

**UNITED STATES OF AMERICA**  
**FEDERAL TRADE COMMISSION**  
**Office of Administrative Law Judges**

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**In the matter of**

**Elanor Martin and Oscar Ceballos,**

**Appellants**

**HISA Action No. 2024-00155**

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**NOTICE OF APPEAL AND APPLICATION FOR REVIEW**

Pursuant to 15 U.S.C. 3501 et seq., including 15 U.S.C. 3058(b)(2)(B) and 16 C.F.R. 1.145 et seq., 16 C.F.R. 1.146, aggrieved Appellants, Elanor Martin and Oscar Ceballos (“Appellants”), hereby give notice of their appeal to the Federal Trade Commission (“FTC”) regarding the decision of the Horseracing Integrity and Safety Authority (“HISA”) (Number 2024-00155). This decision affirmed the ruling and civil sanction imposed by a panel of Stewards at Sunland Park, April 16, 2024.

**1. Incorrect Application of HISA Racetrack Safety Rule 2280**

The Stewards and HISA erroneously ruled jockey Ceballos violated HISA Racetrack Safety Rule 2280(b)(1), resulting in the disqualification of the horse, ALOTOLUCK, from purse earnings of \$85,000, moving its official finish from second to unplaced, imposing a fine on Ceballos for \$853.60, and enforcing a three-day suspension. Appellants request a de novo review under 15 U.S.C. 3058(b)(1)-(3) and 16 CFR 1.146(b).<sup>1</sup>

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<sup>1</sup> The constitutionality of HISA’s enabling statute, Horseracing Integrity and Safety Act (15 U.S.C. 3051 et seq.) is in serious question. The Fifth Circuit Court of Appeals held in *Nat’l Horsemen’s Benevolent & Protective Ass’n v. Black*, 53 F. 4<sup>th</sup> 869 (5<sup>th</sup> Cir. 2022), that the statute “is facially unconstitutional.” Accordingly, Appellants reserve the right to challenge HISA’s April 16, 2024, decision it is facially unconstitutional. The Fifth Circuit is also expected to render



































