbitration Procedures.

The Consequences proposed by HIWU were:

1. A fine of \$500 (ADMC Program Rule 3323);
2. The assignment of 1.5 Penalty Points (ADMC Program Rule 3328); and
3. Public Disclosure in accordance with ADMC Program Rule 3620.

Mr. Gonzales did not inform HIWU of his election pursuant to the ECM Charge by January 29, 2024.

### **III. Imposition of Consequences**

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

- A. A fine of \$500 (ADMC Program Rule 3323);
- B. The assignment of 1.5 Penalty Points (ADMC Program Rule 3328); and
- C. Public Disclosure in accordance with ADMC Program Rule 3620.

**THE HORSERACING INTEGRITY & WELFARE UNIT  
DATED: FEBRUARY 7, 2024**