

BEST PRACTICES

Immediate Steps After Receiving an EAD Notice of Alleged Violation

If you are given a formal document by HIWU, it will likely be titled ***EAD Notice of Alleged Anti-Doping Rule Violation*** or something similar. Upon receiving such a Notice, there are several deadlines that begin to run immediately, so you will need to ***take action immediately***.



CONTACT SOMEONE TO ASSIST YOU AS SOON AS POSSIBLE.

The HIWU process is different and has several steps you will want help with. Options for assistance include:

- Your regular attorney
- Your horsemen's association
- The HISA Ombudsman
- An attorney familiar with HISA and HIWU if you do not already have one

BE AWARE OF POTENTIAL IMPENDING DEADLINES.

YOUR NOTICE LETTER SHOULD SET FORTH ANY DEADLINES, SO READ IT CAREFULLY.

The types of deadlines to look for include:

- **Request for B Sample Analysis**
 - 5 days
- **Request for Additional Testing of Blood, Urine, or Hair** – May not be listed, but we recommend within same time period for B Sample Analysis
- **Written Explanation** – Typically 7 days
- **Early Admission or Substantial Assistance** – No specific deadline, but needs to be early in the process
- **If you are provisionally suspended:**
 - **Request for a Provisional Hearing**
 - Typically 5 days
 - **Transfer of Horses** – May be necessary if no B sample or provisional hearing requested

DETERMINE WHETHER THE SUBSTANCE AT ISSUE IS SUBJECT TO HIWU'S ATYPICAL FINDINGS POLICY

Atypical Findings have different rights and processes that may be helpful to you.

[Click here to view the Findings Policy.](#)

BEGIN YOUR OWN INVESTIGATION AND PRESERVATION OF KEY EVIDENCE.

You will want to discuss the following steps with any advisor(s) and begin taking them as soon as possible:

- **Identify and preserve any records related to the horse in question:**
 - Shipping records, veterinary records, medication records, treatment records, stall location records, etc.
- **Identify and preserve any records related to the barn and stalls where the horse in question has been:**
 - List of other horses in barn or stall, documentation related to receiving barns or test barns, list of other trainers or others using barn or stalls, etc.
- **Identify and preserve any video surveillance or visitor logs.**
 - You will want to make sure your own video surveillance and any video surveillance of the track or training center is preserved and not accidentally written over or deleted based on typical operational practices. You will also want to preserve any visitor logs you or the track or training facility keep of who had access to your barn.
- **Evaluate all potential sources of administration or exposure for the substance in question and identify what other records could be needed.**
 - These could include feed records, hay or straw records, pest or weed treatments, human medications or drugs, or other items depending on the substance resulting in the positive test.

Helpful Resources & Links

- [Searchable Database of Controlled and Banned Substances](#)
- [HIWU Test Barn Flow Summary](#)
- [HIWU Summary of Violation Process \(Results Management\)](#)
- [HIWU Atypical Findings Summary](#)
- [HIWU Atypical Findings Fact Sheet](#)
- [HIWU Provisional Suspension Guidance](#)

Key Contact Information

National HBPA

- (859) 259-0451
- racing@hbpa.org
- [Directory of State Affiliates](#)

Thoroughbred Horsemen's Association (THA)

- (410) 356-8866
- info@tharacing.com
- [Directory of State Affiliates](#)

HISA Ombudsman

- Alan Foreman
- (410) 336-0525
- alan@foremanlaw.net

Jackson Kelly Equine Law Group

- [Chris Hoskins](#)
 - choskins@jacksonkelly.com
 - (859) 288-2840
- [Jay Ingle](#)
 - jingle@jacksonkelly.com
 - (859) 288-2813

HIWU Covered Person Pro Bono Program

- [HIWU Summary of Program](#)
- [Application for Pro Bono Services](#)