

**COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
KENTUCKY HORSE RACING COMMISSION  
ADMINISTRATIVE ACTION NO. KHRC-15-TB-002**



**KELLYN GORDER**

**COMPLAINANT**

**v.**

**KENTUCKY HORSE RACING COMMISSION**

**RESPONDENT**

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**AGREED ORDER ON DISPOSITION**

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Complainant Kellyn Gorder, ("Gorder"), having voluntarily withdrawn his appeal in Administrative Action No. KHRC-15-TB-002; upon acceptance of Respondent Kentucky Horse Racing Commission's ("Commission") offer and based upon Gorder's admission that he violated 810 KAR 1:018, Section 2(2), Section 3(3), and Section 15(2) and (3), Gorder agrees to waive his right to a hearing in this matter and further agrees to the following:

**IT IS SO ORDERED:**


1. That the above-styled case is hereby fully and finally resolved;
2. That the sample collected from Gorder's horse, BOURBON WARFARE, contained levo-methamphetamine; that levo-methamphetamine is present in over-the-counter inhalers approved by the United States Food and Drug Administration for the treatment of cold and flu symptoms in humans; that the sample collected from Gorder's horse, BOURBON WARFARE, did not contain dextro-methamphetamine, an illicit drug used by humans; that levo-methamphetamine has approximately one-tenth of the potency of dextro-methamphetamine; that the recommendation of the Scientific Advisory Committee ("SAC") of the Racing Medication and Testing Consortium ("RMTTC"), is that levo-methamphetamine,

(absent any dextro-methamphetamine, the illicit drug), should be reclassified from a Class A drug to a Class B drug; that on October 28, 2016, the Commission Equine Drug Research Council ("EDRC") unanimously adopted the SAC's recommendation to re-classify levo-methamphetamine, absent dextro-methamphetamine, as a Class B substance; that the penalty ranges for a Class B drug shall apply to this case.


3. Gorder shall serve a sixty (60) day suspension of his Trainer's License issued by the Commission for possession of hypodermic needles, syringes, and injectables, and a thirty (30) day suspension of his Trainer's License issued by the Commission for the levo-methamphetamine Class B drug violation, and pay a fine in the amount of five-hundred dollars (\$500). These suspensions shall run concurrently and for a term beginning Monday, November 13, 2016 through January 13, 2017 (inclusive), if all other terms of suspension listed in this Agreed Order on Disposition have been satisfied. Pursuant to 810 KAR 1:028 Section 2(4), an individual whose license has been suspended by the KHRC shall be denied access to locations under the jurisdiction of the Commission during the term of suspension. Gorder shall not engage, directly or indirectly, in the training of any horses during his suspension. Gorder shall not permit an individual that is responsible for the care and training of any horse formerly under Gorder's care to engage in any conduct prohibited by 810 KAR 1:028 Section 8.
4. That the horse BOURBON WARFARE is disqualified and listed as unplaced in the eleventh race at Churchill Downs on Saturday, November 22, 2014.


This Agreed Order contains all the terms and provisions of the agreement between the Commission and Gorder with regard to the matters set forth in this administrative action. By signing this document, Gorder understands and agrees to the terms of this Agreed Order and further acknowledges that he has read the Order and its terms in its entirety and that he enters into this agreement voluntarily.

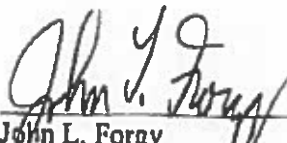
So entered this 11<sup>th</sup> day of January, 2017

  
Franklin Kling, Chairman  
Kentucky Horse Racing Commission

I HAVE SEEN AND AGREED:

  
\_\_\_\_\_  
Kellyn Gorder  
Complainant

  
\_\_\_\_\_  
Michael Meuser  
Attorney for Complainant  
Counsel for Complainant

  
\_\_\_\_\_  
John L. Forgy  
Katherine A. Bennek  
Kentucky Horse Racing Commission  
Counsel for Respondent

**HEARING OFFICER'S CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Agreed Order on Disposition was served by first-class U.S. mail, postage prepaid, and via email on this the 13 day of Feb 2017, upon the following:

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*Docket Clerk/Records Custodian*

  
Hearing Officer