

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

In the Matter of	)	
	)	
Joseph Peacock and Oscar Ceballos,	)	Docket No. 9415
	)	
Appellants.	)	
	)	

**ORDER GRANTING MOTION FOR ISSUANCE  
OF SUBPOENAS *AD TESTIFICANDUM***

On July 7, 2023, Appellants Joseph Peacock and Oscar Ceballos (collectively, “Appellants”) filed a Motion for Issuance of Subpoenas, 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.* (“Motion”). Appellants move for the issuance of subpoenas *ad testificandum* to compel the appearances and testimony of two witnesses at the evidentiary hearing scheduled for July 13, 2023. The witnesses are (1) Larry L. Fontenot, Jr., the Chief Steward of the three Albuquerque Downs Racetrack stewards (the “Stewards”) who issued the September 25, 2022 ruling and civil sanction against Appellants; and (2) Jeff Williams, an industry expert on whom the Horseracing Integrity and Safety Authority (“HISA”) has relied on in the past. Appellants assert that the witnesses’ testimony is “relevant, material, and reliable” as to one or more of Appellants’ bases for appeal, including that the Stewards were incorrect in their determination that Appellant Ceballos violated Rule 2280 and that the record was insufficient such that it did not allow for the Stewards’ September 25, 2022 ruling and civil sanction.

The Horseracing Integrity and Safety Act sets forth: “An administrative law judge shall conduct a hearing under this subsection in such a manner as the Commission may specify by rule, which shall conform to section 556 of title 5.” 15 U.S.C. § 3058(b)(2)(B). Section 556 of the Administrative Procedures Act provides that employees presiding at hearings may issue subpoenas authorized by law. 5 U.S.C. § 556(c). Pursuant to these authorities, the Motion is GRANTED.

Attached to this Order are the requested subpoenas *ad testificandum* compelling the appearances of Mr. Fontenot and Mr. Williams at the evidentiary hearing on July 13, 2023. Appellants are required to serve the subpoenas on the witnesses.

ORDERED:



D. Michael Chappell  
Chief Administrative Law Judge

Date: July 7, 2023



United States of America  
Federal Trade Commission

## Subpoena to Testify at an Adjudicative Hearing

1. TO

Larry L. Fontenot, Jr.  
New Mexico Racing Commission  
4900 Alameda Boulevard NE, Suite A  
Albuquerque, NM 87113  
larry.fontenot@rc.nm.gov

This subpoena requires you to appear and give testimony at the date and time specified in Item 3 at the request of Counsel listed in Item 7 at a hearing in the proceeding described in Item 4.

2. LOCATION OF HEARING

Federal Trade Commission  
Remote via Zoom

3. DATE AND TIME OF HEARING

Thursday, July 13, 2023  
12:00p.m. EST

4. SUBJECT OF PROCEEDINGS

Docket 9415 - In re Joseph Peacock and Oscar Ceballos

5. RECORDS YOU MUST BRING WITH YOU

6. ADMINISTRATIVE LAW JUDGE

D. Michael Chappell

7. COUNSEL REQUESTING SUBPOENA

Nolan M. Jackson  
Frost Brown Todd LLP  
20 F Street NW, Suite 850  
Washington, DC 20001

DATE ISSUED

July 7, 2023

ADMINISTRATIVE LAW JUDGE'S SIGNATURE

*Dm Chappell*

### INSTRUCTIONS AND NOTICES

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply. This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

### PETITION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any petition to limit or quash this subpoena be filed within 20 days after service, or, if the return date is less than 20 days after service, prior to the return date. The original and twelve copies of the petition must be filed with the Secretary of the Federal Trade Commission, and one copy should be sent to the Commission Counsel named in Item 8.

### YOUR RIGHTS TO REGULATORY ENFORCEMENT FAIRNESS

The FTC has a longstanding commitment to a fair regulatory enforcement environment. If you are a small business (under Small Business Administration standards), you have a right to contact the Small Business Administration's National Ombudsman at 1-888-REGFAIR (1-888-734-3247) or [www.sba.gov/ombudsman](http://www.sba.gov/ombudsman) regarding the fairness of the compliance and enforcement activities of the agency. You should understand, however, that the National Ombudsman cannot change, stop, or delay a federal agency enforcement action.

The FTC strictly forbids retaliatory acts by its employees, and you will not be penalized for expressing a concern about these activities.

### TRAVEL EXPENSES

Use the enclosed travel voucher to claim compensation to which you are entitled as a witness for the Commission. The completed travel voucher and this subpoena should be presented to Commission Counsel for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from Commission Counsel. Witness travelers can contact the FTC travel office for guidance at (202) 326-3299 or [travel@ftc.gov](mailto:travel@ftc.gov). PLEASE NOTE: Reimbursement for necessary transportation, lodging, and per diem expenses cannot exceed the maximum allowed for such expenses by an employee of the federal government.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)*

- in person.*
- by registered mail.*
- by leaving copy at principal office or place of business, to wit:*

.....  
.....  
.....  
.....

*on the person named herein on:*

.....  
(Month, day, and year)

.....  
(Name of person making service)

.....  
(Official title)



United States of America  
Federal Trade Commission

## Subpoena to Testify at an Adjudicative Hearing

1. TO

Jeff Williams  
26000 East Quincy Avenue  
Aurora, CO 80016  
[REDACTED]

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(Name of person making service)

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(Official title)