

## Recommended Penalty and Model Rule

The following are recommended penalties for violations due to the presence of a drug carrying a Category “A” penalty and for violations of ARCI-011-015 and ARCI-025-015: Prohibited Practices:

<b>LICENSED TRAINER:</b>		
<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> LIFETIME offense in any jurisdiction</b>	<b>3<sup>rd</sup> LIFETIME offense in any jurisdiction</b>
<ul style="list-style-type: none"> <li>• Minimum one-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• Minimum fine of \$10,000 or 10% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$25,000 or 25% of purse (greater of the two).</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• May be referred to the Commission for any further action deemed necessary by the Commission.</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum three-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a three-year period.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• Minimum fine of \$25,000 or 25% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$50,000 or 50% purse (greater of the two).</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• May be referred to the Commission for any further action deemed necessary by the Commission.</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum five-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a five-year period.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• Minimum fine of \$50,000 or 50% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$100,000 or 100% purse (greater of the two).</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• May be referred to the Commission for any further action deemed necessary by the Commission.</li> </ul>
<b>LICENSED OWNER:</b>		
<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> LIFETIME offense in owner’s stable any jurisdiction</b>	<b>3<sup>rd</sup> LIFETIME offense in owner’s stable in any jurisdiction</b>
<ul style="list-style-type: none"> <li>• Disqualification and loss of purse</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• Horse shall be placed on the Veterinarian’s List for 90 days and must pass a commission-approved examination before becoming eligible to be entered.</li> </ul>	<ul style="list-style-type: none"> <li>• Disqualification and loss of purse</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• Horse shall be placed on the Veterinarian’s List for 120 days and must pass a commission-approved examination before becoming eligible to be entered.</li> </ul>	<ul style="list-style-type: none"> <li>• Disqualification, loss of purse and \$50,000 fine</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• Horse shall be placed on the Veterinarian’s List for 180 days and must pass a commission-approved examination before becoming eligible to be entered.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• Referral to the Commission with a recommendation of a suspension for a minimum of 90 days.</li> </ul>

## Recommended Penalty and Model Rule (Continued)

The following are recommended penalties for violations due to the presence of a drug carrying Category “B” penalty, for the presence of more than one NSAID in a plasma/serum sample, subject to the provisions set forth in ARCI-011-020(E) and ARCI-025-020(E) and for violations of the established levels for total carbon dioxide:

<b>LICENSED TRAINER:</b>		
<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> offense (365-day period) in any jurisdiction</b>	<b>3<sup>rd</sup> offense (365-day period) in any jurisdiction</b>
<ul style="list-style-type: none"> <li>• Minimum 15-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• Minimum fine of \$500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$1,000.</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• Minimum fine of \$1,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$2,500.</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a one-year suspension.</li> </ul> <ul style="list-style-type: none"> <li>• Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$5,000 or 5% purse (greater of the two).</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• May be referred to the Commission for any further action deemed necessary by the Commission.</li> </ul>
<b>LICENSED OWNER:</b>		
<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> offense (365-day period) in owner’s stable any jurisdiction</b>	<b>3<sup>rd</sup> offense (365-day period) in owner’s stable in any jurisdiction</b>
<ul style="list-style-type: none"> <li>• Disqualification and loss of purse [in the absence of mitigating circumstances]*</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• Horse must pass a commission-approved examination before becoming eligible to be entered.</li> </ul>	<ul style="list-style-type: none"> <li>• Disqualification and loss of purse [in the absence of mitigating circumstances]*</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• Horse must pass a commission-approved examination before becoming eligible to be entered.</li> </ul>	<ul style="list-style-type: none"> <li>• Disqualification, loss of purse, and in the absence of mitigating circumstances a \$5,000 fine.*</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• Horse shall be placed on the Veterinarian’s List for 45 days and must pass a commission-approved examination before becoming eligible to be entered.</li> </ul>

## Recommended Penalty and Model Rule (Continued)

The following are recommended penalties for violations due to the presence of a drug carrying a Category “C” penalty and overages for permitted NSAIDs and furosemide: *(All concentrations are for measurements in serum or plasma.)*

<b>LICENSED TRAINER</b>	<b>Phenylbutazone (&gt;2.0-5.0 mcg/ml)* Flunixin (&gt;20 - 100 ng/ml) Ketoprofen (&gt;2- 50 ng/ml) Furosemide (&gt;100 ng/ml) and/or no furosemide when identified as administered</b>	<b>Phenylbutazone (&gt;5.0 mcg/ml) Flunixin (&gt;100 ng/ml) Ketoprofen (&gt;50 ng/ml) and CLASS C Violations</b>
1 <sup>st</sup> Offense (365-day period) in any jurisdiction	Minimum of a written warning to maximum fine of \$500	Minimum fine of \$1,000 absent mitigating circumstances
2 <sup>nd</sup> Offense (365-day period) in any jurisdiction	Minimum of a written warning to maximum fine of \$750	Minimum fine of \$1,500 and 15-day suspension absent mitigating circumstances
3 <sup>rd</sup> Offense (365-day period) in any jurisdiction	Minimum fine of \$500 to a maximum fine of \$1,000	Minimum fine of \$2,500 and 30-day suspension absent mitigating circumstances
<b>LICENSED OWNER</b>	<b>Phenylbutazone (&gt;2.0-5.0 mcg/ml)* Flunixin (&gt;20 - 100 ng/ml) Ketoprofen (&gt;2- 50 ng/ml) Furosemide (&gt;100 ng/ml) and/or no furosemide when identified as administered</b>	<b>Phenylbutazone (&gt;5.0 mcg/ml) Flunixin (&gt;100 ng/ml) Ketoprofen (&gt;50 ng/ml) and CLASS C Violations</b>
1 <sup>st</sup> Offense (365-day period) in any jurisdiction	Horse may be required to pass commission-approved examination before being eligible to run	Loss of purse. Horse must pass commission-approved examination before being eligible to run
2 <sup>nd</sup> Offense (365-day period) in any jurisdiction	Horse may be required to pass commission-approved examination before being eligible to run	Loss of purse. If same horse, placed on veterinarian’s list for 45 days, must pass commission-approved examination before being eligible to run
3 <sup>rd</sup> Offense (365-day period) in any jurisdiction	Disqualification and loss of purse. Horse must pass commission-approved examination before being eligible to run	Loss of purse. Minimum \$5,000 fine. If same horse, placed on veterinarian’s list for 60 days, must pass commission-approved examination before being eligible to run

\*If the trainer has not had more than one violation within the previous two years, the Stewards/Judges are encouraged to issue a warning in lieu of a fine provided the reported level is below 3.0 mcg/ml absent of aggravating factors.

After a two-year period, if the licensee has had no further violations, any penalty due to an overage in the 2.0-5.0 category will be expunged from the licensee’s record for penalty purposes.

## **Recommended Penalty and Model Rule (Continued)**

The recommended penalty for a violation involving a drug that carries a Category “D” penalty is a written warning to the trainer and owner. Multiple violations may result in fines and/or suspension.