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UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of)	
Derrick Parram,)) Docket No. 9424	4
Appellant.)	
)	

ORDER GRANTING APPELLANT'S REQUEST FOR STAY PENDING APPEAL

On December 21, 2023, Appellant Derrick Parram ("Appellant"), pursuant to 15 U.S.C. § 3051 et seq., 5 U.S.C. § 556 et seq., and 16 C.F.R. § 1.145 et seq., filed a Notice of Appeal and Application for Review ("Application for Review"). Appellant's Application for Review included a request for a stay of the decision and civil sanction issued by the Horseracing Integrity and Safety Authority ("the Authority") during the pendency of the Administrative Law Judge's review ("Stay Request"). On January 3, 2024, the Authority filed a response to the Application for Review, which included the Authority's response to Appellant's Stay Request. For the reasons set forth below, Appellant's Stay Request is GRANTED.

Pursuant to Rules 1.148(c)-(d) of the Procedures for Review of Final Civil Sanctions Imposed under the Horseracing Integrity and Safety Act of 2020, 16 C.F.R. §1.148(c)-(d) ("Rules"), in an application for a stay of a final civil sanction imposed by the Authority, Appellant "must provide the reasons a stay is or is not warranted by addressing the factors [listed below] and the facts relied upon":

- (1) The likelihood of the applicant's success on review;
- (2) Whether the applicant will suffer irreparable harm if a stay is not granted;
- (3) The degree of injury to other parties or third parties if a stay is granted; and
- (4) Whether the stay is in the public interest.

16 C.F.R. § 1.148(c)-(d).

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In his Stay Request, Appellant argues that: (1) if a stay is not granted, Appellant's earnings will go to replace the claim price that is being deducted from his Maryland purse account and he will thus suffer irreparable harm; (2) there is little harm to others should the stay be granted; (3) Appellant's argument in his Application for Review has merit and there is a likelihood of success on appeal; and (4) the stay is in the public interest. In its response, the Authority states that it takes no position on Appellant's Stay Request and that the imposition of a stay pending review of this matter will not cause harm to the Authority.

In consideration of Appellant's representations with respect to the required Rule 1.148(c)-(d) factors, and given that the Authority does not oppose the issuance of a stay, Appellant's Stay Request is GRANTED.

ORDERED:

Dm Chappell

D. Michael Chappell

Chief Administrative Law Judge

Date: January 9, 2024