OAH 60-2600-34620

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE RACING COMMISSION

In the Matter of the Class C License of Luis Canchari

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION

This matter came before Administrative Law Judge James E. LaFave for an evidentiary hearing on June 4, 5, 6, 7, 8, and 18, 2018. The record closed on August 9, 2018, upon the filing of the parties' post-hearing briefs.

Joan M. Eichhorst, Assistant Attorney General appeared on behalf of the Minnesota Racing Commission (Commission or MRC). Stefan Tolin, Attorney at Law, appeared on behalf of Luis Canchari (Luis Canchari or Respondent).

SUMMARY OF THE CASE

On May 20, 2017, Carson's Storm, a horse owned and trained by Luis Canchari, won the eighth race at Canterbury Park. Post-race tests confirmed the presence of methamphetamine in the horse's serum (blood) and urine. This was the second time a horse trained by Mr. Canchari tested positive for methamphetamine at Canterbury Park.[1]

STATEMENT OF THE ISSUES

1. Is Respondent responsible for a medication violation under Minn. R. 7890.0110, subp. 1 (2017) and Minn. R. 7877.0170, subp. 2(C) (2017)?

2. Should Respondent's license be suspended up to three years pursuant to Minn. R. 7869.0200, subp. 2 (2017)?

3. Should Respondent be fined up to $25,000 under Minn. Stat. § 240.22 (2018), Minn. R. 7869.0200, subp. 2, and Minn. R. 7897.0130 (2017)?

4. Should Respondent forfeit the purse money won by Carson's Storm on May 20, 2017, pursuant to Minn. R. 7869.0200, subp. 2 and Minn. R. 7892.0150, subp. 1 (2017)?

[1] *See* Ex. 4 at 61-62 (Board of Stewards – Ruling) (Jun. 26, 2014).

SUMMARY OF RECOMMENDATION

After a careful review of the record, the Administrative Law Judge concludes that Respondent was responsible for the presence of methamphetamine in Carson's Storm's system on May 20, 2017, in violation of Minn. R. 7890.0110, subp. 1 and Minn. R. 7877.0170, subp. 2 (C). As a result, the Commission should suspend Respondent for up to three years, fine him up to $25,000, and order the purse money won by Carson's Storm on May 20, 2017, forfeit.

Based on the evidence in the hearing record, the Administrative Law Judge makes the following:

FINDINGS OF FACT

I. The Parties

A. The Commission

1. The Commission regulates the practice of horse racing in Minnesota, including the licensing of horse trainers. The Commission has the duty "to regulate horse racing in Minnesota to ensure it is conducted in the public interest."[2] The Commission is also charged with taking "all necessary steps to ensure the integrity of racing in Minnesota."[3]

2. The Commission issues certain licenses related to horse racing.[4] Occupational licenses related to horse racing where pari-mutuel betting is conducted are considered "Class C licenses."[5] These occupations include: horse owners or lessees; jockeys or drivers; exercise riders; grooms; trainers and their assistants; pari-mutuel personnel; security officers; and vendors.[6]

3. A Board of Stewards (Board), comprised of three stewards appointed or approved by the Commission, presides over all horse races run at a licensed racetrack. The Commission may delegate certain powers and duties to the Board, including enforcement of the laws and rules of racing.[7]

4. Canterbury Park, located in Shakopee, is a licensed horse race track in Minnesota that falls under the Commission's jurisdiction.[8] In 2017, the 67-day racing season at Canterbury Park (known as a "race meet") ran from early May to

[2] Minn. Stat. § 240.03(1)(2018).
[3] *See generally* Minn. Stat. §§ 240.01-.35 (2018); Minnesota Rules, Chapters 7869-7897 (2017).
[4] *See* Minn. Stat. § 240.05 (2018).
[5] Minn. Stat. § 240.05, subd. 1(3).
[6] Minn. Stat. § 240.08, subd. 1 (2018).
[7] Minn. Stat. § 240.16 (2018).
[8] Notice and Order for Hearing and Prehearing Conference at 2 (Sept. 29, 2017) (Notice of Hearing).

approximately August.[9] Respondent participated in the 2017 race meet, including entering Carson's Storm in the eighth race on May 20, 2017.[10]

B. Respondent

5. Respondent was born in Peru and attended jockey school there at the age of 15.[11] He came to the United States in 1985 when he was 18 years old.[12]

6. Respondent began his horseracing career in the United States as an exercise rider, holding this job for about 12 years. He later became an apprentice jockey and, subsequently, a journeyman jockey.[13] In 1992, Respondent stopped riding after he broke his back falling from a horse.[14] After retiring as a jockey, Respondent became a trainer.[15]

7. Respondent currently owns and trains thoroughbred race horses. He has held a Class C horse trainer license in Minnesota for approximately 25 years.[16]

8. At all times relevant to these proceedings, Respondent held a Class C license as a horse trainer in Minnesota.[17]

9. Prior to 2014, none of Respondent's horses had tested positive for a controlled substance.[18] On June 5, 2014, however, Respondent's horse, Smart Masterpiece, tested positive for methamphetamine.[19]

10. Following the positive test result for Smart Masterpiece, gate crew dormitories at the racetrack were searched. The search located methamphetamine in the dormitories of two assistant starters.[20]

11. The Commission conducted an investigation into Smart Masterpiece's positive test result and held a formal hearing before the Board. Following the hearing, the Board suspended Respondent's license for 90 days, disqualified Smart Masterpiece

[9] Ex. 133 at 1 (Preliminary Board of Stewards End of Meet Report 2017); Evidentiary Hearing Transcript Volume (Tr. Vol.) 3 at 417 (DiPasquale).
[10] Ex. 3-07 (Canterbury Park Entry Blank) (May 20, 2017) & Ex. 3-08 (Canterbury Park "Win, Place & Show" form) (May 20, 2017).
[11] Tr. Vol. 5 at 803 (L. Canchari).
[12] *Id.* at 803-4 (L. Canchari).
[13] *Id.* at 805 (L. Canchari).
[14] *Id.* at 807-808 (L. Canchari).
[15] *Id.* at 808 (L. Canchari).
[16] *Id.* at 812 (L. Canchari).
[17] *Id.* at 812 (L. Canchari).
[18] *Id.* at 817 (L. Canchari).
[19] *Id.* at 815 (L. Canchari); Tr. Vol. 4 at 555 (P. Canchari); Ex. 102 (Board of Stewards – Ruling) (June 26, 2014).
[20] Tr. Vol. 4 at 664-665 (A. Canchari).

from all purse monies, declared Smart Masterpiece "unplaced," and fined Respondent $2,000.21

12. Respondent took certain precautionary steps after the 2014 violation. He and his staff made sure to wash buckets, along with the barn and the walls. Respondent hired new freelancers and advised them to wash their hands frequently and to avoid touching horses' mouths.[22]

13. Respondent was the owner and trainer of Carson's Storm in May 2017.[23]

14. Respondent participated in the 2017 race meet at Canterbury Park, including entering Carson's Storm in the eighth race on May 20, 2017.[24] Respondent's son, Patrick Canchari, was the jockey.[25]

II. The Eighth Race on May 20, 2017 at Canterbury Park

C. Pre-race, the Starting Gate, and the Race

15. Prior to a race, the horse is kept in a paddock. A pony person, employed by the trainer, picks up the horse from the paddock and leads it into the walking circle. A jockey, chosen by the trainer, mounts the horse.[26] The pony person leads the horse onto the track, handing off the horse to the assistant starter at the starting gate.[27]

16. The pony person for Carson's Storm on May 20, 2017, was Victor Reyes, a part time employee of Luis Canchari. Before the eighth race on May 20, 2017, Mr. Reyes transferred Carson's Storm to the assistant starter, Charlie (Chuck) Behr, at the starting gate. [28]

17. It was raining at the time of the eighth race on May 20, 2017, and the starting gate crew wore rain gear.[29]

18. Mr. Behr held Carson's Storm by the reins or a strap as Carson's Storm was loaded into the starting gate. Carson's Storm entered the starting gate without incident.[30]

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[21] Ex. 102 (Board of Stewards – Ruling).
[22] Tr. Vol. 5 at 849 (L. Canchari).
[23] Ex. 117 (MRC Investigative/Inquiry Report) (May 20, 2017).
[24] Ex. 3-07 (Canterbury Park Entry Blank) (May 20, 2017) & Ex. 3-08 (Canterbury Park "Win, Place & Show" form) (May 20, 2017).
[25] Ex. 3-07 (Canterbury Park Entry Blank); Ex. 3-08 (Canterbury Park Win, Place & Show form); Tr. Vol. 4 at 538 (P. Canchari).
[26] Tr. Vol. 2 at 246 (Benson).
[27] *Id.* at 245, 248-250 (Benson).
[28] Tr. Vol. 1 at 119 (Flynn); Tr. Vol. 2 at 314 (Hovda) (identifying the starter as "Chuck" after reviewing a video of the start of the eighth race on May 20, 2017); Ex. 17-01 (MRC Investigative/Inquiry Report) (May 23, 2018).
[29] Tr. Vol. 2 at 312 (Hovda); Ex.18 (six still photographs from starting gate on May 20, 2017).
[30] Ex.18 (six still photographs from starting gate on May 20, 2017); Ex. 40 (Race Video).

19. The eighth race at Canterbury Park on May 20, 2017, was a five-and-one-half furlong, $6,250 maiden claiming race, run on a sloppy track.[31] The race went off at 6:15 p.m.[32] Carson's Storm won by two-and-one quarter lengths, in a time of 1:05.90.[33]

D. Post-race testing

i. Test Barn Procedures

20. Canterbury Park has established policies and procedures for its test barn, also known as a "detention barn." The procedures are designed to "guarantee the correct identification of samples and the freedom of those samples from potential tampering or contamination."[34] Canterbury Park's procedures are used as a national model for best practices.[35]

21. After a race, the Commission's veterinary staff sends three veterinary technicians to the winner's circle. The first and second place horses are tested and brought to the detention barn, along with one additional horse chosen by the Board.[36]

22. Each horse is tagged by one of the three technicians, and then the technician follows the horse through testing in the test barn, remaining with the horse until it leaves the testing area.[37]

23. The handler stays with the horse while it is in the test barn and is responsible for washing the horse. The technician may assist by holding the horse for the handler.[38]

24. The test barn coordinator provides the technician with a sample card containing the horse's name, tattoo, sex, and other details. Sample tags are eventually placed on the urine cups and on the blood tubes.[39]

25. Horses are identified through a tattoo placed inside the horse's lip, known as a "horse identifier." A groom, who is an employee of the trainer, must flip the horse's lip in order to identify the horse.[40] The tattoo is verified when the horse goes into the testing stall and confirmed against the sample card.[41]

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[31] Ex. 14-01 (Equibase report); Ex. 3-09. "Maiden" means the race was restricted to horses who had never won a race. "$6,250 claiming" means any licensed owner or trainer at Canterbury Park could "claim" or buy any horse entered in the race for $6,250.
[32] Tr. Vol. 2 at 283 (Hovda); Ex. 3-09 (listing the "off" or starting time as 6:15 p.m.).
[33] Ex. 3-08 (Canterbury Park "Win, Place & Show" form) (May 20, 2017).
[34] Ex. 11-01, 11-02 at 2 (2017 Canterbury Park Detention Barn Manual of Policies and Procedures).
[35] Tr. Vol. 2 at 196 (Benson).
[36] *Id.* at 274 (Hovda).
[37] *Id.* at 274 (Hovda); Ex. 11-08.
[38] Exs. 11-08, 11-09 (2017 Canterbury Park Detention Barn Manual of Policies and Procedures).
[39] Tr. Vol. 2 at 275 (Hovda); Ex. 11-09.
[40] *Id.* at 245 (Benson).
[41] *Id.* at 277-278 (Hovda).

26. Horses drink from assigned water buckets while in the test barn.[42] These buckets are disinfected after each horse is tested.[43] Canterbury Park does not provide wastewater or river water to horses to drink.[44]

27. Blood is drawn by the detention barn veterinarian approximately 30 minutes after the horse enters the test barn from the winner's circle.[45] During blood collection, the veterinarian touches the horse. Technicians draw blood from the horse's jugular vein by palpating the vein by hand. They do not touch the horse's mouth or nose area during this process. The technicians use a needle with a "vacutainer" device, which is a closed system. As a result, the technicians do not wear gloves during the blood draw.[46]

28. The technicians draw three tubes of blood from each horse for testing. The samples are sealed in the presence of a witness and the sample tags are attached to the tubes.[47] A witness and the technician sign the sample tag.[48] The tubes are brought into the supervisor's office, where they are stored until urine samples are collected.[49]

29. Urine testing may occur either before or after the thirty minute timeframe, but it is generally done within a short time.[50] Technicians perform urine sampling using a long stick with a cup attached at the end. Technicians do not touch the horse, even so they do wear gloves during this process.[51]

30. If more than 60 minutes pass without collection of a urine sample, the horse is excused from the test barn. If a urine sample is taken, however, that sample is also sealed by the detention barn technician and taken with the blood samples to the sample area for processing.[52]

31. In a claiming race, the previous trainer's handler continues to stay with the horse in the test barn until the samples have been obtained and signed for.[53]

[42] Tr. Vol. 2 at 276 (Hovda).
[43] Ex. 11-09.
[44] Tr. Vol. 2 at 242-243 (Benson).
[45] *Id.* at 276 (Hovda).
[46] *Id.* at 279-280 (Hovda).
[47] *Id.* at 277 (Hovda).
[48] Ex. 11-12.
[49] Tr. Vol. 2 at 277 (Hovda).
[50] *Id.* at 209 (Benson).
[51] *Id.* at 277, 280 (Hovda).
[52] *Id.* at 277, 280 (Hovda).
[53] Ex. 11-12.

ii. The Test Barn on May 20, 2017

32. After the eighth race on May 20, 2017, Victor Reyes, a freelance employee hired by Respondent, brought Carson's Storm to the test barn.[54] Carson's Storm entered the test barn at 6:24 p.m.[55]

33. One of the Commission's test barn technicians, Ailee Harman, was present and waiting at the winner's circle and she accompanied Carson's Storm to the test barn.[56]

34. A Commission veterinarian, Dr. Richard Bowman, drew blood (serum) from Carson's Storm 30 minutes after the horse entered the test barn, at approximately 6:45 p.m.[57]

35. Ms. Harman collected urine from Carson's Storm.[58]

36. The sample tag identifies the horse tattoo number as Q15982 and lists Mr. Reyes Gonzalez, as the witness both for the serum and urine collection.[59]

37. Carson's Storm was excused from the test barn at 7:02 p.m. after both blood and urine were collected.[60]

38. The urine and blood samples were then shipped to the Commission's official laboratory, Industrial Laboratories, for analysis on May 21, 2017.[61]

39. Industrial Laboratories received the sealed samples on May 22, 2017.[62]

40. On June 2, 2017, the Commission's veterinary staff received a Report of Medication Violation for Carson's Storm. The report, based on testing by Industrial Laboratories, indicated the presence of methamphetamine in the horse's urine and blood.[63] The levels of methamphetamine in Carson's Storm were 5 nanograms per mil in urine and 126 picograms per mil in the blood.[64]

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[54] Tr. Vol. 5 at 828, 851 (L. Canchari).
[55] Tr. Vol. 2 at 283 (Hovda); Ex. 11-22 (MRC Log of Horses Tested) (May 20, 2017).
[56] Tr. Vol. 4 at 542 (P. Canchari); Ex. 3-12 (Sample Tag) (May 20, 2017); Ex. 10-05 (Expert Witness Statement – Dr. Lynn Hovda).
[57] Tr. Vol. 2 at 283 (Hovda); *see* Ex. 3-12 (Sample Tag) (May 20, 2017); Ex. 10-05 (Expert Witness Statement – Dr. Lynn Hovda).
[58] Ex. 10-05 (Expert Witness Statement – Dr. Lynn Hovda); Ex. 3-12 (Sample Tag).
[59] Ex. 10-05 (Expert Witness Statement – Dr. Lynn Hovda); Ex. 3-12 (Sample Tag); Ex. 11-22 (MRC Log of Horses Tested) (May 20, 2017).
[60] Tr. Vol. 2 at 283 (Hovda); Ex. 11-22 (MRC Log of Horses Tested) (May 20, 2017).
[61] Tr. Vol. 2 at 283 (Hovda); Ex. 3-11 (Certificate of Analysis from Industrial Laboratories) (June 2, 2017); Ex. 7-05 (Copy of Southwest Cargo shipping documents) (May 21, 2017).
[62] Ex. 7-06 (Sample Check-in Form).
[63] Tr. Vol. 1 at 96 (Flynn); Ex. 3-10, 3-11.
[64] Ex. 3-11 (Certificate of Analysis from Industrial Laboratories) (June 2, 2017).

41. Dr. Lynn Hovda, Chief Commission Veterinarian, provided the results to the Board and to John Flynn, head of security for the Commission, on June 3, 2017.[65]

III. The Commission's Actions Following Carson's Storm's Positive Test

E. Search of Luis Canchari's Barn on June 3, 2017

42. The Commission's security staff searched Respondent's barn and truck on June 3, 2017. As part of the investigation certain individuals were drug tested.[66]

43. Respondent specifically requested drug testing for all of his part-time freelance employees who had contact with Carson's Storm: Don Applebee, Larry Dumas, Victor Reyes, and Laura Kemling-Moore. Respondent made this request because of his 2014 methamphetamine violation and his concern about the source of the methamphetamine in Carson's Storm.[67]

44. Commission security staff administered the "Oral Tox" 8 panel test to Don Applebee, Larry Dumas, Victor Reyes, and Laura Kemling-Moore. This panel tests saliva for a variety of substances, including methamphetamine. Methamphetamine generally stays in a human's system for about 2 to 4 days.[68] All four of the individuals tested negative for all 8 panels.[69]

45. Although Canterbury Park conducts pre-employment drug testing, particularly for "safety-sensitive" positions that work with the horses, the four individuals tested at Respondent's request did not fall under Canterbury's pre-employment program because they were employed by Respondent and not by Canterbury Park.

46. The positions of starter and assistant starter are considered "safety sensitive." The pre-employment drug test used for those employees' screens for the presence of methamphetamine in addition to other substances.[70]

47. Respondent also requested that the entire gate crew working on May 20, 2017, be tested as part of the investigation.[71] The Commission denied this request because Commission staff had no reasonable suspicion, per the Canterbury Park drug testing policy, to believe that members of the gate crew were responsible for Carson's Storm's positive methamphetamine test.[72]

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[65] Tr. Vol. 1 at 91, 94-96 (Flynn); Ex. 3-10 (Report of Medication Violation) (June 3, 2017); Ex. 3-18 (Investigative Inquiry Report) (May 20, 2017).
[66] Ex. 117 (Investigative/Inquiry Report) (May 20, 2017).
[67] Tr, Vol. 4 at 664 (A. Canchari).
[68] Tr. Vol. 1 at 104 (Flynn).
[69] Ex. 117 (MRC Investigative/Inquiry Report) (May 20, 2017); *see also* Ex. 1-106 at 17.
[70] *Id.* at 66-67 (M. Fleming).
[71] Ex. 110 (email from Luis Canchari to David Hooper, Jennifer Durenberger, and Thomas DiPasquale) (June 21, 2017 10:59 PM CST).
[72] Tr. Vol. 3 at 417 (DiPasquale); Ex. 136 (Canterbury Park Drug and Alcohol Testing Policy) at 3.

48. In addition to the gate crew, Respondent requested to be tested himself.[73] Respondent tested negative for methamphetamine.[74] At the time, Respondent did not ask security staff to test his son Patrick, the jockey.[75]

49. Respondent voluntarily took and passed a polygraph test, in which he denied drugging Carson's Storm.[76]

F. Split Sample Testing

50. After a trainer is notified of a medication violation, he or she is given the option to request a split sample. Upon such a request, the trainer is given a form to complete, which must be returned to the Commission's veterinarian within 24 hours. [77]

51. Respondent was notified of the positive test results and his right to request that a "split sample" be re-tested at a laboratory of his choice. On June 4, 2017, Respondent submitted a request for a split sample, but because the form was incomplete, it was returned to him. He resubmitted the form to Dr. Hovda on June 6, 2017.[78]

52. On June 6, 2017, the split sample was sent to Texas A&M Veterinary Medical Diagnostic Laboratory, an independent laboratory chosen by Respondent.[79] Testing began on June 22, 2017.[80]

53. On July 7, 2017, the Commission received the results of the split sample testing, which found the presence of "D-Methamphetamine" in both blood at 170 picograms per milliliter and urine at approximately 5.9 nanograms per milliliter.[81]

54. Although Respondent disputes the cause for the methamphetamine positive test result, he does not dispute the validity or accuracy of the testing.

G. Testing of Gate Crew

55. Canterbury Park requires pre-employment drug as a condition of employment. Its policy also allows for random testing of employees in "safety-sensitive positions," including the gate crew members. Approximately two weeks before the May 20, 2017 race, the entire starting gate crew, both assistant starters and starters, passed pre-employment drug tests.[82]

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[73] Tr. Vol. 5 at 831 (L. Canchari).
[74] Ex. 113 (Drug Abuse Screen Rapid Urine Test Results for Luis Canchari from St. Francis Regional Medical Center) (June 12, 2017).
[75] Tr. Vol. 1 at 131 (Flynn).
[76] Exs. 4-07, 4-08 (Assured Polygraph LLC report for Luis Canchari) (June 21, 2017).
[77] Tr. Vol. 2 at 281 (Hovda).
[78] *Id.* at 285-287 (Hovda).
[79] Tr. Vol. 2 at 282 (Hovda); Ex. 8-03 (Request for Split Sample Analysis).
[80] Ex. 8-61; Ex. 8-62.
[81] Ex. 3-13 (Positive Letter) (July 7, 2017); *see also* Ex. 3-14 (Amended Positive Letter) (July 31, 2017).
[82] Tr. Vol. 1 at 66-69 (M. Fleming).

56. Sometime in July or August of 2017, Commission security staff became aware that certain gate crew members might be using methamphetamine and conducted random testing of certain Canterbury Park staff, including a pony rider, a jockey, and some gate crew members.[83] One gate crew member refused to test.[84]

57. One gate crew member tested positive in August 2017 for methamphetamine, James Eilers, who cheated on the urinalysis test by using fake urine. Later, Mr. Eilers tested positive for methamphetamine based on a saliva test. Security searched Mr. Eilers dormitory, where they found paraphernalia and residue, and called local law enforcement. The Shakopee Police Department tested the residue, which was found to be methamphetamine.[85]

58. Denny Hall, the chief starter, left his employment at Canterbury Park during the 2017 meet for a similar position at Turf Paradise. Four assistant starters, including Mr. Behr, also resigned and followed Mr. Hall to Turf Paradise.[86] Two other gate crew members were suspended by the Board.[87]

59. Mr. Behr, the assistant starter assigned to Carson's Storm, has no history of drug use and denied being a methamphetamine user when questioned by Mr. Flynn. Mr. Behr explained that he left Canterbury Park because he wanted to continue working with Mr. Hall.[88]

60. If a Class C licensee refuses to take a drug test, the licensee is issued an automatic suspension, along with a ruling from the Board. They did not issues suspensions or rulings to any of the four assistant starters, including Mr. Behr, who left Canterbury in the fall of 2017.[89]

61. The starting gate crew has never been the source of a positive post-race test for methamphetamine at Canterbury Park.[90] Additionally, in the weeks before and

[83] Tr. Vol. 2 at 167-170 (Flynn).
[84] *Id.*
[85] Tr. Vol. 2 at 167-170 (Flynn); Ex. 138 (Board of Stewards Ruling #C17086 for James Eilers with attachments) (Aug. 11, 2017).
[86] Ex. 133 (Preliminary Board of Stewards' End of Meet Report 2017); Ex. 17-01 (MRC Investigative/Inquiry Report) (May 23, 2018).
[87] Ex. 133 (Preliminary Board of Stewards' End of Meet Report 2017). The report states: "Far and away the lowest point of the meet occurred in early August, when starter Denny Hall tendered his resignation and was followed out the door by four assistant starters. Two other members of the gate crew were subjects of suspensions issued by the stewards." *Id. See also* Ex. 123 (MRC Board of Stewards – Ruling) (August 12, 2017) (ruling issued to a gate crew member for failure to provide a urine sample for analysis); Ex. 138 (MRC Board of Stewards – Ruling) (August 11, 2017) (ruling issued to a gate crew member/exercise rider who failed to provide a urine sample for analysis).
[88] Tr. Vol. 2 at 113-124, 171 (Flynn); Ex. 17-01 (MRC Investigative/Inquiry Report) (May 23, 2018).
[89] Tr. Vol. 6 at 972 (Hooper).
[90] Tr. Vol. 2 at 309 (Hovda).

immediately after the eighth race on May 20, 2017, no other horses tested positive for methamphetamine.[91]

IV. Actions Taken by Luis Canchari to Protect His Horses Following the 2014 and 2017 Methamphetamine Positive Violations

62. Under the Trainer Responsibility rule, a trainer must protect the horses under his or her care.[92] The trainer is in the best position to care for and to guard the horse from the administration of foreign substances.[93]

63. During the 2017 race meet, Respondent's barn did not have cameras or signs, and water and feed buckets were left on the lawn.[94]

64. Following Respondent's 2017 methamphetamine violation, Respondent purchased, but did not install, cameras for his barn. Respondent cleans his barn twice per day, and changes the horse bedding every day.[95]

65. From 2014 through 2017, Canterbury Park ran 5,873 tests on horses. Only four of these tests came back positive for methamphetamine. Of these four positive tests, two of them involved horses owned or trained by Respondent.[96]

V. Methamphetamine in Horses

66. The Racing Medication and Testing Consortium (RMTC) is an organization that performs research and makes recommendations on model rules to the Association of Racing Commissioners International (ARCI). The ARCI Uniform Classification Guidelines for Foreign Substances and Recommendation Penalties Model Rule Version 13.2 (ARCI Guidelines) classifies and provides penalties for methamphetamine, along with other substances. ARCI classifies controlled therapeutic substances and prohibited substances using a range from 1 to 5. Class 1 substances have the greatest likelihood to affect a horse but are the "least appropriate to be in the horse," such as illegal or illicit drugs. Methamphetamine is a Class 1 prohibited substance in horse racing.[97]

67. In addition to classifying prohibited substances, ARCI also assigns the substances to a penalty class, A through D. Class A substances have the strongest penalty. Some substances may have a lesser class number (Class 2) but have a

[91] Ex. 133 (Preliminary Board of Stewards' End of Meet Report 2017). The Report indicates two medication violations occurred during the 2017 race meet. However, the second violation by a different trainer appears to have occurred on August 12, 2017, almost two months after Respondent's violation. *See* Ex. 103 (MRC Board of Stewards – Ruling) (October 17, 2017).
[92] Tr. Vol. 3 at 457 (DiPasquale).
[93] Tr. Vol. 2 at 299 (Hovda).
[94] *Id.* at 301-302 (Hovda).
[95] Tr. Vol. 5 at 851-854 (L. Canchari).
[96] Tr. Vol. 2 at 323 (Hovda).
[97] *Id.* at 190-191, 194 (Benson).

greater penalty (Class A) based on certain factors, such as whether the substance is FDA approved.[98] D-Methamphetamine, which is considered the "street" form of meth, is a penalty Class A substance, whereas L-Methamphetamine, which is found in over the counter medications such as "Vicks VapoInhaler," is a Class B substance. The penalty is lower for L-Methamphetamine because it shows less amphetamine-like effects.[99]

68. Humans and horses are anatomically distinct, with very different gastrointestinal tracts and diets.[100] Pharmacokinetics involves the movement of a drug through a horse, including absorption and elimination of the substance. Pharmacodynamics, on the other hand, is the effect of a substance on a horse, such as the main effect and potential side effects.[101]

69. Methamphetamine can be administered and absorbed in multiple ways, such as through injection, oral administration, or through a mucous membrane. There is insufficient data on metabolism, elimination, or excretion of substances in horses.[102]

70. Although studies have analyzed the impact of methamphetamine on humans, no significant research is available on the effect of methamphetamine on horses.[103] From an ethical standpoint, providing methamphetamine to a horse to study its effects would be improper.[104]

71. While very little scientific research has been done on the effect of methamphetamine in a horse, the ARCI classifies it as a Class A, Level 1 substance because it is categorized as a stimulant and would likely perform as a stimulant in a racehorse.[105] Methamphetamine, therefore, has high potential to affect racing performance.[106]

72. There is no therapeutic reason for methamphetamine to be given to a horse.[107] This differs from other substances, such as cobalt, that may be present in the natural environment, and therefore have a threshold.[108] The Commission has not established a threshold for methamphetamine in a race horse, which is consistent with the ARCI Guidelines and the absence of scientific studies to establish an appropriate threshold.[109]

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[98] *Id.* at 192-195 (Benson).
[99] *Id.* at 260-262 (Benson); Tr. Vol. 2 at 307 (Hovda).
[100] *Id.* at 271 (Hovda).
[101] *Id.* at 199-200 (Benson).
[102] *Id.* at 272 (Hovda).
[103] Tr. Vol. 2 at 221-222 (Benson); Tr. Vol. 4 at 632 (Shults).
[104] *Id.* at 223, 226 (Benson).
[105] *Id.* at 226 (Benson).
[106] *Id.* at 226 (Benson).
[107] Tr. Vol. 2 at 192 (Benson); Tr. Vol. 2 at 305-306 (Hovda).
[108] Tr. Vol. 2 at 202 (Benson).
[109] Ex. 10-02 (Expert Witness Statement – Dr. Lynn Hovda).

73. In general, if a substance is found in both urine and in blood, such results point to a more recent exposure than if the substance is found only in urine.[110] However, it is not possible to differentiate between the intentional administration of a substance at a higher dose during a longer time period, as opposed to the administration of a smaller dose to the horse shortly before a race.[111]

74. Depending on the substance and its concentration, the impact upon a horse may be greater or less than for another mammal based on anatomy and other factors.[112] A substance's concentration is not necessarily indicative of environmental contamination.[113]

75. Only substances that are naturally occurring in the horse's feed, bedding, etc. are assumed to be environmental based on their concentration.[114] Methamphetamine is not normally found in the feed, water, or bedding of a horse and is not endogenous to a horse.[115]

76. It is difficult to accurately determine "what concentration [of methamphetamine] will have an effect on [a] horse over a mile race or even six-furlong race when you can win by less than a blink of an eye."[116] In other words, due to "variability in day-to-day performance," it is impossible to "find anything statistically significant."[117]

77. Overall, it is challenging to determine the impact of substances on race horse performance. As a result of this difficulty, the racing industry has determined that the use of methamphetamine in a racehorse is a significant offense.[118]

78. It is not possible to determine whether methamphetamine impacted Carson's Storm's performance in the race on May 20, 2017.[119]

VI. Procedural History

79. The Board held an evidentiary hearing in Respondent's case on July 28, 2017 and August 4, 2017, to determine if Respondent should be penalized for the methamphetamine violation. Respondent was represented by an attorney during this hearing.[120]

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[110] Tr. Vol. 2 at 204 (Benson).
[111] *Id.* at 213 (Benson).
[112] *Id.* at 215 (Benson).
[113] *Id.* at 217 (Benson).
[114] *Id.* at 217-218 (Benson).
[115] *Id.* at 236 (Benson).
[116] Tr. Vol. 2 at 242 (Benson).
[117] Tr. Vol. 4 at 632-633 (Shults).
[118] Tr. Vol. 2 at 200-202 (Benson).
[119] *Id.* at 207-208, 214 (Benson).
[120] Exs. 1 (Transcript from July 28, 2017 Stewards' Hearing) & 2 (Transcript from August 4, 2017 Stewards' Hearing).

80. On August 11, 2017, the Board determined that Respondent was responsible for the methamphetamine violation because he failed to show "by substantial evidence that neither [Respondent, as the trainer] nor any employee or agent of [Respondent] was responsible for the administration of the medication." The Board fined Respondent $5,000 and suspended his trainer's license for 90 days. Carson's Storm was also disqualified from the race and the Board ordered the purse money returned.[121]

81. Respondent appealed the Board's ruling on August 13, 2017.[122]

82. On September 29, 2017, the Commission issued a Notice and Order for Hearing and Prehearing Conference to Respondent.[123]

83. Any facts contained in the Memorandum below are hereby adopted as such.

Based on these Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS OF LAW

1. The Commission and the Administrative Law Judge have jurisdiction over this proceeding under Minn. Stat. §§ 240.08, subd. 5 and 14.50 (2018).

2. The Commission has complied with all relevant substantive and procedural requirements of statute and rule.

3. Carson's Storm was tested after winning the eighth race at Canterbury Park on May 20, 2017, consistent with the Commission's rule requiring the winner and at least one other horse to undergo testing after a race. [124]

4. Minn. R. 7890.0110, subp. 1 prohibits a horse from racing with any methamphetamine in its system.

5. Luis Canchari violated Minn. R. 7890.0110, subp. 1 by running Carson's Storm in the eighth race at Canterbury Park on May 20, 2017, with methamphetamine in its system.

6. The Commission shall consider any positive test for any under chapter 7890, including methamphetamine, to be prima facie evidence that the trainer was responsible for the positive test unless that trainer can prove by substantial evidence

[121] Ex. 15-04 (MRC Board of Stewards Ruling) (August 11, 2017).
[122] Parties' Stipulation Agreement at 1-2 (August 15, 2017).
[123] Notice of Hearing.
[124] Minn. R. 7892.0120, subp. 1 (A) (2017).

that neither the trainer nor his employees or agents was responsible for the administration of the prohibited substance.[125]

7. "Substantial evidence" means:

A. such relevant evidence as a reasonable mind might accept as adequate to support a conclusion;
B. more than a scintilla of evidence;
C. more than some evidence;
D. more than any evidence;
E. evidence considered in its entirety.[126]

8. Luis Canchari failed to prove by substantial evidence that neither he, nor any of his employees or agents, was responsible for the administration of methamphetamine to Carson's Storm.

9. As Luis Canchari's horse, Smart Masterpiece, was found to have raced with methamphetamine in its system in 2014, the violation involving Carson's Storm was Luis Canchari's second violation of Minn. R. 7890.0110, subp. 1.

10. Minn. R. 7869.0200, subp. 2(C) (2017), provides for penalties as listed in the ARCI Guidelines. The rule provides that methamphetamine is a "Class 1" foreign substance. Class 1 foreign substances include stimulant and depressive drugs that have the highest potential to affect performance and that have no generally accepted medical use in a race horse.

11. The ARCI Guidelines recommend that for a second offense of a horse racing with methamphetamine in its system, a trainer receive a minimum three-year suspension and a minimum fine of $25,000. The ARCI Guidelines, however, provide that those suggested minimums may be adjusted by mitigating circumstances or aggravating factors.[127]

Based upon these Conclusions of Law, and for the reasons explained in the accompanying Memorandum, the Administrative Law Judge makes the following:

[125] Minn. R. 7877.0170, subp. 2 (C)(3) (2017). This provision is also referred to as the "Trainer Responsibility Rule.".
[126] *White v Minn. Dep't of Natural Res*., 567 N.W.2d 724, 730 (Minn. Ct. App. 1977).
[127] Ex. 6 at 28 (ARCI Guidelines).

RECOMMENDATION

The Administrative Law Judge recommends that the Commission find Respondent is responsible for the presence of methamphetamine in Carson's Storm's system on May 20, 2017, in violation of Minn. R. 7890.0110, subp. 1 and Minn. R. 7877.0170, subp. 2(C). As a result, the Commission should suspend Respondent for up to three years, fine him up to $25,000, and order as forfeit the purse money won by Carson's Storm on May 20, 2017.

Dated: September 10, 2018

JAMES E. LAFAVE
Administrative Law Judge

Reported: Shaddix & Associates
Six Volumes

NOTICE

This Report is a recommendation, not a final decision. The Commission will make the final decision after a review of the record. Under Minn. Stat. § 14.61 (2018), the Commission shall not make a final decision until this Report has been made available to the parties for at least ten calendar days. The parties may file exceptions to this Report and the Commission must consider the exceptions in making a final decision. Parties should contact Thomas DiPasquale, Executive Director, Minnesota Racing Commission, 1100 Canterbury Road, Suite 100, Shakopee, MN 55379, (952) 496-7950, to learn the procedure for filing exceptions or presenting argument.

The record closes upon the filing of exceptions to the Report and the presentation of argument to the Commission, or upon the expiration of the deadline for doing so. The Commission must notify the parties and Administrative Law Judge of the date the record closes. If the Commission fails to issue a final decision within 90 days of the close of the record this Report will constitute the final agency decision under Minn. Stat. § 14.62, subd. 2a (2018). In order to comply with this statute, the Commission must then return the record to the Administrative Law Judge within ten working days to allow the Judge to determine the discipline imposed.

Under Minn. Stat. § 14.62, subd. 1 (2018), the Commission is required to serve its final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law.

MEMORANDUM

I. Introduction

This case tests the parameters of Minnesota's Trainer Responsibility Rule.[128] Under that Rule, if the Commission can prove a horse tested positive for a prohibited drug, the positive test result is "prima facie evidence that the trainer is responsible for such positive test", unless that trainer can establish by "substantial evidence" that neither the trainer nor his or her employees was responsible for administering the illegal drug to the horse.[129]

II. Burden of Proof

The Commission must prove the facts at issue by a preponderance of the evidence.[130] If the Commission establishes that a horse's drug test is positive for a prohibited substance, the burden shifts to Respondent to prove by substantial evidence that neither he, nor any of his employees or agents, was responsible for the administration of the prohibited substance.[131]

A horse may not race with methamphetamine in its system.[132] Respondent's horse, Carson's Storm, tested positive for methamphetamine in his blood and urine after winning the eighth race at Canterbury Park on May 20, 2017. In fact, both the initial drug test and the split sample test on Carson's Storm were positive for methamphetamine.[133] Respondent does not dispute the validity of the tests. The Commission, therefore, has made a prima facie showing by a preponderance of the evidence that Respondent was responsible for the presence of methamphetamine in Carson's Storm, in violation of Minn. R. 7890.0110, subp. 1.

The burden then shifts to Respondent to demonstrate by substantial evidence that neither he nor his employees was responsible for administering methamphetamine to Carson's Storm.[134] "Substantial evidence" is defined as:

1. Such relevant evidence as a reasonable mind might accept as adequate to support a conclusion;

2. More than a scintilla of evidence;

3. More than some evidence;

4. More than any evidence; and

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[128] *See* Minn. R. 7877.0170, subp. 2 (C)(3).
[129] *Id.*
[130] Minn. R. 1400.7300, subp. 5(2017).
[131] Minn. R. 7877.0170, subp. 2 (C)(3).
[132] Minn. R. 7890.0110, subp. 1 (2017).
[133] *See* Minn. R. 7890.0110, subp. 1.
[134] *See* Minn. R. 7877.0170, subp. 2 (C)(3).

5. Evidence considered in its entirety.[135]

The Administrative Law Judge concludes that Respondent has not met this burden of proof.

III. Respondent's Arguments

Respondent argues he should not be held responsible for the positive drug tests for several reasons. Respondent contends that there are no lower level cutoffs in the testing, and that in this case, the amounts of methamphetamine were so "infinitesimally small" as to be insignificant.[136] Respondent next argues that the Commission has not produced scientific evidence that such small levels of methamphetamine affect the performance of a race horse and, therefore, the Board's decision was arbitrary and capricious. Finally, Respondent asserts that and the positive test resulted from contamination outside the control of Respondent, most likely by the starting gate crew. Each argument is addressed in turn below.

A. There are No Lower Level Cut-Off Limits in Testing for Methamphetamine

Respondent, through his expert Mr. Shults, challenges the absence of a lower level cut-off in the Commission's testing.[137] Mr. Shults opined that the issue of environmental contamination has become more acute due to the increased sensitivity of the testing process and the "virtual explosion of methamphetamine availability."[138] Results can now reach the picogram[139] level per milliliter in blood and urine.[140] Mr. Shults argues that the identification of a prohibited substance in a horse at a level consistent with the level of that prohibited substance in the ambient environment is essentially a false positive finding.[141] Mr. Shults opines that, given the levels of methamphetamine found in Carson's Storm and Smart Masterpiece, it is impossible to rule out inadvertent human or other environmental sources as the cause for the results.[142]

The ARCI defines methamphetamine as a Class 1 substance.[143] Class 1 substances are "stimulant or depressant drugs that have the highest potential to affect performance and that have no generally accepted medical use in a race horse."[144]

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[135] *White v Minn. Dep't of Natural Res*., 567 N.W.2d 724, 730 (Minn. Ct. App. 1977).
[136] Respondent's Proposed Findings of Fact and Memorandum of Law at 7 (Aug. 9, 2018).
[137] *See* Ex. 100 (Shults – Expert Report).
[138] *Id.* at 1-3.
[139] "Picogram": one trillionth of a gram. Merriam-Webster's Collegiate Dictionary 937 (11th ed 2003).
[140] *Id.* at 1.
[141] *Id.*
[142] *Id.* at 4.
[143] Ex. 6 at 15 (ACRI Uniform Classification Guidelines for Foreign Substances and Recommended Penalties for Model Rule).
[144] *Id.* at 5.

Thresholds in the testing of race horses are adopted in three areas: 1) therapeutic substances that are necessary for the care of horses in race training; 2) substances that are naturally in the horse's food, water, or bedding; and 3) substances that are considered endogenous (naturally occurring) in the horse.[145] There is no therapeutic reason to give methamphetamine to a race horse.[146] In addition, methamphetamine is not endogenous to the horse and there is no naturally occurring source of methamphetamine in the horse's food, water or bedding.[147] There is no basis upon which to establish a lower level threshold for methamphetamine for drug testing in race horses.

Dr. Dionne Benson, the Executive Director and Chief Operating Officer of the Racing Medication Consortium (RMTC) noted that chemists and others who sit on the RMTC's Scientific Advisory Committee – a group with a combined 300 plus years of experience in the horse racing industry - share the opinion that it is impossible to develop a threshold for methamphetamine.[148]

Respondent's argument on this point is based on speculation that the methamphetamine in Carson's Storm's system resulted from some incidental or environmental contamination. In a similar case, a court has held that a trainer's speculation that a horse came into contact with lidocaine in the receiving barn, or by licking salve from a handler's hand, was insufficient to rebut the presumption created under the Trainer Responsibility Rule.[149] The same rationale applies here. Respondent's speculation that Carson's Storm ingested or came into contact with methamphetamine through environmental contamination is mere speculation, unsupported by any other additional facts. That is insufficient to rebut the presumption created by the positive test.

B. The Commission's Regulation of Methamphetamine is Not Arbitrary and Capricious

Respondent argues the Commission has no empirical evidence that minuscule amounts of methamphetamine would affect the health or performance of a thoroughbred race horse and therefore, as applied in this case, the Trainer Responsibility Rule is arbitrary and capricious. To support his claim, Respondent points to *Motion and Strawbridge v. Kentucky Horse Racing Commission.*[150] In that case, the Franklin County Circuit Court ruled that the Kentucky statute regulating the level of methocarbarnol, a therapeutic drug, was arbitrary and capricious, because no link

[145] Ex. 9 at 2 (Benson – Expert Witness Statement).
[146] Tr. Vol. 2 at 202 (Benson).
[147] *Id.* at 236.
[148] *Id.* at 199-202.
[149] *Zito v. New York Racing and Wagering Board,* 68 A.D.3d 1580 (Supp. Ct. App. Div., Third Dep't, New York, 2002).
[150] *Motion and Strawbridge v. Kentucky Racing Commission,* Franklin Circuit Court Division II, 16-C1-1195 (Aug. 15, 2017).(See attached).

existed between the scientific validity of the effect of methocarbarnol and the threshold set by the Kentucky Racing Commission.[151]

Respondent's argument fails for two reasons. First, a Kentucky Circuit Court decision has no precedential value in Minnesota. Second, and more importantly, that case is readily distinguishable. In *Motion,* the drug at issue was therapeutic; here the drug is methamphetamine, an illegal street drug with no therapeutic value.[152] Further, unlike *Motion,* there is a scientific basis for the regulatory standard adopted by the Commission. Dr. Benson testified that "we can look at the class of drug that it is, and based on a reasonable scientific certainty, believe methamphetamine has an effect on the horse or the potential to have an effect on a race.[153] In addition, the ARCI has determined methamphetamine is a potent stimulant of the central nervous system with no generally accepted medical use in a race horse.[154] The regulation of methamphetamine by the Commission is not arbitrary and capricious.

C. Respondent Failed to Establish that Neither He Nor Any of His Employees Were Responsible for the Methamphetamine in Carson's Storm's System

Respondent posits that the starting gate crew, and specifically Mr. Behr, was the source of the methamphetamine in Carson's Storm's system. That claim is not supported by the evidence and amounts to unfounded speculation.

Respondent's fixation on the starting gate crew stems from his test result violation in 2014. At that time, shortly after Smart Masterpiece tested positive, two members of the starting gate crew tested positive for methamphetamine. Based on that information, Respondent developed a suspicion that the starting gate crew caused Carson's Storm's positive test. Respondent's belief was bolstered when, in August of 2017, the head starter and four assistant starters at Canterbury Park quit. The scuttlebutt on the backstretch was that the starters had been asked to take a drug test and all resigned rather than submit to a test.

Respondent's suspicion is not supported by the record. The four assistant starters were never asked to take a drug test in August of 2017. Mr. Behr stated he quit to follow the head starter to Turf Paradise, a track in Arizona. He denied ever using methamphetamine. Also, other facts cast doubt on Respondent's supposition that the assistant starters were at fault. If Mr. Behr or the other assistant starters were the source of the methamphetamine contamination, one would reasonably expect other horses would have experienced that contamination and tested positive, yet none did.

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[151] *Id.* at 4.
[152] Tr. Vol. 2 at 202 (Benson).
[153] *Id.* at 266.
[154] Ex. 6 at 15 (ACRI Uniform Classification Guidelines for Foreign Substances and Recommended Penalties for Model Rule).

Even if the Administrative Law Judge were to credit Respondent's claim that the assistant starters quit to avoid a drug test, Respondent still has not carried his burden. A drug test refusal does not mean that a person was using methamphetamine. And even assuming a person who refused the drug test in August was using methamphetamine that does not establish such a person was responsible for the methamphetamine detected in Carson's Storm in May, three months earlier. It is also important to remember that all of the assistant starters passed a drug test in May, just a few weeks prior to Carson Storm's race.

Respondent failed in his burden of proof. Respondent offered no testimony from any of his employees concerning their contact with Carson's Storm. Respondent bought cameras for his stable, but never installed them, so no contemporaneous record of Carson's Storm's interactions with staff exists. Respondent did not introduce any evidence of steps taken before the race to prevent the administration of illegal drugs to Carson's Storm.[155] Respondent failed to establish by substantial evidence that neither he nor any of his employees was responsible for the methamphetamine in Carson's Storm's system. Under the Trainer Responsibility Rule, Respondent is accountable.

D. Penalty

Minn. R. 7869.0200, subp. 2(C), adopts the penalties listed in the ARCI Guidelines. The ARCI Guidelines recommend that for a second offense of a horse racing with methamphetamine in its system, a trainer should receive a minimum suspension of three years and a minimum fine of $25,000. The ARCI Guidelines, however, provide that those suggested minimums may be adjusted by mitigating circumstances or aggravating factors.[156]

Respondent took some steps after the 2014 positive test result, such as washing his stalls and cleaning his bedding more frequently. Those steps, however, were minor. Respondent failed to meaningfully screen and train his employees regarding drug use. He also failed to take any steps to secure his stable area, such as the posting of signs or the use of cameras. Respondent further failed to introduce any evidence regarding the steps he took to protect and monitor his horses prior to races as required by the rules.

At the same time, mitigating evidence exists. Respondent testified credibly that he did not give methamphetamine to Carson's Storm. Respondent also took and passed a polygraph test. While this evidence is not admissible to establish Respondent's truthfulness, it is indicative of good faith.

This was Respondent's second offense of racing a horse with methamphetamine in its system. The penalties as set forth in the ARCI Guidelines apply. On this record, however, the Commission could determine Respondent's credible testimony he did not

[155] *See* Minn. R. 7877.0170, subp.2 (C)(4).
[156] Ex. 6 at 28 (ARCI Guidelines).

give methamphetamine to Carson's Storm warrants a downward departure from the guideline penalty.

E. Conclusion

The Commission has a statutory obligation to ensure that horseracing in Minnesota is conducted in the public interest.[157] Minnesota's Trainer Responsibility Rule helps achieve that purpose because it serves to increase the public's confidence that a horse is not racing with prohibited drugs in its system.[158] The Rule, however, places a heavy burden on trainers and may lead to a harsh or unfair result.[159]

Carson's Storm had methamphetamine in his system when he raced on May 20, 2017. By law, Respondent is considered responsible. Despite Respondent's credible testimony, he failed to demonstrate that neither he nor his employees were responsible for the methamphetamine in the horse's system. As a result, Respondent must be sanctioned. There is no question this is a harsh result, but it is one mandated by law.

J. E. L.

[157] *See* Minn. Stat. § 240.03.
[158] *Livingston v. Minnesota Racing Com'n* 2004 WL 1445232 *4 (Minn. Ct. App. 2004)(unpublished).(See Attached).
[159] *See Id.*