

BEFORE THE CALIFORNIA HORSE RACING BOARD
OF THE STATE OF CALIFORNIA

**In the Matter of:
Proposed Decision of the Board of
Stewards, Los Alamitos Race Course
Dated July 10, 2025**

Case No. 24LA0196

**California Horse Racing Board
v.
Trainer Roman Figueroa**

DECISION

The attached Proposed Decision was adopted by the California Horse Racing Board (CHRB) in the above-entitled matter with mitigating penalties pursuant to Government Code section 11517, subsection (c)(2)(B). Trainer Roman Figueroa is hereby suspended ten (10) days and fined the sum of five hundred dollars (\$500.00) pursuant to CHRB Rule No. 1887 for violation of CHRB Rules 1843(a), (b) and (d) and No. 1843.1(a); presence of a Prohibited Substance (Clenbuterol – Class 3), in a post-race urine sample.

This Decision is hereby remanded to the Board of Stewards to issue a ruling reflecting this decision.

IT IS SO ORDERED ON August 25, 2025.

Gregory Ferraro,
DVM

Digitally signed by Gregory
Ferraro, DVM
Date: 2025.08.26 10:52:55
-07'00'

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

C. Scott Chaney

Digitally signed by C. Scott
Chaney
Date: 2025.08.25 13:31:14
-07'00'

Scott Chaney, Executive Director
California Horse Racing Board

State of California
CALIFORNIA HORSE RACING BOARD

**PROPOSED DECISION
of the
BOARD OF STEWARDS**

Los Alamitos Race Course

DATED JULY 10 , 2025

IN THE MATTER OF:

California Horse Racing Board

Vs.

Trainer Roman Figueroa

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CASE 24LA0196

INTRODUCTION

This matter came for hearing at Los Alamitos Race Course, Cypress, California, before a Board of Stewards consisting of Mr. Tom Ward, Mr. David Nuesch and Mr. John Herbuveaux on May 28, 2025. The record was opened at 10:50 am.

Present at the hearing was the respondent, Mr. Roman Figueroa (hereinafter Figueroa) along with his attorney, Mr. Darrell Vienna (hereinafter Vienna). Also present was Mr. Kenneth Wang (hereinafter Wang), California Deputy Attorney General, who presented the case on behalf of the California Horse Racing Board (hereinafter Board) and Board Investigator Stuart Ida (hereinafter Ida) who filed the instant complaint. The proceedings were recorded by Michelle Derieg, C.S.R.

At the hearing the parties were allowed to introduce relevant exhibits, produce witnesses for examination and cross-examination and offer argument. Documentary evidence was submitted, oral testimony was heard, the hearing was then closed and the matter deemed submitted.

BACKGROUND

Respondent Figueroa was charged in complaint #24LA0196, filed by Board Investigator Ida on behalf of the Board with alleged violations of Board rules #1843 (a), (b) & (d) (Medication, Drugs and Other Substances), #1843.1 (a) (Prohibited Drug Substances), #1843.4 (Multiple Medication Violations) and #1887 (Trainer or Owner to Insure Condition of Horse) of the California Code of Regulations, Title 4, Division 4.

The Complaint states in part:

"The official urine sample #PR00531 taken on August 04, 2024 at Los Alamitos Race Course was reported by Ben Moeller, PhD of UC Davis Laboratory to contain Clenbuterol (23 pg/ml): class 3/B. This Sample was obtained from the horse "SWEET MILLIE" which ran in race #3 at Los Alamitos Race Course on August 04, 2024 and finished 1st. The trainer of record is Roman Figueroa (CHRB License #324939). A split sample analysis was requested in accordance with CHRB #1859.25.

The split sample (#PR01982) was tested and the laboratory analysis confirmed the presence of Clenbuterol."

The owner of record of the horse SWEET MILLIE is Wayne E. Swisher. Mr. Swisher did not appear at this hearing even though Ida sent Swisher notification of the hearing by certified mail. Swisher as owner, is not required to attend the hearing but any purse monies earned by SWEET MILLIE are at risk of redistribution should the presence of Clenbuterol in the post race urine sample, #PR00531, be confirmed.

LIST OF EXHIBITS ENTERED INTO EVIDENCE

CHRB EXHIBITS:

2. Dr. Blea's C.V.
3. Dr. Moeller's C.V.

RESPONDENT'S

1. C.H.R.B. Complaint Package
2. C.C. 4., Title 4, 1843.3
3. Dr. Steven Barker's C.V.
4. Statement of Dr. Steven Barker

LIST OF TESTIFYING WITNESSES

A. Witnesses Testifying on Behalf of the CHRB

Dr. Benjamin Moeller

Dr. Jeff Blea

B. Witnesses testifying on behalf of Respondent

Dr. Jeff Blea

Mr. Stuart Ida

Mr. Roman Figueroa

Dr. Steven Barker

FINDINGS OF FACT

I

On August 4, 2024 the horse, SWEET MILLIE, competed in and won the third race at Los Alamitos Race Course.

II

The Trainer of record was Roman Figueroa.

III

At all times contained herein Figueroa was duly licensed as a trainer by the California Horse Racing Board.

IV

The owner of SWEET MILLIE is Wayne E. Swisher who was not present for the proceedings.

V

Following the running of the third race on August 4, 2025 SWEET MILLIE was sent to the Test Barn where official urine sample #PR00531 was collected from the filly.

VI

Official urine sample #PR00531 was sent for analysis to the Maddy Equine Laboratory at the University of California, Davis, the official testing laboratory for the Board.

VII

In a letter to the California Horse Racing Board dated August 22, 2024 Dr. Benjamin Moeller PhD, Associate Professor of the Maddy Equine Laboratory, reported that the test results for official urine sample #PR00531 showed the presence of Clenbuterol

VIII

On August 23, 2024 Board Deputy Executive Director Cynthia Alameda reported to Executive Director Scott Chaney that official urine sample #PR00531 showed the presence of Clenbuterol at a level of 23 pg/ml.

IX

On August 24, 2024 Board Investigators notified Figueroa (via telephone call) that the test results for SWEET MILLIE tested positive for the presence of Clenbuterol.

X

On August 24, 2024 Figueroa informed the investigators that he was requesting that a split sample be sent for analysis.

XI

On September 13, 2024 Figueroa selected Industrial Labs in Denver Colorado to do the split sample analysis on official urine sample #PR00531.

XII

In a letter to the Board, dated October 23, 2024 Timothy Krueger, Senior Chemist at Industrial Laboratories, confirmed the presence of Clenbuterol in official sample #PR00531.

XIII

Clenbuterol is classified by the California Horse Racing Board as a Class 3 drug substance which calls for a Category B penalty.

XIV

SWEET MILLIE arrived on the grounds of Los Alamitos Race Course and was sent to the barn belonging to Roman Figueroa on July 29, 2024, six days before the race on August 24, 2024.

XV

On November 7, 2024 Board Investigator Ida filed complaint #24LA0196 alleging Figueroa violated Board rules #1843 (a), (b) and (d) (Medications, Drugs and Other Substances), #1843.1 (a) (Prohibited Drug Substances), #1843.4 (Multiple Medication Violations) and #1887 (Trainer or Owner to Insure Condition of Horse).

XVI

A hearing into the allegations contained in complaint #24LA0196 was scheduled for May 28, 2025 at 10:00 am at Los Alamitos Race Course.

XVII

At the hearing on May 28, 2025 Vienna, counsel representing Figueroa, stipulated, with the concurrence of Wang, Deputy Attorney General representing the Board, that Figueroa was not contesting how the urine sample was obtained or how the split sample was made. Figueroa also did not contest the chain of custody regarding the original or the split sample or how either the original or split sample were sent to their respective laboratories.

SUMMARY OF TESTIMONY PRESENTED

DR. JEFF BLEA

Dr. Blea is the Equine Medical director for the Board. When asked if he was aware of any studies relating to whether 23 picograms of Clenbuterol was performance enhancing he said no. Blea stated that Clenbuterol is a prohibited drug substance with respect to a post race sample. He testified that there is zero tolerance for Clenbuterol in a post race sample.

MR. STUART IDA

Ida is an investigator with the Board and has been employed in that capacity for four years. Ida testified that he authored the instant complaint and certified that SWEET MILLIE arrived on the grounds of Los Alamitos at 9:10 pm on July 29, 2025.

DR. BENJAMIN MOELLER

Dr. Moeller is the Section Head for the chemistry section at the Maddy Analytical Laboratory at the University of California, Davis, the lab which tests the samples for the Board. Dr. Moeller testified that the level of Clenbuterol detected in urine sample #PR00531 was a low level detection in that the screening level used by the lab is 20 pg/ml and the level detected in the instant sample was 23 pg/ml. Dr. Moeller was not sure if 23 pg/ml of Clenbuterol would have a performance enhancing effect. He stated that his position with respect to the Board was that if the lab could confirm the presence of Clenbuterol it would be reported as a positive finding.

MR. ROMAN FIGUEROA

Figueroa is the trainer of record for SWEET MILLIE and has been licensed as a trainer for seven years.. He stated that he entered the filly on August 1, 2025, three days after she arrived in his barn. He said she had been racing in northern California prior to her arrival at his barn. He testified that SWEET MILLIE had 4 different trainers in seven previous starts up north. He stated he did not know the most recent trainer Victor Trujillo.

Figueroa admitted that he never asked the owner of SWEET MILLIE, Wayne Swisher, about any medications the horse may have been given prior to her arrival at Los Alamitos and didn't call Victor Trujillo, the previous trainer, to obtain that information. He was fully aware before he entered the filly on August 1, 2025 that he would now be the responsible person under Board regulations should a foreign substance be found in a post race test sample. He assumed that the horse would test clean because she had been running in northern California but had no idea or prior indication that SWEET MILLIE might have been treated with Clenbuterol.

DR. STEVEN BARKER

Dr. Barker is a recognized expert in the field of chemistry, physical chemistry and neurochemistry, has published over 150 publications and Mr. Wang stipulated to his expertise. Dr. Barker put into perspective the amount of Clenbuterol detected by the Maddy Lab in SWEET MILLIE'S urine sample. He stated that one picogram was the equivalent of one drop of water in 20 olympic sized swimming pools or in another example one second in 31,710 years.

Dr. Barker offered that the detection level at HISA laboratories is 20 pg/ml and the sample in question was 23 pg/ml, just over the detection level. In his opinion the cause for the Clenbuterol detected in SWEET MILLIE'S urine sample was due to environmental contamination. Barker was questioned by Vienna regarding a hypothetical situation where hair and blood samples might show no traces of Clenbuterol while the blood sample tested positive for the substance. Dr. Barker responded that such a circumstance would support his opinion that the Clenbuterol found in SWEET MILLIE'S urine was caused by environmental contamination.

DR. BENJAMIN MOELLER

Dr. Moeller was called back to testify a second time and stated that no Clenbuterol was detected in the corresponding blood sample taken from SWEET MILLIE on August 4, 2025 but this is not an unusual occurrence because the blood sample concentration is between 50 and 200 times lower than the concentration contained in a urine sample.

DR. JEFF BLEA

Dr. Blea was called back to testify and stated that he knew the blood sample taken from SWEET MILLIE on the day of the race did not show the presence of Clenbuterol. He presumed this was due to a different screening methodology between the urine and blood samples. Blea testified that the 23 pg/ml of Clenbuterol in the urine is a low level.

Dr. Blea said the Horseracing and Integrity Unit (HIWU) working in conjunction with the Horseracing Integrity and Safety Authority (HISA) reported that hair and blood samples were taken from SWEET MILLIE in the weeks following the race on August 4, 2024 and none of those samples showed the presence of Clenbuterol. If Clenbuterol had been detected in the hair samples that would be exculpatory evidence for Figueroa because it would prove that the Clenbuterol was administered before Mr. Figueroa got the horse.

Dr. Blea recalled a study done by Heather Kynch at the Maddy Laboratory in 2013 or 2014. The study examined horses being dosed with Clenbuterol and showed the level of Clenbuterol was 220 ng/ml 5-6 days after administration. From this study Dr. Blea concluded that Clenbuterol was administered to SWEET MILLIE anywhere from 10 to 14 days all the way up to 21 days before the race which is before Figueroa had care of the horse. Dr. Blea stated that in his opinion the level of Clenbuterol detected in the urine sample was not due to environmental contamination.

CLOSING ARGUMENTS

Wang stated that Respondent Figueroa stipulated to the presence of Clenbuterol in the post race urine sample, #PR00531, taken from SWEET MILLIE on August 4, 2024. Since there is no question that the substance was present then Figueroa must be held accountable under Board rule #1887 (Trainer or Owner to Insure Condition of Horse). The trainer is the absolute insurer of and responsible for the condition of horses entered in a race regardless of the conduct of third parties. Even if the substance was administered to SWEET MILLIE 10 to 21 days prior to the race Figueroa is still the responsible party according to the rules and must be held accountable for the positive test finding.

Vienna maintained that 23 pg/ml of Clenbuterol found in SWEET MILLIE'S post race urine sample is not performance enhancing and the expert testimony of Dr. Barker showed that the test results were the result of inadvertent environmental contamination.

Clenbuterol is a Class 3 prohibited substance which calls for a Category B penalty. Under the guidelines and absent mitigating circumstances the penalty would range from a \$500 to a \$10,000 fine and a suspension from 0 up to 60 days. He stated that the rule also says that there may be circumstances for which a lesser or no penalty is appropriate. Vienna pointed out that under the guidelines the Stewards must consider any mitigating circumstances and he took the opportunity to point out those circumstances:

The low level of Clenbuterol could have no performance enhancing effect on SWEET MILLIE.

Figueroa has no prior medication violations.

Clenbuterol is legally available and is used therapeutically to treat horses with respiratory problems.

There is no proof that Figueroa knew of an administration of Clenbuterol to SWEET MILLIE.

There is no proof that Figueroa intentionally administered the substance to SWEET MILLIE.

There is evidence that Figueroa took reasonable steps consistent with customary practice to safeguard the horses in his care.

Evidence indicates high probability that the detection of Clenbuterol was due to inadvertent environmental contamination.

The purse of the race was \$11,000 with less than \$6000 to the winner.

Vienna urged the Stewards to weigh the mitigating circumstances and to impose no penalty or to substantially reduce the penalty listed in the regulations.

DISCUSSION

With the presence of Clenbuterol in the post race sample taken from SWEET MILLIE stipulated to by the parties involved the only matter left for discussion is the penalty to be imposed on Figueroa. Board rule #1843.3 (Penalties for Medication Violations) governs what type of penalty could or should be imposed on a licensee who violates Business and Professions Code section 19581. It also states that mitigating circumstances and aggravating factors must be considered by this Board of Stewards.

Aggravating factors were not mentioned in the testimony or evidence presented at the hearing so the Stewards are left to determine what, if any, mitigating circumstances are in play which could lessen or eliminate any penalty which may be imposed.

In closing, Deputy Attorney General Wang cited rule #1887 (Trainer or Owner to Insure Condition of Horse) which plainly holds trainer Figueroa responsible for the condition of SWEET MILLIE when the horse ran in the race at Los Alamitos on August 4, 2024. The fact that Figueroa only had the horse five days before the race could be considered a mitigating circumstance. However it could also be considered an aggravating factor. Figueroa entered the horse to race just three days after it arrived in his barn and he made little to no effort to determine if SWEET MILLIE may have had therapeutic or non-therapeutic substances administered to her.

Figueroa did not ask SWEET MILLIE'S owner, Wayne Swisher, about any medications or drugs that may have been administered to the filly prior to coming under his care and Figueroa never contacted the previous trainer to discuss whether or not she had been treated with any medications that may show up in a post race test sample. Figueroa testified that he assumed the filly was clean because she had raced recently in northern California. Such an assumption can weigh heavily against those who are tasked with insuring the condition of a horse regardless of the acts of third parties.

Counsel for the Respondent, Darrell Vienna, stipulated to the presence of Clenbuterol in the official post race test sample and in the split sample sent to Industrial Labs. Vienna's case was about mitigating circumstances and how those circumstances should reduce any sanction that might be imposed against his client. Those circumstances are many and do, in fact, outweigh any aggravating factors.

The main fact in Figueroa's favor is the level of Clenbuterol detected, 23 ng/ml, which is 3 ng/ml over the reporting level—a very small amount. In the opinion of the two experts who testified, such a level constitutes either inadvertent environmental contamination or an administration days or weeks prior to Figueroa coming in contact with SWEET MILLIE.

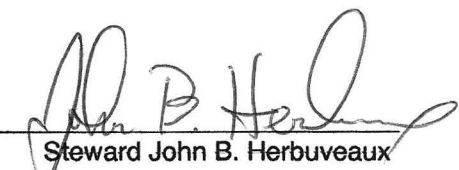
Other circumstances which aid Figueroa's position are the fact he has had no prior medication violations and that Clenbuterol is legally available. The substance is used on horses as a therapeutic medication for equine respiratory problems although no evidence suggested SWEET MILLIE was on such a program. There was no evidence produced that Figueroa or anyone else intentionally treated SWEET MILLIE with Clenbuterol which lends credence to the environmental contamination theory.

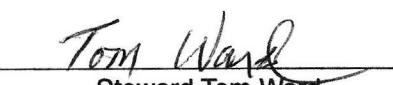
In the minus column we are reminded that Figueroa may not have taken all the steps necessary to safeguard the horse in his care by entering her in a race three days after she arrived and/or asking the Official Veterinarian to run a blood or urine sample through the lab to ensure no foreign substances were present prior to entering the filly.

PROPOSED DECISION

Trainer Roman Figueroa, who started the horse SWEET WILLIE, winner of the third race at Los Alamitos Race Course on August 4, 2024, is hereby suspended Fifteen (15) Days and fined the sum of One Thousand Dollars (\$1000.00) pursuant to California Horse Racing Board rule #1887 (Trainer or Owner to Insure Condition of Horse) for violation of California Horse Racing Board rules #1843 (a), (b) and (d) (Medication, Drugs and Other Substances) and #1843.1 (a) (Prohibited Drug Substances); presence of a Prohibited Substance - (Clenbuterol - Class 3), in a post race urine sample.

During the term of suspension all licenses and license privileges of Roman Figueroa are suspended and pursuant to California Horse Racing Board rule #1528 (Jurisdiction of Stewards) subject is denied access to all premises in this jurisdiction.


Steward John B. Herbuveaux


Steward Tom Ward


Steward David Nuesch

Dated: July 10, 2025