

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

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In the Matter of)	
Jeffrey Poole,)	
Appellant.)	Docket No. 9417
_____)	

ORDER DENYING APPELLANT’S REQUEST FOR STAY PENDING APPEAL

On September 8, 2023, Appellant Jeffrey Poole filed a Notice of Appeal and Application for Review (“Application”), appealing the final decision and sanctions imposed by an arbitrator under the Horseracing Integrity and Safety Authority’s (“HISA” or “Authority”) Anti-Doping and Medical Control Program (the “Final Decision”). Appellant’s Application included a request for a stay of the Final Decision during the pendency of the Administrative Law Judge’s review (“Stay Request”). On September 18, 2023, HISA filed a response to the Application, which included HISA’s opposition to Appellant’s Stay Request. For the reasons set forth below, Appellant’s Stay Request is DENIED.

Pursuant to Rules 1.148(c)-(d) of the Procedures for Review of Final Civil Sanctions Imposed under the Horseracing Integrity and Safety Act (“Rules”), in an application for a stay of a final civil sanction imposed by HISA, 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) (emphasis added).

Appellant's Stay Request fails to address any of the foregoing factors or to set forth any facts that would support the issuance of a stay pending this appeal. Because Appellant has failed to provide any factual or legal basis for issuing a stay, as required under 16 C.F.R. § 1.148, the Stay Request is DENIED.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: September 19, 2023