

**BEFORE THE CALIFORNIA HORSE RACING BOARD**  
**OF THE STATE OF CALIFORNIA**

**In the Matter of:**

**Appeal of the Board of Steward Official  
Ruling #32, Los Alamitos Quarter Horse  
Association,**

**Monty Arrossa, Trainer  
CHRB License No. 310200  
Appellant**

Case No. SAC 25-010

**DECISION**

The attached Proposed Decision is adopted by the California Horse Racing Board in the above-entitled matter.

IT IS SO ORDERED ON March 12, 2026.

Gregory L. Ferraro, DVM, Chairman  
California Horse Racing Board

Scott Chaney, Executive Director  
California Horse Racing Board

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6 **BEFORE THE CALIFORNIA HORSE RACING BOARD**

7 **STATE OF CALIFORNIA**

8 In the Matter of:

Case No. **SAC 25-010**

9 Appeal of the Board of Stewards Official

**PROPOSED DECISION**

10 Ruling #32, Los Alamitos Quarter

Hearing Dates:

11 Horse Association,

September 9, 2025, September 29, 2025 and  
November 17, 2025

12 **Monty Arrossa,**  
13 **Appellant**

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17 **PROPOSED DECISION**

18 This matter was heard on September 9, 2025 and on the additional hearing dates of  
19 September 29, 2025, and November 17, 2025, by Edward J. Weiss, Esq., a Hearing Officer  
20 designated by the California Horse Racing Board, remotely via Teams. On December 23, 2025,  
21 the parties submitted closing briefs, as ordered by the Hearing Officer.  
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23  
24 Appellant Monty Arrossa (hereinafter “Arrossa” or “Appellant”) was represented by  
25 counsel, Howard L. Jacobs, Esq. and Kaitlin N. Freeman, Esq. of the Law Offices of Howard L.  
26 Jacobs.  
27

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PROPOSED DECISION RE: MONTY ARROSSA APPEAL OF RULING #32 OF THE BOARD OF STEWARDS  
OF LOS ALAMITOS QUARTER HORSE RACING ASSOCIATION

1 The California Horse Racing Board (“CHRB” or “Respondent”) was represented by  
2 Supervising Deputy Attorney General Katharine Tremblay.

3  
4 Arrossa and the CHRB are at times below collectively referred to as the “Parties.”  
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7 The proceedings were recorded by court reporter Michelle E. Derieg of Weinstein Court  
8 Reporters, LLC.  
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10  
11 **PROCEDURAL BACKGROUND**

12 Mr. Arrossa is a CHRB licensed trainer (license #310200) whose horse American  
13 Dreamin’ finished first in the tenth race on October 27, 2024 at Los Alamitos Race Course.  
14 American Dreamin’s post-tenth race urine sample tested positive for Carmoterol, a Class 1/A  
15 prohibited drug. In accordance with the CHRB rules, American Dreamin’ was disqualified and  
16 all purse money was distributed in accordance with the new order of finish in the race. The  
17 Maddy Lab at UC Davis notified the CHRB of American Dreamin’s positive test on November  
18 26, 2024. On that same date, investigators at Los Alamitos purged blood and urine samples that  
19 were 30 days old that had not resulted in a positive test. Among the samples purged by the  
20 investigators was the sample from American Dreamin’; there is no evidence in the record that  
21 investigators realized that the sample from American Dreamin’ had tested positive or was  
22 requested to be tested. Also, on that same day, November 26, 2024, exercising his right as a  
23 trainer to request a split sample by signing the appropriate form. On December 1, 2024, Mr.  
24 Arrossa notified the CHRB that he had done so. By that time, there was no split sample to be  
25 tested because the split sample had been purged by investigators on November 26, 2024.  
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3 **LIST OF WITNESSES**  
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5 There were no witnesses (only legal argument) at the September 9, 2025  
6 and the September 29, 2025 hearings. The following witnesses testified at the hearing on  
7 November 17, 2025: Dr Jeffrey Blea and Benjamin Moller were called to testify by the CHRB;  
8 Mr. Paul Scott was called to testify by Appellant.  
9

10 **APPLICABLE LAWS, RULES AND REGULATIONS**  
11

12 **CHRB Rule 1843 (Medication, Drugs and Other Substances)** – provides, in  
13 pertinent part as follows: “(a) No horse participating in a race shall carry in its body any drug  
14 substance or its metabolites or analogues, foreign to the horse except as herein expressly  
15 provided; (b) No drug substance shall be administered to a horse which is entered to compete in  
16 a race to be run in this State except for approved and authorized drug substances as provided in  
17 these rules; ... (d) A finding by an official chemist that a test sample taken from a horse contains  
18 a drug or substance or its metabolites or analogues which has not been approved by the  
19 Board... shall be prima facie evidence that the trainer and his/her agents responsible for the care  
20 of the horse has/have been negligent in the care of the horse and is prima facie evidence that the  
21 drug substance has been administered to the horse; (e) Nothing in this Article shall prevent a  
22 racing association or fair from setting eligibility conditions, as agreed to with the acknowledged  
23 horsemen’s organization(s), for individual races, or for its entire race meet, that prohibit the  
24 use/or presence of drug substances or medication in biological test samples collected from  
25 participating horse at detection levels lower than what is authorized by the Board. Such  
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1 conditions, if established in accordance with Rule 1581, shall not be deemed in conflict with the  
2 rules and regulations of the Board.

3 **CHRB Rule 1843.1 (Prohibited Drug Substances)**, provides in pertinent part, as  
4 follows: For purposes of this division, prohibited drug substances means: (a) any drug,  
5 substance, medication or chemical foreign to the horse, whether natural or synthetic, or a  
6 metabolite or analog thereof, whose use is not expressly authorized in this article; (b) any drug,  
7 substance, medication or chemical authorized by this article in excess or the authorized level or  
8 other restrictions as set forth in this article...

9  
10 **CHRB Rule 1843.2 (Classification of Drug Substances)**, provides as follows:  
11 “The Board, the board of stewards, the hearing officer, or the administrative law judge, when  
12 adjudicating for a violation of Business and Professions Code section 19581, shall consider the  
13 classification of the substance as referenced in the California Horse Racing Board (CHRB)  
14 Classification of Foreign Substances, Alphabetical Substances List (Rev. 02/21), hereby  
15 incorporated by reference, which is based on the Association of Racing Commissioners  
16 International (ARCI) Uniform Classification Guidelines for Foreign Substances (12/20) as  
17 modified by the Board [See CHRB website “Veterinary” section for a complete copy of rule  
18 1843.2 including alphabetical substance list.]”  
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22 **CHRB Rule 1843.3 (Penalties for Medication Violations)<sup>2</sup>**

23 **CHRB Rule 1843.4 (Multiple Medication Violations (MMV))**  
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28 <sup>22</sup> Appellant cited CHRB Rules 1843.3 and 1843.4 in the context of arguing there is a distinction between this type of case (disqualification) as opposed to medication. It is not necessary to the adjudication of this appeal to include the text of these Rules, which set for the penalties for medication violations, and can be found in the CHRB Rule Book. The actual penalties are not at issue in this appeal.

1                   **CHRB Rule 1859.25 (Split Sample Testing)**, provides as follows: “(a) In  
2 addition to the blood, urine, and other biological official test samples transmitted to the official  
3 laboratory for testing as provided in Rules 1859 and 1859.1 of this Article, the Board shall  
4 maintain a portion of the official test sample for each horse tested if sufficient sample is available  
5 after the official test samples are taken. That portion shall be designated the split sample. The  
6 Board makes no guarantee as to the amount of sample which will be available for the split  
7 sample. All samples taken by representatives of the Board are under the jurisdiction of shall  
8 remain the property of the Board at all times. The Board shall ensure the security and storage of  
9 the split sample; (b) When the Executive Director or the Executive Director’s designee is  
10 notified of a finding by the official laboratory that test sample from a horse contained a  
11 prohibited drug substance as defined in this Article, the Executive Director, after consulting with  
12 the Equine Medical Director or the Equine Medical Director’s designee as to the presence of the  
13 drug substance shall notify a Supervising Investigator. The owner and the trainer shall be  
14 notified of the finding by a Supervising Investigator or his/her designee and the owner and  
15 trainer shall have 72 hours from the date he or she is notified to request that the split sample of  
16 the official test sample that was found to contain the prohibited drug substance(s) be tested by an  
17 Independent Board-approved laboratory; (c) If the owner or trainer wishes to have the split  
18 sample tested, he or she shall comply with the following procedures: (1) The request shall be  
19 made on CHRB-56, (Rev. 5/97), Request to Release Evidence, which is hereby incorporated by  
20 reference. CHRB-56 shall be made available at all CHRB offices. (2) The owner or trainer  
21 requesting to have the split sample tested shall be responsible for all charges and costs incurred  
22 in transporting and testing the split sample. By signing CHRB-56, the owner or trainer certifies  
23 he or she has made arrangements for payment to the designated Board-approved laboratory for  
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1 laboratory testing services. (3)...(d) Upon approval by the Executive Director or the Executive  
2 Director's designated representative of a valid request on CHRB-56, CHRB-29 (Rev. 5/97),  
3 Authorization to Release Split Sample Urine Evidence, or CHRB-29A (Rev. 5/97),  
4 Authorization to Release Split Sample Evidence, which are hereby incorporated by reference,  
5 shall be completed and the Board shall ensure the split sample is sent to the designated  
6 laboratory for testing. (1) If the findings by the independent Board-approved laboratory fail to  
7 confirm the findings of the prohibited drug substance as reported by the official laboratory, it  
8 shall be presumed that the prohibited drug substance was not present in the official sample. (2)  
9 If the findings by the independent Board-approved laboratory confirm the findings of the  
10 prohibited drug substance as reported by the official laboratory, the Executive Director shall  
11 report these findings to the Board within 24 hours after receiving confirmation of the prohibited  
12 drug substance in the split sample. (e) If the owner or trainer fails to request the testing of the  
13 split sample in accordance with the procedures specified in this rule, they shall be deemed to  
14 have waived their rights to have the split sample tested. (f) Results of the official test sample and  
15 the split sample shall be, and shall remain, confidential and shall be provided only to the  
16 Executive Director or the Executive Director's designee, the Board, Equine Medical Director or  
17 the Equine Medical Director's designee, and to the owner and trainer, unless or until the Board  
18 files an official complaint or accusation.

19 **CHRB Rule 1859.5 (Disqualification Upon Positive Test Finding)**, provides as  
20 follows:  
21

22 A finding by the stewards that an official test sample from a horse participating in  
23 any race contained a prohibited drug substance as defined in this article, which determined to be  
24 in class 1-3 under Rule 1843.2 of this division, unless a split sample tested by the owner or  
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1 trainer under Rule 1859.25 of this division fails to confirm the presence of the prohibited drug  
2 substance determined to be in class 1-3, shall require disqualification of the horse from the race  
3 in which it participated and forfeiture of any purse, award, prize or record for the race, and the  
4 horse shall be deemed unplaced in that race. Disqualification shall occur regardless for the  
5 culpability for the condition of the horse.  
6

7 **CHRB Rule 1887 (Trainer to Insure Condition of Horse)**, provides, in  
8 pertinent part, as follows:

- 9 (a) The trainer is the absolute insurer of and responsible for the condition of the  
10 horse entered in a race, regardless of the acts of third parties, except as  
11 otherwise provided in this article, if the chemical or other analysis of urine or  
12 blood test samples or other tests, prove positive showing the presence of any  
13 prohibited drug substance defined in Rule 1843.1 of this division, the trainer  
14 of the horse may be fined, his/her license suspended or revoked, or be ruled  
15 off....  
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18 **California Business & Professions Code Section 19440 (Powers and**  
19 **responsibilities; delegation of duties)**

- 20 (a) The board shall have all powers necessary and proper to enable it to carry out  
21 fully and effectually the purposes of this chapter. Responsibilities of the board  
22 shall include, but not be limited to, al of the following:  
23  
24 (1) Adopting rules and regulations that protect and advance the health, safety,  
25 welfare, and aftercare of racehorses.  
26 (2) Adopting rules and regulations for the protection of the public and the control  
27 of horse racing and parimutuel wagering.  
28

- 1 (3) Administration and enforcement of all laws, rules, and regulations affecting
- 2 horse racing and parimutuel wagering.
- 3 (4) Adjudication of controversies arising from the enforcement of those laws and
- 4 regulations dealing with horse racing and parimutuel wagering.
- 5 (5) Licensing of each racing association and all persons, other than the public at
- 6 large, who participate in a horse racing meeting with parimutuel wagering.
- 7 (6) Allocation of racing dates to qualified associations in accordance with law.
- 8 (b) The board may delegate to stewards appointed pursuant to Article 5
- 9 (commencing with Section 19510) any of its powers and duties that are
- 10 necessary to carry out fully and effectuate the purposes of this chapter.
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14 **California Business & Professions Code Section 19517 – Grounds for Board**  
15 **to Overrule a Decision of the Stewards**

- 16 (a) The board, upon due consideration, may overrule any steward’s decision other
- 17 than to disqualify a horse due to a foul or a riding or a driving infraction in a
- 18 race, if a preponderance of the evidence indicates any of the following:
- 19 (1) The steward mistakenly interpreted the law.
- 20 (2) New evidence of a convincing nature is produced.
- 21 (3) The best interests of racing and the state may be better served.
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1                   **Business & Professions Code Section 19562 (Rules and regulations)**

2                   The board may prescribe rules, regulations, and conditions, consistent with the  
3 provisions with this chapter, under which all horse races with wagering on their results shall be  
4 conducted in this State.  
5

6                   **Business & Professions Code Section 19582.5 (Positive drug testing;  
7 prohibitions and forfeitures)**

8                   The board may adopt regulations that prohibit the entry in a race of a horse that  
9 tests positive for a drug substance in violation of Section 19581. Upon a finding of a prohibited  
10 drug substance in an official test sample, a horse may be summarily disqualified from the race in  
11 connection with which the drug sample was taken. Upon the disqualification of a horse pursuant  
12 to these regulations, any purse, prize, award, or record for that race shall be forfeited. However,  
13 the board, including its hearing officers and stewards, shall have the authority to order, in the  
14 interests of justice, that a jockey be permitted to keep his or her share of the purse, prize, or  
15 award for the that race upon a finding that a person, other than the jockey, willfully, and with  
16 flagrant disregard for recommended veterinary practice and the regulations of the board,  
17 administered the prohibited substance. Such an order may provide that the jockey’s share of the  
18 purse, prize, or award shall be paid by the person or persons determined to be responsible for  
19 willfully administering the prohibited substance.  
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24                   **CHRB Rule 1761 – Appeal from Decision of the Stewards**

25                   (a) From every decision of the stewards, except a decision concerning the  
26                   disqualification of a horse due to a foul or a riding or driving infraction, an  
27                   appeal may be made to the Board.  
28

1 **FACTUAL FINDINGS**

2 I.

3 On October 27, 2024, Trainer Monty Arrossa’s horse American Dreamin’ finished  
4 first in the tenth race (Race 10) at Los Alamitos and provided a post-race urine sample (labeled  
5 PR01266). An adverse analytical finding of the presence of Carmoterol, a Class 1/A prohibited  
6 drug, was returned.  
7

8 II.

9 Based on the finding of Carmoterol, American Dreamin’ was disqualified from  
10 Race 10 and all purse money was ordered distributed pursuant to the new order of finish.  
11

12 III.

13 The Kenneth L. Maddy Equine Analytical Chemistry Laboratory found that  
14 Sample PR01266 tested positive for Carmoterol, a Class 1/A prohibited drug (Appeal, Ex. 2, p.  
15 10). Carmoterol poses a danger to horses. (RT Vol. III, 13:1; See also Dr. Jeffrey Blea testimony,  
16 RT III, 9:19-10:3).  
17

18 IV.

19 The Maddy Lab, which is not controlled by the CHRB, notified the CHRB of the  
20 positive test for sample PR10266 on November 26, 2024.  
21

22 V.

23 On November 26, 2024, investigators at Los Alamitos Race Course purged blood  
24 and urine samples that were 30 days old that had not yet resulted in a positive test. (Appeal, 2.5.4  
25 Exhibit 2, p. 11). American Dreamin’s sample was among the samples purged by the  
26 investigators on November 26, 2024. The investigators had not yet been notified of the positive  
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1 test on the urine sample PR01266. The investigators received that notice on November 30, 2024.  
2 No evidence was presented that the sample from American Dreamin' was purged to intentionally  
3 deny Appellant of his right to request a test of a split sample. The sample was purged and  
4 disposed of after 30 days in accordance with CHRB policies and procedures. (RT Vol I, 9:9-  
5 10:7). No evidence was presented to show sample PR01266 was purged and disposed of for an  
6 improper purpose such as to deprive Appellant of his rights or that the CHRB violated its rules or  
7 procedures. Rather the split ample (PR01266) was purged after 30 days (on November 26, 2025).  
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10 VI.

11 On March 13, 2025, the board of stewards at Los Alamitos heard the matter,  
12 and on March 22, 2025, in their Official Ruling #32, the stewards confirmed the disqualification  
13 of American Dreamin' from Race 10 on October 27, 2024. The stewards based their ruling on  
14 American Dreamin's urine sample testing positive for Carmoterol. The ruling disqualified  
15 American Dreamin' from all purse monies earned pursuant to CHRB Rule 1859.5  
16 (Disqualification Upon Positive Test Result).  
17

18 VII.

19 On or about May 9, 2025, counsel for the CHRB notified Mr. Arrossa that a blood  
20 sample had been collected from American Dreamin' on October 27, 2025, that the Maddy Lab  
21 found it to contain Carmoterol and a split blood sample was available for testing. (Email from  
22 CHRB to Mr. Arrossa's counsel, RT II, 28:4-31:5, Exhibit 5).  
23

24 VIII.

25 Appellant timely accepted the officer of the CHRB to have the blood split sample  
26 tested. The Ohio ATL Lab agreed to perform the split sample testing.  
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IX.

The split sample was tested by the Ohio Lab in or around August 2025, and on September 8, 2025 the Ohio Lab recorded the results as follows: “Carmoterol not confirmed” “due to unresolvable peaks at the RT corresponding to Carmoterol 2 peak, thereby not meeting the requirements of Section 15.3 of ATL Data 2 v.7.” (Exhibit B, Ohio Lab Documentation p. 35).

X.

At the September 9, 2025 hearing in this matter, the parties presented legal argument, with Appellant arguing that the stewards misinterpreted the law, based on the lack of the availability of the result of the split blood sample for testing by the time of the hearing.

XI.

On September 29, 2025, the parties met for a continuation of the hearing to discuss the test results of a split blood sample tested by Ohio Labs and with Appellant arguing that sample should be considered the split sample for this appeal. (RT II, 6:8-15) and with counsel for the CHRB arguing the blood sample is “irrelevant” and should not be. (RT II, 10:1-4). Appellant presented an email from Ms. Tremblay on behalf of the CHRB (Exhibit 5 at the September 29, 2025 hearing) from the CHRB referring to a “split sample to be tested” that “could render Mr. Arrossa’s legal argument moot.” (RT II, 28-31).

XII.

(Testimony of Dr. Jeffrey Blea at November 17, 2025 Hearing)

On November 17, 2025, the parties met again for an evidentiary hearing on the issue of interpretation and implications of the results of the blood test conducted by the Ohio Lab and to further argue the case. The CHRB, proceeding first although Appellant bears the burden

1 of proof, called Dr. Jeffrey Blea (RT III, p. 7:3). Dr. Blea is the Equine Medical Director from  
2 the UC Davis School of Veterinarian Medicine for the CHRB. (RT III, 7:11-12). In that capacity  
3 he serves as a resource regarding all veterinarian matters to the CHRB. (RT III 8:9-12). Dr. Blea  
4 also serves on the Racing and Medication and Testing Consortium (RMTC), as well as the Horse  
5 Racing Integrity Safety Authority (HISA) Anti-Doping Medication Committee (ADMC), and is  
6 co-chair of the RMTC Scientific Advisory Committee. (RT III, 8:21-9:3). He has been a RMTC  
7 Board member for 15 years. (RT III 9:6-8). The CHRB moved to certify Dr. Blea as an expert  
8 witness on the collection and testing and of blood and urine samples, specifically with respect to  
9 Carmoterol; he was so certified without objection from Appellant. (RT III, 9:19-10:10).  
10  
11

### 12 XIII.

13 Dr. Blea testified Carmoterol is a very potent beta-2 agonist and with it comes  
14 dangerous side effects. (RT III, 12:19-13:1). Carmoterol can cause cardiopulmonary or  
15 cardiovascular ischemia and/or Cardiopulmonary Cardiovascular shock. (RT III, 12:22-25). Dr.  
16 Blea also testified that drugs behave differently in different biological samples and are not  
17 necessarily interchangeable, depending on the drug. (RT III, 23:16-24:8). Carmoterol is not  
18 approved for racehorses. (RT III, 13:7-9).  
19

### 20 XIV.

21 Based on his conversation with Su Bang, whom he knows as a member of the  
22 RMTC Scientific Advisory Committee, there was not enough serum in the tube sent to the Ohio  
23 Lab for it to confidently test the sample. (RT III, 17:12-17). Appellant objected on hearsay  
24 grounds; that objection is sustained as to alleged out of court statements of Su Bang.  
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1 XV.

2 The CHRB did not present testimony of any witness from the Ohio Lab.  
3 Appellant did not call any percipient witness. The only witnesses at the hearings held on  
4 September 9, 2025, September 29, 2025 and November 17, 2025 were three experts – two called  
5 by the CHRB and one called by Appellant.  
6

7 XVI.

8 Mr. Arrossa received notice of a positive blood test for Carmoterol on May 9,  
9 2025, and timely requested the split sample be tested. (RT III, 20:22-21:4). The Ohio Lab agreed  
10 to test the split sample of blood. (RT III, 21:8-10).  
11

12 XVII.

13 The Ohio lab reported that the split sample did not confirm the presence of  
14 Carmoterol. (RT III, 22:19-22).  
15

16 XVIII.

17 Different drugs will behave differently and that is why there are different matrixes  
18 for testing blood and urine and hair. (RT, III, 23:19-25). Whether blood can be swapped out for  
19 urine samples depends on the drug for which the test is being conducted. (RT III, 24:7-8).  
20

21 XIX.

22 (Dr. Benjamin Moeller November 17, 2025)

23 The CHRB's second witness was Dr. Benjamin Moeller, professor at the  
24 University of California, Davis (RT III 24:21-25:7). Dr. Moeller holds a bachelor's degree in  
25 biochemistry and molecular biology and a PhD in pharmacology and toxicology. (RT III, 25:14-  
26 23). Dr. Moeller has 20 years of experience in the detection of drugs in biological substances,  
27 mostly with equine biological substances. (RT III, 26:11-17). He has a PhD focused on detection  
28

1 of anabolic steroids in horses' blood. (RT III, 26:13-15). Dr. Moeller has published  
2 approximately 10-15 articles relating to doping in horse races. (RT III, 27:15-28:1). Dr. Moeller  
3 has daily experiences reading lab results related to testing drugs in horse. (RT III, 28:2-8). He is  
4 familiar with the requirements of HIWU and the Association of Racing Chemists in reporting  
5 doping agents found in horse. (RT III, 31:9-18). He oversees testing at the Maddy Lab. (RT III,  
6 26:24-25). There was no objection (RT III, 28:14-15), and based on all of the foregoing, Dr.  
7 Moeller was certified as an expert witness in the matters of reading labs related to equine testing  
8 as well as the doping of horses in horse racing. (RT III, 28:9-13).

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11 XX.

12 . Dr. Moeller is familiar with Carmoterol and has an understanding of how testing  
13 for that drug was first created. (RT III, 28:20-24).

14 XXI.

15 Dr. Moeller interpreted what was reported by the Ohio Lab as “suggestive  
16 evidence of Carmoterol” even though the sample did not meet the strict reporting criteria that  
17 was established by the Lab. The Lab was not confident enough to issue a positive certificate of  
18 analysis. (RT III, 36:9-16).

19  
20 XXII.

21 Dr. Moeller opined that American Dreamin's sample “was positive in the blood.  
22 Our data showed clearly showed the sample was positive. So I have no doubt that the sample was  
23 positive.” He further described the Ohio Lab's analysis of the B sample of the blood as follows:  
24 “The data provided from the ‘B’ sample analysis specifically regarding the blood sample is  
25 supportive evidence. However, the analysis that was conducted was flawed and had some  
26 analytical challenges associated with it.” (RT III, 49:21-24).  
27  
28

1 XXIII.

2 Dr. Moeller testified that the detection of Carmoterol inside the sample did not  
3 meet the strict reporting criteria and there was insufficient sample to redo the test, yet he opined  
4 there was suggestive evidence of Carmoterol: “So it has suggestive evidence, but they weren’t  
5 confident enough to issue a positive certificate analysis, and they didn’t have sufficient volume  
6 to repeat the test.” (RT III, 36, 9-16). Dr. Moeller’s opinion was that there was suggestive  
7 evidence of the presence of Carmoterol inside the sample sent to the Ohio Lab. (RT III, 37:3-4).  
8

9 XXIV.

10 Dr. Moeller testified that the Ohio Lab tested 80 percent of the targeted volume  
11 which theoretically reduced the possibility of detection of Carmoterol by about 20 percent. (RT  
12 III, 40:15-18).  
13

14 XXV.

15 The Ohio Lab utilizes chromatography, mass spectrometry, a system that provides  
16 a liquid separation of a chemical. (RT III, 42:18-20). Dr. Moeller identified where there was  
17 evidence of the presence of Carmoterol but the Lab could not report it without a third ion under  
18 the applicable guidelines. (RT III, 48).  
19

20 XXVI.

21 Dr. Moeller acknowledged that he was not suggesting that the Ohio Lab should  
22 have reported the split sample as confirming the presence of Carmoterol. (RT III, 55:23-56:2).  
23 The data displayed does not allow that. (RT III, 56:6-9).  
24

25 XXVII.

26 The Hearing Officer found Drs. Blea and Moeller to be well credentialed,  
27 experienced and well versed in the subject matter of their testimony. Their testimony was  
28

1 credible and persuasive, including in particular, Dr. Moeller’s explanation of why he believes  
2 Carmoterol was present in the Ohio Lab sample even though the Lab was obligated under the  
3 applicable guidelines to report that it could not confirm a finding of Carmoterol and that the  
4 same biological substance is needed for an official split sample. (see RT III, 24).

6 XVIII.

7 (Paul Scott November 17, 2025)

8 Appellant presented the testimony of Paul Scott, who is the principal and CEO of  
9 Avrok Laboratories, a molecular analytical and chemistry laboratory. (RT III, 70:21-25). Mr.  
10 Scott has served as CEO of Avrok Laboratories since 2020 (RT III 71:11). Avrok performs anti-  
11 doping testing, among other functions. (RT III 71:14-15).

13 XXIX.

14 Prior to this hearing, Mr. Scott had never testified as an expert as to equine blood  
15 testing. (RT III, 76:21-24). The first time he worked on equine blood samples was two weeks  
16 before his testimony in this matter. (RT III, 77:21-23). He has developed tests for Carmoterol but  
17 does not ever refer to any regulations for equine horse racing when developing those tests. (RT  
18 III, 79:17-17).

20 XXX.

21 Mr. Scott testified that the Ohio Lab used LCMS testing, a method that that he  
22 routinely uses. (RT III, 82:19-20). He also testified he is familiar with the instruments the Ohio  
23 Lab used. (RT III, 83:7-14).

25 XXXI.

26 Mr. Scott testified that the blood split sample was negative because what  
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1 identified by the Ohio Lab as possibly containing Carmoterol was below an acceptable signal to  
2 noise ratio and there is no reliable signal on the second transition. (RT III, 97).

3  
4 XXXII.

5 LCMS is the testing method used by the Ohio Lab. (RT III, 81:25; 82:5-9). Mr.  
6 Scott uses that method in his work “routinely”. (RT III, 82:19-21). Mr. Scott is familiar with the  
7 instrument – 5500 – used by the Ohio Lab. (RT III, 83:12-14).

8  
9 XXXIII.

10 Mr. Scott testified that it does not appear to him that the Ohio Lab had analytical  
11 problems. (RT III, 87).

12  
13 XXXIV.

14 Mr. Scott was to be paid \$500 per hour for his testimony and preparation and he  
15 estimated he will have put in approximately 20 hours of work in connection with his testimony in  
16 this case. (RT III, 105:9). He has testified many times previously. He has always testified for the  
17 accused. (RT III, 107:5-7). This was the first time he testified re serum analysis for Carmoterol.  
18 (RT III, 106:25). He is unfamiliar with the AORC standards to confirm Caromoterol. (RT III,  
19 110:22-24).

20  
21 XXXV.

22 Mr. Scott testified that there is no evidence of Carmoterol in the blood sample.  
23 (RT III, 109). He did not say the finding was negative for Carmoterol; only that it was not  
24 confirmed. (RT III, 109:15-16). He clarified that he is not saying that there is no possibility  
25 Carmoterol appeared in the blood sample. Asked it was possible he testified: “of course”. (RT  
26  
27  
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1 114:24). He disagrees with the opinion of Dr. Moeller that 20 percent less content of the sample  
2 equates to a 20 percent reduction in the possibility of detection. (RT III, 88:9-15).

3  
4 XXXVI.

5 There was not a confirmation of Carmoterol reported from the Ohio Lab, but the  
6 testimony of the three experts taken as a whole, along with the Lab Report (Exhibit B), did not  
7 show that there was not Carmoterol in the blood of American Dreamin’.

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9  
10 **STANDARD OF REVIEW**

11  
12 Under Business and Professions Code §19517, a decision of the board of stewards  
13 may be overturned if the stewards misinterpreted the law, new evidence of a convincing nature is  
14 presented or if the best interest of racing and the state may be better served. Bus. & Prof. Code  
15 §19517. Appellant bears the burden of proof to establish one of the foregoing by a  
16 preponderance of the evidence. *Ibid.*

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18  
19 **DISCUSSION OF THE ISSUES**

20 In their official ruling #32, the stewards disqualified American Dreamin’ based on  
21 the horse’s positive test for Carmoterol following Race 10. Appellant bears the burden to show at  
22 least one of the following three: either the stewards made a mistake of law, there is new evidence  
23 of a convincing nature or the best interests of racing would be served by overturning the stewards’  
24 ruling. Appellant makes two main arguments – (1) Appellant claims he was deprived of his right  
25 to a split sample, which apparently was available at first but then was purged and disposed of; and  
26 since no split sample confirmed the positive test finding, the positive finding of Carmoterol must  
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1 be rejected. (2) Appellant also argues that since the split sample of the blood test was returned as  
2 “Carmoterol not confirmed” by the Ohio Lab, there was no split sample to confirm the positive  
3 finding, which requires overturning the stewards’ ruling of disqualification. The CHRB argues that  
4 the rules do not guarantee a split sample, and with respect to the blood sample, there was  
5 Caromoterol, albeit in an amount below the threshold for confirmation, present and in any event,  
6 the blood sample is not a true split sample and thus irrelevant. The CHRB argues that Appellant’s  
7 expert was not qualified and not persuasive. And finally, the best interest of racing would not be  
8 served to allow Appellant to take advantage of the fact that the split urine sample was purged  
9 before the investigators knew the urine sample of American Dreamin’ had been requested by  
10 Appellant to be tested.  
11

12  
13 For the reasons set forth below, Appellant did not carry his burden to establish at  
14 least one of the grounds of Rule Business and Professions Code Section 19517 to overturn the  
15 decision of the Stewards in their Ruling #32. The stewards did not make a mistake of law. The  
16 new evidence presented by Appellant was not of a convincing nature to carry his burden. Finally,  
17 on balance, the best of interest of racing and the State of California would not best be served by  
18 overturning the stewards in this matter.  
19

20 First, the stewards did not make a mistake of law. The Rules do not require a  
21 confirmation from a split sample – rather, they only provide a basis for an exception to a  
22 disqualification where a split sample is not confirmed as positive. CHRB Rule 1859.25.  
23

24 Second, Appellant’s new evidence – relating to the blood sample testing results  
25 and testimony regarding that testing – did not meet Appellant’s burden of convincing new evidence.  
26 Blood is not the same biological substance and thus was not true split sample for the urine testing  
27 results upon which the stewards disqualified American Dreamin’. All of the expert witness  
28

1 testimony on balance showed that it was not more likely than not Carmoterol was not present; the  
2 Ohio Lab did not have enough blood for it to report a “positive certificate analysis”. Thus, while  
3 Appellant provided new evidence, it was not of a “convincing nature” as required to satisfy that  
4 prong of Section 19517. The stewards based their disqualification here based on the horse’s urine  
5 sample. Appellant did not prove that the blood sample was a true split sample given that it was  
6 not of the same biological substance. (Factual Finding XXIII). There also was evidence presented  
7 that some drugs react differently to different types of tests. (Ibid.).  
8

9           Finally, Appellant did not establish that the best interest of racing and the State  
10 would be served by reversing the disqualification. While a sample that could have been tested was  
11 purged, there is no evidence to show that the CHRB violated its rules or procedures. The fact that  
12 Appellant did not have an opportunity to have a split sample tested by itself does not outweigh the  
13 interest of racing and the State have in protecting the safety of race horse and the integrity of racing.  
14 Appellant has not demonstrated that fairness let alone the best interest of racing and the State  
15 would be furthered by allowing American Dreamin’ to be reinstated as the winner of Race 10 and  
16 the recipient of the winner’s purse.  
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18

19           **A. Appellant’s Legal Arguments That He Was Denied His Right to a Split Sample,**  
20           **and Since No Split Sample Confirmed the Positive Finding, American Dreamin’**  
21           **Should Not Have Been Disqualified, Do Not Demonstrate the Stewards Made a**  
22           **Mistake of Law.**  
23

24           Appellant first argues that the stewards erred by misinterpreting or misapplying  
25 CHRB Rule 1859.5 and CHRB Rule 1859.25. He argues he was denied his right to a split sample  
26 and the failure to have a split urine sample confirm the results of the official test sample from the  
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1 Maddy Lab mandate reversing the disqualification. The text of these Rules and how they were  
2 applied to the facts here do not support Appellant's interpretation.

3 CHRB Rule 1859.5 provides as follows:

4 A finding by the stewards that an official test sample from a horse  
5 participating in any race contained a prohibited drug substance as defined in  
6 this article, which is determined to be in class levels 1-3 under Rule 1843.2  
7 of this division, *unless a split sample tested by the owner of trainer under*  
8 *Rule 1859.25 of this division fails to confirm the presence of the prohibited*  
9 *drug substance* determined to be in class levels 1-3 shall require  
10 disqualification of the horse from the race in which it participated and  
11 forfeiture of any purse, award, prize or record for the race, and the horse shall  
12 be deemed unplaced in that race. Disqualification shall occur regardless of  
13 culpability for the condition of the horse. CHRB Rule 1859.5 (emphasis  
14 added).

15 Appellant further cites and seeks to rely upon and read CHRB 1859.5  
16 together with CHRB Rule 1859.25, which provides as follows:

17 In addition to the blood, urine and other biological official test samples  
18 transmitted to the official laboratory for testing as provided in Rules 1859  
19 and 1859.1 of this Article, the Board shall maintain a portion of the official  
20 test sample for each horse tested if sufficient sample is available after the  
21 official test samples are taken. *That portion shall be designated the split*  
22 *sample.* The Board makes no guaranteed as to the amount of sample which  
23 will be available for the split sample. All samples taken by representatives of  
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1 the Board are under the jurisdiction of and shall remain the property of the  
2 Board at all times. The Board shall ensure the security and storage of the split  
3 sample.” CHRBRule 1859.25. (Emphasis added).  
4

5 Appellant argues that there was no confirmation of the positive test of the  
6 official sample and thus disqualification is not appropriate (Closing brief page 1). Also, Appellant  
7 argues that while CHRBRule 1859.5 provides that the Board does not guarantee that a sufficient  
8 amount of sample will be available, that caveat or disclaimer is not applicable where, as here, there  
9 actually was a split sample, but that split sample was purged before it could be tested, thus  
10 depriving Appellant of his right. (Finding of Fact V; RT I, 9:9-10:7). Further, since the sample  
11 was purged, there was no confirmation of the testing of a split sample of the presence of the  
12 prohibited substance. Appellant raises legitimate legal arguments, but they are not sufficiently  
13 persuasive to carry Appellant’s burden to show a mistake of law for the following reasons.  
14

15 **(1) Confirmation of a split sample is not a prerequisite to a**  
16 **disqualification under Rule 1859.25 where that split sample**  
17 **was not tested.**  
18

19 While a split sample that is tested that does not confirm positive test provides an  
20 exception to a mandatory disqualification, the Rules do not affirmatively require there be a  
21 confirmation of a split sample to disqualify a horse. The text of Rule 1859.5 provides that a  
22 positive finding requires disqualification “unless” a split sample fails to confirm the presence. This  
23 is different that requiring the testing of a split sample to disqualify a horse. In this case there was  
24 no true split urine sample test that failed to confirm the official test. While a tested split urine  
25 sample that did not confirm Caromoterol would have provided a basis to overturn the  
26 disqualification, the fact that a split urine sample was not tested does not preclude disqualification.  
27  
28

1 The applicable rules contemplate situations where there will not be a split sample and  
2 disqualification to result in the absence of the testing of a split sample. (See Rule 1859.25, further  
3 discussed below).

4  
5 **(2) There Is No Guarantee of the Amount Available Under**  
6 **CHRB Rule 1859.25.**

7 Appellant also raises a valid point that this is not a case in which there never was  
8 enough for a split sample, but rather, this is a situation that there was a split sample in existence  
9 that could have been tested but was purged before that could be accomplished. However, there was  
10 no evidence presented the split sample was purged against the rules or procedures or was done  
11 with an intent to deprive Appellant of his rights. Rather, the split urine sample was purged after  
12 30 days per CHRB procedure. Appellant cites to no rule or regulation that the CHRB investigators  
13 violated. While Appellant argues the investigators allegedly made certain misrepresentations  
14 regarding whether a split sample was available for testing, those statements did not affect any  
15 testing results or violate the rules or regulations governing collection, handling of samples or  
16 testing.

17  
18  
19 **(3) CHRB v. Aleman Is Unavailing Because that Stewards'**  
20 **Decision is Distinguishable from and Not Binding on the**  
21 **Instant Case.**

22 Appellant seeks to rely on a statement of decision by the stewards in **CHRB v**  
23 **Aleman**, decided October 1, 2023, to support the proposition that his rights were violated when  
24 the split urine sample was destroyed before he could have it tested. Appellant further argues the  
25 remedy, as applied by the stewards in **Aleman**, should be that American Dreamin', despite testing  
26 positive post-race for a prohibited dangerous substance, should be entitled to have its first-place  
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28

1 finish reinstated. While, **Aleman** seems analogous on its face, a close review of that case shows  
2 that it is distinguishable to the from the instant case in some important respects.

3           In **Aleman**, a split sample that was sufficient for testing as a secondary sample was  
4 sent to the wrong laboratory and its arrival at the proper lab was delayed a number of days. The  
5 sample became damaged and leaked, possibly in transit. The laboratory in **Aleman** declined to test  
6 the sample. Since the sample was not tested, the lab issued findings that failed to confirm the drug  
7 was present in the official sample. The stewards found that Mr. Aleman was “not afforded the  
8 same rights and privileges” as other licensees charged with a medication violation. The case, a  
9 non-binding decision of the stewards, is distinguishable in the following respects.

10  
11  
12           (a) **Aleman** was a medication case.

13           The stewards in **Aleman** decided a medication, rather than a disqualification  
14 case. A medication case involves the potential for the imposition of penalties  
15 and discipline whereas a disqualification case, such as this, involves  
16 determination of the right result in a particular race and the proper allocation of  
17 a purse.

18  
19           (b) **Aleman** involved the representatives of the Board mishandling of a sample.

20           While **Aleman** presented a situation where the CHRB failed to properly handle  
21 a sample, Appellant has not made a such a showing or that any rules or  
22 procedures were violated or not followed. Specifically, in

23           **Aleman**, evidence was presented that the sample at issue was mishandled.

24           While not specifically addressed in **Aleman**, it should be noted that Rules  
25 require the Board to safeguard samples, see CHRB Rule 1859.25). In **Aleman**,  
26 the sample was sent to the wrong lab and apparently was damaged and  
27  
28

1 diminished in transit. Here, while it is certainly unfortunate that the sample was  
2 purged by investigators before it could be tested and before the investigators  
3 were notified of a request to test it, there was no evidence of wrongdoing or a  
4 failure to follow protocol. (Findings of Fact V). Thus, while **Aleman** involved  
5 a mistake and the sample was not adequately safeguarded, evidence was not  
6 presented that the investigators here erred or made a mistake. No rule or  
7 regulation that the investigators allegedly violated or failed to follow was cited.  
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12 **B. Appellant’s new evidence -- the split blood sample reported by the Ohio Lab**  
13 **“Carmoterol not confirmed” and the expert testimony presented by his expert**  
14 **to augment and amplify that finding -- was not of a convincing nature.**

15 Appellant presented new evidence -- the Ohio Lab report reflecting it tested and  
16 did not confirm the presence of Carmoterol (see Factual Finding IX) as well as expert testimony  
17 in form of opinions of Paul Scott. This report from the Ohio Lab – augmented and amplified by  
18 the testimony of Appellant’s expert Paul Scott – does not meet Appellant’s burden for the  
19 reasons set forth below.  
20

- 21 1. The blood sample tested by the Ohio Lab does not fail to confirm the **urine** test of the  
22 urine sample relied upon by the stewards because the Lab tested a different biological  
23 substance - blood.  
24

25 Different drugs behave differently and that is why there is a different matrix for  
26 testing urine, blood and hair. (Factual Finding XVIII; RT III, 23:19-25). Whether blood can used  
27 interchangeably with urine depends on the drug. (RT III, 24:7-8). There was no credible  
28

1 evidence – or any evidence -- presented urine could be swapped out or used interchangeably for  
2 blood. On this record, the blood that was tested, even though it was not reported as confirmed,  
3 does not fail to confirm the urine that was found to be positive and thus does not provide a basis  
4 under Rule 1859.25 to require reversal of the disqualification.  
5

- 6       **2.** While the Ohio Lab was not able to report confirmation of Carmoterol, there was  
7               supportive evidence Carmoterol in the blood analyzed by Ohio Lab.

8               Dr. Moeller testified that American Dreamin’s sample “was positive in the  
9 blood.” (Factual Finding XXII). “I have no doubt that the sample was positive.” “The data  
10 provided from the “B” sample analysis specifically regarding the blood sample is supportive  
11 evidence.” (Ibid.; RT III 49:21-24).  
12

- 13       **3.** Appellant’s expert Paul Scott was not more convincing than Drs. Moeller and Blea.

14               The Hearing Officer finds the testimony of Drs. Moeller and Blea more credible than  
15 that of Mr. Scott. While the witness presented by Appellant, Paul Scott, was permitted to offer  
16 expert testimony (and is certified to do so), his credentials are less impressive and his experience  
17 is less relevant to the issues in the case than the two experts who testified for the CHRB. Mr.  
18 Scott admitted he has a lack of experience with equine testing. Mr. Scott’s certification as an  
19 expert should stand, notwithstanding concerns about the sufficiency and relevance of his  
20 qualifications. Those concerns raised by counsel for the CHRB – such as his lack of experience  
21 testifying in regulatory proceedings and his experience testifying solely for the accused and lack  
22 of experience with equine testing go to the weight to be accorded to his testimony rather than to  
23 admissibility. On balance, the Hearing Officer finds the testimony of both Drs. Moeller and Blea  
24 more credible, persuasive and convincing. Dr. Moeller testified that he believes that the lab  
25 report from the Ohio lab provides evidence that Carmoterol was present. (Factual Finding  
26  
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1 XXIII). Mr. Scott explained why his opinion there was a negative test but even Mr. Scott  
2 acknowledged that it was possible Carmoterol was present. Dr. Moeller’s opinion was there was  
3 evidence to suggest there was. The more persuasive and credible testimony was from the CHRB  
4 witnesses. Given that the blood sample was tested as a back up to the urine sample that was the  
5 basis of American Dreamin’s disqualification and was not a true split sample, that blood sample  
6 should not be considered a split sample that fails to confirm the positive urine test under Rule  
7 1859.5.  
8

9 **C. The equitable result is not to bestow a windfall on Appellant merely because**  
10 **the urine sample was purged before it could be tested without a showing that**  
11 **purging was against the Rules or for an Improper Purpose.**  
12

13 Since there is not a legal requirement to overturn the disqualification (as discussed  
14 above), what is the right result where the split sample of urine was purged before it could be  
15 tested? The Ohio Lab tested a blood sample and did not confirm the presence of Carmoterol, but  
16 there was “suggestive evidence” and credible testimony to support the presence of Carmoterol.  
17 The case is not sufficiently analogous to the type of situation which occurred in the **Aleman** case  
18 where the stewards found the fair result was to rule in favor of the trainer in light of mishandling  
19 of the split sample. The right result here, on facts distinguishable from **Aleman**, is to not ignore  
20 evidence of a positive urine test and evidence suggesting, but not confirming under the  
21 applicable laboratory guidelines, the presence of Carmoterol, a dangerous drug. In addition, the  
22 testimony of a more highly qualified expert, Dr. Moeller, that there was evidence of the presence  
23 of Carmoterol in a blood sample (even though there was not enough sample for the Ohio Lab to  
24 report a confirmation under its protocol).  
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1                   **D. The Best Interest of Racing and the State is Not Served by Reversing the**  
2                   **Disqualification.**

3                   Finally, Appellant has an important interest that should be protected – to be treated  
4 fairly and have his rights as a trainer respected. But he has not met his burden to show the best  
5 interest of racing or the State would be served by overturning the disqualification of American  
6 Dreamin’. It is certainly in the interests of racing to treat fairly those who participate in and  
7 contribute to it. Trainers and the owners whose horses they train have a right to fair treatment.  
8 But it is also critical to protect the safety and well-being of horses, ensure the wagering public is  
9 treated fairly and to preserve both the integrity and public perception of integrity of horse racing  
10 as well as to have the rules fairly and properly applied. On balance, those interests here are best  
11 served by upholding the disqualification of American Dreamin’. The result could be different if  
12 it were shown the CHRB investigators failed to follow the CHRB rules or regulations  
13 for handling samples or credible evidence were presented to show that the purging and disposal  
14 was for an improper purpose. The record does not contain that evidence. Appellant argues that  
15 there was evidence that the investigators misrepresented that it sent a split sample to the Maddy  
16 Lab. The Hearing Officer does not reach that issue because the record does not show the sample  
17 itself was mishandled or purged improperly or against the rules or regulations. In fact, the record  
18 shows the opposite – the sample was purged in accordance with the rules. (Factual Issue V; RT I,  
19 9:9-10:7).

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24                   **CONCLUSION**

25                   Since Appellant has not established any one of the bases set forth in Business and  
26 Professions Code Section 19517 to overturn the stewards’ ruling and disregard the finding of  
27  
28

1 Carmoterol that the ruling was based on, the disqualification of American Dreamin' in the 10<sup>th</sup>  
2 Race should be allowed to stand. For each and all of the foregoing reasons, the Stewards'  
3 Ruling #32 to disqualify American Dreamin' should be upheld.  
4

5  
6 Dated: February 24, 2026

/s/Edward J. Weiss

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Edward J. Weiss, Hearing Officer  
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