

PUBLIC

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES
FTC DOCKET NO. D-_____**

ADMINISTRATIVE LAW JUDGE:

IN THE MATTER OF:

EUSABIO JUAREZ-RUFFINO

APPELLANT

**AUTHORITY’S RESPONSE TO APPLICATION FOR STAY OF FINAL CIVIL
SANCTIONS**

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CERTIFICATE OF SERVICE

Pursuant to 16 CFR §1.146(a) and 16 CFR §4.4(b), a copy of this Authority's Response to Appellant's Application for a Stay is being served on October 27, 2025, via Administrative E-File System and by emailing a copy to:

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/s/ Bryan Beauman

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The Horseracing Integrity and Safety Authority (“Authority”) files this Response to Appellant’s Application to stay sanctions imposed by the Final Decision of Arbitrator David M. Benck (“Arbitrator”) under the Anti-Doping and Medication Control (“ADMC”) Program (the “Final Decision”). Appellant’s request should be denied, as he has failed to satisfy the requirements articulated in 16 CFR §1.148(d).

First, his likelihood of success on review is low. “One who fails to take advantage of procedural safeguards available to him cannot later claim that he was denied due process.”¹ Appellant substantially failed to participate² in the adjudication process by declining to abide by the Arbitration Procedures, which mandate certain procedural requirements for a Covered Person’s evidence to be considered during the adjudication of an ADMC Program matter.³

The Final Decision outlines the procedural history of Appellant’s case and explains the many failures by Appellant to comply with the June 26, 2025 Procedural Order, in addition to the ADMC Program Rules (the “Rules”). Appellant failed to: (i) provide any written submission by the required deadline; (ii) request an extension or offer an explanation for failing to file the submission; (iii) identify any witnesses who would be called at the hearing; (iv) proffer any evidence; (v) agree upon any stipulation of undisputed facts; (vi) invoke any legal authorities in his defense; and (vii) file a written response to the Horseracing Integrity & Welfare Unit’s (“HIWU”) Motion for Default Judgment (the “Motion”).⁴

The Final Decision also includes a discussion of a conference addressing the Motion, in which Appellant “acknowledged that he failed to comply with Procedural Order #1, including the

¹ *Browning v. Odessa*, 990 F.2d 842, 844 n.7 (5th Cir. 1993).

² ADMC Program Rule 7200 (“The arbitrator(s) or IAP member(s) may proceed without the participation of any party or representative who, after due notice, fails to be present or make a submission.”).

³ ADMC Program Rule 7170.

⁴ Final Decision at 3.4-3.20.

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requirement to provide a pre-hearing submission or evidence.”⁵ Appellant argued evidence he submitted *months earlier* for a litigation matter *in a different jurisdiction* should have put HIWU on notice of Appellant’s evidence and witnesses, as the cases were factually similar.⁶ After considering this explanation, the Arbitrator opined that due process affords Appellant an opportunity to cross-examine witnesses and make an argument in his defense at a hearing,⁷ but “failures of either party to comply with Procedural Order #1 submission deadlines could impact admissibility of new evidence or witnesses.”⁸

Less than 48 hours prior to the hearing, Appellant submitted a Pre-Hearing Brief, proposed witnesses (without any accompanying witness statements), and eight exhibits.⁹ The Arbitrator excluded the evidence as untimely after a motion by HIWU¹⁰ and explained this determination in the Final Decision, delineating the requirements of Rule 7170, which governs submissions, exhibits, and witnesses.¹¹ The Arbitrator specifically highlighted Rule 7170(e), which prohibits admission of evidence not properly filed “absent a showing of good cause.”¹²

Appellant’s claimed denial of due process is an attempt to deflect blame for his own self-inflicted, and quite predictable, outcome. This argument cannot be untangled from his inexplicable decision not to comply with the Procedural Order or abide by the Rules. Appellant also failed to offer *any good cause* for this failure to participate. Accepting Appellant’s argument would set a dangerous precedent by undermining the authority of Arbitrators to make evidentiary

⁵ Final Decision at 3.9.

⁶ Final Decision at 3.9.

⁷ Final Decision at 3.10.

⁸ Final Decision at 3.11.

⁹ Final Decision at 3.15, 3.20.

¹⁰ Final Decision, at 3.20, 3.17.

¹¹ Final Decision at 3.18-3.20.

¹² Final Decision at 3.19.

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determinations¹³ and require compliance with their Orders and the Rules¹⁴ and would generally erode the validity of the Arbitration Procedures. *See In the Matter of Michael Hewitt*, Docket No. 9438 at 23 (Dec. 17, 2024) (holding that “rote incantation of due process, offered without supporting authority, fails to ‘overcome the strong presumption of agency regularity’ that attaches to the Rules”) (citation omitted).

Second, Appellant has not and will not suffer irreparable harm. Public disclosure of Appellant’s sanctions has already occurred, as required by Rule 3620. Appellant claims harm to his professional reputation and loss of business prospects but has failed to provide facts in support of these conclusory assertions. Also, harm can only be considered irreparable “where there is no adequate remedy at law, such as monetary damages.”¹⁵

Third, contrary to Appellant’s assertion, other parties will be harmed by a stay. The Authority strongly disputes that the Final Decision imposes sanctions that are the result of *any* error. The ADMC Program protects the integrity of horseracing and the confidence of its stakeholders, including the betting public.¹⁶ Granting the stay would undermine the Authority’s efforts to protect the integrity of horseracing and will harm other Responsible Persons and the betting public by permitting Appellant’s participation therein. It would also be contrary to the ADMC Program’s mission to protect horse welfare.

Lastly, while the public interest is served by the compliance of administrative agencies with the law, specifically the Administrative Procedure Act, it is also served by individual compliance with the rules and regulations validly promulgated by those agencies. The stated purpose of the

¹³ Rule 7090 (“An arbitrator or IAP member shall have the authority to rule on . . . any objections with respect to the existence, scope, or validity of the applicable rules”); Rule 7260(d) (“The arbitrator(s) or IAP member(s) shall determine the admissibility, relevance, and materiality of the evidence offered”); Rule 7280 (“The arbitrator(s) or IAP member(s) may make interim rulings and orders and may order whatever interim measures they deem necessary to provide any party an immediate protection of rights”).

¹⁴ Rule 7090.

¹⁵ *Janvey v. Alguire*, 647 F.3d 585, 600 (5th Cir. 2011).

¹⁶ Rules 3010(a), 3010(d)(7).

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Horseracing Integrity and Safety Act is “to improve the integrity and safety of horseracing by requiring a uniform anti-doping and medication control program. . . .” A stay in this case would be antithetical to that purpose.

The Authority requests that Appellant’s Application for a stay be denied.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 27th day of October, 2025.

/s/Bryan H. Beauman

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